



Reprinted
February 21, 2012

ENGROSSED

HOUSE BILL No. 1283

DIGEST OF HB 1283 (Updated February 20, 2012 3:05 pm - DI 87)

Citations Affected: IC 1-2; IC 4-23; IC 5-15; 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
(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.
February 20, 2012, read second time, amended, ordered engrossed.

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markers installed after 1945 and markers installed by the Indiana Civil War centennial commission are the property of the state. Requires that 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 21, 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.

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 4-23-7-2 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The management and control
15 of the Indiana library and historical department is hereby vested in a

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1 board which shall be known as the Indiana library and historical board,
 2 and which shall consist of five (5) members, who shall be appointed by
 3 the governor. as hereinafter provided: In the first instance, one (1) of
 4 such members shall be appointed for a term of one (1) year; one (1)
 5 member for a term of two (2) years; one (1) member for a term of three
 6 (3) years; and two (2) members for a term of four (4) years. Thereafter

7 (b) All members shall be appointed for terms of four (4) years. ~~No~~
 8 A person shall **may not** be appointed as a member of the Indiana
 9 library and historical board unless ~~he~~ **the person** is a citizen of high
 10 standing and probity and has a known and active interest in library or
 11 historical work. **The members of the board shall be appointed as**
 12 **follows:**

13 (1) One (1) member of the library and historical board shall be
 14 appointed on recommendation of the state board of education.

15 (2) **One (1) member must be appointed on the**
 16 **recommendation of the Indiana Library Federation.**

17 (3) ~~At least one (1) member shall be appointed on~~
 18 ~~recommendation of the Indiana library, trustee association, one~~
 19 ~~(1) member shall be appointed on recommendation of the Indiana~~
 20 ~~library association. one (1) member shall be appointed on~~
 21 ~~recommendation of the Indiana historical society. and one (1)~~
 22 ~~member shall be selected and appointed by the governor.~~

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

26 (c) The members of the board shall serve without compensation, but
 27 shall be entitled to receive their actual expenses necessarily incurred
 28 in attending the meetings and transacting the business of the board, and
 29 in participating in such other activities as may be in the interest of the
 30 department.

31 (d) Any vacancy which may occur in the membership of the board
 32 for any cause shall be filled by appointment by the governor for the
 33 unexpired term. ~~either on recommendation of the board; association or~~
 34 ~~society hereinbefore authorized to make recommendations; or by~~
 35 ~~selection by the governor, as hereinbefore provided.~~

36 (e) The board may prepare plans subject to the approval of the
 37 governor and advise with the proper officials in the construction of
 38 alterations and additions to the building and provide necessary
 39 equipment and furnishings within the appropriations of funds for these
 40 purposes.

41 (f) The board may receive and administer any state or federal aid
 42 which may become available for the improvement and development of

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1 library and historical services in Indiana.

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

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

15 SECTION 5. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1,
16 2012]. Sec. 30: (a) The Indiana library and historical board shall
17 establish the council on library automation to:

18 (1) conduct ongoing planning activities for library automation in
19 Indiana; and

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

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

24 (1) One (1) member from the Indiana library and historical board.

25 (2) Two (2) members from area library services authorities.

26 (3) Two (2) members from the Indiana cooperative library
27 services authority.

28 (4) Two (2) members from the department of education.

29 (5) Two (2) members from the state educational institution library
30 automation committee.

31 (6) Two (2) members from the Indiana state library.

32 (7) Two (2) members from public libraries.

33 (c) With regard to the members described in subsection (b)(1)
34 through (b)(6), each respective entity or agency described in subsection
35 (b)(1) through (b)(6) shall forward its nominees for appointment on the
36 council to the Indiana library and historical board for confirmation.

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

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

41 (f) The Indiana library and historical board shall establish the
42 procedures for the council, including staggering the terms for initial

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1 members of the council.

2 (g) The council may do the following:

3 (1) Encourage planning by individual libraries and groups of
4 libraries with regard to library automation:

5 (2) Annually update and distribute the statewide library
6 automation and resource sharing plan:

7 (3) Submit to the state library board its recommendations
8 concerning the adoption of library automation standards under
9 IC 4-23-7.1-11(b):

10 (4) Encourage library automation, resource sharing, and document
11 delivery programs that are consistent with state technology
12 strategies, educational programs, and economic interests:

13 (5) Consult with appropriate agencies and organizations with an
14 interest in library automation and resource sharing in Indiana:

15 (h) The council shall provide an annual report to the Indiana library
16 and historical board on the council's activities and progress made
17 towards meeting the goals in the statewide library automation and
18 resource sharing plan. The council shall recommend to the Indiana
19 library and historical board funding strategies that support the goals
20 and initiatives contained in the statewide plan:

21 SECTION 6. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,
22 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 1. As used in this chapter:

24 (1) "Advisory council" refers to the Indiana state library advisory
25 council established by section 39 of this chapter:

26 (2) (1) "Agency" means any state administration, agency,
27 authority, board, bureau, commission, committee, council,
28 department, division, institution, office, service, or other similar
29 body of state government.

30 (3) (2) "Board" means the Indiana library and historical board
31 established by IC 4-23-7-2.

32 (4) (3) "Department" means the Indiana library and historical
33 department established by IC 4-23-7-1.

34 (5) (4) "Director" means director of the Indiana state library.

35 (6) (5) "Historical bureau" means the Indiana historical bureau
36 established by IC 4-23-7-3.

37 (7) (6) "Public library" has the meaning set forth in IC 36-12-1-5.

38 (8) (7) "State library" means the Indiana state library established
39 by IC 4-23-7-3.

40 (9) (8) "Statewide library card program" refers to the program
41 established by section 5.1 of this chapter.

42 SECTION 7. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 11. (a) The board ~~with the advice of the advisory~~
3 ~~council~~, shall establish operating standards and rules for libraries
4 eligible to receive funds, either federal or state, under the provisions of
5 any program for which the Indiana state library is the administrator.
6 The Indiana state library shall monitor libraries eligible to receive
7 funds or receiving funds to ascertain whether or not the standards and
8 rules are being met.

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

13 SECTION 8. IC 4-23-7.1-32 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32. Any book or other
15 library material, unless restricted because of its value, physical
16 condition, historical importance, demand, requirement for research, or
17 legal or contractual restriction, belonging to or in custody of the state
18 library may be borrowed for use outside of the library by any resident
19 of the state or any library in accordance with ~~rules~~ **policies** adopted by
20 the Indiana library and historical board.

21 SECTION 9. IC 4-23-7.1-33 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 33. ~~Rules~~ **Policies** for:

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

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

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

28 shall be established by the board. All funds accruing from ~~such~~ fines
29 ~~shall~~ **and fees imposed under this section must** be deposited in the
30 state library publications fund.

31 SECTION 10. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY
32 1, 2012]. Sec. 38. (a) ~~All state library employees, except the director,~~
33 ~~shall be selected by the director with the approval of the board and may~~
34 ~~be removed by the director for cause at any time with the approval of~~
35 ~~the board.~~

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

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



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

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

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

12 SECTION 11. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY
13 1, 2012]. Sec. 39. (a) The Indiana state library advisory council is
14 established for the purpose of advising the board and the state librarian
15 concerning:

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

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

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

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

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

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

- 34 (1) the minimum salary per diem provided by IC 4-10-11-2.1(b);
- 35 or
- 36 (2) reimbursement from state funds for traveling expenses and
37 other expenses actually incurred in connection with the member's
38 duties:

39 SECTION 12. IC 4-23-7.1-39.1 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: Sec. 39.1. (a) The state library
42 advisory council is established for the purpose of advising the

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1 board and the state librarian concerning:

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

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

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

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

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

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

26 (g) A quorum of the members must be present for the advisory
 27 council to take any official action. A quorum of the advisory
 28 council consists of a majority of the members appointed to the
 29 advisory council. An affirmative vote by a majority of the members
 30 present is needed for the advisory council to make a
 31 recommendation or take any official action.

32 SECTION 13. IC 4-23-7.2-10 IS REPEALED [EFFECTIVE JULY
 33 1, 2012]. Sec. 10. The historical bureau shall have custody of all unsold
 34 commemorative medallions and other items that were acquired for sale
 35 to the public by the Indiana historical commission, the Indiana
 36 sesquicentennial commission, or the Indiana American revolution
 37 bicentennial commission when that commission is abolished. These
 38 medallions and other commemorative items shall be offered for sale to
 39 the public at a price determined by the director of the historical bureau.
 40 The proceeds from the sale of such items shall be deposited in the
 41 governors' portraits fund.

42 SECTION 14. IC 4-23-7.2-11 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The historical
 2 bureau shall establish the Indiana historical marker program for
 3 marking historical sites in Indiana. As a part of this program, the
 4 historical bureau shall fix a state format for historical markers. No
 5 person may erect an historical marker in the state format without the
 6 approval of the historical bureau. All historical markers in the state
 7 format shall be provided by the historical bureau using appropriated
 8 funds, local matching funds, donations, grants, or any other funds
 9 provided for that purpose according to the guidelines and rules of the
 10 historical marker program.

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

14 (1) Guidelines and rules for the historical marker program.

15 (2) Appropriate sites to be marked.

16 (3) Other matters concerning the historical marker program as
 17 requested by the board or the director.

18 (c) Historical markers approved under this section, ~~become~~
 19 **including state format markers installed after 1945 and markers**
 20 **installed by the Indiana Civil War centennial commission, are** the
 21 property of the state. Maintenance of state historical markers is part of
 22 the historical marker program. The historical bureau may cooperate
 23 with individuals, local and state agencies, and private institutions and
 24 organizations for the maintenance of the historical markers. Funds
 25 made available to the historical marker program, as approved by the
 26 board, may be used for necessary maintenance.

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

31 SECTION 15. IC 4-23-7.2-12 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The historical
 33 bureau shall ~~celebrate the memory of~~ **commemorate** George Rogers
 34 Clark in a manner fitting each occasion of George Rogers Clark Day,
 35 every twenty-fifth day of February, established by IC 1-1-13-1.

36 SECTION 16. IC 5-15-5.1-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in~~ **The**
 38 **following definitions apply throughout** this chapter:

39 "Commission" means the commission on public records created by
 40 this chapter.

41 "Record" means all documentation of the informational,
 42 communicative or ~~decisionmaking~~ **decision making** processes of state

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1 government, its agencies and subdivisions made or received by any
 2 agency of state government or its employees in connection with the
 3 transaction of public business or government functions, which
 4 documentation is created, received, retained, maintained, or filed by
 5 that agency or its successors as evidence of its activities or because of
 6 the informational value of the data in the documentation, and which is
 7 generated on:

- 8 (1) paper or paper substitutes;
- 9 (2) photographic or chemically based media;
- 10 (3) magnetic, **electronic**, or machine readable media; or
- 11 (4) any other materials, regardless of form or characteristics.

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

16 "Personal records" means:

- 17 (1) all documentary materials of a private or nonpublic character
 18 which do not relate to or have an effect upon the carrying out of
 19 the constitutional, statutory, or other official or ceremonial duties
 20 of a public official, including: diaries, journals, or other personal
 21 notes serving as the functional equivalent of a diary or journal
 22 which are not prepared or utilized for, or circulated or
 23 communicated in the course of, transacting government business;
 24 or
- 25 (2) materials relating to private political associations, and having
 26 no relation to or effect upon the carrying out of constitutional,
 27 statutory, or other official or ceremonial duties of a public official
 28 and are not deemed public records.

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

33 "Agency" means any state office, department, division, board,
 34 bureau, commission, authority, or other separate unit of state
 35 government established by the constitution, law, or by executive or
 36 legislative order.

37 "Public official" means:

- 38 (1) an individual holding a state office created by the Constitution
 39 of Indiana, by act or resolution of the general assembly, or by the
 40 governor;
- 41 (2) all officers of the executive and administrative branch of state
 42 government; and

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

3 "Indiana state archives" means the program maintained by the
4 commission for the preservation of those records and other government
5 papers that have been determined by the commission to have sufficient
6 permanent values to warrant their continued preservation by the state.

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

10 (1) form's size, style, and size of type;
11 (2) format;
12 (3) type of construction;
13 (4) number of plies;
14 (5) quality, weight and type of paper and carbon; and by
15 determining the
16 (6) use of the form for data entry as well as the distribution.

17 "Information management" means the program maintained by the
18 commission for the application of management techniques to the
19 purchase, creation, utilization, maintenance, retention, preservation,
20 and disposal of forms and records undertaken to improve efficiency and
21 reduce costs of recordkeeping, including management of filing and
22 microfilming equipment and supplies, filing and information retrieval
23 systems, files, correspondence, reports and forms management,
24 historical documentation, micrographic retention programming, and
25 critical records protection.

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

30 "Critical records" means records necessary to:

31 (1) resume or continue governmental operations;
32 (2) the reestablishing of the legal and financial responsibilities of
33 government in the state; or to
34 (3) protect and fulfill governmental obligations to the citizens of
35 the state.

36 "Retention schedule" means a set of instructions prescribing how
37 long, where, and in what form a record series shall be kept.

38 "Records series" means documents or records that are filed in a
39 unified arrangement and having similar physical characteristics or
40 relating to a similar function or activity.

41 "Records coordinator" means a person designated by an agency to
42 serve as an information liaison person between the agency and the

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commission.

SECTION 17. IC 5-15-5.1-5, AS AMENDED BY P.L.177-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the commission shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of each form.
- (2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.
- (3) Approve, provide, and in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.
- (4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping. However, the investigative and criminal history records of the state police department are exempted from this requirement.
- (5) Coordinate utilization of all micrographics **and scanning** equipment in state government.
- (6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.
- (7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.
- (8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.
- (9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.
- (10) Establish and operate a statewide record preservation laboratory.
- (11) Prepare, develop, and implement record retention schedules.
- (12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of

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

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submitted to the state archives.

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

SECTION 19. IC 36-12-1-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The state shall encourage the establishment, maintenance, and development of public libraries throughout Indiana as part of the provision for public education of Indiana.

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

(c) Library services include:

- (1) collecting and organizing books and other library materials; and
- (2) providing reference, loan, and related services to library patrons.

(d) Library services are provided by public libraries supported by public funds.

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

SECTION 21. IC 36-12-2-23, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) Upon the creation of a new public library, the library board shall meet not later than ten (10) days after a majority of the appointees have taken an oath of office. The organizational meeting may be called by any two (2) members. At the meeting, the board shall:

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

Officers of the board shall be elected annually.

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

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1 The library board shall meet:
 2 (1) at least monthly; and
 3 (2) at any other time a meeting is necessary.
 4 Meetings may be called by the president or any two (2) board members.
 5 All meetings of the board, except necessary executive sessions of the
 6 officers, are open to the public.
 7 SECTION 22. IC 36-12-2-25, AS AMENDED BY P.L.113-2010,
 8 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) The residents or real
 10 property taxpayers of the library district taxed for the support of the
 11 library may use the facilities and services of the public library without
 12 charge for library or related purposes. However, the library board may:
 13 (1) fix and collect fees and rental charges; and
 14 (2) assess fines, penalties, and damages for the:
 15 (A) loss of;
 16 (B) injury to; or
 17 (C) failure to return;
 18 any library property or material.
 19 (b) A library board may issue local library cards to:
 20 (1) residents **and real property taxpayers** of the library district;
 21 (2) Indiana residents who are not residents of the library district;
 22 **and**
 23 ~~(3) library employees of the library district; or~~
 24 ~~(4) employees of a school corporation or nonpublic school located~~
 25 ~~in the library district;~~
 26 ~~who apply for the cards.~~
 27 **(3) individuals who reside out of state and who are being**
 28 **served through an agreement under IC 36-12-13.**
 29 (c) Except as provided in ~~subsections subsection (d), and (e);~~ a
 30 library board must set and charge a fee for a local library card issued
 31 under subsection (b)(2) **and (b)(3)**. The minimum fee that the board
 32 may set under this subsection is the greater of the following:
 33 (1) The library district's operating fund expenditure per capita in
 34 the most recent year for which that information is available in the
 35 Indiana state library's annual "Statistics of Indiana Libraries".
 36 (2) Twenty-five dollars (\$25).
 37 (d) A library board may **issue a local library card without charge**
 38 **or for a reduced fee or not charge a fee for a local library card under**
 39 **subsection (c) that is issued to an Indiana resident who is: to an**
 40 **individual who is not a resident of the library district and who is:**
 41 (1) a student enrolled in **or a teacher in** a public school
 42 corporation **or nonpublic school:**

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- 1 (A) that is located at least in part in the library district; and
- 2 (B) in which students in any grade preschool through
- 3 grade 12 are educated; or
- 4 (2) not a resident of the a library district. **employee of the**
- 5 **district;**
- 6 (e) A library board may charge a reduced fee or not charge a fee for
- 7 a local library card under subsection (e) that is issued to an Indiana
- 8 resident who is a student enrolled in a nonpublic school that is located
- 9 at least in part in the library district.
- 10 (f) A library board may issue a local library card under subsection
- 11 (b)(3) or (b)(4):
- 12 (1) to an individual who is not a resident of the library district;
- 13 and
- 14 (2) without charging a fee for the card;
- 15 if the board adopts a resolution that is approved by an affirmative vote
- 16 of a majority of the members appointed to the library board.
- 17 (e) A library card issued under subsection (b)(2), (b)(3), or (d)
- 18 expires one (1) year after issuance of the card.
- 19 SECTION 23. IC 36-12-3-5, AS ADDED BY P.L.1-2005,
- 20 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2012]: Sec. 5. (a) The library board may:
- 22 (1) acquire real or personal property by purchase, devise, lease,
- 23 condemnation, or otherwise; and
- 24 (2) own any real or personal property for purposes of the public
- 25 library.
- 26 (b) The library board may:
- 27 (1) sell;
- 28 (2) exchange; or
- 29 (3) otherwise dispose of;
- 30 real **and personal** property no longer needed for library purposes in
- 31 accordance with IC 36-1-11 **and IC 5-22.**
- 32 (c) The library board may transfer personal property no longer
- 33 needed for library purposes for no compensation or a nominal fee to an
- 34 Indiana nonprofit library organization that is:
- 35 (1) tax exempt; and
- 36 (2) organized and operated for the exclusive benefit of the library
- 37 disposing of the property;
- 38 without complying with IC 36-1-11 **or IC 5-22.**
- 39 (d) The library board may:
- 40 (1) accept gifts of real or personal property; and
- 41 (2) hold, mortgage, lease, or sell the property as directed by the
- 42 terms of the grant, gift, bequest, or devise;

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1 when the action is in the interest of the public library.
2 SECTION 24. IC 36-12-3-16, AS AMENDED BY P.L.130-2007,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 16. (a) The library board may adopt a resolution
5 allowing money to be disbursed under this section for lawful library
6 purposes, including advertising and promoting the programs and
7 services of the library.
8 (b) With the prior written approval of the library board and if the
9 library board has adopted a resolution under subsection (a), claim
10 payments may be made in advance of library board allowance for any
11 of the following types of expenses:
12 (1) Property or services purchased or leased from the federal
13 government or the federal government's agencies and the state,
14 the state's agencies, or the state's political subdivisions.
15 (2) Dues, subscriptions, and publications.
16 (3) License or permit fees.
17 (4) Insurance premiums.
18 (5) Utility payments or connection charges.
19 (6) Federal grant programs where:
20 (A) advance funding is not prohibited; and
21 (B) the contracting party posts sufficient security to cover the
22 amount advanced.
23 (7) Grants of state funds authorized by statute.
24 (8) Maintenance and service agreements.
25 (9) Legal retainer fees.
26 (10) Conference fees.
27 (11) Expenses related to the educational or professional
28 development of an individual employed by the library board,
29 including:
30 (A) inservice training;
31 (B) attending seminars or other special courses of instruction;
32 and
33 (C) tuition reimbursement;
34 if the library board determines that the expenditures under this
35 subdivision directly benefit the library.
36 (12) Leases or rental agreements.
37 (13) Bond or coupon payments.
38 (14) Payroll costs.
39 (15) State, federal, or county taxes.
40 (16) Expenses that must be paid because of emergency
41 circumstances.
42 (17) Expenses incurred to advertise and promote the programs

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1 and services of the library.
 2 (18) Other expenses described in a library board resolution.
 3 Each payment of expenses lawfully incurred for library purposes must
 4 be supported by a fully itemized invoice or other documentation. The
 5 library director must certify to the library board before payment that
 6 each claim for payment is true and correct. The certification must be on
 7 a form prescribed by the state board of accounts. The library board
 8 shall review and allow the claim at the library board's first regular or
 9 special meeting following the payment of a claim under this section.
 10 **(c) Each payment of expenses lawfully incurred for library**
 11 **purposes must be supported by a fully itemized invoice or other**
 12 **documentation. The library director shall certify to the library**
 13 **board before payment that each claim for payment is true and**
 14 **correct. The certification must be on a form prescribed by the state**
 15 **board of accounts.**
 16 ~~(e)~~ **(d)** Purchases of books, magazines, pamphlets, films, filmstrips,
 17 microforms, microfilms, slides, transparencies, phonodiscs,
 18 phonotapes, models, art reproductions, and all other forms of library
 19 and audiovisual materials are exempt from the restrictions imposed by
 20 IC 5-22.
 21 ~~(d)~~ **(e)** The purchase of library automation systems must meet the
 22 standards established by the Indiana library and historical board under
 23 IC 4-23-7.1-11(b).
 24 SECTION 25. IC 36-12-4-5 IS REPEALED [EFFECTIVE JULY 1,
 25 2012]. Sec. 5: In the case of the merger of a municipal public library
 26 and a:
 27 (1) county public library; or
 28 (2) public library located in whole or in part in a consolidated
 29 city;
 30 the municipal public library shall merge into the county public library
 31 or public library located in whole or in part in the consolidated city.
 32 The municipal board and the county board are then dissolved effective
 33 December 31 of the year of the merger and a newly created board shall
 34 take office January 1.
 35 SECTION 26. IC 36-12-5-1, AS ADDED BY P.L.1-2005,
 36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 1. (a) Sections 2, ~~through 3,~~ and 4 of this chapter
 38 apply only to Class 1 public libraries that seek to expand into not more
 39 than one (1) township of a county.
 40 (b) Sections 5 through 12 of this chapter apply to Class 1 public
 41 libraries that seek to expand into more than one (1) township of a
 42 county by an alternative method to the method under sections 2 through

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4 of this chapter.

(c) The expansion of a library district may occur by:

- (1) the legislative body passing a resolution; or**
- (2) the petition and remonstrance process;**

as provided in this chapter.

SECTION 27. IC 36-12-5-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The library board of a public library may file a proposed expansion with the township trustee and legislative body of the township. The proposal must state that the public library seeks to combine with a certain township or any part of a township not being taxed for public library service to form a single library district.

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

SECTION 28. 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.

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

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

4 (A) The date on which each individual signed the petition or
5 remonstrance.

6 (B) The residence of each individual on the date the individual
7 signed the petition or remonstrance.

8 (2) The petition or remonstrance must include an affidavit of the
9 individual circulating the petition or remonstrance, stating that
10 each signature on the petition or remonstrance:

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

12 (B) is the true signature of the individual who signed the
13 petition or remonstrance.

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

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

22 (A) If a name appears more than one (1) time on a petition or
23 on a remonstrance, the clerk must strike any duplicates of the
24 name until the name appears only one (1) time on a petition or
25 a remonstrance, or both, if the individual signed both a petition
26 and a remonstrance.

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

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

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

33 (C) Certify the number of signatures on the petition and on any
34 remonstrance that:

35 (i) are not duplicates; and

36 (ii) represent individuals who are registered voters in the
37 township or the part of the township on the day the
38 individuals signed the petition or remonstrance.

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

41 (B).

42 (d) The clerk of the circuit court shall complete the certification

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1 required under subsection (c) not more than fifteen (15) days after the
2 petition or remonstrance is filed. The clerk shall:

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

6 SECTION 29. IC 36-12-5-5, AS ADDED BY P.L.1-2005,
7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 5. (a) The library board of a public library may file
9 a proposed expansion with the legislative body of the county. The
10 proposal must state that the public library seeks to combine with more
11 than one (1) township or parts of more than one (1) township not being
12 taxed for public library service to form a single library district.

13 (b) ~~Except as provided in section 6 of this chapter,~~ Whenever the
14 legislative body of a county receives a proposal of expansion under this
15 section, the legislative body may agree to the expansion proposal by
16 written resolution.

17 SECTION 30. IC 36-12-5-6, AS ADDED BY P.L.1-2005,
18 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2012]: Sec. 6. (a) ~~Whenever a~~ **The library board presents of**
20 **a public library may file with** the legislative body of a county with a
21 proposal of expansion and an intent to file a petition for acceptance of
22 the proposal of expansion. Not later than ten (10) days after the intent
23 is filed, the county auditor shall publish notice in the manner provided
24 in IC 5-3-1 of the proposal of expansion in a newspaper of general
25 circulation in the county. Beginning the first day after the notice is
26 published, and during the period that ends sixty (60) days after the date
27 of the publication of the notice, an individual who is a registered voter
28 of an affected township or an affected part of ~~the a~~ **township subject**
29 **to the expansion** may sign one (1) or both of the following:

- 30 (1) A petition for acceptance of the proposal of expansion.
- 31 (2) A remonstrance petition in opposition to the proposal of
32 expansion.

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

39 SECTION 31. IC 36-12-7-3, AS AMENDED BY P.L.113-2010,
40 SECTION 164, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) **The residents or real**
42 **property taxpayers of the library district taxed for the support of**

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1 the library may use the facilities and services of the public library
 2 without charge for library or related purposes. However, the
 3 library board may:

- 4 (1) fix and collect fees and rental charges; and
 5 (2) assess fines, penalties, and damages for the:
 6 (A) loss of;
 7 (B) injury to; or
 8 (C) failure to return;
 9 any library property or material.

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

- 11 (1) residents **and real property taxpayers** of the library district;
 12 (2) Indiana residents who are not residents of the library district;
 13 **and**
 14 (3) library employees of the library district; or
 15 (4) employees of a school corporation or nonpublic school located
 16 in the library district;
 17 who apply for the cards.
 18 (3) **individuals who reside out of state and who are being**
 19 **served through an agreement under IC 36-12-13.**

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

- 24 (1) The library district's operating fund expenditure per capita in
 25 the most recent year for which that information is available in the
 26 Indiana state library's annual "Statistics of Indiana Libraries".
 27 (2) Twenty-five dollars (\$25).

28 (e) (d) A library board may **issue a local library card without**
 29 **charge or for a reduced fee or not charge a fee for a local library card**
 30 **under subsection (b) that is issued to an Indiana resident who is: to an**
 31 **individual who is not a resident of the library district and who is:**

- 32 (1) a student enrolled in **or a teacher in** a public school
 33 corporation **or nonpublic school:**
 34 (A) that is located at least in part in the library district; and
 35 (B) **in which students in any grade preschool through**
 36 **grade 12 are educated; or**
 37 (2) **not a resident of that a library district. employee of the**
 38 **district;**

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

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

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1 ~~(2) without charging a fee for the card;~~
 2 if the board adopts a resolution that is approved by an affirmative vote
 3 of a majority of the members appointed to the library board.

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

6 SECTION 32. IC 36-12-8 IS REPEALED [EFFECTIVE JULY 1,
 7 2012]. (Library Services Authorities).

8 SECTION 33. IC 36-12-8.5 IS REPEALED [EFFECTIVE JULY 1,
 9 2012]. (Library Services Authorities; Conversion Into Nonprofit
 10 Corporation).

11 SECTION 34. IC 36-12-9 IS REPEALED [EFFECTIVE JULY 1,
 12 2012]. (Powers and Duties of Library Services Authorities).

13 SECTION 35. IC 36-12-11-12 IS REPEALED [EFFECTIVE JULY
 14 1, 2012]. ~~Sec. 12. The office of the attorney general, under the~~
 15 ~~conditions specified in this chapter, may receive, investigate, and~~
 16 ~~prosecute complaints concerning a practitioner.~~

17 SECTION 36. IC 36-12-11-13 IS REPEALED [EFFECTIVE JULY
 18 1, 2012]. ~~Sec. 13. The director is responsible for investigation of~~
 19 ~~complaints concerning a practitioner.~~

20 SECTION 37. IC 36-12-11-15, AS ADDED BY P.L.1-2005,
 21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 15. The director has the following duties and
 23 powers:

24 (1) ~~The director shall make an initial determination as to the merit~~
 25 ~~of a complaint. The director shall submit a copy of a complaint~~
 26 ~~having merit to the board. Except as otherwise provided by this~~
 27 ~~chapter, the board acquires jurisdiction over the complaint upon~~
 28 ~~submission of the complaint to the board by the director. may~~
 29 **investigate any written complaint against a practitioner. The**
 30 **director shall limit the investigation to aspects of the**
 31 **practitioner's activities that appear to violate this chapter or**
 32 **rules adopted under this chapter.**

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

34 (A) nature and ramifications of the complaint; and ~~of the~~

35 (B) duty of the ~~board director~~ to **investigate and** attempt to
 36 resolve the complaint through negotiation.

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

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



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1 ~~(5)~~ **(3)** The director may:
 2 (A) subpoena witnesses; or
 3 (B) send for and compel the production of books, records,
 4 papers, and documents;
 5 in relation to an investigation under this chapter. The circuit or
 6 superior court located in the county where a subpoena is to be
 7 issued shall enforce the subpoena.

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

12 **(5) If, after investigating, the director determines the**
 13 **complaint has no merit, the director shall notify the**
 14 **complainant, practitioner, and the board that the complaint**
 15 **has been dismissed.**

16 SECTION 38. IC 36-12-11-16, AS ADDED BY P.L.1-2005,
 17 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 16. For ~~thirty (30)~~ days after the director has
 19 notified the board and the practitioner that a complaint has been filed;

20 **(a) If the director is unable to satisfactorily resolve a complaint**
 21 **that the director has determined to have merit under section 15 of**
 22 **this chapter, the director shall notify the board, which shall take**
 23 **jurisdiction of the complaint.**

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

28 **(c) During the forty-five (45) days after the board receives**
 29 **notification or appeal under subsection (a) or (b), the director shall**
 30 **not conduct an investigation or take any action, unless requested by the**
 31 **board. If, during the ~~thirty (30) days,~~ the board requests an extension**
 32 **of the ~~thirty (30) day~~ period, the director shall extend the period for not**
 33 **more than ~~twenty (20) days.~~ When the forty-five (45) day period has**
 34 **elapsed, the board shall make the determination whether:**

- 35 **(1) the complaint should be:**
 36 **(A) dismissed;**
 37 **(B) prosecuted; or**
 38 **(C) investigated further; or**

39 **(2) a resolution to the complaint should be negotiated.**
 40 **If the board determines that further investigation or negotiation is**
 41 **warranted, the board may, at a later date, prosecute or dismiss the**
 42 **complaint.**

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1 SECTION 39. IC 36-12-11-17 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. Sec. 17. If before the director files a report with the attorney
3 general under section 19 of this chapter, the director receives a
4 statement:

- 5 (1) signed by the practitioner and the complainant; and
- 6 (2) stating that the complaint has been resolved;

7 the director may not take further action:

8 SECTION 40. IC 36-12-11-18 IS REPEALED [EFFECTIVE JULY
9 1, 2012]. Sec. 18. If at any time during the thirty (30) day period or an
10 extension period described in section 16 of this chapter the board
11 notifies the director of the board's intention not to proceed further to
12 resolve the complaint, the director may proceed immediately to
13 continue to pursue the complaint under this chapter.

14 SECTION 41. IC 36-12-11-19 IS REPEALED [EFFECTIVE JULY
15 1, 2012]. Sec. 19. If there has not been a statement filed under section
16 17 of this chapter, and if after conducting an investigation the director
17 believes the practitioner should be subject to disciplinary sanctions by
18 the board, the director shall file a report with the attorney general.
19 Upon receiving the director's report, the attorney general may prosecute
20 the matter before the board on behalf of the state.

21 SECTION 42. IC 36-12-11-20, AS ADDED BY P.L.1-2005,
22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 20. Notwithstanding section 19 of this chapter, If
24 the board requests, the attorney general shall **investigate and** prosecute
25 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~~ **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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SENATE MOTION

Madam President: I move that Engrossed House Bill 1283 be amended to read as follows:

Page 1, delete lines 13 through 15.

Page 2, delete lines 1 through 6.

Page 2, line 26, reset in roman "shall".

Page 2, line 26, delete "must".

Page 2, line 29, reset in roman "appointed on".

Page 2, line 30, reset in roman "recommendation of the Indiana historical society".

Page 2, line 30, delete "," and insert ".".

Page 2, line 31, delete "a".

Page 2, line 32, delete "historian."

Page 13, delete lines 16 through 32.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1283 as printed February 10, 2012.)

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