



Reprinted
February 15, 2017

SENATE BILL No. 179

DIGEST OF SB 179 (Updated February 14, 2017 2:25 pm - DI 102)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 4-1; IC 4-2; IC 4-3; IC 5-14; IC 20-19; IC 20-24; IC 20-35; noncode.

Synopsis: Selection of superintendent of public instruction. Provides for the state superintendent of public instruction (superintendent) to be appointed by the governor after January 10, 2021. Provides that, after January 10, 2021, the governor appoints the members of the charter school review panel. (Under current law, the superintendent, or the governor jointly with the superintendent, appoints the members of the panel.) Provides that, after January 10, 2021, the governor appoints the director of special education. (Under current law, the governor appoints the director of special education upon the recommendation of the superintendent.) Repeals a provision that a candidate for the office of state superintendent of public instruction must have resided in Indiana for at least two years. Requires the legislative services agency to prepare legislation for introduction in the 2021 regular session of the general assembly to organize and correct statutes affected by this act.

Effective: January 1, 2017 (retroactive); July 1, 2017.

Buck, Bassler, Walker

January 9, 2017, read first time and referred to Committee on Elections.
February 6, 2017, reported favorably — Do Pass.
February 14, 2017, read second time, amended, ordered engrossed.

SB 179—LS 6626/DI 129



Reprinted
February 15, 2017

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 179

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2017]: Sec. 48. "State office" refers to **the**
3 **following:**

4 **(1) Before January 11, 2021, the** governor, lieutenant governor,
5 secretary of state, auditor of state, treasurer of state,
6 superintendent of public instruction, attorney general, justice of
7 the supreme court, judge of the court of appeals, and judge of the
8 tax court.

9 **(2) After January 10, 2021, the governor, lieutenant governor,**
10 **secretary of state, auditor of state, treasurer of state, attorney**
11 **general, justice of the supreme court, judge of the court of**
12 **appeals, and judge of the tax court.**

13 SECTION 2. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY 1,
14 2017]. Sec. 40-5: A candidate for the office of state superintendent of
15 public instruction must have resided in Indiana for at least two (2)
16 years before the election.

17 SECTION 3. IC 3-8-1-33, AS AMENDED BY P.L.123-2015,

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1 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2017]: Sec. 33. (a) A candidate for an office listed in
3 subsection (b) must file a statement of economic interests.

4 (b) Whenever a candidate for any of the following offices is also
5 required to file a declaration of candidacy or is nominated by petition,
6 the candidate shall file a statement of economic interests before filing
7 the declaration of candidacy or declaration of intent to be a write-in
8 candidate, before the petition of nomination is filed, before the
9 certificate of nomination is filed, or before being appointed to fill a
10 candidate vacancy under IC 3-13-1 or IC 3-13-2:

11 (1) Governor, lieutenant governor, secretary of state, auditor of
12 state, treasurer of state, attorney general, and state superintendent
13 of public instruction, in accordance with IC 4-2-6-8. **This**
14 **subdivision does not apply to the state superintendent of**
15 **public instruction after December 31, 2016.**

16 (2) Senator and representative in the general assembly, in
17 accordance with IC 2-2.2-2.

18 (3) Justice of the supreme court, judge of the court of appeals,
19 judge of the tax court, judge of a circuit court, judge of a superior
20 court, judge of a probate court, and prosecuting attorney, in
21 accordance with IC 33-23-11-14 and IC 33-23-11-15.

22 (4) A candidate for a local office or school board office, in
23 accordance with IC 3-8-9, except a candidate for a local office
24 described in subdivision (3).

25 SECTION 4. IC 3-8-4-2, AS AMENDED BY P.L.169-2015,
26 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2017]: Sec. 2. (a) A political party shall conduct a state
28 convention to nominate the candidates of the political party for the
29 following offices to be voted on at the next general election:

30 (1) Lieutenant governor.

31 (2) Secretary of state.

32 (3) Auditor of state.

33 (4) Treasurer of state.

34 (5) Attorney general.

35 (6) Superintendent of public instruction. **This subdivision does**
36 **not apply after December 31, 2016.**

37 (b) The convention may also:

38 (1) nominate candidates for presidential electors and alternate
39 electors; and

40 (2) elect the delegates and alternate delegates to the national
41 convention of the political party.

42 (c) If a political party's state convention does not:



- 1 (1) nominate candidates for presidential electors and alternate
 2 electors; or
 3 (2) elect the delegates and alternate delegates to the national
 4 convention of the political party;
 5 the candidates shall be nominated or the delegates elected as provided
 6 in the state party's rules.
- 7 SECTION 5. IC 3-10-2-6, AS AMENDED BY P.L.216-2015,
 8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2017]: Sec. 6. The following public officials shall be elected
 10 in 2016 and every four (4) years thereafter:
- 11 (1) Governor.
 12 (2) Lieutenant governor.
 13 (3) Attorney general.
 14 (4) Superintendent of public instruction. **This subdivision does**
 15 **not apply after December 31, 2016.**
- 16 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.21-2016,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2017]: Sec. 12. The following offices shall be placed on the
 19 general election ballot in the following order after the public questions
 20 described in section 10(a) of this chapter:
- 21 (1) Federal and state offices:
 22 (A) President and Vice President of the United States.
 23 (B) United States Senator.
 24 (C) Governor and lieutenant governor.
 25 (D) Secretary of state.
 26 (E) Auditor of state.
 27 (F) Treasurer of state.
 28 (G) Attorney general.
 29 (H) Superintendent of public instruction. **This clause does not**
 30 **apply after December 31, 2016.**
 31 (I) United States Representative.
- 32 (2) Legislative offices:
 33 (A) State senator.
 34 (B) State representative.
- 35 (3) Circuit offices and county judicial offices:
 36 (A) Judge of the circuit court, and unless otherwise specified
 37 under IC 33, with each division separate if there is more than
 38 one (1) judge of the circuit court.
 39 (B) Judge of the superior court, and unless otherwise specified
 40 under IC 33, with each division separate if there is more than
 41 one (1) judge of the superior court.
 42 (C) Judge of the probate court.



- 1 (D) Prosecuting attorney.
 2 (E) Clerk of the circuit court.
 3 (4) County offices:
 4 (A) County auditor.
 5 (B) County recorder.
 6 (C) County treasurer.
 7 (D) County sheriff.
 8 (E) County coroner.
 9 (F) County surveyor.
 10 (G) County assessor.
 11 (H) County commissioner. This clause applies only to a county
 12 that is not subject to IC 36-2-2.5.
 13 (I) Single county executive. This clause applies only to a
 14 county that is subject to IC 36-2-2.5.
 15 (J) County council member, except as provided in section 12.4
 16 of this chapter.
 17 (5) Township offices:
 18 (A) Township assessor (only in a township referred to in
 19 IC 36-6-5-1(d)).
 20 (B) Township trustee.
 21 (C) Township board member, except as provided in section
 22 12.4 of this chapter.
 23 (D) Judge of the small claims court.
 24 (E) Constable of the small claims court.
 25 (6) City offices:
 26 (A) Mayor.
 27 (B) Clerk or clerk-treasurer.
 28 (C) Judge of the city court.
 29 (D) City-county council member or common council member,
 30 except as provided in section 12.4 of this chapter.
 31 (7) Town offices:
 32 (A) Clerk-treasurer.
 33 (B) Judge of the town court.
 34 (C) Town council member, except as provided in section 12.4
 35 of this chapter.
 36 SECTION 7. IC 4-1-6-1, AS AMENDED BY P.L.215-2016,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 1. As used in this chapter, the term:
 39 (a) "Personal information system" means any ~~recordkeeping~~ **record**
 40 **keeping** process, whether automated or manual, containing personal
 41 information and the name, personal number, or other identifying
 42 particulars of a data subject.



1 (b) "Personal information" means any information that describes,
 2 locates, or indexes anything about an individual or that affords a basis
 3 for inferring personal characteristics about an individual including, but
 4 not limited to, the individual's education, financial transactions,
 5 medical history, criminal or employment records, finger and voice
 6 prints, photographs, or the individual's presence, registration, or
 7 membership in an organization or activity or admission to an
 8 institution.

9 (c) "Data subject" means an individual about whom personal
 10 information is indexed or may be located under the individual's name,
 11 personal number, or other identifiable particulars, in a personal
 12 information system.

13 (d) "State agency" means every agency, board, commission,
 14 department, bureau, or other entity of the administrative branch of
 15 Indiana state government, except those which are the responsibility of
 16 the auditor of state, treasurer of state, secretary of state, attorney
 17 general, superintendent of public instruction, and excepting the
 18 department of state police and state educational institutions. **After**
 19 **January 10, 2021, "state agency" includes an agency, a board, a**
 20 **commission, a department, a bureau, or another entity under the**
 21 **superintendent of public instruction.**

22 (e) "Confidential" means information which has been so designated
 23 by statute or by promulgated rule or regulation based on statutory
 24 authority.

25 SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
 26 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 27 2017]: Sec. 1.5. (a) Subject to subsection (b), the salary of ~~the each~~
 28 state elected ~~officials~~ **official** other than the governor is as follows:

29 (1) For the lieutenant governor, seventy-six thousand dollars
 30 (\$76,000) per year. However, the lieutenant governor is not
 31 entitled to receive per diem allowance for performance of duties
 32 as president of the senate.

33 (2) For the secretary of state, sixty-six thousand dollars (\$66,000)
 34 per year.

35 (3) For the auditor of state, sixty-six thousand dollars (\$66,000)
 36 per year.

37 (4) For the treasurer of state, sixty-six thousand dollars (\$66,000)
 38 per year.

39 (5) For the attorney general, seventy-nine thousand four hundred
 40 dollars (\$79,400) per year.

41 (6) For the state superintendent of public instruction, seventy-nine
 42 thousand four hundred dollars (\$79,400) per year. **This**



1 **subdivision does not apply after January 10, 2021.**

2 (b) Beginning January 1, 2008, the part of the total salary of a state
3 elected official is increased on January 1 of each year after a year in
4 which the general assembly does not amend this section to provide a
5 salary increase for the state elected official.

6 (c) The percentage by which salaries are increased under this
7 section is equal to the statewide average percentage, as determined by
8 the budget director, by which the salaries of state employees in the
9 executive branch who are in the same or a similar salary bracket
10 exceed, for the current state fiscal year, the salaries of executive branch
11 state employees in the same or a similar salary bracket that were in
12 effect on January 1 of the immediately preceding year.

13 (d) The amount of a salary increase under this section is equal to the
14 amount determined by applying the percentage increase for the
15 particular year to the salary of the state elected official, as previously
16 adjusted under this section, that is in effect on January 1 of the
17 immediately preceding year.

18 (e) A state elected official is not entitled to receive a salary increase
19 under this section on January 1 of a state fiscal year in which state
20 employees described in subsection (c) do not receive a statewide
21 average salary increase.

22 (f) If a salary increase is required under this section, an amount
23 sufficient to pay for the salary increase is appropriated from the state
24 general fund.

25 SECTION 9. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2017]: Sec. 8. (a) The following persons shall file a written
28 financial disclosure statement:

29 (1) The governor, lieutenant governor, secretary of state, auditor
30 of state, treasurer of state, attorney general and state
31 superintendent of public instruction. **This subdivision does not
32 apply to the state superintendent of public instruction after
33 January 10, 2021.**

34 (2) Any candidate for one (1) of the offices in subdivision (1) who
35 is not the holder of one (1) of those offices.

36 (3) Any person who is the appointing authority of an agency.

37 (4) The director of each division of the **Indiana** department of
38 administration.

39 (5) Any purchasing agent within the procurement division of the
40 **Indiana** department of administration.

41 (6) Any agency employee, special state appointee, former agency
42 employee, or former special state appointee with final purchasing



- 1 authority.
- 2 (7) The chief investment officer employed by the Indiana public
3 retirement system.
- 4 (8) Any employee of the Indiana public retirement system whose
5 duties include the recommendation, selection, and management
6 of:
- 7 (A) the investments of the funds administered by the Indiana
8 public retirement system;
- 9 (B) the investment options offered in the annuity savings
10 accounts in the public employees' retirement fund and the
11 Indiana state teachers' retirement fund;
- 12 (C) the investment options offered in the legislators' defined
13 contribution plan; or
- 14 (D) investment managers, investment advisors, and other
15 investment service providers of the Indiana public retirement
16 system.
- 17 (9) An employee required to do so by rule adopted by the
18 inspector general.
- 19 (b) The statement shall be filed with the inspector general as
20 follows:
- 21 (1) Not later than February 1 of every year, in the case of the state
22 officers and employees enumerated in subsection (a).
- 23 (2) If the individual has not previously filed under subdivision (1)
24 during the present calendar year and is filing as a candidate for a
25 state office listed in subsection (a)(1), before filing a declaration
26 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
27 nomination under IC 3-8-6, or declaration of intent to be a
28 write-in candidate under IC 3-8-2-2.5, or before a certificate of
29 nomination is filed under IC 3-8-7-8, in the case of a candidate for
30 one (1) of the state offices (unless the statement has already been
31 filed when required under IC 3-8-4-11).
- 32 (3) Not later than sixty (60) days after employment or taking
33 office, unless the previous employment or office required the
34 filing of a statement under this section.
- 35 (4) Not later than thirty (30) days after leaving employment or
36 office, unless the subsequent employment or office requires the
37 filing of a statement under this section.
- 38 The statement must be made under affirmation.
- 39 (c) The statement shall set forth the following information for the
40 preceding calendar year or, in the case of a state officer or employee
41 who leaves office or employment, the period since a previous statement
42 was filed:



- 1 (1) The name and address of any person known:
2 (A) to have a business relationship with the agency of the state
3 officer or employee or the office sought by the candidate; and
4 (B) from whom the state officer, candidate, or the employee,
5 or that individual's spouse or unemancipated children received
6 a gift or gifts having a total fair market value in excess of one
7 hundred dollars (\$100).
- 8 (2) The location of all real property in which the state officer,
9 candidate, or the employee or that individual's spouse or
10 unemancipated children has an equitable or legal interest either
11 amounting to five thousand dollars (\$5,000) or more or
12 comprising ten percent (10%) of the state officer's, candidate's, or
13 the employee's net worth or the net worth of that individual's
14 spouse or unemancipated children. An individual's primary
15 personal residence need not be listed, unless it also serves as
16 income property.
- 17 (3) The names and the nature of the business of the employers of
18 the state officer, candidate, or the employee and that individual's
19 spouse.
- 20 (4) The following information about any sole proprietorship
21 owned or professional practice operated by the state officer,
22 candidate, or the employee or that individual's spouse:
23 (A) The name of the sole proprietorship or professional
24 practice.
25 (B) The nature of the business.
26 (C) Whether any clients are known to have had a business
27 relationship with the agency of the state officer or employee or
28 the office sought by the candidate.
29 (D) The name of any client or customer from whom the state
30 officer, candidate, employee, or that individual's spouse
31 received more than thirty-three percent (33%) of the state
32 officer's, candidate's, employee's, or that individual's spouse's
33 nonstate income in a year.
- 34 (5) The name of any partnership of which the state officer,
35 candidate, or the employee or that individual's spouse is a member
36 and the nature of the partnership's business.
- 37 (6) The name of any corporation (other than a church) of which
38 the state officer, candidate, or the employee or that individual's
39 spouse is an officer or a director and the nature of the
40 corporation's business.
- 41 (7) The name of any corporation in which the state officer,
42 candidate, or the employee or that individual's spouse or



1 unemancipated children own stock or stock options having a fair
 2 market value in excess of ten thousand dollars (\$10,000).
 3 However, if the stock is held in a blind trust, the name of the
 4 administrator of the trust must be disclosed on the statement
 5 instead of the name of the corporation. A time or demand deposit
 6 in a financial institution or insurance policy need not be listed.

7 (8) The name and address of the most recent former employer.

8 (9) Additional information that the person making the disclosure
 9 chooses to include.

10 Any such state officer, candidate, or employee may file an amended
 11 statement upon discovery of additional information required to be
 12 reported.

13 (d) A person who:

14 (1) fails to file a statement required by rule or this section in a
 15 timely manner; or

16 (2) files a deficient statement;

17 upon a majority vote of the commission, is subject to a civil penalty at
 18 a rate of not more than ten dollars (\$10) for each day the statement
 19 remains delinquent or deficient. The maximum penalty under this
 20 subsection is one thousand dollars (\$1,000).

21 (e) A person who intentionally or knowingly files a false statement
 22 commits a Class A infraction.

23 SECTION 10. IC 4-3-6-2, AS AMENDED BY P.L.215-2016,
 24 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2017]: Sec. 2. As used in this chapter:

26 (1) "Agency" means any executive or administrative department,
 27 commission, council, board, bureau, division, service, office,
 28 officer, administration, or other establishment in the executive or
 29 administrative branch of the state government not provided for by
 30 the constitution. The term "agency" does not include the secretary
 31 of state, the auditor of state, the treasurer of state, the lieutenant
 32 governor, the state superintendent of public instruction, and the
 33 attorney general, nor the departments of which they are, by the
 34 statutes first adopted setting out their duties, the administrative
 35 heads. **After January 10, 2021, "agency" includes the state
 36 superintendent of public instruction.**

37 (2) "Reorganization" means:

38 (A) the transfer of the whole or any part of any agency, or of
 39 the whole or any part of the functions of an agency, to the
 40 jurisdiction and control of any other agency;

41 (B) the abolition of all or any part of the functions of any
 42 agency;



- 1 (C) the consolidation or coordination of the whole or any part
- 2 of any agency, or of the whole or any part of the functions of
- 3 an agency, with the whole or any part of any other agency or
- 4 the functions of a an agency;
- 5 (D) the consolidation or coordination of any part of any agency
- 6 or the functions of an agency, with any other part of the same
- 7 agency or the functions of the agency;
- 8 (E) the authorization of any officer to delegate any of the
- 9 officer's functions; or
- 10 (F) the abolition of the whole or any part of any agency which
- 11 agency or part does not have, or upon the taking effect of a
- 12 reorganization plan will not have, any functions.

13 SECTION 11. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 3.5. (a) As used in this section, "state agency" has
 16 the meaning set forth in IC 4-13-1-1. The term does not include the
 17 office of the following elected state officials:

- 18 (1) Secretary of state.
- 19 (2) Auditor.
- 20 (3) Treasurer.
- 21 (4) Attorney general.
- 22 (5) Superintendent of public instruction. **This subdivision does**
 23 **not apply after January 10, 2021.**

24 However, each state office described in subdivisions (1) through (5)
 25 and the judicial department of state government may use the computer
 26 gateway administered by the office of technology established by
 27 IC 4-13.1-2-1, subject to the requirements of this section.

28 (b) As an additional means of inspecting and copying public
 29 records, a state agency may provide enhanced access to public records
 30 maintained by the state agency.

31 (c) If the state agency has entered into a contract with a third party
 32 under which the state agency provides enhanced access to the person
 33 through the third party's computer gateway or otherwise, all of the
 34 following apply to the contract:

- 35 (1) The contract between the state agency and the third party must
- 36 provide for the protection of public records in accordance with
- 37 subsection (d).
- 38 (2) The contract between the state agency and the third party may
- 39 provide for the payment of a reasonable fee to the state agency by
- 40 either:
- 41 (A) the third party; or
- 42 (B) the person.



1 (d) A contract required by this section must provide that the person
2 and the third party will not engage in the following:

- 3 (1) Unauthorized enhanced access to public records.
4 (2) Unauthorized alteration of public records.
5 (3) Disclosure of confidential public records.

6 (e) A state agency shall provide enhanced access to public records
7 only through the computer gateway administered by the office of
8 technology.

9 SECTION 12. IC 20-19-1-1, AS ADDED BY P.L.1-2005,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 1. (a) **Before January**
12 **1, 2017**, the state superintendent shall be elected under IC 3-10-2-6 by
13 the voters of Indiana.

- 14 (b) The term of office of the state superintendent is four (4) years:
15 (1) beginning on the second Monday in January after election;
16 and
17 (2) continuing until a successor is elected **or appointed** and
18 qualified.

19 **(c) This section expires January 1, 2021.**

20 SECTION 13. IC 20-19-1-1.1 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2017]: **Sec. 1.1. (a) After January 10, 2021,**
23 **the governor shall appoint an individual to be the state**
24 **superintendent.**

25 **(b) The individual appointed under this section serves at the**
26 **pleasure of and at a salary determined by the governor.**

27 **(c) The state superintendent is the chief executive officer of the**
28 **department.**

29 SECTION 14. IC 20-24-3-12, AS AMENDED BY P.L.280-2013,
30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2017]: Sec. 12. (a) This section applies if the authorizer
32 rejects a proposal.

33 (b) The organizer may appeal the decision of the authorizer to the
34 charter school review panel established by subsection (c).

35 (c) The charter school review panel is established. The members of
36 the panel are as follows:

- 37 (1) The governor or the governor's designee.
38 (2) The state superintendent, who shall chair the panel.
39 (3) A member of the state board appointed by the state
40 superintendent. **After January 10, 2021, the governor shall**
41 **make the appointment under this subdivision.**
42 (4) A person with financial management experience appointed by



1 the governor.

2 (5) A community leader with knowledge of charter school issues
3 appointed jointly by the governor and the state superintendent.

4 **After January 10, 2021, the governor shall make the**
5 **appointment under this subdivision.**

6 A member shall serve a two (2) year term and may be reappointed to
7 the panel upon expiration of the member's term.

8 (d) All decisions of the panel shall be determined by a majority vote
9 of the panel's members.

10 (e) Upon the request of an organizer, the panel shall meet to
11 consider the organizer's proposal and the authorizer's reasons for
12 rejecting the proposal. The panel must allow the organizer and
13 authorizer to participate in the meeting.

14 (f) After the panel meets under subsection (e), the panel shall make
15 one (1) of the following findings and issue the finding to the organizer
16 and the authorizer:

17 (1) A finding that supports the authorizer's rejection of the
18 proposal.

19 (2) A finding that:

20 (A) recommends that the organizer amend the proposal; and

21 (B) specifies the changes to be made in the proposal if the
22 organizer elects to amend the proposal.

23 (3) A finding that approves the proposal.

24 The panel shall issue the finding not later than forty-five (45) days after
25 the panel receives the request for review.

26 (g) If the panel makes a finding described in subsection (f)(1), the
27 finding is final.

28 (h) If the panel makes a finding described in subsection (f)(2), the
29 organizer may amend the proposal according to the panel's
30 recommendations and resubmit the proposal directly to the panel.

31 (i) If the panel makes a finding described in subsection (f)(3), the
32 proposal is considered conditionally approved. The approval shall be
33 considered final upon delivery to the panel of written notice from the
34 organizer and an eligible authorizer that the authorizer has agreed to
35 serve as an authorizer for the proposal approved by the panel.

36 (j) Proposals approved under this section shall not be counted under
37 any numerical limits placed upon an authorizer or set of authorizers.

38 SECTION 15. IC 20-35-2-1, AS AMENDED BY P.L.233-2015,
39 SECTION 275, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is established under the
41 state board a division of special education. The division shall exercise
42 all the power and duties set out in this chapter, IC 20-35-3 through



1 IC 20-35-6, and IC 20-35-8.

2 (b) The governor shall appoint, upon the recommendation of the
 3 state superintendent, a director of special education who serves at the
 4 pleasure of the governor. **After January 10, 2021, the governor shall**
 5 **appoint the director of special education.** The amount of
 6 compensation of the director shall be determined by the budget agency
 7 with the approval of the governor. The director has the following
 8 duties:

- 9 (1) To do the following:
- 10 (A) Have general supervision of special education programs
 11 and services, including those conducted by school
 12 corporations, charter schools, the Indiana School for the Blind
 13 and Visually Impaired, the Indiana School for the Deaf, the
 14 department of correction, and the division of mental health and
 15 addiction to ensure compliance with federal and state special
 16 education laws and rules.
- 17 (B) Take appropriate action to ensure school corporations,
 18 charter schools, and the department remain eligible for federal
 19 special education funds.
- 20 (2) With the consent of the state superintendent and the budget
 21 agency, to appoint and determine salaries for any assistants and
 22 other personnel needed to enable the director to accomplish the
 23 duties of the director's office.

24 SECTION 16. [EFFECTIVE JULY 1, 2017] **(a) The legislative**
 25 **services agency shall prepare legislation for introduction in the**
 26 **2021 regular session of the general assembly to organize and**
 27 **correct statutes affected by this act.**

28 **(b) This SECTION expires December 31, 2021.**

29 SECTION 17. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 179 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 6, Nays 3

 SENATE MOTION

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 1, line 4, delete "January 13, 2025," and insert "**January 11, 2021,**".

Page 1, line 9, delete "January 12, 2025," and insert "**January 10, 2021,**".

Page 1, delete lines 13 through 17, begin a new paragraph and insert:

"SECTION 2. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 10-5: A candidate for the office of state superintendent of public instruction must have resided in Indiana for at least two (2) years before the election.~~".

Page 2, line 16, delete "2020." and insert "**2016.**".

Page 2, line 37, delete "2020." and insert "**2016.**".

Page 3, line 16, delete "2020." and insert "**2016.**".

Page 3, line 31, delete "2020." and insert "**2016.**".

Page 5, line 20, delete "January 12, 2025," and insert "**January 10, 2021,**".

Page 6, line 2, delete "January 12, 2025." and insert "**January 10, 2021.**".

Page 6, line 34, delete "January 12, 2025." and insert "**January 10, 2021.**".

Page 9, line 36, delete "January 12, 2025," and insert "**January 10, 2021,**".

Page 10, line 24, delete "January 12, 2025." and insert "**January 10, 2021.**".

Page 11, line 12, delete "JULY 1, 2017]:" and insert "JANUARY 1, 2017 (RETROACTIVE)]:".

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Page 11, line 12, delete "2021," and insert "**2017**,".

Page 11, line 20, delete "January 13, 2025." and insert "**January 1, 2021**,".

Page 11, line 23, delete "January 12, 2025," and insert "**January 10, 2021**,".

Page 11, line 41, delete "January 12, 2025," and insert "**January 10, 2021**,".

Page 12, line 5, delete "January 12, 2025," and insert "**January 10, 2021**,".

Page 13, line 5, delete "January 12, 2025," and insert "**January 10, 2021**,".

Page 13, after line 24, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2017] **(a) The legislative services agency shall prepare legislation for introduction in the 2021 regular session of the general assembly to organize and correct statutes affected by this act.**

(b) This SECTION expires December 31, 2021.

SECTION 17. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to SB 179 as printed February 7, 2017.)

BUCK

