



February 14, 2017

HOUSE BILL No. 1005

DIGEST OF HB 1005 (Updated February 14, 2017 12:26 pm - DI 84)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 4-1; IC 4-2; IC 4-3; IC 4-12; IC 4-15; IC 5-14; IC 20-18; IC 20-19; noncode.

Synopsis: Superintendent of public instruction. Abolishes the office of the state superintendent of public instruction on January 10, 2021. Provides that, after January 10, 2021, the governor shall appoint a secretary of education. 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. Makes conforming and technical amendments.

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

Bosma, Ober, Wesco

January 10, 2017, read first time and referred to Committee on Education.
February 14, 2017, reported — Do Pass.

HB 1005—LS 7449/DI 116



February 14, 2017

First Regular Session of the 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.

HOUSE BILL No. 1005

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, 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 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 33. (a) A candidate for
3 an office listed in subsection (b) must file a statement of economic
4 interests.

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

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

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

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

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

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

32 (1) Lieutenant governor.

33 (2) Secretary of state.

34 (3) Auditor of state.

35 (4) Treasurer of state.

36 (5) Attorney general.

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

39 (b) The convention may also:

40 (1) nominate candidates for presidential electors and alternate
41 electors; and

42 (2) elect the delegates and alternate delegates to the national



- 1 convention of the political party.
 2 (c) If a political party's state convention does not:
 3 (1) nominate candidates for presidential electors and alternate
 4 electors; or
 5 (2) elect the delegates and alternate delegates to the national
 6 convention of the political party;
 7 the candidates shall be nominated or the delegates elected as provided
 8 in the state party's rules.

9 SECTION 5. IC 3-10-2-6, AS AMENDED BY P.L.216-2015,
 10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 6. The following public
 12 officials shall be elected in 2016 and every four (4) years thereafter:

- 13 (1) Governor.
 14 (2) Lieutenant governor.
 15 (3) Attorney general.
 16 (4) Superintendent of public instruction. **This subdivision does**
 17 **not apply after December 31, 2016.**

18 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.21-2016,
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2017] (RETROACTIVE)]: Sec. 12. The following
 21 offices shall be placed on the general election ballot in the following
 22 order after the public questions described in section 10(a) of this
 23 chapter:

- 24 (1) Federal and state offices:
 25 (A) President and Vice President of the United States.
 26 (B) United States Senator.
 27 (C) Governor and lieutenant governor.
 28 (D) Secretary of state.
 29 (E) Auditor of state.
 30 (F) Treasurer of state.
 31 (G) Attorney general.
 32 (H) Superintendent of public instruction. **This clause does not**
 33 **apply after December 31, 2016.**
 34 (I) United States Representative.
 35 (2) Legislative offices:
 36 (A) State senator.
 37 (B) State representative.
 38 (3) Circuit offices and county judicial offices:
 39 (A) Judge of the circuit court, and unless otherwise specified
 40 under IC 33, with each division separate if there is more than
 41 one (1) judge of the circuit court.
 42 (B) Judge of the superior court, and unless otherwise specified



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



1 process, whether automated or manual, containing personal
 2 information and the name, personal number, or other identifying
 3 particulars of a data subject.

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

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

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

25 (e) "Confidential" means information which has been so designated
 26 by statute or by promulgated rule or regulation based on statutory
 27 authority.

28 SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
 29 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 30 2017]: Sec. 1.5. (a) Subject to subsection (b), the salary of ~~the each~~
 31 state elected ~~officials~~ **official** other than the governor is as follows:

32 (1) For the lieutenant governor, seventy-six thousand dollars
 33 (\$76,000) per year. However, the lieutenant governor is not
 34 entitled to receive per diem allowance for performance of duties
 35 as president of the senate.

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

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

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

42 (5) For the attorney general, seventy-nine thousand four hundred



1 dollars (\$79,400) per year.

2 (6) For the state superintendent of public instruction, seventy-nine
3 thousand four hundred dollars (\$79,400) per year. **This**
4 **subdivision does not apply after January 10, 2021.**

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

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

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

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

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

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

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

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

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

40 (4) The director of each division of the **Indiana** department of
41 administration.

42 (5) Any purchasing agent within the procurement division of the



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



1 preceding calendar year or, in the case of a state officer or employee
2 who leaves office or employment, the period since a previous statement
3 was filed:

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

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

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

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

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

23 (4) The following information about any sole proprietorship
24 owned or professional practice operated by the state officer,
25 candidate, or the employee or that individual's spouse:

26 (A) The name of the sole proprietorship or professional
27 practice.

28 (B) The nature of the business.

29 (C) Whether any clients are known to have had a business
30 relationship with the agency of the state officer or employee or
31 the office sought by the candidate.

32 (D) The name of any client or customer from whom the state
33 officer, candidate, employee, or that individual's spouse
34 received more than thirty-three percent (33%) of the state
35 officer's, candidate's, employee's, or that individual's spouse's
36 nonstate income in a year.

37 (5) The name of any partnership of which the state officer,
38 candidate, or the employee or that individual's spouse is a member
39 and the nature of the partnership's business.

40 (6) The name of any corporation (other than a church) of which
41 the state officer, candidate, or the employee or that individual's
42 spouse is an officer or a director and the nature of the



- 1 corporation's business.
- 2 (7) The name of any corporation in which the state officer,
3 candidate, or the employee or that individual's spouse or
4 unemancipated children own stock or stock options having a fair
5 market value in excess of ten thousand dollars (\$10,000).
6 However, if the stock is held in a blind trust, the name of the
7 administrator of the trust must be disclosed on the statement
8 instead of the name of the corporation. A time or demand deposit
9 in a financial institution or insurance policy need not be listed.
- 10 (8) The name and address of the most recent former employer.
- 11 (9) Additional information that the person making the disclosure
12 chooses to include.
- 13 Any such state officer, candidate, or employee may file an amended
14 statement upon discovery of additional information required to be
15 reported.
- 16 (d) A person who:
- 17 (1) fails to file a statement required by rule or this section in a
18 timely manner; or
19 (2) files a deficient statement;
20 upon a majority vote of the commission, is subject to a civil penalty at
21 a rate of not more than ten dollars (\$10) for each day the statement
22 remains delinquent or deficient. The maximum penalty under this
23 subsection is one thousand dollars (\$1,000).
- 24 (e) A person who intentionally or knowingly files a false statement
25 commits a Class A infraction.
- 26 SECTION 10. IC 4-3-6-2, AS AMENDED BY P.L.215-2016,
27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2017]: Sec. 2. As used in this chapter:
- 29 (1) "Agency" means any executive or administrative department,
30 commission, council, board, bureau, division, service, office,
31 officer, administration, or other establishment in the executive or
32 administrative branch of the state government not provided for by
33 the constitution. The term "agency" does not include the secretary
34 of state, the auditor of state, the treasurer of state, the lieutenant
35 governor, the state superintendent of public instruction, and the
36 attorney general, nor the departments of which they are, by the
37 statutes first adopted setting out their duties, the administrative
38 heads. **After January 10, 2021, "agency" includes the state
39 superintendent of public instruction.**
- 40 (2) "Reorganization" means:
- 41 (A) the transfer of the whole or any part of any agency, or of
42 the whole or any part of the functions of an agency, to the



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

16 SECTION 11. IC 4-12-1-13, AS AMENDED BY P.L.213-2015,
 17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2017]: Sec. 13. (a) During the interval between sessions of the
 19 general assembly, the budget agency shall make regular or, at the
 20 request of the governor, special inspections of the respective
 21 institutions of the state supported by public funds. The budget agency
 22 shall report regularly to the governor relative to the physical condition
 23 of such institutions, and any contemplated action of the institution on
 24 a new or important matter, and on any other subject which such agency
 25 may deem pertinent or on which the governor may require information.
 26 The budget agency shall likewise familiarize itself with the best and
 27 approved practices in each of such institutions and supply such
 28 information to other institutions to make their operation more efficient
 29 and economical.

30 (b) Except as to officers and employees of state educational
 31 institutions, the executive secretary of the governor, the administrative
 32 assistants to the governor, the elected officials, and persons whose
 33 salaries or compensation are fixed by the governor pursuant to law, the
 34 annual compensation of all persons employed by agencies of the state
 35 shall be subject to the approval of the budget agency. Except as
 36 otherwise provided by IC 4-15-2.2, the budget agency shall establish
 37 classifications and schedules for fixing compensation, salaries and
 38 wages of all classes and types of employees of any state agency or state
 39 agencies, and any and all other such classifications affecting
 40 compensation as the budget agency shall deem necessary or desirable.
 41 The classifications and schedules thus established shall be filed in the
 42 office of the budget agency. Requests by an appointing authority for



1 salary and wage adjustments or personal service payments coming
2 within such classifications and schedules shall become effective when
3 approved by, and upon the terms of approval fixed by, the budget
4 agency. All personnel requests pertaining to the staffing of programs
5 or agencies supported in whole or in part by federal funds are subject
6 to review and approval by the state personnel department under
7 IC 4-15-2.2.

8 (c) The budget agency shall review and approve, for the sufficiency
9 of funds, all payments for personal services which are submitted to the
10 auditor of state for payment.

11 (d) The budget agency shall review all contracts for personal
12 services or other services and no contract for personal services or other
13 services may be entered into by any agency of the state before the
14 written approval of the budget agency is given. Each demand for
15 payment submitted by an agency to the auditor of state under these
16 contracts must be accompanied by a copy of the budget agency
17 approval. No payment may be made by the auditor of state without
18 such approval. However, this subsection does not apply to a contract
19 entered into by:

20 (1) a state educational institution; or

21 (2) an agency of the state if the contract is not required to be
22 approved by the budget agency under IC 4-13-2-14.1.

23 (e) The budget agency shall review and approve the policy and
24 procedures governing travel prepared by the department of
25 administration under IC 4-13-1, before the travel policies and
26 procedures are distributed.

27 (f) Except as provided in subsections (g), (h), and (i), the budget
28 agency may adopt such policies and procedures not inconsistent with
29 law as it may deem advisable to facilitate and carry out the powers and
30 duties of the agency, including the execution and administration of all
31 appropriations made by law. IC 4-22-2 does not apply to these policies
32 and procedures.

33 (g) The budget agency may not enforce or apply any policy or
34 procedure, unless specifically authorized by this chapter or an
35 applicable statute, against or in relation to the following officials or
36 agencies, unless the official or agency consents to comply with the
37 policy or procedure, or emergency circumstances justify extraordinary
38 measures to protect the state's budget or fiscal reserves:

39 (1) The judicial department of the state.

40 (2) The general assembly, the legislative services agency, or any
41 other entity of the legislative department of the state.

42 (3) The attorney general.



- 1 (4) The auditor of state.
 2 (5) The secretary of state.
 3 (6) The superintendent of public instruction. **This subdivision**
 4 **does not apply after January 10, 2021.**
 5 (7) The treasurer of state.
 6 (h) The budget agency may not enforce a policy or procedure
 7 against an official or an agency specified in subsection (g)(1) through
 8 (g)(7) by refusing to allot money from the personal services/fringe
 9 benefits contingency fund to the official or agency.
 10 (i) The budget agency may not withhold or refuse to allot
 11 appropriations for a state educational institution without review by the
 12 budget committee.
 13 SECTION 12. IC 4-15-2.2-1, AS AMENDED BY P.L.121-2016,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 1. (a) Except as provided in subsection (b), this
 16 chapter applies to employees of a governmental entity that exercises
 17 any of the executive powers of the state under the direction of the
 18 governor or lieutenant governor.
 19 (b) This chapter does not apply to the following:
 20 (1) The legislative department of state government.
 21 (2) The judicial department of state government.
 22 (3) The following state elected officers and their personal staffs:
 23 (A) The governor.
 24 (B) The lieutenant governor.
 25 (C) The secretary of state.
 26 (D) The treasurer of state.
 27 (E) The auditor of state.
 28 (F) The superintendent of public instruction. **This clause does**
 29 **not apply after January 10, 2021.**
 30 (G) The attorney general.
 31 (4) A body corporate and politic of the state created by state
 32 statute.
 33 (5) A political subdivision (as defined in IC 36-1-2-13).
 34 (6) An inmate who is working in a state penal, charitable,
 35 correctional, or benevolent institution.
 36 (7) The state police department.
 37 (c) This subsection does not apply to a political subdivision, the
 38 ports of Indiana (established by IC 8-10-1-3), or the northern Indiana
 39 commuter transportation district (established under IC 8-5-15). The
 40 chief executive officer of a governmental entity that is exempt from this
 41 chapter under subsection (b) may elect to have this chapter apply to all
 42 or a part of the entity's employees by submitting a written notice of the



- 1 election to the director.
- 2 SECTION 13. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,
 3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2017]: Sec. 3.5. (a) As used in this section, "state agency" has
 5 the meaning set forth in IC 4-13-1-1. The term does not include the
 6 office of the following elected state officials:
- 7 (1) Secretary of state.
 - 8 (2) Auditor.
 - 9 (3) Treasurer.
 - 10 (4) Attorney general.
 - 11 (5) Superintendent of public instruction. **This subdivision does**
 12 **not apply after January 10, 2021.**
- 13 However, each state office described in subdivisions (1) through (5)
 14 and the judicial department of state government may use the computer
 15 gateway administered by the office of technology established by
 16 IC 4-13.1-2-1, subject to the requirements of this section.
- 17 (b) As an additional means of inspecting and copying public
 18 records, a state agency may provide enhanced access to public records
 19 maintained by the state agency.
- 20 (c) If the state agency has entered into a contract with a third party
 21 under which the state agency provides enhanced access to the person
 22 through the third party's computer gateway or otherwise, all of the
 23 following apply to the contract:
- 24 (1) The contract between the state agency and the third party must
 25 provide for the protection of public records in accordance with
 26 subsection (d).
 - 27 (2) The contract between the state agency and the third party may
 28 provide for the payment of a reasonable fee to the state agency by
 29 either:
 - 30 (A) the third party; or
 - 31 (B) the person.
 - 32 (d) A contract required by this section must provide that the person
 33 and the third party will not engage in the following:
 - 34 (1) Unauthorized enhanced access to public records.
 - 35 (2) Unauthorized alteration of public records.
 - 36 (3) Disclosure of confidential public records.
 - 37 (e) A state agency shall provide enhanced access to public records
 38 only through the computer gateway administered by the office of
 39 technology.
- 40 SECTION 14. IC 20-18-2-20, AS ADDED BY P.L.1-2005,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2017]: Sec. 20. "State superintendent" refers to the:



- 1 **(1) before January 11, 2021**, state superintendent of public
 2 instruction; **and**
 3 **(2) after January 10, 2021, the secretary of education**
 4 **appointed by the governor under IC 20-19-1-1.1.**
 5 SECTION 15. IC 20-19-1-1, AS ADDED BY P.L.1-2005,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 1. (a) **Before January**
 8 **1, 2017**, the state superintendent shall be elected under IC 3-10-2-6 by
 9 the voters of Indiana.
 10 (b) The term of office of the state superintendent is four (4) years:
 11 (1) beginning on the second Monday in January after election;
 12 and
 13 (2) continuing until a successor is elected **or appointed** and
 14 qualified.
 15 **(c) This section expires July 1, 2021.**
 16 SECTION 16. IC 20-19-1-1.1 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2017]: **Sec. 1.1. (a) After January 10, 2021,**
 19 **the governor shall appoint an individual to be the secretary of**
 20 **education.**
 21 **(b) For purposes of Article 5, Section 10 and Article 8, Section**
 22 **8 of the Constitution of the State of Indiana, the secretary of**
 23 **education is the state superintendent of public instruction.**
 24 **(c) The individual appointed under this section serves at the**
 25 **pleasure of and at a salary determined by the governor.**
 26 **(d) The secretary of education is the chief executive officer of**
 27 **the department.**
 28 SECTION 17. [EFFECTIVE JULY 1, 2017] (a) **The legislative**
 29 **services agency shall prepare legislation for introduction in the**
 30 **2021 regular session of the general assembly to organize and**
 31 **correct statutes affected by this act.**
 32 **(b) This SECTION expires December 31, 2021.**
 33 SECTION 18. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1005 as introduced.)

BEHNING

Committee Vote: Yeas 10, Nays 3

