

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1412

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

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

SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.1-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library;
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

- (1) The auditor of state, for distribution of money from the following:
  - (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
  - (B) Excise tax revenue allocated under IC 7.1-4-7-8.
  - (C) The local road and street account in accordance with IC 8-14-2-4.

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(2) The board of trustees of Ivy Tech Community College for the board's division of Indiana into service regions under IC 21-22-6-1.

(3) The division of disability and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.

(4) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(5) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(6) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

~~(7) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.~~

(8) (7) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

SECTION 2. IC 4-13-12 IS REPEALED [EFFECTIVE JULY 1, 2018]. (State Library and Historical Building).

SECTION 3. IC 4-23-7-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2.1. (a) The Indiana library and historical board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The board may designate the director of the state library ~~or the director of the historical bureau~~ as the executive secretary of the board with duties as prescribed by the board.

SECTION 4. IC 4-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The Indiana library and historical department ~~consists of two (2) divisions, shall manage~~ the Indiana state library. ~~and the Indiana historical bureau.~~

SECTION 5. IC 4-23-7-5, AS AMENDED BY P.L.84-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Subject to the provisions of this chapter, the **Indiana** library and historical board shall formulate policies for the care, management, and expansion of the **Indiana** library and historical department so that the department ~~and its divisions may at all times be~~ **is** operated according to the most approved standards of library and historical service.

SECTION 6. IC 4-23-7.1-1, AS AMENDED BY P.L.133-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this chapter:

(1) "Agency" means any state administration, agency, authority,

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board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

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

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

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

(5) "Historical bureau" means the Indiana historical bureau established by ~~IC 4-23-7-3~~. **IC 4-23-7.2-2.**

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

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

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

SECTION 7. IC 4-23-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The state library ~~is responsible for executing the policy of the state of Indiana:~~ **shall:**

(1) ~~to~~ develop and provide library service to state government, its branches, its departments and its officials and employees;

(2) ~~to~~ provide for the individual citizens of the state those specialized library services not generally appropriate, economical or available in other libraries of the state;

(3) ~~to~~ encourage and support the development of the library profession; ~~and~~

(4) ~~to~~ strengthen services of all types of publicly and privately supported special, school, academic, and public libraries; ~~and~~

**(5) manage the historical bureau under IC 4-23-7.2.**

SECTION 8. IC 4-23-7.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. The state library shall conduct research in appropriate areas of library activity and survey and study the library community in Indiana, including all types of libraries ~~therein~~, **in Indiana**, on a continual basis for the purpose of:

(1) collecting pertinent statistics and other information;

(2) assessing the condition and capacity of existing library facilities, resources, and services;

(3) defining the needs of society which are the responsibility of libraries to meet;

(4) evaluating library performance in relation to these needs; and

(5) preparing recommendations and plans which will develop and strengthen library service in Indiana.

SECTION 9. IC 4-23-7.1-9 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. The state library shall encourage the development of the library profession and of library service in Indiana by planning or conducting, either independently or cooperatively, programs ~~of~~ **regarding:**

- (1) recruiting to the profession;
- (2) education for librarianship;
- (3) in-service training;
- (4) personnel classifications, evaluation, and utilization; and
- (5) postgraduate continuing education.

SECTION 10. IC 4-23-7.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. The state library may sell or exchange any volumes or pamphlets it does not need. All money received from such sales or as payment for any books or documents that have been lost or ~~mutilated~~ **damaged** shall be deposited in the state library publications fund.

SECTION 11. IC 4-23-7.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. The state library may receive gifts of money, books, or other property which shall be ~~deposited in the state library publications fund~~ and used or held in trust for the purpose or purposes given. **Gifts of money shall be deposited in either:**

- (1) the state library publications fund; or**
- (2) an account maintained by the state library foundation established under section 42 of this chapter.**

SECTION 12. IC 4-23-7.1-26, AS AMENDED BY P.L.91-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 26. (a) Subject to subsections (b) and (c), every state agency that issues public documents shall furnish the state library twenty-five (25) **printed** copies of all publications issued by them, whether **originally** printed or published electronically, which are not issued solely for use within the issuing office. However, if the library requests, as many as twenty-five (25) additional copies of each public document shall be supplied.

(b) If other provision is made by law for the distribution of the session laws of the general assembly, the journals of the house and senate of the general assembly, the supreme court and court of appeals reports, or the publications of the Indiana historical bureau, any of the public documents for which distribution is provided are exempted from the depository requirements under subsection (a). However, two (2) copies of each document exempted under this subsection from the general depository requirements shall be deposited with the state library.

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(c) If a public document issued by an agency is published in the Indiana Register in full or in summary form, the agency is exempt from providing copies of the published public document to the state library under subsection (a).

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

(e) Publications of state university presses, directives for internal administration, intraoffice and interoffice publications, and forms are completely exempt from all depository requirements.

SECTION 13. IC 4-23-7.1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. The library shall:

(a) Keep at least two (2) copies of each Indiana state document as permanent reference copies.

(b) Send two (2) copies of each Indiana state document to the Library of Congress excluding those where other provisions for distribution are made by law.

(c) Designate the four (4) state university libraries and certain selected Indiana public, school and college libraries in the several geographical sections of the state as secondary depository libraries to receive one (1) copy of those Indiana state documents which are of general interest. Selection of secondary depository libraries shall be made by the state library, based on a determination that the libraries selected will keep the documents readily accessible for use, and will render assistance for their use to qualified patrons without charge.

(d) Prepare, and issue quarterly, complete lists of state issued documents which were issued during the immediately preceding quarter. These lists shall be cumulated and printed annually, at the end of each calendar year. Copies of these lists shall be distributed by the state library to state departments and agencies, and to public and college libraries within the state.

~~(e) Set up a document exchange system with agencies in other states; in order that selected documents of various other states shall be available for use by the citizens of Indiana.~~

SECTION 14. IC 4-23-7.1-29 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 29: (a) The Indiana state library shall distribute to each eligible public library district the amount the district is entitled to under this section not later than August 1 of each year. The board shall determine each district's distribution, which may be based on:~~

~~(1) the population served by each eligible public library district;~~

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- (2) the level of services offered; and
- (3) the loans made by the public library district to others outside the public library's taxing district.

(b) To be eligible for payment under this section, a public library district shall:

- (1) comply with the standards and rules established under section 11 of this chapter;
- (2) comply with IC 36-12; and
- (3) submit an application on a form prescribed by the Indiana state library, including a summary of loan data for the previous year, to the Indiana state library no later than May 1 of each year.

(c) Any expenses incurred by the Indiana state library in the administration and distribution of funds under this section may not be charged against funds appropriated for the purposes of this section.

(d) The governing body of a public library district which receives funds under this section may appropriate the funds for library materials or expenses associated with the sharing of resources.

SECTION 15. IC 4-23-7.1-34, AS AMENDED BY P.L.215-2016, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 34. ~~Any A person injuring or losing who damages or loses~~ a book, document, plaque, marker, or sign belonging to the department is liable for ~~threefold triple~~ damages. ~~and~~ If the book ~~injured that is damaged~~ or lost ~~be is~~ one (1) volume of a set, the person is liable for the whole set, but ~~on upon~~ paying for the same; ~~the replacement cost of the set~~, the person may take the broken set. All money received under this section shall be deposited in the state library publications fund.

SECTION 16. IC 4-23-7.1-41 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 41: (a) As used in this section, "historic library building" means a building that is currently used or will be returned to use for public library purposes and:

- (1) was originally constructed for use as a public library with money donated by Andrew Carnegie; or
- (2) is listed on the National Register of Historic Places.

(b) As used in this section, "fund" refers to the historic library building improvement fund established under subsection (c).

(c) The historic library building improvement matching grant program and fund are established for the purpose of providing matching grants to public libraries to restore and repair historic library buildings. The state library shall:

- (1) provide details for the matching grant program, including eligibility and match requirements; and

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(2) administer the fund.

(d) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Grants and gifts that the state library receives for the fund under terms, obligations, and liabilities that the state library considers appropriate.

(e) The expenses of administering the fund shall be paid from money in the fund.

(f) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 17. IC 4-23-7.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **As used in The following definitions apply throughout** this chapter:

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

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

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

**(4) "Deputy director" means the deputy director of the Indiana historical bureau.**

~~(4)~~ **(5) "Director" means director of the Indiana historical bureau library.**

~~(5)~~ **(6) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3: section 2 of this chapter.**

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

SECTION 18. IC 4-23-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. **(a) The Indiana historical bureau is established as a division of the library.**

**(a) (b)** It is the duty of the historical bureau to edit and publish documentary and other material relating to the history of the state of Indiana and to promote the study of Indiana history.

~~(b)~~ **(c)** As appropriate, the historical bureau shall work with the Indiana historical society, the county historical societies, and any other

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person, agency, or organization concerned with Indiana history.

SECTION 19. IC 4-23-7.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The historical bureau may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department. ~~or the historical bureau.~~

SECTION 20. IC 4-23-7.2-5, AS AMENDED BY P.L.171-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. All expenses incurred in the preparation, compilation, printing, binding, and publication of the volumes of source and other historical material issued by the historical bureau shall be defrayed out of funds at the disposal of the ~~bureau~~ **library** which may be appropriated by law for that purpose, under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the ~~historical bureau.~~ **library.**

SECTION 21. IC 4-23-7.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The historical bureau publications and educational fund is established as a dedicated fund to be administered by **the library for** the historical bureau. The monies in the fund may be expended by the director ~~of the historical bureau~~ exclusively for the publication of historical documents and other material to promote the study of Indiana history, and to inform the people of Indiana concerning the history of their state.

(b) The proceeds from the sale of items, ~~as directed by law or by the director of the historical bureau,~~ from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the historical bureau publications fund.

(c) All monies accruing to the historical bureau publications fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year. However, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 22. IC 4-23-7.2-16, AS AMENDED BY P.L.100-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) The ~~board~~ **director** shall appoint a **deputy** director to be the chief administrative officer of the historical bureau.

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- (b) To qualify for the position of **deputy** director, a person must:
- (1) be a graduate of a college or university of recognized standing;
  - (2) have had special training in the nature, relative value, and use of historical source material;
  - (3) have had special training in the editing of historical publications; and
  - (4) possess such other qualifications as the board, in its discretion, may deem necessary.

**(c) The deputy director reports to the director.**

SECTION 23. IC 4-23-7.2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. The board may appoint an advisory committee of not to exceed nine (9) members, who shall consult and advise with the director **and the deputy director** of the historical bureau concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The committee ~~so appointed~~ shall serve without compensation.

SECTION 24. IC 4-23-8 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Acceptance of Gifts, Bequests, and Devises by Indiana Library and Historical Board).

SECTION 25. IC 5-15-5.1-18, AS AMENDED BY P.L.171-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

- (1) the governor or the governor's designee;
- (2) the secretary of state or the secretary's designee;
- (3) the state examiner of the state board of accounts or the state examiner's designee;
- (4) the director of the state library;
- ~~(5)~~ **(5) the director of the historical bureau;**
- ~~(6)~~ **(5) the director of the Indiana archives and records administration;**
- ~~(7)~~ **(6) the commissioner of the department of administration or the commissioner's designee;**
- ~~(8)~~ **(7) the public access counselor; and**
- ~~(9)~~ **(8) the chief information officer of the office of technology appointed under IC 4-13.1-2-3 or the chief information officer's designee; and**
- (9) a clerk of the circuit court or a county recorder who serves on a county commission of public records under IC 5-15-6, appointed by the governor.**

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(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the Indiana archives and records administration shall be the secretary of the committee. The ex officio members of the oversight committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

SECTION 26. IC 5-15-5.1-20.5 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 20.5: A facility to house some or all of the state archives or to be used in the administration of the state archives may not be located on land bound by New York Street, Ohio Street, West Street, and Senate Avenue in Indianapolis.~~

SECTION 27. IC 23-14-67-1, AS AMENDED BY P.L.11-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter applies to a cemetery that:

- (1) is without funds or sources of funds for reasonable maintenance;
- (2) has suffered neglect and deterioration;
- (3) may be the burial grounds for an Indiana pioneer leader or veteran of an American war, including the Revolutionary War; and
- (4) either:
  - (A) was established before 1875; or
  - (B) is a burial ground for a veteran of the Civil War.

(b) A county cemetery commission shall determine if a cemetery is a burial ground for a veteran of the Civil War under subsection (a)(4)(B) based on evidence presented to the county cemetery commission from any of the following:

- (1) ~~The Indiana historical bureau established by ~~IC 4-23-7-3.~~~~  
**IC 4-23-7.2-2.**
- (2) The Indiana historical society established under IC 23-6-3.
- (3) A historical society (as defined in IC 36-10-13-3).
- (4) The Indiana Landmarks.
- (5) The division of historic preservation and archeology of the department of natural resources.

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**(6) The Indiana archives and records administration under IC 5-15-5.1-5.**

SECTION 28. IC 23-14-67-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the Indiana historical bureau established by ~~IC 4-23-7-3.~~ **IC 4-23-7.2-2.**

(b) An annual report filed under this section must include information on the following:

- (1) The budget of the county cemetery commission for the preceding calendar year.
- (2) Expenditures made by the county cemetery commission during the preceding calendar year.
- (3) Activities of the county cemetery commission during the preceding calendar year.
- (4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The Indiana historical bureau shall make reports filed under this section available for public inspection under IC 5-14-3.

SECTION 29. IC 36-12-1-9, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. Public libraries are classified as either:

- (1) Class 1 libraries, which comprise:
  - (A) all public libraries established after March 13, 1947; and
  - (B) all public libraries established before March 14, 1947, that have filed a resolution of conversion under section 10 of this chapter; or
- (2) Class 2 ~~public~~ libraries, which comprise all public libraries established before March 14, 1947, that have not filed a resolution of conversion under section 10 of this chapter.

SECTION 30. IC 36-12-2-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The legislative body of a municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:

- (1) a population of at least ten thousand (10,000); or
  - (2) an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);
- may establish a public library for the residents of the municipality, township, county, or part of the county.

(b) The establishment of ~~the a~~ public library may ~~be initiated~~ occur

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either by:

- (1) the legislative body passing a written resolution; or
- (2) filing a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election. **the petition and remonstrance process;**

**as provided in this chapter. A petition filed with the legislative body must be signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.**

(c) Not later than ten (10) days after a petition is filed under subsection ~~(b)(2)~~ **(b)**, the ~~municipality, township, county, or part of a county~~ **legislative body** shall:

- (1) give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality; **and**
- (2) **file the original petition with the circuit court clerk.**

(d) Not later than ten (10) days after the publication of the petition under subsection (c), a registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

- (1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and
- (2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection ~~(b)(2)~~ **(b)** or a remonstrance that is filed under subsection (d):

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each individual signed the petition or remonstrance.
  - (B) The residence of each individual on the date the individual signed the petition or remonstrance.
  - (C) **On each page of a petition on which signatures are affixed, language substantially similar to the following: "PETITION IN SUPPORT OF A PUBLIC LIBRARY IN (insert municipality, township, county, or part of a county where the public library is proposed to be established)."**

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**(D) On each page of a remonstrance on which signatures are affixed, language substantially similar to the following: "REMONSTRANCE AGAINST A PUBLIC LIBRARY IN (insert municipality, township, county, or part of a county where the public library is proposed to be established)."**

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

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

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

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). ~~An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy.~~ **A signer may file a petition or remonstrance, or a copy of a petition or remonstrance.** All copies constituting a petition or remonstrance must be filed on the same day.

(4) **Not later than fifteen (15) days after a petition or remonstrance is filed,** the clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

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

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

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

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

(C) ~~Not more than fifteen (15) days after a petition or remonstrance is filed,~~ Certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the



individuals signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file:

- (i) the original petition;
- (ii) the original remonstrance, if any; and
- (iii) a copy of the clerk's certification;

with the legislative body of the municipality, township, or county.

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

(f) ~~At the first meeting of the legislative body held at least ten (10) days after the publication of the petition; Not later than forty (40) days after a petition or remonstrance is certified by the clerk of the circuit court under subsection (e),~~ the legislative body shall compare the petition and ~~any~~ remonstrance, ~~if any. Whenever:~~ **If:**

- (1) a remonstrance has not been filed; or
- (2) a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library;

the legislative body shall establish **the public library** by written resolution. ~~the public library with a~~ **The library district boundaries must be** coextensive with the boundaries of the unit or part of a county, whichever is applicable.

(g) The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

- (1) with the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed

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the latest unsuccessful petition.

SECTION 31. IC 36-12-2-6 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 6: (a) The following apply to a petition or remonstrance filed under section 5 of this chapter:

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each individual signed the petition or remonstrance;
  - (B) The residence of each individual on the date the individual signed the petition or remonstrance;
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:
  - (A) was affixed in the individual's presence; and
  - (B) is the true signature of the individual who signed the petition or remonstrance;
- (3) The clerk of the circuit court or the board of registration shall do the following:
  - (A) Strike all names appearing more than one (1) time on the petition or remonstrance;
  - (B) Certify the number of signatures on the petition or remonstrance that:
    - (i) are not duplicates; and
    - (ii) represent individuals who are registered voters in the county, the part of the county, or the municipality;

(b) The clerk of the circuit court shall complete the certification required by subsection (a) not later than fifteen (15) days after the petition or remonstrance is filed.

SECTION 32. IC 36-12-2-25, AS AMENDED BY P.L.203-2016, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: 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 damage~~ 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;
 and

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(2) ~~Indiana residents~~ **individuals** who are not residents of the library district. ~~and~~

(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 subsection (e), a library board must set and charge a fee for

(1) ~~a local library card issued under subsection (b)(2).~~ ~~and~~

(2) ~~a local library card issued under subsection (b)(3).~~

(d) The minimum fee that the board may set under subsection (c) 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).

(e) A library board may issue a local library card without charge or for a reduced fee 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 from preschool through grade 12 are educated;

(2) a library employee of the district; or

(3) a student enrolled in a college or university that is located at least in part of the library district;

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

(f) A library card issued under subsection (b)(2) ~~(b)(3)~~; or (e) may be valid for a maximum of one (1) year after issuance. A card issued under subsection (b)(2) ~~or (b)(3)~~ that is valid for less than one (1) year must be sold at a fee prorated to the equivalent of the annual fee prescribed under subsection (d).

SECTION 33. IC 36-12-3-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The library board shall comply with and participate in the statewide library card program described in IC 4-23-7.1-5.1. However, the library board may enter into a reciprocal borrowing agreement with another library board under section 7 of this chapter or IC 36-1-7 to:

(1) provide **library service** to; or

(2) receive **library service** from;

the other library board. ~~library service.~~

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SECTION 34. IC 36-12-5-1, AS AMENDED BY P.L.84-2012, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) Sections ~~2 and 3 and 4~~ of this chapter apply only to Class 1 public libraries that seek to expand into not more than one (1) township of a county.

(b) Sections 5, ~~through 12~~ **6, and 12** of this chapter apply to Class 1 public libraries that seek to expand into more than one (1) township of a county. ~~by an alternative method to the method under sections 2 through 4 of this chapter.~~

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

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

as provided in this chapter.

SECTION 35. IC 36-12-5-2, AS AMENDED BY P.L.84-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The library board of a public library may file a ~~proposed an~~ expansion **proposal** with the township trustee and legislative body of the township. The proposal must state that the public library seeks to ~~combine with~~ **expand its service area to include** a certain township or any part of a township not being taxed for public library service. ~~to form a single library district.~~

(b) When a township trustee and legislative body receive a ~~proposal of an~~ expansion **proposal** under this section, the legislative body may agree to the expansion proposal by written resolution.

SECTION 36. IC 36-12-5-3, AS AMENDED BY P.L.147-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body a ~~proposal of an~~ expansion **proposal** and ~~an a notice of~~ intent to file a petition for acceptance of the ~~proposal of expansion.~~ **expansion proposal. The expansion proposal must include the information described in section 2 of this chapter.** Not later than ten (10) days after the filing, the township trustee shall publish notice of the ~~proposal of~~ expansion **proposal** in the manner provided in IC 5-3-1. ~~Publication of the notice must be in accordance with IC 5-3-1-4 in an appropriate publication of general circulation in the township.~~

(b) Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of the ~~affected~~ township or part of the ~~affected~~ township **subject to expansion into which the public library seeks to expand** may sign one (1) or both of the following:

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(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district. **in support of the expansion proposal.**

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

~~(b)~~ **(c)** A registered voter of the township or part of the township may file A petition or a remonstrance if any; **under subsection (b) must be filed** with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the ~~proposal of~~ expansion **proposal** must be signed by at least twenty percent (20%) of the registered voters of the township or part of the township **into which the public library seeks to expand**, as determined by the most recent general election.

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

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each individual signed the petition or remonstrance.
  - (B) The residence of each individual on the date the individual signed the petition or remonstrance.
  - (C) **On each page of a petition on which signatures are affixed, language substantially similar to the following: "PETITION IN SUPPORT OF EXPANSION OF THE (insert name of library district), WHICH SEEKS TO INCLUDE (insert name of the township or part of the township into which the library seeks to expand) IN ITS SERVICE DISTRICT."**
  - (D) **On each page of a remonstrance on which signatures are affixed, language substantially similar to the following: "REMONSTRANCE AGAINST THE (insert name of library district) EXPANSION, WHICH SEEKS TO INCLUDE (insert name of the township or part of the township into which the library seeks to expand) IN ITS SERVICE DISTRICT."**
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:
  - (A) was affixed in the individual's presence; and
  - (B) is the true signature of the individual who signed the



petition or remonstrance.

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

(4) **Not later than fifteen (15) days after a petition or remonstrance is filed**, the clerk of the circuit court in the county in which the township is located shall do the following:

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

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

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

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

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

**(D) Establish a record of the certification in the clerk's office and file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the township legislative body.**

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

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

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

**(e) Not later than forty (40) days after the certification of a petition or remonstrance under subsection (d)(4), the township**



legislative body shall compare the petition and remonstrance, if any. If a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the township legislative body shall agree to the expansion by written resolution.

(f) Not later than ten (10) days after the written resolution establishing an expanded library district is adopted, the township legislative body shall submit a copy of the resolution for filing:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

The expansion is effective as of the date the written resolution is filed.

(g) If the number of registered voters who have signed a remonstrance against the establishment of an expanded library district is equal to or greater than the number who have signed the petition in support of the expansion, the township legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 37. IC 36-12-5-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4: (a) Not more than forty (40) days after the certification of a petition and a remonstrance, if any, under section 3 of this chapter, the township legislative body shall compare the petition and any remonstrance:

(b) If a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the legislative body shall agree to the expansion by written resolution. Not more than ten (10) days after the written resolution establishing an expanded library district is adopted, the legislative body shall submit a copy of the resolution for filing:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

The expansion is effective as of the date the written resolution is filed:

(c) When an equal or greater number of registered voters have signed a remonstrance against the establishment of an expanded library district than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest

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~~unsuccessful petition.~~

SECTION 38. IC 36-12-5-5, AS AMENDED BY P.L.84-2012, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) The library board of a public library may file a ~~proposed~~ **an expansion proposal** with the legislative body of the county. The proposal must state that the public library seeks to ~~combine with~~ **expand its service area to include** more than one (1) township or parts of more than one (1) township not being taxed for public library service. ~~to form a single library district.~~

(b) Whenever the legislative body of a county receives a ~~proposal of an expansion proposal~~ under this section, the legislative body may agree to the expansion proposal by written resolution.

SECTION 39. IC 36-12-5-6, AS AMENDED BY P.L.13-2013, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The library board of a public library may file with the legislative body of a county a ~~proposal of an expansion proposal~~ and ~~an a notice of intent~~ to file a petition for acceptance of the ~~proposal of expansion proposal~~. **The proposal must include the information described in section 5 of this chapter.** Not later than ten (10) days after the ~~intent is filed~~, **filing**, the county auditor shall publish notice ~~in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper of general circulation in the county.~~ **proposal in the manner provided in IC 5-3-1.**

(b) Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of ~~an affected a township or an affected part of a township subject to the expansion into which the public library seeks to expand~~ may sign one (1) or both of the following:

- (1) A petition for acceptance of the ~~proposal of in support of the expansion proposal~~.
- (2) A remonstrance ~~petition~~ in opposition to the ~~proposal of expansion proposal~~.

~~(b) (c) Registered voters shall file~~ A petition or a remonstrance if ~~any~~, **under subsection (b) must be filed** with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the ~~proposal of expansion proposal~~ must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships **into which the public library seeks to expand**, as determined by the most recent general election.

(d) **The following apply to a petition or remonstrance that is filed under subsection (c):**

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

  - (A) The date on which each individual signed the petition or remonstrance.**
  - (B) The residence of each individual on the date the individual signed the petition or remonstrance.**
  - (C) On each page of a petition on which signatures are affixed, language substantially similar to the following: "PETITION IN SUPPORT OF EXPANSION OF THE (insert name of library district), WHICH SEEKS TO INCLUDE (insert names of the townships or parts of townships into which the library seeks to expand) IN ITS SERVICE DISTRICT."**
  - (D) On each page of a remonstrance on which signatures are affixed, language substantially similar to the following: "REMONSTRANCE AGAINST THE (insert name of library district) EXPANSION, WHICH SEEKS TO INCLUDE (insert names of the townships or parts of townships into which the library seeks to expand) IN ITS SERVICE DISTRICT."**
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:**

  - (A) was affixed in the individual's presence; and**
  - (B) is the true signature of the individual who signed the petition or remonstrance.**
- (3) Several copies of the petition or remonstrance may be executed. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.**
- (4) Not later than fifteen (15) days after a petition or remonstrance is filed, the clerk of the circuit court in the county in which the townships or parts of townships are located shall do the following:**

  - (A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.**
  - (B) Strike from a petition or remonstrance the name of an individual who personally, in the clerk's office, makes a**



written and signed request for the clerk to strike the individual's name.

**(C) Certify the number of signatures on the petition and remonstrance, if any, that:**

- (i) are not duplicates; and**
- (ii) represent individuals who are registered voters on the day the individuals signed the petition or remonstrance.**

**(D) Establish a record of certification in the clerk's office and file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the county legislative body.**

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

**(e) Not later than forty (40) days after the certification of a petition or remonstrance under subsection (d)(4), the county legislative body shall compare the petition and remonstrance, if any. If a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the county legislative body shall agree to the expansion by written resolution.**

**(f) Not later than ten (10) days after the written resolution establishing an expanded library district is adopted, the county legislative body shall submit a copy of the resolution for filing:**

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and**
- (2) with the Indiana state library.**

The expansion is effective as of the date the written resolution is filed.

**(g) If the number of registered voters who have signed a remonstrance against the establishment of an expanded library district is equal to or greater than the number who have signed the petition in support of the expansion, the county legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.**

SECTION 40. IC 36-12-5-7 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 7. (a) The following apply to a petition or remonstrance that is filed under section 6 of this chapter:

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

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- (A) The date on which each individual signed the petition or remonstrance.
- (B) The residence of each individual on the date the individual signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:
  - (A) was affixed in the individual's presence; and
  - (B) is the true signature of the individual who signed the petition or remonstrance.
- (3) Several copies of the petition or remonstrance may be executed. The total of the copies constitutes a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file a petition or remonstrance, or a copy of a petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.
- (4) The clerk of the circuit court of the county containing the townships or parts of townships shall do the following:
  - (A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.
  - (B) Strike the name from a petition or remonstrance of an individual who personally, in the clerk's office, makes a written and signed request for the clerk to strike the individual's name.
  - (C) Certify the number of signatures on the petition and remonstrance, if any, that:
    - (i) are not duplicates; and
    - (ii) represent individuals who are registered voters in the townships or parts of townships on the day the individuals signed the petition or remonstrance.

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

- (b) The clerk of the circuit court shall complete the certification required under subsection (a) not more than fifteen (15) days after the petition or remonstrance is filed:

SECTION 41. IC 36-12-5-8 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 8: The clerk of the circuit court shall establish a record of the clerk's certification in the clerk's office and shall file the original

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petition, the original remonstrance, if any, and a copy of the certification with the legislative body.

SECTION 42. IC 36-12-5-9 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 9: A registered voter may file with the clerk of the circuit court a remonstrance that:

(1) is signed by registered voters in townships or parts of townships not already taxed for library purposes; and

(2) states that registered voters who have signed the remonstrance are opposed to the establishment of the expanded library district.

SECTION 43. IC 36-12-5-10 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 10: (a) Not more than forty (40) days after the certification of a petition and remonstrance under section 7 of this chapter, the county legislative body shall compare the petition and any remonstrance:

(b) If:

(1) a remonstrance has not been filed; or

(2) a greater number of registered voters have signed the petition than have signed the remonstrance;

the county legislative body shall agree to the expansion by written resolution. The expansion is effective on the date the written resolution is filed:

(c) If the number of registered voters who have signed a remonstrance against the establishment of an expanded library district is equal to or greater than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 44. IC 36-12-5-11 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 11: Not more than ten (10) days after a written resolution establishing an expanded library district is adopted, the legislative body shall send a copy of the resolution to be filed:

(1) in the office of the county recorder in each county where the library district is located; and

(2) with the Indiana state library.

SECTION 45. IC 36-12-5-12, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) If not more than two (2) townships or parts of not more than two (2) townships are added to a library taxing district, at least one (1) of the ~~initial~~ **next** appointments made to the library board by the county commissioners or the county council must be from one (1) of the townships.

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(b) If more than two (2) townships or parts of more than two (2) townships are added to a library district, at least two (2) of the ~~initial~~ **next** appointments made to the library board by the county commissioners or the county council must be from the townships that are added to the library district.

(c) An appointment under this section may not be made before the expiration of a term in effect at the time the expansion is final.

SECTION 46. IC 36-12-7-3, AS AMENDED BY P.L.84-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: 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~~ **damage** 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; **and**
- (2) ~~Indiana residents~~ **individuals** who are not residents of the library district. ~~and~~
- (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 subsection (d), 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 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~~

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- (2) a library employee of the district; or  
**(3) a student enrolled in a college or university that is located in the library district;**

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 47. IC 36-12-7-9, AS ADDED BY P.L.113-2010, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) **Unless otherwise provided in the public library's charter**, dissolution of a library district is initiated when the legislative body of each municipality, township, or county that is a part of the district and library board of the district adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

(b) Copies of the resolutions adopted under subsection (a) shall be filed not later than ten (10) days after the resolution is adopted with:

- (1) the state library; and
- (2) the county recorder of each county in which the library district is located.

(c) A dissolution does not take effect until:

- (1) all legal and fiscal obligations of the library district have been satisfied;
- (2) the assets of the district have been distributed; and
- (3) a notice is filed with the agencies listed in subsection (b), indicating that the actions described in subdivisions (1) and (2) have been completed and the dissolution is final.

SECTION 48. IC 36-12-10-1, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter applies to ~~the following public corporations:~~

- ~~(1) a municipal corporation that operates and maintains library facilities.~~
- ~~(2) Any other public corporation, established by statute, that operates and maintains library facilities.~~

SECTION 49. IC 36-12-10-2, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A **public municipal** corporation may lease a library building or buildings for the use of the public corporation or of any joint or consolidated public corporation of which the public corporation is a part or to which the public corporation contributes; to

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**use as a library** under the following conditions:

- (1) A lease may not be entered into for a period of more than forty (40) years.
- (2) Before a lease is entered into, there must first be filed with the governing authority of the **public municipal** corporation a petition signed by fifty (50) or more resident taxpayers of the **public municipal** corporation.
- (3) After investigation, the governing authority must determine that a need exists for the library building or buildings.
- (4) The governing authority must determine that the **public municipal** corporation cannot provide the necessary funds to pay the cost or the **public municipal** corporation's proportionate share of the cost of the library building or buildings required to meet the present needs.

(b) If two (2) or more **public municipal** corporations propose to enter into a lease jointly, joint meetings of the governing authority of the corporations may be held. Action taken is binding on a **public municipal** corporation only if the action is approved by the **public municipal** corporation's governing authority. A lease executed by two (2) or more **public municipal** corporations as joint lessees must set out the amount of the total lease rental agreed upon to be paid by each. A lessee is entitled to occupancy only if the total rental is paid as stipulated in the lease. All rights of joint lessees under the lease must be proportionate to the amount of lease rental paid by each.

SECTION 50. IC 36-12-10-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A **public municipal** corporation may enter into a lease under this chapter only with a nonprofit corporation organized under Indiana law for the sole purpose of:

- (1) acquiring real property;
- (2) building, improving, constructing, or renovating a suitable library building or buildings, including the necessary equipment and appurtenances;
- (3) leasing the library facilities to the **public municipal** corporation or corporations; and
- (4) collecting the rentals and applying the proceeds from the rentals in the manner provided in this chapter.

(b) The lessor corporation shall act entirely without profit to the corporation and the corporation's officers, directors, and members but is entitled to the return of capital actually invested, which includes:

- (1) incorporation and organization expenses;
- (2) financing costs;

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- (3) carrying charges;
- (4) legal, contractors', and architects' fees; and
- (5) any other capital cost.

The lessor corporation is also entitled to sums sufficient to pay interest on outstanding securities or loans, and the cost of maintaining the corporation's existence and keeping the corporation's property free of encumbrance.

(c) Upon receipt of any amount of lease rental by the lessor corporation above the amount necessary to meet incidental corporate expenses and to pay interest on corporate securities or loans, the excess funds shall be applied to the redemption and cancellation of the corporation's outstanding securities or loans as soon as this may be done.

SECTION 51. IC 36-12-10-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) All contracts of lease must provide that:

- (1) the **public municipal** corporation or corporations have an option to renew the lease for a further term, with like conditions; or
- (2) the property covered by the lease may be purchased after six (6) years from the execution of the lease and before the expiration of the term of the lease, on the date or dates in each year that are fixed, at a price equal to the amount required to enable the lessor corporation owning the site to:
  - (A) liquidate by paying all indebtedness, with accrued and unpaid interest; and
  - (B) recover the expenses and charges of liquidation.

(b) However, the purchase price prescribed by subsection (a)(2) may not exceed the capital actually invested in the property by the lessor corporation represented by outstanding securities or indebtedness plus the cost of transferring the property and liquidating the lessor corporation.

(c) A lease may not provide that any **public municipal** corporation is under an obligation to purchase the leased library facilities or under an obligation in respect to the creditors, members, or other security holders of the lessor corporation.

SECTION 52. IC 36-12-10-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The **public municipal** corporation or corporations may, in anticipation of the acquisition of real property and any necessary construction of a library building or buildings, including the necessary equipment and appurtenances, enter into a lease with the

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lessor corporation before actual acquisition of real property and any construction of the building or buildings. However, the lease may not provide for the payment of lease rental by the lessee or lessees until the building or buildings are complete and ready for occupancy, at which time the stipulated lease rental payments may begin.

(b) The contractor must be required under the lease to furnish to the lessor corporation a bond satisfactory to the corporation conditioned upon the final completion of the building or buildings within a period that may be provided in the contract.

SECTION 53. IC 36-12-10-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) When the lessor corporation and the **public municipal** corporation or corporations have agreed upon the terms and conditions of a lease proposed to be entered into under this chapter and before the final execution of the lease, notice of a hearing shall be given by publication to all interested persons. The hearing shall be held before the governing authority, on a day not earlier than ten (10) days after the publication of the notice.

(b) The notice of the hearing shall be published one (1) time in a newspaper of general circulation ~~printed in the English language~~ in the district of the **public municipal** corporation or in each **public municipal** corporation district if the proposed lease is a joint lease. If a newspaper is not published in the district, the notice shall be published in any newspaper of general circulation published in the county. The notice must name the date, place, and time of the hearing and set forth a brief summary of the principal terms of the lease agreed upon, including:

- (1) the location;
- (2) the name of the proposed lessor corporation and character of the property to be leased;
- (3) the rental to be paid; and
- (4) the number of years the contract is to be in effect.

The proposed lease, drawings, plans, specifications, and estimates for the library building or buildings must be available for inspection by the public during the ten (10) day period under subsection (a) and at the meeting. All interested persons are entitled to be heard at the hearing regarding the necessity for the execution of the lease, and whether the rental provided for in the lease to be paid to the lessor corporation is a fair and reasonable rental for the proposed building or buildings. The hearing may be adjourned to a later date or dates, and following the hearing, the governing authority may either authorize the execution of the lease as originally agreed upon or may make modifications that

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have been agreed upon by the lessor corporation. The lease rentals as set out in the published notice may not be increased. The cost of the publication of the notice shall be paid by the lessor corporation.

SECTION 54. IC 36-12-10-9, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) If the execution of the lease as originally agreed upon, or as modified by agreement, is authorized by the library board, the library board shall give notice of the signing of the lease by publication one (1) time in a newspaper of general circulation printed in the English language in the district of the **public municipal** corporation or in each **public municipal** corporation district if the proposed lease is a joint lease. If a newspaper is not published in the district, the notice shall be published in any newspaper of general circulation published in the county.

(b) Fifty (50) or more taxpayers in the **public municipal** corporation or corporations who will be affected by the proposed lease and who are of the opinion that the execution of the lease is not necessary or that the proposed rental is not a fair and reasonable rental may file a petition in the office of the county auditor of the county in which the **public municipal** corporation or corporations are located. The petition must be filed not later than thirty (30) days after the publication of notice of the execution of the lease and must set forth objections and facts showing that the execution of the lease is unnecessary or unwise or that the lease rental is not fair and reasonable, as the case may be.

(c) Upon the filing of a petition, the county auditor shall immediately certify to the department of local government finance a copy of the petition, together with other data that may be necessary to present the questions involved. Upon receipt of the certified petition and information, the department of local government finance shall fix a time and place for a hearing of the matter not less than five (5) or more than thirty (30) days after the department's receipt of the petition and information. The hearing shall be held in the **public municipal** corporation or corporations or in the county where the **public municipal corporation or corporations** are located.

(d) Notice of the hearing shall be given by the department of local government finance to the members of the library board and to the first ten (10) taxpayer petitioners on the petition by a letter signed by the department of local government finance. The postage of the notice shall be prepaid, and the notice shall be addressed to the persons at their usual place of residence and mailed at least five (5) days before the date of the hearing. The decision of the department of local government finance on the appeal regarding the necessity for the execution of the

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lease and whether the rental is fair and reasonable is final. A lease may be amended by the parties by following the procedure under this chapter.

(e) An action to contest the validity of the lease or an amendment to the lease or to enjoin the performance of any of the terms and conditions of the lease must be brought not later than thirty (30) days after publication of notice of the execution of the lease or an amendment to the lease by the library board of the ~~public~~ **municipal** corporation or corporations. If an appeal has been taken to the department of local government finance, action must be brought not later than thirty (30) days after the decision of the department.

SECTION 55. IC 36-12-10-10, AS AMENDED BY P.L.113-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. **(a) This section applies only to a sale of real property:**

- (1) under this chapter; and**
- (2) by a municipal corporation that operates and maintains library facilities.**

**(b) This section and not:**

- (1) IC 36-1-11; or**
- (2) any other statute;**

**applies to a sale of real property under this chapter.**

~~(a)~~ **(c)** The lessor corporation shall hold in fee simple the real property on which the library building or buildings exists or will be constructed.

**(d)** A ~~public~~ **municipal** corporation or corporations proposing to lease the library building or buildings, either alone or jointly with another ~~public~~ **municipal** corporation that owns the property, may sell the property to the lessor corporation in fee simple.

~~(b)~~ **(e)** Before a sale under this section may take place, the governing authority of the ~~public~~ **municipal** corporation shall file a petition with the circuit court of the county in which the ~~public~~ **municipal** corporation is located. ~~requesting~~ **The petition must request** the appointment of

- ~~(1) one~~ **(1) disinterested freeholder of the public corporation as an appraiser; and**
- ~~(2) two~~ **(2) disinterested appraisers who are:**
  - (1) professionally engaged in making appraisals; and**
  - (2) licensed under IC 25-34.1;**

~~who are residents of Indiana to determine the fair market value of the real property. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. Upon their~~

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~~appointment, the three (3)~~ **The two (2)** appraisers shall fix the fair market value of the real property and report this amount to the circuit court not later than two (2) weeks from the date of their appointment. The ~~public municipal~~ corporation may then sell the real property to the lessor corporation for an amount not less than the amount fixed as the fair market value by the appraisers. **If each appraiser determines a different fair market value of the real property, the municipal corporation may sell the real property to the lessor corporation for an amount that is not less than the amount of the lower of the two (2) appraisals.** The amount shall be paid in cash upon delivery of the deed by the ~~public municipal~~ corporation to the lessor corporation.

SECTION 56. IC 36-12-10-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) A corporation qualifying as a lessor corporation under this chapter may, in furtherance of the corporation's purposes, issue and sell bonds and other securities. Mortgage bonds issued by a lessor corporation that are a first lien on the leased property are legal and proper investments for state banks and trust companies, insurance companies, and fiduciaries. The bonds may be callable, with or without premiums, with accrued and unpaid interest upon notice provided in the mortgage indenture.

(b) All bonds and other securities issued by the lessor corporation must be advertised and sold in accordance with IC 5-1-11 at any interest rate.

(c) The approval of the securities division of the secretary of state is not required in connection with the issuance and sale of bonds or other securities of a ~~public municipal~~ corporation.

SECTION 57. IC 36-12-10-12, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. A ~~public municipal~~ corporation may issue the corporation's general obligation bonds to procure funds to pay the cost of acquisition of real property. The bonds must be authorized, issued, and sold in accordance with IC 6-1.1-20.

SECTION 58. IC 36-12-10-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. A ~~public municipal~~ corporation that executes a lease under this chapter shall annually levy a special tax, in addition to other taxes authorized by law, sufficient to produce each year the necessary funds with which to pay the lease rental stipulated to be paid by the ~~public municipal~~ corporation under the lease. A levy under this section shall be reviewed in accordance with IC 6-1.1-17. The first tax levy shall be made at the first annual tax levy period following the date

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of the execution of the lease. The first annual levy must be sufficient to pay the estimated amount of the first annual lease rental payment to be made under the lease.

SECTION 59. IC 36-12-10-14, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. All property owned by a lessor corporation contracting with a **public municipal** corporation or corporations under this chapter and all stock and other securities, including the interest or dividends issued by a lessor corporation, are exempt from all state, county, and other taxes, excluding the financial institutions tax and the inheritance taxes.

SECTION 60. IC 36-12-11-6, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. All library directors, library department or branch heads, and professional assistants, except those who are employed at school libraries, ~~or~~ libraries of educational institutions, **or other libraries as designated by the board**, must hold a certificate under section 7 of this chapter.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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