



March 13, 2007

**ENGROSSED
HOUSE BILL No. 1426**

DIGEST OF HB 1426 (Updated March 12, 2007 12:02 pm - DI 113)

Citations Affected: IC 5-28.

Synopsis: Economic incentives accountability. Requires the Indiana economic development corporation (corporation) to report semiannually on certain tax credits, loans, and grants provided by the state and on the level of compliance by recipients with representations made to obtain the benefits. Provides that the corporation shall seek to reclaim certain tax credits, loans, and grants if the entity to which the tax credit, loan, or grant is awarded has not, in the absence of good cause, complied with the representations made by the entity in obtaining the tax credit, loan, or grant.

Effective: Upon passage.

Austin, Stevenson, Neese, Mays

(SENATE SPONSORS — FORD, LANANE, GARD, KRUSE, BREAUX)

January 16, 2007, read first time and referred to Committee on Government and Regulatory Reform.

February 1, 2007, amended, reported — Do Pass.

February 8, 2007, read second time, amended, ordered engrossed.

February 9, 2007, engrossed.

February 13, 2007, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Economic Development and Technology.

March 12, 2007, amended, reported favorably — Do Pass.

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EH 1426—LS 7597/DI 52+



March 13, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1426

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-28-28 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 3 PASSAGE]:
- 4 **Chapter 28. State Economic Incentives and Compliance Report**
- 5 **Sec. 1. This chapter applies to grants, loans, and tax credits:**
- 6 **(1) applied for; and**
- 7 **(2) awarded;**
- 8 **after July 1, 2007.**
- 9 **Sec. 2. As used in this chapter, "grant" refers to a grant given**
- 10 **by the state.**
- 11 **Sec. 3. As used in this chapter, "loan":**
- 12 **(1) refers to a loan made by the state, regardless of whether**
- 13 **the loan is forgivable; and**
- 14 **(2) includes a loan guarantee made by the state.**
- 15 **Sec. 4. As used in this chapter, "state" means an agency, board,**
- 16 **commission, or office of the state.**
- 17 **Sec. 5. As used in this chapter, "tax credit" means a state tax**

EH 1426—LS 7597/DI 52+



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liability credit under any of the following:

- (1) IC 6-3.1-7.
- (2) IC 6-3.1-13.
- (3) IC 6-3.1-13.5.
- (4) IC 6-3.1-26.
- (5) IC 6-3.1-27.
- (6) IC 6-3.1-28.
- (7) IC 6-3.1-30.

Sec. 6. (a) Beginning February 1, 2008, the Indiana economic development corporation shall:

- (1) submit an economic incentives and compliance report to:
 - (A) the governor; and
 - (B) the legislative council in an electronic format under IC 5-14-6; and

(2) publish the report on the corporation's Internet web site; on the schedule specified in subsection (b).

(b) Before August 2, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before February 1 and August 1 of each year that covers the six (6) month period that ends one (1) month before the report is due. After August 1, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before August 1 of each year that covers the twelve (12) month period that ends one (1) month before the report is due.

Sec. 7. The economic incentives and compliance report required under section 6 of this chapter must include at least the following:

- (1) The total amount of each of the following:
 - (A) Tax credits applied in the state.
 - (B) Loans made in the state.
 - (C) Grants given in the state.
- (2) With respect to each recipient of a tax credit, loan, or grant referred to in subdivision (1):
 - (A) The name and address of the recipient.
 - (B) The amount of the tax credit, loan, or grant.
 - (C) The purpose of the tax credit, loan, or grant.
 - (D) Representations of the following made by the recipient at the time of application for the tax credit, loan, or grant:
 - (i) Numbers of employees to be hired, retained, or trained.
 - (ii) Certification by the Indiana economic development corporation that each recipient is meeting the program requirements and representations made in the

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1 recipient's application of the wages and compensation
 2 provided to employees who have been or are to be hired,
 3 trained, or retrained.
 4 (iii) Other benefits to be provided to employees to be
 5 hired, retained, or trained.
 6 (E) The extent to which the recipient has complied with the
 7 representations referred to in clause (D).
 8 **Sec. 8. If in the course of compiling information to complete a**
 9 **report required by section 6 of this chapter the corporation**
 10 **determines that a recipient of a grant, loan, or tax credit has not**
 11 **complied with the representations that the recipient made in**
 12 **obtaining the tax credit, loan, or grant, the corporation shall**
 13 **determine whether there was good cause for the noncompliance. If**
 14 **there is not good cause for the noncompliance, the corporation**
 15 **shall seek a refund or arrange other methods of reclaiming the tax**
 16 **credits, loans, or grants from the recipient.**
 17 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1426, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 2, delete line 1.
- Page 2, line 2, delete "(5)" and insert "(4)".
- Page 2, line 3, delete "(6)" and insert "(5)".
- Page 2, line 4, delete "(7)" and insert "(6)".
- Page 2, line 5, delete "(8)" and insert "(7)".

and when so amended that said bill do pass.

(Reference is to HB 1426 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 10, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1426 be amended to read as follows:

- Page 2, line 5, after "5." insert "(a)".
- Page 2, line 7, delete "each February 1 and August 1".
- Page 2, line 12, delete "." and insert ";

on the schedule specified in subsection (b).

(b) Before August 2, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before February 1 and August 1 of each year that covers the six (6) month period that ends one (1) month before the report is due. After August 1, 2009, the Indiana economic development corporation shall submit and publish an incentives and compliance report before August 1 of each year that covers the twelve (12) month period that ends one (1) month before the report is due."

- Page 2, line 14, delete "for the six (6) month".
- Page 2, line 15, delete "period that ends one (1) month before the report is due".
- Page 2, line 28, delete "or retained." and insert", **retained, or trained.**".
- Page 2, line 29, delete "Levels of compensation to" and insert "**Average wage or compensation that will**"

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Page 2, line 30, delete "or retained." and insert", **retained, or trained.**".

Page 2, line 32, delete "or retained." and insert", **retained, or trained.**".

(Reference is to HB 1426 as printed February 2, 2007.)

AUSTIN

SENATE MOTION

Madam President: I move that Senators Kruse and Breaux be added as cosponsors of Engrossed House Bill 1426.

FORD

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred House Bill No. 1426, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. This chapter applies to grants, loans, and tax credits:

(1) applied for; and

(2) awarded;

after July 1, 2007."

Page 1, line 5, delete "1." and insert "2."

Page 1, line 7, delete "2." and insert "3."

Page 1, line 11, delete "3." and insert "4."

Page 1, line 13, delete "4." and insert "5."

Page 2, line 5, delete "5." and insert "6."

Page 2, line 5, delete "August 1, 2007," and insert "**February 1, 2008,**".

Page 2, line 21, delete "6." and insert "7."

Page 2, line 22, delete "5" and insert "6".

Page 2, delete lines 36 through 37, begin a new line triple block indented and insert:

"(ii) Certification by the Indiana economic development



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corporation that each recipient is meeting the program requirements and representations made in the recipient's application of the wages and compensation provided to employees who have been or are to be hired, trained, or retrained."

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 8. If in the course of compiling information to complete a report required by section 6 of this chapter the corporation determines that a recipient of a grant, loan, or tax credit has not complied with the representations that the recipient made in obtaining the tax credit, loan, or grant, the corporation shall determine whether there was good cause for the noncompliance. If there is not good cause for the noncompliance, the corporation shall seek a refund or arrange other methods of reclaiming the tax credits, loans, or grants from the recipient."

and when so amended that said bill do pass.

(Reference is to HB 1426 as reprinted February 9, 2007.)

FORD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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