
HOUSE BILL No. 1283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-23; IC 5-15; IC 36-1-7-5; 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) the requirement that the state library develop a statewide library card program; and (2) the statewide library card program fund. 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. Allows members of the state library advisory council to participate in meetings through means of communications that meet certain requirements. 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 electric 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.

Richardson, Pierce, Saunders

January 11, 2012, read first time and referred to Committee on Local Government.



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 the policy that public libraries provide free library services for all individuals. Repeals the law allowing certain township trustees to pay the cost of a library card for certain residents. Removes an application of prior statutes provision from Class 1 library law. Provides that four members of a Class 1 library constitute a quorum. Makes changes to the list of persons who may use and be issued library cards at a Class 1 library. Requires the disposal of personal property at a Class 1 library to comply with certain requirements. Requires a fee to be paid for a library card issued by certain municipal residents under a reciprocal borrowing agreement. 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. 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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Introduced

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



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

3 (2) ~~At least one (1) member shall must be appointed on~~
4 ~~recommendation of the Indiana library, trustee association, one~~
5 ~~(1) member shall be appointed on recommendation of the Indiana~~
6 ~~library association, one (1) member shall be appointed on~~
7 ~~recommendation of the Indiana historical society, and one (1)~~
8 ~~member shall be selected and appointed by the governor: a~~
9 ~~historian.~~

10 (c) The members of the board shall serve without compensation, but
11 shall be entitled to receive their actual expenses necessarily incurred
12 in attending the meetings and transacting the business of the board, and
13 in participating in such other activities as may be in the interest of the
14 department.

15 (d) Any vacancy which may occur in the membership of the board
16 for any cause shall be filled by appointment by the governor for the
17 unexpired term. ~~either on recommendation of the board, association or~~
18 ~~society hereinbefore authorized to make recommendations, or by~~
19 ~~selection by the governor, as hereinbefore provided.~~

20 (e) The board may prepare plans subject to the approval of the
21 governor and advise with the proper officials in the construction of
22 alterations and additions to the building and provide necessary
23 equipment and furnishings within the appropriations of funds for these
24 purposes.

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

28 SECTION 2. IC 4-23-7-3.2 IS REPEALED [EFFECTIVE JULY 1,
29 2012]. ~~Sec. 3.2: In perfecting the internal organization of the~~
30 ~~department, the board may so apportion the duties of the department~~
31 ~~and of the several divisions thereof that like services in the various~~
32 ~~divisions may be performed by the same employee or employees for the~~
33 ~~entire department.~~

34 SECTION 3. IC 4-23-7-5 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2012]: Sec. 5. Subject to the provisions of this
36 chapter, the library and historical board shall formulate ~~rules and~~
37 ~~regulations policies~~ for the care, management, and expansion of the
38 library and historical department so that the department and its ~~several~~
39 divisions may at all times be operated according to the most approved
40 standards of library and historical service.

41 SECTION 4. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1,
42 2012]. ~~Sec. 30: (a) The Indiana library and historical board shall~~

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1 establish the council on library automation to:

2 (1) conduct ongoing planning activities for library automation in
3 Indiana; and

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

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

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

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

10 (3) Two (2) members from the Indiana cooperative library
11 services authority.

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

13 (5) Two (2) members from the state educational institution library
14 automation committee.

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

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

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

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

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

25 (f) The Indiana library and historical board shall establish the
26 procedures for the council, including staggering the terms for initial
27 members of the council.

28 (g) The council may do the following:

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

31 (2) Annually update and distribute the statewide library
32 automation and resource sharing plan.

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

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

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

41 (h) The council shall provide an annual report to the Indiana library
42 and historical board on the council's activities and progress made

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1 towards meeting the goals in the statewide library automation and
 2 resource sharing plan. The council shall recommend to the Indiana
 3 library and historical board funding strategies that support the goals
 4 and initiatives contained in the statewide plan:

5 SECTION 5. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,
 6 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2012]: Sec. 1. As used in this chapter:

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

10 (2) "Agency" means any state administration, agency, authority,
 11 board, bureau, commission, committee, council, department,
 12 division, institution, office, service, or other similar body of state
 13 government.

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

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

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

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

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

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

24 (9) "Statewide library card program" refers to the program
 25 established by section 5.1 of this chapter:

26 SECTION 6. IC 4-23-7.1-5.1 IS REPEALED [EFFECTIVE JULY
 27 1, 2012]. Sec. 5.1: (a) The state library shall develop and implement a
 28 statewide library card program to enable individuals who hold a valid
 29 statewide library card to present the statewide library card to borrow:

30 (1) library books; or

31 (2) other items available for public borrowing from public
 32 libraries as established by rules adopted by the board under
 33 subsection (c);

34 from any public library in Indiana. The statewide library card program
 35 is in addition to any reciprocal borrowing agreement entered into
 36 between public libraries under IC 36-12-3-7 or IC 36-1-7.

37 (b) The statewide library card program developed under this section
 38 must provide for at least the following:

39 (1) To be an eligible cardholder of a statewide library card or to
 40 renew a statewide library card, the individual must:

41 (A) be a resident of Indiana;

42 (B) ask to receive or renew the statewide library card; and



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- 1 (C) hold a valid resident or nonresident local library card
 2 issued to the individual by a public library under
 3 IC 36-12-2-25.
- 4 (2) The individual's public library shall pay a fee to be established
 5 by rules adopted by the board under subsection (c) based on not
 6 less than forty percent (40%) of the current average operating
 7 fund expenditure per borrower by all eligible public libraries as
 8 reported annually by the state library in the state library's annual
 9 "Statistics of Indiana Libraries". The individual's public library
 10 may assess the individual a fee to cover all or part of the costs
 11 attributable to the fee required from the public library and the
 12 amount charged to all individuals by a public library under this
 13 subdivision may not exceed the amount the public library is
 14 required to pay under this subdivision.
- 15 (3) Each statewide library card expires one (1) year after issuance
 16 to an eligible cardholder.
- 17 (4) Statewide library cards are renewable for additional one (1)
 18 year periods to eligible cardholders who comply with subdivision
 19 (1).
- 20 (5) Statewide library cards shall be available to eligible
 21 cardholders at all public libraries.
- 22 (6) Each eligible cardholder using a statewide library card is
 23 responsible for the return of any borrowed item directly to the
 24 public library from which the cardholder borrowed the item.
- 25 (7) All public libraries shall participate in the statewide library
 26 card program and shall permit an individual who holds a valid
 27 statewide library card to borrow items available for borrowing as
 28 established by rules adopted by the board under subsection (c).
- 29 (8) A nonresident of a public library taxing district who requests
 30 a statewide library card shall pay a fee for that card that includes;
 31 but is not limited to; the sum of the following:
- 32 (A) The statewide library card fee that a public library is
 33 required to pay under subdivision (2);
- 34 (B) The library taxing district's operating fund expenditure per
 35 capita in the most recent year for which that information is
 36 available in the state library's annual "Statistics of Indiana
 37 Libraries".
- 38 This subdivision does not limit a library district's fee making
 39 ability or a library district's ability to enter township contractual
 40 arrangements.
- 41 (e) The board shall adopt rules under IC 4-22-2 to implement this
 42 section; including rules governing the following:

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1 (1) The amount and manner in which the public libraries shall
 2 remit the fee under subsection (b)(2) to the state library for the
 3 state library's use in conducting the statewide library card
 4 program.

5 (2) The manner of distribution and payment to each eligible
 6 public library district of the funds generated by the statewide
 7 library card program based upon the loans made by each eligible
 8 public library. To be eligible for a payment, the public library
 9 district must also comply with the standards and rules established
 10 under section 11 of this chapter.

11 (3) The manner in which fines, penalties, or other damage
 12 assessments may be charged to eligible cardholders for items:

13 (A) borrowed but not returned;

14 (B) returned to the inappropriate public library;

15 (C) returned after the items were otherwise due; or

16 (D) damaged.

17 (4) The dissemination of the statewide library cards to the public
 18 libraries.

19 (5) Record keeping procedures for the statewide library card
 20 program.

21 (6) Any other pertinent matter.

22 SECTION 7. IC 4-23-7.1-5.2 IS REPEALED [EFFECTIVE JULY
 23 1, 2012]. Sec. 5:2. (a) As used in this section, "fund" refers to the
 24 statewide library card fund established by subsection (b):

25 (b) The statewide library card fund is established as a dedicated
 26 fund to be administered by the state library. Money in the fund shall be
 27 disbursed by the director of the state library exclusively for:

28 (1) the costs of administering the statewide library card program;
 29 or

30 (2) distribution to eligible public libraries for services related to
 31 loans of books or other library items under the statewide library
 32 card program.

33 (c) A public library is eligible for a distribution of money from the
 34 fund if the board determines that the public library:

35 (1) meets the standards for public libraries established by rules of
 36 the board or the board has granted the public library a waiver
 37 from these standards; and

38 (2) charges a fee in the amount required under IC 36-12-2-25 for
 39 issuing a local library card to a nonresident of the public library
 40 district.

41 (d) The board shall adopt rules under IC 4-22-2 to establish a
 42 formula for the distribution of money in the fund to eligible public

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1 libraries: The formula must base the amount of money paid to an
 2 eligible public library upon the number of net loans made by the
 3 eligible public library under the statewide library card program.

4 (e) The fees collected under section 5-1 of this chapter shall be
 5 deposited in the fund. Interest earned on money in the fund shall be
 6 deposited in the fund.

7 (f) Money in the fund is appropriated continuously for the purposes
 8 specified in this section and section 5-1 of this chapter.

9 (g) Money in the fund at the end of a state fiscal year does not revert
 10 to the state general fund. If the fund is abolished, any money in the
 11 fund reverts to the state general fund.

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

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

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

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

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

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

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

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

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1 SECTION 11. IC 4-23-7.1-39 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. (a) The Indiana
 3 state library advisory council is established for the purpose of advising
 4 the board and the state librarian concerning:

- 5 (1) general policies of the state library;
 6 (2) plans or programs for library development and interlibrary
 7 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; and
 12 (7) other matters as requested by the board and the state librarian.

13 (b) The advisory council consists of no fewer than fifteen (15)
 14 members.

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

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

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

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

- 23 (1) the minimum salary per diem provided by IC 4-10-11-2.1(b);
 24 or
 25 (2) reimbursement from state funds for traveling expenses and
 26 other expenses actually incurred in connection with the member's
 27 duties.

28 **(g) Members of the advisory council may:**

29 **(1) participate in a regular or special meeting by; or**

30 **(2) conduct the meeting through the use of;**

31 **any means of communication by which all members of the council**
 32 **participating and members of the public in attendance may**
 33 **simultaneously hear each other during the meeting. A member of**
 34 **the advisory council participating in a meeting by this means is**
 35 **considered to be present in person at the meeting and may vote on**
 36 **any final action.**

37 SECTION 12. IC 4-23-7.2-10 IS REPEALED [EFFECTIVE JULY
 38 1, 2012]. Sec. 10: The historical bureau shall have custody of all unsold
 39 commemorative medallions and other items that were acquired for sale
 40 to the public by the Indiana historical commission, the Indiana
 41 sesquicentennial commission, or the Indiana American revolution
 42 bicentennial commission when that commission is abolished. These

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1 medallions and other commemorative items shall be offered for sale to
 2 the public at a price determined by the director of the historical bureau.
 3 The proceeds from the sale of such items shall be deposited in the
 4 governors' portraits fund.

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

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

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

20 (2) Appropriate sites to be marked.

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

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

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

36 SECTION 14. IC 4-23-7.2-12 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The historical
 38 bureau shall ~~celebrate the memory of~~ **commemorate** George Rogers
 39 Clark in a manner fitting each occasion of George Rogers Clark Day,
 40 every twenty-fifth day of February, established by IC 1-1-13-1.

41 SECTION 15. IC 5-15-5.1-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. ~~As used in The~~

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- 1 **following definitions apply throughout** this chapter:
 2 "Commission" means the commission on public records created by
 3 this chapter.
 4 "Record" means all documentation of the informational,
 5 communicative or ~~decisionmaking~~ **decision making** processes of state
 6 government, its agencies and subdivisions made or received by any
 7 agency of state government or its employees in connection with the
 8 transaction of public business or government functions, which
 9 documentation is created, received, retained, maintained, or filed by
 10 that agency or its successors as evidence of its activities or because of
 11 the informational value of the data in the documentation, and which is
 12 generated on:
 13 (1) paper or paper substitutes;
 14 (2) photographic or chemically based media;
 15 (3) magnetic, **electronic**, or machine readable media; or
 16 (4) any other materials, regardless of form or characteristics.
 17 "Nonrecord materials" means all identical copies of forms, records,
 18 reference books, and exhibit materials which are made, or acquired,
 19 and preserved solely for reference use, exhibition purposes, or
 20 publication and which are not included within the definition of record.
 21 "Personal records" means:
 22 (1) all documentary materials of a private or nonpublic character
 23 which do not relate to or have an effect upon the carrying out of
 24 the constitutional, statutory, or other official or ceremonial duties
 25 of a public official, including: diaries, journals, or other personal
 26 notes serving as the functional equivalent of a diary or journal
 27 which are not prepared or utilized for, or circulated or
 28 communicated in the course of, transacting government business;
 29 or
 30 (2) materials relating to private political associations, and having
 31 no relation to or effect upon the carrying out of constitutional,
 32 statutory, or other official or ceremonial duties of a public official
 33 and are not deemed public records.
 34 "Form" means every piece of paper, transparent plate, or film
 35 containing information, printed, generated, or reproduced by whatever
 36 means, with blank spaces left for the entry of additional information to
 37 be used in any transaction involving the state.
 38 "Agency" means any state office, department, division, board,
 39 bureau, commission, authority, or other separate unit of state
 40 government established by the constitution, law, or by executive or
 41 legislative order.
 42 "Public official" means:

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- 1 (1) an individual holding a state office created by the Constitution
- 2 of Indiana, by act or resolution of the general assembly, or by the
- 3 governor;
- 4 (2) all officers of the executive and administrative branch of state
- 5 government; and
- 6 (3) all other officers, heads, presidents, or chairmen of agencies
- 7 of state government.

8 "Indiana state archives" means the program maintained by the
 9 commission for the preservation of those records and other government
 10 papers that have been determined by the commission to have sufficient
 11 permanent values to warrant their continued preservation by the state.

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

- 15 (1) form's size, style, and size of type;
- 16 (2) format;
- 17 (3) type of construction;
- 18 (4) number of plies;
- 19 (5) quality, weight and type of paper and carbon; and ~~by~~
- 20 ~~determining the~~
- 21 (6) use of the form for data entry as well as the distribution.

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

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

35 "Critical records" means records necessary to:

- 36 (1) resume or continue governmental operations;
- 37 (2) the reestablishing of the legal and financial responsibilities of
- 38 government in the state; or ~~to~~
- 39 (3) protect and fulfill governmental obligations to the citizens of
- 40 the state.

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

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

4 "Records coordinator" means a person designated by an agency to
5 serve as an information liaison person between the agency and the
6 commission.

7 SECTION 16. IC 5-15-5.1-5, AS AMENDED BY P.L.177-2005,
8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 5. (a) Subject to approval by the oversight
10 committee on public records created by section 18 of this chapter, the
11 commission shall do the following:

12 (1) Establish a forms management program for state government
13 and approve the design, typography, format, logo, data sequence,
14 form analysis, form number, and agency file specifications of
15 each form.

16 (2) Establish a central state form numbering system and a central
17 cross index filing system of all state forms, and standardize,
18 consolidate, and eliminate, wherever possible, forms used by state
19 government.

20 (3) Approve, provide, and in the manner prescribed by IC 5-22,
21 purchase photo-ready copy for all forms.

22 (4) Establish a statewide records management program,
23 prescribing the standards and procedures for record making and
24 record keeping. However, the investigative and criminal history
25 records of the state police department are exempted from this
26 requirement.

27 (5) Coordinate utilization of all micrographics **and scanning**
28 equipment in state government.

29 (6) Assist the Indiana department of administration in
30 coordinating utilization of all duplicating and printing equipment
31 in the executive and administrative branches.

32 (7) Advise the Indiana department of administration with respect
33 to the purchase of all records storage equipment.

34 (8) Establish and operate a distribution center for the receipt,
35 storage, and distribution of all material printed for an agency.

36 (9) Establish and operate a statewide archival program to be
37 called the Indiana state archives for the permanent government
38 records of the state, provide consultant services for archival
39 programs, conduct surveys, and provide training for records
40 coordinators.

41 (10) Establish and operate a statewide record preservation
42 laboratory.

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

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1 consider requests for retention of records that are shorter in duration
2 than the approved retention schedule.

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

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

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

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

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

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

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

36 (c) Library services include:

37 (1) collecting and organizing books and other library materials;
38 and

39 (2) providing reference, loan, and related services to library
40 patrons.

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

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1 SECTION 20. IC 36-12-1-13 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. Sec. 13. A township trustee of a township that is:

- 3 (1) located in a county having a population of more than
- 4 thirty-three thousand six hundred (33,600) but less than
- 5 thirty-three thousand eight hundred (33,800); and
- 6 (2) not served by a public library;

7 may pay the cost of a library card at the nearest library for a resident of
8 the township upon request of the resident.

9 SECTION 21. IC 36-12-2-5.5 IS REPEALED [EFFECTIVE JULY
10 1, 2012]. Sec. 5.5. IC 20-14-2-3 (before its repeal); as in effect on July
11 1, 1998; applies to the establishment of a public library that is initiated
12 after June 30, 1998; under IC 20-14-2-3(b) (before its repeal); as in
13 effect July 1, 1998.

14 SECTION 22. IC 36-12-2-23, AS ADDED BY P.L.1-2005,
15 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 23. (a) Upon the creation of a new public library,
17 the library board shall meet not later than ten (10) days after a majority
18 of the appointees have taken an oath of office. The organizational
19 meeting may be called by any two (2) members. At the meeting, the
20 board shall:

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

26 Officers of the board shall be elected annually.

27 (b) ~~A majority of the Four (4)~~ library board members, ~~constitutes~~
28 **who are present in person, constitute** a quorum for the transaction of
29 business. The library board shall meet:

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

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

35 SECTION 23. IC 36-12-2-25, AS AMENDED BY P.L.113-2010,
36 SECTION 160, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2012]: Sec. 25. (a) ~~The Subject to subsection~~
38 **(b):**

- 39 (1) **Indiana** residents; ~~or~~
- 40 (2) real property taxpayers; ~~of the library district taxed for the~~
41 ~~support of the and~~
- 42 (3) **temporary visitors from outside Indiana, as defined by the**

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1 library;
 2 may use the facilities and services of the public library without charge,
 3 for library or related purposes. ~~However,~~ **but must be issued a local**
 4 **library card under the requirements of this section in order to**
 5 **check out the library's materials and access licensed information.**

6 (b) The library board may:

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

13 ~~(b)~~ (c) A library board: ~~may~~

14 (1) **shall** issue local library cards to:

- 15 ~~(1)~~ (A) residents **and real property taxpayers** of the library
 16 district; **and**
 17 ~~(2)~~ (B) Indiana residents who are not residents of the library
 18 district; **and**
 19 ~~(3)~~ library employees of the library district; or
 20 ~~(4)~~ employees of a school corporation or nonpublic school located
 21 in the library district;

22 who apply for the cards.

23 (2) **may issue local library cards to individuals who reside**
 24 **outside Indiana and are being served through an agreement**
 25 **under IC 36-12-13.**

26 ~~(c)~~ (d) Except as provided in subsections ~~(d)~~ and (e), a library board
 27 must set and charge a fee for a local library card issued under
 28 subsection ~~(b)~~(2): **(c)(1)(B) and (c)(2)**. The minimum fee that the
 29 board 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)~~ (e) A library board may **issue a local library card without**
 35 **charge or for a reduced fee or not charge a fee for a local library card**
 36 **under 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 is:**

- 38 (1) a student enrolled **in or a teacher** in a public school
 39 corporation **or nonpublic school** that:
 40 (A) is located at least in part in the library district; and
 41 (B) **educates students in any grade preschool through**
 42 **grade 12; or**

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- 1 (2) **not a resident library employee** of the library district;
- 2 (c) ~~A library board may charge a reduced fee or not charge a fee for~~
 3 ~~a local library card under subsection (c) that is issued to an Indiana~~
 4 ~~resident who is a student enrolled in a nonpublic school that is located~~
 5 ~~at least in part in the library district.~~
- 6 (f) A library board may issue a local library card under subsection
 7 ~~(b)(3) or (b)(4):~~
- 8 ~~(1) to an individual who is not a resident of the library district;~~
 9 ~~and~~
- 10 ~~(2) without charging a fee for the card;~~
 11 if the board adopts a resolution that is approved by an affirmative vote
 12 of a majority of the members appointed to the library board.
- 13 **(f) All local library cards issued under subsections (c)(1)(B),**
 14 **(c)(2), and (e) expire one (1) year after issuance of the card.**
- 15 SECTION 24. IC 36-12-3-2, AS ADDED BY P.L.1-2005,
 16 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 2. The library board ~~shall comply with and~~
 18 ~~participate in the statewide library card program described in~~
 19 ~~IC 4-23-7.1-5.1. However, the library board may enter into a reciprocal~~
 20 ~~borrowing agreement with another library board under section 7 of this~~
 21 ~~chapter or IC 36-1-7 to:~~
- 22 (1) provide to; or
 23 (2) receive from;
 24 the other library board library service.
- 25 SECTION 25. IC 36-12-3-5, AS ADDED BY P.L.1-2005,
 26 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 5. (a) The library board may:
- 28 (1) acquire real or personal property by purchase, devise, lease,
 29 condemnation, or otherwise; and
 30 (2) own any real or personal property for purposes of the public
 31 library.
- 32 (b) The library board may:
- 33 (1) sell;
 34 (2) exchange; or
 35 (3) otherwise dispose of;
 36 real **and personal** property no longer needed for library purposes in
 37 accordance with IC 36-1-11 **and IC 5-22-22.**
- 38 (c) The library board may transfer personal property no longer
 39 needed for library purposes for no compensation or a nominal fee to an
 40 Indiana nonprofit library organization that is:
- 41 (1) tax exempt; and
 42 (2) organized and operated for the exclusive benefit of the library

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1 disposing of the property;
2 without complying with IC 36-1-11 **and IC 5-22-22.**

3 (d) The library board may:

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

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

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

8 SECTION 26. IC 36-12-3-7, AS ADDED BY P.L.1-2005,
9 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 7. (a) A library board may contract to provide or
11 receive library service from the following municipal corporations:

12 (1) Another public library.

13 (2) Any unit.

14 (b) A contract for library service between a public library and
15 another municipal corporation must: ~~outline the:~~

16 (1) **outline the** manner and extent of library service; ~~and~~

17 (2) **outline the** amount of compensation for the extension of
18 library service; **and**

19 **(3) provide that, except in the case of a reciprocal borrowing**
20 **agreement between two (2) or more Indiana public libraries,**
21 **for each local library card issued to an individual who resides**
22 **or owns real property within the boundaries of the**
23 **contracting municipal corporation, an amount equal to the fee**
24 **required by IC 36-12-2-25(d) must be paid by the individual**
25 **cardholder, the contracting municipality, or the individual**
26 **cardholder and the contracting municipality.**

27 (c) This subsection does not apply to municipal corporations
28 described in section 8 of this chapter. A municipal corporation
29 receiving library service shall:

30 (1) levy a tax sufficient to meet the amount of compensation
31 agreed upon under the contract; and

32 (2) expend all funds received under a contract for library services
33 chargeable to the contract.

34 SECTION 27. IC 36-12-4-5 IS REPEALED [EFFECTIVE JULY 1,
35 2012]. Sec. 5: ~~In the case of the merger of a municipal public library~~
36 ~~and a:~~

37 ~~(1) county public library; or~~

38 ~~(2) public library located in whole or in part in a consolidated~~
39 ~~city;~~

40 ~~the municipal public library shall merge into the county public library~~
41 ~~or public library located in whole or in part in the consolidated city.~~
42 ~~The municipal board and the county board are then dissolved effective~~

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1 December 31 of the year of the merger and a newly created board shall
2 take office January 1:

3 SECTION 28. IC 36-12-5-1, AS ADDED BY P.L.1-2005,
4 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 1. (a) Sections 2, ~~through 3, 4, and 11~~ of this
6 chapter apply only to Class 1 public libraries that seek to expand into
7 not more than one (1) township of a county.

8 (b) Sections 5 through 12 of this chapter apply to Class 1 public
9 libraries that seek to expand into more than one (1) township of a
10 county by an alternative method to the method under sections 2 through
11 4 of this chapter.

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

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

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

27 SECTION 30. IC 36-12-5-3, AS ADDED BY P.L.1-2005,
28 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: Sec. 3. (a) ~~When~~ The library board **presents of a public**
30 **library may file with** the township trustee and legislative body with
31 a proposal of expansion and an intent to file a petition for acceptance
32 of the proposal of expansion. Not later than ten (10) days after the
33 filing, the township trustee shall publish notice of the proposal of
34 expansion in the manner provided in IC 5-3-1 in a newspaper of
35 general circulation in the township. Beginning the first day after the
36 notice is published, and during the period that ends sixty (60) days after
37 the date of the publication of the notice, an individual who is a
38 registered voter of the **affected** township or part of the **affected**
39 township **subject to expansion** may sign one (1) or both of the
40 following:

41 (1) A petition for acceptance of the proposal of expansion that
42 states that the registered voter is in favor of the establishment of

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1 an expanded library district.

2 (2) A remonstrance in opposition to the proposal of expansion
3 that states that the registered voter is opposed to the establishment
4 of an expanded library district.

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

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

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

14 (A) The date on which each individual signed the petition or
15 remonstrance.

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

18 (2) The petition or remonstrance must include an affidavit of the
19 individual circulating the petition or remonstrance, stating that
20 each signature on the petition or remonstrance:

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

22 (B) is the true signature of the individual who signed the
23 petition or remonstrance.

24 (3) Several copies of the petition or remonstrance may be
25 executed. The total of the copies constitute a petition or
26 remonstrance. A copy must include an affidavit described in
27 subdivision (2). A signer may file the petition or remonstrance, or
28 a copy of the petition or remonstrance. All copies constituting a
29 petition or remonstrance must be filed on the same day.

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

32 (A) If a name appears more than one (1) time on a petition or
33 on a remonstrance, the clerk must strike any duplicates of the
34 name until the name appears only one (1) time on a petition or
35 a remonstrance, or both, if the individual signed both a petition
36 and a remonstrance.

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

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

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

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1 (C) Certify the number of signatures on the petition and on any
 2 remonstrance that:
 3 (i) are not duplicates; and
 4 (ii) represent individuals who are registered voters in the
 5 township or the part of the township on the day the
 6 individuals signed the petition or remonstrance.

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

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

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

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

23 (b) ~~Except as provided in section 6 of this chapter,~~ Whenever the
 24 legislative body of a county receives a proposal of expansion under this
 25 section, the legislative body may agree to the expansion proposal by
 26 written resolution.

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

- 40 (1) A petition for acceptance of the proposal of expansion.
- 41 (2) A remonstrance petition in opposition to the proposal of
 42 expansion.

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

7 SECTION 33. IC 36-12-7-2, AS ADDED BY P.L.1-2005,
 8 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 2. The library board ~~shall:~~

10 ~~(1) comply with; and~~

11 ~~(2) participate in;~~

12 ~~the statewide library card program described in IC 4-23-7.1-5.1.~~
 13 ~~However, the library board may enter into a reciprocal borrowing~~
 14 ~~agreement with another library board under IC 36-1-7 or IC 36-12-3-7~~
 15 ~~to provide to or receive from the other library board library service.~~

16 SECTION 34. IC 36-12-7-3, AS AMENDED BY P.L.113-2010,
 17 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection (b):**

19 **(1) Indiana residents;**

20 **(2) real property taxpayers; and**

21 **(3) temporary visitors from outside Indiana, as defined by the**
 22 **library board;**

23 **may use the facilities and services of the public library without**
 24 **charge, but must be issued a local library card under the**
 25 **requirements of this section in order to check out the library's**
 26 **materials and access licensed information.**

27 **(b) 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) damage to; or**

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

33 **any library property or material.**

34 ~~(a) (c) A library board: may~~

35 **(1) shall issue local library cards to:**

36 ~~(1) (A) residents and real property taxpayers of the library~~
 37 ~~district; and~~

38 ~~(2) (B) Indiana residents who are not residents of the library~~
 39 ~~district;~~

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

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

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1 who apply for the cards.

2 **(2) may issue local library cards to individuals who reside**
 3 **outside Indiana and are being served through an agreement**
 4 **under IC 36-12-13.**

5 ~~(b)~~ **(d)** Except as provided in subsection ~~(c)~~; **(e)**, a library board
 6 must set and charge a fee for a local library card issued under
 7 subsection ~~(a)(2)~~; **(c)(1)(B) and (c)(2)**. The minimum fee that the board
 8 may set under this subsection is the greater of the following:

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

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

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

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

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

20 **(B) educates students in any grade preschool through**
 21 **grade 12; or**

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

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

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

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

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

30 **(f) All local library cards issued under subsections (c)(1)(B),**
 31 **(c)(2), and (e) expire one (1) year after issuance of the card.**

32 SECTION 35. IC 36-12-8 IS REPEALED [EFFECTIVE JULY 1,
 33 2012]. (Library Services Authorities).

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

37 SECTION 37. IC 36-12-9 IS REPEALED [EFFECTIVE JULY 1,
 38 2012]. (Powers and Duties of Library Services Authorities).

39 SECTION 38. IC 36-12-11-12 IS REPEALED [EFFECTIVE JULY
 40 1, 2012]. ~~Sec. 12. The office of the attorney general, under the~~
 41 ~~conditions specified in this chapter, may receive, investigate, and~~
 42 ~~prosecute complaints concerning a practitioner.~~



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1 SECTION 39. IC 36-12-11-13 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. ~~Sec. 13. The director is responsible for investigation of~~
3 ~~complaints concerning a practitioner.~~

4 SECTION 40. IC 36-12-11-15, AS ADDED BY P.L.1-2005,
5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2012]: Sec. 15. The director has the following duties and
7 powers:

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

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

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

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

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

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

27 ~~(5)~~ (3) The director may:

28 (A) subpoena witnesses; or

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

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

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

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

42 SECTION 41. IC 36-12-11-16, AS ADDED BY P.L.1-2005,

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

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

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

19 **(1) the complaint should be:**

20 **(A) dismissed;**

21 **(B) prosecuted; or**

22 **(C) investigated further; or**

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

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

27 SECTION 42. IC 36-12-11-17 IS REPEALED [EFFECTIVE JULY
28 1, 2012]. Sec. 17. If before the director files a report with the attorney
29 general under section 19 of this chapter, the director receives a
30 statement:

31 **(1) signed by the practitioner and the complainant; and**

32 **(2) stating that the complaint has been resolved;**

33 **the director may not take further action:**

34 SECTION 43. IC 36-12-11-18 IS REPEALED [EFFECTIVE JULY
35 1, 2012]. Sec. 18. If at any time during the thirty (30) day period or an
36 extension period described in section 16 of this chapter the board
37 notifies the director of the board's intention not to proceed further to
38 resolve the complaint, the director may proceed immediately to
39 continue to pursue the complaint under this chapter:

40 SECTION 44. IC 36-12-11-19 IS REPEALED [EFFECTIVE JULY
41 1, 2012]. Sec. 19. If there has not been a statement filed under section
42 17 of this chapter, and if after conducting an investigation the director

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1 believes the practitioner should be subject to disciplinary sanctions by
2 the board; the director shall file a report with the attorney general.
3 Upon receiving the director's report, the attorney general may prosecute
4 the matter before the board on behalf of the state.

5 SECTION 45. IC 36-12-11-20, AS ADDED BY P.L.1-2005,
6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 20. ~~Notwithstanding section 19 of this chapter,~~ If
8 the board requests, the attorney general shall **investigate and** prosecute
9 the matter before the board on behalf of the state.

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