

HOUSE BILL No. 1115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-4-30.

Synopsis: Taxpayer protection and development assistance. Requires the department of commerce to: (1) adopt a standardized information form that must be completed by any person applying for 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.

Effective: July 1, 2002.

Cheney

January 8, 2002, read first time and referred to Committee on Commerce, Economic Development and Technology.

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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 **any form of public assistance provided by a granting body to**
8 **stimulate economic development of a specific corporation,**
9 **business, industry, geographic area, or part of Indiana's economy.**

10 **The term includes the following:**

- 11 (1) Tax deductions under IC 6-1.1-12.1.
- 12 (2) Tax credits under the enterprise zone program.
- 13 (3) Training grants, including grants provided by the
- 14 department of workforce development and grants or other
- 15 assistance under the training 2000 program established under
- 16 IC 4-4-4.6.
- 17 (4) Loans and loan guarantees.



- 1 (5) Tax increment financing.
 2 (6) Grants, including research and development grants.
 3 (7) Fee waivers.
 4 (8) Land price subsidies.
 5 (9) Infrastructure, the principal beneficiary of which is a
 6 single business or defined group of businesses at the time the
 7 infrastructure is built or improved.
 8 (10) Matching funds.
 9 (11) Industrial development bonds.
 10 (12) Inventory tax credits under IC 6-1.1-20.7.
- 11 **Sec. 2.** As used in this chapter, "granting body" means Indiana
 12 or a political subdivision that provides development assistance.
- 13 **Sec. 3.** (a) The department of commerce shall, before January
 14 1, 2003, adopt a standardized information form that must be
 15 completed by a person applying for development assistance under
 16 a program or fund operated or administered by a granting body.
- 17 (b) The information form under this section must require at
 18 least the following information:
- 19 (1) An application tracking number that is specific to each
 20 granting body and each application for development
 21 assistance.
 22 (2) The name, street and mailing address, telephone number,
 23 and executive of the granting body.
 24 (3) The name, street and mailing address, telephone number,
 25 and principal officers of the controlling entity of the applicant
 26 for development assistance.
 27 (4) The name, street and mailing address, telephone number,
 28 four (4) digit standard industrial classification (SIC) number,
 29 and chief officer of the applicant for development assistance
 30 at any specific project site for which development assistance
 31 is sought.
 32 (5) The total number of the applicant's full-time, part-time,
 33 and temporary employees who work at a specific project site
 34 on the date of the application.
 35 (6) The total number of full-time, part-time, and temporary
 36 employees who are employed in Indiana by the applicant's
 37 controlling entity or any subsidiary of the controlling entity
 38 on December 31 of the year preceding the date of the
 39 applicant's application.
 40 (7) The type and value of the development assistance for
 41 which the applicant is applying.
 42 (8) The total number of new full-time, part-time, and

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1 temporary jobs that the applicant estimates will be created by
2 the development assistance.

3 (9) The average hourly wage or salary that the applicant will
4 pay to full-time, part-time, and temporary employees
5 described in subdivision (6) during the first calendar year
6 after those employees are hired.

7 (10) For an application for development assistance related to
8 a specific project site located in a metropolitan statistical area
9 (as defined by the United States Department of Commerce,
10 Bureau of the Census), the average hourly wage paid in
11 Indiana to nonmanagerial employees employed in the
12 applicant's industry, as most recently provided by the United
13 States Department of Labor, Bureau of Labor Statistics. The
14 information required under this subdivision must be listed
15 according to two (2) digit standard industrial classification
16 (SIC) numbers or three (3) digit standard industrial
17 classification (SIC) numbers, if that information is available.

18 (11) For an application for development assistance related to
19 a specific project site that is not located in a metropolitan
20 statistical area (as defined by the United States Department of
21 Commerce, Bureau of the Census), the average weekly wage
22 paid in the county in which the project is located, as most
23 recently reported by the United States Department of
24 Commerce in the "County Business Patterns" report or a
25 similar report.

26 (12) The type and amount of employer paid health care
27 coverage that the applicant will provide to its new employees
28 not more than ninety (90) days after hiring. The applicant
29 must specify any costs that will be paid by the new employees.

30 (13) A list of all other forms of development assistance that
31 the applicant is seeking and the name of the granting body
32 from which that development assistance is sought.

33 (14) A description of effects the applicant's use of the
34 development assistance may have on employment at any site
35 in a United States jurisdiction controlled by the applicant or
36 the applicant's controlling entity, including any automation,
37 consolidation, merger, acquisition, product line movement,
38 business activity movement, or restructuring by either the
39 applicant or the controlling entity.

40 (15) Individual certifications by the executives of the applicant
41 and the granting body as to the accuracy of the application,
42 under penalty of perjury.

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1 (c) Beginning January 1, 2003, an applicant for development
2 assistance must complete an information form under this section
3 and submit the information form to the granting body from which
4 the development assistance is sought. The granting body shall
5 forward a copy of each completed information form to the
6 department of commerce.

7 (d) The department shall, before September 30 of each year,
8 update the information form required by this section.

9 Sec. 4. (a) The department of commerce shall, before November
10 1 of each year, publish a report compiling and summarizing the
11 information provided to the department under section 3 of this
12 chapter.

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

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

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

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

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

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

25 (1) The report published under this section.

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

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

34 Sec. 5. (a) A local government granting body that provides
35 development assistance must, before September 1, file with the
36 department of commerce a report listing the persons receiving
37 development assistance who failed to provide the information
38 required by section 3 of this chapter.

39 (b) If a local government granting body does not provide the
40 department of commerce with the information required by this
41 section before September 1, the department of commerce shall
42 provide the local government granting body with notice that the

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1 information must be filed. If the local government granting body
2 does not provide the department of commerce with the required
3 information within fourteen (14) days after the notice is provided,
4 the department of commerce:

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

8 (2) may not complete any current development assistance or
9 provide any additional development assistance in the granting
10 body's jurisdiction;

11 until the granting body provides the information required by
12 section 3 of this chapter.

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

16 Sec. 6. If a granting body or the department of commerce does
17 not enforce or carry out the requirements of this chapter, a person
18 who paid state income taxes or paid property taxes to a taxing unit
19 in the preceding year, or any organization representing such a
20 person, is entitled to bring a civil action to compel enforcement of
21 this chapter. In an action under this section, a court shall award
22 reasonable attorney's fees and actual incurred costs in pursuing the
23 action to a prevailing plaintiff or organization.

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