

## **IC 36-12-5**

### **Chapter 5. Expansion of Class 1 Public Libraries**

#### **IC 36-12-5-1**

##### **Application of chapter**

Sec. 1. (a) Sections 2, 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 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.

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.26.*

#### **IC 36-12-5-2**

##### **Proposal of expansion; filing**

Sec. 2. (a) The library board of a public library may file a proposed expansion with the township trustee and legislative body of the township. The proposal must state that the public library seeks to combine with 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 expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.27.*

#### **IC 36-12-5-3**

##### **Proposal of expansion; intent to file petition for acceptance; notice; petition or remonstrance; procedure; affidavit; duties of clerk of circuit court**

Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1 in a newspaper of general circulation in the township. 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 may sign one (1) or both of the following:

- (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.
- (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.

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

(c) The following apply to a petition 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.

(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) 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 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.

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.

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.28; P.L.13-2013, SEC.156.*

#### **IC 36-12-5-4**

##### **Comparison of petition and remonstrance; acceptance or rejection of expansion**

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 unsuccessful petition.

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-5**

##### **Proposal of expansion; filing**

Sec. 5. (a) The library board of a public library may file a proposed expansion with the legislative body of the county. The proposal must state that the public library seeks to combine with 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 expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.29.*

#### **IC 36-12-5-6**

##### **Proposal of expansion; intent to file petition for acceptance; notice; petition or remonstrance**

Sec. 6. (a) The library board of a public library may file with the legislative body of a county a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the intent is filed, 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. 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 township or an affected part of a township subject to the expansion may sign one (1) or both of the following:

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

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

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.30; P.L.13-2013, SEC.157.*

#### **IC 36-12-5-7**

#### **Petition or remonstrance; procedure; affidavit; duties of clerk of circuit court**

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:
  - (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.

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-8**

##### **Duties of clerk of circuit court; record of certification**

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

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-9**

##### **Remonstrance; filing**

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.

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-10**

##### **Comparison of petition and remonstrance; acceptance or rejection of expansion**

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.

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-11**

##### **Filing copy of resolution establishing expanded district**

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.

*As added by P.L.1-2005, SEC.49.*

#### **IC 36-12-5-12**

##### **Library board; appointments from townships; expiration of prior term**

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 appointments made to the library board by the county commissioners or the county council must be from one (1) of the townships.

(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 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.

*As added by P.L.1-2005, SEC.49.*