

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1004 be amended to read as follows:

- 1 Page 4, between lines 18 and 19, begin a new paragraph and insert:
2 "SECTION 7. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011,
3 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 3. (a) **Before January 1, 2013**, the governing
5 body of the school corporation consists of nine (9) members who shall
6 be elected as follows:
7 (1) One (1) member shall be elected from each of the school
8 districts described in section 4 of this chapter. A member elected
9 under this subdivision must reside within the boundaries of the
10 district the member represents.
11 (2) Three (3) members, who must reside within the boundaries of
12 the school corporation, shall be elected as at-large members.
13 (3) All members shall be elected on a nonpartisan basis.
14 (4) All members shall be elected at the general election held in
15 the county in 2012 and each four (4) years thereafter.
16 (b) Upon assuming office and in conducting the business of the
17 governing body, a member shall represent the interests of the entire
18 school corporation.
19 (c) **The term of a member elected under this section expires**
20 **January 1, 2013.**
21 (d) **This section expires January 1, 2013.**
22 SECTION 8. IC 20-23-17.2-3.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) The governing body of the**
25 **school corporation consists of seven (7) members chosen as follows:**
26 (1) **Five (5) members shall be elected by the voters of the**
27 **school corporation.**
28 (2) **One (1) member shall be appointed by the city executive.**
29 (3) **One (1) member shall be appointed by the city legislative**
30 **body.**

1 **(b) The members elected under subsection (a)(1) shall be elected**
 2 **as follows:**

3 **(1) On a nonpartisan basis.**

4 **(2) In a general election held in the county.**

5 **(3) By the registered voters of the entire school corporation.**

6 **(c) A person appointed or elected under subsection (a) shall**
 7 **reside within the boundaries of the school corporation.**

8 **(d) Upon assuming office and in conducting the business of the**
 9 **governing body, a member shall represent the interests of the**
 10 **entire school corporation.**

11 SECTION 9. IC 20-23-17.2-4 IS REPEALED [EFFECTIVE JULY
 12 1, 2012]. Sec. 4: The boundaries of the districts from which members
 13 of the governing body of the school corporation are elected under
 14 section 3(a)(1) of this chapter are the same as the boundaries of the
 15 common council districts of the city that are drawn under IC 36-4-6.

16 SECTION 10. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,
 17 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 5. (a) The following apply to an election of
 19 members of the governing body of the school corporation under section
 20 3(a)(1) of this chapter:

21 (1) Each candidate must file a petition of nomination with the
 22 circuit court clerk not later than seventy-four (74) days before the
 23 general election at which members are to be elected. The petition
 24 of nomination must include the following information:

25 (A) The name of the candidate.

26 (B) The candidate's residence address and the district in which
 27 the candidate resides.

28 (C) The signatures of at least twenty (20) registered voters
 29 residing within the school corporation district the candidate
 30 seeks to represent.

31 (D) A certification that the candidate meets the qualifications
 32 for candidacy imposed by this chapter.

33 (2) Only eligible voters residing in the school corporation district
 34 may vote for a candidate to represent that district.

35 (3) One (1) candidate shall be elected for each district. The
 36 candidate elected for a district must reside within the boundaries
 37 of the district. The candidate elected as the member for a
 38 particular district is the candidate who, among all the candidates
 39 who reside within that district, receives the greatest number of
 40 votes from voters residing in that district.

41 (b) The following apply to an election of the members of the
 42 governing body of the school corporation under section 3(a)(2)
 43 **3.5(a)(1)** of this chapter:

44 (1) Each candidate must file a petition of nomination with the
 45 circuit court clerk not later than seventy-four (74) days before the
 46 general election at which ~~members are~~ **a member is** to be elected.

- 1 The petition of nomination must include the following
 2 information:
- 3 (A) The name of the candidate.
 - 4 (B) The candidate's residence address.
 - 5 (C) The signatures of at least one hundred (100) registered
 6 voters residing within the school corporation.
 - 7 (D) A certification that the candidate meets the qualifications
 8 for candidacy imposed by this chapter.
- 9 (2) Only eligible voters residing in the school corporation may
 10 vote for a candidate.
- 11 (3) ~~Three (3)~~ Candidates shall be elected at large. ~~The three (3)~~
 12 ~~candidates who receive the greatest number of votes among all~~
 13 ~~candidates running for an at-large seat are elected as members of~~
 14 ~~the governing body. Candidates receiving the greatest number~~
 15 ~~of votes for the offices to be elected are elected.~~
- 16 SECTION 11. IC 20-23-17.2-6 IS REPEALED [EFFECTIVE JULY
 17 1, 2012]. ~~Sec. 6. Voters who reside within the boundaries of the school~~
 18 ~~corporation may vote for the candidates elected under section 3 of this~~
 19 ~~chapter. Each voter may vote only for:~~
- 20 (1) ~~one (1)~~ candidate to represent the district in which the voter
 21 resides; and
 - 22 (2) ~~three (3)~~ at-large candidates.
- 23 SECTION 12. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,
 24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 8. The term of each person **appointed or** elected
 26 to serve on the governing body of the school corporation is four (4)
 27 years, beginning January 1 following the **appointment or** election.
- 28 SECTION 13. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011,
 29 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 9. (a) The members of the governing body of the
 31 school corporation **who are to be elected** shall be elected at the
 32 general election to be held in 2012. ~~and every four (4) years thereafter.~~
- 33 (b) **The three (3) candidates having the greatest number of votes**
 34 **at the general election to be held in 2012 shall be elected as**
 35 **members of the governing body of the school corporation for terms**
 36 **that expire on January 1, 2017. The successors of the members**
 37 **shall:**
- 38 (1) **be elected at the general election to be held in 2016 and**
 39 **every four (4) years thereafter; and**
 - 40 (2) **take office as provided in section 8 of this chapter.**
- 41 (c) **The candidate having the fourth and fifth greatest number**
 42 **of votes at the general election to be held in 2012 shall be elected as**
 43 **members of the governing body of the school corporation for a**
 44 **term that expires on January 1, 2015. The successor of the**
 45 **members shall:**

1 (1) be elected at the general election to be held in 2014 and
2 every four (4) years thereafter; and

3 (2) take office as provided in section 8 of this chapter.

4 (d) This subsection applies to a member appointed under section
5 3.5(a)(2) of this chapter. Before December 31, 2012, the city
6 executive shall appoint the member who shall serve a term that
7 expires on January 1, 2015. The successor of the member shall
8 thereafter:

9 (1) be appointed as provided in section 3.5(a)(2) of this
10 chapter; and

11 (2) take office as provided in section 8 of this chapter.

12 (e) This subsection applies to a member appointed under section
13 3.5(a)(3) of this chapter. Before December 31, 2012, the city
14 legislative body shall appoint the member who shall serve a term
15 that expires on January 1, 2017. The successor of the member shall
16 thereafter:

17 (1) be appointed as provided in section 3.5(a)(3) of this
18 chapter; and

19 (2) take office as provided in section 8 of this chapter.

20 SECTION 14. IC 20-23-17.2-10, AS ADDED BY P.L.179-2011,
21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2012]: Sec. 10. (a) A vacancy in the office of a ~~a~~ **an elected**
23 member of the governing body of the school corporation shall be filled
24 temporarily by the governing body as soon as practicable after the
25 vacancy occurs.

26 (b) **A vacancy in the office of an appointed member of the**
27 **governing body of the school corporation shall be filled as soon as**
28 **practicable after the vacancy occurs by the appointing authority**
29 **that appointed the member whose office is vacant.**

30 (c) An individual filling a vacancy under this section serves until the
31 expiration of the term of the member whose position the individual
32 fills.

33 SECTION 15. IC 20-23-17.2-12, AS ADDED BY P.L.179-2011,
34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2012]: Sec. 12. (a) Notwithstanding any other law, the terms
36 of the members of the governing body of the school corporation who
37 hold office on December 31, 2012, expire January 1, 2013. **The**
38 **successors of the members shall be appointed and elected as**
39 **provided in section 9 of this chapter.**

40 (b) On January 1, 2013, all powers, duties, and functions adhering
41 to the governing body of the school corporation in existence on
42 December 31, 2012, are transferred to the governing body established
43 under this chapter.

44 (c) On January 1, 2013, the property and records of the governing
45 body of the school corporation in existence on December 31, 2012, are
46 transferred to the governing body established under this chapter.

- 1 (d) This section expires ~~July~~ **January** 1, ~~2016~~: **2017**."
- 2 Renumber all SECTIONS consecutively.
(Reference is to EHB 1004 as printed February 14, 2012.)

Senator RANDOLPH