

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1251 be amended to read as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 economic development and to make an appropriation.
4 Page 1, between the enacting clause and line 1, begin a new
5 paragraph and insert:
6 "SECTION 1. IC 5-28-17-5, AS ADDED BY P.L.110-2010,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 5. The board shall designate an employee in the
9 small business division to be the small business ombudsman. The small
10 business ombudsman serves at the pleasure of the board. The
11 corporation shall provide staff support to the small business
12 ombudsman. The small business ombudsman shall carry out the
13 following duties:
14 (1) Work with state agencies to permit increased enforcement
15 flexibility and the ability to grant common sense exemptions for
16 first time offenders of state rules and policies, including,
17 notwithstanding any other law, policies for the compromise of
18 interest and penalties related to a listed tax (as defined in
19 IC 6-8.1-1-1) and other taxes and fees collected or administered
20 by a state agency.
21 (2) Work with state agencies to seek ways to consolidate forms
22 and eliminate the duplication of paperwork, harmonize data, and
23 coordinate due dates.
24 (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform

- 1 cost benefit analyses.
- 2 (4) Work with state agencies to monitor any outdated, ineffective,
3 or overly burdensome information requests from state agencies to
4 small businesses.
- 5 (5) Carry out the duties specified under IC 4-22-2-28 and
6 IC 4-22-2.1 to review proposed rules and participate in
7 rulemaking actions that affect small businesses.
- 8 (6) Coordinate with the ombudsmen designated under
9 IC 13-28-3-2 and the office of voluntary compliance established
10 by IC 13-28-1-1 to coordinate the provision of services required
11 under IC 4-22-2-28.1 and IC 13-28-3.
- 12 (7) Prepare written and electronic information for periodic
13 distribution to small businesses describing the small business
14 services provided by coordinators (as defined in IC 4-3-22-16)
15 and work with the office of technology established by
16 IC 4-13.1-2-1 to place information concerning the availability of
17 these services on state Internet web sites that the small business
18 ombudsman or a state agency determines are most likely to be
19 visited by small business owners and managers.
- 20 (8) Assist in training agency coordinators that will be assigned to
21 rules under IC 4-22-2-28.1(e).
- 22 (9) Investigate and attempt to resolve any matter regarding
23 compliance by a small business with a law, rule, or policy
24 administered by a state agency, either as a party to a proceeding
25 or as a mediator.
- 26 **(10) Assure that at least thirty-three percent (33%) of all job**
27 **creation incentives awarded or for which a business becomes**
28 **eligible after June 30, 2011, are granted to small businesses**
29 **with not more than fifty (50) employees. The ombudsman**
30 **shall establish reporting requirements for the corporation and**
31 **all other agencies and instrumentalities of the state (excluding**
32 **any political subdivision or other unit of local government) to**
33 **determine compliance with this subdivision. The ombudsman**
34 **may disapprove any proposed award to the extent necessary**
35 **to allocate job creation incentives to small businesses. A job**
36 **creation incentive that is disapproved by the ombudsman is**
37 **void.**
- 38 State agencies, **including the department of state revenue,** shall
39 **share information and otherwise** cooperate with the small business
40 ombudsman to carry out the purpose of this section. The department of
41 state revenue and the department of workforce development shall
42 establish a program to distribute the information described in
43 subdivision (7) to small businesses that are required to file returns or
44 information with these state agencies."
- 45 Page 3, after line 14, begin a new paragraph and insert:
46 "SECTION 3. [EFFECTIVE JULY 1, 2011] **(a) The definitions in**

1 **HB 1001-2011, SECTION 1 apply throughout this SECTION.**

2 (b) In addition to the appropriations made to the Indiana
3 economic development corporation by HB 1001-2011, there is
4 appropriated one million five hundred thousand dollars
5 (\$1,500,000) to the Indiana economic development corporation for
6 the total operating expenses of the capital access program
7 established under IC 5-28-29 for the biennium beginning July 1,
8 2011, and ending June 30, 2013. The amount of the appropriation
9 is in addition to any amount allotted, encumbered, or expended
10 before the effective date of this SECTION for the capital access
11 program established under IC 5-28-29 or transferred before the
12 effective date of this SECTION to the reserve fund (as defined in
13 IC 5-28-29-12).

14 (c) The appropriations made to the Indiana economic
15 development corporation for the biennium beginning July 1, 2011,
16 and ending June 30, 2013, by HB 1001-2011 are reduced by one
17 million five hundred thousand dollars (\$1,500,000). The budget
18 agency shall exercise its authority under IC 4-12-1-12 to reassign
19 appropriations made to the Indiana economic development
20 corporation for the state fiscal year beginning July 1, 2011, and
21 ending June 30, 2012, and the state fiscal year beginning July 1,
22 2012, and ending June 30, 2013, to determine the specific line item
23 appropriations that must be reduced under this subsection to fund
24 the appropriation made by subsection (b).

25 (d) An amount appropriated under subsection (b) may not be
26 used for administrative expenses. However, up to two hundred fifty
27 thousand dollars (\$250,000) of the amount appropriated by
28 subsection (b) shall be used to improve and carry out the
29 marketing program for the capital access program required under
30 IC 5-28-29-14(2). The remainder of the appropriation not used for
31 the marketing program shall be deposited in the reserve fund (as
32 defined in IC 5-28-29-12) and used in the biennium to provide
33 capital to businesses, particularly small and medium sized
34 businesses, to foster economic development in Indiana.

35 (e) Notwithstanding any other law, the amount appropriated
36 under subsection (b):

37 (1) may not be transferred or reassigned to another purpose
38 or fund;

39 (2) does not revert to the state general fund or any other fund
40 at the end of a state fiscal year and remains available in
41 subsequent state fiscal years for the purposes of the capital
42 access program established under IC 5-28-29; and

43 (3) shall be allotted and expended for the purposes of the
44 capital access program established under IC 5-28-29.

45 IC 4-13-2-18(f) does not apply to an amount reassigned under this
46 SECTION or any other amount appropriated or allotted to the
47 purposes of the capital access program established under

- 1 **IC 5-28-29.**
- 2 **(f) This SECTION expires July 1, 2013."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1251 as printed February 1, 2011.)

Representative Pryor