

SENATE BILL No. 326

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-15.2; IC 6-9-2.

Synopsis: State and local administration. Permanently extends the authority of the northwest Indiana law enforcement training center to provide training, by eliminating the July 1, 2000, expiration date. Allows the county council of Lake County to increase the Lake County innkeeper's tax rate by 1%. Provides that if the innkeeper's tax rate is increased, the revenue from the additional 1% shall be transferred to the northwest Indiana law enforcement training center.

Effective: Upon passage; July 1, 2000.

Mrvan

January 10, 2000, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 326



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 5-2-1-15.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.2. (a) The
3 northwest Indiana law enforcement training center may provide basic
4 training to a law enforcement officer who is:

- 5 (1) employed by a law enforcement agency that is a member
- 6 agency of the northwest Indiana law enforcement training center;
- 7 and
- 8 (2) not accepted by the law enforcement academy for the next
- 9 basic training course because the academy does not have a space
- 10 for the officer in the next basic training course.

11 ~~(b) This section expires July 1, 2000.~~

12 SECTION 2. IC 6-9-2-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A county having a population
14 of more than four hundred thousand (400,000) but less than seven
15 hundred thousand (700,000) that establishes a medical center
16 development agency pursuant to IC 20-12-30.3 may levy each year a
17 tax on every person engaged in the business of renting or furnishing,



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1 for periods of less than thirty (30) days, any room or rooms, lodgings,
 2 or accommodations, in any hotel, motel, inn, tourist camp, tourist cabin
 3 or any other place in which rooms, lodgings, or accommodations are
 4 regularly furnished for a consideration.

5 (b) Such tax shall be at a rate of five percent (5%) on the gross retail
 6 income derived therefrom and shall be in addition to the state gross
 7 retail tax imposed on such persons by law. **However, the county fiscal**
 8 **body may by ordinance increase the innkeeper's tax rate under this**
 9 **chapter to six percent (6%). If the county fiscal body adopts an**
 10 **ordinance to increase the tax rate, the county fiscal body shall**
 11 **immediately send a certified copy of the ordinance to the**
 12 **commissioner of the department of state revenue.**

13 (c) The county fiscal body may adopt an ordinance to require that
 14 the tax be reported on forms approved by the county treasurer and that
 15 the tax shall be paid monthly to the county treasurer. If such an
 16 ordinance is adopted, the tax shall be paid to the county treasurer not
 17 more than twenty (20) days after the end of the month the tax is
 18 collected. If such an ordinance is not adopted, the tax shall be imposed,
 19 paid, and collected in exactly the same manner as the state gross retail
 20 tax is imposed, paid, and collected.

21 (d) All of the provisions of the state gross retail tax (IC 6-2.5)
 22 relating to rights, duties, liabilities, procedures, penalties, definitions,
 23 exemptions, and administration shall be applicable to the imposition
 24 and administration of the tax imposed by this section except to the
 25 extent such provisions are in conflict or inconsistent with the specific
 26 provisions of this chapter or the requirements of the county treasurer.
 27 Specifically and not in limitation of the foregoing sentence, the terms
 28 "person" and "gross retail income" shall have the same meaning in this
 29 section as they have in the state gross retail tax (IC 6-2.5). If the tax is
 30 paid to the department of state revenue, the returns to be filed for the
 31 payment of the tax under this section may be either a separate return or
 32 may be combined with the return filed for the payment of the state
 33 gross retail tax as the department of state revenue may, by rule,
 34 determine.

35 (e) If the tax is paid to the department of state revenue, the amounts
 36 received from the tax shall be paid by the end of the next succeeding
 37 month by the treasurer of state to the county treasurer upon warrants
 38 issued by the auditor of state. The county treasurer shall deposit the
 39 revenue received under this chapter as provided in section 2 of this
 40 chapter.

41 SECTION 3. IC 6-9-2-2 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) **Except as provided in**

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1 **section 2.5 of this chapter**, the revenue received by the county
 2 treasurer under this chapter shall be allocated to the Lake County
 3 convention and visitor bureau, Indiana University-Northwest, Purdue
 4 University-Calumet, municipal public safety departments, municipal
 5 physical and economic development divisions, and the cities and towns
 6 in the county as provided in this section. Subsections (b) through (g) do
 7 not apply to the distribution of revenue received under section 1 of this
 8 chapter from hotels, motels, inns, tourist camps, tourist cabins, and
 9 other lodgings or accommodations built or refurbished after June 30,
 10 1993, that are located in the largest city of the county.

11 (b) The Lake County convention and visitor bureau shall establish
 12 a convention, tourism, and visitor promotion fund. The county treasurer
 13 shall transfer to the Lake County convention and visitor bureau for
 14 deposit in this fund thirty-five percent (35%) of the first one million
 15 two hundred thousand dollars (\$1,200,000) of revenue received under
 16 this chapter in each year. Money in this fund may be expended only to
 17 promote and encourage conventions, trade shows, special events,
 18 recreation, and visitors within the county. Money may be paid from the
 19 fund by claim in the same manner as municipalities may pay claims
 20 under IC 5-11-10-1.6.

21 (c) This subsection applies to the first one million two hundred
 22 thousand dollars (\$1,200,000) of revenue received under this chapter
 23 in each year. During each year, the county treasurer shall transfer to
 24 Indiana University-Northwest forty-four and thirty-three hundredths
 25 percent (44.33%) of the revenue received under this chapter for that
 26 year to be used as follows:

27 (1) Seventy-five percent (75%) of the revenue received under this
 28 subsection may be used only for the university's medical
 29 education programs.

30 (2) Twenty-five percent (25%) of the revenue received under this
 31 subsection may be used only for the university's allied health
 32 education programs.

33 The amount for each year shall be transferred in four (4) approximately
 34 equal quarterly installments.

35 (d) This subsection applies to the first one million two hundred
 36 thousand dollars (\$1,200,000) of revenue received under this chapter
 37 in each year. During each year, the county treasurer shall allocate
 38 among the cities and towns throughout the county nine percent (9%) of
 39 the revenue received under this chapter for that year. The amount of
 40 each city's or town's allocation is as follows:

41 (1) Ten percent (10%) of the revenue covered by this subsection
 42 shall be transferred to cities having a population of more than one

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1 hundred ten thousand (110,000) but less than one hundred twenty
2 thousand (120,000).

3 (2) Ten percent (10%) of the revenue covered by this subsection
4 shall be transferred to cities having a population of more than
5 seventy-five thousand (75,000) but less than ninety thousand
6 (90,000).

7 (3) Ten percent (10%) of the revenue covered by this subsection
8 shall be transferred to cities having a population of more than
9 thirty-three thousand eight hundred fifty (33,850) but less than
10 thirty-five thousand (35,000).

11 (4) Five percent (5%) of the revenue covered by this subsection
12 shall be transferred to each town and each city not receiving a
13 transfer under subdivisions (1) through (3).

14 The money transferred under this subsection may be used only for
15 economic development projects. The county treasurer shall make the
16 transfers on or before December 1 of each year.

17 (e) This subsection applies to the first one million two hundred
18 thousand dollars (\$1,200,000) of revenue received under this chapter
19 in each year. During each year, the county treasurer shall transfer to
20 Purdue University-Calumet nine percent (9%) of the revenue received
21 under this chapter for that year. The money received by Purdue
22 University-Calumet may be used by the university only for nursing
23 education programs.

24 (f) This subsection applies to the first one million two hundred
25 thousand dollars (\$1,200,000) of revenue received under this chapter
26 in each year. During each year, the county treasurer shall transfer two
27 and sixty-seven hundredths percent (2.67%) of the revenue received
28 under this chapter for that year to the following cities:

29 (1) Fifty percent (50%) of the revenue covered by this subsection
30 shall be transferred to cities having a population of more than one
31 hundred ten thousand (110,000) but less than one hundred twenty
32 thousand (120,000).

33 (2) Fifty percent (50%) of the revenue covered by this subsection
34 shall be transferred to cities having a population of more than
35 seventy-five thousand (75,000) but less than ninety thousand
36 (90,000).

37 Money transferred under this subsection may be used only for
38 convention facilities located within the city. In addition, the money may
39 be used only for facility marketing, sales, and public relations
40 programs. Money transferred under this subsection may not be used for
41 salaries, facility operating costs, or capital expenditures related to the
42 convention facilities. The county treasurer shall make the transfers on



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1 or before December 1 of each year.

2 (g) This subsection applies to the revenue received under this
3 chapter in each year that exceeds one million two hundred thousand
4 dollars (\$1,200,000). During each year, the county treasurer shall
5 distribute money in the fund as follows:

6 (1) Eighty-five percent (85%) of the revenue covered by this
7 subsection shall be deposited in the convention, tourism, and
8 visitor promotion fund. The money deposited in the fund under
9 this subdivision may be used only for the purposes for which
10 other money in the fund may be used.

11 (2) Five percent (5%) of the revenue covered by this subsection
12 shall be transferred to Purdue University-Calumet. The money
13 received by Purdue University-Calumet under this subdivision
14 may be used by the university only for nursing education
15 programs.

16 (3) Five percent (5%) of the revenue covered by this subsection
17 shall be transferred to Indiana University-Northwest. The money
18 received by Indiana University-Northwest under this subdivision
19 may be used only for the university's medical education programs.

20 (4) Five percent (5%) of the revenue covered by this subsection
21 shall be transferred to Indiana University-Northwest. The money
22 received by Indiana University-Northwest under this subdivision
23 may be used only for the university's allied health education
24 programs.

25 (h) The county treasurer may estimate the amount that will be
26 received under this chapter for the year to determine the amount to be
27 transferred under this section.

28 (i) This subsection applies only to the distribution of revenue
29 received under section 1 of this chapter from hotels, motels, inns,
30 tourist camps, tourist cabins, and other lodgings or accommodations
31 built or refurbished after June 30, 1993, that are located in the largest
32 city of the county. During each year, the county treasurer shall transfer:

33 (1) seventy-five percent (75%) of the revenues under this
34 subsection to the department of public safety; and

35 (2) twenty-five percent (25%) of the revenues under this
36 subsection to the division of physical and economic development;
37 of the largest city of the county.

38 (j) The Lake County convention and visitor bureau shall assist the
39 county treasurer, as needed, with the calculation of the amounts that
40 must be deposited and transferred under this section.

41 SECTION 4. IC 6-9-2-2.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2000]: **Sec. 2.5. (a) This section applies only if the county council**
2 **has increased the innkeeper's tax rate under this chapter to six**
3 **percent (6%).**

4 (b) **During each year, the county treasurer shall transfer to the**
5 **northwest Indiana law enforcement training center described in**
6 **IC 5-2-1-15.2 all the tax revenue derived from the additional one**
7 **percent (1%) tax rate imposed by the county fiscal body.**

8 **SECTION 5. An emergency is declared for this act.**

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