
SENATE BILL No. 272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-32.

Synopsis: Certified technology parks. Provides that the department of state revenue may adjust the sales tax base period amount or the income tax base period amount of a certified technology park if an error was made in the computation of the sales tax base period amount or the income tax base period amount. Provides that a change in the sales tax incremental amount or the income tax incremental amount resulting from an adjustment in the sales base period amount or the income tax base period amount is retroactive to the later of: (1) the date on which the incorrect sales base period amount or income tax base period amount became effective; or (2) July 1 of the state fiscal year immediately preceding the state fiscal year in which a redevelopment commission submits a petition to the department of state revenue seeking a correction of the sales tax base period amount or the income tax base period amount.

Effective: Upon passage.

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January 4, 2012, read first time and referred to Committee on Commerce & Economic Development.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 272



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

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

1 SECTION 1. IC 36-7-32-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this
3 chapter, "gross retail base period amount" means the aggregate amount
4 of state gross retail and use taxes remitted under IC 6-2.5 by the
5 businesses operating in the territory comprising a certified technology
6 park during the full state fiscal year that precedes the date on which the
7 certified technology park was designated under section 11 of this
8 chapter (**subject to any subsequent adjustment under section 28 of**
9 **this chapter**).

10 SECTION 2. IC 36-7-32-8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this
12 chapter, "income tax base period amount" means the aggregate amount
13 of the following taxes paid by employees employed in the territory
14 comprising a certified technology park with respect to wages and salary
15 earned for work in the certified technology park for the state fiscal year
16 that precedes the date on which the certified technology park was
17 designated under section 11 of this chapter (**subject to any subsequent**



adjustment under section 28 of this chapter):

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

SECTION 3. IC 36-7-32-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. (a) A redevelopment commission may petition the department of state revenue to adjust a certified technology park's gross retail base period amount, income tax base period amount, or both, if the redevelopment commission believes in good faith at the time the petition is made that the gross retail base period amount, the income tax base period amount, or both, in effect for the certified technology park are incorrect.**

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

(c) A petition submitted under subsection (a) must include the following:

- (1) An explanation of the calculation that was made to determine the gross retail base period amount, income tax base period amount, or both, in effect at the time the petition is made.
- (2) An explanation of why the gross retail base period amount, income tax base period amount, or both, should be changed.
- (3) An explanation of the proposed change in the calculation of the gross retail base period amount, income tax base period amount, or both, describing:
 - (A) the proposed change in the calculation formula, if any;
 - (B) the proposed new facts to use in making the calculation, if any; or
 - (C) both (A) and (B).

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

(e) If the department of state revenue determines as a result of a petition submitted under this section that a certified technology park's gross retail base period amount, income tax base period amount, or both, are incorrect, the department of state revenue shall compute the appropriate adjustments and notify the

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1 petitioning redevelopment commission, the Indiana economic
 2 development corporation, the budget agency, and the treasurer of
 3 state.

4 (f) An adjustment of a certified technology park's gross retail
 5 base period amount or income tax base period amount under this
 6 section is retroactive to the later of the following dates:

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

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

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

21 (1) The difference, if any, between:

22 (A) the incorrect gross retail incremental amount; and

23 (B) the adjusted gross retail incremental amount;

24 of the certified technology park for all state fiscal years before
 25 the state fiscal year in which the determination under this
 26 section is made that are affected by the adjustment in the
 27 gross retail base period amount, based on the date determined
 28 under subsection (f).

29 (2) The difference, if any, between:

30 (A) the incorrect income tax incremental amount; and

31 (B) the adjusted income tax incremental amount;

32 of the certified technology park for all state fiscal years before
 33 the state fiscal year in which the determination under this
 34 section is made that are affected by the adjustment in the
 35 income tax base period amount, based on the date determined
 36 under subsection (f).

37 If the auditor of state is satisfied that the explanation furnished by
 38 the department of state revenue of the sum determined under this
 39 subsection is correct, the auditor of state shall transfer the sum
 40 determined under this section from the state general fund to the
 41 incremental tax financing fund for the relevant certified technology
 42 park, without appropriation, subject to section 22(c) of this

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1 **chapter, to be distributed as provided in section 22(d) of this**
2 **chapter.**

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

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