

January 27, 1998

SENATE BILL No. 382

DIGEST OF SB 382 (Updated January 22, 1998 12:49 pm - DI 44)

Citations Affected: IC 6-1.1.

Synopsis: Property tax abatement. Provides that property tax abatement deductions may be granted for any number of years less than or equal to ten years. (Current law limits the abatement deduction to three, six, or ten years for real property and five or ten years for personal property.) Provides that certain research and development equipment is eligible for property tax abatement deductions. Allows the abatement deduction for research and development equipment only if the equipment is used in a research and development facility engaged in activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products.

Effective: January 1, 1999.

**Mills, Gery, Merritt, Howard,
Landske**

January 12, 1998, read first time and referred to Committee on Finance.
January 26, 1998, amended, reported favorably — Do Pass.

SB 382—LS 7160/DI 73



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January 27, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE BILL No. 382

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-12.1-1, AS AMENDED BY P.L.1-1996,
2 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 1999]: Sec. 1. For purposes of this chapter:

4 (1) "Economic revitalization area" means an area which is within
5 the corporate limits of a city, town, or county which has become
6 undesirable for, or impossible of, normal development and
7 occupancy because of a lack of development, cessation of growth,
8 deterioration of improvements or character of occupancy, age,
9 obsolescence, substandard buildings, or other factors which have
10 impaired values or prevent a normal development of property or
11 use of property. The term "economic revitalization area" also
12 includes:

13 (A) any area where a facility or a group of facilities that are
14 technologically, economically, or energy obsolete are located
15 and where the obsolescence may lead to a decline in

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- 1 employment and tax revenues; and
 2 (B) a residentially distressed area, except as otherwise
 3 provided in this chapter.
 4 (2) "City" means any city in this state, and "town" means any town
 5 incorporated under IC 36-5-1.
 6 (3) "New manufacturing equipment" means any tangible personal
 7 property which:
 8 (A) was installed after February 28, 1983, and before January
 9 1, 2006, in an area that is declared an economic revitalization
 10 area after February 28, 1983, in which a deduction for tangible
 11 personal property is allowed; ~~or~~
 12 (B) is used in the direct production, manufacture, fabrication,
 13 assembly, extraction, mining, processing, refining, or finishing
 14 of other tangible personal property, including but not limited
 15 to use to dispose of solid waste or hazardous waste by
 16 converting the solid waste or hazardous waste into energy or
 17 other useful products; and
 18 (C) was acquired by its owner for use as described in clause
 19 (B) and was never before used by its owner for any purpose in
 20 Indiana.
 21 However, notwithstanding any other law, the term includes
 22 tangible personal property that is used to dispose of solid waste or
 23 hazardous waste by converting the solid waste or hazardous waste
 24 into energy or other useful products and was installed after March
 25 1, 1993, and before March 2, 1996, even if the property was
 26 installed before the area where the property is located was
 27 designated as an economic revitalization area or the statement of
 28 benefits for the property was approved by the designating body.
 29 (4) "Property" means a building or structure, but does not include
 30 land.
 31 (5) "Redevelopment" means the construction of new structures in
 32 economic revitalization areas, either:
 33 (A) on unimproved real estate; or
 34 (B) on real estate upon which a prior existing structure is
 35 demolished to allow for a new construction.
 36 (6) "Rehabilitation" means the remodeling, repair, or betterment
 37 of property in any manner or any enlargement or extension of
 38 property.
 39 (7) "Designating body" means the following:
 40 (A) For a county that does not contain a consolidated city, the
 41 fiscal body of the county, city, or town.
 42 (B) For a county containing a consolidated city, the

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- 1 metropolitan development commission.
- 2 (8) "Deduction application" means either:
- 3 (A) the application filed in accordance with section 5 of this
- 4 chapter by a property owner who desires to obtain the
- 5 deduction provided by section 3 of this chapter; or
- 6 (B) the application filed in accordance with section 5.5 of this
- 7 chapter by a person who desires to obtain the deduction
- 8 provided by section 4.5 of this chapter.
- 9 (9) "Designation application" means an application that is filed
- 10 with a designating body to assist that body in making a
- 11 determination about whether a particular area should be
- 12 designated as an economic revitalization area.
- 13 (10) "Hazardous waste" has the meaning set forth in
- 14 IC 13-11-2-99(a). The term includes waste determined to be a
- 15 hazardous waste under IC 13-22-2-3(b).
- 16 (11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a).
- 17 However, the term does not include dead animals or any animal
- 18 solid or semisolid wastes.
- 19 **(12) "New research and development equipment" means**
- 20 **tangible personal property that:**
- 21 **(A) is installed after June 30, 1998, and before January 1,**
- 22 **2006, in an economic revitalization area in which a**
- 23 **deduction for tangible personal property is allowed;**
- 24 **(B) consists of:**
- 25 **(i) laboratory equipment;**
- 26 **(ii) research and development equipment;**
- 27 **(iii) computers and computer software;**
- 28 **(iv) telecommunications equipment; or**
- 29 **(v) testing equipment;**
- 30 **(C) is used in a research and development facility that is a**
- 31 **separate facility engaged in activities devoted directly and**
- 32 **exclusively to experimental or laboratory research and**
- 33 **development for new products, new uses of existing**
- 34 **products, or improving or testing existing products; and**
- 35 **(D) is acquired by the property owner for the purposes**
- 36 **described in this subdivision and was never before used by**
- 37 **the owner for any purpose in Indiana.**
- 38 **The term does not include equipment installed in facilities**
- 39 **used for or in connection with efficiency surveys, management**
- 40 **studies, consumer surveys, economic surveys, advertising or**
- 41 **promotion, or research in connection with literacy, history, or**
- 42 **similar projects.**

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1 SECTION 2. IC 6-1.1-12.1-2, AS AMENDED BY
 2 P.L.255-1997(ss), SECTION 5, IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 2. (a) A
 4 designating body may find that a particular area within its jurisdiction
 5 is an economic revitalization area. However, the deduction provided by
 6 this chapter for economic revitalization areas not within a city or town
 7 shall not be available to retail businesses.

8 (b) In a county containing a consolidated city or within a city or
 9 town, a designating body may find that a particular area within its
 10 jurisdiction is a residentially distressed area. Designation of an area as
 11 a residentially distressed area has the same effect as designating an
 12 area as an economic revitalization area, except that the amount of the
 13 deduction shall be calculated as specified in section 4.1 of this chapter.
 14 ~~and the deduction is allowed for five (5) years.~~ In order to declare a
 15 particular area a residentially distressed area, the designating body
 16 must follow the same procedure that is required to designate an area as
 17 an economic revitalization area and must make all the following
 18 additional findings or all the additional findings described in
 19 subsection (c):

20 (1) The area is comprised of parcels that are either unimproved or
 21 contain only one (1) or two (2) family dwellings or multifamily
 22 dwellings designed for up to four (4) families, including accessory
 23 buildings for those dwellings.

24 (2) Any dwellings in the area are not permanently occupied and
 25 are:

26 (A) the subject of an order issued under IC 36-7-9; or

27 (B) evidencing significant building deficiencies.

28 (3) Parcels of property in the area:

29 (A) have been sold and not redeemed under IC 6-1.1-24 and
 30 IC 6-1.1-25; or

31 (B) are owned by a unit of local government.

32 However, in a city in a county having a population of more than two
 33 hundred thousand (200,000) but less than three hundred thousand
 34 (300,000), the designating body is only required to make one (1) of the
 35 additional findings described in this subsection or one (1) of the
 36 additional findings described in subsection (c).

37 (c) In a county containing a consolidated city or within a city or
 38 town, a designating body that wishes to designate a particular area a
 39 residentially distressed area may make the following additional
 40 findings as an alternative to the additional findings described in
 41 subsection (b):

42 (1) A significant number of dwelling units within the area are not

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- 1 permanently occupied or a significant number of parcels in the
 2 area are vacant land.
- 3 (2) A significant number of dwelling units within the area are:
 4 (A) the subject of an order issued under IC 36-7-9; or
 5 (B) evidencing significant building deficiencies.
- 6 (3) The area has experienced a net loss in the number of dwelling
 7 units, as documented by census information, local building and
 8 demolition permits, or certificates of occupancy, or the area is
 9 owned by Indiana or the United States.
- 10 (4) The area (plus any areas previously designated under this
 11 subsection) will not exceed ten percent (10%) of the total area
 12 within the designating body's jurisdiction.
- 13 However, in a city in a county having a population of more than two
 14 hundred thousand (200,000) but less than three hundred thousand
 15 (300,000), the designating body is only required to make one (1) of the
 16 additional findings described in this subsection as an alternative to one
 17 (1) of the additional findings described in subsection (b).
- 18 (d) A designating body is required to attach the following conditions
 19 to the grant of a residentially distressed area designation:
- 20 (1) The deduction will not be allowed unless the dwelling is
 21 rehabilitated to meet local code standards for habitability.
- 22 (2) If a designation application is filed, the designating body may
 23 require that the redevelopment or rehabilitation be completed
 24 within a reasonable period of time.
- 25 (e) To make a designation described in subsection (a) or (b), the
 26 designating body shall use procedures prescribed in section 2.5 of this
 27 chapter.
- 28 (f) The property tax deductions provided by sections 3 and 4.5 of
 29 this chapter are only available for property and **for new manufacturing**
 30 **equipment or new research and development equipment, or both**
 31 **new manufacturing equipment and new research and development**
 32 **equipment**, respectively, within an area which the designating body
 33 finds to be an economic revitalization area.
- 34 (g) The designating body may adopt a resolution establishing
 35 general standards to be used, along with the requirements set forth in
 36 the definition of economic revitalization area, by the designating body
 37 in finding an area to be an economic revitalization area. The standards
 38 must have a reasonable relationship to the development objectives of
 39 the area in which the designating body has jurisdiction. The following
 40 three (3) sets of standards may be established:
- 41 (1) One (1) relative to the deduction under section 3 of this
 42 chapter for economic revitalization areas that are not residentially

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- 1 distressed areas.
- 2 (2) One (1) relative to the deduction under section 3 of this
- 3 chapter for residentially distressed areas.
- 4 (3) One (1) relative to the deduction allowed under section 4.5 of
- 5 this chapter.
- 6 (h) A designating body may impose a fee for filing a designation
- 7 application for a person requesting the designation of a particular area
- 8 as an economic revitalization area. The fee may be sufficient to defray
- 9 actual processing and administrative costs. However, the fee charged
- 10 for filing a designation application for a parcel that contains one (1) or
- 11 more owner-occupied, single-family dwellings may not exceed the cost
- 12 of publishing the required notice.
- 13 (i) In declaring an area an economic revitalization area, the
- 14 designating body may:
- 15 (1) limit the time period to a certain number of calendar years
- 16 during which the area shall be so designated;
- 17 (2) limit the type of deductions that will be allowed within the
- 18 economic revitalization area to either the deduction allowed under
- 19 section 3 of this chapter or the deduction allowed under section
- 20 4.5 of this chapter;
- 21 (3) limit the dollar amount of the deduction that will be allowed
- 22 with respect to new manufacturing equipment **and new research**
- 23 **and development equipment** if a deduction under this chapter
- 24 had not been filed before July 1, 1987, for that equipment;
- 25 (4) limit the dollar amount of the deduction that will be allowed
- 26 with respect to redevelopment and rehabilitation occurring in
- 27 areas that are designated as economic revitalization areas on or
- 28 after September 1, 1988; or
- 29 (5) impose reasonable conditions related to the purpose of this
- 30 chapter or to the general standards adopted under subsection (g)
- 31 for allowing the deduction for the redevelopment or rehabilitation
- 32 of the property or the installation of the new manufacturing
- 33 equipment **or new research and development equipment, or**
- 34 **both.**
- 35 To exercise one (1) or more of these powers a designating body must
- 36 include this fact in the resolution passed under section 2.5 of this
- 37 chapter.
- 38 (j) Notwithstanding any other provision of this chapter, if a
- 39 designating body limits the time period during which an area is an
- 40 economic revitalization area, that limitation does not:
- 41 (1) prevent a taxpayer from obtaining a deduction for new
- 42 manufacturing equipment **or new research and development**

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1 **equipment, or both**, installed before January 1, 2006, but after
2 the expiration of the economic revitalization area if:

3 (A) the economic revitalization area designation expires after
4 December 30, 1995; and

5 (B) the new manufacturing equipment **or new research and**
6 **development equipment, or both**, was described in a
7 statement of benefits submitted to and approved by the
8 designating body in accordance with section 4.5 of this chapter
9 before the expiration of the economic revitalization area
10 designation; or

11 (2) limit the length of time a taxpayer is entitled to receive a
12 deduction to a number of years that is less than the number of
13 years designated under section 4 or 4.5 of this chapter.

14 (k) Notwithstanding any other provision of this chapter, deductions:

15 (1) that are authorized under section 3 of this chapter for property
16 in an area designated as an urban development area before March
17 1, 1983, and that are based on an increase in assessed valuation
18 resulting from redevelopment or rehabilitation that occurs before
19 March 1, 1983; or

20 (2) that are authorized under section 4.5 of this chapter for new
21 manufacturing equipment installed in an area designated as an
22 urban development area before March 1, 1983;

23 apply according to the provisions of this chapter as they existed at the
24 time that an application for the deduction was first made. No deduction
25 that is based on the location of property or new manufacturing
26 equipment in an urban development area is authorized under this
27 chapter after February 28, 1983, unless the initial increase in assessed
28 value resulting from the redevelopment or rehabilitation of the property
29 or the installation of the new manufacturing equipment occurred before
30 March 1, 1983.

31 (l) If property located in an economic revitalization area is also
32 located in an allocation area (as defined in IC 36-7-14-39 or
33 IC 36-7-15.1-26), an application for the property tax deduction
34 provided by this chapter may not be approved unless the commission
35 that designated the allocation area adopts a resolution approving the
36 application.

37 SECTION 3. IC 6-1.1-12.1-2.5, AS AMENDED BY P.L.25-1995,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 1999]: Sec. 2.5. (a) If a designating body finds that an
40 area in its jurisdiction is an economic revitalization area, it shall either:

41 (1) prepare maps and plats that identify the area; or

42 (2) prepare a simplified description of the boundaries of the area

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1 by describing its location in relation to public ways, streams, or
2 otherwise.

3 (b) After the compilation of the materials described in subsection
4 (a), the designating body shall pass a resolution declaring the area an
5 economic revitalization area. The resolution must contain a description
6 of the affected area and be filed with the county assessor. ~~The A~~
7 **resolution adopted after June 30, 1998**, may include a determination
8 of ~~whether the number of years~~ a deduction under section 3 of this
9 chapter is allowed. ~~for three (3), six (6), or ten (10) years.~~ In addition,
10 if the resolution is adopted after ~~April 30, 1991,~~ **June 30, 1998**, the
11 resolution may include a determination of ~~whether the number of~~
12 **years** a deduction under section 4.5 of this chapter is allowed. ~~for five~~
13 ~~(5) or ten (10) years.~~

14 (c) After approval of a resolution under subsection (b), the
15 designating body shall do the following:

16 (1) Publish notice of the adoption and substance of the resolution
17 in accordance with IC 5-3-1.

18 (2) File the following information with each taxing unit that has
19 authority to levy property taxes in the geographic area where the
20 economic revitalization area is located:

21 (A) A copy of the notice required by subdivision (1).

22 (B) A statement containing substantially the same information
23 as a statement of benefits filed with the designating body
24 before the hearing required by this section under sections 3
25 and 4.5 of this chapter.

26 The notice must state that a description of the affected area is available
27 and can be inspected in the county assessor's office. The notice must
28 also name a date when the designating body will receive and hear all
29 remonstrances and objections from interested persons. The designating
30 body shall file the information required by subdivision (2) with the
31 officers of the taxing unit who are authorized to fix budgets, tax rates,
32 and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date
33 of the public hearing. After considering the evidence, the designating
34 body shall take final action determining whether the qualifications for
35 an economic revitalization area have been met and confirming,
36 modifying and confirming, or rescinding the resolution. This
37 determination is final except that an appeal may be taken and heard as
38 provided under subsections (d) and (e).

39 (d) A person who filed a written remonstrance with the designating
40 body under this section and who is aggrieved by the final action taken
41 may, within ten (10) days after that final action, initiate an appeal of
42 that action by filing in the office of the clerk of the circuit or superior



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1 court a copy of the order of the designating body and his remonstrance
 2 against that order, together with his bond conditioned to pay the costs
 3 of his appeal if the appeal is determined against him. The only ground
 4 of appeal that the court may hear is whether the proposed project will
 5 meet the qualifications of the economic revitalization area law. The
 6 burden of proof is on the appellant.

7 (e) An appeal under this section shall be promptly heard by the
 8 court without a jury. All remonstrances upon which an appeal has been
 9 taken shall be consolidated and heard and determined within thirty (30)
 10 days after the time of the filing of the appeal. The court shall hear
 11 evidence on the appeal, and may confirm the final action of the
 12 designating body or sustain the appeal. The judgment of the court is
 13 final and conclusive, unless an appeal is taken as in other civil actions.

14 SECTION 4. IC 6-1.1-12.1-3, AS AMENDED BY P.L.25-1995,
 15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 1999]: Sec. 3. (a) An applicant must provide a statement
 17 of benefits to the designating body. If the designating body requires
 18 information from the applicant for economic revitalization area status
 19 for use in making its decision about whether to designate an economic
 20 revitalization area, the applicant shall provide the completed statement
 21 of benefits form to the designating body before the hearing required by
 22 section 2.5(c) of this chapter. Otherwise, the statement of benefits form
 23 must be submitted to the designating body before the initiation of the
 24 redevelopment or rehabilitation for which the person desires to claim
 25 a deduction under this chapter. The state board of tax commissioners
 26 shall prescribe a form for the statement of benefits. The statement of
 27 benefits must include the following information:

- 28 (1) A description of the proposed redevelopment or rehabilitation.
- 29 (2) An estimate of the number of individuals who will be
 30 employed or whose employment will be retained by the person as
 31 a result of the redevelopment or rehabilitation and an estimate of
 32 the annual salaries of these individuals.
- 33 (3) An estimate of the value of the redevelopment or
 34 rehabilitation.

35 With the approval of the state board of tax commissioners, the
 36 statement of benefits may be incorporated in a designation application.
 37 Notwithstanding any other law, a statement of benefits is a public
 38 record that may be inspected and copied under IC 5-14-3-3.

39 (b) The designating body must review the statement of benefits
 40 required under subsection (a). The designating body shall determine
 41 whether an area should be designated an economic revitalization area
 42 or whether a deduction should be allowed, based on (and after it has

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- 1 made) the following findings:
- 2 (1) Whether the estimate of the value of the redevelopment or
- 3 rehabilitation is reasonable for projects of that nature.
- 4 (2) Whether the estimate of the number of individuals who will be
- 5 employed or whose employment will be retained can be
- 6 reasonably expected to result from the proposed described
- 7 redevelopment or rehabilitation.
- 8 (3) Whether the estimate of the annual salaries of those
- 9 individuals who will be employed or whose employment will be
- 10 retained can be reasonably expected to result from the proposed
- 11 described redevelopment or rehabilitation.
- 12 (4) Whether any other benefits about which information was
- 13 requested are benefits that can be reasonably expected to result
- 14 from the proposed described redevelopment or rehabilitation.
- 15 (5) Whether the totality of benefits is sufficient to justify the
- 16 deduction.
- 17 A designating body may not designate an area an economic
- 18 revitalization area or approve a deduction unless the findings required
- 19 by this subsection are made in the affirmative.
- 20 (c) Except as provided in subsections (a) through (b), the owner of
- 21 property which is located in an economic revitalization area is entitled
- 22 to a deduction from the assessed value of the property. If the area is a
- 23 residentially distressed area **designated before July 1, 1998**, the period
- 24 is five (5) years. For all other economic revitalization areas **designated**
- 25 **before July 1, 1998**, the period is three (3), six (6), or ten (10) years.
- 26 **as determined under subsection (d): For all economic revitalization**
- 27 **areas designated after June 30, 1998, the period is the number of**
- 28 **years determined under subsection (d).** The owner is entitled to a
- 29 deduction if:
- 30 (1) the property has been rehabilitated; or
- 31 (2) the property is located on real estate which has been
- 32 redeveloped.
- 33 The owner is entitled to the deduction for the first year, and any
- 34 successive year or years, in which an increase in assessed value
- 35 resulting from the rehabilitation or redevelopment occurs and for the
- 36 **two (2), four (4), five (5), or nine (9) years immediately following each**
- 37 **such year or years whichever is applicable: determined under**
- 38 **subsection (d).** However, property owners who had an area designated
- 39 an urban development area pursuant to an application filed prior to
- 40 January 1, 1979, are only entitled to a deduction for a five (5) year
- 41 period. In addition, property owners who are entitled to a deduction
- 42 under this chapter pursuant to an application filed after December 31,

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1 1978, and before January 1, 1986, are entitled to a deduction for a ten
2 (10) year period.

3 (d) For economic revitalization areas that are not residentially
4 distressed areas; For an area designated as an economic
5 revitalization area after June 30, 1998, the designating body shall
6 determine whether the number of years for which the property owner
7 is entitled to a deduction. for three (3) years, six (6) years, or ten (10)
8 years. However, the deduction may not be allowed for more than
9 ten (10) years. This determination shall be made:

10 (1) as part of the resolution adopted under section 2.5 of this
11 chapter; or

12 (2) by resolution adopted within sixty (60) days after receiving a
13 copy of a property owner's certified deduction application from
14 the county auditor. A certified copy of the resolution shall be sent
15 to the county auditor who shall make the deduction as provided
16 in section 5 of this chapter.

17 A determination about whether the number of years the deduction is
18 three (3), six (6), or ten (10) years allowed that is made under
19 subdivision (1) is final and may not be changed by following the
20 procedure under subdivision (2).

21 (e) Except for deductions related to redevelopment or rehabilitation
22 of real property in a county containing a consolidated city or a
23 deduction related to redevelopment or rehabilitation of real property
24 initiated before December 31, 1987, in areas designated as economic
25 revitalization areas before that date, a deduction for the redevelopment
26 or rehabilitation of real property may not be approved for the following
27 facilities:

28 (1) Private or commercial golf course.

29 (2) Country club.

30 (3) Massage parlor.

31 (4) Tennis club.

32 (5) Skating facility (including roller skating, skateboarding, or ice
33 skating).

34 (6) Racquet sport facility (including any handball or racquetball
35 court).

36 (7) Hot tub facility.

37 (8) Suntan facility.

38 (9) Racetrack.

39 (10) Any facility the primary purpose of which is:

40 (A) retail food and beverage service;

41 (B) automobile sales or service; or

42 (C) other retail;

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1 unless the facility is located in an economic development target
 2 area established under section 7 of this chapter.
 3 (11) Residential, unless:
 4 (A) the facility is a multifamily facility that contains at least
 5 twenty percent (20%) of the units available for use by low and
 6 moderate income individuals;
 7 (B) the facility is located in an economic development target
 8 area established under section 7 of this chapter; or
 9 (C) the area is designated as a residentially distressed area.
 10 (12) A package liquor store that holds a liquor dealer's permit
 11 under IC 7.1-3-10 or any other entity that is required to operate
 12 under a license issued under IC 7.1. However, this subdivision
 13 does not apply to an applicant that:
 14 (A) was eligible for tax abatement under this chapter before
 15 July 1, 1995; or
 16 (B) is described in IC 7.1-5-7-11.
 17 SECTION 5. IC 6-1.1-12.1-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 4. (a) Except as
 19 provided in section 2(i)(4) of this chapter, the amount of the deduction
 20 which the property owner is entitled to receive under section 3 of this
 21 chapter for a particular year equals the product of:
 22 (1) the increase in the assessed value resulting from the
 23 rehabilitation or redevelopment; multiplied by
 24 (2) the percentage prescribed in the table set forth in subsection
 25 (d).
 26 (b) The amount of the deduction determined under subsection (a)
 27 shall be adjusted in accordance with this subsection in the following
 28 circumstances:
 29 (1) If a general reassessment of real property occurs within the
 30 particular period of the deduction, the amount determined under
 31 subsection (a)(1) shall be adjusted to reflect the percentage
 32 increase or decrease in assessed valuation that resulted from the
 33 general reassessment.
 34 (2) If an appeal of an assessment is approved that results in a
 35 reduction of the assessed value of the redeveloped or rehabilitated
 36 property, the amount of any deduction shall be adjusted to reflect
 37 the percentage decrease that resulted from the appeal.
 38 The state board of tax commissioners shall adopt rules under IC 4-22-2
 39 to implement this subsection.
 40 (c) Property owners who had an area designated an urban
 41 development area pursuant to an application filed prior to January 1,
 42 1979, are only entitled to the deduction for the first through the fifth

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1 years as provided in subsection ~~(d)(3)~~: **(d)(10)**. In addition, property
2 owners who are entitled to a deduction under this chapter pursuant to
3 an application filed after December 31, 1978, and before January 1,
4 1986, are entitled to a deduction for the first through the tenth years, as
5 provided in subsection ~~(d)(3)~~: **(d)(10)**.

6 (d) The percentage to be used in calculating the deduction under
7 subsection (a) is as follows:

8 **(1) For deductions allowed over a one (1) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

11 **(2) For deductions allowed over a two (2) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

15 **(3) For deductions allowed over a three (3) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

20 **(4) For deductions allowed over a four (4) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

26 **(5) For deductions allowed over a five (5) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%

33 ~~(2)~~ **(6) For deductions allowed over a six (6) year period:**

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

41 **(7) For deductions allowed over a seven (7) year period:**

YEAR OF DEDUCTION	PERCENTAGE
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1	1st	100%
2	2nd	86%
3	3rd	72%
4	4th	58%
5	5th	44%
6	6th	30%
7	7th	16%
8	(8) For deductions allowed over an eight (8) year period:	
9	YEAR OF DEDUCTION	PERCENTAGE
10	1st	100%
11	2nd	88%
12	3rd	75%
13	4th	63%
14	5th	50%
15	6th	38%
16	7th	25%
17	8th	13%
18	(9) For deductions allowed over a nine (9) year period:	
19	YEAR OF DEDUCTION	PERCENTAGE
20	1st	100%
21	2nd	90%
22	3rd	78%
23	4th	66%
24	5th	55%
25	6th	44%
26	7th	33%
27	8th	22%
28	9th	11%
29	(10) For deductions allowed over a ten (10) year period:	
30	YEAR OF DEDUCTION	PERCENTAGE
31	1st	100%
32	2nd	95%
33	3rd	80%
34	4th	65%
35	5th	50%
36	6th	40%
37	7th	30%
38	8th	20%
39	9th	10%
40	10th	5%

SECTION 6. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.1-1996,
SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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1 JANUARY 1, 1999]: Sec. 4.5. (a) For purposes of this section,
 2 "personal property" means personal property other than inventory (as
 3 defined in IC 6-1.1-3-11(a)).

4 (b) An applicant must provide a statement of benefits to the
 5 designating body. The applicant must provide the completed statement
 6 of benefits form to the designating body before the hearing specified in
 7 section 2.5(c) of this chapter or before the installation of the new
 8 manufacturing equipment **or new research and development**
 9 **equipment, or both**, for which the person desires to claim a deduction
 10 under this chapter. The state board of tax commissioners shall prescribe
 11 a form for the statement of benefits. The statement of benefits must
 12 include the following information:

13 (1) A description of the new manufacturing equipment **or new**
 14 **research and development equipment, or both**, that the person
 15 proposes to acquire.

16 (2) With respect to:

17 (A) new manufacturing equipment not used to dispose of
 18 solid waste or hazardous waste by converting the solid
 19 waste or hazardous waste into energy or other useful
 20 products; **and**

21 (B) **new research and development equipment;**

22 an estimate of the number of individuals who will be employed
 23 or whose employment will be retained by the person as a result
 24 of the installation of the new manufacturing equipment **or new**
 25 **research and development equipment, or both**, and an
 26 estimate of the annual salaries of these individuals.

27 (3) An estimate of the cost of the new manufacturing equipment
 28 **or new research and development equipment, or both.**

29 (4) With respect to new manufacturing equipment used to
 30 dispose of solid waste or hazardous waste by converting the solid
 31 waste or hazardous waste into energy or other useful products,
 32 an estimate of the amount of solid waste or hazardous waste that
 33 will be converted into energy or other useful products by the new
 34 manufacturing equipment.

35 With the approval of the state board of tax commissioners, the
 36 statement of benefits may be incorporated in a designation application.
 37 Notwithstanding any other law, a statement of benefits is a public
 38 record that may be inspected and copied under IC 5-14-3-3.

39 (c) The designating body must review the statement of benefits
 40 required under subsection (b). The designating body shall determine
 41 whether an area should be designated an economic revitalization area
 42 or whether the deduction shall be allowed, based on (and after it has

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made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment **or new research and development equipment, or both**, is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; **and**

(B) **new research and development equipment;**

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment **or new research and development equipment, or both.**

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment **or new research and development equipment, or both.**

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment **or new research and development equipment, or both.**

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (f), an owner of new manufacturing equipment whose statement of benefits is approved before May 1, 1991, is entitled to a deduction from the assessed value of that equipment for a period of five (5) years. Except as provided in subsections (f) and (i), an owner of new manufacturing equipment whose statement of benefits is approved after ~~April 30, 1991,~~ **June 30,**

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1 **1998**, is entitled to a deduction from the assessed value of that
 2 equipment for a ~~period of five (5) years or ten (10) years~~ **the number of**
 3 ~~years as~~ determined by the designating body under subsection (h).
 4 Except as provided in subsections (f) and (g) and in section 2(i)(3) of
 5 this chapter, the amount of the deduction that an owner is entitled to for
 6 a particular year equals the product of:

7 (1) the assessed value of the new manufacturing equipment **or**
 8 **new research and development equipment** in the year that the
 9 equipment is installed; multiplied by

10 (2) the percentage prescribed in the table set forth in subsection
 11 (e).

12 (e) The percentage to be used in calculating the deduction under
 13 subsection (d) is as follows:

14 **(1) For deductions allowed over a one (1) year period:**

15 YEAR OF DEDUCTION	16 PERCENTAGE
17 1st	100%
18 2nd and thereafter	0%

19 **(2) For deductions allowed over a two (2) year period:**

20 YEAR OF DEDUCTION	21 PERCENTAGE
22 1st	100%
23 2nd	50%
24 3rd and thereafter	0%

25 **(3) For deductions allowed over a three (3) year period:**

26 YEAR OF DEDUCTION	27 PERCENTAGE
28 1st	100%
29 2nd	66%
30 3rd	33%
31 4th and thereafter	0%

32 **(4) For deductions allowed over a four (4) year period:**

33 YEAR OF DEDUCTION	34 PERCENTAGE
35 1st	100%
36 2nd	75%
37 3rd	50%
38 4th	25%
39 5th and thereafter	0%

40 ~~(4)~~ **(5) For deductions allowed over a five (5) year period:**

41 YEAR OF DEDUCTION	42 PERCENTAGE
1st	100%
2nd	95% 80%
3rd	80% 60%
4th	65% 40%
5th	50% 25%

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1	6th and thereafter	0%
2	(6) For deductions allowed over a six (6) year period:	
3	YEAR OF DEDUCTION	PERCENTAGE
4	1st	100%
5	2nd	85%
6	3rd	66%
7	4th	50%
8	5th	34%
9	6th	25%
10	7th and thereafter	0%
11	(7) For deductions allowed over a seven (7) year period:	
12	YEAR OF DEDUCTION	PERCENTAGE
13	1st	100%
14	2nd	86%
15	3rd	72%
16	4th	58%
17	5th	44%
18	6th	30%
19	7th	25%
20	8th and thereafter	0%
21	(8) For deductions allowed over an eight (8) year period:	
22	YEAR OF DEDUCTION	PERCENTAGE
23	1st	100%
24	2nd	88%
25	3rd	75%
26	4th	63%
27	5th	50%
28	6th	38%
29	7th	25%
30	8th	25%
31	9th and thereafter	0%
32	(9) For deductions allowed over a nine (9) year period:	
33	YEAR OF DEDUCTION	PERCENTAGE
34	1st	100%
35	2nd	90%
36	3rd	78%
37	4th	66%
38	5th	55%
39	6th	44%
40	7th	33%
41	8th	25%
42	9th	25%

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1	10th and thereafter	0%
2	(2) (10) For deductions allowed over a ten (10) year period:	
3	YEAR OF DEDUCTION	PERCENTAGE
4	1st	100%
5	2nd	95%
6	3rd	90%
7	4th	85%
8	5th	80%
9	6th	70%
10	7th	55%
11	8th	40%
12	9th	30%
13	10th	25%
14	11th and thereafter	0%

15 (f) Notwithstanding subsections (d) and (e), a deduction under this
 16 section is not allowed in the first year the deduction is claimed for new
 17 manufacturing equipment **or new research and development**
 18 **equipment, or both**, to the extent that it would cause the assessed
 19 value of all of the personal property of the owner in the taxing district
 20 in which the equipment is located (excluding personal property that is
 21 assessed as construction in process) to be less than the assessed value
 22 of all of the personal property of the owner in that taxing district
 23 (excluding personal property that is assessed as construction in
 24 process) in the immediately preceding year.

25 (g) If a deduction is not fully allowed under subsection (f) in the
 26 first year the deduction is claimed, then the percentages specified in
 27 subsection (d) or (e) apply in the subsequent years to the amount of
 28 deduction that was allowed in the first year.

29 (h) **For an economic revitalization area designated before July**
 30 **1, 1998**, the designating body shall determine whether a property owner
 31 whose statement of benefits is approved after April 30, 1991, is entitled
 32 to a deduction for five (5) or ten (10) years. **For an economic**
 33 **revitalization area designated after June 30, 1998, the designating**
 34 **body shall determine the number of years the deduction is allowed.**
 35 **However, the deduction may not be allowed for more than ten (10)**
 36 **years.** This determination shall be made:

- 37 (1) as part of the resolution adopted under section 2.5 of this
- 38 chapter; or
- 39 (2) by resolution adopted within sixty (60) days after receiving
- 40 a copy of a property owner's certified deduction application from
- 41 the state board of tax commissioners. A certified copy of the
- 42 resolution shall be sent to the county auditor and the state board

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1 of tax commissioners.
 2 A determination about ~~whether~~ the **number of years the** deduction is
 3 **for a period of five (5) or ten (10) years allowed** that is made under
 4 subdivision (1) is final and may not be changed by following the
 5 procedure under subdivision (2).

6 (i) The owner of new manufacturing equipment that is directly
 7 used to dispose of hazardous waste is not entitled to the deduction
 8 provided by this section for a particular assessment year if during that
 9 assessment year the owner:

10 (1) is convicted of a violation under IC 13-7-13-3 (repealed),
 11 IC 13-7-13-4 (repealed), or IC 13-30-6; or

12 (2) is subject to an order or a consent decree with respect to
 13 property located in Indiana based on a violation of a federal or
 14 state rule, regulation, or statute governing the treatment, storage,
 15 or disposal of hazardous wastes that had a major or moderate
 16 potential for harm.

17 SECTION 7. IC 6-1.1-12.1-5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 5. (a) A property
 19 owner who desires to obtain the deduction provided by section 3 of this
 20 chapter must file a certified deduction application, on forms prescribed
 21 by the state board of tax commissioners, with the auditor of the county
 22 in which the property is located. Except as otherwise provided in
 23 subsection (b) or (e), the deduction application must be filed before
 24 May 10 of the year in which the addition to assessed valuation is made.

25 (b) If notice of the addition to assessed valuation or new
 26 assessment for any year is not given to the property owner before April
 27 10 of that year, the deduction application required by this section may
 28 be filed not later than thirty (30) days after the date such a notice is
 29 mailed to the property owner at the address shown on the records of the
 30 township assessor.

31 (c) The deduction application required by this section must contain
 32 the following information:

- 33 (1) The name of the property owner.
 34 (2) A description of the property for which a deduction is
 35 claimed in sufficient detail to afford identification.
 36 (3) The assessed value of the improvements before
 37 rehabilitation.
 38 (4) The increase in the assessed value of improvements resulting
 39 from the rehabilitation.
 40 (5) The assessed value of the new structure in the case of
 41 redevelopment.
 42 (6) The amount of the deduction claimed for the first year of the



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1 deduction.

2 (7) If the deduction application is for a deduction in a
3 residentially distressed area, the assessed value of the
4 improvement or new structure for which the deduction is
5 claimed.

6 (d) A deduction application filed under subsection (a) or (b) is
7 applicable for the year in which the addition to assessed value or
8 assessment of a new structure is made and in the ~~immediate~~ following
9 ~~two (2), four (4), five (5), or nine (9) years whichever is applicable;~~ **the**
10 **deduction is allowed**, without any additional deduction application
11 being filed. However, property owners who had an area designated an
12 urban development area pursuant to a deduction application filed prior
13 to January 1, 1979, are only entitled to a deduction for a five (5) year
14 period. In addition, property owners who are entitled to a deduction
15 under this chapter pursuant to a deduction application filed after
16 December 31, 1978, and before January 1, 1986, are entitled to a
17 deduction for a ten (10) year period.

18 (e) A property owner who desires to obtain the deduction provided
19 by section 3 of this chapter but who has failed to file a deduction
20 application within the dates prescribed in subsection (a) or (b) may file
21 a deduction application between March 1 and May 10 of a subsequent
22 year which shall be applicable for the year filed and the subsequent
23 years without any additional deduction application being filed for the
24 amounts of the deduction which would be applicable to such years
25 pursuant to section 4 of this chapter if such a deduction application had
26 been filed in accordance with subsection (a) or (b).

27 (f) On verification of the correctness of a deduction application by
28 the assessor of the township in which the property is located, the
29 county auditor shall act as follows:

30 (1) If a determination about ~~whether the deduction is three (3);~~
31 ~~six (6); or ten (10) the number of years the deduction is~~
32 **allowed** has been made in the resolution adopted under section
33 2.5 of this chapter, the county auditor shall make the appropriate
34 deduction.

35 (2) If a determination about ~~whether the deduction is three (3);~~
36 ~~six (6); or ten (10) the number of years the deduction is~~
37 **allowed** has not been made in the resolution adopted under
38 section 2.5 of this chapter, the county auditor shall send a copy
39 of the deduction application to the designating body. Upon
40 receipt of the resolution stating ~~whether the number of years~~
41 **the deduction will be allowed, for three (3); six (6); or ten (10)**
42 ~~years;~~ the county auditor shall make the appropriate deduction.



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1 (3) If the deduction application is for rehabilitation or
 2 redevelopment in a residentially distressed area, the county
 3 auditor shall make the appropriate deduction.

4 (g) The amount and period of the deduction provided for property
 5 by section 3 of this chapter are not affected by a change in the
 6 ownership of the property if the new owner of the property:

7 (1) continues to use the property in compliance with any
 8 standards established under section 2(g) of this chapter; and

9 (2) files an application in the manner provided by subsection (e).

10 (h) The township assessor shall include a notice of the deadlines
 11 for filing a deduction application under subsections (a) and (b) with
 12 each notice to a property owner of an addition to assessed value or of
 13 a new assessment.

14 SECTION 8. IC 6-1.1-12.1-5.5, AS AMENDED BY P.L.6-1997,
 15 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 1999]: Sec. 5.5. (a) A person that desires to obtain the
 17 deduction provided by section 4.5 of this chapter must file a certified
 18 deduction application on forms prescribed by the state board of tax
 19 commissioners with:

20 (1) the auditor of the county in which the new manufacturing
 21 equipment **or new research and development equipment, or**
 22 **both**, is located; and

23 (2) the state board of tax commissioners.

24 A person that timely files a personal property return under
 25 IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment
 26 **or new research and development equipment, or both**, is installed
 27 must file the application between March 1 and May 15 of that year. A
 28 person that obtains a filing extension under IC 6-1.1-3-7(b) for the year
 29 in which the new manufacturing equipment **or new research and**
 30 **development equipment, or both**, is installed must file the application
 31 between March 1 and June 14 of that year.

32 (b) The deduction application required by this section must
 33 contain the following information:

34 (1) The name of the owner of the new manufacturing equipment
 35 **or new research and development equipment, or both.**

36 (2) A description of the new manufacturing equipment **or new**
 37 **research and development equipment, or both.**

38 (3) Proof of the date the new manufacturing equipment **or new**
 39 **research and development equipment, or both**, was installed.

40 (4) The amount of the deduction claimed for the first year of the
 41 deduction.

42 (c) This subsection applies to a deduction application with respect

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1 to new manufacturing equipment **or new research and development**
 2 **equipment, or both**, for which a statement of benefits was initially
 3 approved after April 30, 1991. If a determination about ~~whether the~~
 4 **number of years** the deduction is ~~for a period of five (5) or ten (10)~~
 5 **years allowed** has not been made in the resolution adopted under
 6 section 2.5 of this chapter, the county auditor shall send a copy of the
 7 deduction application to the designating body and the designating body
 8 shall adopt a resolution under section 4.5(h)(2) of this chapter.

9 (d) A deduction application must be filed under this section in the
 10 year in which the new manufacturing equipment **or new research and**
 11 **development equipment, or both**, is installed and in each of the
 12 immediately succeeding ~~four (4) or nine (9)~~ years ~~whichever is~~
 13 **applicable: the deduction is allowed.**

14 (e) The state board of tax commissioners shall review and verify
 15 the correctness of each deduction application and shall notify the
 16 county auditor of the county in which the property is located that the
 17 deduction application is approved or denied or that the amount of the
 18 deduction is altered. Upon notification of approval of the deduction
 19 application or of alteration of the amount of the deduction, the county
 20 auditor shall make the deduction. The county auditor shall notify the
 21 county property tax assessment board of appeals of all deductions
 22 approved under this section.

23 (f) If the ownership of new manufacturing equipment **or new**
 24 **research and development equipment, or both**, changes, the
 25 deduction provided under section 4.5 of this chapter continues to apply
 26 to that equipment if the new owner:

- 27 (1) continues to use the equipment in compliance with any
- 28 standards established under section 2(g) of this chapter; and
- 29 (2) files the deduction applications required by this section.

30 (g) The amount of the deduction is the percentage under section
 31 4.5 of this chapter that would have applied if the ownership of the
 32 property had not changed multiplied by the assessed value of the
 33 equipment for the year the deduction is claimed by the new owner.

34 (h) If a person desires to initiate an appeal of the state board of tax
 35 commissioners' final determination, the person must do all of the
 36 following not more than forty-five (45) days after the state board of tax
 37 commissioners gives the person notice of the final determination:

- 38 (1) File a written notice with the state board of tax
- 39 commissioners informing the board of the person's intention to
- 40 appeal.
- 41 (2) File a complaint in the tax court.
- 42 (3) Serve the attorney general and the county auditor with a copy



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1 of the complaint.

2 SECTION 9. IC 6-1.1-12.1-5.6, AS AMENDED BY P.L.25-1995,
3 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 1999]: Sec. 5.6. (a) This subsection applies to a property
5 owner whose statement of benefits was approved under section 4.5 of
6 this chapter before July 1, 1991. In addition to the requirements of
7 section 5.5(b) of this chapter, a deduction application filed under
8 section 5.5 of this chapter must contain information showing the extent
9 to which there has been compliance with the statement of benefits
10 approved under section 4.5 of this chapter. Failure to comply with a
11 statement of benefits approved before July 1, 1991, may not be a basis
12 for rejecting a deduction application.

13 (b) This subsection applies to a property owner whose statement
14 of benefits was approved under section 4.5 of this chapter after June
15 30, 1991. In addition to the requirements of section 5.5(b) of this
16 chapter, a property owner who files a deduction application under
17 section 5.5 of this chapter must provide the county auditor and the
18 designating body with information showing the extent to which there
19 has been compliance with the statement of benefits approved under
20 section 4.5 of this chapter.

21 (c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following
22 information is a public record if filed under this section:

- 23 (1) The name and address of the taxpayer.
24 (2) The location and description of the new manufacturing
25 equipment **or new research and development equipment, or**
26 **both**, for which the deduction was granted.
27 (3) Any information concerning the number of employees at the
28 facility where the new manufacturing equipment **or new**
29 **research and development equipment, or both**, is located,
30 including estimated totals that were provided as part of the
31 statement of benefits.
32 (4) Any information concerning the total of the salaries paid to
33 those employees, including estimated totals that were provided
34 as part of the statement of benefits.
35 (5) Any information concerning the amount of solid waste or
36 hazardous waste converted into energy or other useful products
37 by the new manufacturing equipment.
38 (6) Any information concerning the assessed value of the new
39 manufacturing equipment **or new research and development**
40 **equipment, or both**, including estimates that were provided as
41 part of the statement of benefits.

42 (d) The following information is confidential if filed under this

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1 section:

2 (1) Any information concerning the specific salaries paid to
3 individual employees by the owner of the new manufacturing
4 equipment **or new research and development equipment, or**
5 **both.**

6 (2) Any information concerning the cost of the new
7 manufacturing equipment **or new research and development**
8 **equipment, or both.**

9 SECTION 10. IC 6-1.1-12.1-5.8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 5.8. In lieu of
11 providing the statement of benefits required by section 3 or 4.5 of this
12 chapter and the additional information required by section 5.1 or 5.6 of
13 this chapter, the designating body may, by resolution, waive the
14 statement of benefits if the designating body finds that the purposes of
15 this chapter are served by allowing the deduction and the property
16 owner has, during the thirty-six (36) months preceding the first
17 assessment date to which the waiver would apply, installed new
18 manufacturing equipment **or new research and development**
19 **equipment, or both**, or developed or rehabilitated property at a cost of
20 at least ten million dollars (\$10,000,000) as determined by the state
21 board of tax commissioners.

22 SECTION 11. IC 6-1.1-12.1-8 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 8. (a) No later
24 than December 31 of each year, the county auditor shall publish the
25 following in a newspaper of general interest and readership and not one
26 of limited subject matter:

27 (1) A list of the approved deduction applications that were filed
28 under this chapter during that year. The list must contain the
29 following:

30 (A) The name and address of each person approved for or
31 receiving a deduction that was filed for during the year.

32 (B) The amount of each deduction that was filed for during
33 the year.

34 (C) The number of years for which each deduction that was
35 filed for during the year will be available.

36 (D) The total amount for all deductions that were filed for
37 and granted during the year.

38 (2) The total amount of all deductions for real property that were
39 in effect under section 3 of this chapter during the year.

40 (3) The total amount of all deductions for new manufacturing
41 equipment **or new research and development equipment, or**
42 **both**, that were in effect under section 4.5 of this chapter during

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1 the year.

2 (b) The county auditor shall file the information described in
3 subsection (a)(2) and (a)(3) with the state board of tax commissioners
4 not later than December 31 of each year.

5 SECTION 12. IC 6-1.1-12.1-11.3, AS ADDED BY P.L.84-1995,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 1999]: Sec. 11.3. (a) This section applies only to the
8 following requirements under section 3 of this chapter:

9 (1) Failure to provide the completed statement of benefits form
10 to the designating body before the hearing required by section
11 2.5(c) of this chapter.

12 (2) Failure to submit the completed statement of benefits form to
13 the designating body before the initiation of the redevelopment
14 or rehabilitation or the installation of new manufacturing
15 equipment **or new research and development equipment, or**
16 **both**, for which the person desires to claim a deduction under
17 this chapter.

18 (3) Failure to designate an area as an economic revitalization
19 area before the initiation of the:

20 (A) redevelopment;

21 (B) installation of new manufacturing equipment **or new**
22 **research and development equipment, or both;** or

23 (C) rehabilitation;

24 for which the person desires to claim a deduction under this
25 chapter.

26 (4) Failure to make the required findings of fact before
27 designating an area as an economic revitalization area or
28 authorizing a deduction for new manufacturing equipment **or**
29 **new research and development equipment, or both**, under
30 section 2, 3, or 4.5 of this chapter.

31 (b) This section does not grant a designating body the authority to
32 exempt a person from filing a statement of benefits or exempt a
33 designating body from making findings of fact.

34 (c) A designating body may by resolution waive noncompliance
35 described under subsection (a) under the terms and conditions specified
36 in the resolution. Before adopting a waiver under this subsection, the
37 designating body shall conduct a public hearing on the waiver.

C
O
P
Y



SENATE MOTION

Mr. President: I move that Senator Landske be added as coauthor of Senate Bill 382.

MILLS

SENATE MOTION

Mr. President: I move that Senators Merritt and Howard be added as coauthors of Senate Bill 382.

MILLS

C
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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill 382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 27, after "computers" insert "**and computer software**".

Page 3, line 30, delete ":".

Page 3, line 31, delete "(i)".

Page 3, run in lines 30 and 31.

Page 3, line 35, after "products;" insert "**and**".

Page 3, delete lines 36 through 40.

Page 27, delete lines 6 through 28.

and when so amended that said bill do pass.

(Reference is to Senate Bill 382 as introduced.)

BORST, Chairperson

Committee Vote: Yeas 13, Nays 0.

C
O
P
Y

