

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WITHDRAWN	Noes _____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 12, between lines 22 and 23, begin a new paragraph and insert:
- 2 "SECTION 8. IC 6-1.1-12.7 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]:
- 5 **Chapter 12.7. Deduction for Personal Property Within a**
- 6 **Certified Technology Park**
- 7 **Sec. 1. As used in this chapter, "certified technology park"**
- 8 **refers to a certified technology park that is:**
- 9 **(1) established under IC 36-7-32; and**
- 10 **(2) certified as of the assessment date for which the deduction**
- 11 **under this chapter is claimed.**
- 12 **Sec. 2. As used in this chapter, "high technology activity" has**
- 13 **the meaning set forth in IC 36-7-32-7.**
- 14 **Sec. 3. As used in this chapter, "qualified personal property"**
- 15 **means personal property that is:**
- 16 **(1) assessed for the first time after December 31, 2010;**
- 17 **(2) located within a certified technology park;**
- 18 **(3) primarily used to conduct high technology activity; and**
- 19 **(4) not part of the assessed value for which a personal**
- 20 **property tax allocation has been made for the payment of the**
- 21 **principal of and interest on bonds or lease rentals under**
- 22 **IC 5-28-26, IC 6-1.1-39, IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5,**
- 23 **IC 36-7-15.1, IC 36-7-30, IC 36-7-30.5, or IC 36-7-32.**
- 24 **The term does not include personal property that is used primarily**

1 for routine administrative purposes such as office communications,  
2 accounting, record keeping, and human resources.

3 **Sec. 4. (a)** A county fiscal body may adopt an ordinance  
4 providing that a deduction applies to the assessed value of qualified  
5 personal property located in the county. The deduction is equal to  
6 one hundred percent (100%) of the assessed value of qualified  
7 personal property located in the county for each calendar year  
8 specified in the ordinance. An ordinance adopted under this section  
9 must be adopted before January 1 of the first assessment year for  
10 which a taxpayer may claim a deduction under the ordinance.

11 **(b)** An ordinance adopted under subsection (a) must specify the  
12 number of assessment years that a deduction is allowed under this  
13 chapter. However, a deduction may not be allowed for:

- 14 (1) less than two (2) assessment years; or  
15 (2) more than ten (10) assessment years.

16 **(c)** The fiscal body shall send a certified copy of the ordinance  
17 adopted under subsection (a) to the county assessor and county  
18 auditor. The fiscal body's determination of the number of years the  
19 deduction is allowed is final and may not be changed.

20 **(d)** An ordinance adopted under subsection (a) may not allow a  
21 deduction for qualified personal property installed after March 1,  
22 2015.

23 **Sec. 5. (a)** To obtain the deduction under this chapter, an owner  
24 of qualified personal property must file a certified deduction  
25 schedule with the county assessor in which the qualified personal  
26 property is located. The department of local government finance  
27 shall prescribe the form of the schedule. A schedule must be filed  
28 for each year the deduction is being claimed.

29 **(b)** The schedule must be filed with:

- 30 (1) a timely personal property return under IC 6-1.1-3-7(a) or  
31 IC 6-1.1-3-7(b); or  
32 (2) a timely amended personal property return under  
33 IC 6-1.1-3-7.5.

34 The county assessor shall forward to the county auditor a copy of  
35 each schedule filed.

36 **(c)** The schedule must contain at least the following information:

- 37 (1) The name of the owner of the qualified personal property.  
38 (2) A description of the qualified personal property and the  
39 address of the real estate on which it is located.  
40 (3) Documentation that the qualified personal property is  
41 located within a certified technology park.  
42 (4) Documentation that the qualified personal property is  
43 primarily used to conduct high technology activity.

44 **(d)** The deduction applies to the qualified personal property  
45 claimed in a schedule. However, the county assessor may:

- 46 (1) review the schedule; and  
47 (2) before the March 1 that next succeeds the assessment date

1           **for which the deduction is claimed, deny or alter the amount**  
 2           **of the deduction.**

3           **If the county assessor does not deny the deduction, the county**  
 4           **auditor shall apply the deduction in the amount claimed in the**  
 5           **schedule or in the amount as altered by the county assessor. A**  
 6           **county assessor who denies a deduction under this subsection or**  
 7           **alters the amount of the deduction shall notify the person that**  
 8           **claimed the deduction and the county auditor of the assessor's**  
 9           **determination.**

10           **(e) A person may appeal a determination by the county assessor**  
 11           **to deny or alter the amount of the deduction by requesting in**  
 12           **writing, not more than forty-five (45) days after the county**  
 13           **assessor gives the person notice of the determination, a meeting**  
 14           **with the county assessor. An appeal initiated under this subsection**  
 15           **must be processed and determined in the same manner that an**  
 16           **appeal is processed and determined under IC 6-1.1-15. However,**  
 17           **the county assessor may not participate in any action the county**  
 18           **property tax assessment board of appeals takes with respect to an**  
 19           **appeal of a determination by the county assessor."**

20           Page 106, between lines 39 and 40, begin a new paragraph and  
 21           insert:

22           "SECTION 58. IC 36-7-32-11, AS AMENDED BY P.L.3-2008,  
 23           SECTION 263, IS AMENDED TO READ AS FOLLOWS  
 24           [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) After receipt of an  
 25           application under section 10 of this chapter, and subject to subsection  
 26           (b), the Indiana economic development corporation may designate a  
 27           certified technology park if the corporation determines that the  
 28           application demonstrates a firm commitment from at least one (1)  
 29           business engaged in a high technology activity creating a significant  
 30           number of jobs and satisfies one (1) or more of the following additional  
 31           criteria:

32           (1) A demonstration of significant support from an institution of  
 33           higher education, a private research based institute, or a military  
 34           research and development or testing facility on an active United  
 35           States government military base or other military installation  
 36           located within, or in the vicinity of, the proposed certified  
 37           technology park, as evidenced by the following criteria:

38           (A) Grants of preferences for access to and commercialization  
 39           of intellectual property.

40           (B) Access to laboratory and other facilities owned by or under  
 41           the control of the postsecondary educational institution or  
 42           private research based institute.

43           (C) Donations of services.

44           (D) Access to telecommunications facilities and other  
 45           infrastructure.

46           (E) Financial commitments.

- 1 (F) Access to faculty, staff, and students.  
2 (G) Opportunities for adjunct faculty and other types of staff  
3 arrangements or affiliations.  
4 (H) Other criteria considered appropriate by the Indiana  
5 economic development corporation.
- 6 (2) A demonstration of a significant commitment by the  
7 postsecondary educational institution, private research based  
8 institute, or military research and development or testing facility  
9 on an active United States government military base or other  
10 military installation to the commercialization of research  
11 produced at the certified technology park, as evidenced by the  
12 intellectual property and, if applicable, tenure policies that reward  
13 faculty and staff for commercialization and collaboration with  
14 private businesses.
- 15 (3) A demonstration that the proposed certified technology park  
16 will be developed to take advantage of the unique characteristics  
17 and specialties offered by the public and private resources  
18 available in the area in which the proposed certified technology  
19 park will be located.
- 20 (4) The existence of or proposed development of a business  
21 incubator within the proposed certified technology park that  
22 exhibits the following types of resources and organization:
- 23 (A) Significant financial and other types of support from the  
24 public or private resources in the area in which the proposed  
25 certified technology park will be located.
- 26 (B) A business plan exhibiting the economic utilization and  
27 availability of resources and a likelihood of successful  
28 development of technologies and research into viable business  
29 enterprises.
- 30 (C) A commitment to the employment of a qualified full-time  
31 manager to supervise the development and operation of the  
32 business incubator.
- 33 (5) The existence of a business plan for the proposed certified  
34 technology park that identifies its objectives in a clearly focused  
35 and measurable fashion and that addresses the following matters:
- 36 (A) A commitment to new business formation.  
37 (B) The clustering of businesses, technology, and research.  
38 (C) The opportunity for and costs of development of properties  
39 under common ownership or control.  
40 (D) The availability of and method proposed for development  
41 of infrastructure and other improvements, including  
42 telecommunications technology, necessary for the  
43 development of the proposed certified technology park.  
44 (E) Assumptions of costs and revenues related to the  
45 development of the proposed certified technology park.
- 46 (6) A demonstrable and satisfactory assurance that the proposed

1 certified technology park can be developed to principally contain  
 2 property that is primarily used for, or will be primarily used for,  
 3 a high technology activity or a business incubator.

4 (b) The Indiana economic development corporation may not  
 5 approve an application that would result in a substantial reduction or  
 6 cessation of operations in another location in Indiana in order to  
 7 relocate them within the certified technology park.

8 (c) A certified technology park designated under this section is  
 9 subject to the review of the Indiana economic development corporation  
 10 and must be recertified every four (4) years. The corporation shall  
 11 develop procedures and the criteria to be used in the review required  
 12 by this subsection. A certified technology park shall furnish to the  
 13 corporation the following information to be used in the course of the  
 14 review:

15 (1) Total employment and payroll levels for all businesses  
 16 operating within the certified technology park.

17 (2) The nature and extent of any technology transfer activity  
 18 occurring within the certified technology park.

19 (3) The nature and extent of any nontechnology businesses  
 20 operating within the certified technology park.

21 (4) The use and outcomes of any state money made available to  
 22 the certified technology park.

23 (5) An analysis of the certified technology park's overall  
 24 contribution to the technology based economy in Indiana.

25 **If a certified technology park is not recertified, the Indiana**  
 26 **economic development corporation shall send a certified copy of a**  
 27 **notice of the determination to the county auditor and to the**  
 28 **department of local government finance.**

29 (d) To the extent allowed under IC 5-14-3, the corporation shall  
 30 maintain the confidentiality of any information that is:

31 (1) submitted as part of the review process under subsection (c);  
 32 and

33 (2) marked as confidential;  
 34 by the certified technology park."

35 Renumber all SECTIONS consecutively.

(Reference is to ESB 239 as printed February 22, 2010.)

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Representative Truitt