

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1173

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

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

SECTION 1. IC 4-1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever, due to any emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the normal location of the seat ~~thereof of state government~~ in Indianapolis, Marion County, state of Indiana, the governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at ~~such the~~ place, or places, within or without this state as ~~he the~~ **governor** may deem advisable under the circumstances, and shall take ~~such~~ action and issue ~~such~~ orders as may be necessary for an orderly transition of the affairs of state government to ~~such the~~ emergency temporary location, or locations. ~~Such~~ **The** emergency temporary location, or locations, shall remain as the seat of government until the general assembly shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

SECTION 2. IC 4-1-6-1, AS AMENDED BY P.L.2-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, the term:

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(a) "Personal information system" means any recordkeeping process, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

(b) "Personal information" means any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics about an individual including, but not limited to, ~~his the individual's~~ education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or ~~his the individual's~~ presence, registration, or membership in an organization or activity or admission to an institution.

(c) "Data subject" means an individual about whom personal information is indexed or may be located under ~~his the individual's~~ name, personal number, or other identifiable particulars, in a personal information system.

(d) "State agency" means every agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government, except those which are the responsibility of the auditor of state, treasurer of state, secretary of state, attorney general, superintendent of public instruction, and excepting the department of state police and state educational institutions.

(e) "Confidential" means information which has been so designated by statute or by promulgated rule or regulation based on statutory authority.

SECTION 3. IC 4-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless otherwise prohibited by law, any state agency that maintains a personal information system shall, upon request and proper identification of any data subject, or ~~his a data subject's~~ authorized agent, grant ~~such the~~ subject or agent the right to inspect and to receive at reasonable, standard charges for document search and duplication, in a form comprehensible to ~~such the individual subject~~ or agent:

(a) all personal information about the data subject, unless otherwise provided by statute, whether ~~such the~~ information is a matter of public record or maintained on a confidential basis, except in the case of medical and psychological records, where ~~such the~~ records shall, upon written authorization of the data subject, be given to a physician or psychologist designated by the data subject;

(b) the nature and sources of the personal information, except where the confidentiality of ~~such the~~ sources is required by statute; and

(c) the names and addresses of any recipients, other than those with

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regular access authority, of personal information of a confidential nature about the data subject, and the date, nature, and purpose of ~~such~~ **the** disclosure.

SECTION 4. IC 4-1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. An agency shall make the disclosures to data subjects required under this chapter during regular business hours. Copies of the documents containing the personal information sought by the data subject shall be furnished to ~~him~~ **the data subject** or ~~his~~ **the data subject's** representative at reasonable, standard charges for document search and duplication.

SECTION 5. IC 4-1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. If the data subject gives notice that ~~he~~ **the data subject** wishes to challenge, correct, or explain information about ~~him~~ **the data subject** in the personal information system, the following minimum procedures shall be followed:

(a) the agency maintaining the information system shall investigate and record the current status of that personal information;

(b) if, after ~~such~~ **the** investigation, ~~such~~ **the** information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained, it shall be promptly corrected or deleted;

(c) if the investigation does not resolve the dispute, the data subject may file a statement of not more than two hundred (200) words setting forth ~~his~~ **the data subject's** position;

(d) whenever a statement of dispute is filed, the agency maintaining the data system shall supply any previous recipient with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly mark that it is disputed and supply the statement of the data subject along with the information;

(e) the agency maintaining the information system shall clearly and conspicuously disclose to the data subject ~~his~~ **the data subject's** rights to make ~~such~~ a request;

(f) following any correction or deletion of personal information the agency shall, at the request of the data subject, furnish to past recipients notification delivered to their last known address that the item has been deleted or corrected and shall require ~~said~~ **the** recipients to acknowledge receipt of ~~such~~ **the** notification and furnish the data subject the names and last known addresses of all past recipients of the uncorrected or undeleted information.

SECTION 6. IC 4-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) On any form, application, or other writing prepared by or issued under the authority of any state agency, the following information must be included if the individual is

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requested to provide **his the individual's** Social Security number:

(1) a brief statement of the reason why the Social Security number is requested by the state agency; and

(2) a notification either:

(A) that the state agency is required by federal law to obtain the individual's Social Security number and that the form or application cannot be processed unless the individual provides the number, if ~~such that~~ be the case; or

(B) that the individual has the right to refuse to provide **his the individual's** Social Security number to the agency, if ~~he the individual~~ so desires, and that ~~he the individual~~ will not be penalized. ~~therefor~~.

(b) In any location where a form, application, or other writing covered in subsection (a) ~~of this section~~ is taken or filled out, there shall be posted in a conspicuous place a sign in bold print containing information identical to that required on the forms required in subsection (a). ~~of this section~~.

SECTION 7. IC 4-1-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. In any case where an individual shall refuse to provide **his the individual's** Social Security number to a state agency in accordance with the provisions of section 2(a)(2)(B) of this chapter, the state agency to ~~whom he~~ **which the individual** has made **his the individual's** refusal known is prohibited from obtaining the Social Security number from any other source.

SECTION 8. IC 4-1-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. No individual shall be penalized in any manner, ~~such as~~ by the loss or threat of loss of services or assistance or by the denial or refusal to issue any license or permit, by a state agency for **his the individual's** refusal in accordance with the provisions of section 2(a)(2)(B) of this chapter to provide **his the individual's** Social Security number to the state agency.

SECTION 9. IC 4-1-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Each state agency covered by this chapter shall develop a method under which a person who has previously given **his or her the person's** Social Security number to the state agency at that person's request may have the number removed from the records of the agency and substitute ~~therefor~~ the new identification number to be used by the person. The notice printed on forms and posted in the office of the agency shall include information on the right of the applicant to remove **his or her the applicant's** Social Security number from existing records.

SECTION 10. IC 4-2-4-3 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2016]: Sec. 3. A special deputy who certifies that any person was sworn or affirmed before ~~him~~ **the special deputy** to any affidavit or other instrument or writing when in fact the person was not so sworn or affirmed commits a Class C infraction.

SECTION 11. IC 4-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~He~~ **The governor** may employ counsel to protect the interest of the state in any matter of litigation where the same is involved; and the expenses incurred under this section, and recapturing fugitives from justice, may be allowed by ~~him~~ **the governor** and paid out of any money appropriated for that purpose.

SECTION 12. IC 4-3-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. For breach of the condition of any official bond, by which the state is injured, the governor shall direct suit to be brought upon ~~his~~ **the governor's** relation, unless otherwise provided by law; and all costs taxed against ~~such the~~ relator shall be paid by the state.

SECTION 13. IC 4-3-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. This chapter applies to any governor of Indiana regardless of whether ~~his~~ **the governor's** service occurred before, on, or after January 14, 1981, and to the surviving spouse of any ~~such~~ governor.

SECTION 14. IC 4-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. It shall be the duty of every state institution, office, board, bureau, society, commission, or other organization which receives an appropriation from the state, to furnish to the governor elect of the state, upon ~~his~~ **the governor elect's** request, within six (6) days after each general election in November, ~~such the~~ information in relation to the management, control, receipts, expenditures, and needs of ~~such the~~ state institution, office, board, bureau, society, commission, or other organization as the governor may require and in ~~such the~~ form as the governor may prescribe and to furnish plans and reliable estimates for all improvements for which appropriations are to be requested from the next general assembly.

SECTION 15. IC 4-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The budget agency shall make available to a governor elect and ~~his~~ **the governor elect's** designated representatives information on the following:

- (1) All information and reports used in the preparation of the state budget.
- (2) All information on projected income and revenue estimates for the state.

SECTION 16. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, the state superintendent of public instruction, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions ~~thereof~~, **of an agency**, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions ~~thereof~~, **of an agency**, with the whole or any part of any other agency or the functions **of a an agency; thereof**;

(D) the consolidation or coordination of any part of any agency or the functions ~~thereof~~ **of an agency**, with any other part of the same agency or the functions ~~thereof~~, **of the agency**;

(E) the authorization of any officer to delegate any of ~~his~~ **the officer's** functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 17. IC 4-3-6-5 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2016]: Sec. 5. Any reorganization plan submitted by the governor under this chapter:

(a) shall change, in cases ~~he~~ **the governor** deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(b) may include provisions for the appointment and compensation of the head and one (1) or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the governor finds, and in ~~his~~ **the governor's** message submitting the plan declares, that by reason of a reorganization made by the plan ~~such~~ **the** provisions are

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necessary. The head ~~so provided for~~ may be an individual, or may be a commission or board with two (2) or more members. The terms of office of any appointee shall not be fixed at more than four (4) years. The compensation shall not be at a rate in excess of that found by the governor to prevail in respect of comparable officers in the executive and administrative branch;

(c) shall make provisions for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(d) shall make provision for the transfer of ~~such the~~ unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as ~~he the~~ **governor** deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has ~~such the~~ functions after the reorganization plan is effective. Unexpended balances ~~so~~ transferred shall be used only for the purposes for which the appropriation was originally made;

(e) shall make provision for terminating the affairs of any agency abolished; and

(f) shall enumerate all statutes which may be repealed if the reorganization plan becomes effective.

SECTION 18. IC 4-3-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. No legal action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in ~~his the head's or other officer's~~ official capacity or in relation to the discharge of ~~his the head's or other officer's~~ official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this chapter. The court may, on motion or supplemental petition filed at any time within twelve (12) months after the reorganization plan takes effect, showing a necessity for a survival of the action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of ~~such the~~ head or officer under the reorganization effected by the plan or, if there is no successor, against ~~such the~~ agency or officer as the governor shall designate.

SECTION 19. IC 4-3-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The governor is authorized to execute all deeds or other instruments of conveyance which, in ~~his the~~ **governor's** judgment, are proper or necessary for the transfer of title to land or any interest ~~therein~~ by the state of Indiana to the United States of America ~~pursuant to~~ **under** section 2 of this chapter, in the

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following form and manner: Every ~~such~~ deed or conveyance shall be executed in the name of the state of Indiana, signed by the governor of the state of Indiana, with the seal of the state of Indiana affixed thereto and shall be approved as to legality and form by the attorney general of Indiana.

SECTION 20. IC 4-3-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) When title to land ~~which that~~ is to be transferred to the United States of America ~~pursuant to under~~ this chapter is held in the name of the state of Indiana, and that land has not been declared surplus and is under the jurisdiction and control of any agency of the state, the state budget agency, with approval of the governor, shall allocate and transfer to that agency of the state from any funds which may be appropriated for use to accomplish the purposes of this chapter, an amount of money which equals the value of the land transferred.

(b) The value shall be determined by three (3) disinterested appraisers appointed by the governor. The appraisers shall be residents of the state of Indiana. The allocation of funds shall be in addition to any other appropriations made to that agency of the state. In the event that revenue from the land described in this section and transferred to the United States of America ~~pursuant to under~~ this chapter is pledged as security for bonds issued and outstanding, the money appropriated by this section shall be held by the treasurer of the state of Indiana in a separate sinking fund to be used only for the purposes of paying the interest and principal of the bonds as they become due, and for no other purpose, until ~~such the time as~~ the bonds are retired. The funds shall be deposited by the treasurer of the state of Indiana, ~~pursuant to under~~ the provisions of IC 5-13, at interest, and interest earned by reason of deposit shall be credited to and belong to the fund. Any person, firm, limited liability company, or corporation who is the holder of any ~~such of the~~ bonds at the time the governor announces ~~his the governor's~~ intention to transfer the land to the United States of America and who is aggrieved by the amount of money allocated and transferred to a sinking fund created ~~pursuant to under~~ this section, shall have the right to seek bondholders' damages which may not exceed the face value of the bonds.

SECTION 21. IC 4-4-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. Whenever the lieutenant governor transmits to the governor ~~his the lieutenant governor's~~ written declaration that ~~he the lieutenant governor~~ is unable to discharge the powers and duties of ~~his the lieutenant governor's~~ office, and until ~~he the lieutenant governor~~ transmits to

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~~him the governor~~ a written declaration to the contrary, ~~such the~~ powers and duties shall be discharged by a person appointed by the governor as acting lieutenant governor. Thereafter, when the lieutenant governor transmits to the governor ~~his the lieutenant governor's~~ written declaration that no inability exists, ~~he the lieutenant governor~~ shall resume the powers and duties of ~~his the lieutenant governor's~~ office.

SECTION 22. IC 4-4-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Whenever the governor, the president pro tempore of the senate, and the speaker of the house of representatives file with the supreme court a written statement suggesting that the lieutenant governor is unable to discharge the powers and duties of ~~his the lieutenant governor's~~ office, the supreme court shall, after giving notice to the lieutenant governor of the date, time, and place of their meeting, meet within forty-eight (48) hours to decide the question and ~~such the~~ decision shall be final. ~~Thereafter,~~ Whenever the lieutenant governor files with the supreme court ~~his the lieutenant governor's~~ written declaration that no inability exists, the supreme court shall meet within forty-eight (48) hours to decide whether ~~such be the case no inability exists~~, and ~~such the~~ decision shall be final. Upon a decision that no inability exists, the lieutenant governor shall resume the powers and duties of ~~his the lieutenant governor's~~ office.

SECTION 23. IC 4-4-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Whenever the supreme court decides that the lieutenant governor is unable to discharge the powers and duties of ~~his the lieutenant governor's~~ office, the governor shall appoint a person as acting lieutenant governor to discharge the powers and duties of the office of lieutenant governor until the supreme court decides that no inability exists.

SECTION 24. IC 4-4-10.9-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. "Mortgagee" means the original lender under a mortgage and ~~his the original lender's~~ successors and assigns approved by the authority and may include all insurance companies, trust companies, banks, investment companies, savings banks, executors, trustees, and other fiduciaries, including pensions and retirement funds.

SECTION 25. IC 4-4-10.9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. "Mortgagor" means the original borrower under a mortgage and ~~his the original borrower's~~ successors and assigns.

SECTION 26. IC 4-4-11-12 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Any member or employee of the authority who has, will have, or later acquires an interest, direct or indirect, in any transaction with the authority shall immediately disclose the nature and extent of the interest in writing to the authority as soon as ~~he~~ **the member or employee** has knowledge of the actual or prospective interest. The disclosure shall be announced in open meeting and entered upon the minutes of the authority. Upon disclosure, the member or employee shall not participate in any action by the authority authorizing the transaction. ~~However, such~~ An interest shall not invalidate actions by the authority with the participation of the disclosing member prior to the time when the member became aware of the interest or should reasonably have become aware of the interest.

SECTION 27. IC 4-4-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Notwithstanding the provisions of any other law, no officer or employee of the state forfeits ~~his~~ **the officer's or employee's** office or employment by reason of ~~his~~ **the officer's or employee's** acceptance of membership in the authority or by reason of ~~his~~ **the officer or employee** providing services to the authority.

SECTION 28. IC 4-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) If certified and sealed by the secretary of state with the state seal, any copy (including a copy that has been reproduced from a micrographic copy prepared under section 2 of this chapter) of any records, laws, acts, official bonds, registers, rules, or papers that are required by law to be kept in the office of the secretary of state shall, in all cases, be evidence equally and in like manner as the originals.

(b) The secretary of state shall attest all the official acts and proceedings of the governor and affix the seal of state, with ~~such~~ **the** attestation, to all commissions, pardons, and other public instruments to which the signature of the governor is required.

(c) The secretary of state shall permit all the books, bonds, conveyances, registers, papers, accounts, and transactions of ~~his~~ **the secretary of state's** office to be open at all times to the inspection and examination of any committee of either branch of the general assembly.

(d) The secretary of state shall furnish information in writing upon any subject relating to the duties of ~~his~~ **the secretary of state's** office to the governor, whenever required.

SECTION 29. IC 4-5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~He~~ **The secretary of state** shall furnish, on demand, to any person, a duly certified copy of all or any part of any law, act, record, public register, public document, or other

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instrument of writing on file, or deposited, ~~pursuant to~~ **under** law, to be kept, in ~~his the secretary of state's~~ office, and of which a copy may be properly given.

SECTION 30. IC 4-5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The secretary of state shall be the custodian of the public records of the state of Indiana, except as required by law to be deposited elsewhere, and shall keep ~~his the secretary of state's~~ office and all books and papers ~~thereto~~ pertaining **to the office** in ~~such~~ places in the state buildings as may be assigned. ~~He~~ **The secretary of state** shall arrange, record, file, register, index, and keep all books, blanks, reports, orders, receipts, accounts, papers, documents, and business pertaining to ~~his the secretary of state's~~ office, or deposited **in the secretary of state's office**, ~~therein~~; and in ~~such a~~ form and manner as will make the ~~same items~~ most convenient ~~of to~~ access.

SECTION 31. IC 4-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The attorney general shall be a citizen of ~~this state~~ and duly licensed to practice law ~~therein~~: **in Indiana**. Before entering upon the discharge of the duties of ~~his the attorney general's~~ office, ~~he the attorney general~~ shall take and subscribe an oath of office to be administered to ~~him the attorney general~~ in the usual form by any officer authorized to administer oaths; which oath shall be deposited in the office of the secretary of state. ~~He~~ **The attorney general** shall also, previous to entering upon the duties of ~~said the~~ office, properly execute and file with the secretary of state ~~his the attorney general's~~ bond in the penal sum of fifty thousand dollars (\$50,000), payable to the state of Indiana, with surety to the approval of the secretary of state, and conditioned for the faithful discharge of ~~his the attorney general's~~ duties as ~~such~~ attorney general; the premium on ~~such the~~ bond shall be payable from state funds to be appropriated. ~~therefor~~:

SECTION 32. IC 4-6-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The attorney general shall have ~~such~~ deputies, assistants, clerks, and stenographers as ~~he the attorney general~~ **may deem considers** necessary to promptly and efficiently perform the duties of ~~his the attorney general's~~ office, and which shall be selected and appointed by ~~him~~; **the attorney general**; they shall take and subscribe an oath of office to be administered in the usual form by any officer authorized to administer oaths, which shall be kept on file in ~~his the attorney general's~~ office.

SECTION 33. IC 4-6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. All ~~of~~ the rights, powers, and

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duties conferred by law upon the attorney general are conferred upon the attorney general created by this chapter; in addition thereto, the attorney general shall consult with and advise the several prosecuting attorneys of the state in relation to the duties of their office, and when, in ~~his~~ **the attorney general's** judgment, the interest of the public requires it, ~~he~~ **the attorney general** shall attend the trial of any party accused of an offense, and assist in the prosecution; and shall represent the state in any matter involving the rights or interests of the state, including actions in the name of the state, for which provision is not otherwise made by law.

SECTION 34. IC 4-6-2-1, AS AMENDED BY P.L.229-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The attorney general shall prosecute and defend all suits instituted by or against the state of Indiana, the prosecution and defense of which is not otherwise provided for by law, whenever the attorney general has been given ten (10) days' notice of the pendency of the suit by the clerk of the court in which the suit is pending, or whenever the governor or a majority of the officers of state require the attorney general in writing, with reasonable notice, to prosecute or defend a suit. The attorney general shall represent the state in all criminal cases in the Supreme Court, and shall defend all suits brought against the state officers in their official relations, except suits brought against them by the state; and ~~he~~ **the attorney general** shall be required to attend to the interests of the state in all suits, actions, or claims in which the state is or may become interested in the Supreme Court of this state.

(b) The attorney general may not defend a member (as defined in IC 2-2.1-4-5) in an action for legislative bolting brought under IC 2-2.1-4.

SECTION 35. IC 4-6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~Such~~ **The** attorney general shall not, in any case, be required to exhibit to any court ~~his~~ **the attorney general's** authority for appearing in and conducting the prosecution or defense of any ~~such~~ suit, unless ~~his~~ **the attorney general's** authority be denied under oath, in which case ~~his~~ **the attorney general's** commission shall be all the evidence required.

SECTION 36. IC 4-6-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The attorney general shall reside at Indianapolis, and ~~he~~ **the attorney general** shall keep ~~his~~ **the attorney general's** office in the statehouse; and ~~he~~ **the attorney general** shall, on all business days, during business hours, be at ~~said~~ **the** office, in person or by deputy, unless engaged in court or elsewhere

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in the service of the state.

SECTION 37. IC 4-6-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by ~~him~~ **the attorney general** to the governor, the general assembly, or to any of the state officers, and an accurate account of all ~~moneys~~ **money** collected or received by ~~him~~; **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 ~~he~~ **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 ~~his~~ **the attorney general's** duty to appear.

SECTION 38. IC 4-6-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The attorney general shall give ~~his~~ **the attorney general's** legal opinion to the governor upon request, touching upon any question or point of law in which the interests of the state may be involved. ~~He~~ **The attorney general** shall give ~~his~~ **the attorney general's** opinion to any other state officer touching upon any question or point of law concerning the duties of the officer; and also, to either house of the general assembly or to any legislative agency created ~~pursuant to~~ **under** action of the general assembly, on the constitutionality of any existing or proposed law, upon request by resolution of the house or legislative agency, and ~~he~~ **the attorney general** shall not be required to advise any other officer or person.

SECTION 39. IC 4-6-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. It shall be the duty of the attorney general to make a biennial report to the governor of the business and condition of ~~his~~ **the attorney general's** office, and to make a report to the auditor of state at the end of each fiscal year of all collections made by ~~him~~ **the attorney general** and the manner of disbursement.

SECTION 40. IC 4-6-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) It shall be the duty of any officer or person from whom the attorney general, or any of ~~his~~ **the attorney general's** deputies or assistants, shall collect or receive money due the state, to report at once to the auditor of state, on blanks to be furnished by the attorney general, ~~to them~~, the sum or sums ~~so~~ received or collected. ~~and the character thereof; and~~

(b) The auditor of state ~~is hereby required to~~ **shall** keep a record of ~~such~~ **the reports described in subsection (a).**

SECTION 41. IC 4-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever any ~~such~~ action, counter-claim, petition, or cross-complaint is filed in any court in this state in which the state of Indiana or any board, bureau, commission,

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department, division, agency, or officer or employee in **his the employee's** capacity as an employee of the state of Indiana is a party and the attorney general is required or authorized to appear or defend, or when the attorney general is entitled to be heard, a copy of the complaint, cross-complaint, petition, bill, or pleading shall be served on the attorney general and ~~such the~~ action, cross-action, or proceeding shall not be ~~deemed considered~~ to be commenced as to the state or any ~~such~~ board, bureau, commission, department, division, agency, or officer or employee in **his the employee's** capacity as an employee of the state of Indiana until ~~such~~ service. Whenever the attorney general has appeared in any suit, action, or proceeding, copies of all motions, demurrers, petitions, and pleadings filed ~~therein~~ shall be served upon the attorney general by the party filing the ~~same: motion, demurrer, petition, or pleading. provided, further, that~~ The clerk of the court shall cause to be served upon the attorney general a copy of the ruling made by the court upon ~~such the~~ motions, demurrers, petitions, and pleadings, and ~~such the~~ ruling shall not be ~~deemed considered~~ effective in any manner as against the attorney general or as against the state of Indiana or any board, bureau, commission, department, division, agency, or officer or employee in **his the employee's** capacity as an employee of the state of Indiana unless and until ~~such a~~ copy shall be served upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. ~~provided, further, that~~ In any action in which the attorney general is required or authorized to appear or defend or entitled to be heard, in which action some matter or thing occurs upon which occurrence time begins to run, the running of ~~such~~ time shall be suspended as to the attorney general until ~~such~~ service is had upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. ~~provided, further, that~~ Whenever any claim filed for and on behalf of the state of Indiana or any board, bureau, commission, department, division, agency, officer, or institution of the state of Indiana in any estate or guardianship pending in any court having probate jurisdiction in the state of Indiana is not allowed and the clerk of the court, administrator, administratrix, executor, executrix, or guardian transfers ~~such the~~ claim to the trial docket, ~~said the~~ claim shall not be disposed of nor shall any disposition made of ~~such the~~ claim be deemed to be a final adjudication unless and until due notice of the trial date of ~~such the~~ claim shall be served on the attorney general or any deputy attorney general as provided in section 2 of this chapter at least ten (10) days prior to the date set for trial of ~~said the~~ claim.

SECTION 42. IC 4-6-6-4 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2016]: Sec. 4. The compensation of any ~~such~~ special deputy attorney general shall be payable from the amount recovered for the benefit of any city, town, township, county, or other governmental unit or public entity of the state as a result of the successful prosecution of any ~~such~~ civil proceedings in which any ~~such~~ special deputy attorney general has been appointed and employed, and the attorney general of Indiana is ~~hereby~~ authorized to pay ~~such~~ compensation to any ~~such~~ special deputy attorney general from ~~such~~ **the** amount and to remit the balance ~~thereof~~ to the governmental unit or public entity **in on** behalf of which ~~such~~ **the** amount has been recovered. In the event any ~~such~~ civil proceedings are unsuccessful and, upon prosecution to final conclusion, do not result in the recovery of any ~~such~~ funds, ~~then, and in that event, such~~ compensation shall be payable from the funds of the governmental unit or public entity **in on** behalf of which any ~~such~~ civil proceedings may have been brought, and the disbursing officers of any and all governmental units or public entities of the state are ~~hereby~~ authorized and directed to make payment in full of any ~~such~~ compensation to any ~~such~~ special duty attorney general, without an appropriation being made ~~therefor~~ upon certification of the attorney general and the judge of the court in which the action was brought to any ~~such~~ disbursing officer of the amount due any ~~such~~ special deputy attorney general for ~~his~~ **the special deputy attorney general's** services in connection with the conduct and prosecution of any ~~such~~ civil proceedings.

SECTION 43. IC 4-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The attorney general is ~~hereby~~ authorized to employ one (1) or more assistants, residing in the city of Washington, District of Columbia, to assist ~~him~~ **the attorney general** in the presentation and prosecution of claims of the state against the United States, pertaining to swamplands, or swampland indemnity, as ~~he~~ **the attorney general** may think necessary.

SECTION 44. IC 4-6-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As compensation and for all their costs and expenses, ~~such~~ **the** assistant or assistants shall receive a sum equal to not more than twenty-five ~~per cent~~ **percent** (25%) of the money recovered and turned over to the state, to be fixed in the contract of employment. The state shall not be liable to ~~such~~ **the** assistant or assistants for any other sum, either for compensation or costs. ~~Provided, That~~ In case money ~~so~~ recovered is paid into the state treasury without ~~such~~ **the per cent** **percent** having been first deducted, the auditor of state shall issue ~~his~~ **the auditor of state's** warrant, upon a voucher approved by the attorney general, for a sum equal to not

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more than twenty-five ~~per cent~~ **percent** (25%) of the money so recovered and paid in; and there is ~~hereby~~ appropriated out of the funds of the treasury not otherwise appropriated ~~such~~ sums as may be necessary for ~~such~~ **this** purpose.

SECTION 45. IC 4-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. In order to maintain full co-operation in the war effort in all fields of proper state activity and to secure concerted action among the states to preserve the operations of state functions of government, it shall be the duty of the attorney general to study existing and proposed federal legislation and to cooperate with the attorneys general of other cooperating states in ~~such~~ studies to determine the effect of ~~such~~ legislation upon the normal field of state functions and powers, and to report to ~~this state's~~ **Indiana's** governor, senators, and representatives in congress the results of ~~such~~ **the** studies in all instances where ~~he~~ **the attorney general considers deems such the** action appropriate, or where, in ~~his~~ **the attorney general's** opinion, any legislation affects, or would affect, if enacted into law, the normal field of state functions and powers.

SECTION 46. IC 4-6-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The attorney general shall also make any reasonable or appropriate investigation or study of any ~~such~~ existing or proposed federal legislation whenever ~~he~~ **the attorney general** is specifically requested so to do by any of ~~this state's~~ **Indiana's** senators or representatives in congress and report the result ~~thereof~~ **of the investigation or study** as requested.

SECTION 47. IC 4-6-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The attorney general ~~and/or~~ **his and the attorney general's** deputy or assistant is ~~hereby~~ authorized to become a member of an organization existing on November 3, 1943, or formed after November 3, 1943, consisting of the attorneys general of similarly cooperating states ~~and/or~~ **and** their deputies and assistants and, through ~~such~~ **the** organization, is further authorized to ~~utilize~~ **use** the services of the Council of State Governments in any manner deemed appropriate to effect the purposes of this chapter.

SECTION 48. IC 4-6-9-4, AS AMENDED BY P.L.136-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The division has the following powers and duties:

- (1) The power to investigate any written consumer complaint made by a nonmerchant arising from a transaction between a merchant as defined in the Uniform Commercial Code and a nonmerchant concerning sales, leases, assignments, awards by



chance, or other dispositions of goods, services, or repairs, and intangibles to a person for purposes that are primarily personal, familial, household, charitable, or agricultural, or a solicitation to supply any of the above things. When a consumer trades in or sells a motor vehicle to another consumer or nonconsumer, ~~he~~ **the consumer** shall be ~~deemed~~ **considered** to be a nonconsumer and shall be subject to the provisions of this chapter. The division shall have no jurisdiction over matters concerning utilities subject to regulation by the utility regulatory commission or by an agency of the United States except that the provisions of subdivision (5) shall apply and except as provided in IC 8-1-29.

(2) For complaints filed after August 31, 1984, the duty to ascertain from the consumer whether the consumer consents to public disclosure by the division of the filing of the complaint, including the consumer's identity and telephone number, if any.

(3) The duty to notify the merchant of the nature of the complaint by written communication and request a written reply.

(4) Upon receipt of reply, the duty to act as mediator between the parties and attempt to resolve all complaints in a conciliatory manner. The director of the division and the attorney general have discretion whether to mediate complaints involving a de minimis amount of money.

(5) If no reply is received or if the parties are unable to resolve their differences, and no violation of federal or state statute or rule is indicated, the duty to provide the complainant with a copy of all correspondence relating to the matter.

(6) Whenever a violation of a state or federal law or administrative rule is indicated, the duty to forward to the appropriate state or federal agency a copy of the correspondence and request that the agency further investigate the complaint and report to the division upon the disposition of the complaint.

(7) The power to initiate and prosecute civil actions on behalf of the state whenever an agency to which a complaint has been forwarded fails to act upon the complaint within ten (10) working days after its referral, or whenever no state agency has jurisdiction over the subject matter of the complaint.

(b) All complaints and correspondence in the possession of the division under this chapter are confidential unless disclosure of a complaint or correspondence is:

- (1) requested by the person who filed the complaint;
- (2) consented to, in whole or in part, after August 31, 1984, by the person who filed the complaint;

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(3) in furtherance of an investigation by a law enforcement agency; or

(4) necessary for the filing of an action by the attorney general under IC 24-5-0.5.

(c) Notwithstanding subsection (b), the division may publicly disclose information relating to the status of complaints under subsection (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) Except for a residential telephone number published in the most recent quarterly telephone sales solicitation listing by the division under IC 24-4.7-3 and except as provided in subsection (e), all consumer information provided for the purposes of registering for or maintaining the no telephone sales solicitation listing is confidential.

(e) The name, address, and telephone number of a registrant of the most recent quarterly no telephone sales solicitation listing may be released for journalistic purposes if the registrant consents to the release of information after June 30, 2007.

SECTION 49. IC 4-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. ~~He~~ **(a) The auditor of state** shall, from time to time, require all persons receiving ~~moneys~~ **money** or securities, or having the management of any property, money, securities, or funds of the state, of ~~which~~ an account **that** is kept in ~~his~~ **the auditor of state's** office, to render statements ~~thereof~~ **to him; the auditor of state.**

~~(b) and all such~~ **The** officers or persons **described in subsection (a)** shall render ~~such~~ **the** statements, at ~~such a~~ time and in ~~such a~~ form as ~~shall be~~ required **by the auditor of state.**

SECTION 50. IC 4-7-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~He~~ **The auditor of state** shall have power to administer oaths in the adjustment or settlement of all claims for or against the state.

SECTION 51. IC 4-7-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Whenever any person is entitled to draw money from the state treasury, the auditor may draw a warrant in ~~his~~ **the auditor's** favor on the treasurer of state or authorize an electronic funds transfer in conformity with IC 4-8.1-2-7. The auditor of state shall:

(1) enter in a proper book provided for that purpose every warrant or electronic funds transfer ~~he~~ **the auditor** draws on the treasury:

(A) in the order ~~he~~ **the auditor** issues the **warrant or transfer; same;**

(B) in ~~such a~~ manner as to show the date; ~~thereof;~~

(C) in whose favor drawn;

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- (D) the nature of the claim upon which it is founded; and
- (E) with a reference to the law under which it is drawn;
- (2) carry ~~such the~~ entries into a book of general accounts, under separate and distinct heads; and
- (3) number and file, in ~~his the auditor's~~ office, all papers and vouchers upon which ~~he the auditor~~ shall issue any warrant or electronic funds transfer for the payment of money.

SECTION 52. IC 4-7-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A copy of the account, in ~~such a~~ case made out and certified by the auditor, shall be sufficient evidence to support an action for the amount stated ~~therein~~ to be due, without proof of the signature or official character of ~~such the~~ auditor, subject ~~however,~~ to the right of the defendant to plead and give in evidence, as in other actions, all ~~such~~ matters as shall be legal and proper for ~~his the defendant's~~ defense.

SECTION 53. IC 4-7-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The party ~~so~~ sued shall be subject to the costs and charges of suit, except in cases in which ~~he the party~~ shall have rendered a true account, and shall also have paid the amount to the proper person authorized to receive the same, before the commencement of ~~such the~~ suit, or unless suit is brought against the representative of the original party.

SECTION 54. IC 4-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The auditor of state is ~~hereby~~ authorized to designate two (2) of ~~his the auditor of state's~~ deputies as chief deputies. ~~Such The~~ chief deputies ~~provided for herein~~ shall not be members of the same political party and their salaries shall be fixed by the state budget committee.

SECTION 55. IC 4-8.1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The state treasury is composed of:

- (1) all moneys collected under any law of this state providing for the collection of revenue for state purposes;
- (2) all moneys borrowed on the credit of the state by the treasurer of state or any other authorized agent of the state;
- (3) all moneys derived from the sale of property belonging to or held in trust by the state;
- (4) all moneys and securities belonging to, lent to, or held in trust by the state, where no other disposition of them is required by law;
- (5) all income derived in any manner from any money or property specified in this section;

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- (6) every fee, perquisite, or bonus received by any state officer in the discharge of ~~his~~ **the state officer's** duties;
- (7) all dividends arising from bank or other stock appropriated to the payment of any part of the interest on the public debt; and
- (8) all moneys from any source paid, belonging, or accruing to the state for the use of the state or to a state fund for any purpose.

SECTION 56. IC 4-8.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The governor may request the state board of accounts or appoint a certified public accountant to make, without previous notice of an inspection, a thorough inspection of the state treasury and the records relating to the state treasury. The treasurer of state, the auditor of state, and the employees of their offices, shall assist the state board of accounts or the accountant in all ways necessary to the performance of the inspection. The state board of accounts or the accountant is authorized to administer oaths to the treasurer of state, the auditor of state, or their employees for the purpose of obtaining sworn testimony. The state board of accounts or the accountant may compel the attendance of witnesses and send for persons and papers.

(b) The state board of accounts or the accountant shall certify ~~his~~ **the accountant's** findings to the treasurer of state, the auditor of state, and the governor.

(c) The accountant shall be paid for ~~his~~ **the accountant's** services and ~~his~~ **the accountant's** expenses by the governor out of ~~his~~ **the governor's** contingency fund at a rate determined reasonable by the governor.

SECTION 57. IC 4-8.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The treasurer of state shall deliver to ~~his~~ **the treasurer of state's** successor in office all ~~moneys~~ **money** and securities and all effects of ~~his~~ **the treasurer of state's** office.

SECTION 58. IC 4-8.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The treasurer of state may not use or permit any other person to use the ~~moneys~~ **money** or property received by ~~him~~ **the treasurer of state** or paid into the state treasury, except as permitted by law.

(b) The treasurer of state may not receive for ~~his~~ **the treasurer of state's** own use any interest, premium, gratuity, or bonus from the disposition of, or arising out of, any money or property belonging to the state, to any county of the state, to any state or county fund, or to any other political subdivision.

SECTION 59. IC 4-8.1-2-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Before ~~moneys~~ **money** may be deposited in the state treasury, the treasurer of state must receive from the person or agency making the deposit a report of collections due the state treasury, describing the source of the ~~moneys~~ **money** and the fund and account to which they are to be credited. The treasurer of state shall acknowledge receipt of the ~~moneys~~ **money** deposited in the state treasury and shall send the original of the report of collections to the auditor of state, who shall, after preaudit, prepare ~~his~~ **the auditor of state's** accounting forms from the report. The auditor of state shall give the person or agency depositing the ~~moneys~~ **money** the appropriate auditor's form. The treasurer of state and the auditor of state shall reconcile collections daily.

SECTION 60. IC 4-8.1-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The treasurer of state shall keep double entry records of warrants paid, receipts, cash on hand, and investments for which ~~he~~ **the treasurer of state** is accountable by law in sufficient detail to fulfill the requirements of the law and the duty of ~~his~~ **the treasurer of state's** office to safeguard the state treasury.

SECTION 61. IC 4-8.1-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. All state ~~moneys~~ **money** deposited by any public debtor in a bank for the use of the state, except when otherwise directed by law, shall be deposited to the credit of the treasurer of state and subject to ~~his~~ **the treasurer of state's** order.

SECTION 62. IC 4-8.1-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The treasurer of state or ~~his~~ **the treasurer of state's** agent may rent safety deposit boxes or vaults of one (1) or more banks or trust companies located in the state and keep in them securities in ~~his~~ **the treasurer of state's or agent's** custody, or give the securities to a bank, trust company, or other depository to hold as custodian under IC 5-13.

(b) A bank, trust company, or other depository which accepts securities as custodian shall:

- (1) clip coupons;
- (2) surrender matured issues for collection; and
- (3) receive the proceeds of all collections and remit them to the treasurer of state.

SECTION 63. IC 4-8.1-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Any embezzlement or breach of trust on the part of the treasurer of state shall be immediately reported to the governor by the person discovering the

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embezzlement or breach of trust. The governor and the auditor shall make a careful examination to see if the embezzlement or breach of trust has occurred, and if it has, cause the treasurer of state to be arrested. After the arrest of the treasurer of state the governor shall appoint a deputy treasurer of state, who shall qualify and give bond as required for the treasurer of state and who shall be given exclusive control of the state treasury. The deputy treasurer has the powers and duties of and is subject to the liabilities of the treasurer of state until the treasurer of state is acquitted or ~~his~~ **the treasurer of state's** successor is elected and qualified.

SECTION 64. IC 4-10-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The auditor of state is ~~hereby~~ authorized and empowered, where the provisions of sections 1, 2, and 3 of this chapter are not literally and specifically followed, and where the terms of the appropriation act have been violated, to refuse issue of warrants, and if, in the examination of vouchers rendered by any departments of state government, any violations of any sections 1, 2, and 3 of this chapter are found to have been made where warrant has been issued, then ~~he~~ **the auditor of state** shall charge back to the proper department the deficient vouchers, and refuse further issue of warrants until the state has been given the proper credit for the amounts held to be irregular and void.

SECTION 65. IC 4-10-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) It shall be unlawful for the A trustee on a board of trustees of any benevolent, scientific, or educational institution, or for any correctional facility of the state, to shall not:**

(1) borrow money upon the credit of the state; or to
(2) contract any indebtedness on the credit of the state; or to
(3) make expenditures for improvements for ~~said institutions an~~ institution or correctional ~~facilities~~ facility in any way;
 unless the ~~said loans~~ loan or expenditure of money ~~are is~~ first authorized by an act of the general assembly. ~~for such purposes.~~

(b) A trustee who violates this section:

(1) commits a Class C infraction; and
(2) forfeits the trustee's office.

SECTION 66. IC 4-10-14-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 2: A trustee who violates section 1 of this chapter commits a Class C infraction and forfeits his office.~~

SECTION 67. IC 4-10-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever there shall be a failure at any regular biennial session of the general assembly to

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pass an appropriation bill or bills, making appropriations for the objects and purposes hereinafter mentioned, it shall be lawful for the governor, secretary and treasurer of state, until appropriations shall be made by the legislature, to direct the auditor of state to draw ~~his~~ **the auditor of state's** warrants on the state treasury for ~~such~~ **the** sums as they may, from time to time, decide to be necessary for ~~such~~ **the** purposes respectively, not ~~however~~ exceeding the amounts appropriated for the same objects respectively by the last preceding appropriations which shall have been made by the general assembly; and to pay ~~such~~ **the** warrants as may, from time to time, be drawn and presented, a sufficient sum of money is ~~hereby~~ appropriated.

SECTION 68. IC 4-10-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As soon as the auditor of state makes a final determination of the amount of total state general fund revenues for a particular state fiscal year, ~~he~~ **the auditor of state** shall certify that amount to the budget director.

(b) As soon as possible after receiving the certification from the auditor of state under subsection (a), the budget director shall determine the amount, if any, that is appropriated into or out of the fund under section 4 of this chapter. If an appropriation is made into the fund under section 4 of this chapter, the budget director shall immediately certify that amount to the treasurer of state. If an appropriation is made out of the fund under section 4 of this chapter, the budget director shall certify to the treasurer of state an amount equal to the part of the appropriation, if any, by which the general fund general operating budget, for the state fiscal year for which the appropriation is made, exceeds the budget director's estimate of the total general fund revenues for that same state fiscal year. The budget director shall make the certification or certifications of money to be transferred out of the fund at the time or times that ~~he~~ **the budget director** determines the general fund general operating budget would exceed the total estimated state general fund revenues.

(c) Immediately upon receiving a certification from the budget director under subsection (b), the auditor of state and treasurer of state shall make the appropriate transfer into or out of the fund.

(d) Any amount, which is appropriated out of the fund under section 4 of this chapter, but which has not been transferred out of the fund under this section at the end of the state fiscal year for which the appropriation is made, shall revert to the fund.

SECTION 69. IC 4-11-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. No borrower shall be permitted to defend any suit brought for the recovery of ~~any such~~

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money on the ground that the officer who made the loan loaned a greater sum than the law authorized; nor shall any title to land, or lands and tenements, be ~~deemed~~ **considered** invalid because the mortgage upon which it was or may be sold was or is or may be for a sum greater than the law authorized to be loaned. ~~provided, however, that~~ This chapter shall not be ~~so~~ construed as to release any officer charged with the loaning of ~~said the~~ funds, or any of them, or ~~his the officer's~~ or their securities, from any liability incurred after August 17, 1855, for breach of duty.

SECTION 70. IC 4-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. In all cases where the mortgagor is considered of doubtful solvency, and the property, when offered for sale, will not bring the amount due on the mortgage, the state ~~herself~~ may bid in the property for what the same may be ~~deemed~~ **considered** worth, and hold the mortgagor liable upon ~~his the mortgagor's~~ bond for the deficiency. ~~Provided, however, That~~ If the state ~~shall~~ subsequently ~~sell~~ **sells** any land ~~so that was~~ bid in for more than the amount of principal, interest, damages, and costs due from the mortgagor or mortgagors, ~~he or they the mortgagor or mortgagors~~ shall be entitled to the surplus.

SECTION 71. IC 4-11-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The laws limiting the amount to be loaned by the officers having charge of ~~said the~~ funds shall not prevent substitutions, but ~~such the~~ substitutions may be made by the borrower, or any third person by ~~his the person's~~ consent where the officer having control of the fund believes the interest of the fund will not suffer. ~~thereby: Provided,~~ The mortgaged security shall, in no case, be diminished, but may be increased, if ~~deemed~~ **considered** insufficient.

SECTION 72. IC 4-11-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In all cases where lands in this state have been mortgaged to the state of Indiana, or to trustees or to custodians of the funds hereinafter named, or to the officers having had control and management ~~thereof,~~ prior to January 1, 1900, to secure the loans of the Indianapolis funds, the bank tax fund, the treasury fund, the congressional fund, the saline fund, the sinking fund, the state surplus revenue fund, the county surplus fund, the state university fund, the college fund, the seminary fund, the permanent endowment fund and all other state trust funds of this state, except the common school fund, and ~~such the~~ loans have been paid and not released, or not legally and properly released of record, or, having been released, ~~such the~~ releases have been lost before being recorded

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in the proper recorder's office, the auditor of state of the state of Indiana is ~~hereby~~ authorized and directed to execute a release of ~~such the~~ mortgage under ~~his the auditor of state's~~ hand and the seal of ~~his the auditor of state's~~ office.

(b) In case evidence of the payment of ~~such~~ mortgage debts ~~appear~~ ~~appears~~ in the records in the office of ~~said the~~ auditor of state, or in the office of the treasurer of state, then ~~such the~~ release of ~~such the~~ mortgage shall be executed without further proof, but if not, then the ~~said~~ auditor of state shall require documentary evidence and affidavits or other proof to be filed in ~~his the auditor of state's~~ office, which shall establish to ~~his the auditor of state's~~ satisfaction the fact of full payment of ~~said the~~ mortgage debt, ~~thereupon he and the auditor of state~~ shall release ~~such the~~ mortgage.

SECTION 73. IC 4-11-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The auditor of state ~~be and he is hereby~~ authorized to enter satisfaction of the mortgages executed to the state of Indiana to secure loans made by the agents of the state appointed in the several counties of the state to loan the surplus revenue funds deposited with the state by the government of the United States and apportioned to the several counties of the state, and now remaining unsatisfied upon the records in the recorders' offices of the several counties of the state.

SECTION 74. IC 4-12-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A budget agency is created as an agency of the state. A director, appointed by the governor to serve at ~~his the governor's~~ will and pleasure, shall be the chief executive officer of the agency and shall be known as the budget director. The director shall receive the salary fixed by the governor and shall give all of ~~his the director's~~ time to ~~his the director's~~ office and the budget agency. ~~He The director~~ shall execute ~~such a~~ bond as shall be approved by the governor, conditioned for the faithful discharge of ~~his the director's~~ official duties, and an oath of office, and both shall be filed with the secretary of state.

(b) A budget committee consisting of five (5) regular members and four (4) alternate members is established: One (1) regular member is the budget director, while in office. The four (4) remaining regular members must be legislators selected in the following manner. Two (2) members must be senators appointed by the president pro tempore of the senate, one (1) of whom shall be nominated by the leader of the minority political party of the senate. Two (2) members must be representatives appointed by the speaker of the house of representatives, one (1) of whom shall be nominated by the leader of

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the minority political party of the house of representatives. Legislative appointments to the budget committee shall be made within fifteen (15) days after the official selection of the president pro tempore of the senate and the speaker of the house of representatives. Each member appointed by the president pro tempore of the senate and each member appointed by the speaker of the house of representatives shall serve at the will and pleasure of **his the member's** respective appointing leadership or until **his the member's** term as a member of the general assembly expires, whichever is shorter. Vacancies occurring in the legislative appointments to the budget committee shall be filled for the unexpired term by the president pro tempore of the senate or speaker of the house last elected in like manner as if appointment to **such the** vacant offices were being made originally. Nominations shall be made by the persons above mentioned in this section who were elected and selected at the last preceding session of the general assembly. When there is no **such** legislative officer entitled to fill vacancies, the governor shall fill **such the** vacancies from among members and members-elect of the senate and of the house of representatives who are members of the same house and political party as the vacating member. Any **such** appointee of the governor shall serve for the unexpired term of the vacating member or until the first day of the next session of the general assembly.

The four (4) alternate members of the budget committee must be legislators selected in the manner described in this section for the appointment of the four (4) regular legislative members of the budget committee. An alternate member is entitled to participate in the budget committee meetings in the same manner as the regular members, except that **he the alternate member** is entitled to vote only if the regular member from **his the alternate member's** respective house and political party is not present for the vote. The alternate members shall serve the same term of office as the regular members of the budget committee.

SECTION 75. IC 4-12-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Two (2) offices are **hereby** created in the budget agency which shall be responsible to, and junior and subordinate to, the budget director. The persons to fill **such the** offices shall be appointed by the governor to serve at **his the governor's** will and pleasure, shall not be adherents of the same political party, shall receive the salary fixed by the governor, shall give all of their time to the respective offices and to the budget agency, and each shall be a deputy budget director. The director shall designate the order in which **such the** deputy directors shall serve in the place and

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stead of the budget director in the event of ~~his~~ **the director's** disability or absence.

(b) The budget director is authorized to employ ~~such~~ staff members, assistants, employees, and clerks as ~~he~~ **the budget director** shall require to discharge efficiently and economically the duties and functions and rights and powers of the budget agency. ~~established hereby.~~ Within this authority the director may employ on a part-time or advisory basis the services of experts in the field of public revenue and public finance and the administration ~~thereof~~ as ~~such~~ **the** services are desirable or necessary in the effective management and operation of the budget agency and in the discharge of its duties and functions.

(c) Promptly upon the receipt of a request ~~therefor~~ from the budget committee, the budget director shall provide ~~such~~ **the** assistants, employees, clerks, and experts as are reasonably required to permit prompt and efficient discharge of the duties and functions and work of the budget committee. To the extent that assistants, employees, clerks, and experts ordinarily employed by the budget agency are available and are not required by the budget agency to execute and administer appropriations made by law, the budget director shall ~~utilize~~ **employ** these persons to serve the budget committee.

SECTION 76. IC 4-12-1-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13.5. (a) The budget director may determine on or after July 1 of each fiscal year the costs of operating, during the preceding fiscal year, the office of the auditor of state, the office of attorney general, the office of the treasurer of state, the department of administration, the ~~state~~ budget agency and any other state agency that the budget director determines is attributable to the operations of other state agencies. The budget director shall establish a formula to determine those costs.

(b) When the budget director has determined the total attributable amount of those costs for each of the state agencies, ~~he~~ **the budget director** shall certify those amounts to the auditor of state and shall transmit a duplicate of the certification to the treasurer of state.

(c) The amount certified by the budget director for an agency supported by any dedicated fund is appropriated to pay that cost from the dedicated fund used to support that agency. On receipt of the certification of the budget director, the auditor of state shall transfer from the dedicated funds to the state general fund the amounts certified by the budget director. The auditor of state shall make the appropriate entries in the records of those dedicated funds. The treasurer of state shall make the appropriate entries in ~~his~~ **the treasurer of state's** records.

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SECTION 77. IC 4-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. There is ~~hereby~~ created a department of state government which shall be known as the Indiana department of administration, referred to in this chapter as the department; and which shall consist of a commissioner as its executive head and of ~~such~~ officers and employees ~~which~~ **who** shall be appointed or employed in ~~such~~ **the** department. The commissioner shall be appointed by the governor and ~~he~~ **the commissioner** shall hold office at the pleasure of the governor. The commissioner shall be well versed in administrative management and in the affairs of state government which by law are the responsibility of the governor, and shall in no manner affect the separate judicial and legislative departments of state government which by law and the Constitution of the State of Indiana are under the jurisdiction and are the responsibility of other state elected officials. The compensation of the commissioner shall be fixed and determined by the ~~state~~ budget agency subject to the approval of the governor.

SECTION 78. IC 4-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The commissioner is empowered to adopt, amend, and promulgate ~~such~~ reasonable administrative and procedural rules and regulations, ~~not inconsistent~~ **consistent** with any applicable law of this state, as ~~he~~ **the commissioner** may ~~deem~~ **consider** necessary for the effective administration of this chapter. ~~provided, that all such~~ **Any** rules and regulations shall be issued and promulgated ~~pursuant to the provisions of~~ **under** IC 4-22-2.

SECTION 79. IC 4-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The auditor of state shall be director of auditing by virtue of ~~his~~ **the auditor of state's** office as auditor of state.

SECTION 80. IC 4-13-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. The commissioner of the department of administration, a member of ~~his~~ **the commissioner's** department, or a member of a standardization committee may not be financially interested or have any personal beneficial interest in any contract or purchase order for any supplies, materials, equipment, or services used by or furnished to any agency of the state.

SECTION 81. IC 4-13-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) For the purpose of the administration of the allotment system provided by this section, each fiscal year shall be divided into four (4) quarterly allotment

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periods, beginning respectively on the first day of July, October, January, and April. ~~However,~~ In any case where the quarterly allotment period is impracticable, the ~~state~~ budget director may prescribe a different period suited to the circumstances but not extending beyond the end of any fiscal year.

(b) Except as otherwise expressly provided in this section, the provisions of this chapter relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds, from which expenditures are to be made from time to time by or under the authority of any state agency. ~~However,~~ The provisions relating to the allotment system shall not apply to ~~moneys~~ **money** made available for the purpose of conducting a post-audit of financial transactions of any state agency. Likewise, appropriations for construction or for the acquisition of real estate for public purposes may be exempted from the allotment system by the ~~state~~ budget director. ~~but in such cases he~~ **The budget director** shall prescribe ~~such~~ regulations as will ~~insure~~ **ensure** the proper application and encumbering of **those** funds.

(c) No appropriation to any state agency shall become available for expenditure until:

- (1) ~~such the~~ state agency shall have submitted to the ~~state~~ budget agency a request for allotment, ~~such the~~ request for allotment to consist of an estimate of the amount required for each activity and each purpose for which money is to be expended during the applicable allotment period; and
- (2) ~~such the~~ estimate contained in the request for allotment shall have been approved, increased, or decreased by the ~~state~~ budget director and funds allotted ~~therefor~~ as ~~hereinafter~~ provided.

The form of a request for allotment, including a request by hand, mail, facsimile transmission, or other electronic transmission, shall be prescribed by the ~~state~~ budget agency with the approval of the auditor of state and shall be submitted to them at least twenty-five (25) days prior to the beginning of the allotment period.

(d) Each request for allotment shall be reviewed by the ~~state~~ budget agency and respective amounts ~~therein~~ shall be allotted for expenditure if:

- (1) the estimate ~~therein~~ is within the terms of the appropriation as to amount and purpose, having due regard for the probable future needs of the state agency for the remainder of the fiscal year or other term for which the appropriation was made; and
- (2) the agency contemplates expenditure of the allotment during the period.

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Otherwise the ~~state~~ budget agency shall modify the estimate ~~so as~~ to conform with the terms of the appropriation and the prospective needs of the state agency, and shall reduce the amount to be allotted accordingly. The ~~state~~ budget agency shall act promptly upon all requests for allotment and shall notify every state agency of its allotments at least five (5) days before the beginning of each allotment period. The total amount allotted to any agency for the fiscal year or other term for which the appropriation was made shall not exceed the amount appropriated for ~~such the~~ year or term.

(e) The ~~state~~ budget director shall also have authority at any time to modify or amend any allotment previously made by ~~him~~. **the budget director.**

(f) In case the ~~state~~ budget director shall discover at any time that:

- (1) the probable receipts from taxes or other sources for any fund will be less than were anticipated; and
- (2) as a consequence the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted; ~~therefor~~;

he the budget director shall, with the approval of the governor, and after notice to the state agency or agencies concerned, reduce the amount or amounts allotted or to be allotted ~~so as~~ to prevent a deficit.

(g) The ~~state~~ budget agency shall promptly transmit records of all allotments and modifications ~~thereof~~ to the auditor of state.

(h) The auditor of state shall maintain as a part of the central accounting system for the state, as ~~hereinbefore~~ provided, records showing at all times, by funds, accounts, and other pertinent classifications, the amounts appropriated, the estimated revenues, the actual revenues or receipts; the amounts allotted and available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of the allotments for each state agency.

(i) No payment shall be made from any fund, allotment, or appropriation unless the auditor of state shall first certify that there is a sufficient unencumbered balance in ~~such the~~ fund, allotment, or appropriation, after taking into consideration all previous expenditures to meet the same. In the case of an obligation to be paid from federal funds, a notice of a federal grant award shall be considered an appropriation against which obligations may be incurred, funds may be allotted, and encumbrances may be made.

(j) Every expenditure or obligation authorized or incurred in violation of the provisions of this chapter shall be void. Every payment made in violation of the provisions of this chapter shall be illegal, and

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every official authorizing or making ~~such a void~~ payment, or taking part ~~therein, in a void payment,~~ and every person receiving ~~such a void~~ payment, or any part ~~thereof, of a void payment,~~ shall be jointly and severally liable to the state for the full amount ~~so~~ paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this chapter, or take any part, ~~therein,~~ it shall be ground for ~~his~~ removal **of the appointive officer or employee of the state** by the officer appointing ~~him, the appointive officer or employee of the state.~~ **and** If the appointing officer ~~be other than is a person other than~~ the governor and ~~shall fail fails~~ to remove ~~such the~~ officer or employee, the governor may exercise ~~such the~~ power of removal after giving notice of the charges and opportunity for hearing ~~thereon~~ to the accused officer or employee and to the officer appointing ~~him, the accused officer or employee.~~

SECTION 82. IC 4-13-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. All rights, powers, and duties of preauditing and accounting for the financial transactions and activities of all state agencies vested in and conferred upon before March 13, 1947, the auditor of state remain vested in and conferred upon the auditor of state. The auditor of state is ~~hereby~~ authorized to employ ~~such~~ professional and clerical assistants as may be necessary to perform the duties imposed upon ~~him the auditor of state~~ by this chapter.

SECTION 83. IC 4-13-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) The commissioner of the department of administration shall establish a central warehouse.

(b) Whenever ~~in the opinion of the commissioner he the commissioner shall determine determines~~ that it is advantageous to purchase commodities, materials, or supplies, which are used by several state agencies for their industries or for general operating purposes, ~~he the commissioner~~ may do so and warehouse same in the state warehouse. The cost of ~~such~~ commodities and the expense incident ~~thereto~~ shall be paid for in the first instance from the warehousing and stationary revolving fund.

(c) The commissioner shall keep all institutions and departments informed of the commodities, materials, and supplies which are available in the warehouse.

(d) The same procedure for requisitioning articles from the warehouse shall be followed as in requisitioning for purchases except that ~~said the~~ requisition shall be noted to be drawn from public

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warehouse. The commissioner shall invoice to each institution and file ~~his~~ **the commissioner's** claim for reimbursement for any articles furnished and shall add to the actual cost a sufficient amount to pay for all warehouse and handling charges but shall not charge any amount in excess of the actual cost and expense so as to show a profit in operating this warehouse.

SECTION 84. IC 4-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a)** The public works division of the department of administration shall compile and maintain the historical data for each building constructed in the future for the state of Indiana and the historical data available for each building which has been constructed and is now in use by the state of Indiana.

~~Such~~ **(b)** Historical data for each building shall contain the following information:

- (1) Amount of funds available for the project and date it became available.
- (2) Name of person, agency, or institution originating ~~the~~ request for the construction project and the date of ~~such~~ **the** request.
- (3) Name of person or persons responsible for the preparation of the estimate of funds necessary to build the proposed project.
- (4) Name of architect or engineer and date of ~~his~~ **the architect's or engineer's** employment.
- (5) Name of person, agency, or institution who approved the drawings, plans, and specifications.
- (6) Name of contractor or contractors and date the contract or contracts were let.
- (7) Contract price as bid.
- (8) Copy of drawings, plans, and specifications.
- (9) Copy of all change orders.
- (10) Construction cost of the building.
- (11) Date building was accepted by the state of Indiana.
- (12) Dates of completion of any alterations and repairs.
- (13) Cost of alterations and repairs.
- (14) Name of contractor or contractors who made the alterations and repairs.
- (15) ~~Such~~ Other information or data that may be necessary or of interest.

SECTION 85. IC 4-15-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. There is ~~hereby~~ created the State Employees Appeals Commission which shall consist of five (5) members, not more than three (3) of whom shall be adherents of the same political party. One **(1)** of ~~said~~ **members**

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member shall be appointed for a term of one (1) year, one **(1)** for a term of two (2) years, one **(1) of whom** for a term of three (3) years, **and two (2)** for a term of four (4) years. Every member so appointed shall serve until **his the member's** successor shall have been appointed and qualified. Each successor shall serve a term of four (4) years. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment of the governor for the unexpired term.

SECTION 86. IC 4-15-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Each member of the commission shall receive as compensation for services a salary and in addition ~~thereto~~ shall receive actual and necessary traveling expenses and other expenses in the performance of **his the member's** duties in the amount approved by the governor and the ~~state~~ budget agency.

SECTION 87. IC 4-15-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. No employee shall suffer a penalty or the threat of a penalty because ~~he~~ **the employee** exercised **his the employee's** rights under this chapter.

SECTION 88. IC 4-15-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) There is created the affirmative action advisory committee to assist in the effective implementation of the affirmative action policy. The committee is composed of eight (8) members. The governor shall appoint the members of the committee with the advice of the affirmative action officer. The members serve at the pleasure of the governor.

(b) A member of the committee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with **his the member's** duties, as provided in the state travel policies and procedures established by the department of administration and approved by the ~~state~~ budget agency. A member who is not an officer or employee of the state is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing **his the member's** duties.

(c) The committee shall select from its membership a chairperson and vice chairperson to serve for one (1) year from the date of selection. They may be reelected at the pleasure of the committee. In any instance where the chairperson or vice chairperson does not serve **his the chairperson's or vice chairperson's** full term, the committee shall select another to serve in **his the chairperson's or vice chairperson's** own right a full term.

(d) The affirmative action advisory committee shall:

(1) provide liaison activities with the affirmative action officer with respect to problems and suggestions concerning the

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affirmative action policy;

(2) advise the affirmative action officer and the governor of recommended changes in the implementation of the affirmative action policy and improved guidelines for state agency programs; and

(3) advise the governor and the affirmative action officer concerning the effectiveness and status of the total implementation of the affirmative action policy.

(e) The affirmative action advisory committee may review the affirmative action programs of state agencies for effectiveness and improvements.

SECTION 89. IC 4-21.5-3-16, AS AMENDED BY P.L.126-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person who:

(1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and

(2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him (~~her~~); **(or her)**, the questions that may be asked him (~~her~~); **(or her)**, and the answers that he (~~she~~) **(or she)** shall give to the questions, relative to the cause now under consideration before this agency?

(e) IC 35-44.1-2-1 concerning perjury applies to an interpreter.

SECTION 90. IC 4-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** The executive director shall be the chief administrative officer of the commission. The executive director shall supervise the employees of the commission and shall assist the commission in promoting and carrying on its activities

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and administrative work. The executive director shall not be a member of the commission, but shall devote ~~his or her~~ **the executive director's** full time to the performance of ~~his or her~~ **the executive director's** duties under the direction and supervision of the commission. The executive director's compensation shall be fixed by the commission with the approval of the budget agency.

(b) The executive director shall be selected for ~~his or her~~ **the executive director's** knowledge, competence, and experience in the performing and fine arts and in the development and encouragement of **the performing and fine arts** thereof through the efforts of private or governmental organizations.

SECTION 91. IC 4-23-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A commission is ~~hereby~~ created which shall be known as the "commission on forensic sciences". It shall consist of five (5) members appointed by the governor; one (1) shall be a pathologist, one (1) shall be a person engaged in police work, one (1) shall be a coroner, and one (1) shall be a lawyer. The state health commissioner shall be the fifth member of the commission and shall serve as its secretary. In making the appointments, the governor may consult with, but shall not be bound by, the recommendation of organizations representing ~~such~~ **the** categories of appointees. In the first instance one (1) of the members shall be appointed for a term of one (1) year, one (1) of the members shall be appointed for a term of two (2) years, one (1) of the members shall be appointed for a term of three (3) years, and one (1) of the members shall be appointed for a term of four (4) years. ~~Thereafter,~~ Each member shall serve until ~~his~~ **the member's** successor is appointed and has qualified. Members of the commission may be removed by the governor for cause, and any vacancy shall be filled by appointment from the proper category and for the unexpired term. The members shall elect one (1) of their number to serve as ~~chairman~~ **chairperson** for a period of one (1) year.

SECTION 92. IC 4-23-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The commission shall meet at least once in each two-month period. A majority shall constitute a quorum for the transaction of business and a per diem of ten dollars ~~(\$10.00)~~ **(\$10)** per day, and actual expenses incurred shall be allowed to each member for ~~his~~ **the member's** attendance.

SECTION 93. IC 4-23-6-5, AS AMENDED BY P.L.2-2007, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The powers of the commission shall be as follows:

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- (1) To establish and maintain a scientific laboratory for research and experimentation. The commission shall not duplicate adequate facilities for experimentation, research, or information which are available to the citizens of the state.
- (2) To appoint an administrative director who shall be a physician and should be a pathologist certified by the American Board of Pathology and to select and appoint or accept the loan of ~~such~~ other personnel as it deems necessary to carry out its purposes.
- (3) To establish and maintain a system of records and to collect data pertinent to the objectives of the commission.
- (4) To correlate information concerning forensic science facilities and make this information available to coroners, law enforcement officers, attorneys, and others.
- (5) To contract from time to time for the services or opinion of experts in connection with a particular problem or a program of research.
- (6) To engage in research and experimentation consistent with the objectives of the commission.
- (7) To establish and maintain a forensic sciences library either alone or in cooperation with any other agency of the state, the use of which shall be available to any interested persons.
- (8) To engage in and foster programs of information in forensic sciences for interested groups.
- (9) To establish from time to time and to promulgate a schedule of reasonable fees and to collect the same for the services of the commission. The considerations in formulating ~~such~~ a schedule shall be:
 - (A) uniformity;
 - (B) recovery of at least a portion of the cost of furnishing the major services of the commission; and
 - (C) availability of the services without burdensome expense to officers, agencies, and others in need of the services.

All money received by the commission ~~pursuant to~~ **under** this subdivision shall be paid to the commission, which shall give a proper receipt for the same, and shall at the end of each month report to the auditor of state the total amount received by it under the provisions of this subsection, from all sources, and shall at the same time, deposit the entire amount of ~~such the~~ receipts with the treasurer of state, who shall place them to the credit of a special fund to be created and known as the forensic sciences commission laboratory expense fund. The commission shall, by its ~~chairman~~ **chairperson** from time to time, certify to the auditor of state any



necessary laboratory expenses incurred by the commission, and the auditor shall issue ~~his~~ **the auditor's** warrant for the same, which shall be paid out of any funds ~~so~~ collected and ~~hereby~~ appropriated to the commission. ~~However,~~ Payments made by the auditor of state from the forensic sciences commission laboratory expense fund ~~created herein~~ shall be limited so as not to exceed the amounts allotted from this fund by the budget committee.

(10) To accept gifts and grants of money, services, or property and to use the same for any given purpose consistent with the objectives of the commission.

(11) To use the services and facilities of the state department of health, state educational institutions, and hospitals and other agencies supported in whole or in part by public funds.

(12) To establish and maintain ~~such~~ branch offices as it ~~deems~~ **considers** necessary.

(13) To cooperate with any state or local agency or with any hospital or postsecondary educational institution in any scientific program consistent with the objectives of the commission.

SECTION 94. IC 4-23-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of ~~his~~ **the coroner's** duties by providing medical assistance in determining causes of death; and

(2) establish minimum and uniform standards of excellence, performance of duties, and maintenance of records to provide information to the state regarding causes of death for cases investigated.

The commission shall also adopt any other rules that are necessary to carry out the provisions of this section.

(b) The commission shall establish five (5) medical examiner districts within the state, taking into consideration population, geographical size of the area covered, availability of trained personnel, death rate by both natural and unnatural causes, and similar related factors. No county may be divided in the creation of a district.

(c) A district medical examiner shall be appointed by the commission for each district from nominees who are physicians licensed to practice in Indiana. Nominees must reside in the district they are nominated for, and a preference shall be given to practicing physicians in pathology.

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(d) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service within the district. The associate examiners shall be licensed to practice in Indiana with a preference to practicing pathologists.

(e) District and associate medical examiners may engage in the private practice of medicine or surgery in addition to their duties as medical examiners.

(f) The district and associate medical examiners shall, at the request of coroners in their districts:

- (1) provide medical assistance in investigating deaths;
- (2) provide or contract for laboratory facilities for performing autopsies and investigations;
- (3) provide for the keeping of reports of all investigations and examinations; and
- (4) provide other functions which may be specified in rules adopted by the commission.

(g) A district or associate medical examiner who performs a medical examination or autopsy under the direction of a coroner is immune from civil liability for performing the examination or autopsy.

SECTION 95. IC 4-23-7.1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. (a) Each political subdivision of the state may deliver to the library ten (10) copies of every report, document, bulletin, or other publication published at the expense of the state or one (1) or more of its political subdivisions.

(b) Any state, county, or other official of local government may turn over to the state library for permanent preservation, any books, records, documents, original papers, newspaper files, or printed books or materials not in current use in **his a state's, county's, or other official of local government's** office.

(c) The state library 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 library. County, city, and other officials shall permit ~~such~~ copies to be made of the books, records, documents, and papers in their respective offices.

SECTION 96. IC 4-23-7.1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. Any person injuring or losing a book, document, plaque, marker, or sign belonging to the department is liable for threefold damages, and if the book injured or lost be one (1) volume of a set ~~he~~ **the person** is liable for the whole set, but on paying for the same, ~~he~~ **the person** may take the broken set. All money received under this section shall be deposited in the state library

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publications fund.

SECTION 97. IC 4-23-7.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Each state, county, township, city, town, judicial, or other public officer having in ~~his~~ **the officer's** charge or custody or capable of supplying, or required to collect and compile the information which may be required by the historical bureau, shall supply ~~such~~ **the** information promptly at the request of the historical bureau, 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.

SECTION 98. IC 4-23-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The chief administrative officer of the commission shall be the state superintendent of public instruction. ~~He~~ **The chief administrative officer** shall ~~make provision for~~ **provide** office facilities and personnel to keep adequate records pertaining to the commission's business and may designate a professional employee of the department of education as executive secretary. It shall be the duty of the executive secretary to conduct business as directed by the commission.

SECTION 99. IC 4-24-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The chief administrative officer of the department, division, or state agency having administrative control and supervision of any institution shall make rules and regulations concerning the withdrawal of money held in trust for any patient or inmate, and concerning the deposit of any money to be held in trust for any patient or inmate. Upon the discharge or release of any patient or inmate, the superintendent or warden of the institution shall pay to the individual, or ~~his~~ **the individual's** legal guardian, all money due ~~him~~ **the individual** from any trust account.

SECTION 100. IC 4-24-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If any inmate of any penal or correctional institution, or any patient of any psychiatric institution, shall die, ~~his~~ **the inmate's or patient's** lawful heirs or devisees shall be entitled to any money credited to and held in trust for ~~such~~ **the** inmate or patient. If the heirs or devisees of ~~such~~ **the** inmate or patient are unknown, the money in ~~such~~ **the** trust account shall be kept intact to the account of the unknown heirs of ~~such~~ **the** inmate or patient for a period of two (2) years from the date of death. If, at the expiration of the two (2) year period, no heir or devisee of any deceased inmate or patient shall appear to make claim to ~~such~~ **the** money, ~~such~~ **the** money shall be paid to the clerk of the circuit court of the county from which ~~such~~ **the** inmate or patient was committed to

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~~said the institution, said the money to be held and disposed of by said the clerk of court in the same manner as are other unclaimed funds in his the clerk of court's office.~~

(b) If any inmate of a penal or correctional institution, or if any patient of a psychiatric hospital, shall escape from ~~such the~~ institution, or shall make an escape while absent from ~~such the~~ institution on parole or leave, any money credited to and held in trust for ~~such the~~ inmate or patient shall be kept intact for ~~such the~~ escaped inmate or patient for a period of two (2) years from the date of escape. If at the end of the two (2) year period the escaped inmate or patient does not appear to make claim to ~~such the~~ money, the money shall be paid to the clerk of the circuit court of the county from which ~~such the~~ inmate or patient was committed to ~~said the~~ institution, ~~said the~~ money to be held and disposed of by ~~said the~~ clerk of court in the same manner as are other unclaimed funds in ~~his the clerk of court's~~ office.

(c) No money belonging to any patient or inmate shall be paid over to the clerk of any court as provided in this section if ~~such the~~ inmate or patient is indebted to the state of Indiana for maintenance by ~~such the~~ institution, in which case any money credited on the books of ~~such the~~ institution to the account of any inmate or patient shall be applied against any indebtedness or maintenance, and the balance, if any, shall then be paid to ~~such the~~ clerk.

(d) Notwithstanding any other law, when the department of correction has determined that an offender has escaped from custody, the department of correction:

- (1) may consider all of ~~his the escaped inmate's~~ property (except money) that is under the control of the department, to be abandoned property;
- (2) may dispose of the escaped inmate's abandoned property consistent with rules adopted by the department under IC 4-22-2; and
- (3) is not civilly liable for the safekeeping of the escaped inmate's property.

SECTION 101. IC 4-24-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in subsection (c), the superintendent or warden of any institution may not be held personally liable for the loss of:

- (1) money held in trust for any inmate or patient of the institution;
- or
- (2) money deposited in the recreation fund of the institution.

(b) Except as provided in subsection (c), in the event the superintendent or warden delegates to any officer or employee of ~~his~~

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the superintendent's or warden's institution the authority to administer the provisions of sections 6 and 7 of this chapter, ~~such the~~ officer or employee may not be held personally liable for the loss of:

(1) money held in trust for any inmate or patient of the institution;

or

(2) money deposited in the recreation fund of the institution.

(c) A superintendent or warden or a delegate of a superintendent or warden may be held personally liable under subsection (a) or (b) if the loss of money arises from the superintendent's, the warden's, or the delegate's official misconduct. All other losses under this section must be covered by the general blanket performance bond or crime insurance policy under subsection (d).

(d) No other bond except the general performance blanket bond given by the superintendent or warden of any institution, or by an officer or employee of the institution, shall be required. A general blanket performance bond or crime insurance policy endorsed to include faithful performance that is obtained under IC 5-4-1-15.1 shall cover any misfeasance or nonfeasance in the administration of sections 6 and 7 of this chapter on the part of any superintendent, warden, officer, or employee of the institution.

(e) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 102. IC 35-44.2-2-6, AS ADDED BY P.L.126-2012, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A board of trustees or correctional facility that borrows without legislative approval under IC 4-10-14-1 is subject to a civil action for an infraction under ~~IC 4-10-14-2~~. **IC 4-10-14-1.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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