



February 2, 2021

HOUSE BILL No. 1418

DIGEST OF HB 1418 (Updated February 2, 2021 3:20 pm - DI 134)

Citations Affected: IC 5-14; IC 5-28.

Synopsis: Economic development issues. Provides that application information declared confidential by the Indiana economic development corporation (corporation) is exempt from public disclosure under the Access to Public Records Act. Provides that the corporation shall establish a transparency portal on its Internet web site. Removes the responsibility of the governor to appoint a president to the corporation. (Currently, the governor appoints a president of the corporation, who serves at the pleasure of the governor and reports to the secretary of commerce.) Requires the corporation to upload on its Internet web site (1) final public financial resource agreements to which the corporation is a party and (2) reports that the corporation submitted to the general assembly. Establishes provisions that require greater transparency in state and local government actions related to incentives received by the corporation and the Indiana destination development corporation.

Effective: July 1, 2021.

Negele

January 14, 2021, read first time and referred to Committee on Commerce, Small Business and Economic Development.
February 2, 2021, amended, reported — Do Pass.

HB 1418—LS 6817/DI 142



February 2, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1418

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 5-14-3-4, AS AMENDED BY P.L.64-2020,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 4. (a) The following public records are excepted
4 from section 3 of this chapter and may not be disclosed by a public
5 agency, unless access to the records is specifically required by a state
6 or federal statute or is ordered by a court under the rules of discovery:
7 (1) Those declared confidential by state statute.
8 (2) Those declared confidential by rule adopted by a public
9 agency under specific authority to classify public records as
10 confidential granted to the public agency by statute.
11 (3) Those required to be kept confidential by federal law.
12 (4) Records containing trade secrets.
13 (5) Confidential financial information obtained, upon request,
14 from a person. However, this does not include information that is
15 filed with or received by a public agency pursuant to state statute.
16 (6) Information concerning research, including actual research
17 documents, conducted under the auspices of a state educational

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- 1 institution, including information:
- 2 (A) concerning any negotiations made with respect to the
- 3 research; and
- 4 (B) received from another party involved in the research.
- 5 (7) Grade transcripts and license examination scores obtained as
- 6 part of a licensure process.
- 7 (8) Those declared confidential by or under rules adopted by the
- 8 supreme court of Indiana.
- 9 (9) Patient medical records and charts created by a provider,
- 10 unless the patient gives written consent under IC 16-39 or as
- 11 provided under IC 16-41-8.
- 12 (10) Application information declared confidential by the Indiana
- 13 economic development corporation under ~~IC 5-28-16~~. **IC 5-28**.
- 14 (11) A photograph, a video recording, or an audio recording of an
- 15 autopsy, except as provided in IC 36-2-14-10.
- 16 (12) A Social Security number contained in the records of a
- 17 public agency.
- 18 (13) The following information that is part of a foreclosure action
- 19 subject to IC 32-30-10.5:
- 20 (A) Contact information for a debtor, as described in
- 21 IC 32-30-10.5-8(d)(1)(B).
- 22 (B) Any document submitted to the court as part of the debtor's
- 23 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 24 (14) The following information obtained from a call made to a
- 25 fraud hotline established under IC 36-1-8-8.5:
- 26 (A) The identity of any individual who makes a call to the
- 27 fraud hotline.
- 28 (B) A report, transcript, audio recording, or other information
- 29 concerning a call to the fraud hotline.
- 30 However, records described in this subdivision may be disclosed
- 31 to a law enforcement agency, a private university police
- 32 department, the attorney general, the inspector general, the state
- 33 examiner, or a prosecuting attorney.
- 34 (b) Except as otherwise provided by subsection (a), the following
- 35 public records shall be excepted from section 3 of this chapter at the
- 36 discretion of a public agency:
- 37 (1) Investigatory records of law enforcement agencies or private
- 38 university police departments. For purposes of this chapter, a law
- 39 enforcement recording is not an investigatory record. Law
- 40 enforcement agencies or private university police departments
- 41 may share investigatory records with a:
- 42 (A) person who advocates on behalf of a crime victim,



- 1 including a victim advocate (as defined in IC 35-37-6-3.5) or
 2 a victim service provider (as defined in IC 35-37-6-5), for the
 3 purposes of providing services to a victim or describing
 4 services that may be available to a victim; and
 5 (B) school corporation (as defined by IC 20-18-2-16(a)),
 6 charter school (as defined by IC 20-24-1-4), or nonpublic
 7 school (as defined by IC 20-18-2-12) for the purpose of
 8 enhancing the safety or security of a student or a school
 9 facility;
 10 without the law enforcement agency or private university police
 11 department losing its discretion to keep those records confidential
 12 from other records requesters. However, certain law enforcement
 13 records must be made available for inspection and copying as
 14 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:
 - 28 (i) the Indiana economic development corporation;
 - 29 (ii) the ports of Indiana;
 - 30 (iii) the Indiana state department of agriculture;
 - 31 (iv) the Indiana finance authority;
 - 32 (v) an economic development commission;
 - 33 (vi) a local economic development organization that is a
 34 nonprofit corporation established under state law whose
 35 primary purpose is the promotion of industrial or business
 36 development in Indiana, the retention or expansion of
 37 Indiana businesses, or the development of entrepreneurial
 38 activities in Indiana; or
 - 39 (vii) a governing body of a political subdivision;
- 40 with industrial, research, or commercial prospects, if the
 41 records are created while negotiations are in progress.
 42 However, this clause does not apply to records regarding



- 1 research that is prohibited under IC 16-34.5-1-2 or any other
 2 law.
- 3 (B) Notwithstanding clause (A), the terms of the final offer of
 4 public financial resources communicated by the Indiana
 5 economic development corporation, the ports of Indiana, the
 6 Indiana finance authority, an economic development
 7 commission, or a governing body of a political subdivision to
 8 an industrial, a research, or a commercial prospect shall be
 9 available for inspection and copying under section 3 of this
 10 chapter after negotiations with that prospect have terminated.
- 11 (C) When disclosing a final offer under clause (B), the Indiana
 12 economic development corporation shall certify that the
 13 information being disclosed accurately and completely
 14 represents the terms of the final offer.
- 15 (D) Notwithstanding clause (A), an incentive agreement with
 16 an incentive recipient shall be available for inspection and
 17 copying under section 3 of this chapter after the date the
 18 incentive recipient and the Indiana economic development
 19 corporation execute the incentive agreement regardless of
 20 whether negotiations are in progress with the recipient after
 21 that date regarding a modification or extension of the incentive
 22 agreement.
- 23 (6) Records that are intra-agency or interagency advisory or
 24 deliberative material, including material developed by a private
 25 contractor under a contract with a public agency, that are
 26 expressions of opinion or are of a speculative nature, and that are
 27 communicated for the purpose of decision making.
- 28 (7) Diaries, journals, or other personal notes serving as the
 29 functional equivalent of a diary or journal.
- 30 (8) Personnel files of public employees and files of applicants for
 31 public employment, except for:
- 32 (A) the name, compensation, job title, business address,
 33 business telephone number, job description, education and
 34 training background, previous work experience, or dates of
 35 first and last employment of present or former officers or
 36 employees of the agency;
- 37 (B) information relating to the status of any formal charges
 38 against the employee; and
- 39 (C) the factual basis for a disciplinary action in which final
 40 action has been taken and that resulted in the employee being
 41 suspended, demoted, or discharged.
- 42 However, all personnel file information shall be made available



- 1 to the affected employee or the employee's representative. This
 2 subdivision does not apply to disclosure of personnel information
 3 generally on all employees or for groups of employees without the
 4 request being particularized by employee name.
- 5 (9) Minutes or records of hospital medical staff meetings.
- 6 (10) Administrative or technical information that would
 7 jeopardize a record keeping system, voting system, voter
 8 registration system, or security system.
- 9 (11) Computer programs, computer codes, computer filing
 10 systems, and other software that are owned by the public agency
 11 or entrusted to it and portions of electronic maps entrusted to a
 12 public agency by a utility.
- 13 (12) Records specifically prepared for discussion or developed
 14 during discussion in an executive session under IC 5-14-1.5-6.1.
 15 However, this subdivision does not apply to that information
 16 required to be available for inspection and copying under
 17 subdivision (8).
- 18 (13) The work product of the legislative services agency under
 19 personnel rules approved by the legislative council.
- 20 (14) The work product of individual members and the partisan
 21 staffs of the general assembly.
- 22 (15) The identity of a donor of a gift made to a public agency if:
 23 (A) the donor requires nondisclosure of the donor's identity as
 24 a condition of making the gift; or
 25 (B) after the gift is made, the donor or a member of the donor's
 26 family requests nondisclosure.
- 27 (16) Library or archival records:
 28 (A) which can be used to identify any library patron; or
 29 (B) deposited with or acquired by a library upon a condition
 30 that the records be disclosed only:
 31 (i) to qualified researchers;
 32 (ii) after the passing of a period of years that is specified in
 33 the documents under which the deposit or acquisition is
 34 made; or
 35 (iii) after the death of persons specified at the time of the
 36 acquisition or deposit.
- 37 However, nothing in this subdivision shall limit or affect contracts
 38 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 39 (17) The identity of any person who contacts the bureau of motor
 40 vehicles concerning the ability of a driver to operate a motor
 41 vehicle safely and the medical records and evaluations made by
 42 the bureau of motor vehicles staff or members of the driver



- 1 licensing medical advisory board regarding the ability of a driver
 2 to operate a motor vehicle safely. However, upon written request
 3 to the commissioner of the bureau of motor vehicles, the driver
 4 must be given copies of the driver's medical records and
 5 evaluations.
- 6 (18) School safety and security measures, plans, and systems,
 7 including emergency preparedness plans developed under 511
 8 IAC 6.1-2-2.5.
- 9 (19) A record or a part of a record, the public disclosure of which
 10 would have a reasonable likelihood of threatening public safety
 11 by exposing a vulnerability to terrorist attack. A record described
 12 under this subdivision includes the following:
- 13 (A) A record assembled, prepared, or maintained to prevent,
 14 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 15 (before its repeal), an act of agricultural terrorism under
 16 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
 17 (as defined in IC 35-50-2-18).
 - 18 (B) Vulnerability assessments.
 - 19 (C) Risk planning documents.
 - 20 (D) Needs assessments.
 - 21 (E) Threat assessments.
 - 22 (F) Intelligence assessments.
 - 23 (G) Domestic preparedness strategies.
 - 24 (H) The location of community drinking water wells and
 25 surface water intakes.
 - 26 (I) The emergency contact information of emergency
 27 responders and volunteers.
 - 28 (J) Infrastructure records that disclose the configuration of
 29 critical systems such as voting system and voter registration
 30 system critical infrastructure, and communication, electrical,
 31 ventilation, water, and wastewater systems.
 - 32 (K) Detailed drawings or specifications of structural elements,
 33 floor plans, and operating, utility, or security systems, whether
 34 in paper or electronic form, of any building or facility located
 35 on an airport (as defined in IC 8-21-1-1) that is owned,
 36 occupied, leased, or maintained by a public agency, or any part
 37 of a law enforcement recording that captures information
 38 about airport security procedures, areas, or systems. A record
 39 described in this clause may not be released for public
 40 inspection by any public agency without the prior approval of
 41 the public agency that owns, occupies, leases, or maintains the
 42 airport. Both of the following apply to the public agency that



- owns, occupies, leases, or maintains the airport:
- (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
- (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
- (L) The home address, home telephone number, and emergency contact information for any:
- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).
- This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.
- (20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
- (A) Telephone number.
- (B) Address.
- (C) Social Security number.
- (21) The following personal information about a complainant



1 contained in records of a law enforcement agency:

2 (A) Telephone number.

3 (B) The complainant's address. However, if the complainant's
4 address is the location of the suspected crime, infraction,
5 accident, or complaint reported, the address shall be made
6 available for public inspection and copying.

7 (22) Notwithstanding subdivision (8)(A), the name,
8 compensation, job title, business address, business telephone
9 number, job description, education and training background,
10 previous work experience, or dates of first employment of a law
11 enforcement officer who is operating in an undercover capacity.

12 (23) Records requested by an offender, an agent, or a relative of
13 an offender that:

14 (A) contain personal information relating to:

15 (i) a correctional officer (as defined in IC 5-10-10-1.5);

16 (ii) a probation officer;

17 (iii) a community corrections officer;

18 (iv) a law enforcement officer (as defined in
19 IC 35-31.5-2-185);

20 (v) a judge (as defined in IC 33-38-12-3);

21 (vi) the victim of a crime; or

22 (vii) a family member of a correctional officer, probation
23 officer, community corrections officer, law enforcement
24 officer (as defined in IC 35-31.5-2-185), judge (as defined
25 in IC 33-38-12-3), or victim of a crime; or

26 (B) concern or could affect the security of a jail or correctional
27 facility.

28 For purposes of this subdivision, "agent" means a person who is
29 authorized by an offender to act on behalf of, or at the direction
30 of, the offender, and "relative" has the meaning set forth in
31 IC 35-42-2-1(b). However, the term "agent" does not include an
32 attorney in good standing admitted to the practice of law in
33 Indiana.

34 (24) Information concerning an individual less than eighteen (18)
35 years of age who participates in a conference, meeting, program,
36 or activity conducted or supervised by a state educational
37 institution, including the following information regarding the
38 individual or the individual's parent or guardian:

39 (A) Name.

40 (B) Address.

41 (C) Telephone number.

42 (D) Electronic mail account address.



- 1 (25) Criminal intelligence information.
- 2 (26) The following information contained in a report of unclaimed
3 property under IC 32-34-1-26 or in a claim for unclaimed
4 property under IC 32-34-1-36:
- 5 (A) Date of birth.
- 6 (B) Driver's license number.
- 7 (C) Taxpayer identification number.
- 8 (D) Employer identification number.
- 9 (E) Account number.
- 10 (27) Except as provided in subdivision (19) and sections 5.1 and
11 5.2 of this chapter, a law enforcement recording. However, before
12 disclosing the recording, the public agency must comply with the
13 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
14 applicable.
- 15 (28) Records relating to negotiations between a state educational
16 institution and another entity concerning the establishment of a
17 collaborative relationship or venture to advance the research,
18 engagement, or educational mission of the state educational
19 institution, if the records are created while negotiations are in
20 progress. The terms of the final offer of public financial resources
21 communicated by the state educational institution to an industrial,
22 a research, or a commercial prospect shall be available for
23 inspection and copying under section 3 of this chapter after
24 negotiations with that prospect have terminated. However, this
25 subdivision does not apply to records regarding research
26 prohibited under IC 16-34.5-1-2 or any other law.
- 27 (c) Nothing contained in subsection (b) shall limit or affect the right
28 of a person to inspect and copy a public record required or directed to
29 be made by any statute or by any rule of a public agency.
- 30 (d) Notwithstanding any other law, a public record that is classified
31 as confidential, other than a record concerning an adoption or patient
32 medical records, shall be made available for inspection and copying
33 seventy-five (75) years after the creation of that record.
- 34 (e) Only the content of a public record may form the basis for the
35 adoption by any public agency of a rule or procedure creating an
36 exception from disclosure under this section.
- 37 (f) Except as provided by law, a public agency may not adopt a rule
38 or procedure that creates an exception from disclosure under this
39 section based upon whether a public record is stored or accessed using
40 paper, electronic media, magnetic media, optical media, or other
41 information storage technology.
- 42 (g) Except as provided by law, a public agency may not adopt a rule



1 or procedure nor impose any costs or liabilities that impede or restrict
2 the reproduction or dissemination of any public record.

3 (h) Notwithstanding subsection (d) and section 7 of this chapter:

4 (1) public records subject to IC 5-15 may be destroyed only in
5 accordance with record retention schedules under IC 5-15; or

6 (2) public records not subject to IC 5-15 may be destroyed in the
7 ordinary course of business.

8 SECTION 2. IC 5-28-2-5, AS ADDED BY P.L.4-2005, SECTION
9 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
10 2021]: Sec. 5. "Secretary of commerce" refers to the secretary of
11 commerce appointed under ~~IC 5-28-3-4(a)~~. **IC 5-28-3-4.**

12 SECTION 3. IC 5-28-3-4, AS ADDED BY P.L.4-2005, SECTION
13 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
14 2021]: Sec. 4. ~~(a)~~ The governor shall appoint the secretary of
15 commerce, who shall serve at the pleasure of the governor. The
16 secretary of commerce is the chief executive officer of the corporation.

17 ~~(b) The governor shall appoint the president of the corporation, who
18 shall serve at the pleasure of the governor. The president shall report
19 to the secretary of commerce.~~

20 SECTION 4. IC 5-28-6-0.5 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2021]: **Sec. 0.5. As used in this chapter, "final public financial
23 resource agreement" means a final agreement that is the product
24 of negotiations between:**

25 **(1) the corporation or other public agency; and**

26 **(2) an industrial, research, or commercial prospect.**

27 SECTION 5. IC 5-28-6-2, AS AMENDED BY P.L.130-2018,
28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 2. (a) The corporation shall develop and promote
30 programs designed to make the best use of Indiana resources to ensure
31 a balanced economy and continuing economic growth for Indiana, and,
32 for those purposes, may do the following:

33 (1) Cooperate with federal, state, and local governments and
34 agencies in the coordination of programs to make the best use of
35 Indiana resources, based on a statewide study to determine
36 specific economic sectors that should be emphasized by the state
37 and by local economic development organizations within
38 geographic regions in Indiana, and encourage collaboration with
39 local economic development organizations within geographic
40 regions in Indiana and with the various state economic
41 development organizations within the states contiguous to
42 Indiana.



- 1 (2) Receive and expend funds, grants, gifts, and contributions of
 2 money, property, labor, interest accrued from loans made by the
 3 corporation, and other things of value from public and private
 4 sources, including grants from agencies and instrumentalities of
 5 the state and the federal government. The corporation:
 6 (A) may accept federal grants for providing planning
 7 assistance, making grants, or providing other services or
 8 functions necessary to political subdivisions, planning
 9 commissions, or other public or private organizations;
 10 (B) shall administer these grants in accordance with the terms
 11 of the grants; and
 12 (C) may contract with political subdivisions, planning
 13 commissions, or other public or private organizations to carry
 14 out the purposes for which the grants were made.
- 15 (3) Direct that assistance, information, and advice regarding the
 16 duties and functions of the corporation be given to the corporation
 17 by an officer, agent, or employee of the executive branch of the
 18 state. The head of any other state department or agency may
 19 assign one (1) or more of the department's or agency's employees
 20 to the corporation on a temporary basis or may direct a division
 21 or an agency under the department's or agency's supervision and
 22 control to make a special study or survey requested by the
 23 corporation.
- 24 (b) The corporation shall perform the following duties:
 25 (1) Develop and implement industrial development programs to
 26 encourage expansion of existing industrial, commercial, and
 27 business facilities in Indiana and to encourage new industrial,
 28 commercial, and business locations in Indiana.
 29 (2) Assist businesses and industries in acquiring, improving, and
 30 developing overseas markets and encourage international plant
 31 locations in Indiana. The corporation, with the approval of the
 32 governor, may establish foreign offices to assist in this function.
 33 (3) Promote the growth of minority business enterprises by doing
 34 the following:
 35 (A) Mobilizing and coordinating the activities, resources, and
 36 efforts of governmental and private agencies, businesses, trade
 37 associations, institutions, and individuals.
 38 (B) Assisting minority businesses in obtaining governmental
 39 or commercial financing for expansion or establishment of
 40 new businesses or individual development projects.
 41 (C) Aiding minority businesses in procuring contracts from
 42 governmental or private sources, or both.



- 1 (D) Providing technical, managerial, and counseling assistance
 2 to minority business enterprises.
- 3 (4) Assist the office of the lieutenant governor in:
 4 (A) community economic development planning;
 5 (B) implementation of programs designed to further
 6 community economic development; and
 7 (C) the development and promotion of Indiana's tourist
 8 resources.
- 9 (5) Assist the secretary of agriculture and rural development in
 10 promoting and marketing of Indiana's agricultural products and
 11 provide assistance to the director of the Indiana state department
 12 of agriculture.
- 13 (6) With the approval of the governor, implement federal
 14 programs delegated to the state to carry out the purposes of this
 15 article.
- 16 (7) Promote the growth of small businesses by doing the
 17 following:
 18 (A) Assisting small businesses in obtaining and preparing the
 19 permits required to conduct business in Indiana.
 20 (B) Serving as a liaison between small businesses and state
 21 agencies.
 22 (C) Providing information concerning business assistance
 23 programs available through government agencies and private
 24 sources.
- 25 (8) Establish a **public information page transparency portal** on
 26 its current Internet site on the world wide web. The page must
 27 provide the following:
 28 (A) By program, cumulative information on the total amount
 29 of incentives awarded, the total number of companies that
 30 received the incentives and were assisted in a year, and the
 31 names and addresses of those companies.
 32 (B) A mechanism on the page whereby the public may request
 33 further information online about specific programs or
 34 incentives awarded.
 35 (C) A mechanism for the public to receive an electronic
 36 response.
 37 (D) Access to **the following:**
 38 (i) Any information or report that is required by statute to be
 39 included in the economic incentives and compliance report
 40 submitted under IC 5-28-28.
 41 (ii) **Final public financial resource agreements to which**
 42 **the corporation is a party.**



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(iii) Reports that the corporation submitted to the general assembly.

- (c) The corporation may do the following:
 - (1) Disseminate information concerning the industrial, commercial, governmental, educational, cultural, recreational, agricultural, and other advantages of Indiana.
 - (2) Plan, direct, and conduct research activities.
 - (3) Assist in community economic development planning and the implementation of programs designed to further community economic development.

SECTION 6. IC 5-28-17-6, AS AMENDED BY P.L.130-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The corporation shall ~~designate an employee to be act as~~ the small business ombudsman. The small business ombudsman shall carry out the following duties:

- (1) Work with state agencies to permit increased enforcement flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.
- (2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.
- (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.
- (4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from state agencies to small businesses.
- (5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses.
- (6) Coordinate with the ombudsman designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.
- (7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-22-2-28.1(b)) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the



1 availability of these services on state Internet web sites that the
 2 small business ombudsman or a state agency determines are most
 3 likely to be visited by small business owners and managers.

4 (8) Assist in training agency coordinators who will be assigned to
 5 rules under IC 4-22-2-28.1(e).

6 (9) Investigate and attempt to resolve any matter regarding
 7 compliance by a small business with a law, rule, or policy
 8 administered by a state agency, either as a party to a proceeding
 9 or as a mediator.

10 State agencies shall cooperate with the small business ombudsman to
 11 carry out the purpose of this section. The department of state revenue
 12 and the department of workforce development shall establish a program
 13 to distribute the information described in subdivision (7) to small
 14 businesses that are required to file returns or information with these
 15 state agencies.

16 SECTION 7. IC 5-28-41.5 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]:

19 **Chapter 41.5. Corporation Accountability**

20 **Sec. 1. As used in this chapter, "corporation" means the Indiana**
 21 **economic development corporation established by IC 5-28-3-1 and**
 22 **the Indiana destination development corporation established by**
 23 **IC 5-33-3-1.**

24 **Sec. 2. As used in this chapter, "covered business" means any**
 25 **person or entity that receives incentives.**

26 **Sec. 3. As used in this chapter, "covered person" means the**
 27 **governor, the lieutenant governor, or any other person employed**
 28 **by state or local government.**

29 **Sec. 4. As used in this chapter, "economic development**
 30 **expenses" means travel, food, beverage, and entertainment**
 31 **expenses of a covered person made in connection with economic**
 32 **development, job creation, or job retention in Indiana.**

33 **Sec. 5. As used in this chapter, "incentive" means a tax credit,**
 34 **tax deduction, grant, loan, or loan guarantee that a statute**
 35 **authorizes state or local government to award or approve for the**
 36 **purpose of encouraging the creation or retention of jobs in Indiana.**

37 **Sec. 6. As used in this chapter, "political subdivision" has the**
 38 **meaning set forth in IC 5-11-10.5-1.**

39 **Sec. 7. As used in this chapter, "state or local government"**
 40 **means a branch, department, agency, instrumentality, official, or**
 41 **other individual or entity acting under the color of law of state**
 42 **government, a political subdivision, or an instrumentality of state**



1 government, including a body politic, a body corporate and politic,
2 or any other similar entity established by law.

3 **Sec. 8.** As used in this chapter, "success fee" means any payment
4 that is contingent upon the award of an incentive.

5 **Sec. 9.** As used in this chapter, "third party compensation"
6 means any payment, compensation, bonus, or gift to a covered
7 business or covered person from any person or entity other than a
8 state or local government. Third party compensation does not
9 include a contribution as defined under IC 3-5-2-15.

10 **Sec. 10. (a)** A covered business shall disclose the source and
11 amount of a success fee in relation to the award of incentives.

12 **(b)** A covered person shall disclose the source and amount of
13 third party compensation made in connection with the covered
14 person's performance in state or local government.

15 **(c)** A corporation shall disclose the source and amount of any
16 economic development expenses paid for by a nongovernmental
17 third party for the benefit of the corporation.

18 **(d)** A corporation shall disclose the terms of any contract for, or
19 payment of, incentives made by a political subdivision that is not
20 already covered under IC 5-28-5-9.

21 **Sec. 11. (a)** The corporation shall make the disclosures required
22 under section 10 of this chapter on a quarterly basis to the auditor
23 of state and on the Indiana transparency portal Internet web site.

24 **(b)** The corporation shall make the disclosures within thirty (30)
25 days of the end of each state fiscal year quarter as follows:

26 **(1)** Within thirty (30) days of the quarter ending September
27 30 of a year.

28 **(2)** Within thirty (30) days of the quarter ending December 31
29 of a year.

30 **(3)** Within thirty (30) days of the quarter ending March 31 of
31 a year.

32 **(4)** Within thirty (30) days of the quarter ending June 30 of a
33 year.

34 **Sec. 12.** Failure to comply with the disclosure requirements
35 under section 10 of this chapter shall result in the disgorgement of
36 all undisclosed compensation and incentives, which will be paid to
37 the treasurer of state for deposit in the state general fund.

38 **Sec. 13.** The auditor of state may prescribe forms, rules, and
39 procedures to implement this chapter.

40 **Sec. 14.** The office of the attorney general shall enforce this
41 chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 14, after line 15, begin a new paragraph and insert:

"SECTION 1. IC 5-28-41.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 41.5. Corporation Accountability

Sec. 1. As used in this chapter, "corporation" means the Indiana economic development corporation established by IC 5-28-3-1 and the Indiana destination development corporation established by IC 5-33-3-1.

Sec. 2. As used in this chapter, "covered business" means any person or entity that receives incentives.

Sec. 3. As used in this chapter, "covered person" means the governor, the lieutenant governor, or any other person employed by state or local government.

Sec. 4. As used in this chapter, "economic development expenses" means travel, food, beverage, and entertainment expenses of a covered person made in connection with economic development, job creation, or job retention in Indiana.

Sec. 5. As used in this chapter, "incentive" means a tax credit, tax deduction, grant, loan, or loan guarantee that a statute authorizes state or local government to award or approve for the purpose of encouraging the creation or retention of jobs in Indiana.

Sec. 6. As used in this chapter, "political subdivision" has the meaning set forth in IC 5-11-10.5-1.

Sec. 7. As used in this chapter, "state or local government" means a branch, department, agency, instrumentality, official, or other individual or entity acting under the color of law of state government, a political subdivision, or an instrumentality of state government, including a body politic, a body corporate and politic, or any other similar entity established by law.

Sec. 8. As used in this chapter, "success fee" means any payment that is contingent upon the award of an incentive.

Sec. 9. As used in this chapter, "third party compensation" means any payment, compensation, bonus, or gift to a covered business or covered person from any person or entity other than a state or local government. Third party compensation does not



include a contribution as defined under IC 3-5-2-15.

Sec. 10. (a) A covered business shall disclose the source and amount of a success fee in relation to the award of incentives.

(b) A covered person shall disclose the source and amount of third party compensation made in connection with the covered person's performance in state or local government.

(c) A corporation shall disclose the source and amount of any economic development expenses paid for by a nongovernmental third party for the benefit of the corporation.

(d) A corporation shall disclose the terms of any contract for, or payment of, incentives made by a political subdivision that is not already covered under IC 5-28-5-9.

Sec. 11. (a) The corporation shall make the disclosures required under section 10 of this chapter on a quarterly basis to the auditor of state and on the Indiana transparency portal Internet web site.

(b) The corporation shall make the disclosures within thirty (30) days of the end of each state fiscal year quarter as follows:

(1) Within thirty (30) days of the quarter ending September 30 of a year.

(2) Within thirty (30) days of the quarter ending December 31 of a year.

(3) Within thirty (30) days of the quarter ending March 31 of a year.

(4) Within thirty (30) days of the quarter ending June 30 of a year.

Sec. 12. Failure to comply with the disclosure requirements under section 10 of this chapter shall result in the disgorgement of all undisclosed compensation and incentives, which will be paid to the treasurer of state for deposit in the state general fund.

Sec. 13. The auditor of state may prescribe forms, rules, and procedures to implement this chapter.

Sec. 14. The office of the attorney general shall enforce this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1418 as introduced.)

MORRIS

Committee Vote: yeas 9, nays 2.

HB 1418—LS 6817/DI 142

