

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE ENROLLED ACT No. 1241

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 5-10-8-1, AS AMENDED BY P.L.233-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. The following definitions apply in this chapter:

(1) "Employee" means:

(A) an elected or appointed officer or official, or a full-time employee;

(B) if the individual is employed by a school corporation, a full-time or part-time employee;

(C) for a local unit public employer, a full-time or part-time employee or a person who provides personal services to the unit under contract during the contract period; or

(D) a senior judge appointed under IC 33-2-1-8;

whose services have continued without interruption at least thirty (30) days.

(2) "Group insurance" means any of the kinds of insurance fulfilling the definitions and requirements of group insurance contained in IC 27-1.

(3) "Insurance" means insurance upon or in relation to human life in all its forms, including life insurance, health insurance, disability insurance, accident insurance, hospitalization insurance, surgery insurance, medical insurance, and supplemental medical insurance.

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(4) "Local unit" includes a city, town, county, township, **public library**, or school corporation.

(5) "New traditional plan" means a self-insurance program established under section 7(b) of this chapter to provide health care coverage.

(6) "Public employer" means the state or a local unit, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of either, having a payroll in relation to persons it immediately employs, even if it is not a separate taxing unit.

(7) "Public employer" does not include a state educational institution (as defined under IC 20-12-0.5-1).

(8) "Retired employee" means:

(A) in the case of a public employer that participates in the public employees' retirement fund, a former employee who qualifies for a benefit under IC 5-10.3-8;

(B) in the case of a public employer that participates in the teachers' retirement fund under IC 21-6.1, a former employee who qualifies for a benefit under IC 21-6.1-5; and

(C) in the case of any other public employer, a former employee who meets the requirements established by the public employer for participation in a group insurance plan for retired employees.

(9) "Retirement date" means the date that the employee has chosen to receive retirement benefits from the employees' retirement fund.

SECTION 2. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. Except as provided by subsection (b), these reports shall be prepared, verified, and filed with the state examiner within thirty (30) days after the close of each fiscal year.

(b) ~~A municipal government~~ **The following** shall prepare, verify, and file the reports required under subsection (a) not later than sixty (60) days after the end of each year:

(1) A municipal government.

(2) A public library.

SECTION 3. IC 6-1.1-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. Each county board of tax adjustment, except the board for a consolidated city and county and for a county containing a second class city, shall hold its first

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meeting of each year on September ~~18~~ **22** or on the first business day after September ~~18~~; **22**, if September ~~18~~ **22** is not a business day. The board for a consolidated city and county and for a county containing a second class city shall hold its first meeting of each year on the first Wednesday following the adoption of city and county budget, tax rate, and tax levy ordinances. The board shall hold the first meeting at the office of the county auditor. At the first meeting of each year, the board shall elect a chairman and a vice-chairman. After the first meeting, the board shall continue to meet from day to day until its business is completed. However, the board must complete its duties on or before the date prescribed in IC 6-1.1-17-9(a). After the first meeting, the board may hold subsequent meetings at any convenient place.

SECTION 4. IC 20-14-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided in section 9.5 of this chapter, and** subject to section 10 of this chapter, seven (7) members of a library board shall be appointed as follows:

(1) One (1) member appointed by the executive of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the executives of the respective counties.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the fiscal bodies of the respective counties.

(3) Three (3) members appointed by the school board of the school corporation serving the library district. However, if there is more than one (1) school corporation serving the library district:

(A) two (2) members shall be appointed by the school board of the school corporation in which the principal offices of the public library are located; and

(B) one (1) member shall be appointed by a majority vote of the presidents of the school boards of the other school corporations.

(4) One (1) member appointed under section 5(1), 6(b)(1), 7(1), 8(1), or 9(1), of this chapter, as applicable.

(5) One (1) member appointed under section 5(2), 6(b)(2), 7(2), 8(2), or 9(2) of this chapter, as applicable.

SECTION 5. IC 20-14-2.5-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 9.5. (a) This section applies to the library board of a library district:**

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(1) located in a county having a population of more than forty-five thousand (45,000) but less than forty-seven thousand (47,000); and

(2) containing all or part of the territory of each school corporation in the county.

(b) Notwithstanding section 4 of this chapter, the library board has the following members:

(1) One (1) member appointed by the executive of the county in which the library district is located and who is not a member of the county executive.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located and who is not a member of the county fiscal body.

(3) One (1) member appointed by the legislative body of the most populous city in the library district and who is not a member of the city legislative body.

(4) One (1) member appointed by the school board of each school corporation having territory in the library district and who is not a member of a governing body of a school corporation.

(c) A person who is appointed under subsection (b) to serve as a member of a library board must before March 1 of each year report to the member's appointing authority concerning the work of the library board and finances of the library during the prior calendar year, including the rate of taxation determined under IC 20-14-3-10.

SECTION 6. IC 20-14-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) Subject to subsection (b), the term of a library board member is four (4) years. A member may continue to serve on a library board after his term has expired until his successor is qualified under section 13 of this chapter. The term of the member's successor is not extended by the time that has elapsed before the successor's appointment and qualification. If a member is appointed to fill a vacancy on a library board, his term is the unexpired term of the member being replaced.

(b) **Except for a library board whose membership is established under section 9.5 of this chapter**, for the purposes of establishing staggered terms for the members of a library board, the initial members shall serve the following terms:

(1) One (1) year for one (1) member appointed under section 4(1), 4(5), 10(b)(1), 10(b)(2), or 11(1) of this chapter.

(2) Two (2) years for one (1) member appointed under section

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4(3)(A), 4(4), 10(b)(3), 10(b)(4), or 11(2) of this chapter.

(3) Three (3) years for one (1) member appointed under section 4(2), 4(3)(A), 10(b)(4), 10(b)(5), or 11(1) of this chapter.

(4) Four (4) years for one (1) member appointed under section 4(3)(B), 10(b)(6), or 11(2) of this chapter.

(c) When an appointing authority appoints members to terms of different length under subsection (b), he shall designate which appointee serves each term.

SECTION 7. [EFFECTIVE JULY 1, 2000] (a) This SECTION applies to a library district subject to IC 20-14-2.5-9.5, as added by this act.

(b) This SECTION provides the procedure for the transition to a library board with membership appointed under IC 20-14-2.5-9.5, as added by this act.

(c) Notwithstanding IC 20-14-2.5-9.5, as added by this act, each member of the library board who was appointed before July 1, 2000, may continue to serve on the library board until the normal expiration of the member's term. However, upon the expiration of a member's term, the vacancy shall be filled by appointment as follows:

(1) When the term of a member appointed by the executive of a county expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(1), as added by this act.

(2) When the term of a member appointed by the fiscal body of a county expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(2), as added by this act.

(3) When the term of a member appointed by the executive of a municipality expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(3), as added by this act.

(4) When the term of a member appointed by the legislative body of a municipality expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(4), as added by this act, by the school board of the school corporation in the library district having the second greatest number of students in average daily membership (as defined in IC 21-3-1.6-1.1).

(5) When the term of the first of the three (3) members appointed by a school board expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(4), as added by this act, by the school board of the school corporation in the library district having the third greatest number of students in average daily membership (as defined in

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IC 21-3-1.6-1.1).

(6) When the term of the second of the three (3) members appointed by a school board expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(4), as added by this act, by the school board of the school corporation in the library district having the fourth greatest number of students in average daily membership (as defined in IC 21-3-1.6-1.1).

(7) When the term of the last of the three (3) members appointed by a school board expires, the vacancy shall be filled by appointment under IC 20-14-2.5-9.5(b)(4), as added by this act, by the school board of the school corporation in the library district having the greatest number of students in average daily membership (as defined in IC 21-3-1.6-1.1).

(d) This SECTION expires December 31, 2005.

SECTION 8. IC 20-14-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) The library board shall determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor, and the county auditor shall certify the tax rate to the county tax adjustment board in the manner provided in IC 6-1.1. An additional rate may be levied under section 8(5) of this chapter.

(b) If the library board fails to:

(1) give:

(A) a first published notice to its taxpayers of its proposed budget and tax levy for the ensuing year at least ~~twenty-one (21)~~ ten (10) days before the second Monday in September; public hearing required under IC 6-1.1-17-3; and

(B) a second published notice to its taxpayers of its proposed budget and tax levy for the ensuing year at least three (3) days before the public hearing required under IC 6-1.1-17-3; or

(2) finally adopt the budget and fix the tax levy at least two (2) days before the second Monday in September; not later than September 20;

then the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding annual tax levy is continued. In this case, the treasurer of the library board shall report the continued tax levy to the county auditor, ~~no not later than two (2) days before the second Monday in September.~~ **September 20.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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