

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1007 be amended to read as follows:

1           Page 189, between lines 13 and 14, begin a new paragraph and  
2           insert:

3           "SECTION 132. IC 36-7-32-6 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. As used in this  
5           chapter, "gross retail base period amount" means the aggregate amount  
6           of state gross retail and use taxes remitted under IC 6-2.5 **during the**  
7           **full state fiscal year that precedes the date on which the certified**  
8           **technology park was designated under section 11 of this chapter:**

9           (1) by the businesses operating in the territory comprising a  
10           certified technology park during the full state fiscal year that  
11           precedes the date on which the certified technology park was  
12           designated under section 11 of this chapter; **or**

13           (2) **in the case of a certified technology park modified under**  
14           **section 10(c) of this chapter, by the businesses operating in the**  
15           **territory comprising a certified technology park during:**

16           (A) **the full state fiscal year that precedes the date on which**  
17           **the certified technology park was designated under section**  
18           **11 of this chapter; and**

19           (B) **the full state fiscal year that precedes the date on which**  
20           **the certified technology park was modified under section**  
21           **10(c) of this chapter.**

22           SECTION 133. IC 36-7-32-8 IS AMENDED TO READ AS  
23           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) As used in this  
24           chapter, "income tax base period amount" means the aggregate amount  
25           of the following taxes paid **for work in the certified technology park**  
26           **for the state fiscal year that precedes the date on which the**  
27           **certified technology park was designated under section 11 of this**  
28           **chapter** by employees employed in the territory comprising a certified  
29           technology park with respect to wages and salary earned for work in the  
30           certified technology park for the state fiscal year that precedes the date

1 on which the certified technology park was designated under section 11  
2 of this chapter:

- 3 (1) The adjusted gross income tax.
- 4 (2) The county adjusted gross income tax.
- 5 (3) The county option income tax.
- 6 (4) The county economic development income tax.

7 **(b) However, in the case of a certified technology park that was**  
8 **modified under section 10(c) of this chapter, the term means taxes**  
9 **paid for work by employees who are employed in the territory**  
10 **comprising a certified technology park for:**

- 11 **(1) the state fiscal year that precedes the date on which the**  
12 **certified technology park was designated under section 11 of**  
13 **this chapter; and**
- 14 **(2) the state fiscal year that precedes the date on which the**  
15 **certified technology park was modified under section 10(c) of**  
16 **this chapter.**

17 SECTION 134. IC 36-7-32-10, AS AMENDED BY P.L.203-2005,  
18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2011]: Sec. 10. (a) A unit may apply to the Indiana economic  
20 development corporation for designation of all or part of the territory  
21 within the jurisdiction of the unit's redevelopment commission as a  
22 certified technology park and to enter into an agreement governing the  
23 terms and conditions of the designation. The application must be in a  
24 form specified by the Indiana economic development corporation and  
25 must include information the corporation determines necessary to make  
26 the determinations required under section 11 of this chapter.

27 (b) This subsection applies only to a unit in which a certified  
28 technology park designated before January 1, 2005, is located. A unit  
29 may apply to the Indiana economic development corporation for  
30 permission to expand the unit's certified technology park to include  
31 territory that is adjacent to the unit's certified technology park but  
32 located in another county. The corporation shall grant the unit  
33 permission to expand the certified technology park if the unit and the  
34 redevelopment commission having jurisdiction over the adjacent  
35 territory approve the proposed expansion in a resolution. A certified  
36 copy of each resolution approving the proposed expansion must be  
37 attached to the application submitted under this subsection.

38 **(c) At the same time as the review and recertification process**  
39 **under section 11 of this chapter, a unit may apply to the Indiana**  
40 **economic development corporation for permission to modify the**  
41 **territory of a certified technology park located within the unit. The**  
42 **Indiana economic development corporation may grant the unit**  
43 **permission to modify the territory of the certified technology park**  
44 **if the corporation finds all the following conditions are satisfied:**

- 45 **(1) The unit approves the proposed modification in a**  
46 **resolution and a certified copy of the resolution is attached to**

- 1           **the application.**
- 2           **(2) The application is in a form specified by the Indiana**
- 3           **economic development corporation and includes information**
- 4           **the corporation determines necessary to make the**
- 5           **determinations required by this subsection and section 11 of**
- 6           **this chapter.**
- 7           **(3) The territory contained a business that:**
- 8               **(A) was located in the certified technology park on the date**
- 9               **that the certified technology park was designated under**
- 10              **section 11 of this chapter;**
- 11              **(B) successfully grew its business within the certified**
- 12              **technology park; and**
- 13              **(C) subsequently relocated within the county in which the**
- 14              **certified technology park is located but outside the**
- 15              **territory of the certified technology park, and this**
- 16              **relocation contributed to:**
- 17                      **(i) the gross retail base period amount being greater than**
- 18                      **the gross retail incremental amount; and**
- 19                      **(ii) the gross income tax base period amount being**
- 20                      **greater than the income tax incremental amount;**
- 21                      **for the certified technology park.**
- 22              **(4) The modification of the territory will enhance the**
- 23              **development of the certified technology park.**
- 24              SECTION 135. IC 36-7-32-12, AS AMENDED BY P.L.154-2007,
- 25              SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26              JULY 1, 2011]: Sec. 12. A redevelopment commission and the
- 27              legislative body of the unit that established the redevelopment
- 28              commission may enter into an agreement with the Indiana economic
- 29              development corporation establishing the terms and conditions
- 30              governing a certified technology park designated under section 11 of
- 31              this chapter **or modified under section 10(c) of this chapter.** Upon
- 32              designation **or modification** of the certified technology park under the
- 33              terms of the agreement, the subsequent failure of any party to comply
- 34              with the terms of the agreement may result in the termination or
- 35              rescission of the designation of the area as a certified technology park.
- 36              The agreement must include the following provisions:
- 37                      (1) A description of the area to be included within the certified
- 38                      technology park.
- 39                      (2) Covenants and restrictions, if any, upon all or a part of the
- 40                      properties contained within the certified technology park and
- 41                      terms of enforcement of any covenants or restrictions.
- 42                      (3) The financial commitments of any party to the agreement and
- 43                      of any owner or developer of property within the certified
- 44                      technology park.
- 45                      (4) The terms of any commitment required from a postsecondary
- 46                      educational institution or private research based institute for

1 support of the operations and activities within the certified  
2 technology park.

3 (5) The terms of enforcement of the agreement, which may  
4 include the definition of events of default, cure periods, legal and  
5 equitable remedies and rights, and penalties and damages, actual  
6 or liquidated, upon the occurrence of an event of default.

7 (6) The public facilities to be developed for the certified  
8 technology park and the costs of those public facilities, as  
9 approved by the Indiana economic development corporation.

10 SECTION 136. IC 36-7-32-20 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) After entering  
12 into an agreement under section 12 of this chapter, the redevelopment  
13 commission shall send to the department of state revenue:

14 (1) a certified copy of the designation of the certified technology  
15 park under section 11 of this chapter **or modification under**  
16 **section 10(c) of this chapter;**

17 (2) a certified copy of the agreement entered into under section 12  
18 of this chapter; and

19 (3) a complete list of the employers in the certified technology  
20 park and the street names and the range of street numbers of each  
21 street in the certified technology park.

22 The redevelopment commission shall update the list provided under  
23 subdivision (3) before July 1 of each year.

24 (b) Not later than sixty (60) days after receiving a copy of the  
25 designation **or modification** of the certified technology park, the  
26 department of state revenue shall determine the gross retail base period  
27 amount and the income tax base period amount."

28 Renumber all SECTIONS consecutively.

(Reference is to EHB 1007 as printed April 15, 2011.)

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Senator LANANE