

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 361

AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

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

SECTION 1. IC 5-1.2-4-4, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. **(a)** In addition to the powers listed in section 1 of this chapter, the authority may:

(1) enter into leases and issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to:

(A) acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17;

(B) acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1;

or

(C) carry out the purposes of IC 5-1-17.5 within a motorsports investment district; ~~and~~

(2) at the request of the Indiana economic development corporation established by IC 5-28-3-1, and subject to subsections (b), (c), and (d), enter into leases and issue bonds under terms and conditions determined by the authority payable solely from:

(A) revenues that are deposited in a local innovation development district fund established under



IC 36-7-32.5-19;

(B) revenues generated from a project under IC 36-7-32.5-19; and

(C) appropriations from the general assembly; and

(2) (3) perform any other functions determined by the authority to be necessary or appropriate to carry out the purposes of this section.

(b) The proceeds of bonds issued under subsection (a)(2) may be used to pay the costs of projects:

(1) described in IC 36-7-32.5-19; and

(2) located within or directly serving the innovation development district in which the revenue was generated.

(c) Before the authority enters into leases or issues bonds under subsection (a)(2), the proposed lease or issuance of bonds must be reviewed by the budget committee.

(d) The authority may not issue more than one billion dollars (\$1,000,000,000) of bonds under subsection (a)(2).

SECTION 2. IC 5-28-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 1.5. "Applicable tax credit" means a tax credit available under any of the following:**

(1) IC 6-3.1-13.

(2) IC 6-3.1-19.

(3) IC 6-3.1-26.

(4) IC 6-3.1-30.

(5) IC 6-3.1-34.

(6) IC 6-3.1-36.

SECTION 3. IC 5-28-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 9. (a) The aggregate amount of applicable tax credits that the corporation may award for a state fiscal year for all taxpayers is three hundred million dollars (\$300,000,000).**

(b) For purposes of determining the amount of applicable tax credits that have been awarded for a state fiscal year, the following apply:

(1) An applicable tax credit is considered awarded in the state fiscal year in which the taxpayer can first claim the credit, determined without regard to any carryforward period or carryback period.

(2) An applicable tax credit awarded by the corporation before July 1, 2022, shall be counted toward the aggregate credit limitation under this section.



(3) If an accelerated credit is awarded under IC 6-3.1-26-15, the amount counted toward the aggregate credit limitation under this section for a state fiscal year shall be the amount of the credit for the taxable year described in subdivision (1) prior to any discount.

SECTION 4. IC 6-1.1-10-50 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 50. Property designated as exempt under IC 36-7-32.5-15(b) by an executive or the Indiana economic development corporation is exempt from property taxation.**

SECTION 5. IC 6-1.1-39-0.5, AS ADDED BY P.L.38-2021, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 0.5. (a)** This section does not apply to a parcel that is included in more than one (1) allocation area established by:

- (1) an ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter;
- (2) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;
- (3) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;
- (4) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;
- (5) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12;
- (6) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18; or
- (7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15;

on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area under this chapter or under:

- (1) IC 8-22-3.5;
- (2) IC 36-7-14;
- (3) IC 36-7-15.1;



- (4) IC 36-7-30;
- (5) IC 36-7-30.5; or
- (6) IC 36-7-32; or
- (7) IC 36-7-32.5.**

SECTION 6. IC 6-3-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 5. (a) If the Indiana economic development corporation established by IC 5-28-3-1 enters into an agreement with a taxpayer for an economic development for a growing economy tax credit under IC 6-3.1-13, and the taxpayer elects to forgo claiming the credit against any state tax liability for that taxable year and requests the department to remit to the taxpayer an amount equal to the credit for the taxable year as set forth under IC 6-3.1-13-20(b), the provisions of this section shall apply.**

(b) Before making a payment to a taxpayer under this section, the taxpayer shall provide to the department:

- (1) a copy of the taxpayer's agreement with the Indiana economic development corporation;**
- (2) the credit awarded to the taxpayer for that taxable year;**
- and**
- (3) any other information required by the department.**

(c) A payment by the department cannot exceed the actual incremental income tax withholdings collected by the department as a result of the employment of new employees subject to an agreement entered into under IC 6-3.1-13.

(d) In the case of a credit awarded under IC 6-3.1-13 to a taxpayer that is a pass through entity, the:

- (1) pass through entity has the authority to make the election with regard to the credit;**
- (2) shareholders, partners, members, and beneficiaries of the pass through entity may not make an election separate from the pass through entity with regard to the credit;**
- (3) pass through entity is entitled to the payment allowable under this section; and**
- (4) pass through entity may not pass through any portion of the credit for which the pass through entity requests payment as a tax credit to the shareholders, partners, members, or beneficiaries of the pass through entity.**

(e) If a payment under this section is included in the federal adjusted gross income of an individual or the federal taxable income of any other entity, the payment must be treated as:

- (1) adjusted gross income from Indiana sources under this**



article and IC 6-5.5;

(2) business income for purposes of this article; and

(3) a receipt from Indiana sources for apportionment purposes under IC 6-3-2 and IC 6-5.5-4.

(f) For purposes of offsetting refunds and overpayments, a payment under this section is treated as an overpayment of tax under this article and IC 6-5.5 for purposes of IC 6-8.1-9-2, IC 6-8.1-9.5, and IC 6-8.1-9.7.

(g) A payment under this section is subject to IC 6-3.1-13-22 in the same manner as if the payment had been claimed as a credit.

(h) If all or a portion of a payment under this section is determined to have been made in error or is subject to assessment under IC 6-3.1-13-22, the department may issue an assessment for repayment of such amount before the later of:

(1) ten (10) years from the date of the payment; or

(2) three (3) years from the date the Indiana economic development corporation notifies the department of the taxpayer's noncompliance pursuant to IC 6-3.1-13-22.

(i) An assessment for repayment shall be treated as a proposed assessment for purposes of administrative review and judicial appeal under IC 6-8.1-5. However, review of the Indiana economic development corporation's determination of noncompliance shall be limited to an abuse of discretion by the Indiana economic development corporation.

(j) For purposes of this section, an election for payment in lieu of claiming the credit under IC 6-3.1-13 for a taxable year is not allowed if:

(1) the taxpayer has claimed all or part of the credit for the taxable year;

(2) in the case of a taxpayer who is a pass through entity, the taxpayer passes through all or part of the credit as a tax credit, regardless of whether the pass through entity subsequently provides information to the department, the Indiana economic development corporation, or any other affected person or entity, that the credit should not be passed through as a tax credit or whether the credit otherwise has been claimed as a tax credit; or

(3) the taxpayer makes the election after the due date of the taxpayer's return under IC 6-3, IC 6-5.5, IC 6-8-15, or IC 27-1-18-2, determined without regard to extensions, on which it would have claimed the credit for which the taxpayer is requesting payment under this section.



(k) The amount needed to make a payment under this section shall be paid from funds appropriated to the Indiana economic development corporation for business promotion and innovation or from the statewide innovation development district fund established by IC 36-7-32.5-20. Payments made under this section are subject to available funding.

SECTION 7. IC 6-3.1-13-17, AS AMENDED BY P.L.197-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. **(a) If the applicant proposes a project that will be located at a physical location in Indiana**, in determining the credit amount that should be awarded to an applicant under section 15 of this chapter that proposes a project to create jobs in Indiana, the corporation may take into consideration the following factors:

- (1) The economy of the county where the projected investment is to occur.
- (2) The potential impact on the economy of Indiana.
- (3) The incremental payroll attributable to the project.
- (4) The capital investment attributable to the project.
- (5) The amount the average wage paid by the applicant exceeds the average wage paid:
 - (A) within the county in which the project will be located, in the case of an application submitted before January 1, 2006; or
 - (B) in the case of an application submitted after December 31, 2005:
 - (i) to all employees working in the same NAICS industry sector to which the applicant's business belongs in the county in which the applicant's business is located, if there is more than one (1) business in that NAICS industry sector in the county in which the applicant's business is located;
 - (ii) to all employees working in the same NAICS industry sector to which the applicant's business belongs in Indiana, if the applicant's business is the only business in that NAICS industry sector in the county in which the applicant's business is located but there is more than one (1) business in that NAICS industry sector in Indiana; or
 - (iii) to all employees working in the same county as the county in which the applicant's business is located, if there is no other business in Indiana in the same NAICS industry sector to which the applicant's business belongs.
- (6) The costs to Indiana and the affected political subdivisions with respect to the project.
- (7) The financial assistance and incentives that are otherwise



provided by Indiana and the affected political subdivisions.

(8) The extent to which the incremental income tax withholdings attributable to the applicant's project are needed for the purposes of an incremental tax financing fund or industrial development fund under IC 36-7-13 or a certified technology park fund under IC 36-7-32.

As appropriate, the corporation shall consider the factors in this ~~section~~ **subsection** to determine the credit amount awarded to an applicant for a project to retain existing jobs in Indiana under section 15.5 of this chapter.

(b) Subject to the limitations of subsection (c), if an applicant proposes a project that proposes to create new jobs in Indiana but does not propose a physical location in Indiana, the corporation may consider the following factors:

- (1) The potential impact on the economy in Indiana.**
- (2) The incremental payroll attributable to the project.**
- (3) The amount of average wage paid by the applicant that exceeds the average wage paid to all employees working in the same NAICS industry sector to which the applicant's business belongs in Indiana.**
- (4) The cost to Indiana with respect to the project.**
- (5) The financial assistance and incentives that are otherwise provided by Indiana.**
- (6) The extent of Indiana income tax that is paid by eligible employees.**

(c) An applicant proposing a project that meets the requirements of subsection (b) must propose:

- (1) to create at least fifty (50) new full-time jobs; and**
- (2) to pay an average hourly wage of at least one hundred fifty percent (150%) of the state average wage;**

in order to be eligible to receive a credit under this chapter.

SECTION 8. IC 6-3.1-13-18, AS AMENDED BY P.L.86-2018, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) The corporation shall determine the amount and duration of a tax credit awarded under this chapter. The duration of the credit may not exceed ~~ten (10)~~ **twenty (20)** taxable years. The credit may be stated as a percentage of the incremental income tax withholdings attributable to the applicant's project and may include a fixed dollar limitation. In the case of a credit awarded for a project to create new jobs in Indiana, the credit amount may not exceed the incremental income tax withholdings. However, the credit amount claimed for a taxable year may exceed the taxpayer's state tax liability



for the taxable year, in which case the excess may, at the discretion of the corporation, be refunded to the taxpayer.

~~(b) For state fiscal year 2006 and each state fiscal year thereafter, the aggregate amount of credits awarded under this chapter for projects to retain existing jobs in Indiana may not exceed ten million dollars (\$10,000,000) per year.~~

~~(c)~~ **(b)** This subsection does not apply to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. A credit under this chapter may not be computed on any amount withheld from an individual or paid to an individual for services provided in Indiana as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

SECTION 9. IC 6-3.1-13-20, AS AMENDED BY P.L.4-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. **(a) Except as provided in subsection (b),** a taxpayer claiming a credit under this chapter must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue all information that the department determines necessary for the calculation of the credit provided by this chapter and the determination of whether the credit was properly claimed.

(b) Notwithstanding subsection (a), if a taxpayer is entitled to a credit under this chapter, the taxpayer may, with the approval of the corporation, elect to forgo claiming the credit against any state tax liability and submit the credit to the department with a request to receive a payment from the corporation, to be paid from funds appropriated to the corporation for business promotion and innovation or from the statewide innovation development district fund established by IC 36-7-32.5-20, that is equal to the credit for that taxable year as provided in IC 6-3-5-5.

SECTION 10. IC 6-3.1-24-8, AS AMENDED BY P.L.165-2021, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 8. (a) A certification provided under section 7 of this chapter must include notice to the investors of the maximum amount of tax credits available under this chapter for the provision of qualified investment capital to the qualified Indiana business.

(b) For a calendar year ending before January 1, 2011, the maximum amount of tax credits available under this chapter for the provision of qualified investment capital to a particular qualified Indiana business



equals the lesser of:

- (1) the total amount of qualified investment capital provided to the qualified Indiana business in the calendar year, multiplied by twenty percent (20%); or
- (2) five hundred thousand dollars (\$500,000).

(c) For a calendar year beginning after December 31, 2010, and ending before January 1, 2022, the maximum amount of tax credits available under this chapter for the provision of qualified investment capital to a particular qualified Indiana business equals the lesser of the following:

- (1) The total amount of qualified investment capital provided to the qualified Indiana business in the calendar year, multiplied by twenty percent (20%).
- (2) One million dollars (\$1,000,000).

(d) For a calendar year beginning after December 31, 2021, the maximum amount of tax credits available under this chapter for the provision of qualified investment capital to a particular qualified Indiana business equals the lesser of the following:

- (1) The total amount of qualified investment capital provided to the qualified Indiana business in the calendar year, multiplied by twenty-five percent (25%).
- (2) One million dollars (\$1,000,000).

(e) Notwithstanding subsection (d), for a calendar year beginning after December 31, 2021, the maximum amount of tax credits available under this chapter for the provision of qualified investment capital to a particular qualified Indiana business, if the qualified Indiana business is a minority business enterprise, ~~or~~ a women's business enterprise, **or a veteran owned business** equals the lesser of the following:

- (1) The total amount of qualified investment capital provided to the qualified Indiana business in the calendar year, multiplied by thirty percent (30%).
- (2) One million five hundred thousand dollars (\$1,500,000).

SECTION 11. IC 6-3.1-26-20, AS AMENDED BY P.L.158-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) The corporation shall certify the amount of the qualified investment that is eligible for a credit under this chapter. In determining the credit amount that should be awarded, the corporation shall grant a credit only for the amount of the qualified investment that is directly related to:

- (1) expanding the workforce in Indiana; or
- (2) substantially enhancing the logistics industry ~~and~~ **or** improving the overall Indiana economy.



(b) The total amount of credits that the corporation may approve under this chapter for a state fiscal year for all taxpayers for all qualified investments is:

- (1) fifty million dollars (\$50,000,000) for credits based on a qualified investment that is not being claimed as a logistics investment; and
- (2) five million dollars (\$5,000,000) for credits based on a qualified investment that is being claimed as a logistics investment.

For purposes of applying the limit under this subsection, a tax credit that is accelerated under section 15(d) or 16(d) of this chapter shall be valued at the amount of the tax credit before the tax credit is discounted.

(e) (b) A person that desires to claim a tax credit for a qualified investment shall file with the department, in the form that the department may prescribe, an application:

- (1) stating separately the amount of the credit awards for qualified investments that have been granted to the taxpayer by the corporation that will be claimed as a credit; ~~that is covered by:~~
 - (A) subsection (b)(1); and
 - (B) subsection (b)(2);
- (2) stating separately the amount sought to be claimed as a credit; ~~that is covered by:~~
 - (A) subsection (b)(1); and
 - (B) subsection (b)(2); and
- (3) identifying whether the credit will be claimed during the state fiscal year in which the application is filed or the immediately succeeding state fiscal year.

(d) (c) The department shall separately record the time of filing of each application for a credit award for a qualified investment ~~covered by subsection (b)(1) and for a qualified investment covered by subsection (b)(2)~~ and shall, except as provided in subsection (e); (d), approve the credit to the taxpayer in the chronological order in which the application is filed in the state fiscal year. The department shall promptly notify an applicant whether, or the extent to which, the tax credit is allowable in the state fiscal year proposed by the taxpayer.

(e) (d) If the total credit awards for qualified investments, ~~that are covered by:~~

- (1) subsection (b)(1); and
- (2) subsection (b)(2);

including carryover credit awards covered by each subsection for a previous state fiscal year, equal the maximum amount allowable in the



state fiscal year, an application for such a credit award that is filed later for that same state fiscal year may not be granted by the department. However, if an applicant for which a credit has been awarded and applied for with the department fails to claim the credit, an amount equal to the credit previously applied for but not claimed may be allowed to the next eligible applicant or applicants until the total amount has been allowed.

SECTION 12. IC 6-3.1-30-8, AS AMENDED BY P.L.158-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. ~~(a)~~ Subject to entering into an agreement with the corporation under sections 14 and 15 of this chapter, if the corporation certifies that a taxpayer:

- (1) is an eligible business;
- (2) completes a qualifying project; **and**
- (3) incurs relocation costs; ~~and~~
- ~~(4) employs:~~
 - (A) at least seventy-five (75) employees in Indiana, in the case of a taxpayer that qualifies as an eligible business under section 2(1) of this chapter; or
 - (B) at least ten (10) employees in Indiana, in the case of a taxpayer that qualifies as an eligible business under section 2(2) of this chapter;

the taxpayer is entitled to a credit against the taxpayer's state tax liability for the taxable year in which the relocation costs are incurred. ~~subject to subsection (e)~~. The credit allowed under this section is equal to the amount determined under section 9 of this chapter.

~~(b)~~ For purposes of establishing the employment level required by subsection (a)~~(4)~~, a taxpayer may include:

- (1) individuals who:
 - (A) were employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and
 - (B) remain employed in Indiana after the completion of the taxpayer's qualifying project; and
- (2) individuals who:
 - (A) were not employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and
 - (B) are employed in Indiana by the taxpayer as a result of the completion of the taxpayer's qualifying project.

~~(c)~~ The total amount of credits that may be approved by the corporation for all eligible businesses described in section 2(2) of this chapter may not exceed five million dollars (\$5,000,000) in a state fiscal year.



SECTION 13. IC 6-3.1-34-6, AS AMENDED BY P.L.154-2020, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. As used in this chapter, "qualified redevelopment site" means **a vacant or underutilized property in Indiana as determined by the corporation.**

- (1) land on which a vacant building or complex of buildings was placed in service at least fifteen (15) years before the date on which the application is filed with the corporation under this chapter;
- (2) land on which a vacant building or complex of buildings:
 - (A) was placed in service at least fifteen (15) years before the date on which the demolition of the vacant building or complex of buildings was completed; and
 - (B) that was demolished in an effort to protect the health, safety, and welfare of the community;
- (3) land on which a vacant building or complex of buildings:
 - (A) was placed in service at least fifteen (15) years before the date on which the demolition of the vacant building or complex of buildings was completed;
 - (B) was placed in service as a public building;
 - (C) was owned by a unit of local government; and
 - (D) has not been redeveloped since the building was taken out of service as a public building;
- (4) vacant land;
- (5) mine reclamation site; or
- (6) brownfields consisting of more than fifty (50) acres.

For a complex of buildings to be considered a qualified redevelopment site under subdivision (1), (2) or (3), the buildings must have been located on a single parcel or contiguous parcels of land that were under common ownership at the time the site was placed in service.

SECTION 14. IC 6-3.1-34-8, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. As used in this chapter, "rehabilitation" means the betterment of real property **including remodeling or repair: in any way.**

SECTION 15. IC 6-3.1-34-16, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) The corporation shall consider the following factors in deciding whether to award a credit under this chapter for a proposed qualified investment:

- (1) Evidence that the project aligns with the community's development plans.



- (2) The economic development potential for the project for which the taxpayer proposes to make the qualified investment.
- (3) Evidence of barriers preventing the development or redevelopment of the qualified redevelopment site in which the qualified investment is made, such as significant environmental contamination requiring remediation.
- (4) The level of commitment by the public sector and local government to assist in the financing of improvements or redevelopment activities benefiting the qualified redevelopment site in which the qualified investment is made.
- (5) Evidence of support by residents, businesses, and private organizations in the surrounding community for the project for which the taxpayer proposes to make the qualified investment.
- (6) The level of economic distress in the surrounding community and the extent to which the project for which the taxpayer proposes to make the qualified investment mitigates the economic distress.
- (7) The extent to which the project is estimated to enhance the economic opportunity, health, safety, aesthetics, or amenities of the community in a manner that:
 - (A) improves quality of life factors for residents of the region; and
 - (B) increases the ability of the region to attract and retain a talented workforce.
- (8) Any other factors as determined by the corporation.

(b) ~~The corporation shall not approve an application to receive a tax credit under this chapter for a qualified investment made in a qualified redevelopment site described in section 6(2) of this chapter unless the applicant can provide evidence that the local unit having jurisdiction over the property made a determination that the qualified redevelopment site was unsafe (as defined in IC 36-7-9-4), and the local unit took appropriate steps to remedy the unsafe conditions at the qualified redevelopment site, which led to its demolition.~~

SECTION 16. IC 6-3.1-34-17, AS AMENDED BY P.L.154-2020, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) The following apply if the corporation determines that a credit should be awarded under this chapter:

- (1) The corporation shall require the taxpayer to enter into an agreement with the corporation as a condition of receiving a credit under this chapter.
- (2) The agreement with the corporation must:
 - (A) prescribe the method of certifying the taxpayer's qualified



investment; and

(B) include provisions that authorize the corporation to work with the department and the taxpayer, if the corporation determines that the taxpayer is noncompliant with the terms of the agreement or the provisions of this chapter, to bring the taxpayer into compliance or to protect the interests of the state.

(3) The corporation shall specify the taxpayer's expenditures that will be considered a qualified investment.

(4) The corporation shall determine the applicable credit percentage under subsections (b) and (c).

(b) If the corporation determines that a credit should be awarded under this chapter, the corporation shall determine the applicable credit percentage for a qualified investment certified by the corporation. However, and except as provided in subsection (c), the applicable credit percentage may not exceed the following: **thirty percent (30%)**.

(1) If the qualified redevelopment site was placed in service at least fifteen (15) years ago but less than thirty (30) years ago, or is vacant land or a brownfield described in section 6(6) of this chapter:

(A) fifteen percent (15%); if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or
(B) ten percent (10%); if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A):

(2) If the qualified redevelopment site was placed in service at least thirty (30) years ago but less than forty (40) years ago:

(A) twenty percent (20%); if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or
(B) ten percent (10%); if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A):

(3) If the qualified redevelopment site was placed in service at least forty (40) years ago:

(A) twenty-five percent (25%); if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or
(B) fifteen percent (15%); if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A):

(c) The corporation may increase the credit amount by not more



than an additional five percent (5%) if:

- (1) the qualified redevelopment site is located in a federally designated qualified opportunity zone (Section 1400Z-1 and 1400Z-2 of the Internal Revenue Code); or
- (2) the project qualifies for federal new markets tax credits under Section 45D of the Internal Revenue Code.

(d) To be eligible for the credit for a qualified investment, a taxpayer's expenditures that are considered a qualified investment must be certified by the corporation not later than two (2) taxable years after the end of the calendar year in which the taxpayer's expenditures are made.

SECTION 17. IC 6-3.1-34-18, AS ADDED BY P.L.158-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) ~~Subject to subsection (c);~~ **Except as provided in subsection (b), if the corporation awards a tax credit to a taxpayer under this chapter that exceeds twenty million dollars (\$20,000,000), the corporation shall include in an agreement entered into under section 17 of this chapter a provision that requires the taxpayer to repay to the corporation the portion of the credit that exceeds twenty million dollars (\$20,000,000) with interest.** ~~may, as part of an agreement entered into under section 17 of this chapter:~~

- (1) require a taxpayer to repay all or part of a credit awarded under this chapter over a period of years; and
- (2) limit the maximum amount of a credit awarded to a taxpayer under this chapter that may be claimed during a taxable year.

(b) The corporation may elect to enter into an agreement with a local unit that has jurisdiction over the real property that is subject to the proposed qualified investment, through which such agreement the local unit commits local revenue generated by the project to the corporation rather than the corporation including a repayment provision in an agreement with a taxpayer under subsection (a)(1). The total amount of revenue committed under an agreement entered into under this subsection may not exceed the credit repayment amount determined under subsection (a)(1). Any amounts received under an agreement entered into under this subsection shall be deposited in the state general fund.

(c) Notwithstanding subsections (a) and (b); if the corporation awards a tax credit to a taxpayer under this chapter that exceeds seven million dollars (\$7,000,000); the corporation shall include in an agreement entered into under section 17 of this chapter a provision that requires the taxpayer to repay the portion of the credit that exceeds



seven million dollars (\$7,000,000):

(b) Notwithstanding subsection (a), the corporation may exclude from its agreement entered into under section 17 of this chapter a repayment provision for any portion of the credit if the award is for a qualified redevelopment site subject to a proposal that will result in a qualified investment of at least one hundred million dollars (\$100,000,000).

~~(d)~~ **(c)** If the corporation enters into an agreement with a taxpayer under section 17 of this chapter that includes a repayment provision under subsection ~~(a)(1)~~ or ~~(c)~~; **(a)**, the corporation shall include in the repayment provision a provision establishing the interest rate that will be applied. The interest rate shall be determined by the board and approved by the budget agency.

~~(e)~~ **(d)** This subsection applies to an active multi-phased project occurring on a defined footprint for which the taxpayer has received approval for at least the first phase of the active multi-phased project from the corporation's board before July 1, 2018, for a tax credit under IC 6-3.1-11 (industrial recovery tax credit) before its expiration. The following apply to a project described in this subsection:

- (1) Only qualified investments that are made after June 30, 2021, are eligible for a credit award under this chapter.
- (2) The annual amount of credits awarded under this chapter for the project may not exceed five million dollars (\$5,000,000).
- (3) The corporation may not include a repayment provision as part of an agreement entered into under section 17 of this chapter for the credits awarded for the project.

SECTION 18. IC 6-3.1-34-22 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 22: (a) Except as provided in subsection (b); the total amount of credits that the corporation may award under this chapter for a state fiscal year for all taxpayers for all qualified investments is fifty million dollars (\$50,000,000). The portion of the credits that is subject to a repayment provision under section 18(b) or 18(c) of this chapter is not included in the calculation of the annual limit:

(b) If the corporation determines that a credit should be awarded under this chapter for a taxpayer's qualified investment but the award:

- (1)** will result in the corporation's cumulative credit awards under this chapter for a state fiscal year for all taxpayers for all qualified investments to exceed the limit established by subsection (a); or
- (2)** should not be considered when calculating the corporation's cumulative credit awards under this chapter for a state fiscal year for all taxpayers for all qualified investments;

the corporation may, after review by the budget committee, enter into



an agreement with the taxpayer under section 17 of this chapter.

SECTION 19. IC 6-3.1-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 36. Film and Media Production Tax Credit

Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 2. As used in this chapter, "qualified applicant" means a person, corporation, limited liability partnership, limited liability company, or other entity that is engaged in the business of making a qualified media production in Indiana.

Sec. 3. As used in this chapter, "qualified media production" means:

- (1) a feature length film, including an independent or studio production, or a documentary;
- (2) a television episodic series, program, or feature;
- (3) a music production;
- (4) a digital media production that is intended for reasonable commercial exploitation; or
- (5) any other similar production as determined by the corporation;

that is produced in Indiana.

Sec. 4. As used in this chapter, "qualified production expenses" means expenses incurred by a qualified applicant for a qualified media production.

Sec. 5. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax); and
- (2) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 6. As used in this chapter, "taxpayer" means a qualified applicant that has any state tax liability.

Sec. 7. (a) A qualified applicant may apply to the corporation for a tax credit under this chapter. The corporation shall prescribe the form and contents of the application.

(b) The corporation shall evaluate an applicant's eligibility for a tax credit under this chapter.

(c) The corporation may certify the eligibility of a taxpayer that



meets the requirements for a tax credit under this chapter.

(d) If the corporation certifies a taxpayer under subsection (c), the corporation shall determine the percentage used to calculate the amount of a tax credit under section 8(2) of this chapter.

Sec. 8. If the corporation certifies a taxpayer under section 7(c) of this chapter, the taxpayer is entitled to a tax credit under this chapter equal to:

- (1) the amount of the taxpayer's qualified production expenses; multiplied by
- (2) a percentage determined by the corporation, not to exceed thirty percent (30%).

Sec. 9. If a pass through entity is entitled to a credit under section 8 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, member, or beneficiary of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, member, or beneficiary is entitled.

Sec. 10. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department.

Sec. 11. (a) The amount of the credit provided by this chapter that a taxpayer uses during a particular taxable year may not exceed the state tax liability of the taxpayer.

(b) If the credit provided by this chapter exceeds the taxpayer's state tax liability for the first taxable year containing the taxable year for which the corporation awards the credit, then the excess may be carried over to succeeding taxable years and used as a credit against the state tax liability of the taxpayer during those taxable years.

(c) Each time that the credit is carried over to a succeeding taxable year, it is to be reduced by the amount that was used as a credit during the immediately preceding taxable year. The credit provided by this chapter may be carried forward and applied to succeeding taxable years for nine (9) taxable years following the first taxable year containing the taxable year for which the corporation awards the credit.

(d) If a taxpayer fails to claim a credit under this chapter for a year in which the taxpayer is otherwise permitted to claim the



credit, the credit will be considered to be used for purposes of subsection (c).

Sec. 12. A tax credit awarded under this chapter is subject to the limitations set forth in IC 5-28-6-9.

Sec. 13. This chapter expires July 1, 2027.

SECTION 20. IC 8-14-15.1-7, AS ADDED BY P.L.217-2017, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The next level Indiana fund investment board is established. The board consists of the following members:

- (1) The secretary of commerce or the secretary's designee, who shall serve as the chairperson of the board.
- (2) The director of the office of management and budget or the director's designee.
- (3) Two (2) individuals appointed by the governor who have experience and knowledge in investments.
- (4) The treasurer of state or the treasurer's designee.
- (5) One (1) individual appointed by the speaker of the house of representatives who has experience and knowledge in venture capital investments.**
- (6) One (1) individual appointed by the president pro tempore of the senate who has experience and knowledge in venture capital investments.**

(b) The board shall serve as trustee of the trust and direct the investment of the trust.

(c) The board shall adopt an investment policy in conformance with section 8 of this chapter.

(d) The board shall hold regular meetings at least quarterly. The board may hold special meetings at the call of the treasurer of state or with a written request signed by at least two (2) members of the board.

(e) The board may hold its meetings at offices in Indiana that the chairperson or the requesting members designate. All meetings must be open to the public in accordance with IC 5-14-1.5. The board shall keep a record of its proceedings.

(f) ~~Three (3)~~ **Five (5)** members of the board constitute a quorum for the transaction of business of the board. Each member of the board is entitled to one (1) vote. A vote of at least ~~three (3)~~ **five (5)** members of the board present is required for the board to adopt a resolution or take other action at a regular or special meeting.

SECTION 21. IC 8-22-3.5-1.5, AS ADDED BY P.L.38-2021, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.5. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:



(1) an ordinance adopted under section 5 of this chapter and confirmed under section 6 of this chapter;

(2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;

(3) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;

(4) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;

(5) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12;

(6) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18; or

(7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15; on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:

- (1) IC 6-1.1-39;
- (2) IC 36-7-14;
- (3) IC 36-7-15.1;
- (4) IC 36-7-30;
- (5) IC 36-7-30.5; or
- (6) IC 36-7-32; or
- (7) IC 36-7-32.5.**

SECTION 22. IC 36-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 29.5. Workforce Retention and Recruitment Program and Fund

Sec. 1. As used in this chapter, "fund" means a workforce retention and recruitment fund established by the fiscal officer of a unit under section 9 of this chapter.

Sec. 2. As used in this chapter, "incentive agreement" means an agreement described in section 8(b) of this chapter.



Sec. 3. As used in this chapter, "program" means a workforce retention and recruitment program established by the executive of a unit under section 8(a) of this chapter.

Sec. 4. As used in this chapter, "qualified nonprofit organization" means a private, nonprofit entity formed as a partnership between one (1) or more units, private sector businesses, or community or philanthropic organizations to develop and implement a workforce retention and recruitment strategy that has an organizational structure that conforms with the requirements of a policy developed by the workforce fund managers under section 10 of this chapter.

Sec. 5. As used in this chapter, "qualified worker" means an individual described in section 11 of this chapter.

Sec. 6. As used in this chapter, "unit" means a county, city, or town.

Sec. 7. As used in this chapter, "workforce fund managers" means a workforce fund board of managers established by the executive of a unit under section 10 of this chapter.

Sec. 8. (a) The executive of a unit may by resolution or executive order establish a workforce retention and recruitment program for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers.

(b) A program must require each qualified worker who receives a grant or loan from the fund to enter into an incentive agreement with the workforce fund managers. An incentive agreement must include the following terms:

- (1)** The duration of time each qualified worker agrees to reside within the unit following the date specified in the agreement.
- (2)** A penalty clause if a qualified worker fails to fulfill the terms of the agreement.

However, the workforce fund managers may waive a penalty under subdivision (2) regarding any part of a grant or loan that the qualified worker may have received and that is due under the incentive agreement.

Sec. 9. (a) If the executive of a unit establishes a program under section 8 of this chapter, the fiscal officer of the unit shall establish a workforce retention and recruitment fund for the purposes of the program.



(b) The fund shall consist of the following:

- (1) Any private grants or contributions.**
- (2) Appropriations to the fund included in the unit's budget.**
- (3) Transfers of money to the fund under section 12 of this chapter.**
- (4) Any repayments to the fund under section 8(b) of this chapter.**

(c) The executive of the unit shall administer the fund in coordination with a workforce fund board of managers established under section 10 of this chapter, including any qualified nonprofit organization established by the workforce fund managers under that section.

(d) Any money remaining in a fund at the end of the calendar year does not revert to the unit's general fund.

Sec. 10. (a) The executive of a unit that establishes a program under section 8 of this chapter shall appoint a five (5) member workforce fund board of managers. The duties of the workforce fund managers shall include:

- (1) adopting rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of other duties, and the safeguarding of the money or property placed in their custody;**
- (2) by resolution or in accordance with their rules and bylaws, prescribing the date and manner of notice of their regular meetings;**
- (3) identifying the most appropriate and fiscally responsible incentives that will attract or retain individuals or families who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit;**
- (4) developing and implementing marketing strategies to recruit or retain these individuals or families;**
- (5) identifying and recruiting applicants who may receive incentives from the fund;**
- (6) establishing an application process for individuals and families;**
- (7) evaluating applicants; and**
- (8) offering incentives to qualified applicants.**

(b) Three (3) of the workforce fund managers constitute a quorum and the concurrence of three (3) of the workforce fund managers is necessary to authorize any action.

(c) The workforce fund managers may establish a qualified



nonprofit organization for purposes of carrying out a program and the purposes of a fund under this chapter.

Sec. 11. To qualify for a grant or loan from a fund, an individual must be:

- (1) a graduate of an Indiana college or university who:
 - (A) was a resident of another state before enrolling at the Indiana college or university;
 - (B) relocates to a location within the unit; and
 - (C) accepts and commences employment with an employer located within the unit under the terms of an incentive agreement;
- (2) an out-of-state resident who relocates to a location within the unit in order to accept and commence employment with an employer located within the unit under the terms of an incentive agreement; or
- (3) an out-of-state resident who relocates to a location within the unit and works remotely for an employer, regardless of the employer's domicile.

Sec. 12. (a) The fiscal body of a unit may transfer or deposit the following into a fund:

- (1) Any private grants or contributions.
- (2) Appropriations to the fund included in the unit's budget.
- (3) Except for money in a fund with a restricted purpose, but otherwise notwithstanding any use of funds prohibition as long as the transfer or deposit is authorized by the relevant statutory procedure:
 - (A) any surplus, unexpended, unappropriated, unencumbered, or otherwise available public or private money; and
 - (B) from any general account, reverting or nonreverting fund, special account, or trust, other than a fund or account that receives bond proceeds, created or administered by any department, board, authority, commission, political subdivision, special service district, special taxing district, or any other instrumentality of local government under IC 36 with authority to collect or receive taxes, interest, or any other public or private money.

(b) Notwithstanding any other statute, an executive of a unit that has established a program under section 8 of this chapter, after consulting with the fiscal body and fiscal officer of the unit, may authorize a transfer or loan to a fund from any dedicated fund



or account, other than a fund or account that receives bond proceeds, before the purpose for which the dedicated fund or account was established has been accomplished.

(c) Two (2) or more units may, by written agreement, collaborate, commingle funds, or otherwise work together for the benefit of administering or carrying out the purposes of the units' funds.

Sec. 13. Any separate body corporate and politic or regional, multicounty, or metropolitan authority or commission may, by written agreement, establish a mutually beneficial relationship with one (1) or more units for purposes of administering or carrying out the purposes of the unit's fund or units' funds.

Sec. 14. (a) Not later than April 15 of each year, the workforce fund managers shall file with the executive of the unit and fiscal body of the unit a report setting out their activities during the preceding calendar year.

(b) The report of the workforce fund managers under this section must show:

- (1) the names of the then qualified and acting workforce fund managers;
- (2) the amount of the expenditures made during the preceding year and their general purpose;
- (3) the amount of funds on hand at the close of the calendar year; and
- (4) other information deemed necessary to disclose the activities of the workforce fund managers and the results obtained.

(c) Not later than April 15 of each year, a copy of each report under this section must be submitted to the department of local government finance in an electronic format specified by the department of local government finance.

SECTION 23. IC 36-7-14-57, AS ADDED BY P.L.38-2021, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 57. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:

- (1) a resolution establishing an allocation provision under section 39 of this chapter that is adopted and approved under sections 15 through 17 of this chapter;
- (2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;
- (3) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;



(4) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;

(5) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12;

(6) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18; or

(7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15; on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:

- (1) IC 6-1.1-39;
- (2) IC 8-22-3.5;
- (3) IC 36-7-15.1;
- (4) IC 36-7-30;
- (5) IC 36-7-30.5; **or**
- (6) IC 36-7-32; **or**
- (7) IC 36-7-32.5.**

SECTION 24. IC 36-7-15.1-63, AS ADDED BY P.L.38-2021, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 63. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:

- (1) a resolution establishing an allocation provision under section 26 of this chapter that is adopted and approved under sections 8 through 10 of this chapter;
- (2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;
- (3) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;
- (4) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;
- (5) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12;



(6) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18; or

(7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15; on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:

(1) IC 6-1.1-39;

(2) IC 8-22-3.5;

(3) IC 36-7-14;

(4) IC 36-7-30;

(5) IC 36-7-30.5; **or**

(6) IC 36-7-32; **or**

(7) IC 36-7-32.5.

SECTION 25. IC 36-7-30-36, AS ADDED BY P.L.38-2021, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 36. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:

(1) a resolution establishing an allocation provision under section 25 of this chapter that is adopted and approved under sections 10 through 12 of this chapter;

(2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;

(3) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;

(4) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;

(5) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;

(6) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18; or

(7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15; on or before May 1, 2021. In addition, a new allocation area may not



be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:

- (1) IC 6-1.1-39;
- (2) IC 8-22-3.5;
- (3) IC 36-7-14;
- (4) IC 36-7-15.1;
- (5) IC 36-7-30.5; **or**
- (6) IC 36-7-32; **or**
- (7) IC 36-7-32.5.**

SECTION 26. IC 36-7-30.5-37, AS ADDED BY P.L.38-2021, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 37. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:

- (1) a resolution establishing an allocation provision under section 30 of this chapter that is adopted and approved under sections 16 through 18 of this chapter;
- (2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;
- (3) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;
- (4) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;
- (5) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;
- (6) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12; **or**
- (7) a resolution designating a certified technology park as an allocation area that is approved and adopted under IC 36-7-32-15; on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:



- (1) IC 6-1.1-39;
- (2) IC 8-22-3.5;
- (3) IC 36-7-14;
- (4) IC 36-7-15.1;
- (5) IC 36-7-30; **or**
- (6) IC 36-7-32; **or**
- (7) IC 36-7-32.5.**

SECTION 27. IC 36-7-32-28, AS ADDED BY P.L.38-2021, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 28. (a) This section does not apply to a parcel that is included in more than one (1) allocation area established by:

- (1) a resolution designating a certified technology park as an allocation area that is approved and adopted under section 15 of this chapter;
- (2) a resolution adopted under IC 6-1.1-39-2 and confirmed under IC 6-1.1-39-3;
- (3) a resolution adopted under IC 8-22-3.5-5 and confirmed under IC 8-22-3.5-6;
- (4) a resolution establishing an allocation provision under IC 36-7-14-39 that is adopted and approved under IC 36-7-14-15, IC 36-7-14-16, and IC 36-7-14-17;
- (5) a resolution establishing an allocation provision under IC 36-7-15.1-26 that is adopted and approved under IC 36-7-15.1-8, IC 36-7-15.1-9, and IC 36-7-15.1-10;
- (6) a resolution establishing an allocation provision under IC 36-7-30-25 that is adopted and approved under IC 36-7-30-10, IC 36-7-30-11, and IC 36-7-30-12; **or**
- (7) a resolution establishing an allocation provision under IC 36-7-30.5-30 that is adopted and approved under IC 36-7-30.5-16, IC 36-7-30.5-17, and IC 36-7-30.5-18;

on or before May 1, 2021. In addition, a new allocation area may not be established under this chapter that includes a parcel that is located in an allocation area described in this subsection.

(b) Except as provided in subsection (a), but notwithstanding any other provision, for the purpose of the allocation of property taxes under this chapter, a parcel may not be included in more than one (1) allocation area established under this chapter or under:

- (1) IC 6-1.1-39;
- (2) IC 8-22-3.5;
- (3) IC 36-7-14;
- (4) IC 36-7-15.1;
- (5) IC 36-7-30; **or**



(6) IC 36-7-30.5; or

(7) IC 36-7-32.5.

SECTION 28. IC 36-7-32.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 32.5. Innovation Development Districts

Sec. 1. As used in this chapter, "base assessed value" means the net assessed value of all the taxable real property that is assessed as commercial or industrial property under the rules of the department of local government finance, and taxable personal property, that is located in an innovation development district as finally determined for the assessment date immediately preceding the effective date of the designation by the corporation under section 9 of this chapter.

Sec. 2. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 3. As used in this chapter, "executive" means the following:

- (1) In the case of a county that does not have a consolidated city, the president of the board of county commissioners.
- (2) In the case of a county having a consolidated city, the mayor.
- (3) In the case of a city, the mayor.
- (4) In the case of a town that:
 - (A) does not have a mayor, the president of the town council; or
 - (B) does have a mayor, the mayor.

Sec. 4. As used in this chapter, "gross retail base period amount" means the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by the businesses:

- (1) operating in the territory comprising an innovation development district; and
- (2) that is, in the case of the:
 - (A) state gross retail tax, collected by a business for sales occurring at a physical location of the business in the innovation development district; and
 - (B) state use tax, incurred with regard to property used in the innovation development district;

during the full state fiscal year that precedes the date on which the innovation development district was designated under section 9 of this chapter.

Sec. 5. As used in this chapter, "gross retail incremental



amount" means the remainder of:

(1) the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses:

(A) operating in the territory comprising an innovation development district; and

(B) that is, in the case of the:

(i) state gross retail tax, collected by a business for sales occurring at a physical location of the business in the innovation development district; and

(ii) state use tax, incurred with regard to property used in the innovation development district;

during a state fiscal year; minus

(2) the gross retail base period amount;

as determined by the department of state revenue.

Sec. 6. As used in this chapter, "income tax base period amount" means the aggregate amount of state adjusted gross income taxes paid by employees employed in the territory comprising an innovation development district with respect to wages and salary earned for work in the innovation development district for the state fiscal year that precedes the date on which the innovation development district was designated under section 9 of this chapter.

Sec. 7. As used in this chapter, "income tax incremental amount" means the remainder of:

(1) the total amount of state adjusted gross income taxes paid by employees employed in the territory comprising the innovation development district with respect to wages and salary earned for work in the territory comprising the innovation development district for a particular state fiscal year; minus

(2) the sum of the:

(A) income tax base period amount; plus

(B) tax credits awarded by the Indiana economic development corporation under IC 6-3.1-13 to businesses operating in an innovation development district as the result of wages earned for work in the innovation development district for the state fiscal year;

as determined by the department of state revenue.

Sec. 8. As used in this chapter, "net increment" means the sum of:

(1) the gross retail incremental amount; plus

(2) the income tax incremental amount;



as determined by the department of state revenue.

Sec. 9. (a) Before the corporation may designate territory within the jurisdiction of a city, town, or county, or within the jurisdiction of more than one (1) city, town, or county, as an innovation development district under this section, the board of the corporation established under IC 5-28-4 shall establish uniform policies and guidelines that the corporation must follow when notifying and collaborating with an executive, or, if applicable, executives, to designate territory within the jurisdiction of a city, town, or county as an innovation development district under this section. The corporation shall publish the uniform policies and procedures established under this subsection on the corporation's Internet web site.

(b) Subject to section 12(a) of this chapter, after notifying and collaborating with the executive, or, if an innovation development district will include territory within the jurisdiction of more than one (1) city, town, or county, with the executives of each city, town, or county, in the manner provided under the policies and guidelines established under subsection (a), the corporation may designate territory within the jurisdiction of a city, town, or county, or territory within the jurisdiction of more than one (1) city, town, or county, as an innovation development district if the corporation determines that the designation will support economic growth.

(c) The corporation may not designate an innovation development district under this section after June 30, 2025.

Sec. 10. (a) The corporation may not designate an area as an innovation development district under section 9 of this chapter if the business or businesses that are expected to locate within the innovation development district:

- (1)** currently operate in Indiana in a location outside of the proposed innovation development district; and
- (2)** intend to substantially reduce or cease operations at the other location or locations within Indiana in order to relocate to a location within the innovation development district.

(b) Notwithstanding any other provision of this chapter, an innovation development district may not be established in an existing allocation area established under:

- (1)** IC 5-1-17.5;
- (2)** IC 6-1.1-39;
- (3)** IC 8-22-3.5;
- (4)** IC 36-7-13;



- (5) IC 36-7-14;
- (6) IC 36-7-15.1;
- (7) IC 36-7-30;
- (8) IC 36-7-30.5;
- (9) IC 36-7-31;
- (10) IC 36-7-31.3;
- (11) IC 36-7-31.5;
- (12) IC 36-7-32;
- (13) IC 36-7.5-4.5; or
- (14) any other provision that authorizes the establishment of an allocation area.

(c) A development within the innovation development district is subject to any zoning ordinance or other zoning law that otherwise applies to territory within the innovation development district.

Sec. 11. (a) Except as provided in subsection (b), the term of an area's designation as an innovation development district may not exceed thirty (30) years.

(b) The term of an area's designation as an innovation development district may be extended beyond the thirty (30) year term under subsection (a) after budget committee review.

Sec. 12. (a) If the total costs and benefits of the proposed investment of an innovation development district are expected to be an amount less than two billion dollars (\$2,000,000,000), the following apply:

- (1) The executive, or, if applicable, the executives, and the corporation shall enter into an agreement establishing the terms and conditions governing the innovation development district in accordance with this section.
- (2) If the executive, or, if applicable, the executives, and the corporation cannot enter into an agreement under subdivision (1), the designation of territory under section 9 of this chapter is no longer effective and the innovation development district may not be designated or otherwise established under this chapter.

(b) The agreement must include the following provisions:

- (1) A description of the area, including a list of all parcels to be included within the innovation development district.
- (2) Covenants and restrictions, if any, upon all or a part of the properties contained within the innovation development district and terms of enforcement of any covenants or restrictions.
- (3) The due diligence and financial commitments of any party



to the agreement and of any owner or developer of property within the innovation development district.

(4) The financial projections of the innovation development district.

(5) The proposed use of the:

(A) net increment; and

(B) incremental property tax amount described in section 14(c) of this chapter;

that is captured within the innovation development district.

(6) The aggregate percentage of annual incremental property tax revenue that will be transferred to the city, town, county, or school corporation, or, if applicable, the cities, towns, counties, or school corporations, under section 19(e) of this chapter. The aggregate percentage transferred may not be less than twelve percent (12%) of the annual amount of incremental property tax revenue deposited in the local innovation development district fund established by section 19 of this chapter.

(7) Subject to the limitations of this chapter, the duration of the designation of an area as an innovation development district.

(8) The terms of enforcement of the agreement, which may include the definition of events of default, cure periods, legal and equitable remedies and rights, and penalties and damages, actual or liquidated, upon the occurrence of an event of default.

(9) The public facilities to be developed for the innovation development district and the estimated costs of those public facilities.

(c) An executive may discuss the terms of the agreement described in this section and hold a meeting as an executive session under IC 5-14-1.5-6.1 with:

(1) in the case of a city other than a consolidated city, the common council;

(2) in the case of a consolidated city, or a county having a consolidated city, the city-county council;

(3) in the case of a town, the town council; and

(4) in the case of a county that does not have a consolidated city, the board of county commissioners.

(d) Within fifteen (15) days of entering into an agreement under subsection (a), the corporation shall submit a written report on the agreement to the budget committee.



(e) Neither an executive nor the corporation may exercise the power of eminent domain within an innovation development district.

Sec. 13. If an innovation development district is designated under section 9 of this chapter or described under section 12 of this chapter, each executive shall designate the innovation development district as an allocation area for purposes of the allocation and distribution of property taxes. Each executive shall provide notice of the designation to the county auditor and to each taxing unit that has authority to levy property taxes in the geographic area where the innovation development district is located. The notice must state the general boundaries of the innovation development district and include a list of all parcels to be included within the innovation development district.

Sec. 14. (a) An allocation area designated under section 13 of this chapter must:

- (1) apply to the entire innovation development district; and
- (2) require that any property tax assessed on taxable real and personal property used for commercial or industrial purposes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the innovation development district be allocated and distributed as provided in subsections (b) and (c).

(b) Except as otherwise provided in this section:

- (1) the proceeds of the taxes attributable to the lesser of:
 - (A) the assessed value of the taxable real and personal property for the assessment date with respect to which the allocation and distribution is made; or
 - (B) the base assessed value;

shall be allocated and, when collected, paid into the funds of the respective taxing units; and

- (2) the excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(c) Except as provided in subsection (d), all the property tax proceeds that:

- (1) exceed those described in subsection (b); and



(2) are attributable to the assessed value of taxable real and personal property used for commercial or industrial purposes;

shall be paid into the appropriate local innovation development district fund established by section 19 of this chapter by the county auditor at the same time that the county auditor distributes property taxes to other local units of government under IC 6-1.1-27. Any remaining property tax proceeds that exceed those described in subsection (b) that are not described in subdivision (2) shall be allocated and, when collected, paid into the funds of the respective taxing units.

(d) Notwithstanding any other law, each assessor shall, upon petition of an executive or the corporation, reassess the taxable real and personal property situated upon or in, or added to, the innovation development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable real and personal property in the innovation development district, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the taxable real and personal property as valued without regard to this section; or
- (2) the base assessed value.

Sec. 15. (a) An executive or the corporation may enter into a written agreement with a taxpayer who owns, or is otherwise obligated to pay property taxes on, tangible property that is or will be located in an allocation area established under this chapter in which the taxpayer waives review of any assessment of the taxpayer's tangible property that is located in the allocation area for an assessment date that occurs during the term of any specified bond or lease obligations that are payable, in whole or in part, from property taxes in accordance with an allocation provision for the allocation area and any applicable statute, ordinance, or resolution.

(b) Except as provided in subsection (c), but notwithstanding any other law, an executive or the corporation may exempt from taxation any tangible real property improvements or personal property, or a part of real property improvements or personal property, that:

- (1) in the case of real property improvements, is assessed as



commercial or industrial property under the rules of the department of local government finance;

(2) is located within the innovation development district; and

(3) was:

(A) in the case of real property improvements, constructed; and

(B) in the case of personal property, first entered into service;

after the date that the innovation development district was designated under section 9 of this chapter.

The executive, or the corporation, as applicable, shall notify the county assessor and county auditor of the county in which the real property improvement or personal property is located of an exemption provided under this subsection. An executive who provided an exemption, or the corporation, if the corporation provided the exemption, may terminate the exemption by providing notice to the county assessor and county auditor of the county in which the real property improvement or personal property is located. An exemption, or the termination of an exemption, is effective beginning with the assessment date that immediately follows the date that the notice required under this subsection is provided by the executive or the corporation.

(c) An executive and the corporation may not exempt from taxation any real property improvements or personal property described in subsection (b) after any bonds have been issued by the Indiana finance authority under IC 5-1.2-4-4(a)(2) that are payable from revenues deposited in a local innovation development district fund established under section 19 of this chapter as long as the bonds remain outstanding.

Sec. 16. (a) The state board of accounts, the department of state revenue, and the department of local government finance may adopt rules under IC 4-22-2 and prescribe the forms and procedures that the state board of accounts, the department of state revenue, and the department of local government finance consider appropriate for the implementation of an innovation development district under this chapter. However, before adopting rules under this section, the state board of accounts, the department of state revenue, and the department of local government finance shall submit a report to the budget committee that:

(1) describes the rules proposed by the state board of accounts, the department of state revenue, and the



department of local government finance; and

(2) recommends statutory changes necessary to implement the provisions of this chapter.

(b) After each reassessment of real property in an area under a county's reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the local innovation development district fund established by section 19 of this chapter.

(c) After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the local innovation development district fund established by section 19 of this chapter.

Sec. 17. (a) If an innovation development district is designated under section 9 of this chapter, the corporation shall send to the department of state revenue:

- (1) a certified copy of the designation of the innovation development district under section 9 of this chapter;
- (2) if an agreement is entered into under section 12 of this chapter, a certified copy of the agreement; and
- (3) a complete list of the employers in the innovation development district and the street names and the range of street numbers of each street in the innovation development district.

The corporation shall update the list provided under subdivision (3) before July 1 of each year.

(b) Not later than sixty (60) days after receiving a copy of the designation of the innovation development district, the department of state revenue shall determine the gross retail base period amount and the income tax base period amount.

Sec. 18. (a) Before the first business day in October of each year, the department of state revenue shall calculate the income tax incremental amount and the gross retail incremental amount for the preceding state fiscal year for each innovation development district designated under this chapter.

(b) Taxpayers operating in an innovation development district shall report annually, in the manner and form prescribed by the department of state revenue, information that the department of state revenue determines necessary to calculate the net increment.

(c) A taxpayer operating in an innovation development district



that files a consolidated tax return with the department of state revenue shall also file annually an informational return with the department of state revenue for each business location of the taxpayer within the innovation development district.

(d) If a taxpayer fails to report the information required by this section or file an informational return required by this section, the department of state revenue shall use the best information available in calculating the income tax incremental amount and gross retail incremental amount.

(e) The department of state revenue shall transfer the amount calculated as provided in subsection (a) to the applicable local innovation development district fund established for the innovation development district under section 19 of this chapter by November 1 of each year.

Sec. 19. (a) The corporation shall establish a local innovation development district fund for each innovation development district designated under section 9 of this chapter.

(b) Each fund consists of:

- (1) deposits of incremental property tax revenue from the county auditor as provided in section 14(c) of this chapter; and
- (2) transfers from the department of state revenue under section 18 of this chapter.

(c) The corporation shall administer each local innovation development district fund established under this section. The expenses of administering each fund shall be paid from money in that fund.

(d) The corporation may use money in each fund as follows:

- (1) If an agreement described in section 12 of this chapter has been entered into between the corporation and the executive, or, if applicable, the executives, for any purpose authorized in the agreement.
- (2) If an agreement described in section 12 of this chapter has not been entered into between the corporation and the executive, or, if applicable, the executives, for the following purposes:
 - (A) The acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of public facilities, including but not limited to utilities and transportation infrastructure.



- (B) The operation of public facilities.**
- (C) The acquisition of land within the innovation development district.**
- (D) The recruitment of new businesses and new employees to the innovation development district.**
- (E) The training of individuals employed in the innovation development district.**

(e) Not later than August 1 of each year, the corporation shall transfer:

- (1) if an agreement described in section 12 of this chapter has been entered into between the corporation and the executive, or if applicable, the executives, the amount of incremental property tax revenues determined in the agreement; and**
- (2) if an agreement described in section 12 of this chapter has not been entered into between the corporation and the executive, or if applicable, the executives, an amount of incremental property tax revenues that may not be less than twelve percent (12%) of the annual amount of incremental property tax revenue deposited under subsection (b)(1);**

to the general fund of each city, town, county, or school corporation with territory located within the innovation development district. If the corporation is required to transfer funds to more than one (1) city, town, county, or school corporation under this subsection, the amount transferred to each city, town, county, and school corporation must be allocated among each city, town, county, and school corporation proportionately based on each city's, town's, county's, and school corporation's property tax levy applied to property located within the innovation development district. A transfer under this subsection does not reduce the actual or maximum permissible levy of a city, town, county, or school corporation and may not be considered in determining a city's, town's, county's, or school corporation's maximum permissible ad valorem property tax levy limit under IC 6-1.1-18.5.

(f) Each state fiscal year, the corporation may, after making the transfer required under subsection (e) and satisfying all debt service obligations due and payable during the state fiscal year for bonds issued under IC 5-1.2-4-4(a)(2), transfer from each local innovation development district fund to the statewide innovation development district fund established by section 20 of this chapter an amount not to exceed one hundred percent (100%) of the net incremental revenue derived from state income taxes and gross



retail taxes deposited into each fund during the immediately preceding state fiscal year.

(g) Money in each local innovation development district fund at the end of a state fiscal year does not revert to the state general fund.

(h) Money in each local innovation development district fund is continuously appropriated for the purposes specified in this section.

Sec. 20. (a) The statewide innovation development district fund is established within the state treasury to provide grants or loans to support the development or expansion of industry in Indiana.

(b) The fund consists of the following:

- (1) Transfers from a local innovation development district fund under section 19(f) of this chapter.
- (2) Appropriations from the general assembly.
- (3) Loan repayments, including earnings from loans under subsection (d).

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

- (1) The expenses of administering the fund.
- (2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) Earnings from loans made under this chapter shall be deposited in the fund.

(e) The corporation may make grants, loans, or investments from the fund for the following purposes:

- (1) For the purposes identified in section 19(d) of this chapter.
- (2) For the acquisition and improvement of land or other property.
- (3) For costs associated with creating new innovation development districts.
- (4) For the development of partnerships, including grants and loans, between the state, advanced industry, and higher educational institutions focused on development, expansion, or retention in the state.
- (5) For the stimulation of investments in entrepreneurial or high growth potential companies in the state.
- (6) For workforce training assistance in the state.

(f) The corporation may use money in the fund to make a payment in lieu of a growing economy tax credit as provided in IC 6-3-5-5.

Sec. 21. (a) Except as provided in subsection (b), money in the



statewide innovation development district fund established by section 20 of this chapter at the end of the state fiscal year does not revert to the state general fund.

(b) Notwithstanding subsection (a), if the unobligated balance of the statewide innovation development district fund established by section 20 of this chapter exceeds five hundred million dollars (\$500,000,000) at the close of any state fiscal year, the amount of funds in excess of five hundred million dollars (\$500,000,000) shall be transferred to the state general fund.

(c) Money in the fund is continuously appropriated for the purposes of this chapter.

Sec. 22. The corporation shall provide information on the innovation development district program in its economic incentive and compliance report submitted pursuant to IC 5-28-28-5, and to the budget committee, that includes the following:

- (1) Metrics established by the corporation to evaluate the effectiveness of the innovation development district in promoting economic growth in the state.
- (2) The number and amount of grants or loans from the statewide innovation development district fund established by section 20 of this chapter that are contractually awarded by the corporation for each innovation development district and in total for all innovation development districts statewide.
- (3) The name of each entity receiving a grant or loan from the statewide innovation development district fund established by section 20 of this chapter for each innovation development district and for all innovation development districts statewide.
- (4) The amount and name of each entity for which there is a unfunded obligation at the close of each state fiscal year.
- (5) A report on each innovation development district designated under this chapter that includes a description of:
 - (A) the general boundaries of the innovation development district;
 - (B) the total acreage encompassed within the innovation development district;
 - (C) the base assessed value of the innovation development district;
 - (D) the gross retail base period amount determined for the innovation development district;
 - (E) the income tax base period amount determined for the innovation development district;
 - (F) the gross assessed value of all tangible real and



personal property, without regard to any exemption granted by an executive or the corporation under section 15(b) of this chapter, that is:

- (i) located within the innovation development district; and
- (ii) in the case of real property, assessed as commercial or industrial property under the rules of the department of local government finance;

in each calendar year after the calendar year in which the innovation development district was designated;

(G) the amount of incremental property tax revenue deposited into the local innovation development district fund established by section 19 of this chapter in each state fiscal year after the state fiscal year in which the innovation development district was designated;

(H) the amount of incremental state gross retail and use tax revenue deposited into the local innovation development district fund established by section 19 of this chapter in each state fiscal year after the state fiscal year in which the innovation development district was designated;

(I) the amount of incremental state adjusted gross income tax revenue deposited into the local innovation development district fund established by section 19 of this chapter in each state fiscal year after the state fiscal year in which the innovation development district was designated;

(J) the amount of revenue deposited into the local innovation development district fund established by section 19 of this chapter that was transferred into the statewide innovation development district fund established under section 20 of this chapter in each state fiscal year after the state fiscal year in which the innovation development district was designated;

(K) the aggregate amount of bonds issued by the Indiana finance authority under IC 5-1.2-4-4(a)(2) to pay for projects within the innovation development district;

(L) the annual amount of debt service payments due on the bonds described in clause (K); and

(M) a description of all economic development incentives granted by the corporation to businesses located within the innovation development district.



SECTION 29. [EFFECTIVE UPON PASSAGE] (a) For the biennium beginning July 1, 2021, and ending June 30, 2023, the budget agency shall augment from the state general fund the amount of money appropriated for the Indiana economic development corporation for business promotion and innovation in P.L.165-2021, SECTION 6, by an amount not to exceed three hundred million dollars (\$300,000,000). Notwithstanding P.L.165-2021 or any other law, the Indiana economic development corporation may transfer any funds allocated for business promotion and innovation to the statewide innovation development district fund established by IC 36-7-32.5-20.

(b) Notwithstanding any other law, the money augmented from the state general fund under subsection (a) to the Indiana economic development corporation for business promotion and innovation does not revert to the state general fund at the end of the state fiscal year and remains available in subsequent state fiscal years for the uses specified under state law.

(c) This SECTION expires July 1, 2025.

SECTION 30. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

(b) The corporation shall identify and review state laws and regulations that:

- (1) are burdensome to existing Indiana businesses; or**
- (2) inhibit the creation of new businesses and industries in the state.**

(c) Not later than November 1, 2022, the corporation shall provide a report with recommendations for amending the state laws and regulations identified and reviewed under subsection (b) to the general assembly and the budget committee in an electronic format under IC 5-14-6.

(d) This SECTION expires July 1, 2023.

SECTION 31. An emergency is declared for this act.



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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