

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 271

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 36-7-32-11, AS AMENDED BY P.L.158-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) After receipt of an application under section 10 of this chapter, and subject to subsection (b), the Indiana economic development corporation may designate a certified technology park if the corporation determines that the application demonstrates a firm commitment from at least one (1) business engaged in a high technology activity creating a significant number of jobs and satisfies one (1) or more of the following additional criteria:

(1) A demonstration of significant support from an institution of higher education, a private research based institute, or a military research and development or testing facility on an active United States government military base or other military installation located within, or in the vicinity of, the proposed certified technology park, as evidenced by the following criteria:

- (A) Grants of preferences for access to and commercialization of intellectual property.
- (B) Access to laboratory and other facilities owned by or under the control of the postsecondary educational institution or private research based institute.
- (C) Donations of services.
- (D) Access to telecommunications facilities and other

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infrastructure.

(E) Financial commitments.

(F) Access to faculty, staff, and students.

(G) Opportunities for adjunct faculty and other types of staff arrangements or affiliations.

(H) Other criteria considered appropriate by the Indiana economic development corporation.

(2) A demonstration of a significant commitment by the postsecondary educational institution, private research based institute, or military research and development or testing facility on an active United States government military base or other military installation to the commercialization of research produced at the certified technology park, as evidenced by the intellectual property and, if applicable, tenure policies that reward faculty and staff for commercialization and collaboration with private businesses.

(3) A demonstration that the proposed certified technology park will be developed to take advantage of the unique characteristics and specialties offered by the public and private resources available in the area in which the proposed certified technology park will be located.

(4) The existence of or proposed development of a business incubator within the proposed certified technology park that exhibits the following types of resources and organization:

(A) Significant financial and other types of support from the public or private resources in the area in which the proposed certified technology park will be located.

(B) A business plan exhibiting the economic utilization and availability of resources and a likelihood of successful development of technologies and research into viable business enterprises.

(C) A commitment to the employment of a qualified full-time manager to supervise the development and operation of the business incubator.

(5) The existence of a business plan for the proposed certified technology park that identifies its objectives in a clearly focused and measurable fashion and that addresses the following matters:

(A) A commitment to new business formation.

(B) The clustering of businesses, technology, and research.

(C) The opportunity for and costs of development of properties under common ownership or control.

(D) The availability of and method proposed for development



of infrastructure and other improvements, including telecommunications technology, necessary for the development of the proposed certified technology park.

(E) Assumptions of costs and revenues related to the development of the proposed certified technology park.

(6) A demonstrable and satisfactory assurance that the proposed certified technology park can be developed to principally contain property that is primarily used for, or will be primarily used for, a high technology activity or a business incubator.

(b) The Indiana economic development corporation may not approve an application that would result in a substantial reduction or cessation of operations in another location in Indiana in order to relocate them within the certified technology park. The Indiana economic development corporation may designate not more than two (2) new certified technology parks during any state fiscal year. The designation of a new certified technology park is subject to review and approval under section 11.5 of this chapter.

(c) A certified technology park designated under this section is subject to the review of the Indiana economic development corporation and must be recertified:

(1) every four (4) years, for a recertification occurring before January 1, 2018, or after December 31, 2019; and

(2) every three (3) years, for a recertification occurring after December 31, 2017, and before January 1, 2020.

(d) The corporation shall develop procedures and the criteria to be used in the review required under subsection (c). The procedures and criteria must include the metrics developed under subsection (h) for measuring the performance of a certified technology park.

(e) A certified technology park shall furnish to the corporation the following information to be used in the course of the review:

(1) Total employment and payroll levels for all businesses operating within the certified technology park.

(2) The nature and extent of any technology transfer activity occurring within the certified technology park.

(3) The nature and extent of any nontechnology businesses operating within the certified technology park.

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

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

(6) The nature and extent of financial support secured by the certified technology park from outside sources such as



philanthropy, federal government, local government, and other private or nonprofit sources, and including the nature, type, and structure of the funding mechanisms to support the development and growth of the certified technology park.

(7) The nature and extent of incubation services provided to businesses consistent with incubation industry best practices, and growth or relocations of those businesses outside the certified technology park.

(8) The nature and extent of partnerships undertaken between the certified technology park and local and regional organizations in pursuit of shared objectives.

(f) A certified technology park must meet or exceed the minimum threshold requirements developed under subsection (h)(2) before the certified technology park may be recertified under this section. If a certified technology park is not recertified, the Indiana economic development corporation shall send a certified copy of a notice of the determination to the county auditor, the department of local government finance, and the department of state revenue.

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

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

(2) marked as confidential;

by the certified technology park.

(h) The corporation, in conjunction with the office of management and budget, shall develop metrics for measuring the performance of a certified technology park during the review period for recertification under subsection (c). The corporation shall consult with local units of government in developing the metrics under this subsection. The metrics shall include at least the following elements:

(1) Specific criteria to be used to analyze and evaluate each category of information furnished to the corporation under subsection (e)(1) through ~~(e)(5)~~; **(e)(8)**.

(2) Minimum threshold requirements for the performance of a certified technology park regarding each category of information furnished to the corporation under subsection (e)(1) through ~~(e)(5)~~; **(e)(8)** based on the criteria for the analysis and evaluation of the information under subdivision (1).

(i) The board of the Indiana economic development corporation shall adopt the metrics developed under subsection (h) as part of the criteria to be used in the corporation's review under subsection (c).

SECTION 2. IC 36-7-32-22, AS AMENDED BY P.L.32-2021,

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SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) The treasurer of state shall establish an incremental tax financing fund for each certified technology park designated under this chapter. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Subject to subsection (c), the following amounts shall be deposited during each state fiscal year in the incremental tax financing fund established for a certified technology park under subsection (a):

(1) The aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the certified technology park, until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount for the certified technology park.

(2) Except as provided in subdivision (3), the aggregate amount of the following taxes paid by employees employed in the certified technology park with respect to wages earned for work in the certified technology park, until the amount deposited equals the income tax incremental amount as defined in section 8.5(1) of this chapter:

(A) The adjusted gross income tax.

(B) The local income tax (IC 6-3.6).

(3) In the case of a certified technology park to which subsection (e) applies, the amount determined under subsection (e), if any.

(c) Except as provided in subsections (d) and (e), not more than a total of five million dollars (\$5,000,000) may be deposited in a particular incremental tax financing fund for a certified technology park over the life of the certified technology park.

(d) Except as provided in subsection (e), in the case of a certified technology park that is operating under a written agreement entered into by two (2) or more redevelopment commissions, and subject to section 26(b)(4) of this chapter:

(1) not more than a total of five million dollars (\$5,000,000) may be deposited over the life of the certified technology park in the incremental tax financing fund of each redevelopment commission participating in the operation of the certified technology park; and

(2) the total amount that may be deposited in all incremental tax financing funds, over the life of the certified technology park, in aggregate, may not exceed the result of:

(A) five million dollars (\$5,000,000); multiplied by

(B) the number of redevelopment commissions that have



entered into a written agreement for the operation of the certified technology park.

(e) If a certified technology park ~~maintains its certification under section 11(c) of this chapter and has reached~~ the limit on deposits under subsection (c) or (d) **and maintains its certification under section 11(c) of this chapter, the certified technology park shall become a Level 2 certified technology park and** ~~has been reached for a period;~~ an additional annual deposit amount shall ~~if applicable,~~ be deposited in the incremental tax financing fund for the certified technology park equal to the following:

(1) For a certified technology park to which subsection (c) applies, the lesser of:

(A) the income tax incremental amount as defined in section 8.5(2) of this chapter; or

(B) ~~one hundred thousand dollars (\$100,000).~~ **two hundred fifty thousand dollars (\$250,000).**

(2) For a certified technology park to which subsection (d) applies, the lesser of:

(A) the aggregate income tax incremental amounts as defined in section 8.5(2) of this chapter attributable to each redevelopment commission that has entered into a written agreement for the operation of the certified technology park; or

(B) ~~one hundred thousand dollars (\$100,000)~~ **two hundred fifty thousand dollars (\$250,000)** multiplied by the number of redevelopment commissions that have entered into a written agreement for the operation of the certified technology park.

(3) The following apply to deposits under this subsection:

(A) If a certified technology park reached its limit on deposits based on a state fiscal year ending before July 1, 2022, the certified technology park shall receive deposits based on the income tax incremental amount as defined in section 8.5(2) of this chapter for each state fiscal year ending after June 30, 2021.

(B) If a certified technology park reached its limit on deposits based on a state fiscal year ending after June 30, 2022, the certified technology park shall receive deposits based on the income tax incremental amount as defined in section 8.5(2) of this chapter for the state fiscal year in which it reached its limit on deposits under subsection (c) or (d) and each state fiscal year thereafter.

(C) If a certified technology park is permitted to receive



deposits under this subsection during the state fiscal year in which it reached its limit on deposits under subsection (c) or (d), the income tax incremental amount for purposes of subdivision (1)(A) or (1)(B) for that state fiscal year shall be reduced by an amount equal to:

(i) the deposit amount for the state fiscal year under subsection (b) required to reach the limit on deposits under subsection (c) or (d); minus

(ii) the gross retail incremental amount determined under section 6.5 of this chapter;

but not less than zero (0).

(f) This subsection applies to a Level 2 certified technology park designated in subsection (e). When the Indiana economic development corporation recertifies a certified technology park as required under section 11 of this chapter, the corporation shall make a determination of whether the certified technology park shall continue to be designated as a Level 2 certified technology park.

(g) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a certified technology park shall be distributed to the redevelopment commission for deposit in the certified technology park fund established under section 23 of this chapter.

SECTION 3. IC 36-7-32-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 29. Before January 1, 2024, and before January 1 of each even-numbered year thereafter, the Indiana economic development corporation shall submit a report to the budget committee that includes at least the following information for each certified technology park:**

(1) The total number of businesses located in the certified technology park, including the specific number of businesses engaged in high technology activity in the certified technology park.

(2) The number of businesses described in subdivision (1) that have left the certified technology park and the locations to which the businesses moved.

(3) The number of employees of each business described in subdivision (1), and the average annual wage paid to those employees.

(4) The amount of capital investment that each business described in subdivision (1) has secured.



SECTION 4. [EFFECTIVE JULY 1, 2023] (a) IC 36-7-32-22(e)(3), as added by this act, is intended as a clarification of law and not a substantive change in law.

(b) IC 36-7-32-22(e), as amended by this act to increase the maximum distribution to two hundred fifty thousand dollars (\$250,000), shall apply only to distributions that are based on fiscal years beginning after June 30, 2022.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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