

SENATE BILL No. 128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-12.

Synopsis: Library expansion referenda for unserved areas. Provides that in each county in which part but not all of the county's territory is served by a library district, a binding public question shall be placed on the ballot at the 2014 general election to determine whether library services should be extended to all areas of the county according to a plan and map developed by the county's public library services planning committee (committee). Establishes a committee in each county in which part but not all of the county's territory is served by a library district. Specifies the membership, powers, and duties of a committee. Requires a committee to develop a library services plan that is designed to extend library services to all unserved areas of the county. Specifies that if the public question is approved, the expansion of library services into unserved areas takes effect on January 1 of the second year following the year in which the public question is approved.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 128



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-12-1-5, AS ADDED BY P.L.1-2005, SECTION
2 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2013]: Sec. 5. "Public library" means a municipal corporation that:
4 (1) provides library services; and
5 (2) is organized under:
6 (A) IC 36-12-2;
7 (B) IC 36-12-4;
8 (C) IC 36-12-5;
9 **(D) IC 36-12-5.1;**
10 ~~(E)~~ **(E)** IC 36-12-6; or
11 ~~(F)~~ **(F)** IC 36-12-7.
12 SECTION 2. IC 36-12-5.1 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]:
15 **Chapter 5.1. Expansion of Library Services Into Unserved**
16 **Areas Upon Approval of a Public Question**
17 **Sec. 1. This chapter contains full and complete authority for the**



1 expansion of library services into unserved areas under a plan
2 adopted in accordance with this chapter.

3 Sec. 2. Except as otherwise specifically provided by law, to the
4 extent the provisions of this chapter are inconsistent with the
5 provisions of any other general, special, or local law, the provisions
6 of this chapter are controlling, and compliance with this chapter
7 shall be treated as compliance with the conflicting law.

8 Sec. 3. As used in this chapter, "committee" refers to a public
9 library services planning committee established by section 7 of this
10 chapter or under section 16(b)(2) of this chapter.

11 Sec. 4. As used in this chapter, "plan" refers to a library
12 services plan developed by a committee under this chapter.

13 Sec. 5. (a) This section applies to each county in which part but
14 not all of the county's territory is served by one (1) or more library
15 districts.

16 (b) The county election board shall place a local public question
17 on the ballot at the 2014 general election. The local public question
18 shall be placed on the ballot only in the areas of the county that are
19 not served by a library district. The local public question must ask
20 voters in the areas of the county that are not served by a library
21 district whether library services shall be extended to all unserved
22 areas in the county according to a plan developed by the county's
23 committee under this chapter. The local public question must read
24 as follows:

25 "Shall library districts be extended to all unserved areas of
26 the county according to the published and approved plan and
27 map developed by the Public Library Services Planning
28 Committee?".

29 (c) A local public question under this section shall be placed on
30 the ballot in accordance with IC 3-10-9. IC 3 applies to the local
31 public question placed on the ballot under this section to the extent
32 IC 3 is not inconsistent with this section.

33 (d) The county election board shall tabulate the results of the
34 local public question and certify the results to the legislative body
35 of the county.

36 (e) The clerk of the circuit court shall certify the results of the
37 local public question to the following:

- 38 (1) Each library district in the county.
- 39 (2) The county's committee established by section 7 of this
40 chapter or under section 16(b)(2) of this chapter.
- 41 (3) The Indiana state library.

42 Sec. 6. (a) If more votes are cast in favor of than against the

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1 local public question under section 5 of this chapter by voters in the
 2 areas of the county that are not served by a library district, library
 3 services shall be extended throughout the county according to the
 4 plan developed by the county's committee under this chapter. The
 5 expansion of library services into unserved areas takes effect on
 6 January 1 of the second year following the year in which the local
 7 public question is approved.

8 (b) If more votes are cast against than in favor of the local
 9 public question under section 5 of this chapter by voters in the
 10 areas of the county that are not served by a library district:

11 (1) no changes may be made to library districts in the county
 12 under this chapter; and

13 (2) another local public question under this chapter
 14 concerning the expansion of library services into unserved
 15 areas of the county may not be placed on the ballot before the
 16 second general election following the election at which the
 17 local public question was defeated.

18 Sec. 7. (a) A public library services planning committee is
 19 established in each county in which part but not all of the county's
 20 territory is served by one (1) or more library districts.

21 (b) The committee consists of the following members:

22 (1) The library board of each library district in the county
 23 shall appoint two (2) members.

24 (2) The trustee of each township in the county containing
 25 territory not served by a library district shall serve as a
 26 member.

27 (3) The superintendent of each school corporation in the
 28 county (or the superintendent's designee) shall serve as a
 29 member.

30 (4) The executive of each municipality located within a library
 31 district in the county (or the executive's designee) shall serve
 32 as a member.

33 (5) The president of the board of county commissioners (or
 34 the president's designee) shall serve as a member.

35 (6) The president of the county council (or the president's
 36 designee) shall serve as a member.

37 Sec. 8. (a) The first meeting of the committee shall be convened
 38 by the president of the county council or the president's designee.

39 (b) The committee shall select a chairperson from among its
 40 members at the committee's first meeting.

41 (c) A majority of the committee members constitutes a quorum.
 42 An affirmative vote of a majority of the members appointed to the

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1 committee is required for the committee to take action.

2 Sec. 9. (a) Appointed members of the committee serve at the
3 pleasure of the appointing authority. An appointed member who
4 ceases to be a resident of the county may not continue to serve on
5 the committee. An individual serving under section 7(b)(2) through
6 7(b)(6) of this chapter who no longer holds the office that the
7 individual held when the individual became a member of the
8 committee may not continue to serve on the committee.

9 (b) The members of a committee serve without compensation.

10 (c) A committee is subject to IC 5-14-1.5 (open door law) and
11 IC 5-14-3 (public records law).

12 Sec. 10. (a) A committee may do the following:

13 (1) Adopt procedures governing the internal management of
14 the committee.

15 (2) Subject to section 12 of this chapter, conduct public
16 hearings on the plan as the committee determines necessary
17 or appropriate.

18 (3) Review the financial records of any public library within
19 the county.

20 (b) A committee shall develop a library services plan that is
21 designed to extend library services to all unserved areas of the
22 county.

23 Sec. 11. (a) In developing a plan, a committee shall specify the
24 following:

25 (1) A general description of the public library districts and
26 service areas of the county.

27 (2) The library district that shall be extended into each
28 unserved area.

29 (b) A plan must be supported by the following:

30 (1) A summary statement of data showing the:

31 (A) assessed valuation of each proposed library district;

32 (B) population within each proposed library district; and

33 (C) property tax rates and levies of each proposed library
34 district.

35 (2) A map of each proposed library district.

36 Sec. 12. (a) When a committee has prepared its plan, the
37 committee shall fix dates and places for one (1) or more public
38 hearings on the plan and give notice of the hearings to the residents
39 of the county. The committee may hold more than one (1) hearing.
40 The chairperson of the committee shall give notice of a hearing by
41 publication:

42 (1) at least one (1) time in one (1) newspaper of general

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1 circulation published in the county; and
 2 (2) if there is another newspaper having a general circulation
 3 in the two (2) municipalities with the largest population in the
 4 county, at least one (1) time in that newspaper;
 5 at least ten (10) days but not more than thirty (30) days before the
 6 date of the hearing.

7 (b) At a hearing under subsection (a):

- 8 (1) the committee shall explain the proposed plan; and
 9 (2) any resident of the county may be heard with reference to:
 10 (A) the proposed plan; or
 11 (B) an alternative plan.

12 Sec. 13. (a) A committee shall consider any suggestions made in
 13 a public hearing under section 12 of this chapter and shall make
 14 any revisions or modifications in the committee's plan the
 15 committee considers necessary.

16 (b) If a committee makes any revisions or modifications in the
 17 committee's plan, the committee shall publish a summary of the
 18 revisions or modifications two (2) times. The first publication must
 19 be made at least ten (10) days before the date of the election on the
 20 local public question, and the second publication must be made
 21 seven (7) days after the first publication under this subsection.

22 Sec. 14. A committee shall post a copy of the committee's plan
 23 on an Internet web site.

24 Sec. 15. The defeat of a local public question under this chapter
 25 does not affect the authority of a library district to expand under
 26 IC 36-12-5 or under any other statute authorizing expansion of
 27 library services.

28 Sec. 16. (a) The following apply if a local public question is
 29 approved under this chapter in a county:

- 30 (1) The county's committee:
 31 (A) continues in existence until the expansion of library
 32 services into the unserved area takes effect under section
 33 6 of this chapter; and
 34 (B) shall assist in any planning necessary to carry out the
 35 expansion of library services into the unserved area.
 36 (2) Notwithstanding any other law, when the expansion of
 37 library services into the unserved area takes effect under
 38 section 6 of this chapter, the next appointment that is eligible
 39 to be made to the library board by a school board of a school
 40 corporation serving the library district shall be made by:
 41 (A) except as provided in clause (B), the school board of
 42 the school corporation serving the formerly unserved area

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1 **in the county; or**
2 **(B) if there is more than one (1) school corporation serving**
3 **the formerly unserved area in the county, the school**
4 **corporation that has the greatest population in the**
5 **formerly unserved area in the county.**
6 **An individual appointed under this subdivision must reside in**
7 **an area formerly unserved by the library district.**
8 **(b) The following apply if a local public question is defeated**
9 **under this chapter in a county:**
10 **(1) The county's committee is abolished on the day following**
11 **the election at which the local public question is defeated.**
12 **(2) The county legislative body may establish a new committee**
13 **under this chapter, with membership as provided in section 7**
14 **of this chapter.**
15 **(3) If a new committee is established under subdivision (2):**
16 **(A) the committee shall develop a plan as specified in this**
17 **chapter; and**
18 **(B) a local public question concerning the expansion of**
19 **library services into unserved areas of the county shall be**
20 **placed on the ballot as provided in this chapter. However,**
21 **a local public question concerning the expansion of library**
22 **services into unserved areas of the county may not be**
23 **placed on the ballot before the second general election**
24 **following the election at which the previous local public**
25 **question was defeated.**
26 **Sec. 17. The department of local government finance shall**
27 **adjust maximum permissible ad valorem tax levies, tax rates, and**
28 **budgets of political subdivisions as necessary to account for**
29 **implementation of a plan.**

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