



Chapter 3

Indiana Library Laws and

Other Laws Affecting Libraries

Indiana public libraries must follow all applicable state and federal laws.

Indiana public libraries are municipal corporations (units of local government) per IC 36-12-1-5 and political subdivisions per IC 36-1-2-13. The **Indiana Code (IC)** has a chapter dedicated to Indiana public libraries, [IC 36-12](#). This is commonly referred to as the “**Library Law**”. Indiana public library directors, staff, and trustees need to be very familiar with this section of the Indiana Code.

Public library directors, staff, and trustees should also be familiar with the [Indiana Administrative Code 590 \(IAC\) 3, 5, and 6](#). Title 590 of the Indiana Administrative Code consists of the administrative rules that Indiana public libraries must follow, including the Public Library Access Card (PLAC), certification, and public library standards. These rules are covered in other chapters in this manual and so will not be covered here.

There are other provisions in Indiana law and the Indiana administrative code that apply to both public libraries and other Indiana political subdivisions generally. These laws include, but are not limited to the following:

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|----------------------------------|---------------------------------------|
| • public purchasing | • Open Door law |
| • public works | • Access to Public Records Act |
| • real property | • taxing |
| • building and fire codes | • budgeting |
| • financial provisions | • employment |

In addition to Indiana law, there are **federal laws** that must be followed, such as:

<u>Family and Medical Leave Act:</u>	Provides for unpaid, job protected medical leave for eligible employees of covered employers so the employees can attend to their own medical needs or the medical needs of a family member
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Americans with Disabilities Act: Protects the rights of the public to have equal access to the public facilities and programs; also protects workers with disabilities from job discrimination

Fair Labor Standards Act: Establishes minimum wage, overtime pay, recordkeeping, and youth employment standards

Equal Employment Opportunity Act: Protects job applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the bases of race, color, religion, sex, national origin

U.S . Copyright Act: Includes important information for libraries and others regarding displaying, distributing, and copying copyright protected work

When there is a legal question concerning the laws the library must follow, your library attorney should be contacted. State Board of Accounts will accept the opinion of your library attorney when that opinion is in writing from the attorney and not in direct conflict with the law.

The Indiana State Library also has an attorney to interpret Indiana law as it relates to libraries. However, each library may still want to have and use their own attorney for the final word on legal issues.

Financial questions can be directed to State Board of Accounts (SBOA) at libraries@sboa.in.gov. Tax and Budgeting questions can be directed to your local Department of Local Government Finance (DLGF) representative.

Indiana Library Laws [IC 36-12](#)

[Chapter 1: General Provisions](#)

IC 36-12-1 is where you will find the definition of terms related to libraries as used in the library laws. Chapter 1 is where you will find the definition of library services and information about classification of public libraries. Under Indiana law, public libraries are classified as either a class 1 or class 2 library. Most public libraries in Indiana are class 1, there are only a few that are class 2. This classification in the law is not to be confused with the three classifications of libraries found in the administrative rules under which there are class A, B, and C libraries. So, each library will be either a class 1 or 2 library for the purpose of Indiana law AND a class A, B, or C library for the purpose of the rules (the public library standards found in [590 IAC 6](#)).

The instructions for converting from a class 2 to a class 1 library are found in this chapter as is also the requirement for an internet policy and policy for conducting criminal history checks for library employees and volunteers.

This chapter also includes permission for township trustees in certain counties to pay for the cost of their residents' library cards.

[Chapter 2: Public Library Organization & Board Members](#)

IC 36-12-2 sets out how to create a new library district as well as the requirements for establishing and changing library district boundaries (via annexation or territory transfers).

Chapter 2 also sets out various requirements related to the library board including:

- how library board appointments are made, including the process for making board appointments;
- who makes the library board appointments; the appointing authorities differ based on the library's territory;
- how board terms are computed and the limitation on consecutive terms;
- the prohibition for compensating board members other than the treasurer;
- information and requirements specific to the board treasurer;
- the process by which board members can be removed, which can occur only for cause after a public hearing by the appointing authority;
- the requirement for monthly board meetings;

- the requirement for the board to elect a president, vice president, Secretary, and any other board officers as required by the board bylaws; and
- the board's responsibility to choose a director as well as the board's responsibility for hiring and firing staff in general.

Permission to reimburse employees for interviewing and moving expenses is also found in Chapter 2 as well as authority for libraries to offer severance pay.

The rules related to library cards and dissolution of the library district are also found in chapter 2.

[Chapter 3: Powers and Duties of Class 1 Libraries](#)

IC 36-12-3 includes the requirement of Class 1 libraries to participate in the statewide library card program known as PLAC (See [590 IAC 3](#) for the rules related to the PLAC program). Chapter 3 also authorizes reciprocal borrowing agreements between libraries.

General authority of the board is described in this chapter including the authority to:

- establish branches and museums;
- manage, acquire and dispose of personal and real property;
- purchase and loan books and disseminate information;
- engage in contracts for library services;
- issue bonds;
- levy taxes including determining a tax rate;
- establish funds and appropriate money;
- reimburse board members for certain expenses;
- pay for membership in library associations (like Indiana library Federation and American Library Federation);
- authorize disbursements;
- utilize electronic funds transfers; and
- engage in certain actions related to collections and claims.

[Chapter 4: Library Mergers](#)

IC 36-12-4 Sets out the required procedures for library mergers. When two or more libraries are considering a merger, they should review this chapter to be sure they understand the process.

[Chapter 5: Library Expansion](#)

IC 36-12-5 describes the process for library expansion. When a library wants to incorporate additional land into their tax base but does not qualify to annex the land under [IC 36-12-2-3](#) and isn't assuming land from another library district under [IC 36-12-2-4](#), this chapter describes the process that must be used.

[Chapter 6: County Contractual Libraries](#)

IC 36-12-6 contains information specific to the few libraries in Indiana that are county contractual libraries.

[Chapter 7: Class 2 Public Libraries](#)

IC 36-12-7 contains information specific to the few libraries in Indiana that are class 2 public libraries.

Chapter 8, 8.5 and 9 have been repealed

[Chapter 10: Leasing of Library Property](#)

IC 36-12-10 describes the authority and process by which library boards may lease real property to be used by the library for the purpose of providing library services.

[Chapter 11: Library Certification](#)

IC 36-12-11 provides authority for the Indiana Library and Historical Board to promulgate rules related to certifying librarians. The rules regulating Indiana librarian certification are found in [590 IAC 5](#).

[Chapter 12: Library Capital Projects Fund](#)

IC 36-12-12 authorizes libraries to establish a capital projects fund and establishes some basic rules for such a fund.

[Chapter 13: Interstate Library Compact](#)

IC 36-12-13 applies to Indiana and any state bordering Indiana that joins in the interstate library compact. The chapter authorizes agreements between states for the provision of library services.

Chapter 14 is repealed

[Chapter 15: Free Public Use of School Libraries](#)

IC 36-12-15 authorizes cities and towns to establish a free public library in connection with the school system(s) in cities and towns where there is no established library open to all the people of the city or town.

Indiana Open Door Law ([IC 5-14-1.5](#))

The Open Door Law (“ODL”), originally passed by the Indiana General Assembly in 1977, was enacted to permit the citizens of Indiana access to meetings held by public agencies. By providing the public with an opportunity to attend and observe meetings, the public may witness government in action and more fully participate in the governmental process. Because public libraries are taxpayer funded entities, it is important to keep public library business as transparent as possible to our funders.

Indiana Access to Public Records Act ([IC 5-14-3](#))

The Access to Public Records Act (“APRA”), originally passed by the Indiana General Assembly in 1983, was enacted to permit the citizens of Indiana broad and easy access to public records. By providing the public with the opportunity to review and copy public records, the APRA gives individuals the opportunity to obtain information relating to their government and to more fully participate in the governmental process. Again, transparency is the goal as public agencies are accountable to the taxpayers that fund them.

The [Handbook on Indiana’s Public Access Laws](#) sets forth the basic elements of the Open Door Law and the Access to Public Records Act and also provides answers to commonly asked questions. In order to find answers to more specific questions, please consult the provisions of the Indiana Code.

The State has a **Public Access Counselor** who is available to answer questions about the Open Door Law.

[Office of the
Public Access Counselor](#)

W470, Indiana Government Center South
402 West Washington Street
Indianapolis, IN 46204
317-234-0906
800-228-6013
Fax 317-233-3091

Past advisory opinions can also be found on the web at <https://www.in.gov/pac/advisory/>