



January 21, 2000

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## SENATE BILL No. 77

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DIGEST OF SB 77 (Updated January 19, 2000 3:15 PM - DI 87)

**Citations Affected:** IC 20-14; noncode.

**Synopsis:** Library board membership. Changes the appointing authority of the membership of certain library boards in Hancock County. Provides for a transition to the newly configured board. Requires each appointee to make an annual report of the work of the library board and the finances of the library to the appointee's appointing authority.

**Effective:** July 1, 2000.

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November 17, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.  
January 20, 2000, reported favorably — Do Pass.

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SB 77—LS 6379/DI 2+



January 21, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## SENATE BILL No. 77

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 20-14-2.5-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided**  
3 **in section 9.5 of this chapter, and** subject to section 10 of this chapter,  
4 seven (7) members of a library board shall be appointed as follows:  
5 (1) One (1) member appointed by the executive of the county in  
6 which the library district is located, or if the district is located in  
7 more than one (1) county, jointly by the executives of the  
8 respective counties.  
9 (2) One (1) member appointed by the fiscal body of the county in  
10 which the library district is located, or if the district is located in  
11 more than one (1) county, jointly by the fiscal bodies of the  
12 respective counties.  
13 (3) Three (3) members appointed by the school board of the  
14 school corporation serving the library district. However, if there  
15 is more than one (1) school corporation serving the library  
16 district:  
17 (A) two (2) members shall be appointed by the school board

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1 of the school corporation in which the principal offices of the  
2 public library are located; and

3 (B) one (1) member shall be appointed by a majority vote of  
4 the presidents of the school boards of the other school  
5 corporations.

6 (4) One (1) member appointed under section 5(1), 6(b)(1), 7(1),  
7 8(1), or 9(1), of this chapter, as applicable.

8 (5) One (1) member appointed under section 5(2), 6(b)(2), 7(2),  
9 8(2), or 9(2) of this chapter, as applicable.

10 SECTION 2. IC 20-14-2.5-9.5 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2000]: **Sec. 9.5. (a) This section applies to the**  
13 **library board of a library district:**

14 (1) **located in a county having a population of more than**  
15 **forty-five thousand (45,000) but less than forty-seven**  
16 **thousand (47,000); and**

17 (2) **containing all or part of the territory of each school**  
18 **corporation in the county.**

19 (b) **Notwithstanding section 4 of this chapter, the library board**  
20 **has the following members:**

21 (1) **One (1) member appointed by the executive of the county**  
22 **in which the library district is located and who is not a**  
23 **member of the county executive.**

24 (2) **One (1) member appointed by the fiscal body of the county**  
25 **in which the library district is located and who is not a**  
26 **member of the county fiscal body.**

27 (3) **One (1) member appointed by the legislative body of the**  
28 **most populous city in the library district and who is not a**  
29 **member of the city legislative body.**

30 (4) **One (1) member appointed by the school board of each**  
31 **school corporation having territory in the library district and**  
32 **who is not a member of a governing body of a school**  
33 **corporation.**

34 (c) **A person who is appointed under subsection (b) to serve as**  
35 **a member of a library board must annually before March 1 of each**  
36 **year report to the member's appointing authority concerning the**  
37 **work of the library board and finances of the library during the**  
38 **prior calendar year.**

39 SECTION 3. IC 20-14-2.5-12 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) Subject to  
41 subsection (b), the term of a library board member is four (4) years. A  
42 member may continue to serve on a library board after his term has

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1 expired until his successor is qualified under section 13 of this chapter.  
 2 The term of the member's successor is not extended by the time that has  
 3 elapsed before the successor's appointment and qualification. If a  
 4 member is appointed to fill a vacancy on a library board, his term is the  
 5 unexpired term of the member being replaced.

6 **(b) Except for a library board whose membership is established**  
 7 **under section 9.5 of this chapter,** for the purposes of establishing  
 8 staggered terms for the members of a library board, the initial members  
 9 shall serve the following terms:

10 (1) One (1) year for one (1) member appointed under section 4(1),  
 11 4(5), 10(b)(1), 10(b)(2), or 11(1) of this chapter.

12 (2) Two (2) years for one (1) member appointed under section  
 13 4(3)(A), 4(4), 10(b)(3), 10(b)(4), or 11(2) of this chapter.

14 (3) Three (3) years for one (1) member appointed under section  
 15 4(2), 4(3)(A), 10(b)(4), 10(b)(5), or 11(1) of this chapter.

16 (4) Four (4) years for one (1) member appointed under section  
 17 4(3)(B), 10(b)(6), or 11(2) of this chapter.

18 (c) When an appointing authority appoints members to terms of  
 19 different length under subsection (b), he shall designate which  
 20 appointee serves each term.

21 **SECTION 4. [EFFECTIVE JULY 1, 2000] (a) This SECTION**  
 22 **applies to a library district subject to IC 20-14-2.5-9.5, as added by**  
 23 **this act.**

24 **(b) This SECTION provides the procedure for the transition to**  
 25 **a library board with membership appointed under**  
 26 **IC 20-14-2.5-9.5, as added by this act.**

27 **(c) Notwithstanding IC 20-14-2.5-9.5, as added by this act, each**  
 28 **member of the library board who was appointed before July 1,**  
 29 **2000, may continue to serve on the library board until the normal**  
 30 **expiration of the member's term. However, upon the expiration of**  
 31 **a member's term, the vacancy shall be filled by appointment as**  
 32 **follows:**

33 **(1) When the term of a member appointed by the executive of**  
 34 **a county expires, the vacancy shall be filled by appointment**  
 35 **under IC 20-14-2.5-9.5(b)(1), as added by this act.**

36 **(2) When the term of a member appointed by the fiscal body**  
 37 **of a county expires, the vacancy shall be filled by appointment**  
 38 **under IC 20-14-2.5-9.5(b)(2), as added by this act.**

39 **(3) When the term of a member appointed by the executive of**  
 40 **a municipality expires, the vacancy shall be filled by**  
 41 **appointment under IC 20-14-2.5-9.5(b)(3), as added by this**  
 42 **act.**



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- 1           **(4) When the term of a member appointed by the legislative**  
2           **body of a municipality expires, the vacancy shall be filled by**  
3           **appointment under IC 20-14-2.5-9.5(b)(4), as added by this**  
4           **act, by the school board of the school corporation in the**  
5           **library district having the second greatest number of students**  
6           **in average daily membership (as defined in IC 21-3-1.6-1.1).**  
7           **(5) When the term of the first of the three (3) members**  
8           **appointed by a school board expires, the vacancy shall be**  
9           **filled by appointment under IC 20-14-2.5-9.5(b)(4), as added**  
10          **by this act, by the school board of the school corporation in**  
11          **the library district having the third greatest number of**  
12          **students in average daily membership (as defined in**  
13          **IC 21-3-1.6-1.1).**  
14          **(6) When the term of the second of the three (3) members**  
15          **appointed by a school board expires, the vacancy shall be**  
16          **filled by appointment under IC 20-14-2.5-9.5(b)(4), as added**  
17          **by this act, by the school board of the school corporation in**  
18          **the library district having the fourth greatest number of**  
19          **students in average daily membership (as defined in**  
20          **IC 21-3-1.6-1.1).**  
21          **(7) When the term of the last of the three (3) members**  
22          **appointed by a school board expires, the vacancy shall be**  
23          **filled by appointment under IC 20-14-2.5-9.5(b)(4), as added**  
24          **by this act, by the school board of the school corporation in**  
25          **the library district having the greatest number of students in**  
26          **average daily membership (as defined in IC 21-3-1.6-1.1).**  
27          **(d) This SECTION expires December 31, 2005.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 77, 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 made to Senate Bill 77 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 7, Nays 0.

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