

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 239 be amended to read as follows:

- 1 Page 51, between lines 12 and 13, begin a new paragraph and insert:
- 2 "SECTION 23. IC 6-3.1-13-15.5, AS AMENDED BY
- 3 P.L.137-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]; Sec. 15.5. This
- 5 section applies to an application proposing to retain existing jobs in
- 6 Indiana. After receipt of an application, the corporation may enter into
- 7 an agreement with the applicant for a credit under this chapter if the
- 8 corporation determines that all the following conditions exist:
- 9 (1) The applicant's project will retain existing jobs performed by
- 10 the employees of the applicant in Indiana.
- 11 (2) The applicant is engaged in research and development,
- 12 manufacturing, or business services, according to the NAICS
- 13 Manual of the United States Office of Management and Budget.
- 14 (3) The average compensation (including benefits) provided to the
- 15 applicant's employees during the applicant's previous fiscal year
- 16 exceeds the greater of the following:
- 17 (A) If there is more than one (1) business in the same NAICS
- 18 industry sector as the applicant's business in the county in
- 19 which the applicant's business is located, the average
- 20 compensation paid during that same period to all employees
- 21 working in that NAICS industry sector in that county
- 22 multiplied by one hundred five percent (105%).
- 23 (B) If there is more than one (1) business in the same NAICS
- 24 industry sector as the applicant's business in Indiana, the

- 1 average compensation paid during that same period to all
2 employees working in that NAICS industry sector throughout
3 Indiana multiplied by one hundred five percent (105%).
4 (C) The compensation for that same period corresponding to
5 the federal minimum wage multiplied by two hundred percent
6 (200%).
7 **(4) For taxable years beginning before January 1, 2010**, the
8 applicant employs at least thirty-five (35) employees in Indiana.
9 (5) The applicant has prepared a plan for the use of the credits
10 under this chapter for:
11 (A) investment in facility improvements or equipment and
12 machinery upgrades, repairs, or retrofits; or
13 (B) other direct business related investments, including but not
14 limited to training.
15 (6) Receiving the tax credit is a major factor in the applicant's
16 decision to go forward with the project, and not receiving the tax
17 credit will increase the likelihood of the applicant reducing jobs
18 in Indiana.
19 (7) Awarding the tax credit will result in an overall positive fiscal
20 impact to the state, as certified by the budget agency using the
21 best available data.
22 (8) The applicant's business and project are economically sound
23 and will benefit the people of Indiana by increasing or
24 maintaining opportunities for employment and strengthening the
25 economy of Indiana.
26 (9) The communities affected by the potential reduction in jobs or
27 relocation of jobs to another site outside Indiana have committed
28 local incentives with respect to the retention of jobs in an amount
29 determined by the corporation. For purposes of this subdivision,
30 local incentives include, but are not limited to, cash grants, tax
31 abatements, infrastructure improvements, investment in facility
32 rehabilitation, construction, and training investments.
33 (10) The credit is not prohibited by section 16 of this chapter.

1 (11) If the business is located in a community revitalization
2 enhancement district established under IC 36-7-13 or a certified
3 technology park established under IC 36-7-32, the legislative
4 body of the political subdivision establishing the district or park
5 has adopted an ordinance recommending the granting of a credit
6 amount that is at least equal to the credit amount provided in the
7 agreement."

8 Renumber all SECTIONS consecutively.
(Reference is to ESB 239 as printed February 22, 2010.)

Representative Sullivan