



April 8, 2011

**ENGROSSED
SENATE BILL No. 201**

DIGEST OF SB 201 (Updated April 7, 2011 8:51 am - DI 75)

Citations Affected: IC 36-12.

Synopsis: Libraries. Allows a library board of a Class 1 or Class 2 public library to provide severance pay to a library employee who is voluntarily separated from employment with the library if the library board makes certain findings. Allows the library board of a Class 1 or Class 2 public library to appropriate funds to provide membership of library employees in local, state, and national associations of a civic, educational, professional, or governmental nature.

Effective: July 1, 2011.

Gard, Lawson C, Randolph
(HOUSE SPONSORS — RICHARDSON, SAUNDERS)

January 5, 2011, read first time and referred to Committee on Local Government.
January 20, 2011, amended, reported favorably — Do Pass.
January 24, 2011, read second time, amended, ordered engrossed.
January 25, 2011, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Local Government.
April 8, 2011, reported — Do Pass.

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April 8, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

**ENGROSSED
SENATE BILL No. 201**



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-12-2-24, AS ADDED BY P.L.1-2005,
2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 24. (a) The library board shall select a librarian
4 who holds a certificate under IC 36-12-11 to serve as the director of the
5 library. The selection shall be made solely upon the basis of the
6 candidate's training and proficiency in the science of library
7 administration. The board shall fix the compensation of the director.
8 The director, as the administrative head of the library, is responsible to
9 the board for the operation and management of the library.
10 (b) The library board shall employ and discharge librarians and
11 other individuals that are necessary in the administration of the affairs
12 of the library. The board shall:
13 (1) fix and pay the compensation;
14 (2) classify and adopt schedules of salaries; and
15 (3) determine the number and prescribe the duties;
16 of the librarians and other individuals, with the advice and
17 recommendations of the library director.

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1 (c) In exercising the powers of the library board under this section,
2 the library board may reimburse:

- 3 (1) candidates for employment for expenses reasonably incurred
- 4 while interviewing; and
- 5 (2) new employees for the reasonable moving expenses of the
- 6 employees.

7 If the library board exercises authority under this subsection, the board
8 shall establish reasonable levels of reimbursement for the purposes of
9 this subsection.

10 (d) A library board may provide severance pay to a library employee
11 who is involuntarily separated from employment with the library.

12 (e) **A library board may provide severance pay to a library**
13 **employee who is voluntarily separated from employment with the**
14 **library if the library board makes the following findings in a public**
15 **meeting:**

16 (1) **The library is subject to financial difficulties and revenue**
17 **shortfall.**

18 (2) **The library:**
19 **(A) will not hire an individual to perform the duties of the**
20 **employee separating from employment at the same or**
21 **comparable compensation and benefits for at least one (1)**
22 **year after the date the employee separates from**
23 **employment with the library;**

24 **(B) will hire a permanent or temporary employee for less**
25 **compensation and benefits to perform the duties of the**
26 **employee separating from employment; or**

27 **(C) will satisfy both the conditions in clauses (A) and (B).**

28 (3) **The library will pay the separating employee a stated**
29 **amount of severance pay.**

30 (4) **The library will reduce its expenditures by:**
31 **(A) paying the severance pay stated under subdivision (3)**
32 **to the employee separating from employment; and**
33 **(B) fulfilling one (1) or more of the conditions set forth in**
34 **subdivision (2).**

35 SECTION 2. IC 36-12-3-15, AS ADDED BY P.L.1-2005,
36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 15. The library board may appropriate funds
38 necessary to provide membership of:

- 39 (1) the public library; and
 - 40 (2) library employees;
- 41 in local, state, and national associations of a civic, an educational, a
42 professional, or a governmental nature that have as their purpose the

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1 betterment and improvement of library operations.

2 SECTION 3. IC 36-12-7-12 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2011]: **Sec. 12. (a) A library board may provide severance pay to
5 a library employee who is involuntarily separated from
6 employment with the library.**

7 **(b) A library board may provide severance pay to a library
8 employee who is voluntarily separated from employment with the
9 library if the library board makes the following findings in a public
10 meeting:**

11 **(1) The library is subject to financial difficulties and revenue
12 shortfall.**

13 **(2) The library:**

14 **(A) will not hire an individual to perform the duties of the
15 employee separating from employment at the same or
16 comparable compensation and benefits for at least one (1)
17 year after the date the employee separates from
18 employment with the library;**

19 **(B) will hire a permanent or temporary employee for less
20 compensation and benefits to perform the duties of the
21 employee separating from employment; or**

22 **(C) will satisfy both the conditions in clauses (A) and (B).**

23 **(3) The library will pay the separating employee a stated
24 amount of severance pay.**

25 **(4) The library will reduce its expenditures by:**

26 **(A) paying the severance pay stated under subdivision (3)
27 to the employee separating from employment; and**

28 **(B) fulfilling one (1) or more of the conditions set forth in
29 subdivision (2).**

30 SECTION 4. IC 36-12-7-13 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2011]: **Sec. 13. A library board may appropriate funds necessary
33 to provide membership of:**

34 **(1) the public library; and**

35 **(2) library employees;**

36 **in local, state, and national associations of a civic, an educational,
37 a professional, or a governmental nature that have as their purpose
38 the betterment and improvement of library operations.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 36-12-2-24, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) The library board shall select a librarian who holds a certificate under IC 36-12-11 to serve as the director of the library. The selection shall be made solely upon the basis of the candidate's training and proficiency in the science of library administration. The board shall fix the compensation of the director. The director, as the administrative head of the library, is responsible to the board for the operation and management of the library.

(b) The library board shall employ and discharge librarians and other individuals that are necessary in the administration of the affairs of the library. The board shall:

- (1) fix and pay the compensation;
- (2) classify and adopt schedules of salaries; and
- (3) determine the number and prescribe the duties;

of the librarians and other individuals, with the advice and recommendations of the library director.

(c) In exercising the powers of the library board under this section, the library board may reimburse:

- (1) candidates for employment for expenses reasonably incurred while interviewing; and
- (2) new employees for the reasonable moving expenses of the employees.

If the library board exercises authority under this subsection, the board shall establish reasonable levels of reimbursement for the purposes of this subsection.

(d) A library board may provide severance pay to a library employee who is involuntarily separated from employment with the library.

(e) A library board may provide severance pay to a library employee who is voluntarily separated from employment with the library if the library board makes the following findings in a public meeting:

- (1) The library is subject to financial difficulties and revenue shortfall.**
- (2) The library:**
 - (A) will not hire an individual to perform the duties of the**

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- employee separating from employment at the same or comparable compensation and benefits for at least one (1) year after the date the employee separates from employment with the library;
 - (B) will hire a permanent or temporary employee for less compensation and benefits to perform the duties of the employee separating from employment; or
 - (C) will satisfy both the conditions in clauses (A) and (B).
- (3) The library will pay the separating employee a stated amount of severance pay.
- (4) The library will reduce its expenditures by:
- (A) paying the severance pay stated under subdivision (3) to the employee separating from employment; and
 - (B) fulfilling one (1) or more of the conditions set forth in subdivision (2)."

Page 2, delete lines 1 through 11.

and when so amended that said bill do pass.

(Reference is to SB 201 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 201 be amended to read as follows:

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 3. IC 36-12-7-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) A library board may provide severance pay to a library employee who is involuntarily separated from employment with the library.**

(b) A library board may provide severance pay to a library employee who is voluntarily separated from employment with the library if the library board makes the following findings in a public meeting:

- (1) The library is subject to financial difficulties and revenue shortfall.
- (2) The library:
 - (A) will not hire an individual to perform the duties of the

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- employee separating from employment at the same or comparable compensation and benefits for at least one (1) year after the date the employee separates from employment with the library;
 - (B) will hire a permanent or temporary employee for less compensation and benefits to perform the duties of the employee separating from employment; or
 - (C) will satisfy both the conditions in clauses (A) and (B).
- (3) The library will pay the separating employee a stated amount of severance pay.
- (4) The library will reduce its expenditures by:
- (A) paying the severance pay stated under subdivision (3) to the employee separating from employment; and
 - (B) fulfilling one (1) or more of the conditions set forth in subdivision (2).

SECTION 4. IC 36-12-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 13. A library board may appropriate funds necessary to provide membership of:**

- (1) the public library; and
 - (2) library employees;
- in local, state, and national associations of a civic, an educational, a professional, or a governmental nature that have as their purpose the betterment and improvement of library operations."**

Renumber all SECTIONS consecutively.

(Reference is to SB 201 as printed January 21, 2011.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

NEESE, Chair

Committee Vote: yeas 9, nays 0.

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