

# SENATE MOTION

**MADAM PRESIDENT:**

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

- 1 Page 17, line 42, after "20" insert "**or 20.3**".
- 2 Page 23, line 14, after "(2)" insert "**a public library or**".
- 3 Page 23, line 40, after "chapter." insert "**to the county fiscal body**
- 4 **in the manner prescribed by the department of local government**
- 5 **finance before September 2 of a year.**".
- 6 Page 24, between lines 12 and 13, begin a new paragraph and insert:
- 7 "SECTION 26. IC 6-1.1-17-20.3 IS ADDED TO THE INDIANA
- 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2012]: **Sec. 20.3. (a) This section applies only**
- 10 **to the governing body of a public library that:**
- 11 **(1) is not comprised of a majority of officials who are elected**
- 12 **to serve on the governing body; and**
- 13 **(2) has a percentage increase in the proposed budget for the**
- 14 **taxing unit for the ensuing calendar year that is more than the**
- 15 **result of:**
- 16 **(A) the assessed value growth quotient determined under**
- 17 **IC 6-1.1-18.5-2 for the ensuing calendar year; minus**
- 18 **(B) one (1).**
- 19 **For purposes of this section, an individual who qualifies to be**
- 20 **appointed to a governing body or serves on a governing body**
- 21 **because of the individual's status as an elected official of another**
- 22 **taxing unit shall be treated as an official who was not elected to**
- 23 **serve on the governing body.**
- 24 **(b) This section does not apply to an entity whose tax levies are**
- 25 **subject to review and modification by a city-county legislative body**
- 26 **under IC 36-3-6-9.**
- 27 **(c) If:**
- 28 **(1) the assessed valuation of a public library is entirely**
- 29 **contained within a city or town; or**
- 30 **(2) the assessed valuation of a public library is not entirely**

1 contained within a city or town but the public library was  
 2 originally established by the city or town;  
 3 the governing body shall submit its proposed budget and property  
 4 tax levy to the city or town fiscal body in the manner prescribed by  
 5 the department of local government finance before September 2 of  
 6 a year. However, the governing body shall submit its proposed  
 7 budget and property tax levy to the county fiscal body in the  
 8 manner provided in subsection (d), rather than to the city or town  
 9 fiscal body, if more than fifty percent (50%) of the parcels of real  
 10 property within the jurisdiction of the public library are located  
 11 outside the city or town.

12 (d) If subsection (c) does not apply, the governing body of the  
 13 public library shall submit its proposed budget and property tax  
 14 levy to the county fiscal body in the county where the public  
 15 library has the most assessed valuation. The proposed budget and  
 16 levy shall be submitted to the county fiscal body in the manner  
 17 prescribed by the department of local government finance before  
 18 September 2 of a year.

19 (e) The fiscal body of the city, town, or county (whichever  
 20 applies) shall review each budget and proposed tax levy and adopt  
 21 a final budget and tax levy for the public library. The fiscal body  
 22 may reduce or modify but not increase the proposed budget or tax  
 23 levy.

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

29 (g) If the appropriate fiscal body fails to complete the  
 30 requirements of subsection (e) before the adoption deadline in  
 31 section 5 of this chapter for any public library subject to this  
 32 section, the most recent annual appropriations and annual tax levy  
 33 of the city, town, or county, whichever applies, are continued for  
 34 the ensuing budget year."

35 Page 25, between lines 38 and 39, begin a new paragraph and insert:

36 "(k) This subsection applies to a public library that:

37 (1) is required to submit the public library's budgets, tax  
 38 rates, and tax levies for nonbinding review under  
 39 IC 6-1.1-17-3.5; and

40 (2) is not required to submit the public library's budgets, tax  
 41 rates, and tax levies for binding review and approval under  
 42 IC 6-1.1-17-20.

43 If a public library subject to this subsection proposes to make an  
 44 additional appropriation for a year, and the additional  
 45 appropriation would result in the budget for the library for that  
 46 year increasing (as compared to the previous year) by a percentage  
 47 that is greater than the result of the assessed value growth quotient

1 **determined under IC 6-1.1-18.5-2 for the calendar year minus one**  
2 **(1), the additional appropriation must first be approved by the city,**  
3 **town, or county fiscal body described in IC 6-1.1-17-20.3(c) or**  
4 **IC 6-1.1-17-20(d), as appropriate."**

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

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Senator GARD