

SENATE BILL No. 23

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22; IC 5-14-3; IC 5-28.

Synopsis: Economic development incentive accountability. Renames the annual "economic incentives and compliance report" in current law to the "job creation incentives and compliance report" (report). Adds various job and employee definitions to the Indiana economic development corporation (IEDC) laws. Requires an incentive recipient to submit an annual compliance report on the number of jobs created or retained, employee pay, and various other information concerning the use of the incentives, and requires the IEDC to compile this information and include it in the IEDC's annual report. Provides that information submitted in an incentive recipient's annual compliance report and other information maintained by the IEDC is publicly available in accordance with the open records law. Repeals and relocates several definitions without change to maintain alphabetical order.

Effective: July 1, 2015.

Randolph

January 6, 2015, read first time and referred to Committee on Tax & Fiscal Policy.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 23

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

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

- 1 SECTION 1. IC 4-22-2-28.1, AS AMENDED BY P.L.187-2014,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 28.1. (a) This section applies to the following:
4 (1) A rule for which the notice required by section 23 of this
5 chapter or by IC 13-14-9-3 is published by an agency or the board
6 (as defined in IC 13-13-8-1).
7 (2) A rule for which:
8 (A) the notice required by IC 13-14-9-3; or
9 (B) an appropriate later notice for circumstances described in
10 subsection (g);
11 is published by the department of environmental management
12 after June 30, 2006.
13 (b) As used in this section, "coordinator" refers to the small business
14 regulatory coordinator assigned to a rule by an agency under subsection
15 (e).
16 (c) As used in this section, "director" refers to the director or other



1 administrative head of an agency.

2 (d) As used in this section, "small business" has the meaning set
3 forth in ~~IC 5-28-2-6~~. **IC 5-28-2-15.**

4 (e) For each rulemaking action and rule finally adopted as a result
5 of a rulemaking action by an agency under this chapter, the agency
6 shall assign one (1) staff person to serve as the agency's small business
7 regulatory coordinator with respect to the proposed or adopted rule.
8 The agency shall assign a staff person to a rule under this subsection
9 based on the person's knowledge of, or experience with, the subject
10 matter of the rule. A staff person may serve as the coordinator for more
11 than one (1) rule proposed or adopted by the agency if the person is
12 qualified by knowledge or experience with respect to each rule. Subject
13 to subsection (f):

14 (1) in the case of a proposed rule, the notice of intent to adopt the
15 rule published under section 23 of this chapter; or

16 (2) in the case of a rule proposed by the department of
17 environmental management or the board (as defined in
18 IC 13-13-8-1), the notice published under IC 13-14-9-3 or the
19 findings published under IC 13-14-9-8(b)(1), whichever applies;
20 must include the name, address, telephone number, and electronic mail
21 address of the small business coordinator for the proposed rule, the
22 name, address, telephone number, and electronic mail address of the
23 small business ombudsman designated under IC 4-4-35-8, and a
24 statement of the resources available to regulated entities through the
25 small business ombudsman designated under IC 4-4-35-8. Subject to
26 subsection (f), in the case of a rule finally adopted, the final rule, as
27 published in the Indiana Register, must include the name, address,
28 telephone number, and electronic mail address of the coordinator.

29 (f) This subsection applies to a rule adopted by the department of
30 environmental management or the board (as defined in IC 13-13-8-1)
31 under IC 13-14-9. Subject to subsection (g), the department shall
32 include in the notice provided under IC 13-14-9-3 or in the findings
33 published under IC 13-14-9-8(b)(1), whichever applies, and in the
34 publication of the final rule in the Indiana Register:

35 (1) a statement of the resources available to regulated entities
36 through the technical and compliance assistance program
37 established under IC 13-28-3;

38 (2) the name, address, telephone number, and electronic mail
39 address of the ombudsman designated under IC 13-28-3-2;

40 (3) if applicable, a statement of:

41 (A) the resources available to small businesses through the
42 small business stationary source technical assistance program



- 1 established under IC 13-28-5; and
2 (B) the name, address, telephone number, and electronic mail
3 address of the ombudsman for small business designated under
4 IC 13-28-5-2(3); and
5 (4) the information required by subsection (e).
6 The coordinator assigned to the rule under subsection (e) shall work
7 with the ombudsman described in subdivision (2) and the office of
8 voluntary compliance established by IC 13-28-1-1 to coordinate the
9 provision of services required under subsection (h) and IC 13-28-3. If
10 applicable, the coordinator assigned to the rule under subsection (e)
11 shall work with the ombudsman referred to in subdivision (3)(B) to
12 coordinate the provision of services required under subsection (h) and
13 IC 13-28-5.
14 (g) If the notice provided under IC 13-14-9-3 is not published as
15 allowed by IC 13-14-9-7, the department of environmental
16 management shall publish in the notice provided under IC 13-14-9-4
17 the information that subsection (f) would otherwise require to be
18 published in the notice under IC 13-14-9-3. If neither the notice under
19 IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed
20 by IC 13-14-9-8, the department of environmental management shall
21 publish in the commissioner's written findings under IC 13-14-9-8(b)
22 the information that subsection (f) would otherwise require to be
23 published in the notice under IC 13-14-9-3.
24 (h) The coordinator assigned to a rule under subsection (e) shall
25 serve as a liaison between the agency and any small business subject
26 to regulation under the rule. The coordinator shall provide guidance to
27 small businesses affected by the rule on the following:
28 (1) Any requirements imposed by the rule, including any
29 reporting, record keeping, or accounting requirements.
30 (2) How the agency determines or measures compliance with the
31 rule, including any deadlines for action by regulated entities.
32 (3) Any penalties, sanctions, or fines imposed for noncompliance
33 with the rule.
34 (4) Any other concerns of small businesses with respect to the
35 rule, including the agency's application or enforcement of the rule
36 in particular situations. However, in the case of a rule adopted
37 under IC 13-14-9, the coordinator assigned to the rule may refer
38 a small business with concerns about the application or
39 enforcement of the rule in a particular situation to the ombudsman
40 designated under IC 13-28-3-2 or, if applicable, under
41 IC 13-28-5-2(3).
42 (i) The coordinator assigned to a rule under subsection (e) shall



1 provide guidance under this section in response to questions and
 2 concerns expressed by small businesses affected by the rule. The
 3 coordinator may also issue general guidelines or informational
 4 pamphlets to assist small businesses in complying with the rule. Any
 5 guidelines or informational pamphlets issued under this subsection
 6 shall be made available:

- 7 (1) for public inspection and copying at the offices of the agency
 8 under IC 5-14-3; and
- 9 (2) electronically through electronic gateway access.

10 (j) The coordinator assigned to a rule under subsection (e) shall
 11 keep a record of all comments, questions, and complaints received
 12 from small businesses with respect to the rule. The coordinator shall
 13 deliver the record, along with any accompanying documents submitted
 14 by small businesses, to the director:

- 15 (1) not later than ten (10) days after the date on which the rule is
 16 submitted to the publisher under section 35 of this chapter; and
- 17 (2) before July 15 of each year during which the rule remains in
 18 effect.

19 The coordinator and the director shall keep confidential any
 20 information concerning a small business to the extent that the
 21 information is exempt from public disclosure under IC 5-14-3-4.

22 (k) Not later than November 1 of each year, the director shall:

- 23 (1) compile the records received from all of the agency's
 24 coordinators under subsection (j);
- 25 (2) prepare a report that sets forth:
 - 26 (A) the number of comments, complaints, and questions
 27 received by the agency from small businesses during the most
 28 recent state fiscal year, categorized by the subject matter of the
 29 rules involved;
 - 30 (B) the number of complaints or questions reported under
 31 clause (A) that were resolved to the satisfaction of the agency
 32 and the small businesses involved;
 - 33 (C) the total number of staff serving as coordinators under this
 34 section during the most recent state fiscal year;
 - 35 (D) the agency's costs in complying with this section during
 36 the most recent state fiscal year; and
 - 37 (E) the projected budget required by the agency to comply
 38 with this section during the current state fiscal year; and
- 39 (3) deliver the report to the legislative council in an electronic
 40 format under IC 5-14-6 and to the small business ombudsman
 41 designated under IC 4-4-35-8.

42 SECTION 2. IC 4-22-2.1-4, AS AMENDED BY P.L.110-2010,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 4. As used in this chapter, "small business" has
3 the meaning set forth in ~~IC 5-28-2-6~~. **IC 5-28-2-15.**

4 SECTION 3. IC 5-14-3-3.4 IS ADDED TO THE INDIANA CODE
5 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2015]: **Sec. 3.4. Any information that is provided to the Indiana
7 economic development corporation in an incentive recipient's
8 annual compliance report under IC 5-28-28-11 must be available
9 for inspection and copying under section 3 of this chapter.**

10 SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.168-2014,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 4. (a) The following public records are excepted
13 from section 3 of this chapter and may not be disclosed by a public
14 agency, unless access to the records is specifically required by a state
15 or federal statute or is ordered by a court under the rules of discovery:

- 16 (1) Those declared confidential by state statute.
17 (2) Those declared confidential by rule adopted by a public
18 agency under specific authority to classify public records as
19 confidential granted to the public agency by statute.
20 (3) Those required to be kept confidential by federal law.
21 (4) Records containing trade secrets.
22 (5) Confidential financial information obtained, upon request,
23 from a person. However, this does not include information that is
24 filed with or received by a public agency pursuant to state statute.
25 (6) Information concerning research, including actual research
26 documents, conducted under the auspices of a state educational
27 institution, including information:
28 (A) concerning any negotiations made with respect to the
29 research; and
30 (B) received from another party involved in the research.
31 (7) Grade transcripts and license examination scores obtained as
32 part of a licensure process.
33 (8) Those declared confidential by or under rules adopted by the
34 supreme court of Indiana.
35 (9) Patient medical records and charts created by a provider,
36 unless the patient gives written consent under IC 16-39 or as
37 provided under IC 16-41-8.
38 (10) Application information declared confidential by the board
39 of the Indiana economic development corporation under
40 IC 5-28-16.
41 (11) A photograph, a video recording, or an audio recording of an
42 autopsy, except as provided in IC 36-2-14-10.



- 1 (12) A Social Security number contained in the records of a
 2 public agency.
- 3 (13) The following information that is part of a foreclosure action
 4 subject to IC 32-30-10.5:
- 5 (A) Contact information for a debtor, as described in
 6 IC 32-30-10.5-8(d)(1)(B).
- 7 (B) Any document submitted to the court as part of the debtor's
 8 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 9 (b) Except as otherwise provided by subsection (a), the following
 10 public records shall be excepted from section 3 of this chapter at the
 11 discretion of a public agency:
- 12 (1) Investigatory records of law enforcement agencies. However,
 13 certain law enforcement records must be made available for
 14 inspection and copying as provided in section 5 of this chapter.
- 15 (2) The work product of an attorney representing, pursuant to
 16 state employment or an appointment by a public agency:
- 17 (A) a public agency;
 18 (B) the state; or
 19 (C) an individual.
- 20 (3) Test questions, scoring keys, and other examination data used
 21 in administering a licensing examination, examination for
 22 employment, or academic examination before the examination is
 23 given or if it is to be given again.
- 24 (4) Scores of tests if the person is identified by name and has not
 25 consented to the release of the person's scores.
- 26 (5) The following:
- 27 (A) Records relating to negotiations between the Indiana
 28 economic development corporation, the ports of Indiana, the
 29 Indiana state department of agriculture, the Indiana finance
 30 authority, an economic development commission, a local
 31 economic development organization (as defined in
 32 IC 5-28-11-2(3)), or a governing body of a political
 33 subdivision with industrial, research, or commercial prospects,
 34 if the records are created while negotiations are in progress.
- 35 (B) Notwithstanding clause (A), the terms of the final offer of
 36 public financial resources communicated by the Indiana
 37 economic development corporation, the ports of Indiana, the
 38 Indiana finance authority, an economic development
 39 commission, or a governing body of a political subdivision to
 40 an industrial, a research, or a commercial prospect shall be
 41 available for inspection and copying under section 3 of this
 42 chapter after negotiations with that prospect have terminated.



- 1 (C) When disclosing a final offer under clause (B), the Indiana
 2 economic development corporation shall certify that the
 3 information being disclosed accurately and completely
 4 represents the terms of the final offer.
- 5 (D) Notwithstanding clause (A), an incentive agreement with
 6 an incentive recipient shall be available for inspection and
 7 copying under section 3 of this chapter after the date the
 8 incentive recipient and the Indiana economic development
 9 corporation execute the incentive agreement regardless of
 10 whether negotiations are in progress with the recipient after
 11 that date regarding a modification or extension of the incentive
 12 agreement.
- 13 **This subdivision does not apply to any information submitted**
 14 **by a recipient of an incentive granted by the Indiana economic**
 15 **development corporation to comply with the reporting**
 16 **requirements of IC 5-28-28-11.**
- 17 (6) Records that are intra-agency or interagency advisory or
 18 deliberative material, including material developed by a private
 19 contractor under a contract with a public agency, that are
 20 expressions of opinion or are of a speculative nature, and that are
 21 communicated for the purpose of decision making.
- 22 (7) Diaries, journals, or other personal notes serving as the
 23 functional equivalent of a diary or journal.
- 24 (8) Personnel files of public employees and files of applicants for
 25 public employment, except for:
- 26 (A) the name, compensation, job title, business address,
 27 business telephone number, job description, education and
 28 training background, previous work experience, or dates of
 29 first and last employment of present or former officers or
 30 employees of the agency;
- 31 (B) information relating to the status of any formal charges
 32 against the employee; and
- 33 (C) the factual basis for a disciplinary action in which final
 34 action has been taken and that resulted in the employee being
 35 suspended, demoted, or discharged.
- 36 However, all personnel file information shall be made available
 37 to the affected employee or the employee's representative. This
 38 subdivision does not apply to disclosure of personnel information
 39 generally on all employees or for groups of employees without the
 40 request being particularized by employee name.
- 41 (9) Minutes or records of hospital medical staff meetings.
- 42 (10) Administrative or technical information that would



- 1 jeopardize a record keeping or security system.
- 2 (11) Computer programs, computer codes, computer filing
- 3 systems, and other software that are owned by the public agency
- 4 or entrusted to it and portions of electronic maps entrusted to a
- 5 public agency by a utility.
- 6 (12) Records specifically prepared for discussion or developed
- 7 during discussion in an executive session under IC 5-14-1.5-6.1.
- 8 However, this subdivision does not apply to that information
- 9 required to be available for inspection and copying under
- 10 subdivision (8).
- 11 (13) The work product of the legislative services agency under
- 12 personnel rules approved by the legislative council.
- 13 (14) The work product of individual members and the partisan
- 14 staffs of the general assembly.
- 15 (15) The identity of a donor of a gift made to a public agency if:
- 16 (A) the donor requires nondisclosure of the donor's identity as
- 17 a condition of making the gift; or
- 18 (B) after the gift is made, the donor or a member of the donor's
- 19 family requests nondisclosure.
- 20 (16) Library or archival records:
- 21 (A) which can be used to identify any library patron; or
- 22 (B) deposited with or acquired by a library upon a condition
- 23 that the records be disclosed only:
- 24 (i) to qualified researchers;
- 25 (ii) after the passing of a period of years that is specified in
- 26 the documents under which the deposit or acquisition is
- 27 made; or
- 28 (iii) after the death of persons specified at the time of the
- 29 acquisition or deposit.
- 30 However, nothing in this subdivision shall limit or affect contracts
- 31 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 32 (17) The identity of any person who contacts the bureau of motor
- 33 vehicles concerning the ability of a driver to operate a motor
- 34 vehicle safely and the medical records and evaluations made by
- 35 the bureau of motor vehicles staff or members of the driver
- 36 licensing medical advisory board regarding the ability of a driver
- 37 to operate a motor vehicle safely. However, upon written request
- 38 to the commissioner of the bureau of motor vehicles, the driver
- 39 must be given copies of the driver's medical records and
- 40 evaluations.
- 41 (18) School safety and security measures, plans, and systems,
- 42 including emergency preparedness plans developed under 511



1 IAC 6.1-2-2.5.

2 (19) A record or a part of a record, the public disclosure of which
 3 would have a reasonable likelihood of threatening public safety
 4 by exposing a vulnerability to terrorist attack. A record described
 5 under this subdivision includes:

6 (A) a record assembled, prepared, or maintained to prevent,
 7 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 8 or an act of agricultural terrorism under IC 35-47-12-2;

9 (B) vulnerability assessments;

10 (C) risk planning documents;

11 (D) needs assessments;

12 (E) threat assessments;

13 (F) intelligence assessments;

14 (G) domestic preparedness strategies;

15 (H) the location of community drinking water wells and
 16 surface water intakes;

17 (I) the emergency contact information of emergency
 18 responders and volunteers;

19 (J) infrastructure records that disclose the configuration of
 20 critical systems such as communication, electrical, ventilation,
 21 water, and wastewater systems;

22 (K) detailed drawings or specifications of structural elements,
 23 floor plans, and operating, utility, or security systems, whether
 24 in paper or electronic form, of any building or facility located
 25 on an airport (as defined in IC 8-21-1-1) that is owned,
 26 occupied, leased, or maintained by a public agency. A record
 27 described in this clause may not be released for public
 28 inspection by any public agency without the prior approval of
 29 the public agency that owns, occupies, leases, or maintains the
 30 airport. The public agency that owns, occupies, leases, or
 31 maintains the airport:

32 (i) is responsible for determining whether the public
 33 disclosure of a record or a part of a record has a reasonable
 34 likelihood of threatening public safety by exposing a
 35 vulnerability to terrorist attack; and

36 (ii) must identify a record described under item (i) and
 37 clearly mark the record as "confidential and not subject to
 38 public disclosure under IC 5-14-3-4(b)(19)(J) without
 39 approval of (insert name of submitting public agency)"; and

40 (L) the home address, home telephone number, and emergency
 41 contact information for any:

42 (i) emergency management worker (as defined in



- 1 IC 10-14-3-3);
 2 (ii) public safety officer (as defined in IC 35-47-4.5-3);
 3 (iii) emergency medical responder (as defined in
 4 IC 16-18-2-109.8); or
 5 (iv) advanced emergency medical technician (as defined in
 6 IC 16-18-2-6.5).
- 7 This subdivision does not apply to a record or portion of a record
 8 pertaining to a location or structure owned or protected by a
 9 public agency in the event that an act of terrorism under
 10 IC 35-47-12-1 or an act of agricultural terrorism under
 11 IC 35-47-12-2 has occurred at that location or structure, unless
 12 release of the record or portion of the record would have a
 13 reasonable likelihood of threatening public safety by exposing a
 14 vulnerability of other locations or structures to terrorist attack.
- 15 (20) The following personal information concerning a customer
 16 of a municipally owned utility (as defined in IC 8-1-2-1):
 17 (A) Telephone number.
 18 (B) Address.
 19 (C) Social Security number.
- 20 (21) The following personal information about a complainant
 21 contained in records of a law enforcement agency:
 22 (A) Telephone number.
 23 (B) The complainant's address. However, if the complainant's
 24 address is the location of the suspected crime, infraction,
 25 accident, or complaint reported, the address shall be made
 26 available for public inspection and copying.
- 27 (22) Notwithstanding subdivision (8)(A), the name,
 28 compensation, job title, business address, business telephone
 29 number, job description, education and training background,
 30 previous work experience, or dates of first employment of a law
 31 enforcement officer who is operating in an undercover capacity.
- 32 (23) Records requested by an offender that:
 33 (A) contain personal information relating to:
 34 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 35 (ii) a law enforcement officer (as defined in
 36 IC 35-31.5-2-185);
 37 (iii) a judge (as defined in IC 33-38-12-3);
 38 (iv) the victim of a crime; or
 39 (v) a family member of a correctional officer, law
 40 enforcement officer (as defined in IC 35-31.5-2-185), judge
 41 (as defined in IC 33-38-12-3), or victim of a crime; or
 42 (B) concern or could affect the security of a jail or correctional



- 1 facility.
- 2 (24) Information concerning an individual less than eighteen (18)
- 3 years of age who participates in a conference, meeting, program,
- 4 or activity conducted or supervised by a state educational
- 5 institution, including the following information regarding the
- 6 individual or the individual's parent or guardian:
- 7 (A) Name.
- 8 (B) Address.
- 9 (C) Telephone number.
- 10 (D) Electronic mail account address.
- 11 (25) Criminal intelligence information.
- 12 (26) The following information contained in a report of unclaimed
- 13 property under IC 32-34-1-26 or in a claim for unclaimed
- 14 property under IC 32-34-1-36:
- 15 (A) date of birth;
- 16 (B) driver's license number;
- 17 (C) taxpayer identification number;
- 18 (D) employer identification number; or
- 19 (E) account number.
- 20 (c) Nothing contained in subsection (b) shall limit or affect the right
- 21 of a person to inspect and copy a public record required or directed to
- 22 be made by any statute or by any rule of a public agency.
- 23 (d) Notwithstanding any other law, a public record that is classified
- 24 as confidential, other than a record concerning an adoption or patient
- 25 medical records, shall be made available for inspection and copying
- 26 seventy-five (75) years after the creation of that record.
- 27 (e) Only the content of a public record may form the basis for the
- 28 adoption by any public agency of a rule or procedure creating an
- 29 exception from disclosure under this section.
- 30 (f) Except as provided by law, a public agency may not adopt a rule
- 31 or procedure that creates an exception from disclosure under this
- 32 section based upon whether a public record is stored or accessed using
- 33 paper, electronic media, magnetic media, optical media, or other
- 34 information storage technology.
- 35 (g) Except as provided by law, a public agency may not adopt a rule
- 36 or procedure nor impose any costs or liabilities that impede or restrict
- 37 the reproduction or dissemination of any public record.
- 38 (h) Notwithstanding subsection (d) and section 7 of this chapter:
- 39 (1) public records subject to IC 5-15 may be destroyed only in
- 40 accordance with record retention schedules under IC 5-15; or
- 41 (2) public records not subject to IC 5-15 may be destroyed in the
- 42 ordinary course of business.



1 SECTION 5. IC 5-28-2-5 IS REPEALED [EFFECTIVE JULY 1,
2 2015]. Sec. 5: "Secretary of commerce" refers to the secretary of
3 commerce appointed under IC 5-28-3-4(a).

4 SECTION 6. IC 5-28-2-5.5 IS REPEALED [EFFECTIVE JULY 1,
5 2015]. Sec. 5:5: "Job creation incentive" means a tax credit, tax
6 deduction, grant, loan, or loan guarantee that a statute authorizes the
7 state or an instrumentality of the state (excluding any political
8 subdivision or other unit of local government) to award or approve for
9 the purpose of encouraging the creation of new jobs in Indiana.

10 SECTION 7. IC 5-28-2-6 IS REPEALED [EFFECTIVE JULY 1,
11 2015]. Sec. 6: For purposes of IC 5-28-17, "small business" means a
12 business entity that satisfies the following requirements:

13 (1) On at least fifty percent (50%) of the working days of the
14 business entity occurring during the preceding calendar year, the
15 business entity employed not more than one hundred fifty (150)
16 employees.

17 (2) The majority of the employees of the business entity work in
18 Indiana.

19 SECTION 8. IC 5-28-2-7 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2015]: Sec. 7. "Full-time employee" has the meaning set forth in
22 IC 6-3.1-13-4.

23 SECTION 9. IC 5-28-2-8 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2015]: Sec. 8. (a) "Full-time, permanent job" means employment
26 in which a new employee works for the recipient of a job creation
27 incentive as a full-time employee without any expected date of
28 termination.

29 (b) The term does not include a temporary job.

30 SECTION 10. IC 5-28-2-9 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2015]: Sec. 9. "Job creation incentive" means a tax credit, tax
33 deduction, grant, loan, or loan guarantee that a statute authorizes
34 the state or an instrumentality of the state (excluding any political
35 subdivision or other unit of local government) to award or approve
36 for the purpose of encouraging the creation of new jobs in Indiana.

37 SECTION 11. IC 5-28-2-10 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2015]: Sec. 10. "Job creation incentive agreement" or "incentive
40 agreement" means any agreement executed by the corporation and
41 the recipient of a job creation incentive setting forth the terms and
42 conditions of any job creation incentive to be provided to the



1 **recipient.**
2 SECTION 12. IC 5-28-2-11 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
4 **1, 2015]: Sec. 11. "New employee" means a full-time employee**
5 **who:**
6 **(1) is first employed by the recipient of a job creation**
7 **incentive at the specific project site that is the subject of the**
8 **job creation incentive agreement executed by the corporation**
9 **and the applicant; and**
10 **(2) is employed by the recipient of a job creation incentive**
11 **after the recipient enters into the job creation incentive**
12 **agreement.**
13 SECTION 13. IC 5-28-2-12 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
15 **1, 2015]: Sec. 12. "Part-time job" means employment in which a**
16 **new employee works for the recipient of a job creation incentive**
17 **for fewer hours each week than the number of hours necessary to**
18 **be considered a full-time employee.**
19 SECTION 14. IC 5-28-2-13 IS ADDED TO THE INDIANA CODE
20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
21 **1, 2015]: Sec. 13. "Retained employee" means any employee:**
22 **(1) who has a full-time or full-time equivalent job at a specific**
23 **facility or site;**
24 **(2) the continuance of whose job is threatened by a specific**
25 **and demonstrable threat, as specified by the applicant in the**
26 **application for a job creation incentive; and**
27 **(3) whose job is preserved.**
28 SECTION 15. IC 5-28-2-14 IS ADDED TO THE INDIANA CODE
29 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
30 **1, 2015]: Sec. 14. "Secretary of commerce" refers to the secretary**
31 **of commerce appointed under IC 5-28-3-4(a).**
32 SECTION 16. IC 5-28-2-15 IS ADDED TO THE INDIANA CODE
33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
34 **1, 2015]: Sec. 15. For purposes of IC 5-28-17, "small business"**
35 **means a business entity that satisfies the following requirements:**
36 **(1) On at least fifty percent (50%) of the working days of the**
37 **business entity occurring during the preceding calendar year,**
38 **the business entity employed not more than one hundred fifty**
39 **(150) employees.**
40 **(2) The majority of the employees of the business entity work**
41 **in Indiana.**
42 SECTION 17. IC 5-28-2-16 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2015]: **Sec. 16. "Temporary job" means employment in which a
3 new employee is hired for a specific duration of time or season.**

4 SECTION 18. IC 5-28-5-9, AS ADDED BY P.L.4-2005, SECTION
5 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 2015]: Sec. 9. (a) Except as specifically provided by law, the
7 corporation and the board are subject to IC 5-14-1.5 and IC 5-14-3.

8 (b) **All records required to be prepared or maintained under
9 this article, including any cost analyses, audits, recipient
10 compliance reports, and any other records or proceedings of the
11 corporation, must be disclosed as provided by IC 5-14-3. In
12 addition, if the corporation contracts with an entity to perform a
13 cost analysis as part of a determination by the corporation of
14 whether to provide a job creation incentive and the estimated
15 contract price exceeds twenty-five thousand dollars (\$25,000), that
16 cost analysis must be disclosed as provided by IC 5-14-3.**

17 SECTION 19. IC 5-28-6-2, AS AMENDED BY P.L.6-2012,
18 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 2. (a) The corporation shall develop and promote
20 programs designed to make the best use of Indiana resources to ensure
21 a balanced economy and continuing economic growth for Indiana, and,
22 for those purposes, may do the following:

23 (1) Cooperate with federal, state, and local governments and
24 agencies in the coordination of programs to make the best use of
25 Indiana resources, based on a statewide study to determine
26 specific economic sectors that should be emphasized by the state
27 and by local economic development organizations within
28 geographic regions in Indiana, and encourage collaboration with
29 local economic development organizations within geographic
30 regions in Indiana and with the various state economic
31 development organizations within the states contiguous to
32 Indiana.

33 (2) Receive and expend funds, grants, gifts, and contributions of
34 money, property, labor, interest accrued from loans made by the
35 corporation, and other things of value from public and private
36 sources, including grants from agencies and instrumentalities of
37 the state and the federal government. The corporation:

38 (A) may accept federal grants for providing planning
39 assistance, making grants, or providing other services or
40 functions necessary to political subdivisions, planning
41 commissions, or other public or private organizations;

42 (B) shall administer these grants in accordance with the terms



- 1 of the grants; and
 2 (C) may contract with political subdivisions, planning
 3 commissions, or other public or private organizations to carry
 4 out the purposes for which the grants were made.
- 5 (3) Direct that assistance, information, and advice regarding the
 6 duties and functions of the corporation be given to the corporation
 7 by an officer, agent, or employee of the executive branch of the
 8 state. The head of any other state department or agency may
 9 assign one (1) or more of the department's or agency's employees
 10 to the corporation on a temporary basis or may direct a division
 11 or an agency under the department's or agency's supervision and
 12 control to make a special study or survey requested by the
 13 corporation.
- 14 (b) The corporation shall perform the following duties:
- 15 (1) Develop and implement industrial development programs to
 16 encourage expansion of existing industrial, commercial, and
 17 business facilities in Indiana and to encourage new industrial,
 18 commercial, and business locations in Indiana.
- 19 (2) Assist businesses and industries in acquiring, improving, and
 20 developing overseas markets and encourage international plant
 21 locations in Indiana. The corporation, with the approval of the
 22 governor, may establish foreign offices to assist in this function.
- 23 (3) Promote the growth of minority business enterprises by doing
 24 the following:
- 25 (A) Mobilizing and coordinating the activities, resources, and
 26 efforts of governmental and private agencies, businesses, trade
 27 associations, institutions, and individuals.
- 28 (B) Assisting minority businesses in obtaining governmental
 29 or commercial financing for expansion or establishment of
 30 new businesses or individual development projects.
- 31 (C) Aiding minority businesses in procuring contracts from
 32 governmental or private sources, or both.
- 33 (D) Providing technical, managerial, and counseling assistance
 34 to minority business enterprises.
- 35 (4) Assist the office of the lieutenant governor in:
- 36 (A) community economic development planning;
 37 (B) implementation of programs designed to further
 38 community economic development; and
 39 (C) the development and promotion of Indiana's tourist
 40 resources.
- 41 (5) Assist the secretary of agriculture and rural development in
 42 promoting and marketing of Indiana's agricultural products and



- 1 provide assistance to the director of the Indiana state department
- 2 of agriculture.
- 3 (6) With the approval of the governor, implement federal
- 4 programs delegated to the state to carry out the purposes of this
- 5 article.
- 6 (7) Promote the growth of small businesses by doing the
- 7 following:
- 8 (A) Assisting small businesses in obtaining and preparing the
- 9 permits required to conduct business in Indiana.
- 10 (B) Serving as a liaison between small businesses and state
- 11 agencies.
- 12 (C) Providing information concerning business assistance
- 13 programs available through government agencies and private
- 14 sources.
- 15 (8) Establish a public information page on its current Internet site
- 16 on the world wide web. The page must provide the following:
- 17 ~~(A) By program, cumulative information on the total amount~~
- 18 ~~of incentives awarded, the total number of companies that~~
- 19 ~~received the incentives and were assisted in a year, and the~~
- 20 ~~names and addresses of those companies.~~
- 21 **(A) The job creation incentives and compliance report**
- 22 **required by IC 5-28-28-5.**
- 23 (B) A mechanism on the page whereby the public may request
- 24 further information online about specific programs or
- 25 incentives awarded.
- 26 (C) A mechanism for the public to receive an electronic
- 27 response.
- 28 (c) The corporation may do the following:
- 29 (1) Disseminate information concerning the industrial,
- 30 commercial, governmental, educational, cultural, recreational,
- 31 agricultural, and other advantages of Indiana.
- 32 (2) Plan, direct, and conduct research activities.
- 33 (3) Assist in community economic development planning and the
- 34 implementation of programs designed to further community
- 35 economic development.
- 36 SECTION 20. IC 5-28-6-6, AS AMENDED BY P.L.175-2013,
- 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2015]: Sec. 6. The corporation shall require an applicant for
- 39 a job creation incentive to be granted by the corporation after March
- 40 31, 2010, to enter into ~~an~~ **a job creation incentive** agreement with the
- 41 corporation as a condition of receiving the incentive. Subject to
- 42 IC 5-28-28-8, the agreement must include the following:



- 1 (1) The applicant's agreement regarding the following:
- 2 (A) The number of individuals that are expected to be
- 3 employed by the applicant, including the number of employees
- 4 who will be hired, retained, or trained during the duration of
- 5 the agreement.
- 6 (B) If a financial investment by an applicant is a condition for
- 7 providing an incentive, the amount of the financial investment
- 8 that the applicant expects to make in Indiana as a result of the
- 9 project for which the incentive is granted.
- 10 (2) A requirement that the applicant shall file with the compliance
- 11 officer an annual compliance report ~~detailing the applicant's~~
- 12 ~~compliance, or progress toward compliance, with subdivision (1):~~
- 13 **as required by IC 5-28-28-11.**
- 14 (3) A provision that notifies the applicant that the applicant is
- 15 subject to a determination of the corporation under this
- 16 subdivision. The corporation, after a finding that the applicant is
- 17 employing fewer individuals than the applicant agreed to employ
- 18 or that the applicant has not made the financial investment agreed
- 19 to under subdivision (1), subject to any confidentiality laws, shall
- 20 hold a hearing to determine if the applicant shall be required to
- 21 pay back to the state a part of the incentive granted to the
- 22 applicant under the agreement. The penalty imposed must be a
- 23 matter of public record and must reflect in a fair and balanced
- 24 way the amount of incentive received.
- 25 (4) A ~~requirement~~ **recapture provision** that **requires** the
- 26 applicant ~~will to~~ pay back to the state the **job creation** incentive
- 27 that has been received by the applicant if the applicant:
- 28 (A) moves or closes;
- 29 (B) **does not make the level of capital investment specified**
- 30 **by the applicant in the application for the job creation**
- 31 **incentive;**
- 32 (C) **employs fewer individuals than specified by the**
- 33 **applicant in the application for the job creation incentive;**
- 34 **or**
- 35 (D) **pays less in wages than specified by the applicant in the**
- 36 **application for the job creation incentive.**
- 37 SECTION 21. IC 5-28-17-4, AS ADDED BY P.L.56-2009,
- 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2015]: Sec. 4. This chapter may not be construed to limit the
- 40 corporation's ability to carry out its responsibilities under this chapter
- 41 with respect to a business that:
- 42 (1) the corporation considers to be a small business; and



1 (2) does not meet the definition of a small business set forth in
 2 ~~IC 5-28-2-6.~~ **IC 5-28-2-15.**

3 SECTION 22. IC 5-28-28-5, AS AMENDED BY P.L.175-2013,
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2015]: Sec. 5. (a) Beginning February 1, 2008, the corporation
 6 shall:

- 7 (1) ~~submit~~ **prepare** an ~~economic annual job creation~~ incentives
 8 and compliance report **for submission** to:
 9 (A) the governor; and
 10 (B) the legislative council in an electronic format under
 11 IC 5-14-6; and
 12 (2) publish the report on the corporation's Internet web site **and**
 13 **on the Indiana transparency portal Internet web site.**
 14 ~~on the schedule specified in subsection (b):~~

15 (b) ~~Before August 1, 2013, the corporation shall submit and publish~~
 16 ~~an incentives and compliance report that provides updated information~~
 17 ~~for active incentive agreements approved and awarded after January 1,~~
 18 ~~2005, through June, 30, 2013. After December 31, 2013, The~~
 19 ~~corporation shall submit and publish before February 1 of each year an~~
 20 **the job creation** incentives and compliance report that provides
 21 updated information for active incentive agreements approved and
 22 awarded after January 1, 2005, through **before February 1 of each**
 23 **year. The report must cover** the immediately preceding calendar year.

24 SECTION 23. IC 5-28-28-6, AS AMENDED BY P.L.2-2014,
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 6. The ~~economic job creation~~ incentives and
 27 compliance report required under section 5 of this chapter must include
 28 at least the following:

- 29 (1) The total for each of the following:
 30 (A) The number and amount of tax credits, loans, and grants
 31 contractually awarded by the corporation.
 32 (B) The amount of investments made by the recipients of the
 33 tax credits, loans, and grants.
 34 (C) The number of actual jobs created and the number of jobs
 35 expected through the reporting year, as reviewed by an
 36 independent auditing firm chosen by the corporation.
 37 (D) The amount of recaptured incentives for the reporting year
 38 and the total number of recipients.
 39 (E) The number and amount of tax credits claimed for the
 40 reporting year, as reported by the department of state revenue
 41 to the corporation by December 31 of each year.
 42 **(F) The aggregate amount of uncollected or diverted state**



1 **tax revenues resulting from each tax credit, as reported to**
 2 **the department of state revenue on tax returns filed during**
 3 **the state fiscal year that ends immediately before the due**
 4 **date of the report. Before January 1 each year, the**
 5 **department of state revenue shall submit to the**
 6 **corporation the information necessary for the corporation**
 7 **to include these aggregate amounts in the corporation's**
 8 **report.**

9 (2) With respect to each recipient of a tax credit, loan, or grant
 10 referred to in subdivision (1), the following:

11 (A) The name, county, and municipality (if any) of the
 12 recipient.

13 (B) The amount of tax credits certified to the recipient, and the
 14 amount of grants and loans actually paid out, during the term
 15 of the agreement.

16 (C) The purpose of the tax credit, loan, or grant.

17 (D) The performance goals for the reporting year, including
 18 the following:

19 (i) Numbers of employees to be hired, retained, or trained.

20 (ii) If a financial investment by the recipient was a condition
 21 for providing an incentive, the amount of the financial
 22 investment that the recipient expects to make in Indiana as
 23 a result of the project for which the incentive was granted.

24 (E) Certification by the corporation that the recipient is
 25 complying with the terms of the incentive agreement.

26 **(3) A summary of the information submitted by certified**
 27 **technology parks as part of the corporation's review under**
 28 **IC 36-7-32-11.**

29 **(4) All data in all compliance reports submitted under section**
 30 **11 of this chapter.**

31 **(5) By program, cumulative information on the total amount**
 32 **of job creation incentives awarded, the total number of**
 33 **companies that received the job creation incentives and were**
 34 **assisted in a year, and the names and addresses of those**
 35 **companies.**

36 SECTION 24. IC 5-28-28-7, AS AMENDED BY P.L.175-2013,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 7. (a) If, in the course of compiling information to
 39 complete a **job creation incentives and compliance** report required by
 40 section 5 of this chapter or upon the receipt of any other information
 41 concerning noncompliance with the terms and conditions of an
 42 incentive granted by the corporation, the corporation determines that



1 a recipient of an incentive awarded by the corporation has not complied
 2 with the terms of the incentive agreement, the corporation shall take the
 3 actions required under ~~subsections~~ **subsection (b) and or (d),**
 4 **whichever applies.**

5 (b) If the incentive is a grant or loan awarded before April 1, 2010,
 6 the corporation shall determine:

- 7 (1) whether there was good cause for the noncompliance; and
- 8 (2) whether the recipient is in default.

9 If in the judgment of the corporation there is not good cause for any
 10 noncompliance discovered under subsection (a), the corporation may
 11 seek a refund or arrange other methods of reclaiming the grant or loan
 12 from the recipient. If the corporation does seek a refund or otherwise
 13 reclaims a grant or loan from the recipient under this section, the
 14 amount of the refund or reclaimed part must be in proportion to the
 15 degree of default by the recipient as determined by the corporation.

16 (c) Subsection (b) does not apply to a recipient of a grant or loan if:

- 17 (1) the grant or loan has been disbursed on a pro rata basis; and
- 18 (2) in the judgment of the corporation, the recipient's performance
 19 in relation to the recipient's performance goals equals or exceeds
 20 the ratio of the amount of the recipient's actual benefit from the
 21 grant or loan to the total amount of the grant or loan originally
 22 contemplated in the grant or loan award.

23 (d) If the incentive granted by the corporation was awarded after
 24 March 31, 2010, the corporation shall seek a refund or arrange other
 25 methods of reclaiming the value of the incentive granted by the
 26 corporation from the recipient. The amount of the refund or reclaimed
 27 part must be in proportion to the degree of default by the recipient as
 28 determined by the corporation.

29 SECTION 25. IC 5-28-28-8, AS ADDED BY P.L.110-2010,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 8. (a) As used in this section, "recapture
 32 provision" means language that requires the recipient of ~~an~~ **a job**
 33 **creation** incentive to repay some part of the incentive.

34 (b) The corporation may waive or modify a recapture provision of
 35 this article or an agreement made with a person to whom the
 36 corporation has awarded ~~an~~ **a job creation** incentive if the corporation
 37 determines that the recipient of ~~an~~ **the** incentive awarded by the
 38 corporation has failed to meet a condition for receiving the incentive
 39 because of circumstances beyond the recipient's control, including:

- 40 (1) natural disaster;
- 41 (2) unforeseen industry trends;
- 42 (3) lack of available labor force;



- 1 (4) loss of a major supplier or market; or
 2 (5) another circumstance beyond the recipient's control, as
 3 determined by the corporation.

4 SECTION 26. IC 5-28-28-9, AS ADDED BY P.L.110-2010,
 5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 9. (a) Beginning in 2010, the **economic job**
 7 **creation** incentives and compliance report required under section 5 of
 8 this chapter must include ~~an annual report~~ **a part** containing a
 9 summary of **annual** statistics on the effectiveness of and compliance
 10 with all incentives granted by the corporation. The **part of the job**
 11 **creation incentives and compliance** report required by this section
 12 must describe:

- 13 (1) the overall compliance with the terms and conditions of
 14 incentives provided; and
 15 (2) penalties imposed for failure to comply with the terms and
 16 conditions of incentives provided, **including a description of the**
 17 **outcomes and effectiveness of recapture provisions, organized**
 18 **by the job creation incentive program, along with at least the**
 19 **following information:**
 20 (A) **The total number of companies receiving a job creation**
 21 **incentive.**
 22 (B) **The total number of recipients in violation of a job**
 23 **creation incentive agreement.**
 24 (C) **The total number of recapture efforts initiated.**
 25 (D) **The total number of recapture efforts completed.**
 26 (E) **The number of recapture waivers granted.**

27 The report must also be submitted to the general assembly in an
 28 electronic format under ~~IC 5-14-6~~.

29 (b) Upon request, the corporation shall make available **as a public**
 30 **record under IC 5-14-3:**

- 31 (1) information specifying each person's compliance with its
 32 incentive agreement and any incentive that had to be reduced or
 33 paid back as a result of noncompliance with an incentive
 34 agreement;
 35 (2) information stating, for each incentive recipient, the total
 36 incentive provided for each job created, computed from the date
 37 the incentive is granted through ~~June 30~~ **December 31** of the year
 38 of the report;
 39 (3) information concerning all waivers or modifications under
 40 section 8 of this chapter; and
 41 (4) information describing all hearings and determinations under
 42 IC 5-28-6-6.



1 SECTION 27. IC 5-28-28-11 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 11. (a) Before January 15 of each**
4 **year, each recipient of a job creation incentive shall submit to the**
5 **corporation an annual compliance report covering the calendar**
6 **year immediately preceding the year in which the annual**
7 **compliance report is due. A recipient that is a party to multiple job**
8 **creation incentive agreements for a single project site may file a**
9 **consolidated compliance report. A compliance report must include**
10 **at least the following information:**

11 (1) Each application tracking number.

12 (2) The recipient's:

13 (A) office mailing address;

14 (B) telephone number; and

15 (C) six (6) digit North American Industry Classification
16 System (NAICS) code assigned to industries in the NAICS
17 Manual of the United States Office of Management and
18 Budget;

19 and the name of the recipient's chief officer or authorized
20 designee for the specific project site for which the job creation
21 incentive was approved.

22 (3) The job creation incentive program and value of the job
23 creation incentive that was approved by the corporation.

24 (4) The total number of the recipient's employees at the
25 specific project site on the date on which the application was
26 submitted to the corporation, and the total number of the
27 recipient's employees at the specific project site on the date of
28 the report, including, for each date:

29 (A) the number of employees with full-time, permanent
30 jobs;

31 (B) the number of employees with part-time jobs; and

32 (C) the number of employees with temporary jobs;

33 and a computation of the increase or decrease in the number
34 of employees within each category set forth in clauses (A)
35 through (C) between the date of submission of the application
36 and the date of the report.

37 (5) The number of:

38 (A) jobs for new employees that the recipient promised in
39 the job creation incentive agreement the recipient would
40 create; and

41 (B) jobs for retained employees that the recipient promised
42 in the job creation incentive agreement the recipient would



- 1 **retain;**
 2 **broken down by full-time, permanent jobs, part-time jobs,**
 3 **and temporary jobs.**
 4 **(6) A declaration of whether the recipient is in compliance**
 5 **with each term and condition of the job creation incentive**
 6 **agreement.**
 7 **(7) The following for the full-time, permanent jobs that the**
 8 **recipient created or retained as a result of the job creation**
 9 **incentive:**
 10 **(A) A detailed list of:**
 11 **(i) the occupations; or**
 12 **(ii) job classifications;**
 13 **of the jobs.**
 14 **(B) A schedule of the starting dates for the new employees**
 15 **hired for the jobs.**
 16 **(C) The actual average wage paid to employees with the**
 17 **jobs, broken down by occupation or job classification.**
 18 **(D) The total payroll for new employees and retained**
 19 **employees with these jobs.**
 20 **(8) A narrative, if necessary, stating whether and, if so, how**
 21 **the recipient's use of the job creation incentive during the**
 22 **reporting year has reduced unemployment at any site in**
 23 **Indiana.**
 24 **(9) A certification by the chief officer of the recipient or the**
 25 **chief officer's authorized designee that the information in the**
 26 **compliance report contains no knowing misrepresentation of**
 27 **material facts upon which eligibility for the job creation**
 28 **incentive is based.**
 29 **(10) Any other information the corporation considers**
 30 **necessary to ensure compliance with the job creation incentive**
 31 **program.**
 32 **(b) The corporation may verify information contained in the**
 33 **recipient's compliance report, including inspecting the specific**
 34 **project site and inspecting the records of the recipient that relate**
 35 **to the job creation incentive agreement.**
 36 **(c) If a recipient of a job creation incentive fails to comply with**
 37 **subsection (a), the corporation shall suspend all current job**
 38 **creation incentives being provided to the recipient, effective April**
 39 **1 of the year in which the recipient failed to comply with subsection**
 40 **(a). In addition, the corporation is prohibited from completing any**
 41 **current job creation incentive or providing any future job creation**
 42 **incentive until the corporation receives proof that the recipient has**



1 **complied with subsection (a).**

