

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 302 be amended to read as follows:

- 1 Page 4, after line 6, begin a new paragraph and insert:
- 2 "SECTION 2. IC 36-7-32-6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this
- 4 chapter, "gross retail base period amount" means the aggregate amount
- 5 of state gross retail and use taxes remitted under IC 6-2.5 by the
- 6 businesses operating in the territory comprising a certified technology
- 7 park during the full state fiscal year that precedes the date on which the
- 8 certified technology park was designated under section 11 of this
- 9 chapter (**subject to any subsequent adjustment under section 28 of**
- 10 **this chapter**).
- 11 SECTION 3. IC 36-7-32-8 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this
- 13 chapter, "income tax base period amount" means the aggregate amount
- 14 of the following taxes paid by employees employed in the territory
- 15 comprising a certified technology park with respect to wages and salary
- 16 earned for work in the certified technology park for the state fiscal year
- 17 that precedes the date on which the certified technology park was
- 18 designated under section 11 of this chapter (**subject to any subsequent**
- 19 **adjustment under section 28 of this chapter**):
- 20 (1) The adjusted gross income tax.
- 21 (2) The county adjusted gross income tax.
- 22 (3) The county option income tax.
- 23 (4) The county economic development income tax.
- 24 SECTION 4. IC 36-7-32-28 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 28. (a) This section applies only to a
3 certified technology park located in a county having a population
4 of more than one hundred twenty-five thousand (125,000) but less
5 than one hundred thirty-five thousand (135,000).**

6 **(b) A redevelopment commission may petition the department
7 of state revenue to adjust a certified technology park's gross retail
8 base period amount or income tax base period amount, or both, if
9 the redevelopment commission believes in good faith at the time
10 the petition is made that the gross retail base period amount or the
11 income tax base period amount, or both, in effect for the certified
12 technology park are incorrect.**

13 **(c) A redevelopment commission that submits a petition under
14 subsection (b) has the burden of demonstrating the redevelopment
15 commission's claim by a preponderance of the evidence.**

16 **(d) A petition submitted under subsection (b) must include the
17 following:**

18 **(1) An explanation of the calculation that was made to
19 determine the gross retail base period amount or income tax
20 base period amount, or both, in effect at the time the petition
21 is made.**

22 **(2) An explanation of why the gross retail base period amount
23 or income tax base period amount, or both, should be
24 changed.**

25 **(3) An explanation of the proposed change in the calculation
26 of the gross retail base period amount or income tax base
27 period amount, or both, describing:**

28 **(A) the proposed change in the calculation formula, if any;**

29 **(B) the proposed new facts to use in making the
30 calculation, if any; or**

31 **(C) the information in both clauses (A) and (B).**

32 **(e) In addition to information provided in a petition submitted
33 under subsection (b), the department of state revenue may require
34 a redevelopment commission to furnish any additional reasonable
35 documentation or other evidence the department of state revenue
36 requires to make its determination.**

37 **(f) If the department of state revenue determines as a result of
38 a petition submitted under this section that a certified technology
39 park's gross retail base period amount or income tax base period
40 amount, or both, are incorrect, the department of state revenue
41 shall compute the appropriate adjustments and notify the
42 petitioning redevelopment commission, the Indiana economic
43 development corporation, the budget agency, and the treasurer of
44 state.**

45 **(g) An adjustment of a certified technology park's gross retail
46 base period amount or income tax base period amount under this
47 section is retroactive to the later of the following dates:**

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(1) The date the incorrect gross retail base period amount or income tax base period amount, as applicable, became effective.

(2) July 1 of the state fiscal year immediately preceding the state fiscal year in which the redevelopment commission submitted the petition to the department of state revenue under subsection (b).

(h) If the date to which an adjustment of a certified technology park's gross retail base period amount or income tax base period amount is retroactive occurred before the beginning of the state fiscal year in which the adjustment is determined under this section, the department of state revenue shall notify the auditor of state and the budget agency of the adjustment with an explanation of the sum of the following:

(1) The difference, if any, between:

**(A) the incorrect gross retail incremental amount; and
(B) the adjusted gross retail incremental amount;
of the certified technology park for all state fiscal years before the state fiscal year in which the determination under this section is made that are affected by the adjustment in the gross retail base period amount, based on the date determined under subsection (g).**

(2) The difference, if any, between:

**(A) the incorrect income tax incremental amount; and
(B) the adjusted income tax incremental amount;
of the certified technology park for all state fiscal years before the state fiscal year in which the determination under this section is made that are affected by the adjustment in the income tax base period amount, based on the date determined under subsection (g).**

If the budget agency is satisfied that the explanation furnished by the department of state revenue of the sum determined under this subsection is correct, the budget agency shall direct the auditor of state to transfer the sum determined under this section from the state general fund to the incremental tax financing fund for the relevant certified technology park, without appropriation, subject to section 22(c) of this chapter, to be distributed as provided in

- 1 **section 22(d) of this chapter.**
- 2 **SECTION 5. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 302 as printed February 27, 2012.)

Representative Austin