

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1365 be amended to read as follows:

- 1 Page 14, between lines 25 and 26, begin a new paragraph and insert:
2 "SECTION 4. IC 6-1.1-20.7-11 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 11. The provisions of IC 6-1.1-20.8-2, IC
4 **6-1.1-20.7-11** and IC 6-1.1-20.8-3 with respect to the enterprise zone ~~inventory~~
5 **personal property tax** credit concerning:
6 (1) the time, place, and procedures for filing applications;
7 (2) notice and appeal procedures; and
8 (3) review procedures;
9 apply to the administration of the credit provided by this chapter.
10 SECTION 5. IC 6-1.1-20.8-0.5 IS ADDED TO THE INDIANA CODE AS
11 A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON
12 PASSAGE]: **Sec. 0.5. The following definitions apply throughout this**
13 **chapter:**
14 (1) **"Enterprise zone inventory" means inventory, as defined**
15 **in IC 6-1.1-3-11, that is located within an enterprise zone**
16 **created under IC 6-4-6.1 on the assessment date.**
17 (2) **"Enterprise zone personal property" refers to new**
18 **enterprise zone personal property and enterprise zone**
19 **inventory located within an enterprise zone created under**
20 **IC 6-4-6.1 on the assessment date.**
21 (3) **"New enterprise zone personal property" means personal**
22 **property (as defined in IC 6-1.1-1-11) that is:**
23 **(A) initially placed in service by the taxpayer in an**
24 **enterprise zone created under IC 6-4-6.1 after March**
25 **1, 2003;**
26 **(B) not relocated by the taxpayer from any other**
27 **location in Indiana after March 1, 2003; and**
28 **(C) located within the enterprise zone on the**
29 **assessment date.**
30 SECTION 6. IC 6-1.1-20.8-1 IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a)~~ A person is entitled to a credit
2 against ~~his the person's~~ property tax liability under IC 6-1.1-2 for a particular
3 year in the amount of ~~his the person's~~ property tax liability under IC 6-1.1-2 on
4 enterprise zone ~~inventory~~ **personal property** for that year.

5 ~~(b) As used in this section, "enterprise zone inventory" means inventory, as~~
6 ~~defined in IC 6-1.1-3-11, that is located within an enterprise zone created under IC~~
7 ~~4-4-6.1 on the assessment date:".~~

8 Page 36, between lines 38 and 39, begin a new paragraph and insert:

9 "SECTION 16. IC 8-22-3.5-16 AS AMENDED BY P.L. 90-2002, SECTION
10 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
11 PASSAGE]: Sec. 16. (a) This section applies only to an airport development zone
12 that is located in a county described in section 1(5) of this chapter.

13 (b) Except as described in this section, and notwithstanding any other law, a
14 business or an employee of a business that is located in an airport development
15 zone is entitled to the benefits of the enterprise zone ~~inventory~~ **personal** property
16 tax credit under IC 6-1.1-20.8.

17 (c) The benefits under this section are available only to:

- 18 (1) a business new to the airport development zone; or
19 (2) an existing business in the airport development zone that expands its operation.

20 (d) To be eligible for the benefits under this section, the business must submit
21 a proposal to the commission for approval. The commission may adopt standards
22 and procedures for the proposal. In addition to other items the commission
23 determines must be included, the proposal must state the percentage of permanent
24 jobs which the business will create in the airport development zone.

25 (e) A business must obtain the approval of:

- 26 (1) the city fiscal body if the business is located in a city; or
27 (2) the county council if the business is not located within a city;
28 before the business is entitled to any benefits under this section. A city or county
29 fiscal body may approve by any method benefits under this section for either an
30 individual business or a group of businesses. A city or county fiscal body may
31 adopt standards and procedures to implement this subsection.

32 (f) If the business receives the approval of:

- 33 (1) the commission under subsection (d); and
34 (2) the appropriate council under subsection (e);
35 then before June 1 of each year, a business described in subsection (b) must pay
36 a fee equal to the amount of the fee that is required for enterprise zone businesses
37 under IC 4-4-6.1-2(4)(A). If the commission determines that a business has failed
38 to pay the fee required by this subsection, the business is not eligible for any of the
39 benefits described in subsection (b).

40 (g) A business that receives any of the benefits described in subsection (b)
41 must use all of those benefits, except for the amount of the fee required by
42 subsection (d), for its property or employees in the airport development zone and
43 to assist the commission. If the commission determines that a business has failed
44 to use its benefits in the manner required by this subsection, the business is not
45 eligible for any of the benefits described in subsection (b).

46 (h) If the commission determines that a business has failed to pay the fee
47 required by subsection (f) or has failed to use benefits in the manner required by
48 subsection (g), the commission shall provide written notice of the determination to
49 the department of state revenue, the department of local government finance, and
50 the county auditor.".

1 Page 37, between lines 19 and 20, begin a new paragraph and insert:
2 "SECTION 20. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-20.8, as**
3 **amended by this act, applies to property taxes beginning with**
4 **assessments made in 2004 for property taxes first due and payable**
5 **after December 31, 2004.**"
6 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1365 as printed February 20, 2004.)

Senator MRVAN