

Informational Legal Memo



TO: Indiana Public Libraries
FROM: Indiana State Library
RE: HB 1412 - Libraries
DATE: March 9, 2018

Dear Library Directors and Trustees,

You may have heard that [HEA 1412](#) (which was passed by the General Assembly in the 2018 legislative session and recently signed by the Governor) made some changes to the library laws. Most of the changes were clean up/technical modifications. However, there were a few substantive changes. This memo outlines the substantive changes made by HEA 1412 that would impact public libraries. These provisions in this bill take effect July 1, 2018.

36-12-2-5 Creating a Brand New Library District	Language is updated to clarify the two processes by which a new library district may be created. As it was written, the timelines didn't make sense and it was not clear when the clerk of the circuit court should get the original petition if a library was created by the petition process, as that is not provided for in the current law. Additionally, where possible, language has been changed to match the petition process in the IC 36-12-5.
36-12-2-25 Library Cards	Incorporates a change which would allow (but not require) libraries to sell non-resident cards to individuals from other states without going through the process of getting an interstate compact agreement in place with a library across the border. This is a discretionary provision, as always, it is up to the local library to set the policy.
36-12-5 Library Expansion	Clarification is provided in terms of who is eligible to sign a remonstrance or a petition – taxpayers in the area into which the library is expanding. This is consistent with the intent of the law. The language is clearer now. Additionally, certain language will be required to appear on each page of a petition or remonstrance where signatures are affixed so people know what they are signing if they are not signing the first page of a petition or remonstrance. This is similar to a petition in a municipal annexation.
36-12-7-3 Library Cards for Class 2 Libraries	Language is amended to make the library card laws for class 2 libraries the same as the library card laws for class 1 libraries.
36-12-7-9 Dissolving a Class 2 Public Library	Adds language stating that if there is a process for dissolving a class 2 public library stated in the library's charter, that process pre-empts the dissolution process provided by the law. Class 2 libraries were created in non-traditional ways, such as through a will or other means. It is appropriate to defer to the founding documents when such documents proscribe how a particular class 2 library may be dissolved.
36-12-10 Leasing of Library Property	Language has been amended to reflect the possibility that there may not be a landowner who lives in the district of the municipal corporation who is qualified to do appraisals. The language has also been updated to reflect the possibility that the appraisers may come up with different valuations for the property.

In addition to the library law changes, this bill merges the Indiana Historical Bureau into the Indiana State Library so that rather than being a separate agency, the Indiana Historical Bureau will now be a division of the State Library.

A longer report of other legislation passed during this legislative session will be distributed later this spring.