

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.

## SENATE ENROLLED ACT No. 201

AN ACT to amend the Indiana Code concerning local government.

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

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

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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 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 2. IC 36-12-3-15, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. The 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.

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**

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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 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.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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