

## ARTICLE 9. INDIANA BUSINESS RELOCATION

### Rule 1. Definitions and Policy

#### 55 IAC 9-1-1 Definitions

Authority: IC 4-4-6.1-1

Affected: IC 4-4-6.1

Sec.1. (a) Business Operations—Any site-specific economic activity, including but not being limited to sales, leasing, service, manufacturing, production and storage of inventory, or any activity involving the need for permanent, full-time or part-time employees at a specific location.

(b) Substantially Reduce—A reduction of all Indiana non-enterprise zone business operations as measured by any one or more of the following:

(1) a reduction in full-time or part-time employed persons by the lesser of: twenty-five percent (25%) or more, or 100 employees or more; or

(2) a reduction in total volume of Indiana non-enterprise zone goods, as measured in physical units, or services, as measured in units of time, of twenty-five percent (25%) or more; or inventory stored of ten percent (10%) or more; or

(3) a reduction in all Indiana non-enterprise zone gross income of twenty-five percent (25%) or more.

*(Indiana Economic Development Corporation; 55 IAC 9-1-1; filed May 3, 1985, 11:34 am: 8 IR 1124; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267) NOTE: Transferred from the Enterprise Zone Board (58 IAC 1-1-1) to the Department of Commerce (55 IAC 9-1-1) by P.L.4-2005, SECTION 153, effective February 9, 2005.*

#### 55 IAC 9-1-2 Policy

Authority: IC 4-4-6.1-1

Affected: IC 4-4-6.1

Sec.2. (a) Except as provided in paragraph (b) below, any business that substantially reduces as defined above or ceases business operations at a specific location in Indiana and relocates in an Indiana enterprise zone shall be ineligible for all benefits provided by Indiana enterprise zone legislation.

(b) A business that falls within the prohibitions in paragraph (a) is nonetheless eligible for benefits if its primary motivation for relocating its business operations into an enterprise zone is other than to take advantage of those benefits. To fall within this exception, the business must certify, under penalty of perjury, on their Indiana tax forms that the decision to substantially reduce or cease operations was not made in order to relocate in an enterprise zone and was due to one or more of the following:

(1) The building which houses present business operations has been certified uninhabitable by state or local building authorities.

(2) Involuntary loss of lease through no contributory nor omitted action of the leasee.

(3) The building which houses present business operations has been totally destroyed due to fire, flood, wind or other acts of God.

(4) The available space at the present location clearly cannot accommodate planned expansion needs.

(5) Renovation costs at the present location would be more than 1 1/2 times the cost of purchase and/or renovation of the desired facility in the enterprise zone, as certified by three independent estimates.

*(Indiana Economic Development Corporation; 55 IAC 9-1-2; filed May 3, 1985, 11:34 am: 8 IR 1124; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267) NOTE: Transferred from the Enterprise Zone Board (58 IAC 1-1-2) to the Department of Commerce (55 IAC 9-1-2) by P.L.4-2005, SECTION 153, effective February 9, 2005.*

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