



March 21, 2017

ENGROSSED HOUSE BILL No. 1601

DIGEST OF HB 1601 (Updated March 16, 2017 11:42 am - DI 84)

Citations Affected: IC 36-7.

Synopsis: Certified technology parks. Requires that a certified technology park be recertified every three years beginning January 1, 2018. (Under current law, a certified technology park is required to be recertified every four years.) Requires the Indiana economic development corporation (IEDC), in conjunction with the office of management and budget (OMB), to develop metrics for measuring the performance of a certified technology park during a review period. Requires the IEDC to consult with the Association of Indiana Counties and the Indiana Association of Cities and Towns in developing the metrics. Requires the metrics to include: (1) the criteria to be used to analyze and evaluate each category of information furnished by a certified technology park to the IEDC during the course of a review; and (2) a set of minimum threshold requirements for performance to be achieved regarding each category of information. Provides that a certified technology park must meet the minimum threshold requirements for performance set forth in the metrics before it may be recertified. Requires the IEDC to submit a report that describes the metrics to the legislative council and the interim study committee on fiscal policy before July 1, 2018.

Effective: Upon passage.

Huston, Morris, Cherry, Macer

(SENATE SPONSORS — HERSHMAN, RANDOLPH LONNIE M)

January 23, 2017, read first time and referred to Committee on Commerce, Small Business and Economic Development.

February 9, 2017, reported — Do Pass.

February 13, 2017, read second time, ordered engrossed. Engrossed.

February 16, 2017, read third time, passed. Yeas 87, nays 0.

SENATE ACTION

February 23, 2017, read first time and referred to Committee on Commerce and Technology.

March 20, 2017, reported favorably — Do Pass.

EH 1601—LS 7371/DI 120



March 21, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1601

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 36-7-32-11, AS AMENDED BY P.L.293-2013(ts),
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 11. (a) After receipt of an application under
4 section 10 of this chapter, and subject to subsection (b), the Indiana
5 economic development corporation may designate a certified
6 technology park if the corporation determines that the application
7 demonstrates a firm commitment from at least one (1) business
8 engaged in a high technology activity creating a significant number of
9 jobs and satisfies one (1) or more of the following additional criteria:
10 (1) A demonstration of significant support from an institution of
11 higher education, a private research based institute, or a military
12 research and development or testing facility on an active United
13 States government military base or other military installation
14 located within, or in the vicinity of, the proposed certified
15 technology park, as evidenced by the following criteria:
16 (A) Grants of preferences for access to and commercialization
17 of intellectual property.

EH 1601—LS 7371/DI 120



- 1 (B) Access to laboratory and other facilities owned by or under
 2 the control of the postsecondary educational institution or
 3 private research based institute.
 4 (C) Donations of services.
 5 (D) Access to telecommunications facilities and other
 6 infrastructure.
 7 (E) Financial commitments.
 8 (F) Access to faculty, staff, and students.
 9 (G) Opportunities for adjunct faculty and other types of staff
 10 arrangements or affiliations.
 11 (H) Other criteria considered appropriate by the Indiana
 12 economic development corporation.
- 13 (2) A demonstration of a significant commitment by the
 14 postsecondary educational institution, private research based
 15 institute, or military research and development or testing facility
 16 on an active United States government military base or other
 17 military installation to the commercialization of research
 18 produced at the certified technology park, as evidenced by the
 19 intellectual property and, if applicable, tenure policies that reward
 20 faculty and staff for commercialization and collaboration with
 21 private businesses.
- 22 (3) A demonstration that the proposed certified technology park
 23 will be developed to take advantage of the unique characteristics
 24 and specialties offered by the public and private resources
 25 available in the area in which the proposed certified technology
 26 park will be located.
- 27 (4) The existence of or proposed development of a business
 28 incubator within the proposed certified technology park that
 29 exhibits the following types of resources and organization:
- 30 (A) Significant financial and other types of support from the
 31 public or private resources in the area in which the proposed
 32 certified technology park will be located.
- 33 (B) A business plan exhibiting the economic utilization and
 34 availability of resources and a likelihood of successful
 35 development of technologies and research into viable business
 36 enterprises.
- 37 (C) A commitment to the employment of a qualified full-time
 38 manager to supervise the development and operation of the
 39 business incubator.
- 40 (5) The existence of a business plan for the proposed certified
 41 technology park that identifies its objectives in a clearly focused
 42 and measurable fashion and that addresses the following matters:



- 1 (A) A commitment to new business formation.
 2 (B) The clustering of businesses, technology, and research.
 3 (C) The opportunity for and costs of development of properties
 4 under common ownership or control.
 5 (D) The availability of and method proposed for development
 6 of infrastructure and other improvements, including
 7 telecommunications technology, necessary for the
 8 development of the proposed certified technology park.
 9 (E) Assumptions of costs and revenues related to the
 10 development of the proposed certified technology park.
- 11 (6) A demonstrable and satisfactory assurance that the proposed
 12 certified technology park can be developed to principally contain
 13 property that is primarily used for, or will be primarily used for,
 14 a high technology activity or a business incubator.
- 15 (b) The Indiana economic development corporation may not
 16 approve an application that would result in a substantial reduction or
 17 cessation of operations in another location in Indiana in order to
 18 relocate them within the certified technology park. The Indiana
 19 economic development corporation may designate not more than two
 20 (2) new certified technology parks during any state fiscal year. The
 21 designation of a new certified technology park is subject to review and
 22 approval under section 11.5 of this chapter.
- 23 (c) A certified technology park designated under this section is
 24 subject to the review of the Indiana economic development corporation
 25 and must be recertified:
- 26 (1) every four (4) years, **for a recertification occurring before**
 27 **January 1, 2018; and**
 28 (2) every three (3) years, **for a recertification occurring after**
 29 **December 31, 2017.**
- 30 (d) The corporation shall develop procedures and the criteria to be
 31 used in the review required by ~~this subsection.~~ **under subsection (c).**
 32 **Beginning after December 31, 2017, the procedures and criteria**
 33 **must include the metrics developed under subsection (h) for**
 34 **measuring the performance of a certified technology park.**
- 35 (e) A certified technology park shall furnish to the corporation the
 36 following information to be used in the course of the review:
- 37 (1) Total employment and payroll levels for all businesses
 38 operating within the certified technology park.
 39 (2) The nature and extent of any technology transfer activity
 40 occurring within the certified technology park.
 41 (3) The nature and extent of any nontechnology businesses
 42 operating within the certified technology park.



1 (4) The use and outcomes of any state money made available to
2 the certified technology park.

3 (5) An analysis of the certified technology park's overall
4 contribution to the technology based economy in Indiana.

5 **(f) Beginning after December 31, 2017, a certified technology**
6 **park must meet or exceed the minimum threshold requirements**
7 **developed under subsection (h)(2) before the certified technology**
8 **park may be recertified under this section.** If a certified technology
9 park is not recertified, the Indiana economic development corporation
10 shall send a certified copy of a notice of the determination to the county
11 auditor, the department of local government finance, and the
12 department of state revenue.

13 **(d) (g)** To the extent allowed under IC 5-14-3, the corporation shall
14 maintain the confidentiality of any information that is:

15 (1) submitted as part of the review process under subsection (c);
16 and

17 (2) marked as confidential;

18 by the certified technology park.

19 **(h) Before January 1, 2018, the corporation, in conjunction with**
20 **the office of management and budget, shall develop metrics for**
21 **measuring the performance of a certified technology park during**
22 **the review period for recertification under subsection (c). The**
23 **corporation shall consult with the Association of Indiana Counties**
24 **and the Indiana Association of Cities and Towns in developing the**
25 **metrics under this subsection. The metrics shall include at least the**
26 **following elements:**

27 (1) Specific criteria to be used to analyze and evaluate each
28 category of information furnished to the corporation under
29 subsection (e)(1) through (e)(5).

30 (2) Minimum threshold requirements for the performance of
31 a certified technology park regarding each category of
32 information furnished to the corporation under subsection
33 (e)(1) through (e)(5) based on the criteria for the analysis and
34 evaluation of the information under subdivision (1).

35 The corporation shall adopt the metrics developed under this
36 subsection as part of the criteria to be used in a review under
37 subsection (c). However, the corporation must hold at least one (1)
38 public hearing before adopting the metrics developed under this
39 subsection at which the corporation presents the metrics for the
40 purpose of giving all interested parties an opportunity to review
41 and comment upon the metrics. Before July 1, 2018, the
42 corporation shall submit a report to the legislative council and the



1 **interim study committee on fiscal policy established by IC 2-5-1.3-4**
2 **that describes the metrics adopted by the corporation under this**
3 **subsection. The report to the legislative council must be in an**
4 **electronic format under IC 5-14-6.**

5 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1601, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1601 as introduced.)

MORRIS

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1601, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1601 as printed February 10, 2017.)

MESSMER, Chairperson

Committee Vote: Yeas 7, Nays 0

