



Reprinted
March 31, 2023

ENGROSSED HOUSE BILL No. 1256

DIGEST OF HB 1256 (Updated March 30, 2023 2:09 pm - DI 148)

Citations Affected: IC 4-2; IC 4-6; IC 5-15.

Synopsis: Archives and record administration. Amends related definitions. Provides that the office of the inspector general shall provide informal advisory opinions and that the opinions are confidential. Allows the attorney general to retain and publish records and opinions in electronic format. 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 to do the
(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.

March 30, 2023, read second time, amended, ordered engrossed.

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following: (1) Submit recommended retention schedules to the administration. (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.

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Reprinted
March 31, 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 4-2-7-3, AS AMENDED BY P.L.205-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 3. The inspector general shall do the following:
4 (1) Initiate, supervise, and coordinate investigations.
5 (2) Recommend policies and carry out other activities designed to
6 deter, detect, and eradicate fraud, waste, abuse, mismanagement,
7 and misconduct in state government.
8 (3) Receive complaints alleging the following:
9 (A) A violation of the code of ethics.
10 (B) Bribery (IC 35-44.1-1-2).
11 (C) Official misconduct (IC 35-44.1-1-1).
12 (D) Conflict of interest (IC 35-44.1-1-4).
13 (E) Profiteering from public service (IC 35-44.1-1-5).
14 (F) A violation of the executive branch lobbying rules.
15 (G) A violation of a statute or rule relating to the purchase of
16 goods or services by a current or former employee, state

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- 1 officer, special state appointee, lobbyist, or person who has a
 2 business relationship with an agency.
- 3 (4) If the inspector general has reasonable cause to believe that a
 4 crime has occurred or is occurring, report the suspected crime to:
 5 (A) the governor; and
 6 (B) appropriate state or federal law enforcement agencies and
 7 prosecuting authorities having jurisdiction over the matter.
- 8 (5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this
 9 chapter.
- 10 (6) Adopt rules under IC 4-22-2 and section 5 of this chapter to
 11 implement a code of ethics.
- 12 (7) Ensure that every:
 13 (A) employee;
 14 (B) state officer;
 15 (C) special state appointee; and
 16 (D) person who has a business relationship with an agency;
 17 is properly trained in the code of ethics.
- 18 (8) Provide advice to an agency on developing, implementing,
 19 and enforcing policies and procedures to prevent or reduce the
 20 risk of fraudulent or wrongful acts within the agency.
- 21 **(9) Provide informal advisory opinions to current, former,
 22 and prospective state employees, state officers, and special
 23 state appointees. An informal advisory opinion issued by the
 24 office of the inspector general is confidential under
 25 IC 5-14-3-4, including any previously issued informal
 26 advisory opinion by the office of the inspector general that
 27 recites that it is confidential.**
- 28 ~~(9)~~ **(10)** Recommend legislation to the governor and general
 29 assembly to strengthen public integrity laws, including the code
 30 of ethics for state officers, employees, special state appointees,
 31 and persons who have a business relationship with an agency,
 32 including whether additional specific state officers, employees, or
 33 special state appointees should be required to file a financial
 34 disclosure statement under IC 4-2-6-8.
- 35 ~~(10)~~ **(11)** Annually submit a report to the legislative council
 36 detailing the inspector general's activities. The report must be in
 37 an electronic format under IC 5-14-6.
- 38 ~~(11)~~ **(12)** Prescribe and provide forms for statements required to
 39 be filed under IC 4-2-6 or this chapter.
- 40 ~~(12)~~ **(13)** Accept and file information that:
 41 (A) is voluntarily supplied; and
 42 (B) exceeds the requirements of this chapter.



1 ~~(13)~~ **(14)** Inspect financial disclosure forms.

2 ~~(14)~~ **(15)** Notify persons who fail to file forms required under
3 IC 4-2-6 or this chapter.

4 ~~(15)~~ **(16)** Develop a filing, a coding, and an indexing system
5 required by IC 4-2-6 and IC 35-44.1-1.

6 ~~(16)~~ **(17)** Prepare interpretive and educational materials and
7 programs.

8 SECTION 2. IC 4-6-2-4, AS AMENDED BY P.L.215-2016,
9 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 4. It shall be the duty of the attorney general to
11 keep a record of all opinions given by the attorney general to the
12 governor, the general assembly, or to any of the state officers, and an
13 accurate account of all money collected or received by the attorney
14 general, ~~in substantially bound books~~; and to pay over to the proper
15 officer all money collected at the end of each month; and the attorney
16 general shall also keep a record of all criminal cases pending in the
17 Supreme Court, and of all civil cases in which it is the attorney
18 general's duty to appear. **The records and opinions under this section**
19 **may be retained and published in electronic format.**

20 SECTION 3. IC 5-15-5.1-1, AS AMENDED BY P.L.171-2015,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply
23 throughout this chapter.

24 (b) "Administration" means the Indiana archives and records
25 administration created by this chapter.

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

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

31 (1) resume or continue governmental operations;

32 (2) ~~the reestablishing of reestablish~~ the legal and financial
33 responsibilities of government in Indiana; or

34 (3) protect and fulfill governmental obligations to the citizens of
35 Indiana.

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

41 (f) "Forms management" means the program maintained by the
42 administration to provide continuity of forms ~~design procedures from~~



1 the form's origin up to its completion as a record by determining the:
 2 (1) form's size, style, and size of type;
 3 (2) format;
 4 (3) type of construction;
 5 (4) number of plies;
 6 (5) quality, weight, and type of paper and carbon; and
 7 (6) use of the form for data entry as well as the distribution:
 8 **across agencies by providing standards for consistent form**
 9 **design, numbering, and access.**

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

12 (h) "Indiana state archives" means the program maintained by the
 13 administration for the preservation of ~~those records and other~~
 14 ~~government papers records~~ that have been determined by the
 15 administration to have sufficient permanent values to warrant their
 16 continued preservation by the state.

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

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

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

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

35 **(1) record duplicates, regardless of format; or**

36 **(2) externally created publications, advertising, and reference**
 37 **material that are used by an agency or local government and**
 38 **that do not document the agency's or local government's**
 39 **activities.**

40 (m) "Personal records" means:

41 (1) all documentary materials of a private or nonpublic character
 42 that do not relate to or have an effect upon the carrying out of the



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



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

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

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

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

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

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

26 (1) Establish a forms management program for state ~~government~~
 27 ~~and approve the design, typography, format, logo, data sequence,~~
 28 ~~form analysis; form number, and agency file specifications of~~
 29 ~~each form: forms.~~

30 (2) Establish a ~~central state form numbering system~~ and **maintain**
 31 a central cross index filing system of all state forms. ~~and~~
 32 ~~standardize, consolidate, and eliminate, wherever possible, forms~~
 33 ~~used by state government.~~

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

36 (4) ~~(3)~~ Establish a statewide records management program,
 37 prescribing the standards and procedures for: ~~record making and~~
 38 ~~record keeping.~~

39 (A) **retention and preservation of agency records; and**

40 (B) **records management training for agencies and local**
 41 **government.**

42 However, the investigative and criminal history records of the



- 1 state police department are exempted from this requirement.
- 2 (5) Coordinate utilization of all micrographics and imaging
3 equipment in state government.
- 4 (6) Assist the Indiana department of administration in
5 coordinating utilization of all duplicating and printing equipment
6 in the executive and administrative branches.
- 7 (7) Advise the Indiana department of administration with respect
8 to the purchase of all records storage equipment.
- 9 (8) Establish and operate a distribution center for the receipt,
10 storage, and distribution of all material printed for an agency.
- 11 (9) (4) Establish and operate a statewide archival program to be
12 called the Indiana state archives for the permanent government
13 records of the state and local governments, provide consultant
14 services for archival programs, conduct surveys, and provide
15 training for records coordinators.
- 16 (10) (5) Establish and operate a statewide record records
17 preservation laboratory.
- 18 (11) (6) Prepare, develop, and implement record records
19 retention schedules.
- 20 (12) (7) Establish and operate a central records center to be called
21 the Indiana state records center, which shall accept all records
22 approved for transfer to it, provide secure storage and reference
23 service for the same, and submit written notice to the applicable
24 agency of intended destruction of records in accordance with
25 approved retention schedules.
- 26 (13) (8) Demand from any person, organization, or body who has
27 illegal possession of original state or local government records
28 those records, which shall be delivered to the administration.
- 29 (14) (9) Have the authority to examine all forms and records
30 housed or possessed by state agencies and local governments for
31 the purpose of fulfilling the provisions of this chapter.
- 32 (15) (10) In coordination with the office of technology established
33 by IC 4-13.1-2-1, establish standards to ensure the preservation of
34 adequate and permanent computerized and auxiliary automated
35 information records of state agencies and local government.
- 36 (16) (11) Notwithstanding IC 5-14-3-8, establish a schedule of
37 fees for services provided to patrons of the Indiana state archives,
38 patrons of the state imaging and microfilm laboratory, and state
39 agencies. A copying fee established under this subdivision may
40 exceed the copying fee set forth in IC 5-14-3-8(c).
- 41 (17) (12) Advise the office of technology established by
42 IC 4-13.1-2-1 with respect to records management and archival



1 principles as applicable to the purchase of all electronic content
2 and information management systems.

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

6 ~~(c)~~ (b) Fees collected under subsection ~~(a)(16)~~ (a)(11) shall be
7 deposited in the state archives preservation and reproduction account
8 established by section 5.3 of this chapter.

9 SECTION 6. IC 5-15-5.1-5.3, AS AMENDED BY P.L.171-2015,
10 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]: Sec. 5.3. (a) The state archives preservation and
12 reproduction account (referred to in this section as "the account") is
13 established as an account within the state general fund. The account
14 shall be administered by the administration. The money in the account
15 does not revert to any other account within the state general fund at the
16 end of a state fiscal year.

17 (b) The account consists of fees collected under section ~~5(a)(16)~~
18 **5(a)(11)** of this chapter.

19 (c) Money in the account is annually appropriated to the
20 administration for use in the preservation and reproduction of public
21 records by the administration.

22 SECTION 7. IC 5-15-5.1-6, AS AMENDED BY P.L.171-2015,
23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2023]: Sec. 6. The administration shall **do the following**:

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

27 **(A) design;**

28 **(B) redesign;**

29 **(C) numbering;**

30 **(D) standardization;**

31 **(E) consolidation; or**

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

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

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

37 In performing these functions, the administration shall consult with
38 each affected agency and local government and shall consider each
39 agency's and local government's statutory responsibilities, its
40 relationships with federal or other governmental agencies and the
41 requirements of state law.

42 SECTION 8. IC 5-15-5.1-10, AS AMENDED BY P.L.171-2015,



1 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 10. (a) Each agency and local government shall:

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

9 (2) Cooperate fully with the administration in implementing the
10 provisions of this chapter.

11 (3) Establish and maintain an active and continuing program for
12 the economical and efficient management of information and
13 assist the administration in the conduct of information
14 management surveys.

15 (4) Implement information management procedures and
16 regulations issued by the administration.

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

22 (A) the provisions of this chapter; and

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

25 (b) Each agency shall do the following:

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

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

37 ~~(2)~~ **(3)** Designate an agency ~~information forms~~ coordinator who
38 shall: ~~assist the administration in the content requirements of the~~
39 ~~form design process and in the development of the agency's~~
40 ~~records retention schedules.~~

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



- 1 **(B) ensure that the forms created by the agency meet the**
 2 **standards established by the administration;**
 3 **(C) submit the agency form to the administration for the**
 4 **administration's review and approval; and**
 5 **(D) serve as a liaison between the agency and the**
 6 **administration for the review and approval of the state**
 7 **forms.**
 8 **(4) Designate an agency records coordinator who shall:**
 9 **(A) coordinate the creation and revision of agency records**
 10 **retention schedules;**
 11 **(B) educate agency staff on records management**
 12 **processes; and**
 13 **(C) serve as a liaison between the agency and the**
 14 **administration.**

15 SECTION 9. IC 5-15-5.1-14, AS AMENDED BY P.L.171-2015,
 16 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 14. A public official or agency may not mutilate,
 18 destroy, sell, loan, or otherwise dispose of any government record,
 19 except under a ~~record~~ **records** retention schedule or with the written
 20 consent of the administration.

21 SECTION 10. IC 5-15-5.1-17, AS AMENDED BY P.L.171-2015,
 22 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 17. (a) A state or local government official may
 24 turn over to the administration, in accordance with **existing records**
 25 **retention schedules or a written agreement consistent with** the rules
 26 of the administration for permanent preservation, any official books,
 27 records, documents, original papers, newspaper files, or printed books
 28 or materials not in current use in the official's office.

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

35 (c) The administration shall copy the official copy of the rules
 36 (including incorporated matters filed under IC 4-22-2-21) published
 37 under IC 4-22-2. Any duplicate original copy possessed by another
 38 agency is not a critical record and may not be copied. If the publisher
 39 prepares micrographic copies of these documents and the copies are in
 40 a form that meets the specifications of the administration, the
 41 administration shall arrange with the publisher to obtain the number of
 42 copies needed by the administration, rather than copying the documents



1 as part of a separate program.

2 SECTION 11. IC 5-15-5.1-19, AS AMENDED BY P.L.171-2015,
3 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 19. (a) It is the duty of the oversight committee to:
5 (1) function as the policy making body for the administration; and
6 (2) determine what records have no apparent official value but
7 should be preserved for research or other purposes.

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

10 ~~(c)~~ **(b)** The oversight committee has final approval of all ~~record~~
11 **records** retention schedules.

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

15 SECTION 12. IC 5-15-5.1-20, AS AMENDED BY P.L.171-2015,
16 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2023]: Sec. 20. (a) The oversight committee shall
18 ~~(1) establish standards for safeguarding personal information~~
19 ~~systems that shall be followed by agencies maintaining such~~
20 ~~systems;~~
21 ~~(2) approve the content of all forms that involve confidential~~
22 ~~records; and~~
23 ~~(3) require use of archival materials, processes, and standards for~~
24 ~~records that the administration determines should be preserved~~
25 ~~indefinitely.~~

26 (b) The oversight committee may adopt rules under IC 4-22-2
27 necessary for the performance of its duties, consistent with this chapter
28 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

SENATE MOTION

Madam President: I move that Engrossed House Bill 1256 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.205-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The inspector general shall do the following:

- (1) Initiate, supervise, and coordinate investigations.
- (2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.
- (3) Receive complaints alleging the following:
 - (A) A violation of the code of ethics.
 - (B) Bribery (IC 35-44.1-1-2).
 - (C) Official misconduct (IC 35-44.1-1-1).

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- (D) Conflict of interest (IC 35-44.1-1-4).
 - (E) Profiteering from public service (IC 35-44.1-1-5).
 - (F) A violation of the executive branch lobbying rules.
 - (G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.
- (4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:
- (A) the governor; and
 - (B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.
- (5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.
- (6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.
- (7) Ensure that every:
- (A) employee;
 - (B) state officer;
 - (C) special state appointee; and
 - (D) person who has a business relationship with an agency;
- is properly trained in the code of ethics.
- (8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.
- (9) Provide informal advisory opinions to current, former, and prospective state employees, state officers, and special state appointees. An informal advisory opinion issued by the office of the inspector general is confidential under IC 5-14-3-4, including any previously issued informal advisory opinion by the office of the inspector general that recites that it is confidential.**
- (9) **(10)** Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.
- (+0) **(11)** Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.



~~(11)~~ **(12)** Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

~~(12)~~ **(13)** Accept and file information that:

(A) is voluntarily supplied; and

(B) exceeds the requirements of this chapter.

~~(13)~~ **(14)** Inspect financial disclosure forms.

~~(14)~~ **(15)** Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

~~(15)~~ **(16)** Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44.1-1.

~~(16)~~ **(17)** Prepare interpretive and educational materials and programs.

SECTION 2. IC 4-6-2-4, AS AMENDED BY P.L.215-2016, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by the attorney general to the governor, the general assembly, or to any of the state officers, and an accurate account of all money collected or received by the attorney general, ~~in substantially bound books~~, and to pay over to the proper officer all money collected at the end of each month; and the attorney general shall also keep a record of all criminal cases pending in the Supreme Court, and of all civil cases in which it is the attorney general's duty to appear. **The records and opinions under this section may be retained and published in electronic format."**

Page 7, delete lines 6 through 42, begin a new paragraph and insert:

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

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

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

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

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



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

(A) the provisions of this chapter; and

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

(b) Each agency shall do the following:

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

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

~~(2)~~ **(3) Designate an agency information forms coordinator who shall: assist the administration in the content requirements of the form design process and in the development of the agency's records retention schedules:**

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

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

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

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

(4) Designate an agency records coordinator who shall:

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

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

(C) serve as a liaison between the agency and the administration."

Page 8, delete lines 1 through 19.

Re-number all SECTIONS consecutively.



(Reference is to EHB 1256 as printed March 28, 2023.)

ALTING

