

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 554

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

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

SECTION 1. IC 5-28-15-11, AS AMENDED BY P.L.146-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Notwithstanding any other provision of this chapter, one (1) or more units (as defined in IC 36-1-2-23) may declare all or any part of a military base or another military installation that is inactive, closed, or scheduled for closure as an enterprise zone. The declaration shall be made by a resolution of the legislative body of the unit that contains the geographic area being declared an enterprise zone. The legislative body must include in the resolution that a U.E.A. is created or designate another entity to function as the U.E.A. under this chapter. The resolution must also be approved by the executive of the unit.

(b) If the resolution is approved, the executive shall file the resolution and the executive's approval with the corporation. If an entity other than a U.E.A. is designated to function as a U.E.A., the entity's acceptance must be filed with the corporation along with the resolution. The enterprise zone designation is effective on the first day of the month following the day the resolution is filed with the corporation.

(c) An enterprise zone that is established under this section is not subject to the expiration and renewal provisions under section

SEA 554 — CC 1



10 of this chapter. Instead, the corporation may review the success of an enterprise zone established under this section based on the following criteria and may renew the enterprise zone, including all provisions of this chapter, for not more than ten (10) years:

(1) Increases in capital investment in the zone.

(2) Retention of jobs and creation of jobs in the zone.

SECTION 2. IC 5-28-15.5-5, AS ADDED BY P.L.238-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **For each state fiscal year beginning after June 30, 2019, until a district expires under section 3 of this chapter, if a district board applies for a grant under section 8(a)(3) of this chapter, the corporation may shall, before September 1, make a determination on** grants from the Indiana twenty-first century research and technology fund established under IC 5-28-16-2 to a district board established in:

(1) the city of Lafayette; and

(2) the city of Fort Wayne.

(b) The total amount of grant money that a district board established in the city of Lafayette may receive during a state fiscal year may not exceed one million dollars (\$1,000,000).

(c) The total amount of grant money that a district board established in the city of Fort Wayne may receive during a state fiscal year may not exceed one million dollars (\$1,000,000).

(d) **Except as provided in subsection (e),** one hundred percent (100%) of grant money awarded to a district board under this section must be used by the district board for programs **or projects** that support entrepreneurship, small business development, technology development, and innovation.

(e) A district board may use grant money awarded under this section to reimburse itself for costs incurred before the grant money was awarded if the costs are attributable to the purposes described in subsection (d).

~~(e)~~ (f) The corporation may develop guidelines, without complying with IC 4-22-2, for awarding grants under this section.

SECTION 3. IC 36-7-30-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 25.1. (a) This section applies only to a reuse authority that had jurisdiction over an enterprise zone established under IC 5-28-15-11 that is expired under IC 5-28-15.**

(b) As used in this section, "incentive" means a tax credit, deduction, or exemption available under:

(1) IC 6-1.1-45;



- (2) IC 6-3-3-10;
- (3) IC 6-3.1-7 (before its expiration); and
- (4) IC 6-3.1-10 (before its expiration).

(c) Subject to the approval of the Indiana economic development corporation, a reuse authority may certify a business that is located within the boundaries of an enterprise zone (before its expiration) for one (1) or more incentives described in subsection (b)(1) through (b)(4).

(d) A business wishing to receive a certification for an incentive must apply to the reuse authority in the form and in the manner prescribed by the reuse authority.

(e) If a reuse authority issues a certification for one (1) or more incentives to a business under this section, the reuse authority shall provide a copy of the certification to:

- (1) the business;
- (2) the department of local government finance; and
- (3) the department of state revenue.

(f) A business that claims any of the incentives available to businesses shall, before June 1 of each year:

- (1) submit to the reuse authority, on a form prescribed by the reuse authority, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and
- (2) pay the amount specified in subsection (h) to the reuse authority.

(g) A reuse authority may adopt guidelines for the revocation of a business's certification for one (1) or more incentives under this section, if the business does not do one (1) of the following:

- (1) Use all its incentives for its property or employees in the boundaries of the enterprise zone (before its expiration).
- (2) Remain open and operating as a business for twelve (12) months of the year for which the incentive is claimed.

(h) Each business that is certified by a reuse authority to receive an incentive under this section shall assist the reuse authority in an amount determined by the reuse authority. If a business does not assist the reuse authority as required under this subsection, the reuse authority may pass a resolution disqualifying the business from eligibility for all incentives available to the business. If all of a business's incentives exceed one thousand dollars (\$1,000) in a year, the reuse authority may impose an additional fee on a business to be paid to the reuse authority in an amount equal to one percent (1%) of all its incentives to be used exclusively for the



reuse authority's administrative expenses.

(i) If a reuse authority disqualifies a business under subsection (h), the reuse authority shall notify the department of local government finance and the department of state revenue in writing not more than thirty (30) days after the passage of the resolution disqualifying the business. Disqualification of a business under this section is effective beginning with the taxable year in which the resolution disqualifying the business is adopted.

(j) This subsection applies to a zone business (as defined in IC 5-28-15-3) that received incentives in an enterprise zone described in subsection (a) that are claimed by the zone business after the phaseout of the enterprise zone. Notwithstanding the expiration of the enterprise zone, the termination of the U.E.A., or any other provision in IC 5-28-15, the zone business shall pay to the reuse authority the same fee or amount determined under IC 5-28-15-5.7(b) for the zone business on the day immediately preceding the day on which the enterprise zone expired and for the same period as if the enterprise zone was not expired.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 554 — CC 1

