COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 64, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The governor shall issue an annual proclamation setting apart the twenty-fifth day of February for the recognition of George Rogers Clark and designating that day as "George Rogers Clark Day." On this commemorative day, ~~the Indiana Historical Bureau,~~ the schools of Indiana and the citizens of Indiana are exhorted to celebrate the memory of George Rogers Clark by holding suitable exercises in fitting and patriotic observance of his great contributions to the cause of American Independence which include conquering and securing the Northwest Territory and establishing and promoting the first permanent American settlement in the Northwest Territory.

SECTION 2. IC 1-1-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The governor shall issue a proclamation each year designating July 13 as "Northwest Ordinance Day" and exhorting ~~the Indiana Historical Bureau,~~ the educational, historic, and patriotic organizations of Indiana, and the

citizens of Indiana to celebrate the anniversary of the adoption of the Northwest Ordinance by holding suitable exercises in fitting and patriotic observance of this great document and its contributions to freedom and democracy.

SECTION 3. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

(1) IC 4-23-7-3.5 (Indiana Library and Historical Department).

(2) IC 4-23-7.1-38 (Indiana State Library).

(3) IC 4-23-7.2-17 ~~(Indiana Historical Bureau).~~ **(Indiana State Archives).**

(4) IC 8-23-2-3 (Indiana Department of Transportation).

(5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).

SECTION 4. IC 4-15-2-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Central State Hospital, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency

management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana ~~historical bureau,~~ **state archives,** Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 5. IC 4-23-7-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) The Indiana library and historical board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The board may designate the director of the state library or the director of the ~~historical bureau~~ **state archives** as the executive secretary of the board with duties as prescribed by the board.

SECTION 6. IC 4-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The Indiana library and historical department consists of **the following** two (2) divisions:

(1) The Indiana state library. ~~and~~

(2) The Indiana ~~historical bureau.~~ **state archives.**

SECTION 7. IC 4-23-7.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

(1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter.

(2) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(3) "Board" means the Indiana library and historical board established by IC 4-23-7-2.

(4) "Department" means the Indiana library and historical department established by IC 4-23-7-1.

(5) "Director" means director of the Indiana state library.

(6) ~~"Historical bureau"~~ **"Oversight committee"** means the Indiana ~~historical bureau~~ **oversight committee on public records** established by ~~IC 4-23-7-3.~~ **IC 5-15-5.1-18.**

(7) "Public library" has the meaning set forth in IC 20-14-1-2.

(8) "State archives" means the Indiana state archives established by IC 4-23-7-3.

~~(8)~~ **(9)** "State library" means the Indiana state library established by IC 4-23-7-3.

~~(9)~~ **(10)** "Statewide library card program" refers to the program established by section 5.1 of this chapter.

SECTION 8. IC 4-23-7.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~As used in~~ **The definitions in IC 4-23-7.1-1 apply throughout** this chapter. **The definitions in IC 5-15-5.1 apply where the context requires.**

~~(1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.~~

~~(2) "Board" means the Indiana library and historical board established by IC 4-23-7-2.~~

~~(3) "Department" means the Indiana library and historical department established by IC 4-23-7-1.~~

~~(4) "Director" means director of the Indiana historical bureau.~~

~~(5) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3.~~

~~(6) "Library" means the Indiana state library established by IC 4-23-7-3.~~

SECTION 9. IC 4-23-7.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The ~~historical bureau~~ **department** may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department. ~~or the historical bureau.~~

SECTION 10. IC 4-23-7.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The ~~historical bureau~~ **department** may **contract or** cooperate with any of the educational institutions of the state or other institutions, organizations or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the board.

SECTION 11. IC 4-23-7.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. One (1) copy of each publication issued by the ~~historical bureau~~ **department** shall be furnished to each public library in the state, and the board may furnish copies free of charge to such other persons, institutions or departments as in its judgment may be entitled thereto. The copies so remaining

shall be sold by the ~~bureau~~ **department** at a price which shall be fixed by the board.

SECTION 12. IC 4-23-7.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The governors' portraits collection is placed in the custody of the **division of state museums and historic sites of the** Indiana ~~historical bureau.~~ The collection shall be permanently displayed in public areas of the state house ~~under the supervision of the historical bureau, which is charged with its care and maintenance.~~ **or a state museum.**

(b) The director **of the division of state museums and historic sites** shall inspect each painting in the collection annually in the company of one (1) or more experts in the field of art conservation selected by the director.

(c) After the inauguration of each governor, the director **of the division of state museums and historic sites,** with the concurrence of the governor, shall select and commission an artist to paint the governor's portrait. The portrait must be hung in the permanent collection immediately following the completion and acceptance of the portrait by the director and the governor.

(d) The ~~historical bureau~~ **division of state museums and historic sites** shall include in its budget requests the amount it deems necessary to provide for the proper care, maintenance, and display of the governors' portraits collection, and the amount necessary to commission the painting of an oil portrait of each governor for the collection. The ~~historical bureau~~ **division of state museums and historic sites** may use appropriated funds or any other funds provided for these purposes.

(e) The director **of the division of state museums and historic sites,** in discharging the duties under this section, shall use the appropriate cultural and technical resources of the state, including the department of natural resources and the Indiana department of administration.

SECTION 13. IC 4-23-7.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The governors' portraits fund is established as a dedicated fund to be administered by the ~~historical bureau.~~ **division of state museums and historic sites.** The monies in the fund may be expended by the director of the ~~historical bureau~~ **division of state museums and historic sites** exclusively for the preservation and exhibition of the state-owned portraits of former governors of Indiana.

(b) The proceeds from the sale of items as directed by law or by the director of the ~~historical bureau,~~ **division of state museums and historic sites** from gifts of money or the proceeds from the sale of gifts

donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the governors' portraits fund.

(c) All monies accruing to the governors' portraits fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 14. IC 4-23-7.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The ~~historical bureau~~ **division of state museums and historic sites** shall have custody of all unsold commemorative medallions and other items that were acquired for sale to the public by the Indiana historical commission, the Indiana sesquicentennial commission, or the Indiana American revolution bicentennial commission when that commission is abolished. These medallions and other commemorative items shall be offered for sale to the public at a price determined by the director of the ~~historical bureau.~~ **division of state museums and historic sites.** The proceeds from the sale of such items shall be deposited in the governors' portraits fund.

SECTION 15. IC 4-23-7.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The ~~historical bureau~~ **department** shall establish the Indiana historical marker program for marking historical sites in Indiana. As a part of this program, the ~~historical bureau~~ **department** shall fix a state format for historical markers. No person may erect an historical marker in the state format without the approval of the ~~historical bureau~~. **department.** All historical markers in the state format shall be provided by the ~~historical bureau~~ **department** using appropriated funds, local matching funds, donations, grants, or any other funds provided for that purpose according to the guidelines and rules of the historical marker program.

(b) The board may appoint a historical marker advisory committee to serve without compensation. The committee may advise the board ~~and the director~~ concerning the following:

(1) Guidelines and rules for the historical marker program.

(2) Appropriate sites to be marked.

(3) Other matters concerning the historical marker program as requested by the board or the director.

(c) Historical markers approved under this section become the property of the state. Maintenance of state historical markers is part of the historical marker program. The ~~historical bureau~~ **department** may cooperate with individuals, local and state agencies, and private institutions and organizations for the maintenance of the historical

markers. Funds made available to the historical marker program, as approved by the board, may be used for necessary maintenance.

(d) No historical marker may be erected on a highway of the state highway system without the approval of the ~~historical bureau~~ **department** as to its historical accuracy. This provision is in addition to any other requirement of law.

SECTION 16. IC 4-23-7.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. Each state, county, township, city, town, judicial, or other public officer having in his charge or custody **of public records** or **who is** capable of supplying, or required to collect and compile the information which may be required by the ~~historical bureau~~ **department** shall supply such information promptly at the request of the ~~historical bureau,~~ **department,** whether the request is oral or by letter or circular or by the filling out of blank forms provided for that purpose by the ~~historical bureau.~~ **department.**

SECTION 17. IC 4-23-7.2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. The ~~historical bureau~~ **state archives** shall be organized in such manner as determined by the director with the approval of the board. The duties of the ~~historical bureau~~ **state archives** established by law may be supplemented by the board according to its discretion.

SECTION 18. IC 4-23-7.2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The board shall appoint a director to be the chief administrative officer of the ~~historical bureau.~~ **state archives.**

(b) To qualify for the position of director, a person must:

(1) be a graduate of a college or university of recognized standing;

(2) ~~have had special training in the nature, relative value and use of historical source material;~~ **be versed in the principles of archival management and the affairs and organization of state government; and**

~~(3) have had special training in the editing of historical publications; and~~

~~(4)~~ **(3)** possess such other qualifications as the board, in its discretion, may deem necessary.

(c) The director may be removed by the board at any time for cause.

SECTION 19. IC 4-23-7.2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) All ~~historical bureau~~ **state archives** employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.

(b) Any or all of the ~~historical bureau~~ **state archives** employees

must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.

(c) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.

(d) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the historical bureau, with the approval of the board and the state budget agency.

(e) No employee of the ~~historical bureau~~ **state archives** may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.

(f) All ~~historical bureau~~ **state archives** employees are under IC 4-15-2.

SECTION 20. IC 4-23-7.2-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 20. The state archives shall do the following:**

(1) Establish and operate a statewide archival program for the preservation of those records and other government papers that have been determined by the oversight committee to have sufficient permanent value to warrant their continued preservation by the state.

(2) Provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(3) Establish and operate a statewide record preservation laboratory.

(4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping; however, the investigative and criminal history records of the state police department are exempted from this requirement.

(5) Prepare, develop, and implement record retention schedules.

(6) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

SECTION 21. IC 4-23-7.2-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 21. (a) As used in this section, "account" refers to the state archives preservation and reproduction account established by this section.**

(b) Notwithstanding IC 5-14-3-8, the board shall establish a schedule of fees for services provided to patrons of the state archives. A copying fee established under this section may exceed the copying fee set forth in IC 5-14-3-8(c).

(c) The state archives preservation and reproduction account is established as an account within the state general fund. The account shall be administered by the department. The money in the account does not revert to any other account within the state general fund at the end of the state fiscal year.

(d) The account consists of fees collected under this section.

(e) Money in the account is annually appropriated to the department for use in the preservation and reproduction of public records in the archives.

SECTION 22. IC 4-23-7.1-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22. The board shall make the archives of the state available for public use under the supervised control at reasonable hours. However, the board shall consider the need for preservation from deterioration or mutilation of original records in establishing access use to such items. The state archives shall furnish copies of archival materials upon request, unless confidential by law or restricted by rule and payment of any required fees.**

SECTION 23. IC 4-23-7.2-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 23. Copies of records transferred from the office of their origin to the custody of the commission, when certified by the director or his designee, under seal of the commission, shall have the same force and effect as if certified by the original custodian.**

SECTION 24. IC 4-23-7.2-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 24. (a) The oversight committee shall determine which records in the possession of the commission on public records are of sufficient legal, historical, administrative, research, or fiscal value to warrant continued preservation. Those records shall be transferred to the state archives.**

(b) Upon the termination of a state agency whose functions have not been transferred to another agency, the records of the state agency shall initially be deposited with the commission on public records as provided in IC 5-15-5.1-15. The oversight committee shall determine which records are of sufficient legal, historical, administrative, research or fiscal value to warrant continued preservation. Those records shall then be transferred to the state archives.

(c) Records that are determined to be of insufficient value to warrant continued preservation shall be disposed of or destroyed.

(d) Title to any record transferred to the state archives shall be vested in the department.

SECTION 25. IC 4-23-7.2-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 25.(a) The board may enter into agreements with the legislative branch of government for transfer of the permanent records of that body not having current administrative value to the Indiana state archives.**

(b) The board may enter into agreements with the Indiana supreme court and court of appeals and their clerk for transfer of the permanent records of those bodies not having current administrative value to the state archives.

(c) The board may enter into agreements with the state supported colleges and universities and their respective boards for transfer of the permanent records of those bodies not having current administrative value to the state archives.

(d) A state, county, or another official may turn over to the state archives, in accordance with the rules of the oversight committee for permanent preservation, any books, records, documents, original papers, newspaper files, or printed books or materials not in current use in the official's office.

(e) Subject to subsection (f), the department may make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office for preservation in the state archives. County, city, and other officials shall permit such copies to be made of the books, records, documents, and papers in the officials' respective offices.

(f) The department shall copy the official copy of the rules (including incorporated matters filed under IC 4-22-2-21) retained by the secretary of state under IC 4-5-1-2. Any duplicate original copy possessed by another agency is not a critical record and may

not be copied. If the secretary of state prepares micrographic copies of these documents under IC 4-5-1-2 and the copies are in the form that meets the specifications of the oversight committee, the department shall arrange with the secretary of state to obtain the number of copies needed by the state archives, rather than copying the documents as part of a separate program.

SECTION 26. IC 4-23-7.2-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. (a) The oversight committee on public records consists ex officio of:**

(1) the governor or the governor's designee;

(2) the secretary of state or the secretary of state's designee;

(3) the state examiner of the state board of accounts or the state examiner's designee;

(4) the director of the state archives;

(5) the director of the state historic preservation officer;

(6) the director of the commission on public records;

(7) the commissioner of the department of administration or the commissioner's designee;

(8) the public access counselor; and

(9) the executive director of the data processing oversight commission or the executive director's designee.

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

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

SECTION 27. IC 4-23-7.2-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) It is the duty of the oversight committee to:**

(1) function as the policy making body for the department;

and

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

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

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

SECTION 28. IC 4-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Express power and authority is hereby given to the Indiana library and historical board to accept gifts, bequests and devises of personal and real property for the maintenance, use or benefit of the Indiana ~~library and historical department.~~ **state archives.**

SECTION 29. IC 5-15-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"Commission" means the commission on public records created by this chapter.

"Department" means the Indiana library and historical department.

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

(1) paper or paper substitutes;

(2) photographic or chemically based media;

(3) magnetic or machine readable media; or

(4) any other materials, regardless of form or characteristics.

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

"Personal records" means:

(1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal

which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or

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

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

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"Public official" means an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor; all officers of the executive and administrative branch of state government; and all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the ~~commission~~ **Indiana library and historical department** for the preservation of those records and other government papers that have been determined by the commission to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the commission to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the form's size, style and size of type; format; type of construction; number of plies; quality, weight and type of paper and carbon; and by determining the use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the commission for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping; including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the commission primarily for the storage, processing, retrieving, servicing, and security

of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to resume or continue governmental operations, the reestablishing of the legal and financial responsibilities of government in the state, or to protect and fulfill governmental obligations to the citizens of the state.

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

"Records series" means documents or records that are filed in a unified arrangement, and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the commission.

SECTION 30. IC 5-15-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the commission shall do the following:

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

(2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.

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

~~(4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping; however, the investigative and criminal history records of the state police department are exempted from this requirement.~~

~~(5)~~ **(4)** Coordinate utilization of all micrographics equipment in state government.

~~(6)~~ **(5)** Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.

~~(7)~~ **(6)** Advise the Indiana department of administration with respect to the purchase of all records storage equipment.

~~(8)~~ **(7)** Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.

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

~~(10) Establish and operate a statewide record preservation laboratory.~~

~~(11) Prepare, develop, and implement record retention schedules.~~

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

~~(13)~~ **(8)** Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the commission **or the Indiana state archives as appropriate.**

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

~~(15)~~ **(10)** In coordination with the data processing oversight commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

~~(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).~~

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

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

SECTION 31. IC 5-15-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. Each agency shall:

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

(2) Cooperate fully with the commission **and the department** 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 commission in the conduct of information management surveys.

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

(5) Submit to the oversight committee **established under IC 4-23-7.2-26,** a recommended retention schedule for each form and record series in its custody. However, retention schedules for forms and record series common to more than one (1) agency may be established by the oversight committee. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.

(6) Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency that records in the custody of the agency may not be alienated or destroyed except in accordance with the provisions of this chapter.

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

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

SECTION 32. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

~~(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.~~

~~(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions,~~

~~and other interested groups or persons.~~

~~(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.~~

~~(6)~~ **(3)** Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

(4) Care for, maintain, and display the governor's portraits collection under IC 4-23-7.2-8.

SECTION 33. IC 14-21-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. The division shall do the following:

(1) Develop a program of historical, architectural, and archeological research and development, including continuing surveys, excavations, scientific recording, interpretation, and publication of the state's historical, architectural, and archeological resources.

(2) Prepare a preservation plan for the state that establishes planning guidelines to encourage the continuous maintenance and integrity of historic sites and historic structures. However, the plan is not effective until the plan has been:

(A) presented to the council for review and comment; and

(B) approved by the review board after public hearing.

(3) Undertake the action necessary to qualify the state for participation in sources of federal aid to further the purposes stated in subdivisions (1) and (2).

(4) Provide information on historic sites and structures within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(5) Advise and coordinate the activities of local historical ~~associations,~~ **societies,** historic district commissions, historic commissions, and other interested groups or persons.

(6) Provide technical and financial assistance to local historical ~~associations,~~ **societies,** historic ~~district~~ **preservation** commissions, historic commissions, and other interested groups or persons.

(7) Review environmental impact statements as required by federal and state law for actions significantly affecting historic properties.

SECTION 34. IC 14-21-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution (as defined in IC 20-12-0.5-1). **The division shall develop**

and continually maintain a survey of historic sites and historic structures owned by the state.

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the ~~division~~ **state historic preservation officer, with the concurrence of the director,** has stated in writing that the property does not, to the best of the ~~division's~~ **officer's** knowledge, contain a historic site or historic structure **except as provided in subsection (e).**

(e) ~~If~~ **Notwithstanding subsection (d), after** the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration **may, with the concurrence of the governor, proceed to sell or transfer the property. However, the department of administration** shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The division of state museums and historic sites shall administer property reserved under subsection (e).

SECTION 35. IC 14-21-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. **(a) The division director must have:**

(1) a graduate degree in historic preservation, archeology, or a closely related field; and

(2) at least three (3) years of professional experience in either historic preservation or archeology.

(b) The **division** director is designated as the state historic preservation officer.

SECTION 36. IC 14-21-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) The historic preservation review board is established.

(b) The review board consists of nine (9) members as follows:

(1) The ~~director.~~ **state historic preservation officer.**

(2) At least five (5) individuals meeting minimum professional requirements established by the United States Department of the Interior in 36 CFR, Part 61, as in effect on January 1, ~~1984.~~ **2005.**

(3) Professionals in the following disciplines:

(A) History.

(B) Prehistoric or historic archeology.

(C) Architecture or historical architecture.

(c) The division ~~director is a nonvoting advisor to the review board entitled to~~ **staff may** attend and participate in the proceedings of all meetings of the review board. **Not less than five (5) days before a public hearing, the division staff may file with the review board a written statement setting forth any facts or opinions relating to the matter to be heard.**

(d) The ~~director~~ **historic preservation officer** shall, with the concurrence of the governor **and the director,** appoint the members of the review board under subsection (b)(2) and (b)(3) for terms of three (3) years. The terms shall be staggered so that the terms of two (2) or three (3) members expire each year. A member may be reappointed.

(e) Appointments to the review board shall be made in accordance with 36 CFR, Part 60, and 36 CFR, Part 61, as in effect on January 1, ~~1984.~~ **2005.**

SECTION 37. IC 14-21-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. **(a)** The ~~director~~ **historic preservation officer** is chairman of the review board. The review board may select other officers that the review board determines.

(b) Notwithstanding any other law, if the state historic preservation officer finds that an emergency exists because a historic property has been damaged or threatened with damage by fire or natural disaster, the officer may approve, with the concurrence of the director, temporary maintenance, rebuilding, or reconstruction of the historic property until the matter can be duly heard by a review board.

SECTION 38. IC 20-11-3-5.5, AS AMENDED BY P.L.4-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) As used in this section, "concerned state agency" includes the following state agencies that are inherently concerned with the mission of the coalition as stated in section 1 of this chapter:

(1) The ~~state~~ **Indiana** library and historical ~~society.~~ **department.**

(2) The department of workforce development.

(3) The department of correction.

(4) The office of the secretary of family and social services.

(5) The Indiana economic development corporation.

(6) The department of education.

(b) The **commissioner,** director, **or secretary** of a concerned state agency shall:

(1) appoint an ex officio member to serve on the coalition; and

(2) provide appropriate support to the coalition.

SECTION 39. IC 23-14-67-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the ~~Indiana historical bureau established by IC 4-23-7-3.~~ **division of historic preservation and archeology of the department of natural resources.**

(b) An annual report filed under this section must include information on the following:

(1) The budget of the county cemetery commission for the preceding calendar year.

(2) Expenditures made by the county cemetery commission during the preceding calendar year.

(3) Activities of the county cemetery commission during the preceding calendar year.

(4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The Indiana historical bureau shall make reports filed under this section available for public inspection under IC 5-14-3.

SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 4-23-7.2-2; IC 4-23-7.2-5; IC 4-23-7.2-7; IC 4-23-7.2-12; IC 4-23-7.2-18; IC 4-23-7.2-19; IC 5-15-5.1-5.3; IC 5-15-5.1-7; IC 5-15-5.1-16; IC 5-15-5.1-17; IC 5-15-5.1-18; IC 5-15-5.1-19.

SECTION 41. [EFFECTIVE JULY 1, 2005] **(a) On July 1, 2005:**

(1) all powers, duties, assets, appropriations, fund balances, and liabilities of the Indiana historical bureau under IC 4-23-7.2-8, IC 4-23-7.2-9, and IC 4-23-7.2-10, all as amended by this act, are transferred to the division of state museums and historic sites of the Indiana department of natural resources;

(2) all powers, duties, assets, appropriations, fund balances, and liabilities of the Indiana historical bureau under IC 4-23-7.2-11, as amended by this act, are transferred to the Indiana library and historical department; and

(3) all assets, appropriations, fund balances, and liabilities of the Indiana historical bureau under IC 4-23-7.2-7 and IC 4-23-7.2-19, as repealed by this act, revert to the state general fund.

(b) This SECTION expires July 1, 2006.

SECTION 42. [EFFECTIVE JULY 1, 2005] **(a) The Indiana state**

archives division of the state library and historical department is a continuation of the Indiana state archives program of the commission on public records (IC 5-15-5.1-1, as amended by this act).

(b) If any rules are adopted by the oversight committee on public records under IC 5-15-5.1-5(a)(16) and IC 5-15-5.1-19(d), before those statutes are repealed by this act, that related to the Indiana state archives, those rules shall be treated, after June 30, 2005, as rules of the Indiana library and historical board established by IC 4-23-7-2.

(c) On July 1, 2005, all powers, duties, assets, appropriations, account balances, and liabilities of the Indiana state archives program of the commission on public records under IC 5-15-5.1, as amended by this act, or IC 5-15-5.1-5.3, as repealed by this act, are transferred to the Indiana state archives division of the Indiana library and historical department.

(d) After June 30, 2005, a reference to the Indiana state archives in a statute or rule shall be treated as a reference to the Indiana state archives division of the Indiana state library and historical department.

(e) On July 1, 2005, individuals who were employees of the Indiana state archives program of the commission on public records on June 30, 2005, become employees of the Indiana state archives division of the Indiana state library and historical department.

(f) This SECTION expires July 1, 2006.

SECTION 43. [EFFECTIVE JULY 1, 2005] **(a) On July 1, 2005, individuals who were employees of the Indiana historical bureau**

1 **on June 30, 2005, become employees of the Indiana state library**
2 **and historical department.**
3 **(b) This SECTION expires July 1, 2006.**
(Reference is to SB 64 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Riegsecker, Chairperson