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ENGROSSED
SENATE BILL No. 115

DIGEST OF SB 115 (Updated February 20, 1998 5:46 pm - DI 93)

Citations Affected: IC 20-14; noncode.

Synopsis: Various public library matters. Requires a public library that allows library patrons to access the Internet or other computer network to adopt an appropriate use policy for the use of the access. Revises procedures for the establishment or revision of public library districts. Allows an area to establish a public library district when the area has an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten library taxing districts closest in population to 10,000. Provides that a Class 2 public library may issue and charge a designated fee for a library card issued to an Indiana resident who is not a resident of that library district. Provides that a Class 1 or a Class 2 public library may reduce or not charge a fee for a library card issued to an Indiana resident who is: (1) a student enrolled in a public school corporation that is located at least in part in that library district; and (2) not a resident of that library district.

(Continued next page)

Effective: July 1, 1998.

Gard, Wolf, Simpson, Jackman

(HOUSE SPONSORS — KRUZAN, SCHOLER, STEVENSON, KRUSE, DENBO)

January 6, 1998,read first time and referred to Committee on Governmental and Regulatory Affairs.
January 15, 1998, amended, reported favorably — Do Pass.
January 20, 1998, read second time, amended, ordered engrossed.
January 21, 1998, engrossed.
January 26, 1998, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Local Government.
February 17, 1998, amended, reported — Do Pass.
February 20, 1998, read second time, ordered engrossed. Returned for second reading. Reread second time, amended, ordered engrossed.

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Digest Continued

Repeals the power of the state library and historical board to examine candidates for certificates of qualification for employment in designated grades of public library service. Removes a requirement that the fees charged for certification of librarians must pay the costs of administration of the certification program. Repeals conflicting provisions and makes conforming amendments. Allows a Class 1 public library to become a member of a local association of a civic, educational, professional, or governmental nature. Provides that the revised procedure for the establishment of a public library applies to the establishment of a public library that is initiated after June 30, 1998. Makes a technical correction.

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SEA 115—Concur+

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE ENROLLED ACT No. 115

AN ACT to amend the Indiana Code concerning libraries.

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

SECTION 1. IC 20-14-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 1998]: **Sec. 7. (a) This section applies to a board of a public library that allows library patrons to use library software to access the Internet or other computer network.**

(b) As used in this section, "computer network" has the meaning set forth in IC 35-43-2-3.

(c) The board of a public library shall adopt a policy concerning the appropriate use of the Internet or other computer network by library patrons in all areas of the library.

(d) The board shall make the policy adopted under subsection (c) readily available to all library patrons.

(e) The board of a public library shall annually review the policy adopted under subsection (c).

SECTION 2. IC 20-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The legislative body of a municipality, **township,** county, or part of a county, any of which **is not already taxed for public library purposes, that has:**

(1) ~~has~~ a population of at least ten thousand (10,000); ~~and~~ **or**

(2) ~~is not already taxed for public library purposes;~~ **an assessed**

valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);

may establish a public library for the residents of that municipality, **township,** county, or part of the county.

(b) The establishment of the public library may be initiated either by:

(1) the legislative body passing a written resolution; or

(2) the filing of a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, **township,** county, or part of a county, as determined by the last preceding general election.

(c) If a petition is filed under subsection (b)(2), then within ten (10) days after the filing, the municipality, **township,** ~~or~~ county, **or part of a county** shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is **to be** located, if a newspaper is published in the municipality.

(d) Within ten (10) days after the publication of the petition, any registered voter **in the municipality, township, county, or part of a county where the public library is proposed to be established** may file with the **respective** municipality, **township,** or county a remonstrance that:

(1) is signed by registered voters **in the municipality, township, county, or part of the county where the public library is proposed to be established**; and

(2) states that those **registered voters** who have signed ~~it~~ **the remonstrance** are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each person signed the petition or remonstrance.

(B) The residence of each person on the date the person signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the person's presence; and

(B) is the true signature of the person who signed the

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petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).

(B) Strike the name from either the petition or the remonstrance of a person who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent persons who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the persons signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance if any, and a copy of the clerk's certification with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

~~(e)~~ **(f)** At its first meeting, held at least ten (10) days after the publication of the petition, the legislative body shall ~~consider~~ **compare** the petition and ~~the~~ **any** remonstrance. ~~If~~ **When a remonstrance has not been filed or** a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the

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public library, the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit **or part of a county, whichever is applicable.** The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution within five (5) days:

(1) with the office of the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

~~(f)~~ **(g)** The legislative body shall give notice to all officials who have the power to appoint members of the library board for the new public library under IC 20-14-2.5-4, and these officials shall appoint the library board for the new public library under IC 20-14-2.5-4 as soon as possible after their notification.

~~(g)~~ **(h)** ~~If the legislative body determines that~~ **When** an equal or greater number of registered voters have signed a remonstrance against the establishment of the public library than the number who have signed the petition in favor of the establishment of the public library, then the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 3. IC 20-14-2-8, AS AMENDED BY P.L.19-1996, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

(1) fix and collect fees and rental charges; and

(2) assess fines, penalties, and damages for the loss of, injury to, or failure to return any library property or material.

(b) A library board may issue local library cards to:

(1) residents of the library district; or

(2) Indiana residents who are not residents of the library district; who apply for the cards.

(c) **Except as provided in subsection (d),** a library board must set and charge a fee for a local library card issued under subsection (b)(2) to an Indiana resident who is not a resident of the library district. The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

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(2) Twenty-five dollars ($25).

(d) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is:

(1) a student enrolled in a public school corporation that is located at least in part in that library district; and

(2) not a resident of that library district.

SECTION 4. IC 20-14-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. The library board may appropriate funds necessary to provide membership of the public library in **local,** state, and national associations of a civic, educational, professional, or governmental nature that have as their purpose the betterment and improvement of library operations.

SECTION 5. IC 20-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. **(a)** The library board of any public library may file a proposed expansion with the township trustee and legislative body of the township. The proposal must state that the public library seeks to combine with a certain township or any part of a township not being taxed for public library service ~~in order~~ to form a single ~~town-township~~ library district.

(b) Except as provided in section 3 of this chapter, when a township trustee and legislative body receive a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

SECTION 6. IC 20-14-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) ~~When the township trustee and legislative body receive a proposal of expansion, they may agree to the expansion by written resolution. If~~ **When** the library board presents the township trustee and legislative body with a ~~petition for acceptance of the~~ proposal of expansion ~~signed by twenty percent (20%) of the registered voters of the township or part of the township, as determined by the last preceding general election, the township trustee and legislative body shall agree to the expansion by written resolution if the signatures on the petition have been certified under subsection (b), unless a remonstrance has been filed under section 4 of this chapter.~~ **and an intent to file a petition for acceptance of the proposal of expansion,** within ten (10) days after the filing, the township trustee shall publish notice of the ~~petition for acceptance of the~~ proposal of expansion **in the manner provided in IC 5-3-1** in a newspaper of general circulation in the township. **Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of**

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the notice, a person who is a registered voter of the township or part of the township may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township or part of the township, as determined by the most recent general election.

~~(b)~~ **(c)** The following apply to a petition **that is filed under this section** or remonstrance that is filed ~~with the township trustee~~ under subsection ~~(a):~~ **(b):**

(1) The petition or remonstrance must show the following:

(A) The date on which each person signed the petition or remonstrance.

(B) The residence of each person on the date the person signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the person's presence; and

(B) is the true signature of the person who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

~~(3)~~ **(4)** The clerk of the circuit court in the county in which the township is located shall do the following:

(A) ~~Strike all names appearing more than one (1) time on the petition or remonstrance.~~ **If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both**

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(if the person signed both a petition and a remonstrance).
(B) Strike the name from either the petition or the remonstrance of a person who:
(i) signed both the petition and the remonstrance; and
(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.

~~(B)~~ **(C)** Certify the number of signatures on the petition ~~or~~ **and on any** remonstrance that:

(i) are not duplicates; and

(ii) represent persons who are registered voters in the township or the part of the township **on the day the persons signed the petition or remonstrance.**

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

~~(c)~~ **(d)** The clerk of the circuit court shall complete the certification required under subsection (b) not more than fifteen (15) days after the petition or remonstrance is filed. **The clerk shall establish a record of certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.**

SECTION 7. IC 20-14-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) ~~At least ten (10) days after the publication of the petition,~~ **Not more than forty (40) days after the certification of a petition and remonstrance, if any, under section 3 of this chapter,** the township legislative body shall ~~consider~~ **compare** the petition and ~~the~~ **any** remonstrance. ~~If~~

(b) When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the legislative body shall agree to the expansion by written resolution. ~~Within five (5)~~ **Not more than ten (10)** days after the ~~agreement to expand,~~ **written resolution establishing an expanded library district is adopted,** the legislative body shall ~~file a copy of the proposal of expansion and their acceptance of the expansion:~~ **submit a copy of the resolution for filing:**

(1) in the office of the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

The expansion is effective as of the date the ~~proposal of expansion and the acceptance are~~ **written resolution is** filed.

~~(b) If the township legislative body determines that~~ **(c) When** an equal or greater number of registered voters have signed a

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remonstrance against the ~~expansion~~ **establishment of an expanded library district** than the number who have signed the petition in favor of the expansion, ~~then~~ the legislative body shall dismiss the petition. ~~by written resolution.~~ Another petition ~~for expansion~~ **to establish the expanded library district** may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 8. IC 20-14-5.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. This chapter applies to Class 1 public libraries that seek to expand into more than one (1) township of a county **by an alternative method to the method under IC 20-14-5.**

SECTION 9. IC 20-14-5.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) The library board of a public library may file a proposed expansion with the legislative body of the county. The proposal must state that the public library seeks to combine with more than one (1) township or parts of more than one (1) township not being taxed for public library service to form a single library district.

(b) Except as provided in section 3 of this chapter, ~~if~~ **when** the legislative body of a county receives a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

SECTION 10. IC 20-14-5.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. ~~If~~ **(a) When** a library board presents the legislative body of a county with a ~~petition for acceptance of a~~ proposal of expansion ~~that is signed by at least twenty percent (20%) of the registered voters of each township or part of a township, as determined by the last general election, the legislative body shall agree to the expansion by written resolution if the signatures have been certified under section 4(3)(B) of this chapter, unless a remonstrance has been filed under section 7 of this chapter.~~ **and an intent to file a petition for acceptance of the proposal of expansion, not later than ten (10) days after the intent is filed, the county auditor shall publish notice in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper of general circulation in the county. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, a person who is a registered voter of the township or part of the township may sign one (1) or both of the following:**

(1) A petition for acceptance of the proposal of expansion.

(2) A remonstrance petition in opposition to the proposal of

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expansion.

(b) Registered voters shall file a petition or remonstrance, if any, with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships, as determined by the most recent general election.

SECTION 11. IC 20-14-5.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. **(a)** The following apply to a petition **or remonstrance** that is filed under section 3 of this chapter: ~~or a remonstrance that is filed under section 7 of this chapter~~.

(1) The petition or remonstrance must show the following:

(A) The date on which each person signed the petition or remonstrance.

(B) The residence of each person on the date the person signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the person's presence; and

(B) is the true signature of the person who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitutes a petition or remonstrance. A copy must include an affidavit described in subdivision (2). Any signer may file a petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

~~(3)~~ **(4)** The clerk of the circuit court of the county containing the townships or parts of townships shall do the following:

(A) ~~Strike all names appearing more than one (1) time on the petition or remonstrance.~~ **If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).**

(B) Strike the name from a petition or remonstrance of a person who personally, in the clerk's office, makes a written and signed request for the clerk to strike the person's name.

~~(B)~~ **(C)** Certify the number of signatures on the petition ~~or~~ **and** remonstrance, **if any,** that:

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(i) are not duplicates; and

(ii) represent persons who are registered voters in the townships or parts of townships **on the day the persons signed the petition or remonstrance.**

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(b) The clerk of the circuit court shall complete the certification that subsection (a) requires not more than fifteen (15) days after the petition or remonstrance is filed.

SECTION 12. IC 20-14-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. The clerk of the circuit court shall complete the certification required by section 4 of this chapter not more than fifteen (15) days after the petition or remonstrance is filed. **The clerk shall establish a record of the clerk's certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the certification with the legislative body.**

SECTION 13. IC 20-14-5.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~Not more than ten (10) days after the publication of notice of a petition,~~ A registered voter may file with the ~~county auditor~~ **clerk of the circuit court** a remonstrance that:

(1) is signed by registered voters in townships or parts of townships not already taxed for library purposes; and

(2) states that registered voters who have signed the remonstrance are opposed to the establishment of the expanded library district.

SECTION 14. IC 20-14-5.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) Not ~~less than ten (10) days or~~ more than forty (40) days after the ~~publication of notice~~ **certification** of a petition **and remonstrance under section 5 of this chapter,** the county legislative body shall ~~consider~~ **compare** the petition and any remonstrance.

(b) ~~If:~~ **When:**

(1) a remonstrance has not been filed; or

(2) a greater number of voters have signed the petition than have signed the remonstrance;

the county legislative body shall agree to the expansion by written resolution. The ~~establishment of the library district~~ **expansion** is effective ~~January 1 following~~ **on** the date ~~of~~ the written resolution **is filed.**

(c) ~~If the county legislative body determines that~~ **When** an equal or a greater number of registered voters have signed a remonstrance

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against the establishment of an expanded library district than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 15. IC 20-14-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) ~~If~~ **When** not more than two (2) townships or parts of not more than two (2) townships are added to a library taxing district, at least one (1) of the **initial** appointments made to the library board by the county commissioners or the county council must be from one (1) of those townships.

(b) ~~If~~ **When** more than two (2) townships or parts of more than two (2) townships are added to a library district, at least two (2) of the **initial** appointments made to the library board by the county commissioners or the county council must be from those townships.

(c) An appointment under this section may not be made before the expiration of a term in effect at the time the expansion is final.

SECTION 16. IC 20-14-7-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 1.2. (a) A library board may issue local library cards to:**

(1) residents of the library district; or

(2) Indiana residents who are not residents of the library district;

who apply for the cards.

(b) Except as provided in subsection (c), a library board must set and charge a fee for a local library card issued under subsection (a)(2) to an Indiana resident who is not a resident of that library district. The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

(2) Twenty-five dollars ($25).

(c) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (b) that is issued to an Indiana resident who is:

(1) a student enrolled in a public school corporation that is located at least in part in that library district; and

(2) not a resident of that library district.

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SECTION 17. IC 20-14-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. The board shall do the following:

(1) Prescribe and define grades of public library service and prescribe the qualifications that persons must possess who are employed in each of the grades of public library service, giving due consideration to the population served, the income, and the salary schedule of each library.

(2) Make available the requirements for certification of all grades upon request and without charge to all prospective applicants.

~~(3) Examine candidates who apply for certificates qualifying them to secure employment in any designated grade or grades of public library service, and issue certificates to candidates who are found to be competent and who are eligible to apply for the examination.~~

~~(4)~~ **(3)** Issue certificates ~~without examination,~~ to candidates who apply for them, and who, by reason of their academic or technical training and experience are found to be suitable persons to certify.

~~(5)~~ **(4)** Prescribe and define what constitutes a library director, a head of a department or branch, or a professional assistant of a public library.

~~(6)~~ **(5)** Adopt under IC 4-22-2 rules that the board determines are necessary to administer this chapter.

SECTION 18. IC 20-14-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. All library directors, library department or branch heads, and professional assistants, except those who are employed at school libraries or libraries of educational institutions, must hold a certificate under section ~~5, 6, or~~ 7 of this chapter.

SECTION 19. IC 20-14-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) A person who:

(1) desires to be certified as a librarian in any designated division, grade, or type of public library service; ~~without examination;~~ and

(2) possesses the qualifications prescribed in the rules of the board as essential to enable a person to apply for a certificate; ~~without examination;~~

may apply to the board for a certificate in any grade or grades of public library service.

(b) The application must be:

(1) made on a blank form prescribed and supplied by the board; and

(2) accompanied by the fee set by the board under section 11 of this chapter.

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(c) If the application is found to be satisfactory, the applicant is entitled to a certificate in the grade or grades of public library service for which applied.

SECTION 20. IC 20-14-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) A person who is actively engaged or expects to engage actively in:

(1) any grade or class of private library service; or

(2) the library service of any school or other educational institution;

whether the person is or expects to be a library director, or the head of any department or branch of a private library or of the library of a school or educational institution, may apply for a certificate of any grade or class. ~~either with or without an examination.~~

(b) If the person is found to be competent and qualified, he shall be granted the certificate applied for in the same manner and subject to the same conditions as are provided for the certification of librarians in public libraries under section ~~5, 6, or~~ 7 of this chapter.

SECTION 21. IC 20-14-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. (a) The board shall adopt rules under IC 4-22-2 to set fees to be paid by an individual who applies for certification under section ~~5 or~~ 7 of this chapter. If the board has not set a fee by rule for a particular type of application, the fee is one dollar ($1).

~~(b) The fees set by the board under subsection (a) must generate sufficient revenue to pay the direct and indirect costs of the board in the administration of this chapter.~~

~~(c)~~ **(b)** Payment of fees set under this section may be made by any of the following:

(1) Cash.

(2) A draft.

(3) A money order.

(4) A cashier's check.

(5) A certified check.

(6) A personal check.

If an individual pays a fee with an uncertified personal check and the check does not clear the bank, the board may void the certificate for which the check was received.

~~(d)~~ **(c)** Unless specified by the rules of the board, a fee is not refundable or transferable.

~~(e)~~ **(d)** Fees shall be paid to the library certification account established under section 10 of this chapter.

SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE

C o p y

JULY 1, 1998]: IC 20-14-5-4; IC 20-14-5.1-6; IC 20-14-12-5; IC 20-14-12-6.

SECTION 23. [EFFECTIVE JULY 1, 1998] **IC 20-14-2-3, as amended by this act, applies to the establishment of a public library that is initiated after June 30, 1998, under IC 20-14-2-3(b), as amended by this act.**

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