

HOUSE BILL No. 1074

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-18-4; IC 6-9-18-5.

Synopsis: Innkeepers tax in Jackson County. Changes the membership requirements of the Jackson County convention and visitor commission created under the uniform county innkeeper's tax law. Provides that Jackson County may use money from the innkeeper's tax for industrial and economic development.

Effective: July 1, 1999.

Bailey

January 6, 1999, read first time and referred to Committee on Ways and Means.

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Introduced

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.

HOUSE BILL No. 1074

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

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

1 SECTION 1. IC 6-9-18-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) If a tax is levied under section
3 3 of this chapter, the county treasurer shall establish a convention,
4 visitor, and tourism promotion fund. He shall deposit in this fund all
5 amounts he receives under that section.

6 (b) In a county in which a commission has been established under
7 section 5 of this chapter, the county auditor shall issue a warrant
8 directing the county treasurer to transfer money from the convention,
9 visitor, and tourism promotion fund to the commission's treasurer if the
10 commission submits a written request for the transfer.

11 (c) Money in a convention, visitor, and tourism promotion fund, or
12 money transferred from such a fund under subsection (b), may be
13 expended only to promote and encourage conventions, visitors, and
14 tourism within the county. Expenditures under this subsection may
15 include, but are not limited to, expenditures for advertising,
16 promotional activities, trade shows, special events, and recreation.
17 **However, if the county is described in section 5(b) of this chapter,**

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1 **money in a convention, visitor, and tourism promotion fund, or**
 2 **money transferred from such a fund under subsection (b), may also**
 3 **be expended to promote and encourage industrial and economic**
 4 **development within the county.**

5 (d) If before July 1, 1997, a county issues a bond with a pledge of
 6 revenues from the tax imposed under section 3 of this chapter, the
 7 county shall continue to expend money from the fund for that purpose
 8 until the bond is paid.

9 SECTION 2. IC 6-9-18-5 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) If a tax is levied under section
 11 3 of this chapter, the county executive shall create a commission to
 12 promote the development and growth of the convention, visitor, and
 13 tourism industry in the county. If two (2) or more adjoining counties
 14 desire to establish a joint commission, the counties shall enter into an
 15 agreement under IC 36-1-7.

16 **(b) This subsection applies to a county having a population of**
 17 **more than thirty-seven thousand (37,000) but less than thirty-seven**
 18 **thousand eight hundred (37,800). The county executive shall**
 19 **determine the number of members, which must be an odd number,**
 20 **to be appointed to the commission. At least one (1) of the members**
 21 **must be engaged in the hotel or motel business in the county, not**
 22 **more than a simple majority of the members may be affiliated with**
 23 **the same political party, and each member must reside in the**
 24 **county. The county executive shall also determine who will make**
 25 **the appointments to the commission, except that the executive of**
 26 **the largest municipality in the county shall appoint a number of the**
 27 **members of the commission that is in the same ratio to the total**
 28 **size of the commission (rounded off to the nearest whole number)**
 29 **that the population of the largest municipality bears to the total**
 30 **population of the county.**

31 ~~(b)~~ (c) The county executive shall determine the number of
 32 members, which must be an odd number, to be appointed to the
 33 commission. A simple majority of the members must be:

34 (1) engaged in a convention, visitor, or tourism business; or

35 (2) involved in or promoting conventions, visitors, or tourism.

36 If available and willing to serve, at least two (2) of the members must
 37 be engaged in the business of renting or furnishing rooms, lodging, or
 38 accommodations (as described in section 3 of this chapter). Not more
 39 than one (1) member may be affiliated with the same business entity.
 40 No more than a simple majority of the members may be affiliated with
 41 the same political party. Each member must reside in the county. The
 42 county executive shall also determine who will make the appointments



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1 to the commission, except that the executive of the largest municipality
 2 in the county shall appoint a number of the members of the
 3 commission, which number shall be in the same ratio to the total size
 4 of the commission (rounded off to the nearest whole number) that the
 5 population of the largest municipality bears to the total population of
 6 the county.

7 ~~(c)~~ (d) This subsection applies to a county in which a tax imposed
 8 under this chapter becomes effective after December 31, 1989. If a
 9 municipality other than the largest municipality in the county collects
 10 fifty percent (50%) or more of the tax revenue collected under this
 11 chapter during the three (3) month period following imposition of the
 12 tax, the executive of the municipality shall appoint the same number of
 13 members to the commission that the executive of the largest
 14 municipality in the county appoints under subsection (b) **or** (c).

15 ~~(d)~~ (e) Except as provided in subsection ~~(c)~~; (d), all terms of office
 16 of commission members begin on January 1. Initial appointments must
 17 be for staggered terms, with subsequent appointments for two (2) year
 18 terms. A member whose term expires may be reappointed to serve
 19 another term. If a vacancy occurs, the appointing authority shall
 20 appoint a qualified person to serve for the remainder of the term. If an
 21 initial appointment is not made by February 1 or a vacancy is not filled
 22 within thirty (30) days, the commission shall appoint a member by
 23 majority vote.

24 ~~(e)~~ (f) A member of the commission may be removed for cause by
 25 his appointing authority.

26 ~~(f)~~ (g) Members of the commission may not receive a salary.
 27 However, commission members are entitled to reimbursement for
 28 necessary expenses incurred in the performance of their respective
 29 duties.

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

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

42 SECTION 3. [EFFECTIVE JULY 1, 1999] (a) **Notwithstanding**



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1 **IC 6-9-18-5, as amended by this act, an appointing authority under**
2 **IC 6-9-18-5 shall appoint the members of a county convention,**
3 **visitor, and tourism commission necessary for the commission to**
4 **comply with IC 6-9-18-5, as amended by this act, before January**
5 **1, 2000.**
6 **(b) This SECTION expires January 1, 2000.**

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