



February 10, 2012

ENGROSSED HOUSE BILL No. 1283

DIGEST OF HB 1283 (Updated February 8, 2012 3:43 pm - DI 87)

Citations Affected: IC 1-2; IC 3-9; IC 4-23; IC 5-15; IC 36-1; IC 36-12.

Synopsis: Libraries and historic matters. Designates the "Grouseland Rifle" as the official rifle of Indiana, and requires the duplication and sale of the rifle to be authorized by the Grouseland Foundation. Make changes to the qualifications of certain members of the library and historical board (board). Repeals laws authorizing the board to apportion the duties of employees to work for various divisions. Requires the board to make policies, instead of rules, for the library department and its divisions. Repeals the council on library automation. Repeals: (1) certain state library employee qualifications. Requires the board to establish policies, instead of rules for: (1) loans; (2) fees for lost or damaged materials; and (3) third party fees for certain copyright material. Restructures and renames the Indiana state library advisory council as the state library advisory council. Repeals the requirement that the historical bureau maintain and sell certain commemorative medallions and other items. Specifies that state format markers installed after 1945 and markers installed by the Indiana Civil War centennial commission are the property of the state. Requires that
(Continued next page)

Effective: July 1, 2012.

Richardson, Pierce, Saunders

(SENATE SPONSORS — GARD, SIMPSON)

January 11, 2012, read first time and referred to Committee on Local Government.
January 26, 2012, amended, reported — Do Pass.
January 30, 2012, read second time, ordered engrossed. Engrossed.
January 31, 2012, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Local Government.
February 9, 2012, amended, reported favorably — Do Pass.

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the historical bureau shall commemorate George Rogers Clark. (Current law requires that the memory of George Rogers Clark must be celebrated.) Adds electronic media to the definition of "record" for purposes of the public records law. Requires the public records commission to coordinate the use of all scanning equipment in state government. Requires the county commission of public records to implement retention schedules for use by local government officials as part of a records management program for local government public records not more than 30 days after adoption by the oversight committee on public records. (Current law requires the county commission of public records to adopt retention schedules at the first meeting of the county commission after the commission receives the retention schedule.) Removes an application of prior statutes provision from Class 1 library law. Provides that four members of a Class 1 library board constitute a quorum. Provides that six members of a county contractual library board constitute a quorum. Makes changes to the list of persons who may use and be issued library cards at a Class 1 library. Allows Class 1 libraries to charge reduced fees to certain nonresident users of the library district. Requires the disposal of personal property at a Class 1 library to comply with certain requirements. Repeals certain merger requirements for libraries located in consolidated cities. Makes certain changes to the procedure to expand Class 1 libraries. Makes changes to the list of persons who may use and be issued library cards at a Class 2 library. Allows Class 2 libraries to charge reduced fees to certain nonresident users of the library district. Repeals laws concerning library service authorities. Changes the duties and procedures for the investigation and resolution of complaints by the library certification board. Makes conforming changes. Makes technical changes.

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February 10, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1283

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

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

1 SECTION 1. IC 1-2-13 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]:

4 **Chapter 13. State Rifle**

5 **Sec. 1. The "Grouseland Rifle" made by Colonel John Small of**
6 **Vincennes, Indiana, between 1803 and 1812 is designated the**
7 **official rifle of the state of Indiana.**

8 **Sec. 2. Any:**

9 (1) **duplication or reproduction; or**
10 (2) **sale of any duplication or reproduction;**
11 **of the "Grouseland Rifle" must be authorized by the Grouseland**
12 **Foundation of Vincennes, Indiana.**

13 SECTION 2. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual may not solicit
15 or receive a contribution in violation of the following statutes:

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- 1 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
 2 ~~(2) IC 4-23-7.1-38 (Indiana State Library).~~
 3 ~~(3) (2) IC 4-23-7.2-17 (Indiana Historical Bureau).~~
 4 ~~(4) (3) IC 8-23-2-3 (Indiana Department of Transportation).~~
 5 ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural~~
 6 ~~Resources).~~

7 SECTION 3. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The management and control
 9 of the Indiana library and historical department is hereby vested in a
 10 board which shall be known as the Indiana library and historical board,
 11 and which shall consist of five (5) members, who shall be appointed by
 12 the governor. ~~as hereinafter provided. In the first instance, one (1) of~~
 13 ~~such members shall be appointed for a term of one (1) year, one (1)~~
 14 ~~member for a term of two (2) years, one (1) member for a term of three~~
 15 ~~(3) years, and two (2) members for a term of four (4) years. Thereafter~~
 16 **(b)** All members shall be appointed for terms of four (4) years. ~~No~~
 17 ~~A person shall~~ **may not** be appointed as a member of the Indiana
 18 library and historical board unless ~~he~~ **the person** is a citizen of high
 19 standing and probity and has a known and active interest in library or
 20 historical work. **The members of the board shall be appointed as**
 21 **follows:**

- 22 **(1)** One (1) member of the library and historical board shall be
 23 appointed on recommendation of the state board of education.
 24 **(2) One (1) member must be appointed on the**
 25 **recommendation of the Indiana Library Federation.**
 26 **(3) At least one (1) member shall must be appointed on**
 27 ~~recommendation of the Indiana library, trustee association, one~~
 28 ~~(1) member shall be appointed on recommendation of the Indiana~~
 29 ~~library association, one (1) member shall be appointed on~~
 30 ~~recommendation of the Indiana historical society, and one (1)~~
 31 ~~member shall be selected and appointed by the governor. a~~
 32 **historian.**
 33 **(4) At least one (1) member must be a public library trustee**
 34 **appointed on the recommendation of the Indiana Library**
 35 **Trustee Association.**

36 **(c)** The members of the board shall serve without compensation, but
 37 shall be entitled to receive their actual expenses necessarily incurred
 38 in attending the meetings and transacting the business of the board, and
 39 in participating in such other activities as may be in the interest of the
 40 department.

41 **(d)** Any vacancy which may occur in the membership of the board
 42 for any cause shall be filled by appointment by the governor for the



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1 unexpired term. either on recommendation of the board; association or
 2 society hereinbefore authorized to make recommendations; or by
 3 selection by the governor, as hereinbefore provided:

4 (e) The board may prepare plans subject to the approval of the
 5 governor and advise with the proper officials in the construction of
 6 alterations and additions to the building and provide necessary
 7 equipment and furnishings within the appropriations of funds for these
 8 purposes.

9 (f) The board may receive and administer any state or federal aid
 10 which may become available for the improvement and development of
 11 library and historical services in Indiana.

12 SECTION 4. IC 4-23-7-3.2 IS REPEALED [EFFECTIVE JULY 1,
 13 2012]. Sec. 3:2. In perfecting the internal organization of the
 14 department; the board may so apportion the duties of the department
 15 and of the several divisions thereof that like services in the various
 16 divisions may be performed by the same employee or employees for the
 17 entire department.

18 SECTION 5. IC 4-23-7-5 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: Sec. 5. Subject to the provisions of this
 20 chapter, the library and historical board shall formulate ~~rules and~~
 21 ~~regulations~~ **policies** for the care, management, and expansion of the
 22 library and historical department so that the department and its ~~several~~
 23 divisions may at all times be operated according to the most approved
 24 standards of library and historical service.

25 SECTION 6. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1,
 26 2012]. Sec. 30: (a) The Indiana library and historical board shall
 27 establish the council on library automation to:

28 (1) conduct ongoing planning activities for library automation in
 29 Indiana; and

30 (2) advance the automation goals of Indiana's libraries through the
 31 cooperation of the appropriate library agencies and organizations.

32 (b) The council on library automation consists of thirteen (13)
 33 members as follows:

34 (1) One (1) member from the Indiana library and historical board:

35 (2) Two (2) members from area library services authorities:

36 (3) Two (2) members from the Indiana cooperative library
 37 services authority:

38 (4) Two (2) members from the department of education:

39 (5) Two (2) members from the state educational institution library
 40 automation committee:

41 (6) Two (2) members from the Indiana state library:

42 (7) Two (2) members from public libraries:

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1 (c) With regard to the members described in subsection (b)(1)
 2 through (b)(6); each respective entity or agency described in subsection
 3 (b)(1) through (b)(6) shall forward its nominees for appointment on the
 4 council to the Indiana library and historical board for confirmation.

5 (d) The Indiana library and historical board shall establish a process
 6 to select the members appointed under subsection (b)(7).

7 (e) Except as provided in subsection (f), the terms of office for
 8 council members is three (3) years.

9 (f) The Indiana library and historical board shall establish the
 10 procedures for the council; including staggering the terms for initial
 11 members of the council.

12 (g) The council may do the following:

13 (1) Encourage planning by individual libraries and groups of
 14 libraries with regard to library automation.

15 (2) Annually update and distribute the statewide library
 16 automation and resource sharing plan.

17 (3) Submit to the state library board its recommendations
 18 concerning the adoption of library automation standards under
 19 IC 4-23-7.1-11(b).

20 (4) Encourage library automation, resource sharing, and document
 21 delivery programs that are consistent with state technology
 22 strategies, educational programs, and economic interests.

23 (5) Consult with appropriate agencies and organizations with an
 24 interest in library automation and resource sharing in Indiana.

25 (h) The council shall provide an annual report to the Indiana library
 26 and historical board on the council's activities and progress made
 27 towards meeting the goals in the statewide library automation and
 28 resource sharing plan. The council shall recommend to the Indiana
 29 library and historical board funding strategies that support the goals
 30 and initiatives contained in the statewide plan.

31 SECTION 7. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,
 32 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2012]: Sec. 1. As used in this chapter:

34 (1) "Advisory council" refers to the Indiana state library advisory
 35 council established by section 39 of this chapter.

36 (2) (1) "Agency" means any state administration, agency,
 37 authority, board, bureau, commission, committee, council,
 38 department, division, institution, office, service, or other similar
 39 body of state government.

40 (3) (2) "Board" means the Indiana library and historical board
 41 established by IC 4-23-7-2.

42 (4) (3) "Department" means the Indiana library and historical

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1 department established by IC 4-23-7-1.

2 ~~(5)~~ (4) "Director" means director of the Indiana state library.

3 ~~(6)~~ (5) "Historical bureau" means the Indiana historical bureau
4 established by IC 4-23-7-3.

5 ~~(7)~~ (6) "Public library" has the meaning set forth in IC 36-12-1-5.

6 ~~(8)~~ (7) "State library" means the Indiana state library established
7 by IC 4-23-7-3.

8 ~~(9)~~ (8) "Statewide library card program" refers to the program
9 established by section 5.1 of this chapter.

10 SECTION 8. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]: Sec. 11. (a) The board ~~with the advice of the advisory~~
13 ~~council~~, shall establish operating standards and rules for libraries
14 eligible to receive funds, either federal or state, under the provisions of
15 any program for which the Indiana state library is the administrator.
16 The Indiana state library shall monitor libraries eligible to receive
17 funds or receiving funds to ascertain whether or not the standards and
18 rules are being met.

19 (b) The board ~~with the advice of the council on library automation~~
20 ~~established under IC 4-23-7-30~~, shall establish library automation
21 standards for libraries. The Indiana state library shall monitor
22 compliance with the standards.

23 SECTION 9. IC 4-23-7.1-32 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. Any book or other
25 library material, unless restricted because of its value, physical
26 condition, historical importance, demand, requirement for research, or
27 legal or contractual restriction, belonging to or in custody of the state
28 library may be borrowed for use outside of the library by any resident
29 of the state or any library in accordance with ~~rules~~ **policies** adopted by
30 the Indiana library and historical board.

31 SECTION 10. IC 4-23-7.1-33 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. ~~Rules Policies~~ for:

33 (1) all loans including, at its discretion, the imposition of fines on
34 borrowers for violation of the ~~rules~~; **policies**;

35 (2) **fees for lost or damaged materials; and**

36 (3) **the imposition of fees for third party use of materials for**
37 **which the state library owns the copyright;**

38 shall be established by the board. All funds accruing from ~~such~~ fines
39 ~~shall and fees imposed under this section must~~ be deposited in the
40 state library publications fund.

41 SECTION 11. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY
42 1, 2012]. Sec. 38. (a) ~~All state library employees, except the director;~~

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1 shall be selected by the director with the approval of the board and may
 2 be removed by the director for cause at any time with the approval of
 3 the board:

4 (b) In making selections for employment recognition shall be given
 5 to the fact that all certified librarians are under the Library Certification
 6 Act and that other staff personnel are under IC 4-15-2:

7 (c) Any or all of the state library employees must have had such
 8 academic preparation and special training for the work which they are
 9 required to perform as may be prescribed in rules promulgated by the
 10 board:

11 (d) The board may provide that appointments may be made only
 12 after the applicant has successfully passed an examination given by the
 13 board or some person designated by the board:

14 (e) No employee of the state library may directly or indirectly solicit
 15 subscription or contribution for any political party or political purpose;
 16 or be forced in any way to make such contribution; or be required to
 17 participate in any form of political activity:

18 (f) The state budget agency shall fix the compensation of the
 19 director. The director shall fix the compensation of the employees of
 20 the state library with the approval of the board and the state budget
 21 agency:

22 SECTION 12. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY
 23 1, 2012]. Sec. 39. (a) The Indiana state library advisory council is
 24 established for the purpose of advising the board and the state librarian
 25 concerning:

- 26 (1) general policies of the state library;
- 27 (2) plans or programs for library development and interlibrary
 28 cooperation;
- 29 (3) library research;
- 30 (4) professional development for librarians;
- 31 (5) standards and rules for library services;
- 32 (6) administration and distribution of state and federal funds; and
- 33 (7) other matters as requested by the board and the state librarian:

34 (b) The advisory council consists of no fewer than fifteen (15)
 35 members:

36 (c) The membership of the council must be broadly representative
 37 and comply with the requirements established by the federal
 38 Department of Education under 34 C.F.R. 770:

39 (d) The board shall appoint the members of the council with
 40 nominations for appointment from library organizations and the state
 41 librarian:

42 (e) Members of the advisory council shall serve two (2) year terms:

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1 (f) A member of the advisory council is not entitled to:

2 (1) the minimum salary per diem provided by IC 4-10-11-2.1(b);

3 or

4 (2) reimbursement from state funds for traveling expenses and
5 other expenses actually incurred in connection with the member's
6 duties.

7 SECTION 13. IC 4-23-7.1-39.1 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2012]: **Sec. 39.1. (a) The state library
10 advisory council is established for the purpose of advising the
11 board and the state librarian concerning:**

12 (1) general policies of the state library;

13 (2) plans or programs for library development and
14 interlibrary cooperation;

15 (3) library research;

16 (4) professional development for librarians;

17 (5) standards and rules for library services;

18 (6) administration and distribution of state and federal funds;
19 and

20 (7) other matters as requested by the board and the state
21 librarian.

22 (b) The advisory council consists of not more than fifteen (15)
23 members.

24 (c) The board shall appoint the members of the council with
25 nominations for appointment from library organizations and the
26 state librarian.

27 (d) Members of the advisory council shall serve two (2) year
28 terms. However, the board shall stagger the terms of the initial
29 appointees.

30 (e) Notwithstanding subsection (d), if a member misses a
31 majority of the advisory council's meetings in a calendar year, the
32 board may remove the member and reappoint a member to serve
33 the remainder of the term.

34 (f) A member of the advisory council is not entitled to
35 compensation, per diem, or reimbursement for expenses.

36 (g) A quorum of the members must be present for the advisory
37 council to take any official action. A quorum of the advisory
38 council consists of a majority of the members appointed to the
39 advisory council. An affirmative vote by a majority of the members
40 present is needed for the advisory council to make a
41 recommendation or take any official action.

42 SECTION 14. IC 4-23-7.2-10 IS REPEALED [EFFECTIVE JULY

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1 1, 2012]. Sec. 10: The historical bureau shall have custody of all unsold
 2 commemorative medallions and other items that were acquired for sale
 3 to the public by the Indiana historical commission, the Indiana
 4 sesquicentennial commission, or the Indiana American revolution
 5 bicentennial commission when that commission is abolished. These
 6 medallions and other commemorative items shall be offered for sale to
 7 the public at a price determined by the director of the historical bureau.
 8 The proceeds from the sale of such items shall be deposited in the
 9 governors' portraits fund.

10 SECTION 15. IC 4-23-7.2-11 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The historical
 12 bureau shall establish the Indiana historical marker program for
 13 marking historical sites in Indiana. As a part of this program, the
 14 historical bureau shall fix a state format for historical markers. No
 15 person may erect an historical marker in the state format without the
 16 approval of the historical bureau. All historical markers in the state
 17 format shall be provided by the historical bureau using appropriated
 18 funds, local matching funds, donations, grants, or any other funds
 19 provided for that purpose according to the guidelines and rules of the
 20 historical marker program.

21 (b) The board may appoint a historical marker advisory committee
 22 to serve without compensation. The committee may advise the board
 23 and the director concerning the following:

- 24 (1) Guidelines and rules for the historical marker program.
- 25 (2) Appropriate sites to be marked.
- 26 (3) Other matters concerning the historical marker program as
 27 requested by the board or the director.

28 (c) Historical markers approved under this section, **become**
 29 **including state format markers installed after 1945 and markers**
 30 **installed by the Indiana Civil War centennial commission, are** the
 31 property of the state. Maintenance of state historical markers is part of
 32 the historical marker program. The historical bureau may cooperate
 33 with individuals, local and state agencies, and private institutions and
 34 organizations for the maintenance of the historical markers. Funds
 35 made available to the historical marker program, as approved by the
 36 board, may be used for necessary maintenance.

37 (d) No historical marker may be erected on a highway of the state
 38 highway system without the approval of the historical bureau as to its
 39 historical accuracy. This provision is in addition to any other
 40 requirement of law.

41 SECTION 16. IC 4-23-7.2-12 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The historical



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1 bureau shall ~~celebrate the memory of~~ **commemorate** George Rogers
 2 Clark in a manner fitting each occasion of George Rogers Clark Day,
 3 every twenty-fifth day of February, established by IC 1-1-13-1.

4 SECTION 17. IC 5-15-5.1-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in~~ **The**
 6 **following definitions apply throughout** this chapter:

7 "Commission" means the commission on public records created by
 8 this chapter.

9 "Record" means all documentation of the informational,
 10 communicative or ~~decisionmaking~~ **decision making** processes of state
 11 government, its agencies and subdivisions made or received by any
 12 agency of state government or its employees in connection with the
 13 transaction of public business or government functions, which
 14 documentation is created, received, retained, maintained, or filed by
 15 that agency or its successors as evidence of its activities or because of
 16 the informational value of the data in the documentation, and which is
 17 generated on:

- 18 (1) paper or paper substitutes;
- 19 (2) photographic or chemically based media;
- 20 (3) magnetic, **electronic**, or machine readable media; or
- 21 (4) any other materials, regardless of form or characteristics.

22 "Nonrecord materials" means all identical copies of forms, records,
 23 reference books, and exhibit materials which are made, or acquired,
 24 and preserved solely for reference use, exhibition purposes, or
 25 publication and which are not included within the definition of record.

26 "Personal records" means:

- 27 (1) all documentary materials of a private or nonpublic character
 28 which do not relate to or have an effect upon the carrying out of
 29 the constitutional, statutory, or other official or ceremonial duties
 30 of a public official, including: diaries, journals, or other personal
 31 notes serving as the functional equivalent of a diary or journal
 32 which are not prepared or utilized for, or circulated or
 33 communicated in the course of, transacting government business;
 34 or
- 35 (2) materials relating to private political associations, and having
 36 no relation to or effect upon the carrying out of constitutional,
 37 statutory, or other official or ceremonial duties of a public official
 38 and are not deemed public records.

39 "Form" means every piece of paper, transparent plate, or film
 40 containing information, printed, generated, or reproduced by whatever
 41 means, with blank spaces left for the entry of additional information to
 42 be used in any transaction involving the state.



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1 "Agency" means any state office, department, division, board,
 2 bureau, commission, authority, or other separate unit of state
 3 government established by the constitution, law, or by executive or
 4 legislative order.

5 "Public official" means:

6 (1) an individual holding a state office created by the Constitution
 7 of Indiana, by act or resolution of the general assembly, or by the
 8 governor;

9 (2) all officers of the executive and administrative branch of state
 10 government; and

11 (3) all other officers, heads, presidents, or chairmen of agencies
 12 of state government.

13 "Indiana state archives" means the program maintained by the
 14 commission for the preservation of those records and other government
 15 papers that have been determined by the commission to have sufficient
 16 permanent values to warrant their continued preservation by the state.

17 "Forms management" means the program maintained by the
 18 commission to provide continuity of forms design procedures from the
 19 form's origin up to its completion as a record by determining the:

20 (1) form's size, style, and size of type;

21 (2) format;

22 (3) type of construction;

23 (4) number of plies;

24 (5) quality, weight and type of paper and carbon; and ~~by~~
 25 ~~determining the~~

26 (6) use of the form for data entry as well as the distribution.

27 "Information management" means the program maintained by the
 28 commission for the application of management techniques to the
 29 purchase, creation, utilization, maintenance, retention, preservation,
 30 and disposal of forms and records undertaken to improve efficiency and
 31 reduce costs of recordkeeping, including management of filing and
 32 microfilming equipment and supplies, filing and information retrieval
 33 systems, files, correspondence, reports and forms management,
 34 historical documentation, micrographic retention programming, and
 35 critical records protection.

36 "Records center" means a program maintained by the commission
 37 primarily for the storage, processing, retrieving, servicing, and security
 38 of government records that must be retained for varying periods of time
 39 but should not be maintained in an agency's office equipment or space.

40 "Critical records" means records necessary to:

41 (1) resume or continue governmental operations;

42 (2) the reestablishing of the legal and financial responsibilities of

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1 government in the state; or to
 2 (3) protect and fulfill governmental obligations to the citizens of
 3 the state.
 4 "Retention schedule" means a set of instructions prescribing how
 5 long, where, and in what form a record series shall be kept.
 6 "Records series" means documents or records that are filed in a
 7 unified arrangement and having similar physical characteristics or
 8 relating to a similar function or activity.
 9 "Records coordinator" means a person designated by an agency to
 10 serve as an information liaison person between the agency and the
 11 commission.
 12 SECTION 18. IC 5-15-5.1-5, AS AMENDED BY P.L.177-2005,
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 5. (a) Subject to approval by the oversight
 15 committee on public records created by section 18 of this chapter, the
 16 commission shall do the following:
 17 (1) Establish a forms management program for state government
 18 and approve the design, typography, format, logo, data sequence,
 19 form analysis, form number, and agency file specifications of
 20 each form.
 21 (2) Establish a central state form numbering system and a central
 22 cross index filing system of all state forms, and standardize,
 23 consolidate, and eliminate, wherever possible, forms used by state
 24 government.
 25 (3) Approve, provide, and in the manner prescribed by IC 5-22,
 26 purchase photo-ready copy for all forms.
 27 (4) Establish a statewide records management program,
 28 prescribing the standards and procedures for record making and
 29 record keeping. However, the investigative and criminal history
 30 records of the state police department are exempted from this
 31 requirement.
 32 (5) Coordinate utilization of all micrographics **and scanning**
 33 equipment in state government.
 34 (6) Assist the Indiana department of administration in
 35 coordinating utilization of all duplicating and printing equipment
 36 in the executive and administrative branches.
 37 (7) Advise the Indiana department of administration with respect
 38 to the purchase of all records storage equipment.
 39 (8) Establish and operate a distribution center for the receipt,
 40 storage, and distribution of all material printed for an agency.
 41 (9) Establish and operate a statewide archival program to be
 42 called the Indiana state archives for the permanent government

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1 records of the state, provide consultant services for archival
 2 programs, conduct surveys, and provide training for records
 3 coordinators.
 4 (10) Establish and operate a statewide record preservation
 5 laboratory.
 6 (11) Prepare, develop, and implement record retention schedules.
 7 (12) Establish and operate a central records center to be called the
 8 Indiana state records center, which shall accept all records
 9 transferred to it, provide secure storage and reference service for
 10 the same, and submit written notice to the applicable agency of
 11 intended destruction of records in accordance with approved
 12 retention schedules.
 13 (13) Demand, from any person, ~~or~~ organization, or body who has
 14 illegal possession of original state or local government records,
 15 those records, which shall be delivered to the commission.
 16 (14) Have the authority to examine all forms and records housed
 17 or possessed by state agencies for the purpose of fulfilling the
 18 provisions of this chapter.
 19 (15) In coordination with the office of technology established by
 20 IC 4-13.1-2-1, establish standards to ensure the preservation of
 21 adequate and permanent computerized and auxiliary automated
 22 information records of the agencies of state government.
 23 (16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for
 24 services provided to patrons of the Indiana state archives. A
 25 copying fee established under this subdivision may exceed the
 26 copying fee set forth in IC 5-14-3-8(c).
 27 (b) In implementing a forms management program, the commission
 28 shall follow procedures and forms prescribed by the federal
 29 government.
 30 (c) Fees collected under subsection (a)(16) shall be deposited in the
 31 state archives preservation and reproduction account established by
 32 section 5.3 of this chapter.
 33 SECTION 19. IC 5-15-6-2.5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) The county
 35 commission shall ~~adopt and~~ implement retention schedules for use by
 36 local government officials as part of a records management program for
 37 local government public records at the ~~first meeting of the county~~
 38 ~~commission after the commission receives a retention schedule for the~~
 39 ~~local government approved not more than thirty (30) days after~~
 40 **adoption** by the oversight committee on public records as established
 41 by IC 5-15-5.1-18.
 42 (b) All requests to destroy, transfer, or otherwise dispose of records

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1 that are not covered by an approved retention schedule are to be
 2 submitted to the county commission according to the procedure
 3 established under this chapter.

4 (c) Requests for exceptions to an approved retention schedule shall
 5 be submitted to the county commission. The commission may not
 6 consider requests for retention of records that are shorter in duration
 7 than the approved retention schedule.

8 (d) Local government officers shall submit documentation of
 9 destruction, transfer, or other disposal of records according to an
 10 approved retention schedule to the county commission with a copy
 11 submitted to the state archives.

12 (e) Whenever a local government includes parts of more than one
 13 (1) county, the commission of the county that contains the greatest
 14 percentage of population of the local government has jurisdiction over
 15 the records of the local government for the purposes of this chapter.

16 SECTION 20. IC 36-1-7-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) ~~Except as~~
 18 ~~provided in subsection (b) and~~ Regardless of the requirements of
 19 section 4 of this chapter, if an agreement under section 3 of this chapter
 20 concerns the provision of services or facilities that a state officer or
 21 state agency has power to control, the agreement must be submitted to
 22 that officer or agency for approval before it takes effect.

23 ~~(b) If a reciprocal borrowing agreement under section 3 of this~~
 24 ~~chapter concerns the provision of library services or facilities between~~
 25 ~~public libraries that are of the same nature as the services provided~~
 26 ~~under the statewide library card program under IC 4-23-7.1-5.1, the~~
 27 ~~reciprocal borrowing agreement is not required to be submitted to the~~
 28 ~~Indiana library and historical board for approval before the reciprocal~~
 29 ~~borrowing agreement takes effect; but a copy of the reciprocal~~
 30 ~~borrowing agreement shall be submitted to the state library.~~

31 ~~(c) (b)~~ Approval or disapproval is governed by the same provisions
 32 prescribed by section 4(b) of this chapter for the attorney general.

33 SECTION 21. IC 36-12-1-8, AS ADDED BY P.L.1-2005,
 34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 8. (a) The state shall encourage the establishment,
 36 maintenance, and development of public libraries throughout Indiana
 37 as part of the provision for public education of Indiana.

38 (b) Public libraries provide free library services for all individuals
 39 in order to meet the educational, informational, and recreational
 40 interests and needs of the public.

41 (c) Library services include:

42 (1) collecting and organizing books and other library materials;



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1 and
 2 (2) providing reference, loan, and related services to library
 3 patrons.
 4 (d) Library services are provided by public libraries supported by
 5 public funds.

6 SECTION 22. IC 36-12-2-5.5 IS REPEALED [EFFECTIVE JULY
 7 1, 2012]. ~~Sec. 5.5. IC 20-14-2-3 (before its repeal); as in effect on July~~
 8 ~~1, 1998; applies to the establishment of a public library that is initiated~~
 9 ~~after June 30, 1998; under IC 20-14-2-3(b) (before its repeal); as in~~
 10 ~~effect July 1, 1998.~~

11 SECTION 23. IC 36-12-2-23, AS ADDED BY P.L.1-2005,
 12 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 23. (a) Upon the creation of a new public library,
 14 the library board shall meet not later than ten (10) days after a majority
 15 of the appointees have taken an oath of office. The organizational
 16 meeting may be called by any two (2) members. At the meeting, the
 17 board shall:

- 18 (1) elect from the members of the board a president, a vice
- 19 president, a secretary, and other officers that the board determines
- 20 are necessary; and
- 21 (2) adopt bylaws for the board's procedure and management and
- 22 for the management of the public library.

23 Officers of the board shall be elected annually.

24 (b) ~~A majority of the Four (4) library board members, constitutes~~
 25 **who are present in person, constitute** a quorum for the transaction of
 26 business. **However, for a county contractual library board under**
 27 **section 17 of this chapter, a quorum consists of six (6) members.**
 28 The library board shall meet:

- 29 (1) at least monthly; and
- 30 (2) at any other time a meeting is necessary.

31 Meetings may be called by the president or any two (2) board members.
 32 All meetings of the board, except necessary executive sessions of the
 33 officers, are open to the public.

34 SECTION 24. IC 36-12-2-25, AS AMENDED BY P.L.113-2010,
 35 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) The residents or real
 37 property taxpayers of the library district taxed for the support of the
 38 library may use the facilities and services of the public library without
 39 charge for library or related purposes. However, the library board may:

- 40 (1) fix and collect fees and rental charges; and
- 41 (2) assess fines, penalties, and damages for the:
- 42 (A) loss of;

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1 (B) injury to; or
 2 (C) failure to return;
 3 any library property or material.
 4 (b) A library board may issue local library cards to:
 5 (1) residents **and real property taxpayers** of the library district;
 6 (2) Indiana residents who are not residents of the library district;
 7 **and**
 8 (3) library employees of the library district; or
 9 (4) employees of a school corporation or nonpublic school located
 10 in the library district;
 11 who apply for the cards.
 12 (3) **individuals who reside out of state and who are being**
 13 **served through an agreement under IC 36-12-13.**
 14 (c) Except as provided in ~~subsections~~ **subsection (d), and (e)**; a
 15 library board must set and charge a fee for a local library card issued
 16 under subsection (b)(2) **and (b)(3)**. The minimum fee that the board
 17 may set under this subsection is the greater of the following:
 18 (1) The library district's operating fund expenditure per capita in
 19 the most recent year for which that information is available in the
 20 Indiana state library's annual "Statistics of Indiana Libraries".
 21 (2) Twenty-five dollars (\$25).
 22 (d) A library board may **issue a local library card without charge**
 23 **or for a reduced fee or not charge a fee for a local library card under**
 24 **subsection (c) that is issued to an Indiana resident who is: to an**
 25 **individual who is not a resident of the library district and who is:**
 26 (1) a student enrolled in **or a teacher in** a public school
 27 corporation **or nonpublic school:**
 28 (A) that is located at least in part in the library district; and
 29 (B) **in which students in any grade preschool through**
 30 **grade 12 are educated; or**
 31 (2) ~~not a resident of the a library district.~~ **employee of the**
 32 **district;**
 33 (e) ~~A library board may charge a reduced fee or not charge a fee for~~
 34 ~~a local library card under subsection (c) that is issued to an Indiana~~
 35 ~~resident who is a student enrolled in a nonpublic school that is located~~
 36 ~~at least in part in the library district.~~
 37 (f) A library board may issue a local library card under subsection
 38 (b)(3) or (b)(4):
 39 (1) to an individual who is not a resident of the library district;
 40 **and**
 41 (2) ~~without charging a fee for the card;~~
 42 if the board adopts a resolution that is approved by an affirmative vote

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1 of a majority of the members appointed to the library board.

2 **(e) A library card issued under subsection (b)(2), (b)(3), or (d)**
3 **expires one (1) year after issuance of the card.**

4 SECTION 25. IC 36-12-3-5, AS ADDED BY P.L.1-2005,
5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2012]: Sec. 5. (a) The library board may:

7 (1) acquire real or personal property by purchase, devise, lease,
8 condemnation, or otherwise; and

9 (2) own any real or personal property for purposes of the public
10 library.

11 (b) The library board may:

12 (1) sell;

13 (2) exchange; or

14 (3) otherwise dispose of;

15 real **and personal** property no longer needed for library purposes in
16 accordance with IC 36-1-11 **and IC 5-22.**

17 (c) The library board may transfer personal property no longer
18 needed for library purposes for no compensation or a nominal fee to an
19 Indiana nonprofit library organization that is:

20 (1) tax exempt; and

21 (2) organized and operated for the exclusive benefit of the library
22 disposing of the property;

23 without complying with IC 36-1-11 **or IC 5-22.**

24 (d) The library board may:

25 (1) accept gifts of real or personal property; and

26 (2) hold, mortgage, lease, or sell the property as directed by the
27 terms of the grant, gift, bequest, or devise;

28 when the action is in the interest of the public library.

29 SECTION 26. IC 36-12-3-16, AS AMENDED BY P.L.130-2007,
30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 16. (a) The library board may adopt a resolution

32 allowing money to be disbursed under this section for lawful library
33 purposes, including advertising and promoting the programs and
34 services of the library.

35 (b) With the prior written approval of the library board and if the
36 library board has adopted a resolution under subsection (a), claim
37 payments may be made in advance of library board allowance for any
38 of the following types of expenses:

39 (1) Property or services purchased or leased from the federal
40 government or the federal government's agencies and the state,
41 the state's agencies, or the state's political subdivisions.

42 (2) Dues, subscriptions, and publications.

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- 1 (3) License or permit fees.
- 2 (4) Insurance premiums.
- 3 (5) Utility payments or connection charges.
- 4 (6) Federal grant programs where:
- 5 (A) advance funding is not prohibited; and
- 6 (B) the contracting party posts sufficient security to cover the
- 7 amount advanced.
- 8 (7) Grants of state funds authorized by statute.
- 9 (8) Maintenance and service agreements.
- 10 (9) Legal retainer fees.
- 11 (10) Conference fees.
- 12 (11) Expenses related to the educational or professional
- 13 development of an individual employed by the library board,
- 14 including:
- 15 (A) inservice training;
- 16 (B) attending seminars or other special courses of instruction;
- 17 and
- 18 (C) tuition reimbursement;
- 19 if the library board determines that the expenditures under this
- 20 subdivision directly benefit the library.
- 21 (12) Leases or rental agreements.
- 22 (13) Bond or coupon payments.
- 23 (14) Payroll costs.
- 24 (15) State, federal, or county taxes.
- 25 (16) Expenses that must be paid because of emergency
- 26 circumstances.
- 27 (17) Expenses incurred to advertise and promote the programs
- 28 and services of the library.
- 29 (18) Other expenses described in a library board resolution.

30 Each payment of expenses lawfully incurred for library purposes must
 31 be supported by a fully itemized invoice or other documentation. The
 32 library director must certify to the library board before payment that
 33 each claim for payment is true and correct. The certification must be on
 34 a form prescribed by the state board of accounts. The library board
 35 shall review and allow the claim at the library board's first regular or
 36 special meeting following the payment of a claim under this section.

37 **(c) Each payment of expenses lawfully incurred for library**
 38 **purposes must be supported by a fully itemized invoice or other**
 39 **documentation. The library director shall certify to the library**
 40 **board before payment that each claim for payment is true and**
 41 **correct. The certification must be on a form prescribed by the state**
 42 **board of accounts.**

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1 ~~(e)~~ **(d)** Purchases of books, magazines, pamphlets, films, filmstrips,
2 microforms, microfilms, slides, transparencies, phonodiscs,
3 phonotapes, models, art reproductions, and all other forms of library
4 and audiovisual materials are exempt from the restrictions imposed by
5 IC 5-22.

6 ~~(d)~~ **(e)** The purchase of library automation systems must meet the
7 standards established by the Indiana library and historical board under
8 IC 4-23-7.1-11(b).

9 SECTION 27. IC 36-12-4-5 IS REPEALED [EFFECTIVE JULY 1,
10 2012]. ~~Sec. 5: In the case of the merger of a municipal public library~~
11 ~~and a:~~

- 12 ~~(1) county public library; or~~
- 13 ~~(2) public library located in whole or in part in a consolidated~~
- 14 ~~city;~~

15 ~~the municipal public library shall merge into the county public library~~
16 ~~or public library located in whole or in part in the consolidated city.~~
17 ~~The municipal board and the county board are then dissolved effective~~
18 ~~December 31 of the year of the merger and a newly created board shall~~
19 ~~take office January 1.~~

20 SECTION 28. IC 36-12-5-1, AS ADDED BY P.L.1-2005,
21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2012]: Sec. 1. (a) Sections 2, ~~through 3, and~~ 4 of this chapter
23 apply only to Class 1 public libraries that seek to expand into not more
24 than one (1) township of a county.

25 (b) Sections 5 through 12 of this chapter apply to Class 1 public
26 libraries that seek to expand into more than one (1) township of a
27 county by an alternative method to the method under sections 2 through
28 4 of this chapter.

29 **(c) The expansion of a library district may occur by:**
30 **(1) the legislative body passing a resolution; or**
31 **(2) the petition and remonstrance process;**
32 **as provided in this chapter.**

33 SECTION 29. IC 36-12-5-2, AS ADDED BY P.L.1-2005,
34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2012]: Sec. 2. (a) The library board of a public library may file
36 a proposed expansion with the township trustee and legislative body of
37 the township. The proposal must state that the public library seeks to
38 combine with a certain township or any part of a township not being
39 taxed for public library service to form a single library district.

40 ~~(b) Except as provided in section 3 of this chapter,~~ When a township
41 trustee and legislative body receive a proposal of expansion under this
42 section, the legislative body may agree to the expansion proposal by

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written resolution.

SECTION 30. IC 36-12-5-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) ~~When~~ The library board **presents of a public library may file with** the township trustee and legislative body with a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the filing, the township trustee shall publish notice 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 the notice, an individual who is a registered voter of the **affected** township or part of the **affected** township **subject to expansion** 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.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

- (1) The petition or remonstrance must show the following:
 - (A) The date on which each individual signed the petition or remonstrance.
 - (B) The residence of each individual on the date the individual signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:
 - (A) was affixed in the individual's presence; and
 - (B) is the true signature of the individual 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

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1 remonstrance. A copy must include an affidavit described in
2 subdivision (2). A signer may file the petition or remonstrance, or
3 a copy of the petition or remonstrance. All copies constituting a
4 petition or remonstrance must be filed on the same day.

5 (4) The clerk of the circuit court in the county in which the
6 township is located shall do the following:

7 (A) If a name appears more than one (1) time on a petition or
8 on a remonstrance, the clerk must strike any duplicates of the
9 name until the name appears only one (1) time on a petition or
10 a remonstrance, or both, if the individual signed both a petition
11 and a remonstrance.

12 (B) Strike the name from either the petition or the
13 remonstrance of an individual who:

- 14 (i) signed both the petition and the remonstrance; and
- 15 (ii) personally, in the clerk's office, makes a voluntary
16 written and signed request for the clerk to strike the
17 individual's name from the petition or the remonstrance.

18 (C) Certify the number of signatures on the petition and on any
19 remonstrance that:

- 20 (i) are not duplicates; and
- 21 (ii) represent individuals who are registered voters in the
22 township or the part of the township on the day the
23 individuals signed the petition or remonstrance.

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

27 (d) The clerk of the circuit court shall complete the certification
28 required under subsection (c) not more than fifteen (15) days after the
29 petition or remonstrance is filed. The clerk shall:

- 30 (1) establish a record of certification in the clerk's office; and
- 31 (2) file the original petition, the original remonstrance, if any, and
32 a copy of the clerk's certification with the legislative body.

33 SECTION 31. IC 36-12-5-5, AS ADDED BY P.L.1-2005,
34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2012]: Sec. 5. (a) The library board of a public library may file
36 a proposed expansion with the legislative body of the county. The
37 proposal must state that the public library seeks to combine with more
38 than one (1) township or parts of more than one (1) township not being
39 taxed for public library service to form a single library district.

40 (b) ~~Except as provided in section 6 of this chapter,~~ Whenever the
41 legislative body of a county receives a proposal of expansion under this
42 section, the legislative body may agree to the expansion proposal by

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1 written resolution.

2 SECTION 32. IC 36-12-5-6, AS ADDED BY P.L.1-2005,
 3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2012]: Sec. 6. (a) ~~Whenever a~~ **The library board presents of**
 5 **a public library may file with** the legislative body of a county with a
 6 proposal of expansion and an intent to file a petition for acceptance of
 7 the proposal of expansion. Not later than ten (10) days after the intent
 8 is filed, the county auditor shall publish notice in the manner provided
 9 in IC 5-3-1 of the proposal of expansion in a newspaper of general
 10 circulation in the county. Beginning the first day after the notice is
 11 published, and during the period that ends sixty (60) days after the date
 12 of the publication of the notice, an individual who is a registered voter
 13 of an affected township or an affected part of ~~the~~ **a township subject**
 14 **to the expansion** may sign one (1) or both of the following:

- 15 (1) A petition for acceptance of the proposal of expansion.
 16 (2) A remonstrance petition in opposition to the proposal of
 17 expansion.

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

24 SECTION 33. IC 36-12-7-3, AS AMENDED BY P.L.113-2010,
 25 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) **The residents or real**
 27 **property taxpayers of the library district taxed for the support of**
 28 **the library may use the facilities and services of the public library**
 29 **without charge for library or related purposes. However, the**
 30 **library board may:**

- 31 (1) **fix and collect fees and rental charges; and**
 32 (2) **assess fines, penalties, and damages for the:**
 33 (A) **loss of;**
 34 (B) **injury to; or**
 35 (C) **failure to return;**
 36 **any library property or material.**

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

- 38 (1) residents **and real property taxpayers** of the library district;
 39 (2) Indiana residents who are not residents of the library district;
 40 **and**
 41 ~~(3)~~ library employees of the library district; or
 42 ~~(4)~~ employees of a school corporation or nonpublic school located

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1 in the library district;
2 who apply for the cards.

3 **(3) individuals who reside out of state and who are being**
4 **served through an agreement under IC 36-12-13.**

5 ~~(b)~~ **(c)** Except as provided in subsection ~~(c)~~; **(d)**, a library board
6 must set and charge a fee for a local library card issued under
7 subsection ~~(a)(2)~~; **(b)(2) and (b)(3)**. The minimum fee that the board
8 may set under this subsection is the greater of the following:

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

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

13 ~~(c)~~ **(d)** A library board may **issue a local library card without**
14 **charge or for a reduced fee or not charge a fee for a local library card**
15 **under subsection (b) that is issued to an Indiana resident who is: to an**
16 **individual who is not a resident of the library district and who is:**

17 (1) a student enrolled in **or a teacher in** a public school
18 corporation **or nonpublic school:**

19 **(A)** that is located at least in part in the library district; and

20 **(B) in which students in any grade preschool through**
21 **grade 12 are educated; or**

22 (2) ~~not a resident of that a library district.~~ **employee of the**
23 **district;**

24 ~~(d)~~ A library board may issue a local library card under subsection
25 ~~(a)(3) or (a)(4)~~:

26 ~~(1) to an individual who is not a resident of the library district;~~
27 ~~and~~

28 ~~(2) without charging a fee for the card;~~

29 if the board adopts a resolution that is approved by an affirmative vote
30 of a majority of the members appointed to the library board.

31 **(e) A library card issued under subsection (b)(2), (b)(3), or (d)**
32 **expires one (1) year after issuance of the card.**

33 SECTION 34. IC 36-12-8 IS REPEALED [EFFECTIVE JULY 1,
34 2012]. (Library Services Authorities).

35 SECTION 35. IC 36-12-8.5 IS REPEALED [EFFECTIVE JULY 1,
36 2012]. (Library Services Authorities; Conversion Into Nonprofit
37 Corporation).

38 SECTION 36. IC 36-12-9 IS REPEALED [EFFECTIVE JULY 1,
39 2012]. (Powers and Duties of Library Services Authorities).

40 SECTION 37. IC 36-12-11-12 IS REPEALED [EFFECTIVE JULY
41 1, 2012]. ~~Sec. 12. The office of the attorney general, under the~~
42 ~~conditions specified in this chapter, may receive, investigate, and~~

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1 prosecute complaints concerning a practitioner.

2 SECTION 38. IC 36-12-11-13 IS REPEALED [EFFECTIVE JULY
3 1, 2012]. Sec. 13. The director is responsible for investigation of
4 complaints concerning a practitioner.

5 SECTION 39. IC 36-12-11-15, AS ADDED BY P.L.1-2005,
6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 15. The director has the following duties and
8 powers:

9 (1) The director shall make an initial determination as to the merit
10 of a complaint. The director shall submit a copy of a complaint
11 having merit to the board. Except as otherwise provided by this
12 chapter, the board acquires jurisdiction over the complaint upon
13 submission of the complaint to the board by the director. **may**
14 **investigate any written complaint against a practitioner. The**
15 **director shall limit the investigation to aspects of the**
16 **practitioner's activities that appear to violate this chapter or**
17 **rules adopted under this chapter.**

18 (2) The director shall notify the practitioner of the:

19 (A) nature and ramifications of the complaint; and of the

20 (B) duty of the board director to **investigate and** attempt to
21 resolve the complaint through negotiation.

22 (3) ~~The director shall report any pertinent information regarding~~
23 ~~the status of the complaint to the complainant.~~

24 (4) The director may investigate any written complaint against a
25 practitioner. The director shall limit the investigation to areas that
26 appear to be in violation of this chapter or rules adopted under
27 this chapter.

28 (5) (3) The director may:

29 (A) subpoena witnesses; or

30 (B) send for and compel the production of books, records,
31 papers, and documents;

32 in relation to an investigation under this chapter. The circuit or
33 superior court located in the county where a subpoena is to be
34 issued shall enforce the subpoena.

35 (4) **If, after investigating, the director determines the**
36 **complaint has merit, the director shall notify the complainant,**
37 **practitioner, and the board. The director has forty-five (45)**
38 **days to attempt to resolve the complaint through negotiation.**

39 (5) **If, after investigating, the director determines the**
40 **complaint has no merit, the director shall notify the**
41 **complainant, practitioner, and the board that the complaint**
42 **has been dismissed.**



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1 SECTION 40. IC 36-12-11-16, AS ADDED BY P.L.1-2005,
 2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 16. For thirty (30) days after the director has
 4 notified the board and the practitioner that a complaint has been filed;
 5 (a) If the director is unable to satisfactorily resolve a complaint
 6 that the director has determined to have merit under section 15 of
 7 this chapter, the director shall notify the board, which shall take
 8 jurisdiction of the complaint.

9 (b) If a complaint is dismissed by the director under section 15
 10 of this chapter, the complainant may file a written appeal with the
 11 board within thirty (30) days after the date of dismissal. The board
 12 shall then take jurisdiction of the complaint.

13 (c) During the forty-five (45) days after the board receives
 14 notification or appeal under subsection (a) or (b), the director shall
 15 not conduct an investigation or take any action, unless requested by the
 16 board. If, during the thirty (30) days, the board requests an extension
 17 of the thirty (30) day period, the director shall extend the period for not
 18 more than twenty (20) days. When the forty-five (45) day period has
 19 elapsed, the board shall make the determination whether:

20 (1) the complaint should be:

21 (A) dismissed;

22 (B) prosecuted; or

23 (C) investigated further; or

24 (2) a resolution to the complaint should be negotiated.

25 If the board determines that further investigation or negotiation is
 26 warranted, the board may, at a later date, prosecute or dismiss the
 27 complaint.

28 SECTION 41. IC 36-12-11-17 IS REPEALED [EFFECTIVE JULY
 29 1, 2012]. Sec. 17. If before the director files a report with the attorney
 30 general under section 19 of this chapter, the director receives a
 31 statement:

32 (1) signed by the practitioner and the complainant; and

33 (2) stating that the complaint has been resolved;

34 the director may not take further action:

35 SECTION 42. IC 36-12-11-18 IS REPEALED [EFFECTIVE JULY
 36 1, 2012]. Sec. 18. If at any time during the thirty (30) day period or an
 37 extension period described in section 16 of this chapter the board
 38 notifies the director of the board's intention not to proceed further to
 39 resolve the complaint, the director may proceed immediately to
 40 continue to pursue the complaint under this chapter.

41 SECTION 43. IC 36-12-11-19 IS REPEALED [EFFECTIVE JULY
 42 1, 2012]. Sec. 19. If there has not been a statement filed under section

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1 17 of this chapter, and if after conducting an investigation the director
2 believes the practitioner should be subject to disciplinary sanctions by
3 the board, the director shall file a report with the attorney general.
4 Upon receiving the director's report, the attorney general may prosecute
5 the matter before the board on behalf of the state.
6 SECTION 44. IC 36-12-11-20, AS ADDED BY P.L.1-2005,
7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 20. ~~Notwithstanding section 19 of this chapter,~~ If
9 the board requests, the attorney general shall **investigate and** prosecute
10 the matter before the board on behalf of the state.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

- (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- ~~(2) IC 4-23-7.1-38 (Indiana State Library).~~
- ~~(3) (2) IC 4-23-7.2-17 (Indiana Historical Bureau).~~
- ~~(4) (3) IC 8-23-2-3 (Indiana Department of Transportation).~~
- ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources)."~~

Page 2, between lines 2 and 3, begin a new line block indented and insert:

"(2) One (1) member must be appointed on the recommendation of the State Library Federation."

Page 2, line 3, delete "(2)" and insert "(3)".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(4) At least one (1) member must be a public library trustee appointed on the recommendation of the Indiana Library Trustee Association."

Page 4, strike lines 8 through 9.

Page 4, line 10, strike "(2)" and insert "(1)".

Page 4, line 14, strike "(3)" and insert "(2)".

Page 4, line 16, strike "(4)" and insert "(3)".

Page 4, line 18, strike "(5)" and insert "(4)".

Page 4, line 19, strike "(6)" and insert "(5)".

Page 4, line 21, strike "(7)" and insert "(6)".

Page 4, line 22, strike "(8)" and insert "(7)".

Page 4, line 24, after "(9)" insert "(8)".

Page 4, line 24, reset in roman ""Statewide library card program" refers to the program".

Page 4, reset in roman line 25.

Page 4, delete lines 26 through 42.

Delete pages 5 through 6.

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Page 7, delete lines 1 through 11.

Page 7, line 41, after "shall" insert "**and fees**".

Page 8, delete lines 1 through 36, begin a new paragraph and insert:
 "SECTION 11. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 38: (a) All state library employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board:

(b) In making selections for employment recognition shall be given to the fact that all certified librarians are under the Library Certification Act and that other staff personnel are under IC 4-15-2.

(c) Any or all of the state library employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board:

(d) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board:

(e) No employee of the state library may directly or indirectly solicit subscription or contribution for any political party or political purpose; or be forced in any way to make such contribution; or be required to participate in any form of political activity:

(f) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the state library with the approval of the board and the state budget agency:

SECTION 12. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 39: (a) The Indiana state library advisory council is established for the purpose of advising the board and the state librarian concerning:

- (1) general policies of the state library;
- (2) plans or programs for library development and interlibrary cooperation;
- (3) library research;
- (4) professional development for librarians;
- (5) standards and rules for library services;
- (6) administration and distribution of state and federal funds; and
- (7) other matters as requested by the board and the state librarian:

(b) The advisory council consists of no fewer than fifteen (15) members:

(c) The membership of the council must be broadly representative and comply with the requirements established by the federal

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Department of Education under 34 C.F.R. 770:

(d) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian:

(e) Members of the advisory council shall serve two (2) year terms:

(f) A member of the advisory council is not entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b);

or

(2) reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 13. IC 4-23-7.1-39.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 39.1. (a) The state library advisory council is established for the purpose of advising the board and the state librarian concerning:**

- (1) general policies of the state library;
- (2) plans or programs for library development and interlibrary cooperation;
- (3) library research;
- (4) professional development for librarians;
- (5) standards and rules for library services;
- (6) administration and distribution of state and federal funds; and
- (7) other matters as requested by the board and the state librarian.

(b) The advisory council consists of not more than fifteen (15) members.

(c) The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.

(d) Members of the advisory council shall serve two (2) year terms. However, the board shall stagger the terms of the initial appointees.

(e) Notwithstanding subsection (d), if a member misses a majority of the advisory council's meetings in a calendar year, the board may remove the member and reappoint a member to serve the remainder of the term.

(f) A member of the advisory council is not entitled to compensation, per diem, or reimbursement for expenses.

(g) A quorum of the members must be present for the advisory council to take any official action. A quorum of the advisory



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council consists of a majority of the members appointed to the advisory council. An affirmative vote by a majority of the members present is needed for the advisory council to make a recommendation or take any official action."

Page 14, line 33, reset in roman "free library".

Page 15, delete lines 1 through 8.

Page 15, line 29, after "business." insert "**However, for a county contractual library board under section 17 of this chapter, a quorum consists of six (6) members.**".

Page 15, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 23. IC 36-12-2-25, AS AMENDED BY P.L.113-2010, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. (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:
 - (A) loss of;
 - (B) injury to; or
 - (C) failure to return;
 any library property or material.

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

- (1) residents **and real property taxpayers** of the library district;
- (2) Indiana residents who are not residents of the library district; **and**
- (3) library employees of the library district; or
- (4) employees of a school corporation or nonpublic school located in the library district; ~~who apply for the cards.~~

(3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in ~~subsections~~ **subsection (d), and (e)**; a library board must set and charge a fee for a local library card issued under subsection (b)(2) **and (b)(3)**. 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).

(d) A library board may **issue a local library card without charge**

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~~or for 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: to an individual who is not a resident of the library district and who is:~~

~~(1) a student enrolled in or a teacher in a public school corporation or nonpublic school:~~

~~(A) that is located at least in part in the library district; and
(B) in which students in any grade preschool through grade 12 are educated; or~~

~~(2) not a resident of the a library district. employee of the district;~~

~~(e) 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 a student enrolled in a nonpublic school that is located at least in part in the library district.~~

~~(f) A library board may issue a local library card under subsection (b)(3) or (b)(4):~~

~~(1) to an individual who is not a resident of the library district; and~~

~~(2) without charging a fee for the card;~~

~~if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.~~

~~(e) A library card issued under subsection (b)(2), (b)(3), or (d) expires one (1) year after issuance of the card."~~

Delete page 16.

Page 17, delete lines 1 through 24.

Page 17, line 37, delete "IC 5-22-22." and insert "**IC 5-22.**".

Page 18, line 2, delete "and IC 5-22-22." and insert "**or IC 5-22.**".

Page 18, delete lines 8 through 33, begin a new paragraph and insert:

"SECTION 26. IC 36-12-3-16, AS AMENDED BY P.L.130-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) The library board may adopt a resolution allowing money to be disbursed under this section for lawful library purposes, including advertising and promoting the programs and services of the library.

(b) With the prior written approval of the library board and if the library board has adopted a resolution under subsection (a), claim payments may be made in advance of library board allowance for any of the following types of expenses:

(1) Property or services purchased or leased from the federal government or the federal government's agencies and the state, the state's agencies, or the state's political subdivisions.



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- (2) Dues, subscriptions, and publications.
- (3) License or permit fees.
- (4) Insurance premiums.
- (5) Utility payments or connection charges.
- (6) Federal grant programs where:
 - (A) advance funding is not prohibited; and
 - (B) the contracting party posts sufficient security to cover the amount advanced.
- (7) Grants of state funds authorized by statute.
- (8) Maintenance and service agreements.
- (9) Legal retainer fees.
- (10) Conference fees.
- (11) Expenses related to the educational or professional development of an individual employed by the library board, including:
 - (A) inservice training;
 - (B) attending seminars or other special courses of instruction; and
 - (C) tuition reimbursement;
 if the library board determines that the expenditures under this subdivision directly benefit the library.
- (12) Leases or rental agreements.
- (13) Bond or coupon payments.
- (14) Payroll costs.
- (15) State, federal, or county taxes.
- (16) Expenses that must be paid because of emergency circumstances.
- (17) Expenses incurred to advertise and promote the programs and services of the library.
- (18) Other expenses described in a library board resolution.

Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts. The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.

(c) Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director shall certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state



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board of accounts.

~~(c)~~ **(d)** Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

~~(d)~~ **(e)** The purchase of library automation systems must meet the standards established by the Indiana library and historical board under IC 4-23-7.1-11(b).".

Page 19, line 5, after "3," insert "**and**".

Page 19, line 5, delete "4, and 11" and insert "4".

Page 22, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 33. IC 36-12-7-3, AS AMENDED BY P.L.113-2010, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(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:**
 - (A) loss of;**
 - (B) injury to; or**
 - (C) failure to return;**
- any library property or material.**

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

- (1) residents **and real property taxpayers** of the library district;
 - (2) Indiana residents who are not residents of the library district;
- and**
- ~~(3)~~ library employees of the library district; or
 - ~~(4)~~ employees of a school corporation or nonpublic school located in the library district;
- who apply for the cards.

(3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

~~(b)~~ **(c)** Except as provided in subsection ~~(c)~~; **(d)**, a library board must set and charge a fee for a local library card issued under subsection ~~(a)(2)~~; **(b)(2) and (b)(3)**. 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

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Indiana state library's annual "Statistics of Indiana Libraries".

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

~~(c)~~ **(d)** A library board may **issue a local library card without charge or for 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: to an individual who is not a resident of the library district and who is:**

(1) a student enrolled in **or a teacher in** a public school corporation **or nonpublic school:**

(A) that is located at least in part in the library district; and

(B) in which students in any grade preschool through grade 12 are educated; or

(2) ~~not a resident of that a~~ library district: **employee of the district;**

~~(d)~~ A library board may issue a local library card under subsection ~~(a)(3) or (a)(4):~~

~~(1) to an individual who is not a resident of the library district; and~~

~~(2) without charging a fee for the card;~~

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(e) A library card issued under subsection (b)(2), (b)(3), or (d) expires one (1) year after issuance of the card."

Page 23, delete lines 1 through 31.

Page 25, line 8, delete "director," and insert "**director under section 15 of this chapter,**".

Page 25, line 17, delete "After" and insert "**When**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1283 as introduced.)

NEESE, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 13. State Rifle

Sec. 1. The "Grouseland Rifle" made by Colonel John Small of Vincennes, Indiana, between 1803 and 1812 is designated the official rifle of the state of Indiana.

Sec. 2. Any:

(1) duplication or reproduction; or

(2) sale of any duplication or reproduction;

of the "Grouseland Rifle" must be authorized by the Grouseland Foundation of Vincennes, Indiana."

Page 2, line 13, delete "State" and insert "**Indiana**".

Page 5, line 1, reset in roman "shall".

Page 5, line 1, delete "may".

Page 5, line 8, reset in roman "shall".

Page 5, line 8, delete "may".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1283 as printed January 27, 2012.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

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