



April 15, 2011

**ENGROSSED
HOUSE BILL No. 1005**

DIGEST OF HB 1005 (Updated April 12, 2011 1:17 pm - DI 58)

Citations Affected: IC 6-3.1.

Synopsis: Industrial recovery tax credit. Makes certain changes to the industrial recovery income tax credit. Reduces the number of years, from 20 to 15, in which a vacant industrial facility must have been in service. Reduces the percentage of a facility, from 75% to 50%, that must not be utilized in order for the facility to be considered vacant. Reduces, from two years to one year, the time that a facility must be vacant. Reduces the maximum amount of floor space, from 250,000 square feet to 100,000 square feet, that a vacant industrial facility may have to qualify.

Effective: January 1, 2011 (retroactive).

Clere, Bosma, Yarde, Cheatham

(SENATE SPONSORS — CHARBONNEAU, HERSHMAN, ARNOLD,
GROOMS, TOMES, RANDOLPH)

January 12, 2011, read first time and referred to Committee on Commerce, Small Business and Economic Development.

February 10, 2011, amended, reported — Do Pass.

February 14, 2011, read second time, ordered engrossed.

February 15, 2011, engrossed. Read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Tax and Fiscal Policy.

April 14, 2011, amended, reported favorably — Do Pass.

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April 15, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1005



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 6-3.1-11-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]:
 3 Sec. 1. As used in this chapter, "applicable percentage" means the
 4 percentage determined as follows:
 5 (1) If a plant that is located on an industrial recovery site was
 6 placed in service at least ~~twenty (20)~~ **fifteen (15)** years ago but
 7 less than thirty (30) years ago, the applicable percentage is fifteen
 8 percent (15%).
 9 (2) If a plant that is located on an industrial recovery site was
 10 placed in service at least thirty (30) years ago but less than forty
 11 (40) years ago, the applicable percentage is twenty percent (20%).
 12 (3) If a plant that is located on an industrial recovery site was
 13 placed in service at least forty (40) years ago, the applicable
 14 percentage is twenty-five percent (25%).
 15 The time that has expired since a plant was placed in service shall be
 16 determined as of the date that an application is filed with the board for
 17 designation of the location as an industrial recovery site under this

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EH 1005—LS 7303/DI 116+



1 chapter.

2 SECTION 2. IC 6-3.1-11-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]:
4 Sec. 14. As used in this chapter, "vacant" means with respect to a plant
5 that at least ~~seventy-five~~ **fifty** percent (~~75%~~) (**50%**) of the plant placed
6 in service is not used to carry on production, manufacturing, assembly,
7 processing, refining, finishing, or warehousing of tangible personal
8 property.

9 SECTION 3. IC 6-3.1-11-15 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]:
11 Sec. 15. As used in this chapter, "vacant industrial facility" means a
12 tract of land on which there is located a plant that:

- 13 (1) has at least ~~two hundred fifty thousand (250,000)~~ **one**
- 14 **hundred thousand (100,000)** square feet of floor space;
- 15 (2) was placed in service at least ~~twenty (20)~~ **fifteen (15)** years
- 16 ago; and
- 17 (3) has been vacant for ~~two (2)~~ **or more years, at least one (1)**
- 18 **year**, unless the tract and the plant are owned by a municipality
- 19 or a county, in which case the ~~two (2)~~ **one (1)** year requirement
- 20 does not apply.

21 SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, reset in roman "(1) has at least".

Page 2, line 13, after "(250,000)" insert "**twenty-five thousand (25,000)**".

Page 2, line 13, reset in roman "square feet".

Page 2, line 14, reset in roman "of floor space;".

Page 2, delete lines 15 through 28.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

STEMLER, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1005, 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 2, line 13, delete "twenty-five" and insert "**one hundred thousand (100,000)**".

Page 2, line 14, delete "thousand (25,000)".

and when so amended that said bill do pass.

(Reference is to HB 1005 as printed February 11, 2011.)

HERSHMAN, Chairperson

Committee Vote: Yeas 12, Nays 0.

