

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Appropriations, to which was referred Senate Bill No. 348, 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:**

- 1           Page 11, line 9, strike "However,".
- 2           Page 11, line 9, after "council" delete "the".
- 3           Page 11, line 10, delete "appropriate body".
- 4           Page 11, line 10, strike "may adopt an ordinance under this
- 5 subsection only".
- 6           Page 11, strike line 11.
- 7           Page 12, line 41, before "The" insert "**Notwithstanding any other**
- 8 **law, after December 31, 2011, property tax replacement credits**
- 9 **may be provided under this section only to a public library that is**
- 10 **covered by a plan approved under IC 36-12.1."**
- 11          Page 15, between lines 2 and 3, begin a new paragraph and insert:
- 12          "**(o) This subsection applies to a taxpayer who:**
- 13           **(1) either:**
- 14           **(A) does not reside in the territory of any library district in**
- 15           **the county; or**
- 16           **(B) resides in a library district in the county that is not**
- 17           **covered by a plan; and**
- 18           **(2) pays for a taxable year county economic development**
- 19           **income tax imposed by a county in which county economic**
- 20           **development income tax revenue is dedicated under this**
- 21           **section to provide library property tax replacement credits.**

1       **A taxpayer subject to this subsection is entitled to a credit against**  
 2       **the taxpayer's county economic development tax liability for the**  
 3       **taxable year. The credit is equal to the taxpayer's county economic**  
 4       **development tax liability for the taxable year that is attributable to**  
 5       **the part of the county economic development tax rate for the**  
 6       **taxable year dedicated to providing library property tax**  
 7       **replacement credits. The budget agency shall adjust the county's**  
 8       **certified distribution of county economic development tax revenue**  
 9       **to reflect the amount of credits provided under this subsection."**

10       Page 15, line 22, delete "IC 36-12.1-4-1." and insert "**IC**  
 11       **36-12.1-4-2."**

12       Page 16, line 5, delete "does not apply to a county having a" and  
 13       insert "**applies to all counties."**

14       Page 16, delete line 6.

15       Page 16, line 7, delete "Except as provided in section 1 of this  
 16       chapter, there" and insert "**There**".

17       Page 16, line 10, delete "The" and insert "**Except as provided in**  
 18       **subsection (c), the**".

19       Page 16, between lines 29 and 30, begin a new paragraph and insert:  
 20       "**(c) In a county having a consolidated city, the committee has**  
 21       **eleven (11) members appointed as follows:**

22               **(1) Five (5) members appointed by the mayor of the**  
 23               **consolidated city.**

24               **(2) Two (2) members appointed by the city-county council.**

25               **(3) One (1) member appointed by the board of commissioners**  
 26               **of the county.**

27               **(4) One (1) member appointed by the governing body of the**  
 28               **school corporation having the largest number of students in**  
 29               **the county.**

30               **(5) One (1) member appointed by the library board of the**  
 31               **most populous library district in the county.**

32               **(6) One (1) member of the library board of a library district**  
 33               **of an excluded city. The member appointed under this**  
 34               **subdivision shall be appointed jointly by the executives of the**  
 35               **excluded cities having a separate library district."**

36       Page 16, line 30, delete "(c)" and insert "(d)".

37       Page 16, line 31, after "(b)" delete "." and insert "**or (c).**".

38       Page 19, line 29, after "county." insert "**However, a plan is subject**

- 1 **to modification under section 19 of this chapter."**
- 2 Page 21, line 14, delete "(a)".
- 3 Page 21, line 18, delete "July 1, 2010." and insert "**February 1,**
- 4 **2010."**
- 5 Page 21, delete line 19.
- 6 Page 21, line 26, delete "." and insert "**before April 15, 2010."**
- 7 Page 21, line 27, after "plan" insert "**as the committee considers**
- 8 **appropriate"**.
- 9 Page 21, line 27, delete "comply with" and insert "**address any"**.
- 10 Page 21, line 31, after "plan." insert "**After making any**
- 11 **modifications the committee considers appropriate, the committee**
- 12 **must take final action on the plan before May 15, 2010."**
- 13 Page 21, line 36, delete "A" and insert "**Subject to section 19 of**
- 14 **this chapter, a"**.
- 15 Page 21, line 36, after "the" insert "**final version of the"**.
- 16 Page 21, line 37, delete "state library." and insert "**committee.**
- 17 **Approval of the state library is not required for the plan to become**
- 18 **effective."**
- 19 Page 21, line 38, after "After the" delete "state library" and insert
- 20 "**committee"**.
- 21 Page 21, line 38, after "plan, the" delete "state library" and insert
- 22 "**committee"**.
- 23 Page 21, line 41, delete "chairperson of each committee submitting
- 24 the plan;" and insert "**state library;"**.
- 25 Page 22, line 4, delete "A" and insert "**Except as provided in**
- 26 **section 19 of this chapter, a"**.
- 27 Page 22, line 4, delete "the state library" and insert "**a committee"**.
- 28 Page 22, line 7, delete "Any" and insert "**Except as provided in**
- 29 **section 19 of this chapter, any"**.
- 30 Page 22, between lines 14 and 15, begin a new paragraph and insert:
- 31 "**Sec. 19. (a) The county fiscal body shall before June 1, 2010,**
- 32 **publish a notice specifying that a petition process may be initiated**
- 33 **to determine whether a public question should be placed on the**
- 34 **ballot asking whether a particular library district or an area that**
- 35 **is not part of a library district within a particular township should**
- 36 **be covered by the plan. The notice must be published in accordance**
- 37 **with IC 5-3-1. The notice must include a statement that any**
- 38 **registered voter residing within a library district or an area that is**

1 not part of a library district within a particular township may sign  
2 a petition requesting a public question on whether the library  
3 district or area should be covered by the plan. The notice must  
4 include a statement that the petition must be signed after June 15,  
5 2010, and filed before July 15, 2010.

6 (b) The state board of accounts shall design and deliver to the  
7 county voter registration office or the county voter registration  
8 office's designated printer the petition forms to be used solely in  
9 the petition process described in this section.

10 (c) The county voter registration office, with the assistance of  
11 the public libraries in the county, shall designate the area within  
12 each township that is not part of a public library. For purposes of  
13 submitting a petition requesting a public question under this  
14 section, the area that is not part of a library district and is within  
15 a particular township shall be considered a separate area in which  
16 the requirements of subsection (d) must be satisfied before a public  
17 question may be placed on the ballot in that area.

18 (d) A petition under this section must be filed before July 15,  
19 2010, with the county voter registration office of the county in  
20 which the voter resides. If a petition requesting a public question  
21 on whether a library district or an area that is not part of a library  
22 district within a particular township should be covered by the plan  
23 is filed by the lesser of:

24 (1) one hundred (100) registered voters residing within the  
25 library district or area; or

26 (2) five percent (5%) of the registered voters residing within  
27 the library district or area;

28 a public question shall be placed on the ballot at the 2010 general  
29 election in that library district or that area.

30 (e) The county voter registration office of the county in which  
31 the library district has the most assessed value or the county voter  
32 registration office of the county in which the area that is not part  
33 of a library district within a particular township is located must  
34 certify whether a public question must be held to:

35 (1) the library board for any library district covered by the  
36 petition;

37 (2) the state library;

38 (3) the county election board of each county in which the

1           library district is located; and  
 2           (4) the county election board of each county in which the area  
 3           that is not part of a library district within a particular  
 4           township is located.

5           (f) A public question under this section must be certified in  
 6           accordance with IC 3-10-9-3 and shall be placed on the ballot in  
 7           accordance with IC 3-10-9. A public question shall be placed on the  
 8           ballot in a library district only if a sufficient petition requesting the  
 9           public question is filed for that library district. A public question  
 10          shall be placed on the ballot in an area that is not part of a library  
 11          district within a particular township only if a sufficient petition  
 12          requesting the public question is filed for that area. The following  
 13          apply to a public question under this section:

14          (1) If the public question is placed on the ballot in a library  
 15          district, the public question must be:

16          "Should the library plan approved for the county apply to the  
 17          \_\_\_\_\_ (insert name) Library District?

18                  Yes.

19                  No."

20          (2) If the public question is placed on the ballot in an area that  
 21          is not part of a library district within a particular township,  
 22          the public question must be:

23          "Should the library plan approved for the county apply to the  
 24          area in \_\_\_\_\_ (insert name of township) Township that is  
 25          not currently part of a library district?

26                  Yes.

27                  No."

28          (g) IC 3 applies to a public question under this section to the  
 29          extent that IC 3 is not in conflict with this chapter. Only voters who  
 30          reside in:

31                 (1) a library district; or

32                 (2) an area that is not part of a library district within a  
 33                 particular township;

34          in which the public question is on the ballot are entitled to vote on  
 35          the public question.

36          (h) The circuit court clerk shall certify the results of the public  
 37          question to the following:

38                 (1) The state library.

1           **(2) The executive and fiscal body of each county in which the**  
 2           **public question is held.**

3           **(3) The library board of each public library that is:**

4                   **(A) subject to consolidation under the plan;**

5                   **(B) located in an area subject to the plan; or**

6                   **(C) otherwise covered by or governed by the plan.**

7           **(i) Separate vote totals shall be certified for each library district**  
 8           **and for each area that is not part of a library district within a**  
 9           **particular township in which a public question is held. If, in a**  
 10           **particular library district in which the public question is on the**  
 11           **ballot, a majority of the voters vote that the library plan should not**  
 12           **apply to the library district, that library district is not covered by**  
 13           **the plan and any reorganization or consolidation under the plan.**  
 14           **If the public question is on the ballot in an area that is not part of**  
 15           **a library district within a particular township and a majority of**  
 16           **the voters vote that the library plan should not apply to that area,**  
 17           **that area is not covered by the plan and any reorganization or**  
 18           **consolidation under the plan. A plan is considered to be modified**  
 19           **to exclude any library district or area that, because of the results**  
 20           **of the public question under this section, is not covered by the plan**  
 21           **and any reorganization or consolidation under the plan. If a public**  
 22           **question under this section is on the ballot in more than one (1)**  
 23           **township for areas that are not part of a library district, the**  
 24           **determination of:**

25                   **(1) the results of the vote on the public question; and**

26                   **(2) whether an area is covered by the plan and any**  
 27                   **reorganization or consolidation under the plan;**

28           **shall be made separately for each township's area that is not part**  
 29           **of a library district.**

30           **(j) A committee may adopt one (1) or more subsequent plans**  
 31           **covering any library districts or contiguous areas that are not**  
 32           **covered by an existing plan because of the results of a public**  
 33           **question under this section. If a committee wishes to adopt a**  
 34           **subsequent plan, the committee shall develop and adopt the plan**  
 35           **using the procedures specified in this chapter and under guidelines**  
 36           **and timelines adopted by the state library. A public question on a**  
 37           **subsequent plan may be initiated by voters and placed on the ballot**  
 38           **under the procedures specified in this section and under guidelines**

1 **and timelines adopted by the state library. A public question on a**  
 2 **subsequent plan that is eligible to be placed on the ballot shall be**  
 3 **placed on the ballot at the next general election. However, not more**  
 4 **than two (2) final plans may be adopted by a committee under this**  
 5 **chapter in any seven (7) year period."**

- 6 Page 22, line 15, delete "19." and insert "**20.**".  
 7 Page 22, line 19, delete "20." and insert "**21.**".  
 8 Page 22, line 19, delete "submit" and insert "**adopt**".  
 9 Page 22, line 19, delete "to the state".  
 10 Page 22, line 20, delete "library".  
 11 Page 22, line 20, delete "July 1," and insert "**May 15,**".  
 12 Page 22, line 20, delete "or the committee notifies the state".  
 13 Page 22, line 21, delete "library that the committee is unable to  
 14 complete its plan,".  
 15 Page 22, line 22, after "library" insert ", **before June 1, 2010,**".  
 16 Page 22, line 22, delete "The".  
 17 Page 22, delete line 23.  
 18 Page 22, line 24, delete "under sections 13 and 14 of this chapter".  
 19 Page 22, line 26, delete "The" and insert "**In a county in which**  
 20 **subsection (a) applies, the**".  
 21 Page 22, line 27, delete "in accordance with section 17 of this" and  
 22 insert ".".  
 23 Page 22, line 28, delete "chapter".  
 24 Page 22, line 29, delete "section 18" and insert "**sections 18 and**  
 25 **19**".  
 26 Page 22, line 30, delete "21." and insert "**22.**".  
 27 Page 22, line 36, delete "22." and insert "**23.**".  
 (Reference is to SB 348 as printed January 30, 2009.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 2.

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**Kenley**

**Chairperson**