

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 528

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AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-5-1-2, AS AMENDED BY P.L.85-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The secretary of state shall keep and preserve the following:

- (1) The enrolled copy of the constitution of the state.
- (2) The manuscripts containing the enrolled acts and joint resolutions of the general assembly.
- (3) All the official bonds of state officers except the secretary of state's bond.
- (4) All written contracts to which the state is a party, unless required to be deposited elsewhere.
- (5) Any rule or other agency statement that is filed under IC 4-22-2 before July 1, 2006.

(b) All documents described in subsection (a)(1), (a)(2), or (a)(5) may be transferred by the secretary of state to the ~~commission on public records~~ **Indiana archives and records administration** for safekeeping, and the ~~commission~~ **administration** shall receive and safely preserve them when transferred. The secretary of state and the ~~commission on public records~~ **Indiana archives and records administration** shall establish an indexing system so that the secretary of state, an agency, or the ~~commission on public records~~ **Indiana**

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**archives and records administration** can comply with a request under IC 5-14-3 to inspect or copy a transferred document described in subsection (a)(5), including the full text of a matter incorporated by reference into a document described in subsection (a)(5). The indexing system must at least identify transferred documents by the following:

- (1) Indiana Administrative Code citation.
- (2) Indiana Register document control number or volume and page number.
- (3) Year of adoption.
- (4) General subject matter.

(c) Regardless of whether a document described in subsection (a)(1) or (a)(2) is transferred to the ~~commission on public records~~ **Indiana archives and records administration** under subsection (b), when deemed expedient or necessary for the preservation of the documents, the secretary of state may copy the documents by any micrographic or equivalent technique, and the copies shall be stored in a place other than in the state capitol building or the Indiana state library.

(d) The secretary of state may copy in micrographic or equivalent form the complete contents of each rule that is filed with the secretary of state's office under IC 4-22-2 before July 1, 2006. Both the rule and the full text of matters incorporated by reference into the rule may be copied.

(e) Copies prepared under subsection (d) must conform with the following:

- (1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.
- (2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana library and historical department, and the ~~commission on public records;~~ **Indiana archives and records administration.**

(f) The secretary of state may copy, micrographically or through an equivalent method, documents under subsection (d):

- (1) in the laboratory operated under IC 5-15-5.1-8 by the ~~commission on public records;~~ **Indiana archives and records administration;**
- (2) with equipment and technology operated by the secretary of state; or
- (3) through a contract for services procured under IC 5-22.

(g) When a document is copied, whether micrographically or through an equivalent method, under this section, the original documents shall never be destroyed. However, if the secretary of state



has the capacity to make certifiable copies of the rules described in subsection (d) using micrographic or other media, the secretary of state may return to the agency from which any rule originated the full text of any matter that is incorporated by reference into the rule and copied micrographically or through an equivalent method.

SECTION 2. IC 4-7-1-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.1. (a) All forms and reports that are used by the auditor of state to enter information into the auditor of state's accounting system are subject to the approval of the auditor of state.

(b) The auditor of state shall approve forms and reports used by the auditor of state in a paper form, as a facsimile, or in an electronic form. This section may not be implemented in a manner that interferes with the duties and powers of:

- (1) the state board of accounts under IC 5-11-1-2; or
- (2) the oversight committee on public records or the ~~commission on public records~~ **Indiana archives and records administration** under IC 5-15-5.1-5.

(c) The auditor of state may require that a form or report submitted to the auditor of state for processing must be submitted in paper form, as a facsimile, or electronically if the requirement:

- (1) is approved by the state board of accounts; and
- (2) does not create a hardship for a person that submits the form or report to the auditor of state.

SECTION 3. IC 4-13.1-2-4, AS ADDED BY P.L.177-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The chief information officer, in conjunction with:

- (1) the state librarian or the state librarian's designee;
- (2) the director of the ~~state commission on public records~~ **Indiana archives and records administration** or the director's designee; and
- (3) a representative from each of the two (2) state agencies that generate the most revenue under this section;

shall establish reasonable fees for enhanced access to public records and other electronic records, so that the revenues generated are sufficient to develop, maintain, operate, and expand services that make public records available electronically. A meeting to establish or revise the fees described in this section is subject to the requirements of IC 5-14-1.5.

SECTION 4. IC 4-22-7-4, AS AMENDED BY P.L.215-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 4. An agency shall maintain a copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the ~~commission on public records~~. **Indiana archives and records administration.**

SECTION 5. IC 4-23-7.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. All expenses incurred in the preparation, compilation, printing, binding and publication of the volumes of source and other historical material issued by the historical bureau shall be defrayed out of funds at the disposal of the bureau which may be appropriated by law for that purpose, ~~and shall be printed by the commission on public records~~, and under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the historical bureau.

SECTION 6. IC 5-4-1-18, AS AMENDED BY P.L.117-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of



the bond, subject to subdivision (2).

(2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than fifteen thousand dollars (\$15,000).

(d) Except as provided in subsection (j), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and
- (2) that is at least thirty thousand dollars (\$30,000).

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the ~~commission on public records~~ **Indiana archives and records administration** under IC 5-15-5.1-6.

(h) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public



funds.

(i) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for any person who is not described in subsection (h) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(j) Notwithstanding subsection (d), the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(k) Both of the following apply to a bond or crime insurance policy that is filed to comply with this section:

(1) Unless the bond or policy is canceled, the bond or policy must continue in force for the term of office of the individual who files the bond or policy.

(2) The aggregate liability of the surety or insurer is the amount specified in the bond or policy.

SECTION 7. IC 5-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Any officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision being charged with the duty or authorized or required by law to record, preserve, keep, maintain, or file any record, document, plat, paper or instrument-in-writing, may, whenever any such officer, office, court, commission, board, institution, department, agent, or employee of the state, county, or any political subdivision shall deem it necessary, for the purpose of recording or copying same, preserving and protecting same, reducing space required for storage or filing of same, or any similar purpose, have or cause to have any or all such records recorded, copied, or reproduced by any photostatic, photographic, micrographic, electronic, or other process which correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing. Any officer,



office, court, commission, board, institution, department, agent, or employee of the state may have or cause to have records recorded, copied, or reproduced under this subsection by any optical imaging process that correctly and accurately copies or reproduces, recreates, or forms a medium of copying or reproducing the original record, document, plat, paper, or instrument-in-writing.

(b) The original filing record may be destroyed if:

(1) the record has been copied or is capable of being reproduced or recreated under subsection (a); and

(2) ~~the commission on public records; as to state records; or the commission of public records of the respective county; as to records of counties and other local units of government; has decided to destroy the original record: an approved retention schedule allows for the destruction.~~

(c) Copies, recreations, or reproductions made under subsection (a):

(1) shall have the same force and effect at law as the original record destroyed under subsection (b); and

(2) shall be received as evidence in any court where the original record could have been so introduced;

if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by a duly constituted official custodian of such records.

(d) All micrographics **and imaging** processes done under this chapter shall comply with the quality standards developed under IC 5-15-5.1-8.

(e) This section does not apply to the state court administration division of the supreme court.

SECTION 8. IC 5-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The clerk of ~~such the~~ court shall ~~thereupon~~ promptly, under the direction of the court, transcribe the contents of ~~such a~~ damaged book **described in section 1 of this chapter** into a new book of like size and form, in plain, legible handwriting. ~~and at the close thereof~~ **The clerk shall** certify that the **same transcription** is a full, true, correct, and complete transcript of the contents of ~~such the~~ damaged book. ~~and~~

(b) ~~After such record shall have been so transcribed and certified by such clerk,~~ The judge of ~~such the~~ court shall examine ~~such the~~ transcribed record **transcribed and certified by the clerk.** ~~and~~ If **the judge** finds the **same record** to be a correct transcript of the original, **the judge** shall ~~so~~ certify **the judge's finding**, at the end of ~~such the~~ transcript immediately after the certificate of the clerk. ~~thereto.~~ **The judge shall include the date of the judge's certification.**

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SECTION 9. IC 5-15-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. ~~Such~~ Damaged books **described in section 1 of this chapter** shall be preserved and ~~kept in~~ **maintained by the office of the clerk of such the court or by the Indiana state archives as set forth in IC 5-15-6-6.**

SECTION 10. IC 5-15-5.1-1, AS AMENDED BY P.L.134-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The ~~following~~ definitions **in this section** apply throughout this chapter:

(b) ~~"Commission"~~ **"Administration"** means the ~~commission on public records~~ **Indiana archives and records administration** created by this chapter.

(c) **"Agency"** means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the Constitution of the State of Indiana, by law, or by executive or legislative order.

(d) **"Critical records"** means records necessary to:

- (1) resume or continue governmental operations;
- (2) the reestablishing of the legal and financial responsibilities of government in Indiana; or
- (3) protect and fulfill governmental obligations to the citizens of Indiana.

(e) **"Form"** means every piece of paper, electronic content, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

(f) **"Forms management"** means the program maintained by the administration to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the:

- (1) form's size, style, and size of type;
- (2) format;
- (3) type of construction;
- (4) number of plies;
- (5) quality, weight, and type of paper and carbon; and
- (6) use of the form for data entry as well as the distribution.

(g) **"Imaging"** means the process by which a record is converted from physical form to a computer readable digital image file.

(h) **"Indiana state archives"** means the program maintained by the administration for the preservation of those records and other government papers that have been determined by the



**administration to have sufficient permanent values to warrant their continued preservation by the state.**

"Record" means all documentation of the informational, communicative, or decision making processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

- (1) paper or paper substitutes;
- (2) photographic or chemically based media;
- (3) magnetic, electronic, or machine readable media; or
- (4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

- (1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or
- (2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means:

- (1) an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the



governor;

(2) all officers of the executive and administrative branch of state government; and

(3) all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the commission for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the:

(1) form's size, style, and size of type;

(2) format;

(3) type of construction;

(4) number of plies;

(5) quality, weight and type of paper and carbon; and

(6) use of the form for data entry as well as the distribution.

(i) "Information management" means the program maintained by the commission **administration** for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping, including management of filing, **and** microfilming, **and imaging** equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, **electronic content management systems**, and critical records protection.

(j) "Local government" means a political subdivision (as defined in IC 36-1-2-13).

(k) "Microfilm" means a photographic film containing an image greatly reduced in size from the original.

(l) "Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials that are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and that are not included within the definition of record.

(m) "Personal records" means:

(1) all documentary materials of a private or nonpublic character that do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including diaries,



journals, or other personal notes serving as the functional equivalent of a diary or journal that are not prepared or used for, or circulated or communicated in the course of, transacting government business; or

(2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not considered public records.

(n) "Public official" means:

(1) an individual holding an office created by the Constitution of the State of Indiana, by act or resolution of the general assembly, or by the governor;

(2) all officers of the executive and administrative branch of state or local government; and

(3) all other officers, heads, presidents, or chairpersons of agencies of state or local government.

(o) "Record" means all documentation of the informational, communicative, or decision making processes of state and local government, its agencies and subdivisions made or received by any agency of state and local government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or local government or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic, electronic, or machine readable media; or

(4) any other materials, regardless of form or characteristics.

(p) "Records center" means a program maintained by the commission administration primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to:

(1) resume or continue governmental operations;

(2) the reestablishing of the legal and financial responsibilities of government in the state; or

(3) protect and fulfill governmental obligations to the citizens of the state.

(q) "Records coordinator" means a person designated by an



**agency to serve as an information liaison person between the agency and the administration.**

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

(r) "Records series" means documents or records that are filed in a unified arrangement and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the ~~commission~~.

(s) "Retention schedule" means a set of instructions prescribing how long, where, and in what form a records series must be kept.

SECTION 11. IC 5-15-5.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This chapter applies to records:

- (1) open to the public and carrying no classification or restriction;
- (2) required to be kept confidential by federal law, rule, or regulation;
- (3) declared confidential by the general assembly; or
- (4) declared confidential by a rule adopted under specific authority for confidential records granted to an agency by the general assembly.

(b) The provisions of this chapter do not apply to state-supported colleges and universities, but the ~~commission~~ **administration** may offer its services to them.

(c) The provisions of this chapter shall in no way restrict the powers and duties of the state board of accounts as prescribed by IC 5-11.

SECTION 12. IC 5-15-5.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. There is created the ~~commission on public records~~ **Indiana archives and records administration** to administer this chapter. ~~for the administrative and executive branches of state government.~~ The ~~commission~~ **administration** shall adopt a seal which shall be the seal of the state of Indiana. The ~~commission~~ **administration** shall offer its services to the legislative and judicial branches of state government.

SECTION 13. IC 5-15-5.1-4, AS AMENDED BY P.L.100-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The governor shall appoint a director as the executive head of the ~~commission~~ **administration**. The director must be versed in the principles of information and forms management, archives, and the affairs and organization of state government. It is the intent of the general assembly that the director be a person who is

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qualified by training and experience to administer the affairs of the ~~commission~~. **administration.**

(b) The director, subject to the approval of the governor and the budget agency, shall appoint such staff as necessary to implement this chapter.

(c) The salary of the director is subject to the approval of the governor and the budget agency. Salaries of the staff are subject to the approval of the state personnel department and the budget agency. The provisions of IC 4-15-2.2 apply to the staff of the ~~commission~~. **administration.**

SECTION 14. IC 5-15-5.1-5, AS AMENDED BY P.L.84-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the ~~commission~~ **administration** shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of each form.
- (2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.
- (3) Approve, provide, and **may**, in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.
- (4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping. However, the investigative and criminal history records of the state police department are exempted from this requirement.
- (5) Coordinate utilization of all micrographics and **scanning imaging** equipment in state government.
- (6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.
- (7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.
- (8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.
- (9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state **and local governments**, provide consultant



services for archival programs, conduct surveys, and provide training for records coordinators.

(10) Establish and operate a statewide record preservation laboratory.

(11) Prepare, develop, and implement record retention schedules.

(12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records ~~transferred~~ **approved for transfer** to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand from any person, organization, or body who has illegal possession of original state or local government records those records, which shall be delivered to the ~~commission~~ **administration**.

(14) Have the authority to examine all forms and records housed or possessed by state agencies **and local governments** for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the office of technology established by IC 4-13.1-2-1, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of ~~the agencies of state~~ **agencies and local government**.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives, **patrons of the state imaging and microfilm laboratory, and state agencies**. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

**(17) Advise the office of technology established by IC 4-13.1-2-1 with respect to records management and archival principles as applicable to the purchase of all electronic content and information management systems.**

(b) In implementing a forms management program, the ~~commission~~ **administration** shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 15. IC 5-15-5.1-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.3. (a) The state archives preservation and reproduction account (referred to in this section as "the account") is established as an account within the state



general fund. The account shall be administered by the ~~commission~~ **administration**. The money in the account does not revert to any other account within the state general fund at the end of a state fiscal year.

(b) The account consists of fees collected under section 5(a)(16) of this chapter.

(c) Money in the account is annually appropriated to the ~~commission~~ **administration** for use in the preservation and reproduction of public records ~~in the Indiana state archives~~: **by the administration**.

SECTION 16. IC 5-15-5.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The ~~commission~~ **administration** shall design, redesign, number, standardize, consolidate, or eliminate when obsolete, all forms used by state government, apply the definition of record to any governmental materials so questioned, and determine the nature of nonrecord materials housed or maintained by an agency **or local government**. In performing these functions, the ~~commission~~ **administration** shall consult with each affected agency **and local government** and shall consider each agency's **and local government's** statutory responsibilities, its relationships with federal or other governmental agencies and the requirements of state law.

SECTION 17. IC 5-15-5.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The ~~commission~~ **administration** shall make the archives of the state available for public use under supervised control at reasonable hours. However, the ~~commission~~ **administration** shall weigh the need for preservation from deterioration or mutilation of original records in establishing access use to such items. The ~~commission~~ **administration** shall furnish copies of archival materials upon request, unless confidential by law or restricted by promulgated rule, and payment of ~~such~~ fees as may be required.

SECTION 18. IC 5-15-5.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The ~~commission~~ **administration** shall operate a ~~central micrographics~~ **state imaging and microfilm** laboratory. The oversight committee in coordination with the supreme court shall promulgate regulations concerning quality standards for microfilming **and imaging** documents that shall allow documents meeting those standards to be admissible in court. Such microfilming **and imaging** standards shall be followed by all **state agencies of the administrative and executive branches of state government**: **and local governments**.

SECTION 19. IC 5-15-5.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. Copies of records



transferred from the office of their origin to the custody of the ~~commission~~, **administration**, when certified by the director or ~~his~~ **the director's** designee, under seal of the ~~commission~~, **administration**, shall have the same force and effect as if certified by the original custodian.

SECTION 20. IC 5-15-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. **(a)** Each agency **and local government** shall:

(1) Make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency **and local government** to protect the legal and financial rights of the government and of persons directly affected by the agency's activities **and the local government's activities**.

(2) Cooperate fully with the ~~commission~~ **administration** in implementing the provisions of this chapter.

(3) Establish and maintain an active and continuing program for the economical and efficient management of information and assist the ~~commission~~ **administration** in the conduct of information management surveys.

(4) Implement information management procedures and regulations issued by the ~~commission~~: **administration**.

(5) ~~Submit to the oversight committee, a recommended retention schedule for each form and record series in its custody. However, retention schedules for forms and record series common to more than one (1) agency may be established by the oversight committee. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.~~

~~(6)~~ **(5)** Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency **or local government** that records in the custody of the agency **or local government** may not be alienated or destroyed except in accordance with:

**(A)** the provisions of this chapter; **and**

**(B) if applicable, an order of the county commission of public records under IC 5-15-6.**

~~(7)~~ Designate an agency information coordinator, who shall assist the ~~commission~~ in the content requirements of the form design process and in the development of the agency's records retention schedules.



(8) Report to the ~~commission~~ before December 31 of each year those records which have been created or discontinued in the past year.

(b) Each agency shall do the following:

(1) Submit to the administration a recommended retention schedule for each form and records series in the agency's custody. However, retention schedules for forms and records series that are common to at least two (2) agencies may be established by the oversight committee. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.

(2) Designate an agency information coordinator who shall assist the administration in the content requirements of the form design process and in the development of the agency's records retention schedules.

SECTION 21. IC 5-15-5.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Title to any record transferred to the Indiana state archives as authorized by this chapter **or IC 5-15-6** shall be vested in the ~~commission~~ **administration**. However, title to any record deposited in the Indiana state records center shall remain with the agency transferring that record.

SECTION 22. IC 5-15-5.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. The ~~commission~~ **administration** shall establish and maintain a critical records program for the state of Indiana. It shall determine what records are essential to the continuity of state **and local** government operations and shall survey agency **and local government** records to identify those records. The ~~commission~~ **administration** shall plan and implement a program for protection of critical records through dispersal, duplication, or secure vault storage of those records.

SECTION 23. IC 5-15-5.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. Records designated as confidential by law shall be so treated by the ~~commission~~ **administration** in the maintenance, storage, transfer, or other disposition of those records. Confidential records scheduled for destruction shall be destroyed in such a manner that they cannot be read, interpreted, or reconstructed.

SECTION 24. IC 5-15-5.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or

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with the written consent of the ~~commission~~ **administration**.

SECTION 25. IC 5-15-5.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) A public official who has the custody of any records, excluding personal records, shall at the expiration of ~~his~~ **the public official's** term of office or appointment, deliver to ~~his~~ **the public official's** successor, or to the ~~commission~~ **administration** if there is no successor, all materials defined as records by this chapter.

(b) Upon the termination of a state agency **or local government** whose functions have not been transferred to another agency **or local government** the records of the state agency **or local government** shall be deposited with the ~~commission~~ **administration**. The ~~commission~~ **administration** shall determine which records are of sufficient legal, historical, administrative, research or fiscal value to warrant their continued preservation. Records that are determined to be of insufficient value to warrant continued preservation shall be disposed of or destroyed.

SECTION 26. IC 5-15-5.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The ~~commission~~ **administration** may enter into agreements with the legislative branch of government for transfer of the permanent records of that body not having current administrative value to the Indiana state archives.

(b) The ~~commission~~ **administration** may enter into agreements with the Indiana supreme court and court of appeals and their clerk for transfer of the permanent records of those bodies not having current administrative value to the state archives.

SECTION 27. IC 5-15-5.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A state ~~county~~; ~~or other~~ **or local government** official may turn over to the ~~commission~~; ~~administration~~, **administration**, in accordance with the rules of the ~~commission~~ **administration** for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials not in current use in ~~his~~ **the official's** office.

(b) Subject to subsection (c), the ~~commission~~ **administration** may make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material ~~in of any county, city, or other public~~ **local government** office for preservation in the state archives. ~~County, city, and other~~ **Local government** officials shall permit such copies to be made of the books, records, documents, and papers in their respective offices.

(c) The ~~commission~~ **administration** shall copy the official copy of the rules (including incorporated matters filed under IC 4-22-2-21)



retained by the secretary of state published under IC 4-5-1-2. **IC 4-22-2.** Any duplicate original copy possessed by another agency is not a critical record and may not be copied. If the secretary of state publisher prepares micrographic copies of these documents under IC 4-5-1-2 and the copies are in a form that meets the specifications of the commission, the commission administration, the administration shall arrange with the secretary of state publisher to obtain the number of copies needed by the commission, administration, rather than copying the documents as part of a separate program.

SECTION 28. IC 5-15-5.1-18, AS AMENDED BY P.L.177-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or the governor's designee;
- (2) the secretary of state or the secretary's designee;
- (3) the state examiner of the state board of accounts or the state examiner's designee;
- (4) the director of the state library;
- (5) the director of the historical bureau;
- (6) the director of the ~~commission on public records~~; **Indiana archives and records administration**;
- (7) the commissioner of the department of administration or the commissioner's designee;
- (8) the public access counselor; and
- (9) the chief information officer of the office of technology appointed under IC 4-13.1-2-3 or the chief information officer's designee.

(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the ~~commission on public records~~ **Indiana archives and records administration** shall be the secretary of the committee. The ex officio members of the oversight committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

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SECTION 29. IC 5-15-5.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) It is the duty of the oversight committee to:

- (1) function as the policy making body for the ~~commission~~; **administration**; and
- (2) determine what records have no apparent official value but should be preserved for research or other purposes.

(b) The oversight committee shall maintain a master list of all record series that are classified as confidential by statute or rule.

(c) The oversight committee has final approval of all record retention schedules.

(d) The oversight committee has final approval of a fee schedule established by the ~~commission~~ **administration** under section 5(a)(16) of this chapter.

SECTION 30. IC 5-15-5.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) The oversight committee shall:

- (1) establish standards for safeguarding personal information systems that shall be followed by agencies maintaining such systems;
- (2) approve the content of all forms that involve confidential records; and
- (3) require use of archival ~~quality paper materials~~, **processes, and standards** for records that the ~~commission~~ **administration** determines should be preserved indefinitely.

(b) The oversight committee may adopt rules under IC 4-22-2 necessary for the performance of its duties, consistent with this chapter and other applicable Indiana laws.

SECTION 31. IC 5-15-6-1, AS AMENDED BY P.L.78-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A commission is hereby created in each county of the state which shall be known as the county commission of public records of \_\_\_\_\_ county.

(b) The county commission shall consist, ex officio, of:

- (1) the judge of the circuit court **or the judge's designee**;
- (2) the president of the board of county commissioners **or the president's designee**;
- (3) the county auditor **or the auditor's designee**;
- (4) the clerk of the circuit court **or the clerk's designee**;
- (5) the county recorder **or the recorder's designee**;
- (6) the superintendent of schools of the school district in which the county seat is located **or the superintendent's designee**; and



**(7) either:**

**(A)** the city controller of the county seat city **or the city controller's designee; and or**

**(B)** if there is no city controller **as described in clause (A)**, then the clerk-treasurer of the county seat city or town. ~~shall be a member of such commission.~~

(c) The commission shall elect one (1) of its members to be chairman. The clerk of the circuit court or the county recorder must be secretary of the commission. The person who serves as secretary shall be determined as follows:

(1) By mutual agreement of the clerk of the circuit court and the county recorder.

(2) If a mutual agreement cannot be reached under subdivision (1), by an affirmative vote of a majority of members of the county commission.

**The commission shall provide to the administration the names and contact information for the chairman and secretary not later than thirty (30) days after the date of the determination.** The members of the county commission shall serve without compensation and shall receive no disbursement for any expense.

(d) The county commission shall meet at least one (1) time in each calendar year.

SECTION 32. IC 5-15-6-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.1. "Administration" means the Indiana archives and records administration created by IC 5-15-5.1.**

SECTION 33. IC 5-15-6-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. As used in this chapter, "public record" or "record" means a record (as defined in IC 5-15-5.1-1), except that "public record" or "record" means local government rather than state **and local** government documentation.

SECTION 34. IC 5-15-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) It shall be the duty of the county commission to ~~determine the following:~~

~~(1) Which public records, if any, are no longer of official or historical value.~~

~~(2) Which public records are of current official value and should be retained in the office where they are required to be filed.~~

~~(3) Which public records are of official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed.~~

~~(4) Which public records are of no apparent official value but~~



~~which do have historical value.~~  
**review and approve orders under section 7 of this chapter subject to compliance with an approved retention schedule.**

(b) The county commission may request the assistance of the ~~commission on public records established under IC 5-15-5.1~~ **administration** in developing records management programs.

SECTION 35. IC 5-15-6-2.5, AS AMENDED BY P.L.84-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The county commission shall implement retention schedules for use by local government officials as part of a records management program for local government public records not more than thirty (30) days after adoption by the oversight committee on public records as established by IC 5-15-5.1-18.

(b) All requests to destroy, transfer, or otherwise dispose of records that are not covered by an approved retention schedule are to be submitted to the county commission **and administration** according to the procedure established under this chapter.

(c) Requests for exceptions to an approved retention schedule shall be submitted to the county commission. The commission may not consider requests for retention of records that are shorter in duration than the approved retention schedule.

(d) Local government officers shall submit documentation of destruction, transfer, or other disposal of records according to an approved retention schedule to the county commission with a copy submitted to the ~~state archives.~~ **administration.**

(e) Whenever a local government includes parts of more than one (1) county, the commission of the county that contains the greatest percentage of population of the local government has jurisdiction over the records of the local government for the purposes of this chapter.

SECTION 36. IC 5-15-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. ~~(a) As used in this section, "original records" includes the optical image of a check or deposit document when:~~

~~(1) the check or deposit document is recorded, copied, or reproduced by an optical imaging process described in subsection (e); and~~

~~(2) the drawer of the check receives an optical image of the check after the check is processed for payment or the depositor receives an optical image of the deposit document after the document has been processed for the deposit.~~

~~(b) All public records which, in the judgment of the commission, have no official or historical value, and which occupy space to no~~

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purpose in the offices and storerooms of the local government of a county, shall be destroyed or otherwise disposed of. Except as provided in this section, such records shall not be destroyed until a period of at least three (3) years shall have elapsed from the time when the records were originally filed, and no public records shall be destroyed within a period of three (3) years if the law provides that they shall be kept for a longer period of time, or if the law prohibits their destruction.

(c) Subject to this section, records may be destroyed before three (3) years elapse after the date when the records were originally filed if the destruction is according to an approved retention schedule.

(d) No financial records or records relating thereto to **financial records** shall be destroyed until the earlier of the following actions:

(1) The audit of the records by the state board of accounts has been completed, report filed, and any exceptions set out in the report satisfied.

(2) The financial record or records have been copied or reproduced as described in subsection (e): **in accordance with a retention schedule or with the written consent of the administration.**

(e) As used in this section, "public records" or "records" includes records that have been recorded, copied, or reproduced by a photographic, photostatic, miniature photographic, or optical imaging process that correctly, accurately, and permanently copies, reproduces, or forms a medium for copying or reproducing the original record on a film or other durable material. Original records may be disposed of in accordance with subsection (f); if the record has been copied or reproduced as described in this subsection. The copy must be treated as an original. Copies, recreations, or reproductions made from an optical image of a public record described in this subsection shall be received as evidence in any court in which the original record could have been introduced; if the recreations, copies, or reproductions are properly certified as to authenticity and accuracy by an official custodian of the records.

(f) Original records may be disposed of only with the approval of the commission according to guidelines established by the commission. However, the guidelines established by the commission concerning the disposal of financial records must be approved by the state board of accounts before the guidelines become effective.

SECTION 37. IC 5-15-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as provided in subsection (b), no records shall be **destroyed**, removed, or transferred from any office until a period of at least three (3) years shall



have elapsed from the date on which the records were filed, nor even after that time if the records are in frequent use by the officer having charge of the office.

(b) Records may be **destroyed**, removed, or transferred from any office before three (3) years elapse after the date on which the records were filed if the **destruction**, removal, or transfer is according to an approved retention schedule.

SECTION 38. IC 5-15-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Public records having an official value but which are used infrequently by the officer with whom they are filed or maintained shall, on order of the commission **and the consent of the administration**, be removed and transferred to the Indiana state archives.

SECTION 39. IC 5-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Public records having no apparent official value, but having a historical value shall be transferred to and shall, **with the consent of the administration**, constitute a part of the Indiana state archives.

SECTION 40. IC 5-15-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When any public records are ordered to be destroyed, removed, or transferred, the commission shall enter an order to that effect on its minutes, stating the date on which the order is entered and a general description of the public records which the commission orders to be destroyed, removed, or transferred.

(b) A copy of any order to destroy public records shall be delivered to:

- (1) the ~~state~~ **archivist at the Indiana state archives; administration;**
- (2) any active genealogical society of the county; and
- (3) any active historical society of the county;

not later than sixty (60) days before the destruction date, accompanied by a written statement that the ~~state archivist at the~~ Indiana state archives or society may procure at its expense such records for its own purposes.

(c) The order delivered under subsection (b) must state that the records will be made available to ~~the state archivist at the~~ Indiana state archives, the genealogical society, or the historical society subject to the following provisions:

- (1) Genealogical or historical societies of the county which have an active organization shall have priority in the procuring of the public records.



(2) If there is more than one (1) genealogical or historical society of the county with an active organization, the earliest established genealogical or historical society shall have priority in the procuring of the public records.

(3) In order to procure all or part of the public records included in the order, a genealogical or historical society must offer to the Indiana state archives sufficient proof of ability to properly preserve the records in question, or the state archives may deny the records to the genealogical **or** historical society and give priority to another **genealogical or** historical society in the county or the ~~state archivist at the~~ Indiana state archives.

(4) If within thirty (30) days of the delivery of the destruction order to the genealogical or historical society, the society has not notified the commission of an intent to procure all or part of the records included in the order, the ~~state archivist at the~~ Indiana state archives may upon request procure at the archive's expense the records for the archive's own purposes within the remaining time in the sixty (60) day period.

(5) If a ~~county genealogical or~~ historical society that has obtained records ~~through the county commission under this section~~ subsequently wishes to destroy, transfer, or otherwise dispose of these records, the **genealogical or** historical society shall submit a request to the county commission for authorization to destroy, **transfer, or otherwise dispose of** the records according to the procedure set forth in this chapter.

(6) Records obtained by a **genealogical or** historical society under this chapter remain public records and are subject to all applicable public records laws.

SECTION 41. IC 5-28-13-5, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The center shall establish an information file on all state agency permit requirements that affect business activities in Indiana. The center shall:

- (1) develop methods for maintaining, updating, and providing ready access to the information file;
- (2) use the information file to provide comprehensive information concerning permit requirements affecting business activities; and
- (3) use the information file to provide the ~~commission on public records~~ **Indiana archives and records administration** with information that will enable the ~~commission administration~~ to consolidate, simplify, expedite, or otherwise improve permit procedures.

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SECTION 42. IC 5-28-15-7, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Subject to subsections (c) and (d), a zone business that claims any of the incentives available to zone businesses shall, ~~by letter postmarked~~ before June 1 of each year:

- (1) submit to the board and to the zone U.E.A., on a form prescribed by the board, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and
- (2) pay the amount specified in section 5(a)(4) of this chapter to the board.

(b) In order to determine the accuracy of the summary submitted under subsection (a), the board is entitled to obtain copies of a zone business's tax records directly from the department of state revenue, the department of local government finance, or a county official, notwithstanding any other law. A summary submitted to a board or zone U.E.A. or a record obtained by the board under this section is confidential. A board member, a U.E.A. member, or an agent of a board member or U.E.A. member who knowingly or intentionally discloses information that is confidential under this section commits a Class A misdemeanor.

(c) The board may grant one (1) extension of the time allowed to comply with subsection (a) under the provisions of this subsection. To qualify for an extension, a zone business must apply to the board ~~by letter postmarked~~ before June 1. The application must be in the form specified by the board. The extension may not exceed forty-five (45) days under rules adopted by the board under IC 4-22-2.

(d) If a zone business that did not comply with subsection (a) before June 1 and did not file for an extension under subsection (c) before June 1 complies with subsection (a) before July 16, the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business are waived, unless the zone business pays to the board a penalty of fifteen percent (15%) of the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business. A zone business that pays a penalty under this subsection for a year must pay the penalty to the board before July 16 of that year. The board shall deposit any penalty payments received under this subsection in the enterprise zone fund.

(e) This subsection is in addition to any other sanction imposed by subsection (d) or any other law. If a zone business fails to comply with



subsection (a) before July 16 and does not pay any penalty required under subsection (d) by letter postmarked before July 16 of that year, the zone business is:

- (1) denied all the tax credit and exemption incentives available to a zone business because the business was a zone business for that year; and
- (2) disqualified from further participation in the enterprise zone program under this chapter until the zone business:
  - (A) petitions the board for readmission to the enterprise zone program under this chapter; and
  - (B) pays a civil penalty of one hundred dollars (\$100).

SECTION 43. IC 16-37-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except as provided in subsection ~~(b)~~; ~~(c)~~, the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

- (1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:
  - (A) That the applicant has a direct interest in the matter recorded.
  - (B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

- (2) The state department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use may be made of the data.
- (3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

**(b) Notwithstanding subsection (a)(1) through (a)(3), a certificate of death received by a local health department (as defined in IC 16-18-2-211) or the state department is a public record that, upon request, must be made available for inspection and copying if:**

- (1) the copy made of the certificate of death is not a certified copy;**
- (2) any Social Security number that appears on the certificate of death is redacted; and**
- (3) any charge or fee that is due under section 9, 11, or 11.5 of**



**this chapter is collected.**

(b) (c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

**(d) The state registrar may deny a request to inspect or copy a record concerning vital statistics that is in the state registrar's possession if the state registrar has a reasonable suspicion that releasing the record may result in fraud or identity theft.**

SECTION 44. IC 21-18.5-6-10, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A postsecondary credit bearing proprietary educational institution shall maintain at least the following records for each student:

- (1) The program in which the student enrolls.
- (2) The length of the program.
- (3) The date of the student's initial enrollment in the program.
- (4) A transcript of the student's academic progress.
- (5) The amount of the student's tuition and fees.
- (6) A copy of the enrollment agreement.

(b) Upon the request of the board for proprietary education, a postsecondary credit bearing proprietary educational institution shall submit the records described in subsection (a) to the board for proprietary education.

(c) If a postsecondary credit bearing proprietary educational institution ceases operation, the postsecondary credit bearing proprietary educational institution shall submit the records described in subsection (a) to the ~~commission on public records~~ **Indiana archives and records administration** not later than thirty (30) days after the institution ceases to operate.

SECTION 45. IC 27-1-20-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. Every company doing business in this state shall file with the department on or before March 1 in each year a financial statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its



resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the ~~commission on public records~~, **Indiana archives and records administration**, authorize the destruction of such annual statements which have been on file for two (2) years or more and microfilm copies of which have been made and filed.

SECTION 46. IC 34-41-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The:

(1) register of the sales of the Michigan road lands located in the Indiana state archives, ~~commission on public records~~, **Indiana archives and records administration**; and

(2) certified copies of any entry in the register under the seal of Indiana;

are admissible in evidence in all courts and places.

(b) The register, or a certified copy of the entry of the sale of a tract of land described in the register, by any person named in the register as the purchaser of the land, is prima facie evidence that:

(1) the person designated in the register was the purchaser of the land; and

(2) the title to the land has been conveyed by the state to the purchaser in fee simple.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 528 — Concur**

