

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 410

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 6-1.1-17-20.3, AS AMENDED BY P.L.252-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20.3. (a) Except as provided in section 20.4 of this chapter, this section applies only to the governing body of a public library that:

- (1) is not comprised of a majority of officials who are elected to serve on the governing body; and
- (2) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:
 - (A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus
 - (B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

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(1) the assessed valuation of a public ~~library~~ **library's territory** is entirely contained within a city or town; or

(2) the assessed valuation of a public ~~library~~ **library's territory** is not entirely contained within a city or town but **more than fifty percent (50%) of the assessed valuation of the public library was originally established by the city or town; library's territory is contained within the city or town;**

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply **or the public library's territory covers more than one (1) county**, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 2. IC 6-1.1-17-20.4, AS ADDED BY P.L.252-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20.4. (a) This section applies only if a **public library's cash on hand plus its expected revenues on December 31, as reported in the public library's annual report under IC 5-11-1-4, the cash balance of all funds of the public library derived from tax**

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revenue is greater than one hundred fifty percent (150%) of the public library's **proposed certified budget for the ensuing year.**

(b) As used in this section, "cash on hand" refers to the public library's cash and investments balance in nondebt funds as of the date the public library proposes a budget for the following budget year. The term does not include cash derived from gifts, bequests, or philanthropic funds.

(c) As used in this section, "expected revenues" refers to the total of a public library's expected revenues in the public library's nondebt funds in the following budget year.

(d) **(b) Notwithstanding** If section 20.3(a)(2) of this chapter **does not apply**, the fiscal body of a city, town, or county **that established a public library described in section 20.3(a)(1) of this chapter** may adopt a resolution to require the public library to submit its proposed budget and property tax levy to the city, town, or county fiscal body as set forth in section 20.3(c) or 20.3(d) of this chapter (whichever is applicable) for binding review and approval as set forth under section 20.3 of this chapter. However, the fiscal body of the city, town, or county may not reduce a public library's proposed budget or tax levy in a budget year under this section by more than ten percent (10%) of the public library's operating levy in the immediately preceding budget year.

(e) **(c)** A resolution may be adopted under this section not later than July 1. A resolution adopted under this section remains in full force and effect until ~~repealed by the fiscal body.~~ **the December 31 cash balance of all funds of the public library derived from tax revenue, as reported in the public library's annual report under IC 5-11-1-4, no longer exceed one hundred fifty percent (150%) of the public library's certified budget for the ensuing year.**

(f) **(d)** Before a fiscal body may adopt a resolution under this section, the fiscal body must hold a public hearing on the proposed resolution and provide the public with notice of the time and place where the public hearing will be held. The notice required by this subsection must be given in accordance with IC 5-3-1 and include the proposed resolution. In addition to the notice required by this subsection, the fiscal body shall also provide a copy of the notice to all taxing units in the city, town, or county at least thirty (30) days before the public hearing.

(g) **(e)** A resolution adopted by a fiscal body under this section shall be submitted to:

- (1) the department of local government finance; and
- (2) the public library;

not later than five (5) days after the date the resolution is adopted.

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SECTION 3. IC 6-1.1-17-20.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 20.6. (a) Each public library shall identify the applicable city, town, or county fiscal body that receives a public library's proposed budget as provided in section 20.3(c) or 20.3(d) of this chapter.**

(b) Not later than October 1, 2020, a public library shall report the applicable city, town, or county fiscal body identified under subsection (a) to the Indiana state library. The report submitted to the state library must contain:

- (1) the name of the public library;**
- (2) the appropriate fiscal body of a city, town, or county to review a library budget under section 20.3(c) or 20.3(d) of this chapter; and**
- (3) after adoption by the respective board, the signatures of the public library board president and the appropriate fiscal body president.**

The Indiana state library shall provide the information submitted to the Indiana state library under this subsection to the department of local government finance by not later than November 1, 2020.

(c) If a fiscal body, other than the fiscal body identified by the public library under subsection (a), objects to the public library's determination under subsection (a), the objecting fiscal body may submit a formal objection to:

- (1) the Indiana state library;**
- (2) the public library; and**
- (3) the fiscal body identified under subsection (a) by the public library.**

(d) If a public library:

- (1) is unable to identify the applicable fiscal body under subsection (a);**
- (2) does not complete the reporting requirements established in subsection (b); or**
- (3) has a formal objection filed under subsection (c) against the public library's fiscal body designation under subsection (a);**

the public library shall file an original action seeking a declaratory judgment in a court with jurisdiction to identify the appropriate fiscal body. The public library shall file a copy of the declaratory judgment with the Indiana state library within thirty (30) days of the court's entry of judgment.

(e) The Indiana state library shall provide the information



submitted to the Indiana state library under subsection (b) to the department of local government finance by not later than November 1, 2020.

(f) If there is a change in the territory of the public library:

- (1) the public library shall submit a report under subsection (b) to the Indiana state library not later than October 1; and**
- (2) the Indiana state library shall report the information under subsection (b) to the department of local government finance not later than November 1;**

in the year the change in territory becomes effective. Subsections (c) and (d) apply to the public library and to any fiscal body that objects to the public library's designation under subsection (a).

SECTION 4. IC 10-13-3-16, AS AMENDED BY P.L.197-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes the following:

- (1) A business or an organization that licenses or certifies others to provide care or care placement services.
- (2) A home health agency licensed under IC 16-27-1.
- (3) A personal services agency licensed under IC 16-27-4.

(4) A public library (as defined in IC 36-12-1-5).

SECTION 5. IC 36-12-1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. **A public library shall adopt a policy, not later than December 31, 2020, regarding conducting criminal history checks for individuals who are more than eighteen (18) years of age and who:**

- (1) apply to the public library for employment or volunteer work; or**
- (2) are employed by the public library or perform volunteer work for the public library.**

SECTION 6. IC 36-12-2-25, AS AMENDED BY P.L.42-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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;

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- (B) 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) individuals who are not residents of the library district.
- (c) Except as provided in subsection (e), a library board must set and charge a fee for a local library card issued under subsection (b)(2).
- (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 child receiving foster care services;**
 - ~~(2)~~ **(3)** a library employee of the district; or
 - ~~(3)~~ **(4)** 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) or (e) may be valid for a maximum of one (1) year after issuance. A card issued under subsection (b)(2) 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 7. IC 36-12-7-3, AS AMENDED BY P.L.42-2018, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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:

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- (A) loss of;
 - (B) 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) individuals who are not residents of the library district.
- (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). 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;
 - (2) a child receiving foster care services;**
 - ~~(2)~~ **(3)** a library employee of the district; or
 - ~~(3)~~ **(4)** 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) or (d) expires one (1) year after issuance of the card.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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