



January 30, 2002

HOUSE BILL No. 1115

DIGEST OF HB 1115 (Updated January 29, 2002 12:37 PM - DI 103)

Citations Affected: IC 4-4.

Synopsis: Taxpayer protection and development assistance. Requires the department of commerce to: (1) adopt a standardized information form that must be able to be optically scanned and must be completed by any person receiving at least \$5,000 in development assistance; (2) publish a report based on the completed information forms; and (3) provide the report at no cost in both printed and electronic form to the public. Requires the department of commerce to use existing resources and authorized but vacant staff positions to perform its duties.

Effective: July 1, 2002.

Cheney, Fry

January 8, 2002, read first time and referred to Committee on Commerce, Economic Development and Technology.
January 29, 2002, amended, reported — Do Pass.

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HB 1115—LS 7168/DI 103+



January 30, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1115

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 4-4-30 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]:
4 **Chapter 30. Taxpayer Protection and Development Assistance**
5 **Disclosure**
6 **Sec. 1. As used in this chapter, "development assistance" means**
7 **the following forms of public assistance provided by a granting**
8 **body to stimulate economic development of a specific corporation,**
9 **business, industry, geographic area, or part of Indiana's economy:**
10 (1) Tax deductions under IC 6-1.1-12.1.
11 (2) Loans and loan guarantees.
12 (3) Tax increment financing.
13 (4) Grants, including research and development grants.
14 (5) Land price subsidies.
15 (6) Infrastructure, the principal beneficiary of which is a
16 single business or defined group of businesses at the time the
17 infrastructure is built or improved.

HB 1115—LS 7168/DI 103+



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- (7) Matching funds.
- (8) Inventory tax credits under IC 6-1.1-20.7.
- Sec. 2. As used in this chapter, "granting body" means Indiana or a political subdivision that provides development assistance.
- Sec. 3. As used in this chapter, "recipient" means a person who, after December 31, 2002, applied for and was awarded development assistance in an amount not less than five thousand dollars (\$5,000) under a program or fund operated or administered by a granting body."
- Sec. 4. (a) The department of commerce shall, before January 1, 2003, adopt a standardized information form that must be completed by a person receiving development assistance under a program or fund operated or administered by a granting body. The standardized information form must be able to be optically scanned.
- (b) The information form under this section must require at least the following information:
 - (1) A tracking number that is specific to each granting body and each recipient of development assistance.
 - (2) The name, street and mailing address, telephone number, and executive of the granting body.
 - (3) The name, street and mailing address, telephone number, and principal officers of the controlling entity of the recipient of development assistance.
 - (4) The name, street and mailing address, telephone number, four (4) digit standard industrial classification (SIC) number, and chief officer of the recipient of development assistance at any specific project site for which development assistance was awarded.
 - (5) The total number of the recipient's full-time, part-time, and temporary employees who work at the specific project site for which development assistance was awarded.
 - (6) The total number of full-time, part-time, and temporary employees who are employed in Indiana by the recipient's controlling entity or any subsidiary of the controlling entity on December 31 of the year preceding the date of the award of development assistance.
 - (7) The type and value of the development assistance awarded.
 - (8) The total number of new full-time, part-time, and temporary jobs created by the award of development assistance.

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- 1 (9) The average hourly wage or salary paid to full-time,
2 part-time, and temporary employees described in subdivision
3 (6) during the first calendar year after those employees are
4 hired.
- 5 (10) For an award of development assistance related to a
6 specific project site located in a metropolitan statistical area
7 (as defined by the United States Department of Commerce,
8 Bureau of the Census), the average hourly wage paid in
9 Indiana to nonmanagerial employees employed in the
10 applicant's industry, as most recently provided by the United
11 States Department of Labor, Bureau of Labor Statistics. The
12 information required under this subdivision must be listed
13 according to two (2) digit standard industrial classification
14 (SIC) numbers or three (3) digit standard industrial
15 classification (SIC) numbers, if that information is available.
- 16 (11) For an award of development assistance related to a
17 specific project site that is not located in a metropolitan
18 statistical area (as defined by the United States Department of
19 Commerce, Bureau of the Census), the average weekly wage
20 paid in the county in which the project is located, as most
21 recently reported by the United States Department of
22 Commerce in the "County Business Patterns" report or a
23 similar report.
- 24 (12) A description of effects the recipient's use of the
25 development assistance may have on employment at any site
26 in a United States jurisdiction controlled by the recipient or
27 the recipient's controlling entity, including any automation,
28 consolidation, merger, acquisition, product line movement,
29 business activity movement, or restructuring by either the
30 recipient or the controlling entity.
- 31 (13) Individual certifications by the executives of the recipient
32 and the granting body as to the accuracy of the information,
33 under penalty of perjury.
- 34 (c) Beginning January 1, 2003, a recipient of development
35 assistance must complete an information form under this section
36 and submit the information form to the granting body from which
37 the development assistance was awarded. The granting body shall
38 forward a copy of each completed information form to the
39 department of commerce.
- 40 (d) The department shall, before September 30 of each year,
41 update the information form required by this section.
- 42 Sec. 5. (a) The department of commerce shall, before November

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1 of each year, publish a report compiling and summarizing the information provided to the department under section 4 of this chapter.

(b) The report required by this section must include at least the following information:

(1) The total amount of development assistance provided by all granting bodies.

(2) The total amount of development assistance provided in various regions of the state.

(3) The distribution of development assistance by the amount of development assistance.

(4) The distribution of development assistance by type and by public purpose.

(c) The department of commerce shall make the following available in both print and electronic form at no cost to the public:

(1) The report published under this section.

(2) All information provided to the department under this chapter by a granting body or by a person receiving development assistance.

The report shall be written at an eighth grade reading level. The report and information shall be made available at a centralized physical location as determined by the department and on the department's public information page on its Internet site on the world wide web established under IC 4-4-3-22.

Sec. 6. (a) A local government granting body that provides development assistance must, before September 1, file with the department of commerce a report listing the persons receiving development assistance who failed to provide the information required by section 4 of this chapter.

(b) If a local government granting body does not provide the department of commerce with the information required by this section before September 1, the department of commerce shall provide the local government granting body with notice that the information must be filed. If the local government granting body does not provide the department of commerce with the required information within fourteen (14) days after the notice is provided, the department of commerce:

(1) shall suspend any current development assistance activities under its control in the granting body's jurisdiction; and

(2) may not complete any current development assistance or provide any additional development assistance in the granting

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body's jurisdiction;
until the granting body provides the information required by
section 4 of this chapter.

(c) The department of commerce shall provide information and
assistance to local government granting bodies concerning the
granting bodies' reporting requirements under this section.

Sec. 7. If a granting body or the department of commerce does
not enforce or carry out the requirements of this chapter, a person
who paid state income taxes or paid property taxes to a taxing unit
in the preceding year, or any organization representing such a
person, is entitled to bring a civil action to compel enforcement of
this chapter. In an action under this section, a court shall award
reasonable attorney's fees and actual incurred costs in pursuing the
action to a prevailing plaintiff or organization.

Sec. 8. The department of commerce shall use:
(1) existing staff and resources; and
(2) authorized but vacant staff positions;
to perform the duties of the department of commerce under this
chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "any form" and insert "**the following forms**".

Page 1, line 9, delete "economy." and insert "**economy:**".

Page 1, delete line 10.

Page 1, delete lines 12 through 16.

Page 1, line 17, delete "(4)" and insert "**(2)**".

Page 2, line 1, delete "(5)" and insert "**(3)**".

Page 2, line 2, delete "(6)" and insert "**(4)**".

Page 2, delete line 3.

Page 2, line 4, delete "(8)" and insert "**(5)**".

Page 2, line 5, delete "(9)" and insert "**(6)**".

Page 2, line 8, delete "(10)" and insert "**(7)**".

Page 2, delete line 9.

Page 2, line 10, delete "(12)" and insert "**(8)**".

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "recipient" means a person who, after December 31, 2002, applied for and was awarded development assistance in an amount not less than five thousand dollars (\$5,000) under a program or fund operated or administered by a granting body."

Page 2, line 13, delete "3." and insert "**4.**".

Page 2, line 15, delete "applying for" and insert "**receiving**".

Page 2, line 16, after "body." insert "**The standardized information form must be able to be optically scanned.**".

Page 2, line 19, delete "An application" and insert "**A**".

Page 2, line 20, delete "application for" and insert "**recipient of**".

Page 2, line 25, delete "applicant" and insert "**recipient**".

Page 2, line 26, delete "for" and insert "**of**".

Page 2, line 29, delete "applicant for" and insert "**recipient of**".

Page 2, line 30, after "assistance" insert "**was awarded.**".

Page 2, delete line 31.

Page 2, line 32, delete "applicant's" and insert "**recipient's**".

Page 2, line 33, delete "a" and insert "**the**".

Page 2, line 33, after "site" insert "**for which development assistance was awarded.**".

Page 2, delete line 34.

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Page 2, line 36, delete "applicant's" and insert "**recipient's**".

Page 2, line 38, after "date of the" insert "**award of development assistance.**".

Page 2, delete line 39.

Page 2, line 40, delete "for" and insert "**awarded.**".

Page 2, delete line 41.

Page 3, line 1, delete "that the applicant estimates will be".

Page 3, line 2, after "the" insert "**award of**".

Page 3, line 3, delete "that the applicant will" and insert "**paid**".

Page 3, line 4, delete "pay".

Page 3, line 7, delete "application for" and insert "**award of**".

Page 3, line 18, delete "application for" and insert "**award of**".

Page 3, delete lines 26 through 32.

Page 3, line 33, delete "(14)" and insert "**(12)**".

Page 3, line 33, delete "applicant's" and insert "**recipient's**".

Page 3, line 35, delete "applicant" and insert "**recipient**".

Page 3, line 36, delete "applicant's" and insert "**recipient's**".

Page 3, line 39, delete "applicant" and insert "**recipient**".

Page 3, line 40, delete "(15)" and insert "**(13)**".

Page 3, line 40, delete "applicant" and insert "**recipient**".

Page 3, line 41, delete "application," and insert "**information,**".

Page 4, line 1, delete "an applicant for" and insert "**a recipient of**".

Page 4, line 4, delete "is sought." and insert "**was awarded.**".

Page 4, line 9, delete "4." and insert "**5.**".

Page 4, line 11, delete "3" and insert "**4**".

Page 4, line 34, delete "5." and insert "**6.**".

Page 4, line 38, delete "3" and insert "**4**".

Page 5, line 12, delete "3" and insert "**4**".

Page 5, line 16, delete "6." and insert "**7.**".

Page 5, after line 23, begin a new paragraph and insert:
"Sec. 8. The department of commerce shall use:
(1) existing staff and resources; and
(2) authorized but vacant staff positions;
to perform the duties of the department of commerce under this chapter."

and when so amended that said bill do pass.

(Reference is to HB 1115 as introduced.)

FRY, Chair

Committee Vote: yeas 10, nays 0.

HB 1115—LS 7168/DI 103+

