

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	10
NO:	0

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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. An individual may
- 5 not solicit or receive a contribution in violation of the following
- 6 statutes:
- 7 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- 8 ~~(2) IC 4-23-7.1-38 (Indiana State Library).~~
- 9 ~~(3) (2) IC 4-23-7.2-17 (Indiana Historical Bureau).~~
- 10 ~~(4) (3) IC 8-23-2-3 (Indiana Department of Transportation).~~
- 11 ~~(5) (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural~~
- 12 Resources).".
- 13 Page 2, between lines 2 and 3, begin a new line block indented and
- 14 insert:

- 1 **"(2) One (1) member must be appointed on the**
 2 **recommendation of the State Library Federation."**
 3 Page 2, line 3, delete "(2)" and insert "(3)".
 4 Page 2, between lines 9 and 10, begin a new line block indented and
 5 insert:
 6 **"(4) At least one (1) member must be a public library trustee**
 7 **appointed on the recommendation of the Indiana Library**
 8 **Trustee Association."**
 9 Page 4, strike lines 8 through 9.
 10 Page 4, line 10, strike "(2)" and insert "(1)".
 11 Page 4, line 14, strike "(3)" and insert "(2)".
 12 Page 4, line 16, strike "(4)" and insert "(3)".
 13 Page 4, line 18, strike "(5)" and insert "(4)".
 14 Page 4, line 19, strike "(6)" and insert "(5)".
 15 Page 4, line 21, strike "(7)" and insert "(6)".
 16 Page 4, line 22, strike "(8)" and insert "(7)".
 17 Page 4, line 24, after "(9)" insert "(8)".
 18 Page 4, line 24, reset in roman ""Statewide library card program"
 19 refers to the program".
 20 Page 4, reset in roman line 25.
 21 Page 4, delete lines 26 through 42.
 22 Delete pages 5 through 6.
 23 Page 7, delete lines 1 through 11.
 24 Page 7, line 41, after "shall" insert "**and fees**".
 25 Page 8, delete lines 1 through 36, begin a new paragraph and insert:
 26 "SECTION 11. IC 4-23-7.1-38 IS REPEALED [EFFECTIVE JULY
 27 1, 2012]. Sec. 38. (a) ~~All state library employees, except the director,~~
 28 ~~shall be selected by the director with the approval of the board and may~~
 29 ~~be removed by the director for cause at any time with the approval of~~
 30 ~~the board.~~
 31 (b) ~~In making selections for employment recognition shall be given~~
 32 ~~to the fact that all certified librarians are under the Library Certification~~
 33 ~~Act and that other staff personnel are under IC 4-15-2.~~
 34 (c) Any or all of the state library employees must have had such
 35 academic preparation and special training for the work which they are
 36 required to perform as may be prescribed in rules promulgated by the
 37 board.
 38 (d) The board may provide that appointments may be made only

1 after the applicant has successfully passed an examination given by the
2 board or some person designated by the board:

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

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

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

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

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

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

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

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

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

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

38 SECTION 13. IC 4-23-7.1-39.1 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: **Sec. 39.1. (a) The state library**
 3 **advisory council is established for the purpose of advising the**
 4 **board and the state librarian concerning:**

5 (1) general policies of the state library;

6 (2) plans or programs for library development and
 7 interlibrary cooperation;

8 (3) library research;

9 (4) professional development for librarians;

10 (5) standards and rules for library services;

11 (6) administration and distribution of state and federal funds;
 12 and

13 (7) other matters as requested by the board and the state
 14 librarian.

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

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

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

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

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

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

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

36 Page 15, delete lines 1 through 8.

37 Page 15, line 29, after "business." insert "**However, for a county**
 38 **contractual library board under section 17 of this chapter, a**

1 **quorum consists of six (6) members."**

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

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

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

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

12 (A) loss of;

13 (B) injury to; or

14 (C) failure to return;

15 any library property or material.

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

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

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

19 **and**

20 ~~(3) library employees of the library district; or~~

21 ~~(4) employees of a school corporation or nonpublic school located~~
22 ~~in the library district;~~

23 ~~who apply for the cards.~~

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

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

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

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

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

38 (1) a student enrolled in **or a teacher in** a public school

1 corporation **or nonpublic school:**

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

3 **(B) in which students in any grade preschool through grade**
 4 **12 are educated; or**

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

7 ~~(c) A library board may charge a reduced fee or not charge a fee for~~
 8 ~~a local library card under subsection (c) that is issued to an Indiana~~
 9 ~~resident who is a student enrolled in a nonpublic school that is located~~
 10 ~~at least in part in the library district.~~

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

13 ~~(1) to an individual who is not a resident of the library district; 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 Delete page 16.

20 Page 17, delete lines 1 through 24.

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

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

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

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

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

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

37 (2) Dues, subscriptions, and publications.

38 (3) License or permit fees.

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

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

36 **(c) Each payment of expenses lawfully incurred for library**
 37 **purposes must be supported by a fully itemized invoice or other**
 38 **documentation. The library director shall certify to the library**

1 **board before payment that each claim for payment is true and**
 2 **correct. The certification must be on a form prescribed by the state**
 3 **board of accounts.**

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

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

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

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

13 Page 22, delete lines 7 through 42, begin a new paragraph and insert:
 14 "SECTION 33. IC 36-12-7-3, AS AMENDED BY P.L.113-2010,
 15 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) The residents or real**
 17 **property taxpayers of the library district taxed for the support of**
 18 **the library may use the facilities and services of the public library**
 19 **without charge for library or related purposes. However, the**
 20 **library board may:**

- 21 **(1) fix and collect fees and rental charges; and**
- 22 **(2) assess fines, penalties, and damages for the:**
 - 23 **(A) loss of;**
 - 24 **(B) injury to; or**
 - 25 **(C) failure to return;**
- 26 **any library property or material.**

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

- 28 (1) residents **and real property taxpayers** of the library district;
- 29 (2) Indiana residents who are not residents of the library district;
- 30 **and**
- 31 ~~(3)~~ library employees of the library district; or
- 32 ~~(4)~~ employees of a school corporation or nonpublic school located
- 33 in the library district;
- 34 who apply for the cards.
- 35 **(3) individuals who reside out of state and who are being**
- 36 **served through an agreement under IC 36-12-13.**

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

- 1 ~~(a)(2)~~. **(b)(2) and (b)(3)**. The minimum fee that the board may set
 2 under this subsection is the greater of the following:
- 3 (1) The library district's operating fund expenditure per capita in
 4 the most recent year for which that information is available in the
 5 Indiana state library's annual "Statistics of Indiana Libraries".
 6 (2) Twenty-five dollars (\$25).
- 7 ~~(c)~~ **(d)** A library board may **issue a local library card without**
 8 charge **or for** a reduced fee **or not charge a fee for a local library card**
 9 under subsection ~~(b)~~ that is issued to an ~~Indiana resident who is:~~ **to an**
 10 **individual who is not a resident of the library district and who is:**
- 11 (1) a student enrolled in **or a teacher in** a public school
 12 corporation **or nonpublic school:**
- 13 **(A)** that is located at least in part in the library district; and
 14 **(B) in which students in any grade preschool through grade**
 15 **12 are educated; or**
- 16 (2) ~~not a resident of that a library district.~~ **employee of the**
 17 **district;**
- 18 ~~(d)~~ A library board may issue a local library card under subsection
 19 ~~(a)(3) or (a)(4):~~
- 20 ~~(1) to an individual who is not a resident of the library district; and~~
 21 ~~(2) without charging a fee for the card;~~
- 22 if the board adopts a resolution that is approved by an affirmative vote
 23 of a majority of the members appointed to the library board.
- 24 **(e) A library card issued under subsection (b)(2), (b)(3), or (d)**
 25 **expires one (1) year after issuance of the card."**
- 26 Page 23, delete lines 1 through 31.
- 27 Page 25, line 8, delete "director," and insert "**director under**

- 1 **section 15 of this chapter,".**
- 2 Page 25, line 17, delete "After" and insert "**When**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1283 as introduced.)

and when so amended that said bill do pass.

Representative Neese