

SENATE BILL No. 199

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-48; IC 3-8; IC 3-10-2-6; IC 3-11-2-12; IC 4-2; IC 4-3-6-2; IC 5-14-3-3.5; IC 6-1.1-19-4.1; IC 20-1; IC 20-5.5-3-11.

Synopsis: Selection of superintendent of public instruction. Provides for the superintendent of public instruction to be appointed by the governor. Repeals a statute relating to the residency of candidates for election for superintendent of public instruction and a statute describing the term of office of the superintendent of public instruction.

Effective: July 1, 2005.

Lubbers

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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SENATE BILL No. 199



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

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, 2005]: Sec. 48. "State office" refers to governor,
3 lieutenant governor, secretary of state, auditor of state, treasurer of
4 state, ~~superintendent of public instruction~~; attorney general, justice of
5 the supreme court, judge of the court of appeals, and judge of the tax
6 court.

7 SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.14-2004,
8 SECTION 52, AND AS AMENDED BY P.L.98-2004, SECTION 31,
9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) A candidate for an office
11 listed in subsection (b) must file a statement of economic interests.

12 (b) Whenever a candidate for any of the following offices is also
13 required to file a declaration of candidacy or is nominated by petition,
14 the candidate shall file a statement of economic interests before filing
15 the declaration of candidacy or declaration of intent to be a write-in
16 candidate, before the petition of nomination is filed, before the
17 certificate of nomination is filed, or before being appointed to fill a



1 candidate vacancy under IC 3-13-1 or IC 3-13-2:
 2 (1) Governor, lieutenant governor, secretary of state, auditor of
 3 state, treasurer of state, **and** attorney general, **and state**
 4 **superintendent of public instruction**; in accordance with
 5 IC 4-2-6-8.
 6 (2) Senator and representative in the general assembly, in
 7 accordance with IC 2-2.1-3-2.
 8 (3) Justice of the supreme court, *clerk of the supreme court*; judge
 9 of the court of appeals, judge of the tax court, judge of a circuit
 10 court, judge of a superior court, judge of a county court, judge of
 11 a probate court, and prosecuting attorney, in accordance with
 12 IC 33-23-11-14 and IC 33-23-11-15.
 13 SECTION 3. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A political party shall conduct
 15 a state convention to nominate the candidates of the political party for
 16 the following offices to be voted on at the next general election:
 17 (1) Lieutenant governor.
 18 (2) Secretary of state.
 19 (3) Auditor of state.
 20 (4) Treasurer of state.
 21 (5) Attorney general.
 22 ~~(6) Superintendent of public instruction.~~
 23 (b) The convention shall also:
 24 (1) nominate candidates for presidential electors and alternate
 25 electors; and
 26 (2) elect the delegates and alternate delegates to the national
 27 convention of the political party.
 28 SECTION 4. IC 3-10-2-6 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2005]: Sec. 6. The following public officials
 30 shall be elected in ~~2000~~ **2008** and every four (4) years thereafter:
 31 (1) Governor.
 32 (2) Lieutenant governor.
 33 (3) Attorney general.
 34 ~~(4) Superintendent of public instruction.~~
 35 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.14-2004,
 36 SECTION 98, AND AS AMENDED BY P.L.98-2004, SECTION 37,
 37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2005]: Sec. 12. The following offices shall be
 39 placed on the general election ballot in the following order:
 40 (1) Federal and state offices:
 41 (A) President and Vice President of the United States.
 42 (B) United States Senator.

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- 1 (C) Governor and lieutenant governor.
 2 (D) Secretary of state.
 3 (E) Auditor of state.
 4 (F) Treasurer of state.
 5 (G) Attorney general.
 6 ~~(H) Superintendent of public instruction.~~
 7 ~~(I) Clerk of the supreme court.~~
 8 ~~(J) (H) United States Representative.~~
 9 (2) Legislative offices:
 10 (A) State senator.
 11 (B) State representative.
 12 (3) Circuit offices and county judicial offices:
 13 (A) Judge of the circuit court, and unless otherwise specified
 14 under IC 33, with each division separate if there is more than
 15 one (1) judge of the circuit court.
 16 (B) Judge of the superior court, and unless otherwise specified
 17 under IC 33, with each division separate if there is more than
 18 one (1) judge of the superior court.
 19 (C) Judge of the probate court.
 20 (D) Judge of the county court, with each division separate, as
 21 required by IC 33-30-3-3.
 22 (E) Prosecuting attorney.
 23 (F) Clerk of the circuit court.
 24 (4) County offices:
 25 (A) County auditor.
 26 (B) County recorder.
 27 (C) County treasurer.
 28 (D) County sheriff.
 29 (E) County coroner.
 30 (F) County surveyor.
 31 (G) County assessor.
 32 (H) County commissioner.
 33 (I) County council member.
 34 (5) Township offices:
 35 (A) Township assessor.
 36 (B) Township trustee.
 37 (C) Township board member.
 38 (D) Judge of the small claims court.
 39 (E) Constable of the small claims court.
 40 (6) City offices:
 41 (A) Mayor.
 42 (B) Clerk or clerk-treasurer.

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- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.

7 SECTION 6. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2005]: Sec. 1. The salary of the elected officials
 9 of the state is as follows:

- 10 (1) For the governor, ninety-five thousand dollars (\$95,000) per
 11 year.
- 12 (2) For the lieutenant governor, seventy-six thousand dollars
 13 (\$76,000) per year. However, the lieutenant governor is not
 14 entitled to receive per diem allowance for performance of duties
 15 as president of the senate.
- 16 (3) For the secretary of state, sixty-six thousand dollars (\$66,000)
 17 per year.
- 18 (4) For the auditor of state, sixty-six thousand dollars (\$66,000)
 19 per year.
- 20 (5) For the treasurer of state, sixty-six thousand dollars (\$66,000)
 21 per year.
- 22 (6) For the attorney general, seventy-nine thousand four hundred
 23 dollars (\$79,400) per year.
- 24 (7) For the clerk of the supreme court, before January 1, 2007,
 25 sixty thousand dollars (\$60,000) per year.
- 26 (8) For the state superintendent of public instruction, **before**
 27 **January 12, 2009**, seventy-nine thousand four hundred dollars
 28 (\$79,400) per year.

29 SECTION 7. IC 4-2-6-8 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The following persons shall
 31 file a written financial disclosure statement:

- 32 (1) The governor, lieutenant governor, secretary of state, auditor
 33 of state, treasurer of state, **and** attorney general. ~~and state~~
 34 ~~superintendent of public instruction.~~
- 35 (2) Any candidate for one (1) of the offices in subdivision (1) who
 36 is not the holder of one (1) of those offices.
- 37 (3) Any person who is the appointing authority of an agency.
- 38 (4) The director of each division of the department of
 39 administration.
- 40 (5) Any purchasing agent within the procurement division of the
 41 department of administration.
- 42 (6) An employee required to do so by rule adopted by the

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commission.

(b) The statement shall be filed with the commission as follows:

(1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).

(2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).

(3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.

(4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

(1) The name and address of any person known:

(A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

(B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).

(2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

(3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's

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- spouse.
- (4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:
 - (A) The name of the sole proprietorship or professional practice.
 - (B) The nature of the business.
 - (C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.
 - (D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.
- (5) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.
- (6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.
- (7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). A time or demand deposit in a financial institution or insurance policy need not be listed.
- (8) The name and address of the most recent former employer.
- (9) Additional information that the person making the disclosure chooses to include.

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

- (d) A person who:
 - (1) fails to file a statement required by rule or this section in a timely manner; or
 - (2) files a deficient statement;

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

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

3 SECTION 8. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter:

5 (1) "Agency" means any executive or administrative department,
6 commission, council, board, bureau, division, service, office, officer,
7 administration, or other establishment in the executive or
8 administrative branch of the state government not provided for by the
9 constitution. The term "agency" does not include the secretary of state,
10 the auditor of state, the treasurer of state, the lieutenant governor, ~~the~~
11 ~~state superintendent of public instruction~~; and the attorney general, nor
12 the departments of which they are, by the statutes first adopted setting
13 out their duties, the administrative heads.

14 (2) "Reorganization" means:

15 (A) the transfer of the whole or any part of any agency, or of the
16 whole or any part of the functions thereof, to the jurisdiction and
17 control of any other agency;

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

19 (C) the consolidation or coordination of the whole or any part of
20 any agency, or of the whole or any part of the functions thereof,
21 with the whole or any part of any other agency or the functions
22 thereof;

23 (D) the consolidation or coordination of any part of any agency or
24 the functions thereof with any other part of the same agency or the
25 functions thereof;

26 (E) the authorization of any officer to delegate any of his
27 functions; or

28 (F) the abolition of the whole or any part of any agency which
29 agency or part does not have, or upon the taking effect of a
30 reorganization plan will not have, any functions.

31 SECTION 9. IC 5-14-3-3.5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) As used in this
33 section, "state agency" has the meaning set forth in IC 4-13-1-1. The
34 term does not include the office of the following elected state officials:

35 (1) Secretary of state.

36 (2) Auditor.

37 (3) Treasurer.

38 (4) Attorney general.

39 ~~(5) Superintendent of public instruction.~~

40 However, each state office described in subdivisions (1) through ~~(5)~~ (4)
41 and the judicial department of state government may use the computer
42 gateway administered by the intelenet commission established under

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1 IC 5-21-2, subject to the requirements of this section.
 2 (b) As an additional means of inspecting and copying public
 3 records, a state agency may provide enhanced access to public records
 4 maintained by the state agency.
 5 (c) If the state agency has entered into a contract with a third party
 6 under which the state agency provides enhanced access to the person
 7 through the third party's computer gateway or otherwise, all of the
 8 following apply to the contract:
 9 (1) The contract between the state agency and the third party must
 10 provide for the protection of public records in accordance with
 11 subsection (d).
 12 (2) The contract between the state agency and the third party may
 13 provide for the payment of a reasonable fee to the state agency by
 14 either:
 15 (A) the third party; or
 16 (B) the person.
 17 (d) A contract required by this section must provide that the person
 18 and the third party will not engage in the following:
 19 (1) Unauthorized enhanced access to public records.
 20 (2) Unauthorized alteration of public records.
 21 (3) Disclosure of confidential public records.
 22 (e) A state agency shall provide enhanced access to public records
 23 only through the computer gateway administered by the intelenet
 24 commission established under IC 5-21-2, except as permitted by the
 25 data process oversight commission established under IC 4-23-16-1.
 26 SECTION 10. IC 6-1.1-19-4.1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) To assist the
 28 department of local government finance in deciding the merits of any
 29 appeal filed under IC 6-1.1-17 or under this chapter with the
 30 department by, or in respect of, any school corporation, there is
 31 established the school property tax control board. This board shall
 32 consist of five (5) voting members and two (2) ex officio nonvoting
 33 members. In addition, the school property tax control board may
 34 include not more than four (4) additional voting members who shall be
 35 appointed as follows:
 36 (1) One (1) member is to be appointed by the president pro
 37 tempore of the senate and must be a business official of a school
 38 corporation who is not employed by a school corporation that is
 39 undergoing a construction project.
 40 (2) One (1) member is to be appointed by the president pro
 41 tempore of the senate and must be an engineer knowledgeable in
 42 the construction of school buildings but who is not actively

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1 employed by an engineering firm that is involved in a school
 2 building construction project or who is not otherwise a party to a
 3 contract for engineering services for a school building
 4 construction project.
 5 (3) One (1) member is to be appointed by the speaker of the house
 6 of representatives and must be an architect knowledgeable in the
 7 design of school buildings but who is not actively employed by an
 8 architectural firm that is involved in a school building
 9 construction project or who is not otherwise a party to a contract
 10 for architectural services for a school building construction
 11 project.
 12 (4) One (1) member is to be appointed by the speaker of the house
 13 of representatives and must be a financial adviser who is not
 14 actively employed as a financial adviser to a school corporation
 15 that is involved in a school building construction project or who
 16 is not otherwise a party to a contract for financial advisory
 17 services for a school building construction project.
 18 Of the mandatory five (5) voting members, one (1) shall be appointed
 19 by the state board of accounts, one (1) shall be appointed by the
 20 department of local government finance, and three (3) shall be
 21 appointed by the governor. ~~The governor may seek the~~
 22 ~~recommendation of the state superintendent of public instruction with~~
 23 ~~regard to one (1) of the governor's appointments.~~ Each of the remaining
 24 two (2) governor's appointees must be a citizen of Indiana who neither
 25 holds an elective or appointive office in the government of the state nor
 26 is regularly employed by the state. Each of the mandatory five (5)
 27 voting members and any additional voting members who may be
 28 appointed serves at the will of the appointing board or person. The
 29 speaker of the house of representatives shall appoint one (1) member
 30 of the house as one (1) of the ex officio nonvoting members of the tax
 31 control board. The president pro tempore of the senate shall appoint
 32 one (1) senator as the other ex officio nonvoting member of the tax
 33 control board. Each of the ex officio nonvoting members of the tax
 34 control board shall serve at the will of the appointing officer. A
 35 vacancy in the membership of the tax control board shall be filled by
 36 the appointing authority who made the appointment to the seat that is
 37 vacated. No member of the tax control board shall receive
 38 compensation for services as such a member, except as provided in
 39 subsections (g) and (h). Each of the members of the tax control board
 40 shall, before proceeding to the discharge of the member's duties as a
 41 member of the tax control board, subscribe and swear to a writing
 42 declaring the member's intention to support the Constitution of the

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1 United States and the Constitution of the State of Indiana and the
2 member's intention to faithfully, honestly, and impartially discharge the
3 member's duties as a member of the tax control board.

4 (b) The tax control board shall meet, as business may require, in
5 rooms provided by the department of local government finance. The
6 department of local government finance shall provide the tax control
7 board with such staff and secretarial assistance as the tax control board
8 may reasonably require. At each organizational meeting of the tax
9 control board, which shall be held annually, the tax control board shall
10 elect one (1) of its members chairman and another secretary.

11 (c) The department of local government finance shall promptly
12 deliver to the tax control board every appeal petition that is filed under
13 IC 6-1.1-17 or under this chapter with the department by, or in respect
14 of, any school corporation. The department of local government finance
15 shall also promptly deliver to the tax control board other materials
16 related to the appeal petition as the department shall then or thereafter
17 possess. Upon receiving an appeal petition, the tax control board shall
18 proceed immediately to examine the petition and to consider the merits
19 of the school corporation's appeal.

20 (d) The tax control board may conduct hearings on any appeal
21 petition that is before the tax control board, and the tax control board
22 may require any officer or member of the school corporation whose
23 appeal petition is under consideration by the tax control board to
24 appear before the tax control board or to produce, before the tax control
25 board, any books and records that the tax control board considers
26 pertinent to the appeal, or both.

27 (e) If an officer or a member fails or refuses to appear at a hearing
28 of the tax control board after having been given a written notice from
29 the tax control board requiring the officer's or member's attendance, or
30 fails or refuses to produce for the tax control board's use the books and
31 records that the tax control board has, by written notice, required the
32 officer or member to produce, the tax control board may file an
33 affidavit in the circuit court in which jurisdiction of the person of the
34 officer or member may be had, setting forth the facts of the failure or
35 refusal. Upon the filing of the affidavit, the circuit court shall promptly
36 issue a summons, and the sheriff of the county within which the circuit
37 court is sitting shall serve the summons. The summons shall command
38 the officer or member to appear before the tax control board, to provide
39 information to the tax control board, or to produce books and records
40 for the tax control board's use, as the case may be. Disobedience of the
41 summons is punishable as a contempt of the circuit court that issued
42 the summons.

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1 (f) All expenses incident to the filing of the affidavit and the
2 issuance and service of the summons under this section shall be
3 charged to the officer or member against whom the summons is issued,
4 unless the circuit court finds that the action of the officer or member
5 was taken in good faith and with reasonable cause. If the court finds
6 that the officer or member acted in good faith and with reasonable
7 cause or if an affidavit has been filed without the issuance of a
8 summons, the expenses shall:

9 (1) be charged against the county in which the affidavit has been
10 filed; and

11 (2) be allowed by the proper fiscal officers of that county.

12 (g) Each member of the tax control board who is not a state
13 employee is entitled to receive both of the following:

14 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

15 (2) Reimbursement for travel expenses and other expenses
16 actually incurred in connection with the member's duties, as
17 provided in the state travel policies and procedures established by
18 the Indiana department of administration and approved by the
19 budget agency.

20 (h) Each member of the tax control board who is a state employee
21 is entitled to reimbursement for travel expenses and other expenses
22 actually incurred in connection with the member's duties, as provided
23 in the state travel policies and procedures established by the Indiana
24 department of administration and approved by the budget agency.

25 SECTION 11. IC 20-1-11.5-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) After January**
27 **11, 2009, the governor shall appoint the** superintendent of public
28 instruction. ~~shall be elected under IC 3-10-2-6 by the voters of the~~
29 ~~state.~~

30 **(b) The term of office of the superintendent is four (4) years;**
31 **beginning on the second Monday in January after election and**
32 **continuing until a successor is elected and qualified. serves at the**
33 **pleasure of the governor.**

34 **(c) The governor shall fix the salary of the superintendent.**

35 **(d) The individual appointed as superintendent shall take an**
36 **oath of office and post a bond in the amount required by the**
37 **governor.**

38 **(e) The superintendent is the chief executive officer of the**
39 **department.**

40 SECTION 12. IC 20-1-20.5-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The roundtable
42 consists of the following members:

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1 (1) A number of members appointed ~~jointly~~ by the governor. ~~and~~
2 ~~the superintendent of public instruction~~. These members must be
3 representatives of:
4 (A) business and community leaders;
5 (B) elementary and secondary education, including programs
6 for exceptional learners (as defined in IC 20-10.2-2-5.5); and
7 (C) higher education.
8 The number of members appointed under clause (A) must be
9 equal to the number of members appointed under clauses (B) and
10 (C).
11 (2) Two (2) members appointed by the president pro tempore of
12 the senate from different political parties.
13 (3) Two (2) members appointed by the speaker of the house of
14 representatives from different political parties.
15 SECTION 13. IC 20-1-20.5-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~governor and~~
17 ~~the superintendent of public instruction shall jointly serve~~ **serves** as
18 ~~cochairpersons~~ **chair** of the roundtable. The roundtable shall meet
19 upon the call of the ~~cochairpersons~~. **chair**.
20 (b) A quorum of the roundtable must be present to conduct business.
21 A quorum consists of a majority of the voting members appointed to
22 the roundtable. The roundtable may not take an official action unless
23 the official action has been approved by at least a majority of the voting
24 members appointed to serve on the roundtable.
25 SECTION 14. IC 20-5.5-3-11 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section
27 applies if the sponsor rejects a proposal.
28 (b) The organizer may appeal the decision of the sponsor to the
29 charter school review panel created under subsection (c).
30 (c) The charter school review panel is created. The members of the
31 panel are **the following**:
32 (1) ~~the governor or~~ The governor's designee.
33 (2) The state superintendent of public instruction, who shall chair
34 the panel.
35 (3) A member of the board appointed by the state superintendent
36 of public instruction.
37 (4) A person with financial management experience appointed by
38 the governor. ~~and~~
39 (5) A community leader with knowledge of charter school issues
40 appointed ~~jointly~~ by the governor. ~~and the state superintendent of~~
41 ~~public instruction~~.
42 Members shall serve a two (2) year term and may be reappointed to the

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panel upon expiration of their terms.

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

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

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

- (1) A finding that supports the sponsor's rejection of the proposal.
- (2) A finding that:
 - (A) recommends that the organizer amend the proposal; and
 - (B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.
- (3) A finding that approves the proposal.

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

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

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

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon the delivery to the panel of written notice from the organizer and an eligible sponsor, as identified in IC 20-5.5-1-15, that the sponsor has agreed to serve as a sponsor for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon a sponsor or set of sponsors.

SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 3-8-1-10.5; IC 20-1-11.5.

SECTION 16. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "incumbent superintendent" refers to the individual elected as superintendent of public instruction at the November 2, 2004, general election.

(b) As used in this SECTION, "superintendent" refers to the office of the superintendent of public instruction.

(c) The incumbent superintendent is entitled to serve as superintendent before January 12, 2009, unless the individual resigns or is removed from office as provided by law.

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- 1 **(d) Notwithstanding the amendments to IC 4-2-6-8 by this act,**
- 2 **the incumbent superintendent shall file a written financial**
- 3 **disclosure statement as provided in IC 4-2-6 before its amendment**
- 4 **by this act. IC 4-2-6 applies to the incumbent superintendent to the**
- 5 **extent the statute applied to the superintendent before its**
- 6 **amendment by this act.**
- 7 **(e) Notwithstanding IC 4-3-6-2, as amended by this act, the term**
- 8 **"agency" does not include the superintendent.**
- 9 **(f) Notwithstanding IC 5-14-3-3.5, as amended by this act:**
- 10 **(1) "state agency" does not include the superintendent; and**
- 11 **(2) the superintendent may use the computer gateway**
- 12 **administered by the intelenet commission established under**
- 13 **IC 5-21-2, subject to the requirements of IC 5-14-3-3.5, as in**
- 14 **effect after June 30, 2005.**
- 15 **(g) If the office becomes vacant, the governor shall appoint an**
- 16 **individual to the office as provided by law in effect after June 30,**
- 17 **2005. The individual appointed by the governor is subject to all the**
- 18 **laws applicable to the superintendent as in effect after June 30,**
- 19 **2005.**
- 20 **(h) This SECTION expires July 1, 2009.**

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