

HOUSE BILL No. 1343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1.

Synopsis: Libraries. Provides that a public library outside Marion County, the library board of which is comprised of a majority of officials who are not elected, is subject to binding review and approval of the public library's budget by a county, city, or town fiscal body, as appropriate. (Current law requires binding review and approval only if the library's budget is increasing faster than the assessed value growth quotient.) Provides that if a public library that is required to submit the library's budget for binding review and approval wants to make an additional appropriation, the additional appropriation must first be approved by a city, town, or county fiscal body, as appropriate under the binding review and approval statute. (Current law requires that the additional appropriation must be approved only if the additional appropriation would result in the budget for the library for that year increasing, as compared to the previous year, by a percentage that is greater than the assessed value growth quotient percentage.)

Effective: July 1, 2019.

Leonard, Sullivan

January 14, 2019, read first time and referred to Committee on Local Government.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1343

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 6-1.1-17-20.3, AS ADDED BY P.L.137-2012,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 20.3. (a) This section applies only to the
4 governing body of a public library that
5 (1) is not comprised of a majority of officials who are elected to
6 serve on the governing body. ~~and~~
7 (2) has a percentage increase in the proposed budget for the
8 taxing unit for the ensuing calendar year that is more than the
9 result of:
10 (A) the assessed value growth quotient determined under
11 IC 6-1.1-18.5-2 for the ensuing calendar year; minus
12 (B) one (1).
13 For purposes of this section, an individual who qualifies to be
14 appointed to a governing body or serves on a governing body because
15 of the individual's status as an elected official of another taxing unit
16 shall be treated as an official who was not elected to serve on the
17 governing body.



1 (b) This section does not apply to an entity whose tax levies are
 2 subject to review and modification by a city-county legislative body
 3 under IC 36-3-6-9.

4 (c) If:

5 (1) the assessed valuation of a public library is entirely contained
 6 within a city or town; or

7 (2) the assessed valuation of a public library is not entirely
 8 contained within a city or town but the public library was
 9 originally established by the city or town;

10 the governing body shall submit its proposed budget and property tax
 11 levy to the city or town fiscal body in the manner prescribed by the
 12 department of local government finance before September 2 of a year.
 13 However, the governing body shall submit its proposed budget and
 14 property tax levy to the county fiscal body in the manner provided in
 15 subsection (d), rather than to the city or town fiscal body, if more than
 16 fifty percent (50%) of the parcels of real property within the
 17 jurisdiction of the public library are located outside the city or town.

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

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

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

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

38 SECTION 2. IC 6-1.1-18-5, AS AMENDED BY P.L.184-2016,
 39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5. (a) If the proper officers of a political
 41 subdivision desire to appropriate more money for a particular year than
 42 the amount prescribed in the budget for that year as finally determined



1 under this article, they shall give notice of their proposed additional
2 appropriation. The notice shall state the time and place at which a
3 public hearing will be held on the proposal. The notice shall be given
4 once in accordance with IC 5-3-1-2(b).

5 (b) If the additional appropriation by the political subdivision is
6 made from a fund that receives:

7 (1) distributions from the motor vehicle highway account
8 established under IC 8-14-1-1 or the local road and street account
9 established under IC 8-14-2-4; or

10 (2) revenue from property taxes levied under IC 6-1.1;

11 the political subdivision must report the additional appropriation to the
12 department of local government finance. If the additional appropriation
13 is made from a fund described under this subsection, subsections (f),
14 (g), (h), and (i) apply to the political subdivision.

15 (c) However, if the additional appropriation is not made from a fund
16 described under subsection (b), subsections (f), (g), (h), and (i) do not
17 apply to the political subdivision. Subsections (f), (g), (h), and (i) do
18 not apply to an additional appropriation made from the cumulative
19 bridge fund if the appropriation meets the requirements under
20 IC 8-16-3-3(c).

21 (d) A political subdivision may make an additional appropriation
22 without approval of the department of local government finance if the
23 additional appropriation is made from a fund that is not described
24 under subsection (b). However, the fiscal officer of the political
25 subdivision shall report the additional appropriation to the department
26 of local government finance.

27 (e) After the public hearing, the proper officers of the political
28 subdivision shall file a certified copy of their final proposal and any
29 other relevant information to the department of local government
30 finance.

31 (f) When the department of local government finance receives a
32 certified copy of a proposal for an additional appropriation under
33 subsection (e), the department shall determine whether sufficient funds
34 are available or will be available for the proposal. The determination
35 shall be made in writing and sent to the political subdivision not more
36 than fifteen (15) days after the department of local government finance
37 receives the proposal.

38 (g) In making the determination under subsection (f), the
39 department of local government finance shall limit the amount of the
40 additional appropriation to revenues available, or to be made available,
41 which have not been previously appropriated.

42 (h) If the department of local government finance disapproves an



1 additional appropriation under subsection (f), the department shall
 2 specify the reason for its disapproval on the determination sent to the
 3 political subdivision.

4 (i) A political subdivision may request a reconsideration of a
 5 determination of the department of local government finance under this
 6 section by filing a written request for reconsideration. A request for
 7 reconsideration must:

8 (1) be filed with the department of local government finance
 9 within fifteen (15) days of the receipt of the determination by the
 10 political subdivision; and

11 (2) state with reasonable specificity the reason for the request.

12 The department of local government finance must act on a request for
 13 reconsideration within fifteen (15) days of receiving the request.

14 (j) This subsection applies to an additional appropriation by a
 15 political subdivision that must have the political subdivision's annual
 16 appropriations and annual tax levy adopted by a city, town, or county
 17 fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or
 18 fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city,
 19 town, or county that adopted the political subdivision's annual
 20 appropriation and annual tax levy must adopt the additional
 21 appropriation by ordinance before the department of local government
 22 finance may approve the additional appropriation.

23 (k) This subsection applies to a public library that is not required to
 24 submit the public library's budgets, tax rates, and tax levies for binding
 25 review and approval under IC 6-1.1-17-20. If a public library subject
 26 to this subsection proposes to make an additional appropriation for a
 27 year, ~~and the additional appropriation would result in the budget for the~~
 28 ~~library for that year increasing (as compared to the previous year) by~~
 29 ~~a percentage that is greater than the result of the assessed value growth~~
 30 ~~quotient determined under IC 6-1.1-18.5-2 for the calendar year minus~~
 31 ~~one (1); the additional appropriation must first be approved by the city,~~
 32 town, or county fiscal body described in IC 6-1.1-17-20.3(c) or
 33 ~~IC 6-1.1-17-20(d); IC 6-1.1-17-20.3(d), as appropriate.~~

