

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1072 be amended to read as follows:

- 1 Page 17, line 42, after "chapter" insert ", **section 20.3 of this**
- 2 **chapter,"**.
- 3 Page 23, line 13, after "include" insert ":".
- 4 Page 23, line 14, delete "or (2)", begin a new line block indented
- 5 and insert:
- 6 "**(1) a public library whose levies are subject to review and**
- 7 **modification under section 20.3 of this chapter; or**
- 8 **(2)."**
- 9 Page 23, line 28, strike "However, in the case of a public library
- 10 that is subject to this".
- 11 Page 23, strike lines 29 through 34.
- 12 Page 24, between lines 12 and 13, begin a new paragraph and
- 13 insert:
- 14 "SECTION 26. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies to**
- 17 **each governing body of a public library that:**
- 18 **(1) is not comprised of a majority of officials who are elected**
- 19 **to serve on the governing body; and**
- 20 **(2) has a percentage increase in the proposed budget for the**
- 21 **taxing unit for the ensuing calendar year that is more than**
- 22 **the result of:**
- 23 **(A) the assessed value growth quotient determined**
- 24 **under IC 6-1.1-18.5-2 for the ensuing calendar year;**
- 25 **minus**
- 26 **(B) one (1).**
- 27 **For purposes of this section, an individual who qualifies to be**
- 28 **appointed to a governing body or serves on a governing body**
- 29 **because of the individual's status as an elected official of another**
- 30 **taxing unit shall be treated as an official who was not elected to**
- 31 **serve on the governing body.**
- 32 **(b) This section does not apply to:**

- 1           **(1) a school corporation;**  
2           **(2) an entity whose tax levies are subject to review and**  
3           **modification by a fiscal body under section 20 of this**  
4           **chapter; or**  
5           **(3) an entity whose tax levies are subject to review and**  
6           **modification by a city-county legislative body under**  
7           **IC 36-3-6-9.**

- 8           **(c) If:**  
9           **(1) the assessed valuation of a public library is entirely**  
10           **contained within a city or town; or**  
11           **(2) the assessed valuation of a public library is not entirely**  
12           **contained within a city or town but the public library was**  
13           **originally established by the city or town;**

14           **the governing body shall submit its proposed budget and property**  
15           **tax levy to the city or town fiscal body. The proposed budget and**  
16           **levy shall be submitted at least thirty (30) days before the city or**  
17           **town fiscal body is required to hold budget approval hearings**  
18           **under this chapter. However, the governing body shall submit its**  
19           **proposed budget and property tax levy to the county fiscal body in**  
20           **the manner provided in subsection (d), rather than to the city or**  
21           **town fiscal body, if more than fifty percent (50%) of the parcels of**  
22           **real property within the jurisdiction of the public library are**  
23           **located outside the city or town.**

24           **(d) If subsection (c)(1) or (c)(2) does not apply, the governing**  
25           **body of the public library shall submit its proposed budget and**  
26           **property tax levy to the county fiscal body in the county where the**  
27           **public library has the most assessed valuation. The proposed**  
28           **budget and levy shall be submitted at least thirty (30) days before**  
29           **the county fiscal body is required to hold budget approval hearings**  
30           **under this chapter.**

31           **(e) The fiscal body of the city, town, or county (whichever**  
32           **applies) shall review each budget and proposed tax levy and adopt**  
33           **a final budget and tax levy for the public library. The fiscal body**  
34           **may reduce or modify, but not increase, the proposed budget or tax**  
35           **levy.**

36           **(f) If a public library fails to file the information required in**  
37           **subsection (c) or (d), whichever applies, with the appropriate fiscal**  
38           **body by the time prescribed by this section, the most recent annual**  
39           **appropriations and annual tax levy of that public library are**  
40           **continued for the ensuing budget year.**

41           **(g) If the appropriate fiscal body fails to complete the**  
42           **requirements of subsection (e) before the adoption deadline in**  
43           **section 5 of this chapter for any public library subject to this**  
44           **section, the most recent annual appropriations and annual tax levy**  
45           **of the city, town, or county, whichever applies, are continued for**  
46           **the ensuing budget year."**

47           Renumber all SECTIONS consecutively.  
              (Reference is to EHB 1072 as printed February 24, 2012.)

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Senator LANANE