



January 27, 2012

# HOUSE BILL No. 1283

DIGEST OF HB 1283 (Updated January 25, 2012 6:59 pm - DI 75)

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

**Synopsis:** Libraries and historic records. 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. Allows the board to establish standards for: (1) eligible libraries to receive state or federal funds; and (2) library automation. 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 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  
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**Effective:** July 1, 2012.

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**Richardson, Pierce, Saunders**

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January 11, 2012, read first time and referred to Committee on Local Government.  
January 26, 2012, amended, reported — Do Pass.

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Digest Continued

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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HB 1283—LS 6880/DI 77+



January 27, 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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## HOUSE BILL No. 1283

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

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

1 SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual may not solicit  
3 or receive a contribution in violation of the following statutes:  
4 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).  
5 ~~(2) IC 4-23-7.1-38 (Indiana State Library).~~  
6 ~~(3) (2) IC 4-23-7.2-17 (Indiana Historical Bureau).~~  
7 ~~(4) (3) IC 8-23-2-3 (Indiana Department of Transportation).~~  
8 ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural~~  
9 ~~Resources).~~  
10 SECTION 2. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a)** The management and control  
12 of the Indiana library and historical department is hereby vested in a  
13 board which shall be known as the Indiana library and historical board,  
14 and which shall consist of five (5) members, who shall be appointed by  
15 the governor. ~~as hereinafter provided. In the first instance, one (1) of~~

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1 such members shall be appointed for a term of one (1) year; one (1)  
 2 member for a term of two (2) years; one (1) member for a term of three  
 3 (3) years; and two (2) members for a term of four (4) years. Thereafter

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

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

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

14 (3) **At least one (1) member shall must** be appointed on  
 15 recommendation of the Indiana library; trustee association; one  
 16 (1) member shall be appointed on recommendation of the Indiana  
 17 library association; one (1) member shall be appointed on  
 18 recommendation of the Indiana historical society; and one (1)  
 19 member shall be selected and appointed by the governor: a  
 20 **historian.**

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

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

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

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

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

42 SECTION 3. IC 4-23-7-3.2 IS REPEALED [EFFECTIVE JULY 1,

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1 2012]. Sec. 3:2: In perfecting the internal organization of the  
 2 department, the board may so apportion the duties of the department  
 3 and of the several divisions thereof that like services in the various  
 4 divisions may be performed by the same employee or employees for the  
 5 entire department:

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

13 SECTION 5. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1,  
 14 2012]. Sec. 30: (a) The Indiana library and historical board shall  
 15 establish the council on library automation to:

16 (1) conduct ongoing planning activities for library automation in  
 17 Indiana; and

18 (2) advance the automation goals of Indiana's libraries through the  
 19 cooperation of the appropriate library agencies and organizations:

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

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

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

24 (3) Two (2) members from the Indiana cooperative library  
 25 services authority.

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

27 (5) Two (2) members from the state educational institution library  
 28 automation committee.

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

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

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

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

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

39 (f) The Indiana library and historical board shall establish the  
 40 procedures for the council, including staggering the terms for initial  
 41 members of the council.

42 (g) The council may do the following:

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- 1 (1) Encourage planning by individual libraries and groups of  
 2 libraries with regard to library automation.  
 3 (2) Annually update and distribute the statewide library  
 4 automation and resource sharing plan.  
 5 (3) Submit to the state library board its recommendations  
 6 concerning the adoption of library automation standards under  
 7 IC 4-23-7.1-11(b).  
 8 (4) Encourage library automation, resource sharing, and document  
 9 delivery programs that are consistent with state technology  
 10 strategies, educational programs, and economic interests.  
 11 (5) Consult with appropriate agencies and organizations with an  
 12 interest in library automation and resource sharing in Indiana.  
 13 (h) The council shall provide an annual report to the Indiana library  
 14 and historical board on the council's activities and progress made  
 15 towards meeting the goals in the statewide library automation and  
 16 resource sharing plan. The council shall recommend to the Indiana  
 17 library and historical board funding strategies that support the goals  
 18 and initiatives contained in the statewide plan.  
 19 SECTION 6. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,  
 20 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2012]: Sec. 1. As used in this chapter:  
 22 (1) "Advisory council" refers to the Indiana state library advisory  
 23 council established by section 39 of this chapter.  
 24 (2) (1) "Agency" means any state administration, agency,  
 25 authority, board, bureau, commission, committee, council,  
 26 department, division, institution, office, service, or other similar  
 27 body of state government.  
 28 (3) (2) "Board" means the Indiana library and historical board  
 29 established by IC 4-23-7-2.  
 30 (4) (3) "Department" means the Indiana library and historical  
 31 department established by IC 4-23-7-1.  
 32 (5) (4) "Director" means director of the Indiana state library.  
 33 (6) (5) "Historical bureau" means the Indiana historical bureau  
 34 established by IC 4-23-7-3.  
 35 (7) (6) "Public library" has the meaning set forth in IC 36-12-1-5.  
 36 (8) (7) "State library" means the Indiana state library established  
 37 by IC 4-23-7-3.  
 38 (9) (8) "Statewide library card program" refers to the program  
 39 established by section 5.1 of this chapter.  
 40 SECTION 7. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2012]: Sec. 11. (a) The board with the advice of the advisory

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1 ~~council, shall~~ **may** establish operating standards and rules for libraries  
 2 eligible to receive funds, either federal or state, under the provisions of  
 3 any program for which the Indiana state library is the administrator.  
 4 The Indiana state library shall monitor libraries eligible to receive  
 5 funds or receiving funds to ascertain whether or not the standards and  
 6 rules are being met.

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

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

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

- 21 (1) all loans including, at its discretion, the imposition of fines on  
 22 borrowers for violation of the ~~rules, policies~~;  
 23 (2) **fees for lost or damaged materials; and**  
 24 (3) **the imposition of fees for third party use of materials for**  
 25 **which the state library owns the copyright;**

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

29 SECTION 10. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY  
 30 1, 2012]. Sec. 38: (a) ~~All state library employees, except the director,~~  
 31 ~~shall be selected by the director with the approval of the board and may~~  
 32 ~~be removed by the director for cause at any time with the approval of~~  
 33 ~~the board:~~

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

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

41 (d) The board may provide that appointments may be made only  
 42 after the applicant has successfully passed an examination given by the

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1 board or some person designated by the board:

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

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

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

14 (1) general policies of the state library;

15 (2) plans or programs for library development and interlibrary  
16 cooperation;

17 (3) library research;

18 (4) professional development for librarians;

19 (5) standards and rules for library services;

20 (6) administration and distribution of state and federal funds; and

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

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

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

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

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

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

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

33 or

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

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

42 (1) general policies of the state library;

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

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

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

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

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

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

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

30 SECTION 13. IC 4-23-7.2-10 IS REPEALED [EFFECTIVE JULY  
 31 1, 2012]. Sec. 10: The historical bureau shall have custody of all unsold  
 32 commemorative medallions and other items that were acquired for sale  
 33 to the public by the Indiana historical commission, the Indiana  
 34 sesquicentennial commission, or the Indiana American revolution  
 35 bicentennial commission when that commission is abolished. These  
 36 medallions and other commemorative items shall be offered for sale to  
 37 the public at a price determined by the director of the historical bureau.  
 38 The proceeds from the sale of such items shall be deposited in the  
 39 governors' portraits fund.

40 SECTION 14. IC 4-23-7.2-11 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The historical  
 42 bureau shall establish the Indiana historical marker program for



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1 marking historical sites in Indiana. As a part of this program, the  
 2 historical bureau shall fix a state format for historical markers. No  
 3 person may erect an historical marker in the state format without the  
 4 approval of the historical bureau. All historical markers in the state  
 5 format shall be provided by the historical bureau using appropriated  
 6 funds, local matching funds, donations, grants, or any other funds  
 7 provided for that purpose according to the guidelines and rules of the  
 8 historical marker program.

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

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

13 (2) Appropriate sites to be marked.

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

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

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

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

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

37 "Commission" means the commission on public records created by  
 38 this chapter.

39 "Record" means all documentation of the informational,  
 40 communicative or ~~decisionmaking~~ **decision making** processes of state  
 41 government, its agencies and subdivisions made or received by any  
 42 agency of state government or its employees in connection with the

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1 transaction of public business or government functions, which  
 2 documentation is created, received, retained, maintained, or filed by  
 3 that agency or its successors as evidence of its activities or because of  
 4 the informational value of the data in the documentation, and which is  
 5 generated on:

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

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

14 "Personal records" means:

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

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

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

35 "Public official" means:

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

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

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

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

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

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

28 "Critical records" means records necessary to:

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

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

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

39 "Records coordinator" means a person designated by an agency to  
40 serve as an information liaison person between the agency and the  
41 commission.

42 SECTION 17. IC 5-15-5.1-5, AS AMENDED BY P.L.177-2005,

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1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 5. (a) Subject to approval by the oversight  
3 committee on public records created by section 18 of this chapter, the  
4 commission shall do the following:

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

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

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1 (1) county, the commission of the county that contains the greatest  
2 percentage of population of the local government has jurisdiction over  
3 the records of the local government for the purposes of this chapter.

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

11 (b) ~~If a reciprocal borrowing agreement under section 3 of this~~  
12 ~~chapter concerns the provision of library services or facilities between~~  
13 ~~public libraries that are of the same nature as the services provided~~  
14 ~~under the statewide library card program under IC 4-23-7.1-5.1, the~~  
15 ~~reciprocal borrowing agreement is not required to be submitted to the~~  
16 ~~Indiana library and historical board for approval before the reciprocal~~  
17 ~~borrowing agreement takes effect, but a copy of the reciprocal~~  
18 ~~borrowing agreement shall be submitted to the state library.~~

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

21 SECTION 20. IC 36-12-1-8, AS ADDED BY P.L.1-2005,  
22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2012]: Sec. 8. (a) The state shall encourage the establishment,  
24 maintenance, and development of public libraries throughout Indiana  
25 as part of the provision for public education of Indiana.

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

29 (c) Library services include:  
30 (1) collecting and organizing books and other library materials;  
31 and  
32 (2) providing reference, loan, and related services to library  
33 patrons.

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

36 SECTION 21. IC 36-12-2-5.5 IS REPEALED [EFFECTIVE JULY  
37 1, 2012]. Sec. 5.5: ~~IC 20-14-2-3 (before its repeal); as in effect on July~~  
38 ~~1, 1998; applies to the establishment of a public library that is initiated~~  
39 ~~after June 30, 1998; under IC 20-14-2-3(b) (before its repeal); as in~~  
40 ~~effect July 1, 1998.~~

41 SECTION 22. IC 36-12-2-23, AS ADDED BY P.L.1-2005,  
42 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 23. (a) Upon the creation of a new public library,  
2 the library board shall meet not later than ten (10) days after a majority  
3 of the appointees have taken an oath of office. The organizational  
4 meeting may be called by any two (2) members. At the meeting, the  
5 board shall:

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

11 Officers of the board shall be elected annually.

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

16 The library board shall meet:

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

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

22 SECTION 23. IC 36-12-2-25, AS AMENDED BY P.L.113-2010,  
23 SECTION 160, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) The residents or real  
25 property taxpayers of the library district taxed for the support of the  
26 library may use the facilities and services of the public library without  
27 charge for library or related purposes. However, the library board may:

- 28 (1) fix and collect fees and rental charges; and
- 29 (2) assess fines, penalties, and damages for the:
  - 30 (A) loss of;
  - 31 (B) injury to; or
  - 32 (C) failure to return;

33 any library property or material.

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

- 35 (1) residents **and real property taxpayers** of the library district;
- 36 (2) Indiana residents who are not residents of the library district;
- 37 **and**
- 38 (3) ~~library employees of the library district; or~~
- 39 (4) ~~employees of a school corporation or nonpublic school located~~  
40 ~~in the library district;~~
- 41 ~~who apply for the cards.~~
- 42 (3) **individuals who reside out of state and who are being**

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**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 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.**

SECTION 24. IC 36-12-3-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The library board may:

- (1) acquire real or personal property by purchase, devise, lease, condemnation, or otherwise; and
- (2) own any real or personal property for purposes of the public library.

(b) The library board may:  
(1) sell;

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- 1 (2) exchange; or
- 2 (3) otherwise dispose of;
- 3 real **and personal** property no longer needed for library purposes in
- 4 accordance with IC 36-1-11 **and IC 5-22.**
- 5 (c) The library board may transfer personal property no longer
- 6 needed for library purposes for no compensation or a nominal fee to an
- 7 Indiana nonprofit library organization that is:
- 8 (1) tax exempt; and
- 9 (2) organized and operated for the exclusive benefit of the library
- 10 disposing of the property;
- 11 without complying with IC 36-1-11 **or IC 5-22.**
- 12 (d) The library board may:
- 13 (1) accept gifts of real or personal property; and
- 14 (2) hold, mortgage, lease, or sell the property as directed by the
- 15 terms of the grant, gift, bequest, or devise;
- 16 when the action is in the interest of the public library.
- 17 SECTION 25. IC 36-12-3-16, AS AMENDED BY P.L.130-2007,
- 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2012]: Sec. 16. (a) The library board may adopt a resolution
- 20 allowing money to be disbursed under this section for lawful library
- 21 purposes, including advertising and promoting the programs and
- 22 services of the library.
- 23 (b) With the prior written approval of the library board and if the
- 24 library board has adopted a resolution under subsection (a), claim
- 25 payments may be made in advance of library board allowance for any
- 26 of the following types of expenses:
- 27 (1) Property or services purchased or leased from the federal
- 28 government or the federal government's agencies and the state,
- 29 the state's agencies, or the state's political subdivisions.
- 30 (2) Dues, subscriptions, and publications.
- 31 (3) License or permit fees.
- 32 (4) Insurance premiums.
- 33 (5) Utility payments or connection charges.
- 34 (6) Federal grant programs where:
- 35 (A) advance funding is not prohibited; and
- 36 (B) the contracting party posts sufficient security to cover the
- 37 amount advanced.
- 38 (7) Grants of state funds authorized by statute.
- 39 (8) Maintenance and service agreements.
- 40 (9) Legal retainer fees.
- 41 (10) Conference fees.
- 42 (11) Expenses related to the educational or professional

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- 1 development of an individual employed by the library board,
- 2 including:
- 3 (A) inservice training;
- 4 (B) attending seminars or other special courses of instruction;
- 5 and
- 6 (C) tuition reimbursement;
- 7 if the library board determines that the expenditures under this
- 8 subdivision directly benefit the library.
- 9 (12) Leases or rental agreements.
- 10 (13) Bond or coupon payments.
- 11 (14) Payroll costs.
- 12 (15) State, federal, or county taxes.
- 13 (16) Expenses that must be paid because of emergency
- 14 circumstances.
- 15 (17) Expenses incurred to advertise and promote the programs
- 16 and services of the library.
- 17 (18) Other expenses described in a library board resolution.

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

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

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

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

39 SECTION 26. IC 36-12-4-5 IS REPEALED [EFFECTIVE JULY 1,  
 40 2012]. Sec. 5: In the case of the merger of a municipal public library  
 41 and a:

- 42 (+) county public library; or

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1           (2) public library located in whole or in part in a consolidated  
 2           city;  
 3           the municipal public library shall merge into the county public library  
 4           or public library located in whole or in part in the consolidated city.  
 5           The municipal board and the county board are then dissolved effective  
 6           December 31 of the year of the merger and a newly created board shall  
 7           take office January 1.

8           SECTION 27. IC 36-12-5-1, AS ADDED BY P.L.1-2005,  
 9           SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10          JULY 1, 2012]: Sec. 1. (a) Sections 2, ~~through 3, and~~ 4 of this chapter  
 11          apply only to Class 1 public libraries that seek to expand into not more  
 12          than one (1) township of a county.

13          (b) Sections 5 through 12 of this chapter apply to Class 1 public  
 14          libraries that seek to expand into more than one (1) township of a  
 15          county by an alternative method to the method under sections 2 through  
 16          4 of this chapter.

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

21          SECTION 28. IC 36-12-5-2, AS ADDED BY P.L.1-2005,  
 22          SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23          JULY 1, 2012]: Sec. 2. (a) The library board of a public library may file  
 24          a proposed expansion with the township trustee and legislative body of  
 25          the township. The proposal must state that the public library seeks to  
 26          combine with a certain township or any part of a township not being  
 27          taxed for public library service to form a single library district.

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

32          SECTION 29. IC 36-12-5-3, AS ADDED BY P.L.1-2005,  
 33          SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34          JULY 1, 2012]: Sec. 3. (a) ~~When~~ The library board **presents of a public**  
 35          **library may file with** the township trustee and legislative body with  
 36          a proposal of expansion and an intent to file a petition for acceptance  
 37          of the proposal of expansion. Not later than ten (10) days after the  
 38          filing, the township trustee shall publish notice of the proposal of  
 39          expansion in the manner provided in IC 5-3-1 in a newspaper of  
 40          general circulation in the township. Beginning the first day after the  
 41          notice is published, and during the period that ends sixty (60) days after  
 42          the date of the publication of the notice, an individual who is a

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- 1 registered voter of the **affected** township or part of the **affected**
- 2 township **subject to expansion** may sign one (1) or both of the
- 3 following:
- 4 (1) A petition for acceptance of the proposal of expansion that
- 5 states that the registered voter is in favor of the establishment of
- 6 an expanded library district.
- 7 (2) A remonstrance in opposition to the proposal of expansion
- 8 that states that the registered voter is opposed to the establishment
- 9 of an expanded library district.
- 10 (b) A registered voter of the township or part of the township may
- 11 file a petition or a remonstrance, if any, with the clerk of the circuit
- 12 court in the county where the township is located. A petition for
- 13 acceptance of the proposal of expansion must be signed by at least
- 14 twenty percent (20%) of the registered voters of the township, or part
- 15 of the township, as determined by the most recent general election.
- 16 (c) The following apply to a petition that is filed under this section
- 17 or a remonstrance that is filed under subsection (b):
- 18 (1) The petition or remonstrance must show the following:
- 19 (A) The date on which each individual signed the petition or
- 20 remonstrance.
- 21 (B) The residence of each individual on the date the individual
- 22 signed the petition or remonstrance.
- 23 (2) The petition or remonstrance must include an affidavit of the
- 24 individual circulating the petition or remonstrance, stating that
- 25 each signature on the petition or remonstrance:
- 26 (A) was affixed in the individual's presence; and
- 27 (B) is the true signature of the individual who signed the
- 28 petition or remonstrance.
- 29 (3) Several copies of the petition or remonstrance may be
- 30 executed. The total of the copies constitute a petition or
- 31 remonstrance. A copy must include an affidavit described in
- 32 subdivision (2). A signer may file the petition or remonstrance, or
- 33 a copy of the petition or remonstrance. All copies constituting a
- 34 petition or remonstrance must be filed on the same day.
- 35 (4) The clerk of the circuit court in the county in which the
- 36 township is located shall do the following:
- 37 (A) If a name appears more than one (1) time on a petition or
- 38 on a remonstrance, the clerk must strike any duplicates of the
- 39 name until the name appears only one (1) time on a petition or
- 40 a remonstrance, or both, if the individual signed both a petition
- 41 and a remonstrance.
- 42 (B) Strike the name from either the petition or the

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1 remonstrance of an individual who:  
 2 (i) signed both the petition and the remonstrance; and  
 3 (ii) personally, in the clerk's office, makes a voluntary  
 4 written and signed request for the clerk to strike the  
 5 individual's name from the petition or the remonstrance.  
 6 (C) Certify the number of signatures on the petition and on any  
 7 remonstrance that:  
 8 (i) are not duplicates; and  
 9 (ii) represent individuals who are registered voters in the  
 10 township or the part of the township on the day the  
 11 individuals signed the petition or remonstrance.  
 12 The clerk of the circuit court may only strike an individual's name  
 13 from a petition or a remonstrance as set forth in clauses (A) and  
 14 (B).  
 15 (d) The clerk of the circuit court shall complete the certification  
 16 required under subsection (c) not more than fifteen (15) days after the  
 17 petition or remonstrance is filed. The clerk shall:  
 18 (1) establish a record of certification in the clerk's office; and  
 19 (2) file the original petition, the original remonstrance, if any, and  
 20 a copy of the clerk's certification with the legislative body.  
 21 SECTION 30. IC 36-12-5-5, AS ADDED BY P.L.1-2005,  
 22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2012]: Sec. 5. (a) The library board of a public library may file  
 24 a proposed expansion with the legislative body of the county. The  
 25 proposal must state that the public library seeks to combine with more  
 26 than one (1) township or parts of more than one (1) township not being  
 27 taxed for public library service to form a single library district.  
 28 (b) ~~Except as provided in section 6 of this chapter,~~ Whenever the  
 29 legislative body of a county receives a proposal of expansion under this  
 30 section, the legislative body may agree to the expansion proposal by  
 31 written resolution.  
 32 SECTION 31. IC 36-12-5-6, AS ADDED BY P.L.1-2005,  
 33 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2012]: Sec. 6. (a) ~~Whenever a~~ **The** library board ~~presents of~~  
 35 **a public library may file with** the legislative body of a county with a  
 36 proposal of expansion and an intent to file a petition for acceptance of  
 37 the proposal of expansion. Not later than ten (10) days after the intent  
 38 is filed, the county auditor shall publish notice in the manner provided  
 39 in IC 5-3-1 of the proposal of expansion in a newspaper of general  
 40 circulation in the county. Beginning the first day after the notice is  
 41 published, and during the period that ends sixty (60) days after the date  
 42 of the publication of the notice, an individual who is a registered voter

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1 of an affected township or an affected part of ~~the~~ a township **subject**  
 2 **to the expansion** may sign one (1) or both of the following:

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

4 (2) A remonstrance petition in opposition to the proposal of  
 5 expansion.

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

12 SECTION 32. IC 36-12-7-3, AS AMENDED BY P.L.113-2010,  
 13 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) The residents or real**  
 15 **property taxpayers of the library district taxed for the support of**  
 16 **the library may use the facilities and services of the public library**  
 17 **without charge for library or related purposes. However, the**  
 18 **library board may:**

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

20 (2) **assess fines, penalties, and damages for the:**

21 (A) **loss of;**

22 (B) **injury to; or**

23 (C) **failure to return;**

24 **any library property or material.**

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

26 (1) residents **and real property taxpayers** of the library district;

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

28 **and**

29 (3) library employees of the library district; or

30 (4) employees of a school corporation or nonpublic school located  
 31 in the library district;

32 ~~who apply for the cards.~~

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

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

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

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

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1           (e) ~~(d)~~ A library board may **issue a local library card without**  
2 **charge or for a reduced fee or not charge a fee for a local library card**  
3 **under subsection (b) that is issued to an Indiana resident who is: to an**  
4 **individual who is not a resident of the library district and who is:**  
5           (1) a student enrolled in **or a teacher in** a public school  
6 corporation **or nonpublic school:**  
7           (A) that is located at least in part in the library district; and  
8           (B) **in which students in any grade preschool through**  
9 **grade 12 are educated; or**  
10           (2) **not a resident of that a library district: employee of the**  
11 **district;**  
12           ~~(d)~~ A library board may issue a local library card under subsection  
13 ~~(a)(3) or (a)(4):~~  
14           ~~(1) to an individual who is not a resident of the library district;~~  
15           ~~and~~  
16           ~~(2) without charging a fee for the card;~~  
17 if the board adopts a resolution that is approved by an affirmative vote  
18 of a majority of the members appointed to the library board.  
19           **(e) A library card issued under subsection (b)(2), (b)(3), or (d)**  
20 **expires one (1) year after issuance of the card.**  
21           SECTION 33. IC 36-12-8 IS REPEALED [EFFECTIVE JULY 1,  
22 2012]. (Library Services Authorities).  
23           SECTION 34. IC 36-12-8.5 IS REPEALED [EFFECTIVE JULY 1,  
24 2012]. (Library Services Authorities; Conversion Into Nonprofit  
25 Corporation).  
26           SECTION 35. IC 36-12-9 IS REPEALED [EFFECTIVE JULY 1,  
27 2012]. (Powers and Duties of Library Services Authorities).  
28           SECTION 36. IC 36-12-11-12 IS REPEALED [EFFECTIVE JULY  
29 1, 2012]. ~~Sec. 12: The office of the attorney general, under the~~  
30 ~~conditions specified in this chapter, may receive, investigate, and~~  
31 ~~prosecute complaints concerning a practitioner.~~  
32           SECTION 37. IC 36-12-11-13 IS REPEALED [EFFECTIVE JULY  
33 1, 2012]. ~~Sec. 13: The director is responsible for investigation of~~  
34 ~~complaints concerning a practitioner.~~  
35           SECTION 38. IC 36-12-11-15, AS ADDED BY P.L.1-2005,  
36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2012]: Sec. 15. The director has the following duties and  
38 powers:  
39           (1) ~~The director shall make an initial determination as to the merit~~  
40 ~~of a complaint. The director shall submit a copy of a complaint~~  
41 ~~having merit to the board. Except as otherwise provided by this~~  
42 ~~chapter, the board acquires jurisdiction over the complaint upon~~

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1 submission of the complaint to the board by the director. ~~may~~  
 2 **investigate any written complaint against a practitioner. The**  
 3 **director shall limit the investigation to aspects of the**  
 4 **practitioner's activities that appear to violate this chapter or**  
 5 **rules adopted under this chapter.**

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

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

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

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

12 (4) ~~The director may investigate any written complaint against a~~  
 13 ~~practitioner. The director shall limit the investigation to areas that~~  
 14 ~~appear to be in violation of this chapter or rules adopted under~~  
 15 ~~this chapter.~~

16 (5) ~~(3)~~ (3) The director may:

17 (A) subpoena witnesses; or

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

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

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

27 **(5) If, after investigating, the director determines the**  
 28 **complaint has no merit, the director shall notify the**  
 29 **complainant, practitioner, and the board that the complaint**  
 30 **has been dismissed.**

31 SECTION 39. IC 36-12-11-16, AS ADDED BY P.L.1-2005,  
 32 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2012]: Sec. 16. ~~For thirty (30) days after the director has~~  
 34 ~~notified the board and the practitioner that a complaint has been filed;~~  
 35 **(a) If the director is unable to satisfactorily resolve a complaint**  
 36 **that the director has determined to have merit under section 15 of**  
 37 **this chapter, the director shall notify the board, which shall take**  
 38 **jurisdiction of the complaint.**

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



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

8           (1) the complaint should be:

9               (A) dismissed;

10              (B) prosecuted; or

11              (C) investigated further; or

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

13 **If the board determines that further investigation or negotiation is**  
 14 **warranted, the board may, at a later date, prosecute or dismiss the**  
 15 **complaint.**

16           SECTION 40. IC 36-12-11-17 IS REPEALED [EFFECTIVE JULY  
 17 1, 2012]. Sec. 17: If before the director files a report with the attorney  
 18 general under section 19 of this chapter, the director receives a  
 19 statement:

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

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

22 the director may not take further action.

23           SECTION 41. IC 36-12-11-18 IS REPEALED [EFFECTIVE JULY  
 24 1, 2012]. Sec. 18: If at any time during the thirty (30) day period or an  
 25 extension period described in section 16 of this chapter the board  
 26 notifies the director of the board's intention not to proceed further to  
 27 resolve the complaint, the director may proceed immediately to  
 28 continue to pursue the complaint under this chapter.

29           SECTION 42. IC 36-12-11-19 IS REPEALED [EFFECTIVE JULY  
 30 1, 2012]. Sec. 19: If there has not been a statement filed under section  
 31 17 of this chapter, and if after conducting an investigation the director  
 32 believes the practitioner should be subject to disciplinary sanctions by  
 33 the board, the director shall file a report with the attorney general.  
 34 Upon receiving the director's report, the attorney general may prosecute  
 35 the matter before the board on behalf of the state.

36           SECTION 43. IC 36-12-11-20, AS ADDED BY P.L.1-2005,  
 37 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2012]: Sec. 20. Notwithstanding section 19 of this chapter, If  
 39 the board requests, the attorney general shall **investigate and** prosecute  
 40 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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