



Reprinted
February 17, 2015

SENATE BILL No. 528

DIGEST OF SB 528 (Updated February 16, 2015 4:44 pm - DI 55)

Citations Affected: IC 4-5; IC 4-7; IC 4-13.1; IC 4-22; IC 4-23; IC 5-4; IC 5-15; IC 5-28; IC 16-37; IC 21-18.5; IC 27-1; IC 34-41; IC 35-44.2; IC 35-52.

Synopsis: Preservation of public records. Changes the name of the state commission on public records to the Indiana archives and records administration (administration). Changes the name of the central micrographics laboratory to the state imaging and microfilm laboratory. Adds and changes certain terms to reflect changes in technology, materials, and processes. Specifies that the administration administers the law regarding preservation of public records for political subdivisions. Requires a county commission of public records to notify the administration within 30 days after selecting a chairman or secretary of the county commission. Provides that the administration may maintain damaged court record books. Requires a state agency to submit a recommended retention schedule to the administration (instead of to the oversight committee on public records). Provides that a political subdivision has the duties and responsibilities of a state agency under the law regarding preservation of public records. Requires the administration, with the approval of the oversight committee on public records, to: (1) ensure that the state retains or recovers possession of records that were to be retained by the territorial government under territorial law or are to be retained by the state government under state law; and (2) advise the office of technology with respect to records management and archival principles as
(Continued next page)

Effective: July 1, 2015.

Miller Pete, Delph

January 14, 2015, read first time and referred to Committee on Commerce & Technology.
February 2, 2015, reported favorably — Do Pass.
February 16, 2015, read second time, amended, ordered engrossed.

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Digest Continued

applicable to the purchase of electronic content and information management systems. Authorizes the administration: (1) to sell or exchange records or nonrecord holdings that the administration does not need and is not required to maintain; and (2) to make and sell pictures, models, and other merchandise consisting of or containing reproductions of records and exhibits of the state archives. Requires money received from these sales to be deposited in the state archives preservation and reproduction account in the state general fund. Provides that a certificate of death received by a local health department or the state department of health is a public record that, upon request, must be made available for inspection and copying if certain conditions are met. Authorizes the state registrar to deny a request to inspect or copy a record concerning vital statistics if the state registrar has a reasonable suspicion that releasing the record may result in fraud or identity theft. Provides, for purposes of the law making it a Level 6 felony for a public official to dispose of a government record other than in accordance with a record retention schedule or with the consent of the administration, that "public official" includes all officers of agencies of state or local government.



Reprinted
February 17, 2015

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 BILL No. 528

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

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

1 SECTION 1. IC 4-5-1-2, AS AMENDED BY P.L.85-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. (a) The secretary of state shall keep and
4 preserve the following:
5 (1) The enrolled copy of the constitution of the state.
6 (2) The manuscripts containing the enrolled acts and joint
7 resolutions of the general assembly.
8 (3) All the official bonds of state officers except the secretary of
9 state's bond.
10 (4) All written contracts to which the state is a party, unless
11 required to be deposited elsewhere.
12 (5) Any rule or other agency statement that is filed under
13 IC 4-22-2 before July 1, 2006.
14 (b) All documents described in subsection (a)(1), (a)(2), or (a)(5)
15 may be transferred by the secretary of state to the ~~commission on~~
16 ~~public records~~ **Indiana archives and records administration** for

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1 safekeeping, and the ~~commission~~ **administration** shall receive and
 2 safely preserve them when transferred. The secretary of state and the
 3 ~~commission on public records~~ **Indiana archives and records**
 4 **administration** shall establish an indexing system so that the secretary
 5 of state, an agency, or the ~~commission on public records~~ **Indiana**
 6 **archives and records administration** can comply with a request under
 7 IC 5-14-3 to inspect or copy a transferred document described in
 8 subsection (a)(5), including the full text of a matter incorporated by
 9 reference into a document described in subsection (a)(5). The indexing
 10 system must at least identify transferred documents by the following:

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

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

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

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

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

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

- 39 (1) in the laboratory operated under IC 5-15-5.1-8 by the
 40 ~~commission on public records~~ **Indiana archives and records**
 41 **administration**;
- 42 (2) with equipment and technology operated by the secretary of



- 1 state; or
- 2 (3) through a contract for services procured under IC 5-22.
- 3 (g) When a document is copied, whether micrographically or
- 4 through an equivalent method, under this section, the original
- 5 documents shall never be destroyed. However, if the secretary of state
- 6 has the capacity to make certifiable copies of the rules described in
- 7 subsection (d) using micrographic or other media, the secretary of state
- 8 may return to the agency from which any rule originated the full text of
- 9 any matter that is incorporated by reference into the rule and copied
- 10 micrographically or through an equivalent method.
- 11 SECTION 2. IC 4-7-1-4.1 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.1. (a) All forms and
- 13 reports that are used by the auditor of state to enter information into the
- 14 auditor of state's accounting system are subject to the approval of the
- 15 auditor of state.
- 16 (b) The auditor of state shall approve forms and reports used by the
- 17 auditor of state in a paper form, as a facsimile, or in an electronic form.
- 18 This section may not be implemented in a manner that interferes with
- 19 the duties and powers of:
- 20 (1) the state board of accounts under IC 5-11-1-2; or
- 21 (2) the oversight committee on public records or the ~~commission~~
- 22 ~~on public records~~ **Indiana archives and records administration**
- 23 under IC 5-15-5.1-5.
- 24 (c) The auditor of state may require that a form or report submitted
- 25 to the auditor of state for processing must be submitted in paper form,
- 26 as a facsimile, or electronically if the requirement:
- 27 (1) is approved by the state board of accounts; and
- 28 (2) does not create a hardship for a person that submits the form
- 29 or report to the auditor of state.
- 30 SECTION 3. IC 4-13.1-2-4, AS ADDED BY P.L.177-2005,
- 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2015]: Sec. 4. The chief information officer, in conjunction
- 33 with:
- 34 (1) the state librarian or the state librarian's designee;
- 35 (2) the director of the ~~state commission on public records~~ **Indiana**
- 36 **archives and records administration** or the director's designee;
- 37 and
- 38 (3) a representative from each of the two (2) state agencies that
- 39 generate the most revenue under this section;
- 40 shall establish reasonable fees for enhanced access to public records
- 41 and other electronic records, so that the revenues generated are
- 42 sufficient to develop, maintain, operate, and expand services that make



1 public records available electronically. A meeting to establish or revise
 2 the fees described in this section is subject to the requirements of
 3 IC 5-14-1.5.

4 SECTION 4. IC 4-22-7-4, AS AMENDED BY P.L.215-2005,
 5 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 4. An agency shall maintain a copy of each rule
 7 that has been filed with the secretary of state (including documents
 8 filed with the secretary of state under IC 4-22-2-21) under a retention
 9 schedule established by the ~~commission on public records~~. **Indiana**
 10 **archives and records administration.**

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

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

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

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

40 (c) Except as provided in subsections (h) and (i), the fiscal bodies
 41 of the respective units shall fix the amount of the bond of city
 42 controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law



1 fund custodians, county treasurers, county sheriffs, circuit court clerks,
2 township trustees, and conservancy district financial clerks as follows:

3 (1) The amount must equal thirty thousand dollars (\$30,000) for
4 each one million dollars (\$1,000,000) of receipts of the officer's
5 office during the last complete fiscal year before the purchase of
6 the bond, subject to subdivision (2).

7 (2) The amount may not be less than thirty thousand dollars
8 (\$30,000) nor more than three hundred thousand dollars
9 (\$300,000) unless the fiscal body approves a greater amount for
10 the officer or employee.

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

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

19 (1) fixed by the board of directors of the solid waste management
20 district; and

21 (2) that is at least thirty thousand dollars (\$30,000).

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

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

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

35 (h) Notwithstanding subsection (c), the state board of accounts may
36 fix the amount of the bond for a city controller, city clerk-treasurer,
37 town clerk-treasurer, Barrett Law fund custodian, county treasurer,
38 county sheriff, circuit court clerk, township trustee, or conservancy
39 district financial clerk at an amount that exceeds thirty thousand dollars
40 (\$30,000) for each one million dollars (\$1,000,000) of receipts of the
41 officer's office during the last complete fiscal year before the purchase
42 of the bond. However, the bond amount may not exceed three hundred



1 thousand dollars (\$300,000). An increased bond amount may be
 2 established under this subsection only if the state examiner issues a
 3 report under IC 5-11-5-1 that includes a finding that the officer
 4 engaged in malfeasance, misfeasance, or nonfeasance that resulted in
 5 the misappropriation of, diversion of, or inability to account for public
 6 funds.

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

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

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

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

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

32 SECTION 7. IC 5-15-1-1 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Any officer, office, court,
 34 commission, board, institution, department, agent, or employee of the
 35 state, county, or any political subdivision being charged with the duty
 36 or authorized or required by law to record, preserve, keep, maintain, or
 37 file any record, document, plat, paper or instrument-in-writing, may,
 38 whenever any such officer, office, court, commission, board,
 39 institution, department, agent, or employee of the state, county, or any
 40 political subdivision shall deem it necessary, for the purpose of
 41 recording or copying same, preserving and protecting same, reducing
 42 space required for storage or filing of same, or any similar purpose,



1 have or cause to have any or all such records recorded, copied, or
 2 reproduced by any photostatic, photographic, micrographic, electronic,
 3 or other process which correctly and accurately copies or reproduces,
 4 recreates, or forms a medium of copying or reproducing the original
 5 record, document, plat, paper, or instrument-in-writing. Any officer,
 6 office, court, commission, board, institution, department, agent, or
 7 employee of the state may have or cause to have records recorded,
 8 copied, or reproduced under this subsection by any optical imaging
 9 process that correctly and accurately copies or reproduces, recreates,
 10 or forms a medium of copying or reproducing the original record,
 11 document, plat, paper, or instrument-in-writing.

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

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

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

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

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

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

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

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

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

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

41 **(b)** ~~After such record shall have been so transcribed and certified by~~
 42 ~~such clerk,~~ The judge of ~~such the~~ court shall examine ~~such the~~



1 ~~transcribed~~ record **transcribed and certified by the clerk.** and If he
 2 **the judge** finds the ~~same~~ record to be a correct transcript of the
 3 original, **the judge** shall so certify **the judge's finding**, at the end of
 4 ~~such~~ the transcript immediately after the certificate of the clerk.
 5 ~~thereto.~~ **The judge shall include the date of the judge's certification.**

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

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

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

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

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

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

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

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

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



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

3 (h) "Indiana state archives" means the program maintained by
4 the administration for the preservation of those records and other
5 government papers that have been determined by the
6 administration to have sufficient permanent values to warrant
7 their continued preservation by the state.

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

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

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

24 "Personal records" means:

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

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

41 "Agency" means any state office; department; division; board;
42 bureau; commission; authority; or other separate unit of state



1 government established by the constitution, law, or by executive or
2 legislative order.

3 "Public official" means:

- 4 (1) an individual holding a state office created by the Constitution
5 of Indiana; by act or resolution of the general assembly, or by the
6 governor;
7 (2) all officers of the executive and administrative branch of state
8 government; and
9 (3) all other officers, heads, presidents, or chairmen of agencies
10 of state government.

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

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

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

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

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

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

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



- 1 **(m) "Personal records" means:**
 2 **(1) all documentary materials of a private or nonpublic**
 3 **character that do not relate to or have an effect upon the**
 4 **carrying out of the constitutional, statutory, or other official**
 5 **or ceremonial duties of a public official, including diaries,**
 6 **journals, or other personal notes serving as the functional**
 7 **equivalent of a diary or journal that are not prepared or used**
 8 **for, or circulated or communicated in the course of,**
 9 **transacting government business; or**
 10 **(2) materials relating to private political associations, and**
 11 **having no relation to or effect upon the carrying out of**
 12 **constitutional, statutory, or other official or ceremonial duties**
 13 **of a public official and are not considered public records.**
- 14 **(n) "Public official" means:**
 15 **(1) an individual holding an office created by the Constitution**
 16 **of the State of Indiana, by act or resolution of the general**
 17 **assembly, or by the governor;**
 18 **(2) all officers of the executive and administrative branch of**
 19 **state or local government; and**
 20 **(3) all other officers, heads, presidents, or chairpersons of**
 21 **agencies of state or local government.**
- 22 **(o) "Record" means all documentation of the informational,**
 23 **communicative, or decision making processes of state and local**
 24 **government, its agencies and subdivisions made or received by any**
 25 **agency of state and local government or its employees in**
 26 **connection with the transaction of public business or government**
 27 **functions, which documentation is created, received, retained,**
 28 **maintained, or filed by that agency or local government or its**
 29 **successors as evidence of its activities or because of the**
 30 **informational value of the data in the documentation, and which is**
 31 **generated on:**
 32 **(1) paper or paper substitutes;**
 33 **(2) photographic or chemically based media;**
 34 **(3) magnetic, electronic, or machine readable media; or**
 35 **(4) any other materials, regardless of form or characteristics.**
- 36 **(p) "Records center" means a program maintained by the**
 37 **commission administration primarily for the storage, processing,**
 38 **retrieving, servicing, and security of government records that must be**
 39 **retained for varying periods of time but should not be maintained in an**
 40 **agency's office equipment or space.**
- 41 **"Critical records" means records necessary to:**
 42 **(1) resume or continue governmental operations;**



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

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

5 (q) "Records coordinator" means a person designated by an
6 agency to serve as an information liaison person between the
7 agency and the administration.

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

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

13 "Records coordinator" means a person designated by an agency to
14 serve as an information liaison person between the agency and the
15 commission:

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

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

21 (1) open to the public and carrying no classification or restriction;

22 (2) required to be kept confidential by federal law, rule, or
23 regulation;

24 (3) declared confidential by the general assembly; or

25 (4) declared confidential by a rule adopted under specific
26 authority for confidential records granted to an agency by the
27 general assembly.

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

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

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

41 SECTION 13. IC 5-15-5.1-4, AS AMENDED BY P.L.100-2012,
42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 4. (a) The governor shall appoint a director as the
 2 executive head of the ~~commission~~. **administration**. The director must
 3 be versed in the principles of information and forms management,
 4 archives, and the affairs and organization of state government. It is the
 5 intent of the general assembly that the director be a person who is
 6 qualified by training and experience to administer the affairs of the
 7 ~~commission~~. **administration**.

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

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

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

- 21 (1) Establish a forms management program for state government
 22 and approve the design, typography, format, logo, data sequence,
 23 form analysis, form number, and agency file specifications of
 24 each form.
- 25 (2) Establish a central state form numbering system and a central
 26 cross index filing system of all state forms, and standardize,
 27 consolidate, and eliminate, wherever possible, forms used by state
 28 government.
- 29 (3) Approve, provide, and **may**, in the manner prescribed by
 30 IC 5-22, purchase photo-ready copy for all forms.
- 31 (4) Establish a statewide records management program,
 32 prescribing the standards and procedures for record making and
 33 record keeping. However, the investigative and criminal history
 34 records of the state police department are exempted from this
 35 requirement.
- 36 (5) Coordinate utilization of all micrographics and ~~scanning~~
 37 **imaging** equipment in state government.
- 38 (6) Assist the Indiana department of administration in
 39 coordinating utilization of all duplicating and printing equipment
 40 in the executive and administrative branches.
- 41 (7) Advise the Indiana department of administration with respect
 42 to the purchase of all records storage equipment.



- 1 (8) Establish and operate a distribution center for the receipt,
 2 storage, and distribution of all material printed for an agency.
- 3 (9) Establish and operate a statewide archival program to be
 4 called the Indiana state archives for the permanent government
 5 records of the state **and local governments**, provide consultant
 6 services for archival programs, conduct surveys, and provide
 7 training for records coordinators.
- 8 (10) Establish and operate a statewide record preservation
 9 laboratory.
- 10 (11) Prepare, develop, and implement record retention schedules.
- 11 (12) Establish and operate a central records center to be called the
 12 Indiana state records center, which shall accept all records
 13 ~~transferred~~ **approved for transfer** to it, provide secure storage
 14 and reference service for the same, and submit written notice to
 15 the applicable agency of intended destruction of records in
 16 accordance with approved retention schedules.
- 17 (13) **Discharge the following duties:**
- 18 (A) **Ensure that the state retains all records that were or**
 19 **are to be retained by the territorial or state government**
 20 **under:**
- 21 (i) **an Ordinance for the Government of the Territory of**
 22 **the United States, North-West of the River Ohio;**
- 23 (ii) **the acts, laws, and executive orders of the Indiana**
 24 **Territory;**
- 25 (iii) **the Constitution of the State of Indiana of 1816;**
- 26 (iv) **the Constitution of the State of Indiana of 1851; and**
 27 (v) **the laws of the state.**
- 28 (B) **Under clause (A), demand from any person, organization,**
 29 **or body: ~~who~~**
- 30 (i) **that has ~~illegal~~ possession of original state, territorial,**
 31 **or local government records; and**
- 32 (ii) **that is not an agency, a local government, or a local**
 33 **genealogical or historical society that obtained**
 34 **possession of the records under IC 5-15-6;**
 35 those records **referred to in item (i)**, which shall be delivered
 36 to the ~~commission~~ **administration.**
- 37 (14) Have the authority to examine all forms and records housed
 38 or possessed by state agencies **and local governments** for the
 39 purpose of fulfilling the provisions of this chapter.
- 40 (15) In coordination with the office of technology established by
 41 IC 4-13.1-2-1, establish standards to ensure the preservation of
 42 adequate and permanent computerized and auxiliary automated



1 information records of ~~the agencies of~~ state **agencies and local**
 2 government.

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

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

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

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

18 SECTION 15. IC 5-15-5.1-5.3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.3. (a) The state
 20 archives preservation and reproduction account (referred to in this
 21 section as "the account") is established as an account within the state
 22 general fund. The account shall be administered by the ~~commission~~
 23 **administration.** The money in the account does not revert to any other
 24 account within the state general fund at the end of a state fiscal year.

25 (b) The account consists of:

26 **(1) fees collected under section 5(a)(16) of this chapter; and**

27 **(2) money collected under section 14.1 of this chapter.**

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

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



1 agencies and the requirements of state law.

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

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

21 SECTION 19. IC 5-15-5.1-9 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. Copies of records
 23 transferred from the office of their origin to the custody of the
 24 ~~commission,~~ **administration**, when certified by the director or ~~his the~~
 25 **director's** designee, under seal of the ~~commission,~~ **administration**,
 26 shall have the same force and effect as if certified by the original
 27 custodian.

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

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

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

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



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

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

11 (6) ~~(5)~~ Establish necessary safeguards against the removal,
12 alteration, or loss of records; safeguards shall include notification
13 to all officials and employees of the agency **or local government**
14 that records in the custody of the agency **or local government**
15 may not be alienated or destroyed except in accordance with:

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

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

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

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

26 **(b) Each agency shall do the following:**

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

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

39 SECTION 21. IC 5-15-5.1-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Title to any record
41 transferred to the Indiana state archives as authorized by this chapter
42 **or IC 5-15-6 shall be vested in the ~~commission~~ **administration**.**



1 However, title to any record deposited in the Indiana state records
2 center shall remain with the agency transferring that record.

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

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

19 SECTION 24. IC 5-15-5.1-14 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. A public official,
21 ~~or agency,~~ **local government, or person (as defined in IC 5-14-3-2(l))**
22 may not mutilate, destroy, sell, loan, or otherwise dispose of any
23 government record, except under a record retention schedule or with
24 the written consent of the ~~commission.~~ **administration. A public**
25 **official or person (as defined in IC 5-14-3-2(l)) who recklessly,**
26 **knowingly, or intentionally violates this section commits a Level 6**
27 **felony.**

28 SECTION 25. IC 5-15-5.1-14.1 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2015]: Sec. 14.1. **(a) The administration may**
31 **sell or exchange any records or nonrecord holdings that the**
32 **administration:**

33 **(1) does not need; and**

34 **(2) is not required to maintain.**

35 **(b) The administration may make and sell pictures, models,**
36 **books, souvenirs, crafts, art, videotapes, digital video discs, and**
37 **other merchandise that consists of or contains images, depictions,**
38 **or reproductions of records and exhibits of the state archives.**

39 **(c) All money received from sales of records, nonrecord**
40 **holdings, and merchandise under this section shall be deposited in**
41 **the state archives preservation and reproduction account**
42 **established by section 5.3 of this chapter.**



1 SECTION 26. IC 5-15-5.1-15 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) A public official
 3 who has the custody of any records, excluding personal records, shall
 4 at the expiration of ~~his~~ **the public official's** term of office or
 5 appointment, deliver to ~~his~~ **the public official's** successor, or to the
 6 ~~commission~~ **administration** if there is no successor, all materials
 7 defined as records by this chapter.

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

17 SECTION 27. IC 5-15-5.1-16 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The ~~commission~~
 19 **administration** may enter into agreements with the legislative branch
 20 of government for transfer of the permanent records of that body not
 21 having current administrative value to the Indiana state archives.

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

26 SECTION 28. IC 5-15-5.1-17 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A state ~~county~~;
 28 ~~or other~~ **or local government** official may turn over to the ~~commission~~;
 29 **administration**, in accordance with the rules of the ~~commission~~
 30 **administration** for permanent preservation, any official books,
 31 records, documents, original papers, newspaper files, or printed books
 32 or materials not in current use in ~~his~~ **the official's** office.

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

40 (c) The ~~commission~~ **administration** shall copy the official copy of the
 41 rules (including incorporated matters filed under IC 4-22-2-21)
 42 ~~retained by the secretary of state~~ **published** under ~~IC 4-5-1-2~~.



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

9 SECTION 29. IC 5-15-5.1-18, AS AMENDED BY P.L.177-2005,
 10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2015]: Sec. 18. (a) The oversight committee on public records
 12 consists ex officio of:

- 13 (1) the governor or the governor's designee;
- 14 (2) the secretary of state or the secretary's designee;
- 15 (3) the state examiner of the state board of accounts or the state
 16 examiner's designee;
- 17 (4) the director of the state library;
- 18 (5) the director of the historical bureau;
- 19 (6) the director of the ~~commission on public records;~~ **Indiana**
 20 **archives and records administration;**
- 21 (7) the commissioner of the department of administration or the
 22 commissioner's designee;
- 23 (8) the public access counselor; and
- 24 (9) the chief information officer of the office of technology
 25 appointed under IC 4-13.1-2-3 or the chief information officer's
 26 designee.

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

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

42 SECTION 30. IC 5-15-5.1-19 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) It is the duty of
2 the oversight committee to:

3 (1) function as the policy making body for the ~~commission~~;
4 **administration**; and

5 (2) determine what records have no apparent official value but
6 should be preserved for research or other purposes.

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

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

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

14 SECTION 31. IC 5-15-5.1-20 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) The oversight
16 committee shall:

17 (1) establish standards for safeguarding personal information
18 systems that shall be followed by agencies maintaining such
19 systems;

20 (2) approve the content of all forms that involve confidential
21 records; and

22 (3) require use of archival ~~quality paper materials, processes,~~
23 **and standards** for records that the ~~commission~~ **administration**
24 determines should be preserved indefinitely.

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

28 SECTION 32. IC 5-15-6-1, AS AMENDED BY P.L.78-2014,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2015]: Sec. 1. (a) A commission is hereby created in each
31 county of the state which shall be known as the county commission of
32 public records of _____ county.

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

34 (1) the judge of the circuit court **or the judge's designee**;

35 (2) the president of the board of county commissioners **or the**
36 **president's designee**;

37 (3) the county auditor **or the auditor's designee**;

38 (4) the clerk of the circuit court **or the clerk's designee**;

39 (5) the county recorder **or the recorder's designee**;

40 (6) the superintendent of schools of the school district in which
41 the county seat is located **or the superintendent's designee**; and

42 (7) **either:**



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

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

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

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

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

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

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

22 SECTION 33. IC 5-15-6-1.1 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 24 **1, 2015]: Sec. 1.1. "Administration" means the Indiana archives**
 25 **and records administration created by IC 5-15-5.1.**

26 SECTION 34. IC 5-15-6-1.5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. As used in this
 28 chapter, "public record" or "record" means a record (as defined in
 29 IC 5-15-5.1-1), except that "public record" or "record" means local
 30 government rather than state **and local** government documentation.

31 SECTION 35. IC 5-15-6-2 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) It shall be the
 33 duty of the county commission to ~~determine the following:~~

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

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

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

41 ~~(4) Which public records are of no apparent official value but~~
 42 ~~which do have historical value.~~



1 **review and approve orders under section 7 of this chapter subject**
 2 **to compliance with an approved retention schedule.**

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

6 SECTION 36. IC 5-15-6-2.5, AS AMENDED BY P.L.84-2012,
 7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 2.5. (a) The county commission shall implement
 9 retention schedules for use by local government officials as part of a
 10 records management program for local government public records not
 11 more than thirty (30) days after adoption by the oversight committee on
 12 public records as established by IC 5-15-5.1-18.

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

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

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

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

29 SECTION 37. IC 5-15-6-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) ~~As used in this~~
 31 ~~section, "original records" includes the optical image of a check or~~
 32 ~~deposit document when:~~

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

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

40 (b) ~~All public records which, in the judgment of the commission,~~
 41 ~~have no official or historical value, and which occupy space to no~~
 42 ~~purpose in the offices and storerooms of the local government of a~~



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

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

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

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

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

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

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

38 SECTION 38. IC 5-15-6-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as
 40 provided in subsection (b), no records shall be **destroyed**, removed, or
 41 transferred from any office until a period of at least three (3) years shall
 42 have elapsed from the date on which the records were filed, nor even



1 after that time if the records are in frequent use by the officer having
2 charge of the office.

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

7 SECTION 39. IC 5-15-6-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Public records
9 having an official value but which are used infrequently by the officer
10 with whom they are filed or maintained shall, on order of the
11 commission **and the consent of the administration**, be removed and
12 transferred to the Indiana state archives.

13 SECTION 40. IC 5-15-6-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Public records
15 having no apparent official value, but having a historical value shall be
16 transferred to and shall, **with the consent of the administration**,
17 constitute a part of the Indiana state archives.

18 SECTION 41. IC 5-15-6-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When any public
20 records are ordered to be destroyed, removed, or transferred, the
21 commission shall enter an order to that effect on its minutes, stating the
22 date on which the order is entered and a general description of the
23 public records which the commission orders to be destroyed, removed,
24 or transferred.

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

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

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

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

- 39 (1) Genealogical or historical societies of the county which have
40 an active organization shall have priority in the procuring of the
41 public records.
- 42 (2) If there is more than one (1) genealogical or historical society



1 of the county with an active organization, the earliest established
 2 genealogical or historical society shall have priority in the
 3 procuring of the public records.

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

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

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

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

28 SECTION 42. IC 5-15-6-8 IS REPEALED [EFFECTIVE JULY 1,
 29 2015]. See: 8. A ~~public official or other person who recklessly,~~
 30 ~~knowingly, or intentionally destroys or damages any public record~~
 31 ~~commits a Level 6 felony unless:~~

32 (1) ~~the commission shall have given its approval in writing that~~
 33 ~~the public records may be destroyed;~~

34 (2) ~~the commission shall have entered its approval for destruction~~
 35 ~~of the public records on its own minutes; or~~

36 (3) ~~authority for destruction of the records is granted by an~~
 37 ~~approved retention schedule established under this chapter.~~

38 SECTION 43. IC 5-28-13-5, AS ADDED BY P.L.4-2005,
 39 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 5. The center shall establish an information file on
 41 all state agency permit requirements that affect business activities in
 42 Indiana. The center shall:

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

10 SECTION 44. IC 16-37-1-10 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except as
 12 provided in subsection ~~(b)~~; **(c)**, the records and files of the division of
 13 the state department concerning vital statistics are subject to this article
 14 and rules of the state department. Data contained in the records and
 15 files may be disclosed only as follows:

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

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

- 26 (2) The state department may permit the use of data contained in
 27 vital statistical records for research purposes only, but no
 28 identifying use may be made of the data.

- 29 (3) In any extraordinary case that the state registrar determines is
 30 a direct tangible and legitimate public interest.

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

- 36 **(1) the copy made of the certificate of death is not a certified**
 37 **copy;**
 38 **(2) any Social Security number that appears on the certificate**
 39 **of death is redacted; and**
 40 **(3) any charge or fee that is due under section 9, 11, or 11.5 of**
 41 **this chapter is collected.**

42 ~~(b)~~ (c) The birth record of an adopted child remains subject to the



1 confidentiality provisions of IC 31-19 regarding the release of adoption
2 information.

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

7 SECTION 45. IC 21-18.5-6-10, AS ADDED BY P.L.107-2012,
8 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 10. (a) A postsecondary credit bearing proprietary
10 educational institution shall maintain at least the following records for
11 each student:

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

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

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

28 SECTION 46. IC 27-1-20-21 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. Every company
30 doing business in this state shall file with the department on or before
31 March 1 in each year a financial statement for the year ending
32 December 31 immediately preceding in a format in accordance with
33 IC 27-1-3-13. For good and sufficient cause shown, the commissioner
34 may grant to any individual company a reasonable extension of time
35 not to exceed ninety (90) days within which such statement may be
36 filed. Such statement shall be verified by the oaths of the president or
37 a vice president and the secretary or an assistant secretary of the
38 company. The statement of an alien company shall segregate and state
39 separately its condition and transaction in the United States and such
40 segregated and separated statement shall be verified by the oath of its
41 resident manager or principal representative in the United States. The
42 commissioner of insurance may, with the approval of the ~~commission~~



1 on public records; **Indiana archives and records administration,**
 2 authorize the destruction of such annual statements which have been
 3 on file for two (2) years or more and microfilm copies of which have
 4 been made and filed.

5 SECTION 47. IC 34-41-1-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The:

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

10 (2) certified copies of any entry in the register under the seal of
 11 Indiana;
 12 are admissible in evidence in all courts and places.

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

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

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

20 SECTION 48. IC 35-44.2-4-7, AS ADDED BY P.L.126-2012,
 21 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 7. A person who unlawfully destroys certain
 23 public records is subject to criminal prosecution under ~~IC 5-15-6-8.~~
 24 **IC 5-15-5.1-14.**

25 SECTION 49. IC 35-52-5-7, AS ADDED BY P.L.169-2014,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 7. ~~IC 5-15-6-8~~ **IC 5-15-5.1-14** defines a crime
 28 concerning ~~local public records commissions.~~ **government records.**



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred Senate Bill No. 528, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 528 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 528 be amended to read as follows:

Page 15, line 11, after "consists" delete "of" and insert "of:

(1)".

Page 15, line 12, delete "chapter." and insert "chapter; **and**

(2) money collected under section 14.1 of this chapter."

Page 18, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 25. IC 5-15-5.1-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14.1. (a) The administration may sell or exchange any records or nonrecord holdings that the administration:**

(1) does not need; and

(2) is not required to maintain.

(b) The administration may make and sell pictures, models, books, souvenirs, crafts, art, videotapes, digital video discs, and other merchandise that consists of or contains images, depictions, or reproductions of records and exhibits of the state archives.

(c) All money received from sales of records, nonrecord holdings, and merchandise under this section shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter."

Page 20, delete lines 40 through 42.

Page 21, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 32. 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

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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."

Page 26, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 45. 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."

Renumber all SECTIONS consecutively.

(Reference is to SB 528 as printed February 3, 2015.)

MILLER PETE



SENATE MOTION

Madam President: I move that Senate Bill 528 be amended to read as follows:

Page 14, line 17, delete "Demand," and insert "**Discharge the following duties:**

(A) Ensure that the state retains all records that were or are to be retained by the territorial or state government under:

(i) an Ordinance for the Government of the Territory of the United States, North-West of the River Ohio;

(ii) the acts, laws, and executive orders of the Indiana Territory;

(iii) the Constitution of the State of Indiana of 1816;

(iv) the Constitution of the State of Indiana of 1851; and

(v) the laws of the state.

(B) Under clause (A), demand".

Page 14, line 17, delete "body that is not" and insert "body:".

Page 14, delete line 18.

Page 14, line 19, delete "possession under IC 5-15-6, who" and insert "~~who~~

(i) that".

Page 14, line 20, delete "records," and insert "records; **and**

(ii) that is not an agency, a local government, or a local genealogical or historical society that obtained possession of the records under IC 5-15-6;".

Page 14, line 20, beginning with "those" begin a new line double block indented.

Page 14, line 21, delete "records," and insert "records **referred to in item (i),"**

Page 14, line 29, strike "the agencies of".

Page 14, line 37, delete "the purchase and" and insert "**records management and archival principles as applicable to the purchase"**.

Page 14, line 38, delete "implementation".

(Reference is to SB 528 as printed February 3, 2015.)

MILLER PETE

