



Reprinted
March 31, 1999

ENGROSSED HOUSE BILL No. 1458

DIGEST OF HB 1458 (Updated March 30, 1999 4:35 pm - DI 92)

Citations Affected: IC 6-9; noncode.

Synopsis: Innkeeper's tax. Requires the Vanderburgh County treasurer to establish a convention center operating fund. Requires the treasurer to deposit in the fund the amount of innkeeper's tax that is generated by a 1% rate. Provides that money in the fund must be expended for the operating expenses of a convention center. Provides that the fund expires January 1, 2006. Provides that for the period beginning January 1, 2000 and ending December 31, 2005, the county treasurer shall
(Continued next page)

Effective: July 1, 1999; January 1, 2000.

Avery, Becker, Hasler, Weinzapfel

(SENATE SPONSORS — SERVER, LUTZ L)

January 19, 1999, read first time and referred to Committee on Ways and Means.
February 24, 1999, reported — Do Pass.
March 4, 1999, read second time, amended, ordered engrossed.
March 5, 1999, engrossed.
March 8, 1999, read third time, passed. Yeas 94, nays 2.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
March 18, 1999, amended, reported favorably — Do Pass.
March 30, 1999, read second time, amended, ordered engrossed.

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deposit in the tourism capital improvement fund the amount of innkeeper's tax that is generated by a 2% rate. Provides that after December 31, 2005, the treasurer shall deposit in the tourism capital improvement fund the amount of innkeeper's tax that is generated by a 3% rate. Provides that a structure constructed or remodeled with innkeeper's tax money in the tourism capital improvement fund or the convention and visitor promotion fund must be open for use by members of the public. Establishes the Evansville state hospital advisory commission. Deletes the requirement that hotels or motels managed by certain members of the innkeeper's tax commission in Elkhart County must have banquet facilities, a restaurant, and a lounge in one complex under common ownership.

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March 31, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1458

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 6-9-2.5-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The county
3 treasurer shall establish a convention and visitor promotion fund.
4 (b) ~~He~~ **The county treasurer** shall deposit the following in the
5 convention and visitor promotion fund:
6 (1) **Before January 1, 2000:**
7 (A) All of the money received under section 6 of this
8 chapter, if the rate set under section 6 of this chapter is not
9 greater than two percent (2%).
10 (B) The amount of money received under section 6 of this
11 chapter that is generated by a two percent (2%) rate, if the rate
12 set under section 6 of this chapter is at least two percent (2%).
13 (2) **After December 31, 1999, the amount of money received**
14 **under section 6 of this chapter that is generated by a two**
15 **percent (2%) rate.**
16 (c) Money in this fund shall be expended only as provided in this
17 chapter.
18 (d) The commission may transfer money in the convention and

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1 visitor promotion fund to any Indiana nonprofit corporation for the
 2 purpose of promotion and encouragement in the county of conventions,
 3 trade shows, visitors, or special events. The commission may transfer
 4 money under this section only after approving the transfer. Transfers
 5 shall be made quarterly or less frequently under this section.

6 SECTION 2. IC 6-9-2.5-7.5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.5. (a) The county
 8 treasurer shall establish a tourism capital improvement fund.

9 (b) **The county treasurer shall deposit money in the tourism
 10 capital improvement fund as follows:**

11 (1) **Before January 1, 2000**, if the rate set under section 6 of this
 12 chapter is greater than two percent (2%), the county treasurer
 13 shall deposit in the tourism capital improvement fund an amount
 14 equal to the money received under section 6 of this chapter minus
 15 the amount generated by a two percent (2%) rate.

16 (2) **After December 31, 1999, and before January 1, 2006, the
 17 county treasurer shall deposit in the tourism capital
 18 improvement fund the amount of money received under
 19 section 6 of this chapter that is generated by a two percent
 20 (2%) rate.**

21 (3) **After December 31, 2005, the county treasurer shall
 22 deposit in the tourism capital improvement fund the amount
 23 of money received under section 6 of this chapter that is
 24 generated by a three percent (3%) rate.**

25 (c) The commission may transfer money in the tourism capital
 26 improvement fund to:

27 (1) the county government, a city government, or a separate body
 28 corporate and politic in a county described in section 1 of this
 29 chapter; or

30 (2) any Indiana nonprofit corporation;

31 for the purpose of making capital improvements in the county that
 32 promote conventions, tourism, or recreation. The commission may
 33 transfer money under this section only after approving the transfer.
 34 Transfers shall be made quarterly or less frequently under this section.

35 SECTION 3. IC 6-9-2.5-7.7 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2000]: Sec. 7.7. (a) **The county treasurer shall
 38 establish a convention center operating fund.**

39 (b) **The county treasurer shall deposit in the convention center
 40 operating fund the amount of money received under section 6 of
 41 this chapter that is generated by a one percent (1%) rate. Money
 42 in the fund must be expended for the operating expenses of a**

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1 **convention center.**

2 **(c) This section expires January 1, 2006.**

3 SECTION 4. IC 6-9-2.5-9 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 1999]: **Sec. 9. (a) This section applies to any building:**

6 **(1) constructed or remodeled with money from:**

7 **(A) the tourism capital improvement fund; or**

8 **(B) the convention and visitor promotion fund; and**

9 **(2) used by the county convention and visitor commission.**

10 **(b) A structure must be open for use by the members of the**
11 **public for public or private events, including catered events, under**
12 **uniform and nondiscriminatory policies established by the**
13 **commission.**

14 SECTION 5. IC 6-9-19-2 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1999]: **Sec. 2.** As used in this chapter:

16 "Fiscal body" and "executive" have the same meanings that are
17 prescribed by IC 36-1-2.

18 "Full service hotel or motel" means a hotel or motel with banquet
19 facilities, restaurant, and a lounge in one (1) complex under common
20 ownership.

21 "Gross retail income" and "person" have the same meanings that are
22 prescribed by IC 6-2.5-1.

23 SECTION 6. IC 6-9-19-5 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a)** If a tax is levied under section
25 3 of this chapter, the county executive shall create a commission to
26 promote the development and growth of the convention and visitor
27 industry in the county.

28 **(b)** The commission consists of seven (7) members. The county
29 executive shall appoint all members to the commission. Four (4)
30 members must be actively engaged in the management of a full service
31 hotel or motel in the county. The remainder of the commission
32 members must be members, officers, or directors of a chamber of
33 commerce within the county or of other Indiana not-for-profit
34 corporations organized to promote and solicit conventions, trade shows,
35 or visitors in the county.

36 **(c)** All terms of office of commission members begin on January 1.
37 Initial appointments must be for staggered terms, with subsequent
38 appointments for two (2) year terms. A member whose term expires
39 may be reappointed to serve another term. If a vacancy occurs, the
40 county executive shall appoint a qualified person, as provided in
41 subsection (b), to serve for the remainder of the term.

42 **(d)** A member of the commission may be removed for cause by the

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1 county executive.

2 (e) Members of the commission may not receive a salary. However,
3 commission members are entitled to reimbursement for necessary
4 expenses incurred in the performance of their respective duties.

5 (f) Each commission member, before entering his duties, shall take
6 an oath of office in the usual form, to be endorsed upon his certificate
7 of appointment and promptly filed with the clerk of the circuit court of
8 the county.

9 (g) The commission shall meet after January 1 each year for the
10 purpose of organization. It shall elect one (1) of its members president,
11 another vice president, another secretary, and another treasurer. The
12 members elected to those offices shall perform the duties pertaining to
13 the offices. The first officers chosen shall serve from the date of their
14 election until their successors are elected and qualified. A majority of
15 the commission constitutes a quorum, and the concurrence of a
16 majority of the commission is necessary to authorize any action.

17 **SECTION 7. [EFFECTIVE JULY 1, 1999] (a) As used in this**
18 **SECTION, "committee" refers to the Evansville State Hospital**
19 **advisory committee established by this SECTION.**

20 (b) As used in this SECTION, "hospital" refers to Evansville
21 State Hospital.

22 (c) The Evansville State Hospital advisory committee is
23 established.

24 (d) The committee consists of the following members:

25 (1) Two (2) members of the house of representatives
26 appointed by the speaker of the house of representatives. The
27 members appointed under this subdivision may not be
28 members of the same political party. The members under this
29 subdivision must be appointed so that the representative in
30 whose district the hospital is located must be a member of the
31 committee and so that the other member is a representative
32 whose district includes portions of Vanderburgh County.

33 (2) Two (2) members of the senate appointed by the president
34 pro tempore of the senate. The members appointed under this
35 subdivision may not be members of the same political party.
36 The members under this subdivision must be appointed so
37 that the senator in whose district the hospital is located must
38 be a member of the committee and so that the other member
39 is a senator whose district includes portions of Vanderburgh
40 County.

41 (3) The superintendent of the hospital. The superintendent of
42 the hospital may designate another individual to serve on the

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1 committee in the absence of the superintendent.

2 (4) The presiding officer of the legislative body of the
3 municipality in which the hospital is located. The presiding
4 officer may designate another individual to serve on the
5 committee in the absence of the presiding officer.

6 (5) The head of the parks department of the municipality in
7 which the hospital is located. The head of the parks
8 department may designate another individual to serve on the
9 committee in the absence of the head of the parks department.

10 (6) An individual representing the Wesselman Woods Nature
11 Preserve board. The board shall notify the legislative services
12 agency and the staff of the committee of the name of the
13 individual representing the board.

14 (7) An individual representing the county convention and
15 visitor commission. The commission shall notify the legislative
16 services agency and the staff of the committee of the name of
17 the individual representing the commission.

18 (e) The chairman of the legislative council shall appoint the
19 chair of the committee. After the chair of the committee is
20 appointed, the vice-chairman of the legislative council shall appoint
21 the vice chair of the committee. The chair and the vice chair of the
22 committee may not be members of the same political party.

23 (f) The committee shall meet at the call of the chair.

24 (g) The affirmative vote of five (5) members of the committee is
25 necessary for the committee to take any action other than to hear
26 testimony or to adjourn.

27 (h) Each legislative member of the committee is entitled to
28 receive the same per diem, mileage, and travel allowances paid to
29 individuals serving as legislative members on interim study
30 committees established by the legislative council. All expenses
31 under this SECTION shall be paid from appropriations made to
32 the legislative services agency.

33 (i) The committee shall operate under policies and procedures
34 established by the legislative council. However, the division of
35 mental health established under IC 12-21 shall provide staff
36 services to the committee.

37 (j) The committee shall study proposed uses of the hospital
38 property, including proposals for construction of new hospital
39 buildings on the property.

40 (k) This subsection does not apply to a transaction or the
41 renewal of a transaction if the transaction was entered into before
42 January 1, 1999, or to a transfer specifically authorized by statute.



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1 **Before the state may:**
2 (1) sell, lease, or transfer possession of any part of the real
3 property constituting the grounds of the hospital, or make any
4 determination concerning the siting of any new building or
5 related parking facility to be constructed on the grounds of
6 the hospital; or
7 (2) enter into an agreement or contract for any transaction
8 described in subdivision (1);
9 the governor must submit to the committee a detailed report
10 describing the proposed transaction and the reasons for the
11 proposed transaction. Upon receiving a report under this
12 subsection, the chair of the committee shall call a meeting of the
13 committee to act upon the report. The committee shall act upon the
14 report within sixty (60) days of submission by the governor. The
15 state may not proceed with the transaction until the governor
16 responds to the committee's recommendation.
17 (l) This SECTION expires January 1, 2002.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1458, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 17, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1458 be amended to read as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to HB 1458 as printed February 25, 1999.)

AVERY

CONSENT

Mr. Speaker: We consent to the strip and insert amendment concerning House Bill 1458 submitted by Representative Avery, the bill's author.

AVERY, BECKER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1458, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 10, after "agency" insert "**and the staff of the committee**".

Page 4, line 13, after "agency" insert "**and the staff of the committee**".

Page 4, line 15, delete "speaker of the house of representatives" and insert "**chairman of the legislative council**".

Page 4, line 17, delete "president pro tempore of the senate" and insert "**vice-chairman of the legislative council**".

Page 4, line 27, after "council." insert "**All expenses under this SECTION shall be paid from appropriations made to the legislative services agency.**".

Page 4, line 29, after "council." insert "**However, the division of mental health established under IC 12-21 shall provide staff services to the committee.**".

Page 4, line 35, delete "transaction" and insert "**transfer**".

Page 4, line 38, after "hospital" insert "**, or make any determination concerning the siting of any new building or related parking facility to be constructed on the grounds of the hospital**".

and when so amended that said bill do pass.

(Reference is to HB 1458 as reprinted March 5, 1999.)

GARTON, Chairperson

Committee Vote: Yeas 6, Nays 1.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1458 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 5. IC 6-9-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

"Fiscal body" and "executive" have the same meanings that are prescribed by IC 36-1-2.

"Full service hotel or motel" means a hotel or motel with banquet facilities, restaurant, and a lounge in one (1) complex under common ownership.

"Gross retail income" and "person" have the same meanings that are prescribed by IC 6-2.5-1.

SECTION 6. IC 6-9-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) If a tax is levied under section 3 of this chapter, the county executive shall create a commission to promote the development and growth of the convention and visitor industry in the county.

(b) The commission consists of seven (7) members. The county executive shall appoint all members to the commission. Four (4) members must be actively engaged in the management of a full service hotel or motel in the county. The remainder of the commission members must be members, officers, or directors of a chamber of commerce within the county or of other Indiana not-for-profit corporations organized to promote and solicit conventions, trade shows, or visitors in the county.

(c) All terms of office of commission members begin on January 1. Initial appointments must be for staggered terms, with subsequent appointments for two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the county executive shall appoint a qualified person, as provided in subsection (b), to serve for the remainder of the term.

(d) A member of the commission may be removed for cause by the county executive.

(e) Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(f) Each commission member, before entering his duties, shall take an oath of office in the usual form, to be endorsed upon his certificate of appointment and promptly filed with the clerk of the circuit court of the county.

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(g) The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1458 as printed March 19, 1999.)

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