

## SENATE BILL No. 528

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-5-1-2; IC 4-7-1-4.1; IC 4-13.1-2-4; IC 4-22-7-4; IC 4-23-7.2-5; IC 5-4-1-18; IC 5-15; IC 5-28-13-5; IC 21-18.5-6-10; IC 27-1-20-21; IC 34-41-1-5; IC 35-44.2-4-7; IC 35-52-5-7.

**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 makes changes to 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 the administration, with the approval of the oversight committee on public records, to advise the office of technology with respect to the purchase and implementation of all electronic content and information management systems. 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. Adds local public officials to a criminal provision regarding records destruction by state officials and agencies and repeals a provision applicable to local public officials.

**Effective:** July 1, 2015.

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**Miller Pete**

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January 14, 2015, read first time and referred to Committee on Commerce & Technology.

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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



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           **(†) 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) Demand, from any person, organization, or body **that is not**  
 18 **an agency, local government, or entity that obtained**  
 19 **possession under IC 5-15-6**, who has ~~illegal~~ possession of  
 20 original state, **territorial**, or local government records, those  
 21 records, which shall be delivered to the ~~commission~~  
 22 **administration**.
- 23 (14) Have the authority to examine all forms and records housed  
 24 or possessed by state agencies **and local governments** for the  
 25 purpose of fulfilling the provisions of this chapter.
- 26 (15) In coordination with the office of technology established by  
 27 IC 4-13.1-2-1, establish standards to ensure the preservation of  
 28 adequate and permanent computerized and auxiliary automated  
 29 information records of the agencies of state **agencies and local**  
 30 government.
- 31 (16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for  
 32 services provided to patrons of the Indiana state archives, **patrons**  
 33 **of the state imaging and microfilm laboratory, and state**  
 34 **agencies**. A copying fee established under this subdivision may  
 35 exceed the copying fee set forth in IC 5-14-3-8(c).
- 36 (17) **Advise the office of technology established by**  
 37 **IC 4-13.1-2-1 with respect to the purchase and**  
 38 **implementation of all electronic content and information**  
 39 **management systems.**
- 40 (b) In implementing a forms management program, the ~~commission~~  
 41 **administration** shall follow procedures and forms prescribed by the  
 42 federal government.



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

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

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

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

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

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

38 SECTION 18. IC 5-15-5.1-8 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The ~~commission~~  
 40 **administration** shall operate a ~~central micrographics~~ **state imaging**  
 41 **and microfilm** laboratory. The oversight committee in coordination  
 42 with the supreme court shall promulgate regulations concerning quality





1 standards for microfilming **and imaging** documents that shall allow  
 2 documents meeting those standards to be admissible in court. Such  
 3 microfilming **and imaging** standards shall be followed by all **state**  
 4 ~~agencies of the administrative and executive branches of state~~  
 5 ~~government.~~ **and local governments.**

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

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

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

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

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

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

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

38 ~~(6)~~ **(5)** Establish necessary safeguards against the removal,  
 39 alteration, or loss of records; safeguards shall include notification  
 40 to all officials and employees of the agency **or local government**  
 41 that records in the custody of the agency **or local government**  
 42 may not be alienated or destroyed except in accordance with:



- 1 (A) the provisions of this chapter; and  
 2 (B) if applicable, an order of the county commission of  
 3 public records under IC 5-15-6.  
 4 (7) Designate an agency information coordinator, who shall assist  
 5 the commission in the content requirements of the form design  
 6 process and in the development of the agency's records retention  
 7 schedules.  
 8 (8) Report to the commission before December 31 of each year  
 9 those records which have been created or discontinued in the past  
 10 year.  
 11 (b) Each agency shall do the following:  
 12 (1) Submit to the administration a recommended retention  
 13 schedule for each form and records series in the agency's  
 14 custody. However, retention schedules for forms and records  
 15 series that are common to at least two (2) agencies may be  
 16 established by the oversight committee. Records may not be  
 17 scheduled for retention any longer than is necessary to  
 18 perform required functions. Records requiring retention for  
 19 several years must be transferred to the records center.  
 20 (2) Designate an agency information coordinator who shall  
 21 assist the administration in the content requirements of the  
 22 form design process and in the development of the agency's  
 23 records retention schedules.  
 24 SECTION 21. IC 5-15-5.1-11 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Title to any record  
 26 transferred to the Indiana state archives as authorized by this chapter  
 27 or IC 5-15-6 shall be vested in the ~~commission~~ **administration**.  
 28 However, title to any record deposited in the Indiana state records  
 29 center shall remain with the agency transferring that record.  
 30 SECTION 22. IC 5-15-5.1-12 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. The ~~commission~~  
 32 **administration** shall establish and maintain a critical records program  
 33 for the state of Indiana. It shall determine what records are essential to  
 34 the continuity of state **and local** government operations and shall  
 35 survey agency **and local government** records to identify those records.  
 36 The ~~commission~~ **administration** shall plan and implement a program  
 37 for protection of critical records through dispersal, duplication, or  
 38 secure vault storage of those records.  
 39 SECTION 23. IC 5-15-5.1-13 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. Records designated  
 41 as confidential by law shall be so treated by the ~~commission~~  
 42 **administration** in the maintenance, storage, transfer, or other



1 disposition of those records. Confidential records scheduled for  
 2 destruction shall be destroyed in such a manner that they cannot be  
 3 read, interpreted, or reconstructed.

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

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

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

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

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

38 SECTION 27. IC 5-15-5.1-17 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A state ~~county,~~  
 40 ~~or other~~ **or local government** official may turn over to the ~~commission,~~  
 41 **administration,** in accordance with the rules of the ~~commission~~  
 42 **administration** for permanent preservation, any official books,



1 records, documents, original papers, newspaper files, or printed books  
2 or materials not in current use in ~~his~~ **the official's** office.

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

10 (c) The ~~commission~~ **administration** shall copy the official copy of  
11 the rules (including incorporated matters filed under IC 4-22-2-21)  
12 ~~retained by the secretary of state published~~ under ~~IC 4-5-1-2.~~  
13 **IC 4-22-2.** Any duplicate original copy possessed by another agency is  
14 not a critical record and may not be copied. If the ~~secretary of state~~  
15 **publisher** prepares micrographic copies of these documents ~~under~~  
16 ~~IC 4-5-1-2~~ and the copies are in a form that meets the specifications of  
17 the ~~commission, the~~ **commission administration, the administration**  
18 shall arrange with the ~~secretary of state~~ **publisher** to obtain the number  
19 of copies needed by the ~~commission, administration,~~  
20 rather than copying the documents as part of a separate program.

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

- 25 (1) the governor or the governor's designee;
- 26 (2) the secretary of state or the secretary's designee;
- 27 (3) the state examiner of the state board of accounts or the state  
28 examiner's designee;
- 29 (4) the director of the state library;
- 30 (5) the director of the historical bureau;
- 31 (6) the director of the ~~commission on public records;~~ **Indiana**  
32 **archives and records administration;**
- 33 (7) the commissioner of the department of administration or the  
34 commissioner's designee;
- 35 (8) the public access counselor; and
- 36 (9) the chief information officer of the office of technology  
37 appointed under IC 4-13.1-2-3 or the chief information officer's  
38 designee.

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



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

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

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

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

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

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

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

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

29 (1) establish standards for safeguarding personal information  
 30 systems that shall be followed by agencies maintaining such  
 31 systems;

32 (2) approve the content of all forms that involve confidential  
 33 records; and

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

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

40 SECTION 31. IC 5-15-6-1, AS AMENDED BY P.L.78-2014,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2015]: Sec. 1. (a) A commission is hereby created in each



1 county of the state which shall be known as the county commission of  
2 public records of \_\_\_\_\_ county.

3 (b) The county commission shall consist, ex officio, of the judge of  
4 the circuit court, the president of the board of county commissioners,  
5 the county auditor, the clerk of the circuit court, the county recorder,  
6 the superintendent of schools of the school district in which the county  
7 seat is located and the city controller of the county seat city, and if  
8 there is no city controller, then the clerk-treasurer of the county seat  
9 city or town shall be a member of such commission.

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

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

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

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

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

26 SECTION 32. IC 5-15-6-1.1 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2015]: **Sec. 1.1. "Administration" means the Indiana archives**  
29 **and records administration created by IC 5-15-5.1.**

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

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

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

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

42 (3) ~~Which public records are of official value but are consulted~~



1 and used so infrequently that they are no longer of appreciable  
2 value to the officer with whom they are required to be filed:

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

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

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

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

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

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

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

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

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

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

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



1           been processed for the deposit.

2           (b) All public records which, in the judgment of the commission;  
3 have no official or historical value; and which occupy space to no  
4 purpose in the offices and storerooms of the local government of a  
5 county; shall be destroyed or otherwise disposed of. Except as provided  
6 in this section; such records shall not be destroyed until a period of at  
7 least three (3) years shall have elapsed from the time when the records  
8 were originally filed; and no public records shall be destroyed within  
9 a period of three (3) years if the law provides that they shall be kept for  
10 a longer period of time; or if the law prohibits their destruction.

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

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

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

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

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

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

42           SECTION 37. IC 5-15-6-4 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as  
 2 provided in subsection (b), no records shall be **destroyed**, removed, or  
 3 transferred from any office until a period of at least three (3) years shall  
 4 have elapsed from the date on which the records were filed, nor even  
 5 after that time if the records are in frequent use by the officer having  
 6 charge of the office.

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

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

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

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

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

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

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

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



- 1 (1) Genealogical or historical societies of the county which have  
 2 an active organization shall have priority in the procuring of the  
 3 public records.
- 4 (2) If there is more than one (1) genealogical or historical society  
 5 of the county with an active organization, the earliest established  
 6 genealogical or historical society shall have priority in the  
 7 procuring of the public records.
- 8 (3) In order to procure all or part of the public records included in  
 9 the order, a genealogical or historical society must offer to the  
 10 Indiana state archives sufficient proof of ability to properly  
 11 preserve the records in question, or the state archives may deny  
 12 the records to the genealogical **or** historical society and give  
 13 priority to another **genealogical or** historical society in the county  
 14 or the ~~state archivist at the~~ Indiana state archives.
- 15 (4) If within thirty (30) days of the delivery of the destruction  
 16 order to the genealogical or historical society, the society has not  
 17 notified the commission of an intent to procure all or part of the  
 18 records included in the order, the ~~state archivist at the~~ Indiana  
 19 state archives may upon request procure at the archive's expense  
 20 the records for the archive's own purposes within the remaining  
 21 time in the sixty (60) day period.
- 22 (5) If a ~~county~~ **genealogical or** historical society that has obtained  
 23 records ~~through the county commission under this section~~  
 24 subsequently wishes to destroy, transfer, or otherwise dispose of  
 25 these records, the **genealogical or** historical society shall submit  
 26 a request to the county commission for authorization to destroy,  
 27 **transfer, or otherwise dispose of** the records according to the  
 28 procedure set forth in this chapter.
- 29 (6) Records obtained by a **genealogical or** historical society  
 30 under this chapter remain public records and are subject to all  
 31 applicable public records laws.
- 32 SECTION 41. IC 5-15-6-8 IS REPEALED [EFFECTIVE JULY 1,  
 33 2015]. ~~Sec. 8: A public official or other person who recklessly,  
 34 knowingly, or intentionally destroys or damages any public record  
 35 commits a Level 6 felony unless:~~
- 36 (1) ~~the commission shall have given its approval in writing that  
 37 the public records may be destroyed;~~
- 38 (2) ~~the commission shall have entered its approval for destruction  
 39 of the public records on its own minutes; or~~
- 40 (3) ~~authority for destruction of the records is granted by an  
 41 approved retention schedule established under this chapter.~~
- 42 SECTION 42. IC 5-28-13-5, AS ADDED BY P.L.4-2005,



1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 5. The center shall establish an information file on  
3 all state agency permit requirements that affect business activities in  
4 Indiana. The center shall:

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

14 SECTION 43. IC 21-18.5-6-10, AS ADDED BY P.L.107-2012,  
15 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2015]: Sec. 10. (a) A postsecondary credit bearing proprietary  
17 educational institution shall maintain at least the following records for  
18 each student:

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

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

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

35 SECTION 44. IC 27-1-20-21 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. Every company  
37 doing business in this state shall file with the department on or before  
38 March 1 in each year a financial statement for the year ending  
39 December 31 immediately preceding in a format in accordance with  
40 IC 27-1-3-13. For good and sufficient cause shown, the commissioner  
41 may grant to any individual company a reasonable extension of time  
42 not to exceed ninety (90) days within which such statement may be



1 filed. Such statement shall be verified by the oaths of the president or  
 2 a vice president and the secretary or an assistant secretary of the  
 3 company. The statement of an alien company shall segregate and state  
 4 separately its condition and transaction in the United States and such  
 5 segregated and separated statement shall be verified by the oath of its  
 6 resident manager or principal representative in the United States. The  
 7 commissioner of insurance may, with the approval of the ~~commission~~  
 8 ~~on public records~~, **Indiana archives and records administration**,  
 9 authorize the destruction of such annual statements which have been  
 10 on file for two (2) years or more and microfilm copies of which have  
 11 been made and filed.

12 SECTION 45. IC 34-41-1-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The:

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

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

19 are admissible in evidence in all courts and places.

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

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

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

27 SECTION 46. IC 35-44.2-4-7, AS ADDED BY P.L.126-2012,  
 28 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 7. A person who unlawfully destroys certain  
 30 public records is subject to criminal prosecution under ~~IC 5-15-6-8~~.  
 31 **IC 5-15-5.1-14.**

32 SECTION 47. IC 35-52-5-7, AS ADDED BY P.L.169-2014,  
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2015]: Sec. 7. ~~IC 5-15-6-8~~ **IC 5-15-5.1-14** defines a crime  
 35 concerning ~~local public records commissions~~. **government records.**

