Dear Senator Wise:

This is in response to your request for my Official Opinion in which you ask specifically:

Does the Act (Chapter 376, Acts of 1969) removing maximum interest rate limitations on bonds issued apply to public libraries in the State of Indiana?

ANALYSIS

That statute, Acts of 1969, Ch. 376, Sec. 1, entitled: “An act to remove maximum interest rate limitations on bonds issued by municipal, governmental, public, quasi-public, and private agencies, subdivisions, units, districts, commissions, authorities, institutions, firms, or corporations” as found in Burns’ (1970 Supp.), Section 64-1922, provides as follows:

“All bonds, notes and other written obligations hereafter issued by or in the name of any county, township, city, incorporated town, school corporation, or any other political, municipal, public or quasi-public corporation * * * and all bonds, notes and other written obligations hereafter issued to refund outstanding bonds, notes and other written obligations heretofore issued by or in the name of any of the foregoing, may be issued without regard to any maximum interest rate limitation in any existing act of the general assembly.”

In the first instance, the above statute states specifically that its provisions apply “without regard to any maximum interest rate limitation in any existing act of the general assembly.”

Secondly, Acts of 1967, Ch. 47, Sec. 5 as found in Burns’ (1970 Supp.), Section 41-1205 states that:
1970 O. A. G.

"The library services authority herein created shall be a municipal corporation, and any power or powers, privileges or authority exercised or capable of being exercised and employed by such library services authority established under this act."

The above statute, and the case of Datisman, etc. v. Gary Public Library (1960), 241 Ind. 83, 170 N. E. (2d) 55, as well as Burns' Sections 41-903 and 905, indicate that library districts are municipal corporations. Thus, public libraries are clearly within the enumerated bodies contemplated by the general assembly to be affected by the provisions of Acts of 1969, Ch. 376.

CONCLUSION

It is, therefore, my opinion that Burns' Section 64-1922, supra, removing the interest rate limitation on bonds issued, does apply to public libraries in the State of Indiana.