



March 28, 2023

ENGROSSED HOUSE BILL No. 1256

DIGEST OF HB 1256 (Updated March 23, 2023 10:55 am - DI 140)

Citations Affected: IC 5-15.

Synopsis: Archives and record administration. Amends related definitions. Amends various duties for the Indiana archives and records administration (administration). Removes the requirement that the administration follow procedures and forms prescribed by the federal government in implementing a forms management program. Requires the administration to establish standards for the design, redesign, numbering, standardization, consolidation, or elimination of forms used by state government. Provides that the administration must apply the definition of "record" to certain governmental materials. Requires a state agency or local government to do the following: (1) Submit recommended retention schedules for each form to the administration.
(Continued next page)

Effective: July 1, 2023.

Pierce M, Lehman, Clere, Miller D

(SENATE SPONSORS — ALTING, HUNLEY)

January 11, 2023, read first time and referred to Committee on Government and Regulatory Reform.

January 31, 2023, reported — Do Pass.

February 2, 2023, read second time, ordered engrossed.

February 3, 2023, engrossed.

February 6, 2023, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Local Government.

March 27, 2023, reported favorably — Do Pass.

EH 1256—LS 6673/DI 148



Digest Continued

(2) Follow the standards developed by the administration when creating and revising state forms. (3) Designate an agency forms coordinator to manage the creation and revision of state forms belonging to the agency and serve as a liaison between the agency and the administration. (4) Designate an agency records coordinator to coordinate the creation and revision of agency records retention schedules, educate agency staff on records management processes, and serve as a liaison between the agency and the administration. Removes certain duties of the oversight committee on public records. Makes conforming changes.



March 28, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1256

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

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

- 1 SECTION 1. IC 5-15-5.1-1, AS AMENDED BY P.L.171-2015,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply
4 throughout this chapter.
5 (b) "Administration" means the Indiana archives and records
6 administration created by this chapter.
7 (c) "Agency" means any state office, department, division, board,
8 bureau, commission, authority, or other separate unit of state
9 government established by the Constitution of the State of Indiana, by
10 law, or by executive or legislative order.
11 (d) "Critical records" means records necessary to:
12 (1) resume or continue governmental operations;
13 (2) ~~the reestablishing of~~ **reestablish** the legal and financial
14 responsibilities of government in Indiana; or
15 (3) protect and fulfill governmental obligations to the citizens of
16 Indiana.
17 (e) "Form" means ~~every piece of paper,~~ **electronic content,**

EH 1256—LS 6673/DI 148



1 transparent plate; or film containing information; printed, generated; or
 2 reproduced by whatever means; a document with blank spaces left for
 3 the entry of additional information to be used in any transaction
 4 involving the state.

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

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

9 (2) format;

10 (3) type of construction;

11 (4) number of plies;

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

13 (6) use of the form for data entry as well as the distribution
 14 across agencies by providing standards for consistent form
 15 design, numbering, and access.

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

18 (h) "Indiana state archives" means the program maintained by the
 19 administration for the preservation of those records and other
 20 government papers records that have been determined by the
 21 administration to have sufficient permanent values to warrant their
 22 continued preservation by the state.

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

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

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

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

41 (1) record duplicates, regardless of format; or

42 (2) externally created publications, advertising, and reference



1 **material that are used by an agency or local government and**
 2 **that do not document the agency's or local government's**
 3 **activities.**

4 (m) "Personal records" means:

5 (1) all documentary materials of a private or nonpublic character
 6 that do not relate to or have an effect upon the carrying out of the
 7 constitutional, statutory, or other official or ceremonial duties of
 8 a public official, including diaries, journals, or other personal
 9 notes serving as the functional equivalent of a diary or journal that
 10 are not prepared or used for, or circulated or communicated in the
 11 course of, transacting government business; or

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

16 (n) "Public official" means:

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

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

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

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

33 (1) paper or paper substitutes;

34 (2) photographic or chemically based media;

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

36 (4) any other materials, regardless of form or characteristics,
 37 **regardless of the format in which it is generated or the media**
 38 **on which it is stored.**

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



1 office equipment or space.

2 (q) "Records coordinator" means a person designated by an agency
3 to **coordinate the creation and revision of agency records retention**
4 **schedules, educate agency staff on records management processes,**
5 **and** serve as ~~an information a liaison person~~ between the agency and
6 the administration.

7 (r) "Records series" means **a category of** documents or records ~~that~~
8 ~~are filed in a unified arrangement and having similar physical~~
9 ~~characteristics or~~ relating to a similar function or activity.

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

12 SECTION 2. IC 5-15-5.1-4, AS AMENDED BY P.L.171-2015,
13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2023]: Sec. 4. (a) The governor shall appoint a director as the
15 executive head of the administration. The director must be versed in
16 the principles of information ~~and forms~~ management, archives, and the
17 affairs and organization of state government. It is the intent of the
18 general assembly that the director be a person who is qualified by
19 training and experience to administer the affairs of the administration.

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

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

27 SECTION 3. IC 5-15-5.1-5, AS AMENDED BY P.L.171-2015,
28 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2023]: Sec. 5. (a) Subject to approval by the oversight
30 committee on public records created by section 18 of this chapter, the
31 administration shall do the following:

32 (1) Establish a forms management program for state ~~government~~
33 ~~and approve the design, typography, format, logo, data sequence,~~
34 ~~form analysis, form number, and agency file specifications of~~
35 ~~each form.~~ **forms.**

36 (2) Establish ~~a central state form numbering system~~ and **maintain**
37 a central cross index filing system of all state forms. ~~and~~
38 ~~standardize, consolidate, and eliminate, wherever possible, forms~~
39 ~~used by state government.~~

40 (3) ~~Approve, provide, and may, in the manner prescribed by~~
41 ~~IC 5-22, purchase photo-ready copy for all forms.~~

42 (4) (3) Establish a statewide records management program,



1 prescribing the standards and procedures for: ~~record making and~~
2 ~~record keeping.~~

- 3 **(A) retention and preservation of agency records; and**
4 **(B) records management training for agencies and local**
5 **government.**

6 However, the investigative and criminal history records of the
7 state police department are exempted from this requirement.

8 ~~(5) Coordinate utilization of all micrographics and imaging~~
9 ~~equipment in state government.~~

10 ~~(6) Assist the Indiana department of administration in~~
11 ~~coordinating utilization of all duplicating and printing equipment~~
12 ~~in the executive and administrative branches.~~

13 ~~(7) Advise the Indiana department of administration with respect~~
14 ~~to the purchase of all records storage equipment.~~

15 ~~(8) Establish and operate a distribution center for the receipt,~~
16 ~~storage, and distribution of all material printed for an agency.~~

17 ~~(9) (4) Establish and operate a statewide archival program to be~~
18 ~~called the Indiana state archives for the permanent government~~
19 ~~records of the state and local governments, provide consultant~~
20 ~~services for archival programs, conduct surveys, and provide~~
21 ~~training for records coordinators.~~

22 ~~(10) (5) Establish and operate a statewide ~~record records~~~~
23 ~~preservation laboratory.~~

24 ~~(11) (6) Prepare, develop, and implement ~~record records~~~~
25 ~~retention schedules.~~

26 ~~(12) (7) Establish and operate a central records center to be called~~
27 ~~the Indiana state records center, which shall accept all records~~
28 ~~approved for transfer to it, provide secure storage and reference~~
29 ~~service for the same, and submit written notice to the applicable~~
30 ~~agency of intended destruction of records in accordance with~~
31 ~~approved retention schedules.~~

32 ~~(13) (8) Demand from any person, organization, or body who has~~
33 ~~illegal possession of original state or local government records~~
34 ~~those records, which shall be delivered to the administration.~~

35 ~~(14) (9) Have the authority to examine all forms and records~~
36 ~~housed or possessed by state agencies and local governments for~~
37 ~~the purpose of fulfilling the provisions of this chapter.~~

38 ~~(15) (10) In coordination with the office of technology established~~
39 ~~by IC 4-13.1-2-1, establish standards to ensure the preservation of~~
40 ~~adequate and permanent computerized and auxiliary automated~~
41 ~~information records of state agencies and local government.~~

42 ~~(16) (11) Notwithstanding IC 5-14-3-8, establish a schedule of~~



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

5 ~~(+7)~~ **(12)** Advise the office of technology established by
 6 IC 4-13.1-2-1 with respect to records management and archival
 7 principles as applicable to the purchase of all electronic content
 8 and information management systems.

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

12 ~~(c)~~ **(b)** Fees collected under subsection ~~(a)(+6)~~ **(a)(11)** shall be
 13 deposited in the state archives preservation and reproduction account
 14 established by section 5.3 of this chapter.

15 SECTION 4. IC 5-15-5.1-5.3, AS AMENDED BY P.L.171-2015,
 16 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 5.3. (a) The state archives preservation and
 18 reproduction account (referred to in this section as "the account") is
 19 established as an account within the state general fund. The account
 20 shall be administered by the administration. The money in the account
 21 does not revert to any other account within the state general fund at the
 22 end of a state fiscal year.

23 (b) The account consists of fees collected under section ~~5(a)(+6)~~
 24 **5(a)(11)** of this chapter.

25 (c) Money in the account is annually appropriated to the
 26 administration for use in the preservation and reproduction of public
 27 records by the administration.

28 SECTION 5. IC 5-15-5.1-6, AS AMENDED BY P.L.171-2015,
 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2023]: Sec. 6. The administration shall **do the following**:

31 **(1) Establish standards for the: design, redesign, number,**
 32 **standardize, consolidate, or eliminate**

33 **(A) design;**

34 **(B) redesign;**

35 **(C) numbering;**

36 **(D) standardization;**

37 **(E) consolidation; or**

38 **(F) when obsolete, elimination;**

39 **of all forms used by state government.**

40 **(2) Apply the definition of record to any governmental materials**
 41 **so questioned, and determine the nature of nonrecord materials**
 42 **housed or maintained by an agency or local government.**



1 In performing these functions, the administration shall consult with
 2 each affected agency and local government and shall consider each
 3 agency's and local government's statutory responsibilities, its
 4 relationships with federal or other governmental agencies and the
 5 requirements of state law.

6 SECTION 6. IC 5-15-5.1-10, AS AMENDED BY P.L.171-2015,
 7 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]: Sec. 10. (a) Each agency and local government shall:

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

15 (2) Cooperate fully with the administration in implementing the
 16 provisions of this chapter.

17 (3) Establish and maintain an active and continuing program for
 18 the economical and efficient management of information and
 19 assist the administration in the conduct of information
 20 management surveys.

21 (4) Implement information management procedures and
 22 regulations issued by the administration.

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

28 (A) the provisions of this chapter; and

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

31 (b) Each agency shall do the following:

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

40 **(2) Follow the standards developed by the administration in**
 41 **creating and revising state forms.**

42 ~~(2)~~ **(3) Designate an agency information forms** coordinator who



1 shall: assist the administration in the content requirements of the
 2 form design process and in the development of the agency's
 3 records retention schedules.

4 **(A) manage the creation and revision of state forms**
 5 **belonging to the agency;**

6 **(B) ensure that the forms created by the agency meet the**
 7 **standards established by the administration;**

8 **(C) submit the agency form to the administration for the**
 9 **administration's review and approval; and**

10 **(D) serve as a liaison between the agency and the**
 11 **administration for the review and approval of the state**
 12 **forms.**

13 **(4) Designate an agency records coordinator who shall:**

14 **(A) coordinate the creation and revision of agency records**
 15 **retention schedules;**

16 **(B) educate agency staff on records management**
 17 **processes; and**

18 **(C) serve as a liaison between the agency and the**
 19 **administration.**

20 SECTION 7. IC 5-15-5.1-14, AS AMENDED BY P.L.171-2015,
 21 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 14. A public official or agency may not mutilate,
 23 destroy, sell, loan, or otherwise dispose of any government record,
 24 except under a ~~record~~ **records** retention schedule or with the written
 25 consent of the administration.

26 SECTION 8. IC 5-15-5.1-17, AS AMENDED BY P.L.171-2015,
 27 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 17. (a) A state or local government official may
 29 turn over to the administration, in accordance with **existing records**
 30 **retention schedules or a written agreement consistent with** the rules
 31 of the administration for permanent preservation, any official books,
 32 records, documents, original papers, newspaper files, or printed books
 33 or materials not in current use in the official's office.

34 (b) Subject to subsection (c), the administration may make a copy
 35 ~~by photography or in any other way,~~ of any official book, record,
 36 document, original paper, newspaper, or printed book or material of
 37 any local government office for preservation in the state archives. 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 administration shall copy the official copy of the rules
 41 (including incorporated matters filed under IC 4-22-2-21) published
 42 under IC 4-22-2. Any duplicate original copy possessed by another



1 agency is not a critical record and may not be copied. If the publisher
 2 prepares micrographic copies of these documents and the copies are in
 3 a form that meets the specifications of the administration, the
 4 administration shall arrange with the publisher to obtain the number of
 5 copies needed by the administration, rather than copying the documents
 6 as part of a separate program.

7 SECTION 9. IC 5-15-5.1-19, AS AMENDED BY P.L.171-2015,
 8 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2023]: Sec. 19. (a) It is the duty of the oversight committee to:

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

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

15 ~~(c) (b)~~ The oversight committee has final approval of all record
 16 records retention schedules.

17 ~~(d) (c)~~ The oversight committee has final approval of a fee schedule
 18 established by the administration under section ~~5(a)(16)~~ **5(a)(11)** of
 19 this chapter.

20 SECTION 10. IC 5-15-5.1-20, AS AMENDED BY P.L.171-2015,
 21 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 20. (a) The oversight committee shall

23 ~~(1) establish standards for safeguarding personal information~~
 24 ~~systems that shall be followed by agencies maintaining such~~
 25 ~~systems;~~

26 ~~(2) approve the content of all forms that involve confidential~~
 27 ~~records; and~~

28 ~~(3) require use of archival materials, processes, and standards for~~
 29 ~~records that the administration determines should be preserved~~
 30 ~~indefinitely.~~

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1256 as introduced.)

MILLER D

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1256, 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 HB 1256 as printed January 31, 2023.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0

