

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Financial Institutions, to which was referred House Bill No. 1185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 4, line 2, strike "IC".
- 2 Page 6, between lines 36 and 37, begin a new paragraph and
- 3 insert:
- 4 "SECTION 9. IC 5-15-6-3, AS AMENDED BY P.L.10-1997,
- 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 1998]: Sec. 3. (a) As used in this section, "original records"
- 7 includes the optical image of a check **or deposit document** when:
- 8 (1) the check **or deposit document** is recorded, copied, or
- 9 reproduced by an optical imaging process described in
- 10 subsection (e); and
- 11 (2) the drawer of the check receives an optical image of the
- 12 check after the check is processed for payment **or the depositor**
- 13 **receives an optical image of the deposit document after the**
- 14 **document has been processed for the deposit.**
- 15 (b) All public records which, in the judgment of the commission,
- 16 have no official or historical value, and which occupy space to no
- 17 purpose in the offices and storerooms of the local government of a
- 18 county, shall be destroyed or otherwise disposed of. Except as provided
- 19 in this section, such records shall not be destroyed until a period of at
- 20 least three (3) years shall have elapsed from the time when the records

1 were originally filed, and no public records shall be destroyed within
 2 a period of three (3) years if the law provides that they shall be kept for
 3 a longer period of time, or if the law prohibits their destruction.

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

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

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

12 (2) The financial record or records have been copied or
 13 reproduced as described in subsection (e).

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

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

33 Page 46, line 31, strike """".

34 Page 70, line 8, strike "IC".

35 Page 78, between lines 17 and 18, begin a new paragraph and
 36 insert:

37 "SECTION 98. IC 33-16-2-1, AS AMENDED BY P.L.34-1997,
 38 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 1998]; Sec. 1. (a) Any applicant for a commission as a notary
2 public must:

3 (1) be at least eighteen (18) years of age; and

4 (2) be a legal resident of Indiana.

5 (b) A notary public shall be appointed and commissioned by the
6 governor. A notary public shall hold office for ~~ten (10)~~ **four (4)** years.
7 A notary public, when so qualified, shall be authorized to act
8 throughout Indiana.

9 (c) A person may request an application to become a notary public
10 from the secretary of state. The ~~application form shall be prescribed by~~
11 ~~the secretary of state and shall~~ **prescribe a written application form**
12 **on which a person may apply for a commission as a notary public.**
13 **The secretary of state may provide an applicant with enhanced**
14 **access (as defined in IC 5-14-3-2) to an application form that may**
15 **be completed and submitted to the secretary of state by means of**
16 **an electronic device. IC 4-5-10 applies to an application form**
17 **provided by enhanced access under this section. The application**
18 **form must** include the applicant's county of residence, oath of office,
19 and official bond. The application ~~shall~~ **must** also contain any
20 additional information necessary for the efficient administration of this
21 chapter.

22 (d) The applicant shall:

23 (1) personally appear with an application form before an officer,
24 authorized by law to administer oaths, who shall administer an
25 oath of office to the applicant; **or**

26 (2) **certify on an application form under penalty of perjury**
27 **that the applicant will abide by the terms of the oath.**

28 **The secretary of state shall prescribe the manner in which an**
29 **applicant may complete a certification authorized under**
30 **subdivision (2).**

31 (e) (e) The applicant shall secure an official bond, with freehold
32 or corporate security, to be approved by the secretary of state in the
33 sum of five thousand dollars (\$5,000). The official bond shall be
34 conditioned upon the faithful performance and discharge of the duties
35 of the office of notary public, in all things according to law, for the use
36 of any person injured by a breach of the condition. The completed
37 application shall be forwarded to the secretary of state. The secretary
38 of state shall forward each commission issued by the governor to the

1 applicant or the applicant's surety company.
 2 ~~(d)~~ (f) The secretary of state shall charge and collect the following
 3 fees:
 4 (1) For each commission to notaries public, ten dollars (\$10).
 5 (2) For each duplicate commission to notaries public, five dollars
 6 (\$5)."
 7 Page 83, after line 34, begin a new paragraph and insert:
 8 "SECTION 111. [EFFECTIVE JULY 1, 1998] **IC 33-16-2-1, as**
 9 **amended by this act, applies only to applicants applying for a**
 10 **commission as a notary public after June 30, 1998.**"
 11 Renumber all SECTIONS consecutively.
 (Reference is to HB 1185 as printed January 23, 1998.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Paul

Chairperson