



February 16, 2016

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**ENGROSSED  
HOUSE BILL No. 1173**

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DIGEST OF HB 1173 (Updated February 11, 2016 11:17 am - DI 106)

**Citations Affected:** IC 4-1; IC 4-2; IC 4-3; IC 4-4; IC 4-5; IC 4-6; IC 4-7; IC 4-8.1; IC 4-10; IC 4-11; IC 4-12; IC 4-13; IC 4-15; IC 4-21.5; IC 4-23; IC 4-24; IC 35-44.2.

**Synopsis:** IC 4 technical corrections. Replaces certain pronouns in IC 4 with gender neutral pronouns. Makes technical changes.

**Effective:** July 1, 2016.

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**Negele, Klinker, Sullivan, Austin,  
Wright, Schaibley, Hale, Olthoff,  
Macer, McNamara, Lawson L,  
Richardson, Shackelford, Pryor,  
Harris D, Errington, Riecken**  
(SENATE SPONSORS — LEISING, RANDOLPH LONNIE M)

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January 7, 2016, read first time and referred to Committee on Judiciary.  
January 25, 2016, reported — Do Pass.  
January 28, 2016, read second time, ordered engrossed.  
January 29, 2016, engrossed.  
February 1, 2016, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Civil Law.  
February 15, 2016, reported favorably — Do Pass.

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EH 1173—LS 6649/DI 125





February 16, 2016

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.

## ENGROSSED HOUSE BILL No. 1173

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

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

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

**EH 1173—LS 6649/DI 125**



1 seat of government is returned to its normal location.

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

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

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

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

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

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

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

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



1 psychologist designated by the data subject;

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

4 (c) the names and addresses of any recipients, other than those with  
5 regular access authority, of personal information of a confidential  
6 nature about the data subject, and the date, nature, and purpose of ~~such~~  
7 ~~the~~ disclosure.

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

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

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

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

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

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

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

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



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

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

8 (2) a notification either:

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

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

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

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

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

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



1 forms and posted in the office of the agency shall include information  
 2 on the right of the applicant to remove ~~his or her~~ **the applicant's** Social  
 3 Security number from existing records.

4 SECTION 10. IC 4-2-4-3 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2016]: Sec. 3. A special deputy who certifies  
 6 that any person was sworn or affirmed before ~~him~~ **the special deputy**  
 7 to any affidavit or other instrument or writing when in fact the person  
 8 was not so sworn or affirmed commits a Class C infraction.

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

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

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

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

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

- 42 (1) All information and reports used in the preparation of the state



1 budget.

2 (2) All information on projected income and revenue estimates for  
3 the state.

4 SECTION 16. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter:

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

16 (2) "Reorganization" means:

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

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

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

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

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

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

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

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

41 (b) may include provisions for the appointment and compensation  
42 of the head and one (1) or more other officers of any agency,



1 including an agency resulting from a consolidation or other type  
 2 of reorganization, if the governor finds, and in ~~his~~ **the governor's**  
 3 message submitting the plan declares, that by reason of a  
 4 reorganization made by the plan ~~such~~ **the** provisions are  
 5 necessary. The head ~~so provided for~~ may be an individual, or may  
 6 be a commission or board with two (2) or more members. The  
 7 terms of office of any appointee shall not be fixed at more than  
 8 four (4) years. The compensation shall not be at a rate in excess  
 9 of that found by the governor to prevail in respect of comparable  
 10 officers in the executive and administrative branch;  
 11 (c) shall make provisions for the transfer or other disposition of  
 12 the records, property, and personnel affected by any  
 13 reorganization;  
 14 (d) shall make provision for the transfer of ~~such~~ **the** unexpended  
 15 balances of appropriations, and of other funds, available for use  
 16 in connection with any function or agency affected by a  
 17 reorganization, as ~~he~~ **the governor** deems necessary by reason of  
 18 the reorganization for use in connection with the functions  
 19 affected by the reorganization, or for the use of the agency which  
 20 has ~~such~~ **the** functions after the reorganization plan is effective.  
 21 Unexpended balances ~~so~~ transferred shall be used only for the  
 22 purposes for which the appropriation was originally made;  
 23 (e) shall make provision for terminating the affairs of any agency  
 24 abolished; and  
 25 (f) shall enumerate all statutes which may be repealed if the  
 26 reorganization plan becomes effective.

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

41 SECTION 19. IC 4-3-9-3 IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2016]: Sec. 3. The governor is authorized to



1 execute all deeds or other instruments of conveyance which, in **his the**  
 2 **governor's** judgment, are proper or necessary for the transfer of title  
 3 to land or any interest ~~therein~~ by the state of Indiana to the United  
 4 States of America **pursuant to under** section 2 of this chapter, in the  
 5 following form and manner: Every ~~such~~ deed or conveyance shall be  
 6 executed in the name of the state of Indiana, signed by the governor of  
 7 the state of Indiana, with the seal of the state of Indiana affixed thereto  
 8 and shall be approved as to legality and form by the attorney general of  
 9 Indiana.

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

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

41 SECTION 21. IC 4-4-2-1.1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. Whenever the

**EH 1173—LS 6649/DI 125**



1 lieutenant governor transmits to the governor ~~his the lieutenant~~  
 2 ~~governor's~~ written declaration that ~~he the lieutenant governor~~ is  
 3 unable to discharge the powers and duties of ~~his the lieutenant~~  
 4 ~~governor's~~ office, and until ~~he the lieutenant governor~~ transmits to  
 5 ~~him the governor~~ a written declaration to the contrary, ~~such the~~  
 6 powers and duties shall be discharged by a person appointed by the  
 7 governor as acting lieutenant governor. Thereafter, when the lieutenant  
 8 governor transmits to the governor ~~his the lieutenant governor's~~  
 9 written declaration that no inability exists, ~~he the lieutenant governor~~  
 10 shall resume the powers and duties of ~~his the lieutenant governor's~~  
 11 office.

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

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

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

42 SECTION 25. IC 4-4-10.9-20 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. "Mortgagor" means  
 2 the original borrower under a mortgage and ~~his~~ **the original**  
 3 **borrower's** successors and assigns.

4 SECTION 26. IC 4-4-11-12 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Any member or  
 6 employee of the authority who has, will have, or later acquires an  
 7 interest, direct or indirect, in any transaction with the authority shall  
 8 immediately disclose the nature and extent of the interest in writing to  
 9 the authority as soon as ~~he~~ **the member or employee** has knowledge  
 10 of the actual or prospective interest. The disclosure shall be announced  
 11 in open meeting and entered upon the minutes of the authority. Upon  
 12 disclosure, the member or employee shall not participate in any action  
 13 by the authority authorizing the transaction. ~~However, such~~ An interest  
 14 shall not invalidate actions by the authority with the participation of the  
 15 disclosing member prior to the time when the member became aware  
 16 of the interest or should reasonably have become aware of the interest.

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

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

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

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

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



1 SECTION 29. IC 4-5-1-4 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~He~~ **The secretary of state** shall  
 3 furnish, on demand, to any person, a duly certified copy of all or any  
 4 part of any law, act, record, public register, public document, or other  
 5 instrument of writing on file, or deposited, ~~pursuant to~~ **under** law, to  
 6 be kept, in ~~his the secretary of state's~~ office, and of which a copy may  
 7 be properly given.

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

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

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



1 form by any officer authorized to administer oaths, which shall be kept  
2 on file in ~~his~~ **the attorney general's** office.

3 SECTION 33. IC 4-6-1-6 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2016]: Sec. 6. All ~~of~~ the rights, powers, and  
5 duties conferred by law upon the attorney general are conferred upon  
6 the attorney general created by this chapter; in addition thereto, the  
7 attorney general shall consult with and advise the several prosecuting  
8 attorneys of the state in relation to the duties of their office, and when,  
9 in ~~his~~ **the attorney general's** judgment, the interest of the public  
10 requires it, ~~he~~ **the attorney general** shall attend the trial of any party  
11 accused of an offense, and assist in the prosecution; and shall represent  
12 the state in any matter involving the rights or interests of the state,  
13 including actions in the name of the state, for which provision is not  
14 otherwise made by law.

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

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

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

41 SECTION 36. IC 4-6-2-3 IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2016]: Sec. 3. The attorney general shall reside



1 at Indianapolis, and ~~he~~ **the attorney general** shall keep ~~his~~ **the**  
 2 **attorney general's** office in the statehouse; and ~~he~~ **the attorney**  
 3 **general** shall, on all business days, during business hours, be at ~~said~~  
 4 **the** office, in person or by deputy, unless engaged in court or elsewhere  
 5 in the service of the state.

6 SECTION 37. IC 4-6-2-4 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2016]: Sec. 4. It shall be the duty of the attorney  
 8 general to keep a record of all opinions given by ~~him~~ **the attorney**  
 9 **general** to the governor, the general assembly, or to any of the state  
 10 officers, and an accurate account of all ~~moneys~~ **money** collected or  
 11 received by ~~him~~; **the attorney general**, in substantially bound books,  
 12 and to pay over to the proper officer all money collected at the end of  
 13 each month; and ~~he~~ **the attorney general** shall also keep a record of all  
 14 criminal cases pending in the Supreme Court, and of all civil cases in  
 15 which it is ~~his~~ **the attorney general's** duty to appear.

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

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

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

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



1 SECTION 41. IC 4-6-4-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever any ~~such~~ action,  
3 counter-claim, petition, or cross-complaint is filed in any court in this  
4 state in which the state of Indiana or any board, bureau, commission,  
5 department, division, agency, or officer or employee in ~~his~~ **the**  
6 **employee's** capacity as an employee of the state of Indiana is a party  
7 and the attorney general is required or authorized to appear or defend,  
8 or when the attorney general is entitled to be heard, a copy of the  
9 complaint, cross-complaint, petition, bill, or pleading shall be served  
10 on the attorney general and ~~such the~~ action, cross-action, or proceeding  
11 shall not be ~~deemed considered~~ to be commenced as to the state or any  
12 ~~such~~ board, bureau, commission, department, division, agency, or  
13 officer or employee in ~~his~~ **the employee's** capacity as an employee of  
14 the state of Indiana until ~~such~~ service. Whenever the attorney general  
15 has appeared in any suit, action, or proceeding, copies of all motions,  
16 demurrers, petitions, and pleadings filed ~~therein~~ shall be served upon  
17 the attorney general by the party filing the ~~same:~~ **motion, demurrer,**  
18 **petition, or pleading. provided; further; that** The clerk of the court  
19 shall cause to be served upon the attorney general a copy of the ruling  
20 made by the court upon ~~such the~~ motions, demurrers, petitions, and  
21 pleadings, and ~~such the~~ ruling shall not be ~~deemed considered~~  
22 effective in any manner as against the attorney general or as against the  
23 state of Indiana or any board, bureau, commission, department,  
24 division, agency, or officer or employee in ~~his~~ **the employee's** capacity  
25 as an employee of the state of Indiana unless and until ~~such a~~ copy  
26 shall be served upon the attorney general or any deputy attorney  
27 general as provided in section 2 of this chapter. ~~provided; further; that~~  
28 In any action in which the attorney general is required or authorized to  
29 appear or defend or entitled to be heard, in which action some matter  
30 or thing occurs upon which occurrence time begins to run, the running  
31 of ~~such~~ time shall be suspended as to the attorney general until ~~such~~  
32 service is had upon the attorney general or any deputy attorney general  
33 as provided in section 2 of this chapter. ~~provided; further; that~~  
34 Whenever any claim filed for and on behalf of the state of Indiana or  
35 any board, bureau, commission, department, division, agency, officer,  
36 or institution of the state of Indiana in any estate or guardianship  
37 pending in any court having probate jurisdiction in the state of Indiana  
38 is not allowed and the clerk of the court, administrator, administratrix,  
39 executor, executrix, or guardian transfers ~~such the~~ claim to the trial  
40 docket, ~~said the~~ claim shall not be disposed of nor shall any disposition  
41 made of ~~such the~~ claim be deemed to be a final adjudication unless and  
42 until due notice of the trial date of ~~such the~~ claim shall be served on the



1 attorney general or any deputy attorney general as provided in section  
 2 2 of this chapter at least ten (10) days prior to the date set for trial of  
 3 ~~said the~~ claim.

4 SECTION 42. IC 4-6-6-4 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2016]: Sec. 4. The compensation of any ~~such~~  
 6 special deputy attorney general shall be payable from the amount  
 7 recovered for the benefit of any city, town, township, county, or other  
 8 governmental unit or public entity of the state as a result of the  
 9 successful prosecution of any ~~such~~ civil proceedings in which any ~~such~~  
 10 special deputy attorney general has been appointed and employed, and  
 11 the attorney general of Indiana is ~~hereby~~ authorized to pay ~~such~~  
 12 compensation to any ~~such~~ special deputy attorney general from ~~such~~  
 13 ~~the~~ amount and to remit the balance ~~thereof~~ to the governmental unit  
 14 or public entity ~~in on~~ behalf of which ~~such the~~ amount has been  
 15 recovered. In the event any ~~such~~ civil proceedings are unsuccessful  
 16 and, upon prosecution to final conclusion, do not result in the recovery  
 17 of any ~~such~~ funds, ~~then, and in that event, such~~ compensation shall be  
 18 payable from the funds of the governmental unit or public entity ~~in on~~  
 19 behalf of which any ~~such~~ civil proceedings may have been brought, and  
 20 the disbursing officers of any and all governmental units or public  
 21 entities of the state are ~~hereby~~ authorized and directed to make payment  
 22 in full of any ~~such~~ compensation to any ~~such~~ special duty attorney  
 23 general, without an appropriation being made ~~therefor~~ upon  
 24 certification of the attorney general and the judge of the court in which  
 25 the action was brought to any ~~such~~ disbursing officer of the amount due  
 26 any ~~such~~ special deputy attorney general for ~~his the special deputy~~  
 27 ~~attorney general's~~ services in connection with the conduct and  
 28 prosecution of any ~~such~~ civil proceedings.

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

36 SECTION 44. IC 4-6-7-3 IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2016]: Sec. 3. As compensation and for all their  
 38 costs and expenses, ~~such the~~ assistant or assistants shall receive a sum  
 39 equal to not more than twenty-five ~~per cent percent~~ (25%) of the  
 40 money recovered and turned over to the state, to be fixed in the  
 41 contract of employment. The state shall not be liable to ~~such the~~  
 42 assistant or assistants for any other sum, either for compensation or



1 costs. ~~Provided, That~~ In case money ~~so~~ recovered is paid into the state  
 2 treasury without ~~such the per cent~~ **percent** having been first deducted,  
 3 the auditor of state shall issue ~~his~~ **the auditor of state's** warrant, upon  
 4 a voucher approved by the attorney general, for a sum equal to not  
 5 more than twenty-five ~~per cent~~ **percent** (25%) of the money ~~so~~  
 6 recovered and paid in; and there is ~~hereby~~ appropriated out of the funds  
 7 of the treasury not otherwise appropriated ~~such~~ sums as may be  
 8 necessary for ~~such this~~ purpose.

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

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

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

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

**EH 1173—LS 6649/DI 125**



- 1 (1) The power to investigate any written consumer complaint  
 2 made by a nonmerchant arising from a transaction between a  
 3 merchant as defined in the Uniform Commercial Code and a  
 4 nonmerchant concerning sales, leases, assignments, awards by  
 5 chance, or other dispositions of goods, services, or repairs, and  
 6 intangibles to a person for purposes that are primarily personal,  
 7 familial, household, charitable, or agricultural, or a solicitation to  
 8 supply any of the above things. When a consumer trades in or  
 9 sells a motor vehicle to another consumer or nonconsumer, ~~he~~ **the**  
 10 **consumer** shall be ~~deemed~~ **considered** to be a nonconsumer and  
 11 shall be subject to the provisions of this chapter. The division  
 12 shall have no jurisdiction over matters concerning utilities subject  
 13 to regulation by the utility regulatory commission or by an agency  
 14 of the United States except that the provisions of subdivision (5)  
 15 shall apply and except as provided in IC 8-1-29.
- 16 (2) For complaints filed after August 31, 1984, the duty to  
 17 ascertain from the consumer whether the consumer consents to  
 18 public disclosure by the division of the filing of the complaint,  
 19 including the consumer's identity and telephone number, if any.
- 20 (3) The duty to notify the merchant of the nature of the complaint  
 21 by written communication and request a written reply.
- 22 (4) Upon receipt of reply, the duty to act as mediator between the  
 23 parties and attempt to resolve all complaints in a conciliatory  
 24 manner. The director of the division and the attorney general have  
 25 discretion whether to mediate complaints involving a de minimis  
 26 amount of money.
- 27 (5) If no reply is received or if the parties are unable to resolve  
 28 their differences, and no violation of federal or state statute or rule  
 29 is indicated, the duty to provide the complainant with a copy of all  
 30 correspondence relating to the matter.
- 31 (6) Whenever a violation of a state or federal law or  
 32 administrative rule is indicated, the duty to forward to the  
 33 appropriate state or federal agency a copy of the correspondence  
 34 and request that the agency further investigate the complaint and  
 35 report to the division upon the disposition of the complaint.
- 36 (7) The power to initiate and prosecute civil actions on behalf of  
 37 the state whenever an agency to which a complaint has been  
 38 forwarded fails to act upon the complaint within ten (10) working  
 39 days after its referral, or whenever no state agency has jurisdiction  
 40 over the subject matter of the complaint.
- 41 (b) All complaints and correspondence in the possession of the  
 42 division under this chapter are confidential unless disclosure of a



1 complaint or correspondence is:

- 2 (1) requested by the person who filed the complaint;  
 3 (2) consented to, in whole or in part, after August 31, 1984, by the  
 4 person who filed the complaint;  
 5 (3) in furtherance of an investigation by a law enforcement  
 6 agency; or  
 7 (4) necessary for the filing of an action by the attorney general  
 8 under IC 24-5-0.5.

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

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

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

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

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

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

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

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



- 1 (A) in the order ~~he~~ **the auditor** issues the **warrant or**
- 2 **transfer; same;**
- 3 (B) in ~~such a~~ manner as to show the date; ~~thereof;~~
- 4 (C) in whose favor drawn;
- 5 (D) the nature of the claim upon which it is founded; and
- 6 (E) with a reference to the law under which it is drawn;
- 7 (2) carry ~~such the~~ entries into a book of general accounts, under
- 8 separate and distinct heads; and
- 9 (3) number and file, in ~~his the~~ **auditor's** office, all papers and
- 10 vouchers upon which ~~he the~~ **auditor** shall issue any warrant or
- 11 electronic funds transfer for the payment of money.

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

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

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

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

- 36 (1) all moneys collected under any law of this state providing for
- 37 the collection of revenue for state purposes;
- 38 (2) all moneys borrowed on the credit of the state by the treasurer
- 39 of state or any other authorized agent of the state;
- 40 (3) all moneys derived from the sale of property belonging to or
- 41 held in trust by the state;
- 42 (4) all moneys and securities belonging to, lent to, or held in trust



- 1 by the state, where no other disposition of them is required by  
 2 law;  
 3 (5) all income derived in any manner from any money or property  
 4 specified in this section;  
 5 (6) every fee, perquisite, or bonus received by any state officer in  
 6 the discharge of **his the state officer's** duties;  
 7 (7) all dividends arising from bank or other stock appropriated to  
 8 the payment of any part of the interest on the public debt; and  
 9 (8) all moneys from any source paid, belonging, or accruing to the  
 10 state for the use of the state or to a state fund for any purpose.

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

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

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

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

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

41 (b) The treasurer of state may not receive for **his the treasurer of**  
 42 **state's** own use any interest, premium, gratuity, or bonus from the



1 disposition of, or arising out of, any money or property belonging to the  
 2 state, to any county of the state, to any state or county fund, or to any  
 3 other political subdivision.

4 SECTION 59. IC 4-8.1-2-6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. Before ~~moneys~~  
 6 **money** may be deposited in the state treasury, the treasurer of state  
 7 must receive from the person or agency making the deposit a report of  
 8 collections due the state treasury, describing the source of the ~~moneys~~  
 9 **money** and the fund and account to which they are to be credited. The  
 10 treasurer of state shall acknowledge receipt of the ~~moneys~~ **money**  
 11 deposited in the state treasury and shall send the original of the report  
 12 of collections to the auditor of state, who shall, after preaudit, prepare  
 13 ~~his the auditor of state's~~ accounting forms from the report. The  
 14 auditor of state shall give the person or agency depositing the ~~moneys~~  
 15 **money** the appropriate auditor's form. The treasurer of state and the  
 16 auditor of state shall reconcile collections daily.

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

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

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

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

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



1 SECTION 63. IC 4-8.1-2-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Any embezzlement  
 3 or breach of trust on the part of the treasurer of state shall be  
 4 immediately reported to the governor by the person discovering the  
 5 embezzlement or breach of trust. The governor and the auditor shall  
 6 make a careful examination to see if the embezzlement or breach of  
 7 trust has occurred, and if it has, cause the treasurer of state to be  
 8 arrested. After the arrest of the treasurer of state the governor shall  
 9 appoint a deputy treasurer of state, who shall qualify and give bond as  
 10 required for the treasurer of state and who shall be given exclusive  
 11 control of the state treasury. The deputy treasurer has the powers and  
 12 duties of and is subject to the liabilities of the treasurer of state until the  
 13 treasurer of state is acquitted or ~~his~~ **the treasurer of state's** successor  
 14 is elected and qualified.

15 SECTION 64. IC 4-10-11-4 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The auditor of state  
 17 is ~~hereby~~ authorized and empowered, where the provisions of sections  
 18 1, 2, and 3 of this chapter are not literally and specifically followed,  
 19 and where the terms of the appropriation act have been violated, to  
 20 refuse issue of warrants, and if, in the examination of vouchers  
 21 rendered by any departments of state government, any violations of any  
 22 sections 1, 2, and 3 of this chapter are found to have been made where  
 23 warrant has been issued, then ~~he~~ **the auditor of state** shall charge back  
 24 to the proper department the deficient vouchers, and refuse further  
 25 issue of warrants until the state has been given the proper credit for the  
 26 amounts held to be irregular and void.

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

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

38 **(b) A trustee who violates this section:**

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

41 SECTION 66. IC 4-10-14-2 IS REPEALED [EFFECTIVE JULY 1,  
 42 2016]. ~~Sec. 2: A trustee who violates section 1 of this chapter commits~~



1 a Class C infraction and forfeits his office.

2 SECTION 67. IC 4-10-15-1 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. Whenever there shall  
 4 be a failure at any regular biennial session of the general assembly to  
 5 pass an appropriation bill or bills, making appropriations for the objects  
 6 and purposes hereinafter mentioned, it shall be lawful for the governor,  
 7 secretary and treasurer of state, until appropriations shall be made by  
 8 the legislature, to direct the auditor of state to draw ~~his~~ **the auditor of**  
 9 **state's** warrants on the state treasury for ~~such~~ **the** sums as they may,  
 10 from time to time, decide to be necessary for ~~such~~ **the** purposes  
 11 respectively, not ~~however~~ exceeding the amounts appropriated for the  
 12 same objects respectively by the last preceding appropriations which  
 13 shall have been made by the general assembly; and to pay ~~such~~ **the**  
 14 warrants as may, from time to time, be drawn and presented, a  
 15 sufficient sum of money is ~~hereby~~ appropriated.

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

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

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

40 (d) Any amount, which is appropriated out of the fund under section  
 41 4 of this chapter, but which has not been transferred out of the fund  
 42 under this section at the end of the state fiscal year for which the



1 appropriation is made, shall revert to the fund.

2 SECTION 69. IC 4-11-1-2 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. No borrower shall be  
 4 permitted to defend any suit brought for the recovery of ~~any such~~  
 5 money on the ground that the officer who made the loan loaned a  
 6 greater sum than the law authorized; nor shall any title to land, or lands  
 7 and tenements, be ~~deemed considered~~ invalid because the mortgage  
 8 upon which it was or may be sold was or is or may be for a sum greater  
 9 than the law authorized to be loaned. ~~provided, however, that~~ This  
 10 chapter shall not be ~~so~~ construed as to release any officer charged with  
 11 the loaning of ~~said the~~ funds, or any of them, or ~~his the officer's~~ or  
 12 their securities, from any liability incurred after August 17, 1855, for  
 13 breach of duty.

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

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

34 SECTION 72. IC 4-11-2-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a)** In all cases where  
 36 lands in this state have been mortgaged to the state of Indiana, or to  
 37 trustees or to custodians of the funds hereinafter named, or to the  
 38 officers having had control and management ~~thereof,~~ prior to January  
 39 1, 1900, to secure the loans of the Indianapolis funds, the bank tax  
 40 fund, the treasury fund, the congressional fund, the saline fund, the  
 41 sinking fund, the state surplus revenue fund, the county surplus fund,  
 42 the state university fund, the college fund, the seminary fund, the



1 permanent endowment fund and all other state trust funds of this state,  
 2 except the common school fund, and ~~such the~~ loans have been paid and  
 3 not released, or not legally and properly released of record, or, having  
 4 been released, ~~such the~~ releases have been lost before being recorded  
 5 in the proper recorder's office, the auditor of state of the state of Indiana  
 6 is ~~hereby~~ authorized and directed to execute a release of ~~such the~~  
 7 mortgage under ~~his the auditor of state's~~ hand and the seal of ~~his the~~  
 8 **auditor of state's** office.

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

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

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

38 (b) A budget committee consisting of five (5) regular members and  
 39 four (4) alternate members is established: One (1) regular member is  
 40 the budget director, while in office. The four (4) remaining regular  
 41 members must be legislators selected in the following manner. Two (2)  
 42 members must be senators appointed by the president pro tempore of



1 the senate, one (1) of whom shall be nominated by the leader of the  
 2 minority political party of the senate. Two (2) members must be  
 3 representatives appointed by the speaker of the house of  
 4 representatives, one (1) of whom shall be nominated by the leader of  
 5 the minority political party of the house of representatives. Legislative  
 6 appointments to the budget committee shall be made within fifteen (15)  
 7 days after the official selection of the president pro tempore of the  
 8 senate and the speaker of the house of representatives. Each member  
 9 appointed by the president pro tempore of the senate and each member  
 10 appointed by the speaker of the house of representatives shall serve at  
 11 the will and pleasure of **his the member's** respective appointing  
 12 leadership or until **his the member's** term as a member of the general  
 13 assembly expires, whichever is shorter. Vacancies occurring in the  
 14 legislative appointments to the budget committee shall be filled for the  
 15 unexpired term by the president pro tempore of the senate or speaker  
 16 of the house last elected in like manner as if appointment to **such the**  
 17 vacant offices were being made originally. Nominations shall be made  
 18 by the persons above mentioned in this section who were elected and  
 19 selected at the last preceding session of the general assembly. When  
 20 there is no **such** legislative officer entitled to fill vacancies, the  
 21 governor shall fill **such the** vacancies from among members and  
 22 members-elect of the senate and of the house of representatives who  
 23 are members of the same house and political party as the vacating  
 24 member. Any **such** appointee of the governor shall serve for the  
 25 unexpired term of the vacating member or until the first day of the next  
 26 session of the general assembly.

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

37 SECTION 75. IC 4-12-1-4 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Two (2) offices  
 39 are **hereby** created in the budget agency which shall be responsible to,  
 40 and junior and subordinate to, the budget director. The persons to fill  
 41 **such the** offices shall be appointed by the governor to serve at **his the**  
 42 **governor's** will and pleasure, shall not be adherents of the same



1 political party, shall receive the salary fixed by the governor, shall give  
 2 all of their time to the respective offices and to the budget agency, and  
 3 each shall be a deputy budget director. The director shall designate the  
 4 order in which ~~such the~~ deputy directors shall serve in the place and  
 5 stead of the budget director in the event of ~~his the director's~~ disability  
 6 or absence.

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

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

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

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

38 (c) The amount certified by the budget director for an agency  
 39 supported by any dedicated fund is appropriated to pay that cost from  
 40 the dedicated fund used to support that agency. On receipt of the  
 41 certification of the budget director, the auditor of state shall transfer  
 42 from the dedicated funds to the state general fund the amounts certified



1 by the budget director. The auditor of state shall make the appropriate  
 2 entries in the records of those dedicated funds. The treasurer of state  
 3 shall make the appropriate entries in ~~his~~ **the treasurer of state's**  
 4 records.

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

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

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

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



1 SECTION 81. IC 4-13-2-18 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) For the purpose  
 3 of the administration of the allotment system provided by this section,  
 4 each fiscal year shall be divided into four (4) quarterly allotment  
 5 periods, beginning respectively on the first day of July, October,  
 6 January, and April. ~~However,~~ In any case where the quarterly allotment  
 7 period is impracticable, the ~~state~~ budget director may prescribe a  
 8 different period suited to the circumstances but not extending beyond  
 9 the end of any fiscal year.

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

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

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

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

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

- 41 (1) the estimate ~~therein~~ is within the terms of the appropriation as  
 42 to amount and purpose, having due regard for the probable future



1 needs of the state agency for the remainder of the fiscal year or  
2 other term for which the appropriation was made; and

3 (2) the agency contemplates expenditure of the allotment during  
4 the period.

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

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

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

18 (1) the probable receipts from taxes or other sources for any fund  
19 will be less than were anticipated; and

20 (2) as a consequence the amount available for the remainder of  
21 the term of the appropriation or for any allotment period will be  
22 less than the amount estimated or allotted; ~~therefor~~;

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

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

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

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



1 allotted, and encumbrances may be made.

2 (j) Every expenditure or obligation authorized or incurred in  
 3 violation of the provisions of this chapter shall be void. Every payment  
 4 made in violation of the provisions of this chapter shall be illegal, and  
 5 every official authorizing or making ~~such a void~~ payment, or taking  
 6 part ~~therein, in a void payment,~~ and every person receiving ~~such a~~  
 7 ~~void~~ payment, or any part ~~thereof, of a void payment,~~ shall be jointly  
 8 and severally liable to the state for the full amount ~~so~~ paid or received.  
 9 If any appointive officer or employee of the state shall knowingly incur  
 10 any obligation or shall authorize or make any expenditure in violation  
 11 of the provisions of this chapter, or take any part, ~~therein,~~ it shall be  
 12 ground for ~~his~~ removal **of the appointive officer or employee of the**  
 13 **state** by the officer appointing ~~him, the appointive officer or~~  
 14 **employee of the state. and** If the appointing officer ~~be other than is a~~  
 15 **person other than** the governor and ~~shall fail fails~~ to remove ~~such the~~  
 16 officer or employee, the governor may exercise ~~such the~~ power of  
 17 removal after giving notice of the charges and opportunity for hearing  
 18 ~~thereon~~ to the accused officer or employee and to the officer appointing  
 19 ~~him: the accused officer or employee.~~

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

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

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

41 (c) The commissioner shall keep all institutions and departments  
 42 informed of the commodities, materials, and supplies which are



1 available in the warehouse.

2 (d) The same procedure for requisitioning articles from the  
3 warehouse shall be followed as in requisitioning for purchases except  
4 that ~~said~~ **the** requisition shall be noted to be drawn from public  
5 warehouse. The commissioner shall invoice to each institution and file  
6 ~~his~~ **the commissioner's** claim for reimbursement for any articles  
7 furnished and shall add to the actual cost a sufficient amount to pay for  
8 all warehouse and handling charges but shall not charge any amount in  
9 excess of the actual cost and expense so as to show a profit in operating  
10 this warehouse.

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

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

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

42 SECTION 85. IC 4-15-1.5-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. There is ~~hereby~~  
 2 created the State Employees Appeals Commission which shall consist  
 3 of five (5) members, not more than three (3) of whom shall be  
 4 adherents of the same political party. One **(1) of said members**  
 5 **member** shall be appointed for a term of one (1) year, one **(1)** for a  
 6 term of two (2) years, one **(1) of whom** for a term of three (3) years,  
 7 **and two (2)** for a term of four (4) years. Every member so appointed  
 8 shall serve until ~~his~~ **the member's** successor shall have been appointed  
 9 and qualified. Each successor shall serve a term of four (4) years. Any  
 10 vacancy occurring in the membership of the board for any cause shall  
 11 be filled by appointment of the governor for the unexpired term.

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

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

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

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

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



- 1 **chairperson's** own right a full term.
- 2 (d) The affirmative action advisory committee shall:
- 3 (1) provide liaison activities with the affirmative action officer
- 4 with respect to problems and suggestions concerning the
- 5 affirmative action policy;
- 6 (2) advise the affirmative action officer and the governor of
- 7 recommended changes in the implementation of the affirmative
- 8 action policy and improved guidelines for state agency programs;
- 9 and
- 10 (3) advise the governor and the affirmative action officer
- 11 concerning the effectiveness and status of the total
- 12 implementation of the affirmative action policy.
- 13 (e) The affirmative action advisory committee may review the
- 14 affirmative action programs of state agencies for effectiveness and
- 15 improvements.
- 16 SECTION 89. IC 4-21.5-3-16, AS AMENDED BY P.L.126-2012,
- 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2016]: Sec. 16. (a) A person who:
- 19 (1) cannot speak or understand the English language or who
- 20 because of hearing, speaking, or other impairment has difficulty
- 21 in communicating with other persons; and
- 22 (2) is a party or witness in any proceeding under this article;
- 23 is entitled to an interpreter to assist the person throughout the
- 24 proceeding under this article.
- 25 (b) The interpreter may be retained by the person or may be
- 26 appointed by the agency before which the proceeding is pending. If an
- 27 interpreter is appointed by the agency, the fee for the services of the
- 28 interpreter shall be set by the agency. The fee shall be paid from any
- 29 funds available to the agency or be paid in any other manner ordered
- 30 by the agency.
- 31 (c) Any agency may inquire into the qualifications and integrity of
- 32 any interpreter and may disqualify any person from serving as an
- 33 interpreter.
- 34 (d) Every interpreter for another person in a proceeding shall take
- 35 the following oath:
- 36 Do you affirm, under penalties of perjury, that you will justly, truly,
- 37 and impartially interpret to \_\_\_\_\_ the oath about to be administered
- 38 to him (~~her~~); (**or her**), the questions that may be asked him (~~her~~); (**or**
- 39 **her**), and the answers that he (~~she~~) (**or she**) shall give to the questions,
- 40 relative to the cause now under consideration before this agency?
- 41 (e) IC 35-44.1-2-1 concerning perjury applies to an interpreter.
- 42 SECTION 90. IC 4-23-2-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** The executive  
 2 director shall be the chief administrative officer of the commission. The  
 3 executive director shall supervise the employees of the commission and  
 4 shall assist the commission in promoting and carrying on its activities  
 5 and administrative work. The executive director shall not be a member  
 6 of the commission, but shall devote ~~his or her~~ **the executive director's**  
 7 full time to the performance of ~~his or her~~ **the executive director's**  
 8 duties under the direction and supervision of the commission. The  
 9 executive director's compensation shall be fixed by the commission  
 10 with the approval of the budget agency.

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

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

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



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

5 (1) To establish and maintain a scientific laboratory for research  
 6 and experimentation. The commission shall not duplicate  
 7 adequate facilities for experimentation, research, or information  
 8 which are available to the citizens of the state.

9 (2) To appoint an administrative director who shall be a physician  
 10 and should be a pathologist certified by the American Board of  
 11 Pathology and to select and appoint or accept the loan of ~~such~~  
 12 other personnel as it deems necessary to carry out its purposes.

13 (3) To establish and maintain a system of records and to collect  
 14 data pertinent to the objectives of the commission.

15 (4) To correlate information concerning forensic science facilities  
 16 and make this information available to coroners, law enforcement  
 17 officers, attorneys, and others.

18 (5) To contract from time to time for the services or opinion of  
 19 experts in connection with a particular problem or a program of  
 20 research.

21 (6) To engage in research and experimentation consistent with the  
 22 objectives of the commission.

23 (7) To establish and maintain a forensic sciences library either  
 24 alone or in cooperation with any other agency of the state, the use  
 25 of which shall be available to any interested persons.

26 (8) To engage in and foster programs of information in forensic  
 27 sciences for interested groups.

28 (9) To establish from time to time and to promulgate a schedule  
 29 of reasonable fees and to collect the same for the services of the  
 30 commission. The considerations in formulating ~~such~~ a schedule  
 31 shall be:

32 (A) uniformity;

33 (B) recovery of at least a portion of the cost of furnishing the  
 34 major services of the commission; and

35 (C) availability of the services without burdensome expense to  
 36 officers, agencies, and others in need of the services.

37 All money received by the commission pursuant to under this  
 38 subdivision shall be paid to the commission, which shall give a  
 39 proper receipt for the same, and shall at the end of each month  
 40 report to the auditor of state the total amount received by it under  
 41 the provisions of this subsection, from all sources, and shall at the  
 42 same time, deposit the entire amount of ~~such~~ the receipts with the



1 treasurer of state, who shall place them to the credit of a special  
 2 fund to be created and known as the forensic sciences commission  
 3 laboratory expense fund. The commission shall, by its ~~chairman~~  
 4 **chairperson** from time to time, certify to the auditor of state any  
 5 necessary laboratory expenses incurred by the commission, and  
 6 the auditor shall issue ~~his the auditor's~~ warrant for the same,  
 7 which shall be paid out of any funds ~~so~~ collected and ~~hereby~~  
 8 appropriated to the commission. ~~However,~~ Payments made by the  
 9 auditor of state from the forensic sciences commission laboratory  
 10 expense fund ~~created herein~~ shall be limited so as not to exceed  
 11 the amounts allotted from this fund by the budget committee.

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

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

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

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

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

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

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

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

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

42 (c) A district medical examiner shall be appointed by the



1 commission for each district from nominees who are physicians  
 2 licensed to practice in Indiana. Nominees must reside in the district  
 3 they are nominated for, and a preference shall be given to practicing  
 4 physicians in pathology.

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

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

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

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

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

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

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

34 (c) The state library may make a copy, by photography or in any  
 35 other way, of any official book, record, document, original paper,  
 36 newspaper, or printed book or material in any county, city, or other  
 37 public office for preservation in the state library. County, city, and  
 38 other officials shall permit ~~such~~ copies to be made of the books,  
 39 records, documents, and papers in their respective offices.

40 SECTION 96. IC 4-23-7.1-34 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 34. Any person injuring  
 42 or losing a book, document, plaque, marker, or sign belonging to the



1 department is liable for threefold damages, and if the book injured or  
 2 lost be one (1) volume of a set ~~he the person~~ is liable for the whole set,  
 3 but on paying for the same, ~~he the person~~ may take the broken set. All  
 4 money received under this section shall be deposited in the state library  
 5 publications fund.

6 SECTION 97. IC 4-23-7.2-13 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Each state, county,  
 8 township, city, town, judicial, or other public officer having in ~~his the~~  
 9 **officer's** charge or custody or capable of supplying, or required to  
 10 collect and compile the information which may be required by the  
 11 historical bureau, shall supply ~~such the~~ information promptly at the  
 12 request of the historical bureau, whether the request is oral or by letter  
 13 or circular or by the filling out of blank forms provided for that purpose  
 14 by the historical bureau.

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

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

34 SECTION 100. IC 4-24-6-5 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If any inmate of  
 36 any penal or correctional institution, or any patient of any psychiatric  
 37 institution, shall die, ~~his the inmate's or patient's~~ lawful heirs or  
 38 devisees shall be entitled to any money credited to and held in trust for  
 39 ~~such the~~ inmate or patient. If the heirs or devisees of ~~such the~~ inmate  
 40 or patient are unknown, the money in ~~such the~~ trust account shall be  
 41 kept intact to the account of the unknown heirs of ~~such the~~ inmate or  
 42 patient for a period of two (2) years from the date of death. If, at the



1 expiration of the two (2) year period, no heir or devisee of any  
 2 deceased inmate or patient shall appear to make claim to ~~such the~~  
 3 money, ~~such the~~ money shall be paid to the clerk of the circuit court of  
 4 the county from which ~~such the~~ inmate or patient was committed to  
 5 ~~said the~~ institution, ~~said the~~ money to be held and disposed of by ~~said~~  
 6 ~~the~~ clerk of court in the same manner as are other unclaimed funds in  
 7 ~~his the clerk of court's~~ office.

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

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

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

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

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

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



- 1           or  
 2           (2) money deposited in the recreation fund of the institution.  
 3           (b) Except as provided in subsection (c), in the event the  
 4           superintendent or warden delegates to any officer or employee of ~~his~~  
 5           **the superintendent's or warden's** institution the authority to  
 6           administer the provisions of sections 6 and 7 of this chapter, ~~such the~~  
 7           officer or employee may not be held personally liable for the loss of:  
 8           (1) money held in trust for any inmate or patient of the institution;  
 9           or  
 10          (2) money deposited in the recreation fund of the institution.  
 11          (c) A superintendent or warden or a delegate of a superintendent or  
 12          warden may be held personally liable under subsection (a) or (b) if the  
 13          loss of money arises from the superintendent's, the warden's, or the  
 14          delegate's official misconduct. All other losses under this section must  
 15          be covered by the general blanket performance bond or crime insurance  
 16          policy under subsection (d).  
 17          (d) No other bond except the general performance blanket bond  
 18          given by the superintendent or warden of any institution, or by an  
 19          officer or employee of the institution, shall be required. A general  
 20          blanket performance bond or crime insurance policy endorsed to  
 21          include faithful performance that is obtained under IC 5-4-1-15.1 shall  
 22          cover any misfeasance or nonfeasance in the administration of sections  
 23          6 and 7 of this chapter on the part of any superintendent, warden,  
 24          officer, or employee of the institution.  
 25          (e) The commissioner of insurance shall prescribe the form of the  
 26          bonds or crime policies required by this section.  
 27          SECTION 102. IC 35-44.2-2-6, AS ADDED BY P.L.126-2012,  
 28          SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29          JULY 1, 2016]: Sec. 6. A board of trustees or correctional facility that  
 30          borrows without legislative approval under IC 4-10-14-1 is subject to  
 31          a civil action for an infraction under ~~IC 4-10-14-2~~. **IC 4-10-14-1.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1173 as introduced.)

STEUERWALD

Committee Vote: Yeas 12, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1173 as printed January 26, 2016.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0

