

**IC 36-12**

**ARTICLE 12. LIBRARIES**

**IC 36-12-1**

**Chapter 1. Definitions and General Provisions**

**IC 36-12-1-1**

**Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.  
*As added by P.L.1-2005, SEC.49.*

**IC 36-12-1-2**

**"Indiana library and historical board"**

Sec. 2. "Indiana library and historical board" refers to the Indiana library and historical board established by IC 4-23-7-2.  
*As added by P.L.1-2005, SEC.49.*

**IC 36-12-1-3**

**"Library board"**

Sec. 3. "Library board" means the fiscal and administrative body of a public library.  
*As added by P.L.1-2005, SEC.49.*

**IC 36-12-1-4**

**"Library district"**

Sec. 4. "Library district" means the territory within the corporate boundaries of a public library.  
*As added by P.L.1-2005, SEC.49.*

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

**"Public library"**

Sec. 5. "Public library" means a municipal corporation that:

- (1) provides library services; and
- (2) is organized under:
  - (A) IC 36-12-2;
  - (B) IC 36-12-4;
  - (C) IC 36-12-5;
  - (D) IC 36-12-6; or
  - (E) IC 36-12-7.

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

**IC 36-12-1-6**

**"School board"**

Sec. 6. "School board" means the governing body as set forth in IC 20-18-2-5.  
*As added by P.L.1-2005, SEC.49.*

**IC 36-12-1-7**

**"School corporation"**

Sec. 7. "School corporation" has the meaning set forth in

IC 20-33-5-1.

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

### **IC 36-12-1-8**

#### **Policy; services**

Sec. 8. (a) The state shall encourage the establishment, maintenance, and development of public libraries throughout Indiana as part of the provision for public education of Indiana.

(b) Public libraries provide free library services in order to meet the educational, informational, and recreational interests and needs of the public.

(c) Library services include:

- (1) collecting and organizing books and other library materials; and
- (2) providing reference, loan, and related services to library patrons.

(d) Library services are provided by public libraries supported by public funds.

*As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.19.*

### **IC 36-12-1-9**

#### **Classification of public libraries**

Sec. 9. Public libraries are classified as either:

(1) Class 1 libraries, which comprise:

- (A) all public libraries established after March 13, 1947; and
- (B) all public libraries established before March 14, 1947, that have filed a resolution of conversion under section 10 of this chapter; or

(2) Class 2 public libraries, which comprise all public libraries established before March 14, 1947, that have not filed a resolution of conversion under section 10 of this chapter.

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

### **IC 36-12-1-10**

#### **Conversion of Class 2 library to Class 1 library; procedure; appointment of library board; tax levies**

Sec. 10. (a) A Class 2 library may convert to Class 1 status if the Class 2 library board passes the following resolution of conversion:

" \_\_\_\_\_ Public Library, by action of its library board, resolves to convert to a Class 1 library district subject to IC 36-12-2."

(b) The resolution of conversion:

- (1) must describe the territory included in the library district; and
- (2) is irrevocable.

(c) The resolution of conversion must be signed by a majority of library board members. Not later than five (5) days after approving the resolution of conversion, the library board shall file a copy of the resolution of conversion:

- (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.

(d) The library board shall give notice of the resolution of conversion to all officials who have appointive powers under IC 36-12-2.

(e) The officials under subsection (d) shall appoint a library board for the public library. Members of the old library board shall continue to serve as library board members until:

(1) a majority of the new library board has been appointed; and

(2) the new appointees have taken an oath of office to serve on the library board.

(f) Upon the:

(1) filing of the resolution of conversion;

(2) appointments under IC 36-12-2; and

(3) oath of office of the new library board under IC 36-12-2-19; any current tax levies continue under authority granted to the Class 2 library until the next succeeding calendar year, at which time the tax provisions for Class 1 libraries under IC 36-12-3-12 apply.

(g) The obligation of a political subdivision to levy and collect taxes for library purposes remains effective after the conversion.

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

#### **IC 36-12-1-11**

##### **Class 2 libraries; operation under IC 36-12-7; election to adopt other provisions**

Sec. 11. (a) Class 2 libraries shall operate under the applicable provisions of IC 36-12-7.

(b) The library boards of Class 2 libraries may elect to adopt:

(1) IC 36-12-2-22;

(2) IC 36-12-2-24;

(3) IC 36-12-2-25; and

(4) IC 36-12-3.

(c) Class 2 libraries that elect only the sections set forth in subsection (b) retain the status of Class 2 libraries.

(d) The library board of the Class 2 libraries that elect only the sections set forth in subsection (b) shall file with the Indiana state library a copy of the part of the library board's minutes showing passage of the board's resolution to elect:

(1) IC 36-12-2-22;

(2) IC 36-12-2-24;

(3) IC 36-12-2-25; and

(4) IC 36-12-3.

(e) The election of IC 36-12-2-22, IC 36-12-2-24, IC 36-12-2-25, and IC 36-12-3 is irrevocable.

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

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

##### **Policy for Internet or other computer network use**

Sec. 12. (a) This section applies to a board of a public library that allows library patrons to use library software to access the Internet or

other computer network.

(b) As used in this section, "computer network" has the meaning set forth in IC 35-43-2-3.

(c) The board of a public library shall adopt a policy concerning the appropriate use of the Internet or other computer network by library patrons in all areas of the library.

(d) The board shall make the policy adopted under subsection (c) readily available to all library patrons.

(e) The board of a public library shall annually review the policy adopted under subsection (c).

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

### **IC 36-12-1-13**

#### **Township trustees of certain counties paying cost of resident's library card**

Sec. 13. A township trustee of a township that is:

(1) located in a county having a population of more than thirty-four thousand three hundred (34,300) but less than thirty-five thousand (35,000); and

(2) not served by a public library;

may pay the cost of a library card at the nearest library for a resident of the township upon request of the resident.

*As added by P.L.1-2005, SEC.49. Amended by P.L.119-2012, SEC.247.*