

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 162 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-14-3-3.3 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2013]: **Sec. 3.3. (a) As used in this section, "incentive provider"**
6 **refers to any of the following entities:**
7 **(1) The Indiana economic development corporation.**
8 **(2) The ports of Indiana.**
9 **(3) The Indiana state department of agriculture.**
10 **(4) The Indiana finance authority.**
11 **(5) An economic development commission established under**
12 **IC 36-7-12.**
13 **(6) A local economic development organization (as defined in**
14 **IC 5-28-11-2(3)).**
15 **(7) A governing body of a political subdivision, a**
16 **redevelopment commission, or a redevelopment authority.**
17 **(b) As used in this section, "incentive recipient" refers to a**
18 **person that receives a benefit from an incentive provider that is**
19 **intended to promote, in Indiana, job creation or increased wages,**
20 **industrial or business development, the retention or expansion of**
21 **businesses, or the development of entrepreneurial activities.**
22 **(c) Information:**
23 **(1) that pertains to the actual number of jobs created or**
24 **retained or the actual number of workers retrained by an**
25 **incentive recipient; and**
26 **(2) that is provided by the incentive recipient to the incentive**
27 **provider after the incentive recipient and incentive provider**
28 **execute an incentive agreement;**
29 **must be available for inspection and copying under section 3 of this**
30 **chapter. Information described in this subsection may not be**

- 1 **claimed as confidential.**
- 2 **(d) Notwithstanding section 4 of this chapter, information that**
- 3 **is provided by an incentive recipient to an incentive provider and**
- 4 **that is necessary for the incentive provider to prepare a required**
- 5 **compliance report must be available for inspection and copying**
- 6 **under section 3 of this chapter. Information described in this**
- 7 **subsection may not be claimed as confidential."**
- 8 Page 3, line 23, delete "(D)".
- 9 Page 3, line 23, beginning with "Notwithstanding" begin a new line
- 10 block indented.
- 11 Page 3, line 27, after "agreement" insert ",".
- 12 Page 9, line 38, delete "active" and insert "**all**".
- 13 Page 9, line 40, delete "June," and insert "**June**".
- 14 Page 10, line 2, delete "active" and insert "**all**".
- 15 Page 10, delete lines 5 through 42, begin a new paragraph and
- 16 insert:
- 17 "SECTION 7. IC 5-28-28-6, AS ADDED BY P.L.222-2007,
- 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2013]: Sec. 6. The economic incentives and compliance report
- 20 required under section 5 of this chapter must include at least the
- 21 following:
- 22 (1) The total ~~amount of~~ **for** each of the following:
- 23 (A) ~~The amount of~~ **tax credits, approved or loans, and grants**
- 24 **contractually** awarded by the corporation.
- 25 (B) ~~Loans made by the corporation. The amount of~~ **investments made by the recipients of the tax credits,**
- 26 **loans, and grants.**
- 27 (C) ~~Grants made by the corporation. The number of actual~~ **jobs created and jobs expected to be created as a result of**
- 28 **the tax credits, loans, and grants reported under clause**
- 29 **(A), as reviewed by an independent auditing firm chosen**
- 30 **by the corporation.**
- 31 (D) ~~The amount of recaptured incentives for the reporting~~ **year and the total number of recipients from which**
- 32 **incentives were recaptured.**
- 33 (E) ~~The amount of tax credits awarded by the corporation~~ **and claimed by recipients for the reporting year, as**
- 34 **reported by the department of state revenue to the**
- 35 **corporation by December 31 of each year.**
- 36 (2) With respect to each recipient of a tax credit, loan, or grant
- 37 referred to in subdivision (1), **the following:**
- 38 (A) ~~The name, and address county, and municipality (if any)~~ **of the recipient.**
- 39 (B) ~~The amount of the tax credit, loan, or grant. tax credits~~ **certified to the recipient and the amount of grants and**
- 40 **loans actually paid out during the term of the agreement.**
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- 1 (C) The purpose of the tax credit, loan, or grant.
- 2 (D) Representations ~~of the following~~ made by the recipient at
- 3 the time of application for the tax credit, loan, or grant, **and**
- 4 **the performance goals established for the recipient for the**
- 5 **reporting year, with regard to the following:**
- 6 (i) Numbers of employees to be hired, retained, or trained.
- 7 (ii) Certification by the corporation that each recipient is
- 8 meeting the program requirements and representations made
- 9 in the recipient's application **and in the incentive**
- 10 **agreement** concerning the wages and compensation
- 11 provided to employees who have been or are to be hired,
- 12 **retained, or trained, or retrained. including, by wage and**
- 13 **compensation group, the number of these employees that**
- 14 **fall within each grouping. In addition, if the recipient is**
- 15 **not in compliance with the program requirements and**
- 16 **representations made in the recipient's application or in**
- 17 **the incentive agreement, a listing of the noncompliance**
- 18 **items.**
- 19 (iii) Other benefits to be provided to employees to be hired,
- 20 retained, or trained.
- 21 (iv) **If a financial investment by the recipient was a**
- 22 **condition for providing an incentive, the amount of the**
- 23 **financial investment that the recipient expects to make in**
- 24 **Indiana as a result of the project for which the incentive**
- 25 **was granted.**
- 26 (E) The extent to which the recipient has complied with the
- 27 representations referred to in clause (D).
- 28 (F) **The number of actual jobs created and jobs expected to**
- 29 **be created as a result of the tax credit, grant, or loan**
- 30 **awarded to the recipient, as reviewed by an independent**
- 31 **auditing firm chosen by the corporation.**
- 32 (G) **Recaptured incentives for the reporting year.**

1 **(H) Tax credits claimed by the recipient for the reporting**
2 **year, as reported by the department of state revenue to the**
3 **corporation by December 31 of each year."**

4 Page 11, delete lines 1 through 10.

5 Renumber all SECTIONS consecutively.

(Reference is to SB 162 as printed January 25, 2013.)

Senator DELPH