

SENATE BILL No. 189

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14; IC 14-13-1.

Synopsis: White River state park development commission. Provides that interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana White River state park development commission (commission) may be held in executive session. Provides that records relating to negotiations between the commission and industrial, research, or commercial prospects are exempt from public disclosure at the discretion of the commission. Provides that records relating to negotiations between the commission and industrial, research, or commercial prospects are available for public inspection after the negotiations between the commission and prospect have terminated. Provides that the governor shall designate officers to the commission. Provides that the governor shall appoint an executive director to the commission, who shall serve as the administrative officer for the commission, which includes supervising employees and staff members of the commission. Provides that the commission may delegate powers to the executive director.

Effective: July 1, 2021.

Taylor G

January 5, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 189

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

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

1 SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.164-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 6.1. (a) As used in this section, "public official"
4 means a person:
5 (1) who is a member of a governing body of a public agency; or
6 (2) whose tenure and compensation are fixed by law and who
7 executes an oath.
8 (b) Executive sessions may be held only in the following instances:
9 (1) Where authorized by federal or state statute.
10 (2) For discussion of strategy with respect to any of the following:
11 (A) Collective bargaining.
12 (B) Initiation of litigation or litigation that is either pending or
13 has been threatened specifically in writing. As used in this
14 clause, "litigation" includes any judicial action or
15 administrative law proceeding under federal or state law.
16 (C) The implementation of security systems.
17 (D) A real property transaction including:



- 1 (i) a purchase;
 2 (ii) a lease as lessor;
 3 (iii) a lease as lessee;
 4 (iv) a transfer;
 5 (v) an exchange; or
 6 (vi) a sale;
 7 by the governing body up to the time a contract or option is
 8 executed by the parties. This clause does not affect a political
 9 subdivision's duty to comply with any other statute that
 10 governs the conduct of the real property transaction, including
 11 IC 36-1-10 or IC 36-1-11.
 12 (E) School consolidation.
- 13 However, all such strategy discussions must be necessary for
 14 competitive or bargaining reasons and may not include
 15 competitive or bargaining adversaries.
- 16 (3) For discussion of the assessment, design, and implementation
 17 of school safety and security measures, plans, and systems.
- 18 (4) Interviews and negotiations with industrial or commercial
 19 prospects or agents of industrial or commercial prospects by:
 20 (A) the Indiana economic development corporation;
 21 (B) the office of tourism development (before July 1, 2020) or
 22 the Indiana destination development corporation (after June
 23 30, 2020);
 24 (C) the Indiana finance authority;
 25 (D) the ports of Indiana;
 26 (E) an economic development commission;
 27 (F) the Indiana state department of agriculture;
 28 **(G) the Indiana White River state park development**
 29 **commission.**
 30 ~~(G)~~ **(H)** a local economic development organization that is a
 31 nonprofit corporation established under state law whose
 32 primary purpose is the promotion of industrial or business
 33 development in Indiana, the retention or expansion of Indiana
 34 businesses, or the development of entrepreneurial activities in
 35 Indiana; or
 36 ~~(H)~~ **(I)** a governing body of a political subdivision.
- 37 However, this subdivision does not apply to any discussions
 38 regarding research that is prohibited under IC 16-34.5-1-2 or
 39 under any other law.
- 40 (5) To receive information about and interview prospective
 41 employees.
 42 (6) With respect to any individual over whom the governing body



- 1 has jurisdiction:
- 2 (A) to receive information concerning the individual's alleged
- 3 misconduct; and
- 4 (B) to discuss, before a determination, the individual's status
- 5 as an employee, a student, or an independent contractor who
- 6 is:
- 7 (i) a physician; or
- 8 (ii) a school bus driver.
- 9 (7) For discussion of records classified as confidential by state or
- 10 federal statute.
- 11 (8) To discuss before a placement decision an individual student's
- 12 abilities, past performance, behavior, and needs.
- 13 (9) To discuss a job performance evaluation of individual
- 14 employees. This subdivision does not apply to a discussion of the
- 15 salary, compensation, or benefits of employees during a budget
- 16 process.
- 17 (10) When considering the appointment of a public official, to do
- 18 the following:
- 19 (A) Develop a list of prospective appointees.
- 20 (B) Consider applications.
- 21 (C) Make one (1) initial exclusion of prospective appointees
- 22 from further consideration.
- 23 Notwithstanding IC 5-14-3-4(b)(12), a governing body may
- 24 release and shall make available for inspection and copying in
- 25 accordance with IC 5-14-3-3 identifying information concerning
- 26 prospective appointees not initially excluded from further
- 27 consideration. An initial exclusion of prospective appointees from
- 28 further consideration may not reduce the number of prospective
- 29 appointees to fewer than three (3) unless there are fewer than
- 30 three (3) prospective appointees. Interviews of prospective
- 31 appointees must be conducted at a meeting that is open to the
- 32 public.
- 33 (11) To train school board members with an outside consultant
- 34 about the performance of the role of the members as public
- 35 officials.
- 36 (12) To prepare or score examinations used in issuing licenses,
- 37 certificates, permits, or registrations under IC 25.
- 38 (13) To discuss information and intelligence intended to prevent,
- 39 mitigate, or respond to the threat of terrorism.
- 40 (14) To train members of a board of aviation commissioners
- 41 appointed under IC 8-22-2 or members of an airport authority
- 42 board appointed under IC 8-22-3 with an outside consultant about



1 the performance of the role of the members as public officials. A
 2 board may hold not more than one (1) executive session per
 3 calendar year under this subdivision.

4 (15) For discussion by the governing body of a state educational
 5 institution of:

6 (A) the assessment of; or

7 (B) negotiation with another entity concerning;

8 the establishment of a collaborative relationship or venture to
 9 advance the research, engagement, or education mission of the
 10 state educational institution. However, this subdivision does not
 11 apply to any discussions regarding research that is prohibited
 12 under IC 16-34.5-1-2 or under any other law.

13 (c) A final action must be taken at a meeting open to the public.

14 (d) Public notice of executive sessions must state the subject matter
 15 by specific reference to the enumerated instance or instances for which
 16 executive sessions may be held under subsection (b). The requirements
 17 stated in section 4 of this chapter for memoranda and minutes being
 18 made available to the public is modified as to executive sessions in that
 19 the memoranda and minutes must identify the subject matter
 20 considered by specific reference to the enumerated instance or
 21 instances for which public notice was given. The governing body shall
 22 certify by a statement in the memoranda and minutes of the governing
 23 body that no subject matter was discussed in the executive session
 24 other than the subject matter specified in the public notice.

25 (e) A governing body may not conduct an executive session during
 26 a meeting, except as otherwise permitted by applicable statute. A
 27 meeting may not be recessed and reconvened with the intent of
 28 circumventing this subsection.

29 SECTION 2. IC 5-14-3-4, AS AMENDED BY P.L.64-2020,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 4. (a) The following public records are excepted
 32 from section 3 of this chapter and may not be disclosed by a public
 33 agency, unless access to the records is specifically required by a state
 34 or federal statute or is ordered by a court under the rules of discovery:

35 (1) Those declared confidential by state statute.

36 (2) Those declared confidential by rule adopted by a public
 37 agency under specific authority to classify public records as
 38 confidential granted to the public agency by statute.

39 (3) Those required to be kept confidential by federal law.

40 (4) Records containing trade secrets.

41 (5) Confidential financial information obtained, upon request,
 42 from a person. However, this does not include information that is



1 filed with or received by a public agency pursuant to state statute.

2 (6) Information concerning research, including actual research
3 documents, conducted under the auspices of a state educational
4 institution, including information:

5 (A) concerning any negotiations made with respect to the
6 research; and

7 (B) received from another party involved in the research.

8 (7) Grade transcripts and license examination scores obtained as
9 part of a licensure process.

10 (8) Those declared confidential by or under rules adopted by the
11 supreme court of Indiana.

12 (9) Patient medical records and charts created by a provider,
13 unless the patient gives written consent under IC 16-39 or as
14 provided under IC 16-41-8.

15 (10) Application information declared confidential by the Indiana
16 economic development corporation under IC 5-28-16.

17 (11) A photograph, a video recording, or an audio recording of an
18 autopsy, except as provided in IC 36-2-14-10.

19 (12) A Social Security number contained in the records of a
20 public agency.

21 (13) The following information that is part of a foreclosure action
22 subject to IC 32-30-10.5:

23 (A) Contact information for a debtor, as described in
24 IC 32-30-10.5-8(d)(1)(B).

25 (B) Any document submitted to the court as part of the debtor's
26 loss mitigation package under IC 32-30-10.5-10(a)(3).

27 (14) The following information obtained from a call made to a
28 fraud hotline established under IC 36-1-8-8.5:

29 (A) The identity of any individual who makes a call to the
30 fraud hotline.

31 (B) A report, transcript, audio recording, or other information
32 concerning a call to the fraud hotline.

33 However, records described in this subdivision may be disclosed
34 to a law enforcement agency, a private university police
35 department, the attorney general, the inspector general, the state
36 examiner, or a prosecuting attorney.

37 (b) Except as otherwise provided by subsection (a), the following
38 public records shall be excepted from section 3 of this chapter at the
39 discretion of a public agency:

40 (1) Investigatory records of law enforcement agencies or private
41 university police departments. For purposes of this chapter, a law
42 enforcement recording is not an investigatory record. Law



1 enforcement agencies or private university police departments
2 may share investigatory records with a:

3 (A) person who advocates on behalf of a crime victim,
4 including a victim advocate (as defined in IC 35-37-6-3.5) or
5 a victim service provider (as defined in IC 35-37-6-5), for the
6 purposes of providing services to a victim or describing
7 services that may be available to a victim; and

8 (B) school corporation (as defined by IC 20-18-2-16(a)),
9 charter school (as defined by IC 20-24-1-4), or nonpublic
10 school (as defined by IC 20-18-2-12) for the purpose of
11 enhancing the safety or security of a student or a school
12 facility;

13 without the law enforcement agency or private university police
14 department losing its discretion to keep those records confidential
15 from other records requesters. However, certain law enforcement
16 records must be made available for inspection and copying as
17 provided in section 5 of this chapter.

18 (2) The work product of an attorney representing, pursuant to
19 state employment or an appointment by a public agency:

20 (A) a public agency;

21 (B) the state; or

22 (C) an individual.

23 (3) Test questions, scoring keys, and other examination data used
24 in administering a licensing examination, examination for
25 employment, or academic examination before the examination is
26 given or if it is to be given again.

27 (4) Scores of tests if the person is identified by name and has not
28 consented to the release of the person's scores.

29 (5) The following:

30 (A) Records relating to negotiations between:

31 (i) the Indiana economic development corporation;

32 (ii) the ports of Indiana;

33 (iii) the Indiana state department of agriculture;

34 (iv) the Indiana finance authority;

35 (v) an economic development commission;

36 **(vi) the Indiana White River state park development
37 commission;**

38 ~~(vi)~~ **(vii)** a local economic development organization that is
39 a nonprofit corporation established under state law whose
40 primary purpose is the promotion of industrial or business
41 development in Indiana, the retention or expansion of
42 Indiana businesses, or the development of entrepreneurial



- 1 activities in Indiana; or
 2 ~~(vii)~~ (viii) a governing body of a political subdivision;
 3 with industrial, research, or commercial prospects, if the
 4 records are created while negotiations are in progress.
 5 However, this clause does not apply to records regarding
 6 research that is prohibited under IC 16-34.5-1-2 or any other
 7 law.
- 8 (B) Notwithstanding clause (A), the terms of the final offer of
 9 public financial resources communicated by the Indiana
 10 economic development corporation, the ports of Indiana, the
 11 Indiana finance authority, an economic development
 12 commission, **the Indiana White River state park**
 13 **development commission**, or a governing body of a political
 14 subdivision to an industrial, a research, or a commercial
 15 prospect shall be available for inspection and copying under
 16 section 3 of this chapter after negotiations with that prospect
 17 have terminated.
- 18 (C) When disclosing a final offer under clause (B), the Indiana
 19 economic development corporation shall certify that the
 20 information being disclosed accurately and completely
 21 represents the terms of the final offer.
- 22 (D) Notwithstanding clause (A), an incentive agreement with
 23 an incentive recipient shall be available for inspection and
 24 copying under section 3 of this chapter after the date the
 25 incentive recipient and the Indiana economic development
 26 corporation execute the incentive agreement regardless of
 27 whether negotiations are in progress with the recipient after
 28 that date regarding a modification or extension of the incentive
 29 agreement.
- 30 (6) Records that are intra-agency or interagency advisory or
 31 deliberative material, including material developed by a private
 32 contractor under a contract with a public agency, that are
 33 expressions of opinion or are of a speculative nature, and that are
 34 communicated for the purpose of decision making.
- 35 (7) Diaries, journals, or other personal notes serving as the
 36 functional equivalent of a diary or journal.
- 37 (8) Personnel files of public employees and files of applicants for
 38 public employment, except for:
- 39 (A) the name, compensation, job title, business address,
 40 business telephone number, job description, education and
 41 training background, previous work experience, or dates of
 42 first and last employment of present or former officers or



- 1 employees of the agency;
 2 (B) information relating to the status of any formal charges
 3 against the employee; and
 4 (C) the factual basis for a disciplinary action in which final
 5 action has been taken and that resulted in the employee being
 6 suspended, demoted, or discharged.
- 7 However, all personnel file information shall be made available
 8 to the affected employee or the employee's representative. This
 9 subdivision does not apply to disclosure of personnel information
 10 generally on all employees or for groups of employees without the
 11 request being particularized by employee name.
- 12 (9) Minutes or records of hospital medical staff meetings.
- 13 (10) Administrative or technical information that would
 14 jeopardize a record keeping system, voting system, voter
 15 registration system, or security system.
- 16 (11) Computer programs, computer codes, computer filing
 17 systems, and other software that are owned by the public agency
 18 or entrusted to it and portions of electronic maps entrusted to a
 19 public agency by a utility.
- 20 (12) Records specifically prepared for discussion or developed
 21 during discussion in an executive session under IC 5-14-1.5-6.1.
 22 However, this subdivision does not apply to that information
 23 required to be available for inspection and copying under
 24 subdivision (8).
- 25 (13) The work product of the legislative services agency under
 26 personnel rules approved by the legislative council.
- 27 (14) The work product of individual members and the partisan
 28 staffs of the general assembly.
- 29 (15) The identity of a donor of a gift made to a public agency if:
 30 (A) the donor requires nondisclosure of the donor's identity as
 31 a condition of making the gift; or
 32 (B) after the gift is made, the donor or a member of the donor's
 33 family requests nondisclosure.
- 34 (16) Library or archival records:
 35 (A) which can be used to identify any library patron; or
 36 (B) deposited with or acquired by a library upon a condition
 37 that the records be disclosed only:
 38 (i) to qualified researchers;
 39 (ii) after the passing of a period of years that is specified in
 40 the documents under which the deposit or acquisition is
 41 made; or
 42 (iii) after the death of persons specified at the time of the



- 1 acquisition or deposit.
 2 However, nothing in this subdivision shall limit or affect contracts
 3 entered into by the Indiana state library pursuant to IC 4-1-6-8.
 4 (17) The identity of any person who contacts the bureau of motor
 5 vehicles concerning the ability of a driver to operate a motor
 6 vehicle safely and the medical records and evaluations made by
 7 the bureau of motor vehicles staff or members of the driver
 8 licensing medical advisory board regarding the ability of a driver
 9 to operate a motor vehicle safely. However, upon written request
 10 to the commissioner of the bureau of motor vehicles, the driver
 11 must be given copies of the driver's medical records and
 12 evaluations.
 13 (18) School safety and security measures, plans, and systems,
 14 including emergency preparedness plans developed under 511
 15 IAC 6.1-2-2.5.
 16 (19) A record or a part of a record, the public disclosure of which
 17 would have a reasonable likelihood of threatening public safety
 18 by exposing a vulnerability to terrorist attack. A record described
 19 under this subdivision includes the following:
 20 (A) A record assembled, prepared, or maintained to prevent,
 21 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 22 (before its repeal), an act of agricultural terrorism under
 23 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
 24 (as defined in IC 35-50-2-18).
 25 (B) Vulnerability assessments.
 26 (C) Risk planning documents.
 27 (D) Needs assessments.
 28 (E) Threat assessments.
 29 (F) Intelligence assessments.
 30 (G) Domestic preparedness strategies.
 31 (H) The location of community drinking water wells and
 32 surface water intakes.
 33 (I) The emergency contact information of emergency
 34 responders and volunteers.
 35 (J) Infrastructure records that disclose the configuration of
 36 critical systems such as voting system and voter registration
 37 system critical infrastructure, and communication, electrical,
 38 ventilation, water, and wastewater systems.
 39 (K) Detailed drawings or specifications of structural elements,
 40 floor plans, and operating, utility, or security systems, whether
 41 in paper or electronic form, of any building or facility located
 42 on an airport (as defined in IC 8-21-1-1) that is owned,



1 occupied, leased, or maintained by a public agency, or any part
 2 of a law enforcement recording that captures information
 3 about airport security procedures, areas, or systems. A record
 4 described in this clause may not be released for public
 5 inspection by any public agency without the prior approval of
 6 the public agency that owns, occupies, leases, or maintains the
 7 airport. Both of the following apply to the public agency that
 8 owns, occupies, leases, or maintains the airport:

9 (i) The public agency is responsible for determining whether
 10 the public disclosure of a record or a part of a record,
 11 including a law enforcement recording, has a reasonable
 12 likelihood of threatening public safety by exposing a
 13 security procedure, area, system, or vulnerability to terrorist
 14 attack.

15 (ii) The public agency must identify a record described
 16 under item (i) and clearly mark the record as "confidential
 17 and not subject to public disclosure under
 18 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
 19 submitting public agency)". However, in the case of a law
 20 enforcement recording, the public agency must clearly mark
 21 the record as "confidential and not subject to public
 22 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
 23 (insert name of the public agency that owns, occupies,
 24 leases, or maintains the airport)".

25 (L) The home address, home telephone number, and
 26 emergency contact information for any:

27 (i) emergency management worker (as defined in
 28 IC 10-14-3-3);

29 (ii) public safety officer (as defined in IC 35-47-4.5-3);

30 (iii) emergency medical responder (as defined in
 31 IC 16-18-2-109.8); or

32 (iv) advanced emergency medical technician (as defined in
 33 IC 16-18-2-6.5).

34 This subdivision does not apply to a record or portion of a record
 35 pertaining to a location or structure owned or protected by a
 36 public agency in the event that an act of terrorism under
 37 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 38 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 39 offense (as defined in IC 35-50-2-18) has occurred at that location
 40 or structure, unless release of the record or portion of the record
 41 would have a reasonable likelihood of threatening public safety
 42 by exposing a vulnerability of other locations or structures to



- 1 terrorist attack.
- 2 (20) The following personal information concerning a customer
- 3 of a municipally owned utility (as defined in IC 8-1-2-1):
- 4 (A) Telephone number.
- 5 (B) Address.
- 6 (C) Social Security number.
- 7 (21) The following personal information about a complainant
- 8 contained in records of a law enforcement agency:
- 9 (A) Telephone number.
- 10 (B) The complainant's address. However, if the complainant's
- 11 address is the location of the suspected crime, infraction,
- 12 accident, or complaint reported, the address shall be made
- 13 available for public inspection and copying.
- 14 (22) Notwithstanding subdivision (8)(A), the name,
- 15 compensation, job title, business address, business telephone
- 16 number, job description, education and training background,
- 17 previous work experience, or dates of first employment of a law
- 18 enforcement officer who is operating in an undercover capacity.
- 19 (23) Records requested by an offender, an agent, or a relative of
- 20 an offender that:
- 21 (A) contain personal information relating to:
- 22 (i) a correctional officer (as defined in IC 5-10-10-1.5);
- 23 (ii) a probation officer;
- 24 (iii) a community corrections officer;
- 25 (iv) a law enforcement officer (as defined in
- 26 IC 35-31.5-2-185);
- 27 (v) a judge (as defined in IC 33-38-12-3);
- 28 (vi) the victim of a crime; or
- 29 (vii) a family member of a correctional officer, probation
- 30 officer, community corrections officer, law enforcement
- 31 officer (as defined in IC 35-31.5-2-185), judge (as defined
- 32 in IC 33-38-12-3), or victim of a crime; or
- 33 (B) concern or could affect the security of a jail or correctional
- 34 facility.
- 35 For purposes of this subdivision, "agent" means a person who is
- 36 authorized by an offender to act on behalf of, or at the direction
- 37 of, the offender, and "relative" has the meaning set forth in
- 38 IC 35-42-2-1(b). However, the term "agent" does not include an
- 39 attorney in good standing admitted to the practice of law in
- 40 Indiana.
- 41 (24) Information concerning an individual less than eighteen (18)
- 42 years of age who participates in a conference, meeting, program,



1 or activity conducted or supervised by a state educational
 2 institution, including the following information regarding the
 3 individual or the individual's parent or guardian:

4 (A) Name.

5 (B) Address.

6 (C) Telephone number.

7 (D) Electronic mail account address.

8 (25) Criminal intelligence information.

9 (26) The following information contained in a report of unclaimed
 10 property under IC 32-34-1-26 or in a claim for unclaimed
 11 property under IC 32-34-1-36:

12 (A) Date of birth.

13 (B) Driver's license number.

14 (C) Taxpayer identification number.

15 (D) Employer identification number.

16 (E) Account number.

17 (27) Except as provided in subdivision (19) and sections 5.1 and
 18 5.2 of this chapter, a law enforcement recording. However, before
 19 disclosing the recording, the public agency must comply with the
 20 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
 21 applicable.

22 (28) Records relating to negotiations between a state educational
 23 institution and another entity concerning the establishment of a
 24 collaborative relationship or venture to advance the research,
 25 engagement, or educational mission of the state educational
 26 institution, if the records are created while negotiations are in
 27 progress. The terms of the final offer of public financial resources
 28 communicated by the state educational institution to an industrial,
 29 a research, or a commercial prospect shall be available for
 30 inspection and copying under section 3 of this chapter after
 31 negotiations with that prospect have terminated. However, this
 32 subdivision does not apply to records regarding research
 33 prohibited under IC 16-34.5-1-2 or any other law.

34 (c) Nothing contained in subsection (b) shall limit or affect the right
 35 of a person to inspect and copy a public record required or directed to
 36 be made by any statute or by any rule of a public agency.

37 (d) Notwithstanding any other law, a public record that is classified
 38 as confidential, other than a record concerning an adoption or patient
 39 medical records, shall be made available for inspection and copying
 40 seventy-five (75) years after the creation of that record.

41 (e) Only the content of a public record may form the basis for the
 42 adoption by any public agency of a rule or procedure creating an



1 exception from disclosure under this section.

2 (f) Except as provided by law, a public agency may not adopt a rule
3 or procedure that creates an exception from disclosure under this
4 section based upon whether a public record is stored or accessed using
5 paper, electronic media, magnetic media, optical media, or other
6 information storage technology.

7 (g) Except as provided by law, a public agency may not adopt a rule
8 or procedure nor impose any costs or liabilities that impede or restrict
9 the reproduction or dissemination of any public record.

10 (h) Notwithstanding subsection (d) and section 7 of this chapter:

11 (1) public records subject to IC 5-15 may be destroyed only in
12 accordance with record retention schedules under IC 5-15; or

13 (2) public records not subject to IC 5-15 may be destroyed in the
14 ordinary course of business.

15 SECTION 3. IC 14-13-1-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. **(a)** The governor
17 shall annually designate **the following officers to the commission:**

18 (1) One (1) of the voting members of the commission as
19 chairman. ~~and~~

20 **(2) One (1) of the voting members of the commission as vice**
21 **chairman.**

22 ~~(3)~~ **(3)** One (1) of the voting members of the commission as
23 treasurer.

24 for terms expiring ~~December 31~~.

25 **(b) An officer designated under subsection (a) serves as an**
26 **officer until the earlier of the following:**

27 **(1) The voting member's term expires under section 7 of this**
28 **chapter.**

29 **(2) The voting member is replaced as a presiding officer by**
30 **the governor.**

31 SECTION 4. IC 14-13-1-14 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. **(a)** The governor
33 shall appoint an executive director for the commission.

34 **(b) The executive director shall do the following:**

35 **(1) Serve as the administrative officer for the commission,**
36 **including supervising employees and other staff members of**
37 **the commission.**

38 **(2) Implement the policies of the commission.**

39 **(c) The executive director may hire and terminate employees of**
40 **the commission.**

41 SECTION 5. IC 14-13-1-28 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. The commission



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may do the following:

- (1) Adopt bylaws for the regulation of the commission's affairs and the conduct of the commission's business.
- (2) Adopt an official seal, which may not be the seal of the state.
- (3) Maintain a principal office and other offices that the commission designates.
- (4) Sue and be sued in the name and style of "White River State Park Development Commission", with service of process being had upon the chairman of the commission by leaving a copy at the principal office of the commission.
- (5) Acquire by grant, purchase, gift, devise, lease, eminent domain, or otherwise and hold, use, sell, lease, or dispose of:
 - (A) real and personal property of every kind and nature; and
 - (B) any right and interest;
 necessary for the full exercise or convenient or useful for the carrying on of any of the commission's powers under this chapter.
- (6) Exercise within Indiana and in the name of the state of Indiana the power of eminent domain under Indiana law governing the exercise of the power of eminent domain for any public purposes.
- (7) Fix, collect, and review admission charges, entrance fees, tolls, and other user charges for the use of a facility within the projects owned or leased by the commission or dedicated to the commission by a political subdivision of the state or a public agency, department, or commission having jurisdiction of the facility.
- (8) Acquire by fee or by lease, obtain option on, hold, and dispose of real and personal property reasonably necessary and proper to the exercise of the commission's powers and the performance of the commission's duties under this chapter.
- (9) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's duties and the execution of the commission's powers under this chapter.
- (10) Employ and fix the compensation of consulting engineers, superintendents, and other engineers, construction and accounting experts, attorneys, and other employees and agents the commission considers necessary.
- (11) Conduct studies of the financial feasibility of the park and recreational projects and facilities, betterments, and improvements within those projects.
- (12) Avail itself of the services of professional and other personnel employed by an agency, a department, or a commission



- 1 of the state for purposes of studying the feasibility of or designing,
 2 constructing, or maintaining the projects or a facility within those
 3 projects.
- 4 (13) Receive and accept:
- 5 (A) from the federal government or a federal agency or
 6 department grants for or in aid of the acquisition, construction,
 7 improvement, or development of any part of the projects of the
 8 commission; and
- 9 (B) aid or contributions from any source of money, property,
 10 labor, or other things of value;
- 11 to be held, used, and applied only for the purposes, consistent
 12 with the purposes of this chapter, for which the grants and
 13 contributions may be made.
- 14 (14) Hold, use, administer, and expend the money that is
 15 appropriated or transferred to the commission.
- 16 (15) Assist or cooperate with a political subdivision or public
 17 agency, department, or commission, including the payment of
 18 money or the transfer of property by the commission to the
 19 political subdivision or public agency, department, or
 20 commission, if the commission considers the assistance or
 21 cooperation appropriate and in furtherance of the purposes of this
 22 chapter.
- 23 (16) Accept assistance and cooperation from a political
 24 subdivision or public agency, department, or commission,
 25 including the acceptance of money or property by the commission
 26 from the political subdivision or public agency, department, or
 27 commission, if the commission considers the assistance or
 28 cooperation appropriate and in furtherance of the purposes of this
 29 chapter.
- 30 **(17) Delegate to the executive director all powers granted**
 31 **under this chapter.**
- 32 ~~(17)~~ **(18)** All acts and things necessary or proper to carry out the
 33 powers expressly granted in this chapter.

