

## **IC 6-9-11**

### Chapter 11. Vigo County Innkeeper's Tax

#### **IC 6-9-11-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

*As added by Acts 1980, P.L. 65, SEC.1. Amended by Acts 1982, P.L. 1, SEC.17; P.L.12-1992, SEC.42; P.L.170-2002, SEC.39.*

#### **IC 6-9-11-2**

##### **Convention and visitor commission; creation**

Sec. 2. (a) If a tax is levied under section 6(a) of this chapter, there is created a five (5) member convention and visitor commission (referred to as the "commission" in this chapter), whose purpose it is to promote the development and growth of the convention and visitor industry in the county.

(b) The county council, by majority vote, shall appoint two (2) members of the commission, one (1) of whom must be engaged in the hotel or motel business in the county and one (1) of whom must be engaged in the profession of education within the county. The two (2) members appointed by the county council may not be members of the same political party. The county commissioners, by majority vote, shall appoint two (2) members of the commission, one (1) of whom must be engaged in the hotel or motel business within the county and one (1) of whom must be representative of business, industry or labor within the county. The two (2) members appointed by the county commissioners may not be members of the same political party. The mayor of the largest city in the county, according to the preceding decennial United States census, shall appoint one (1) member of the commission. The mayor's appointee must be engaged in the hotel or motel business in the county.

(c) The initial terms of office of the members of the commission begin on the date a tax is levied under section 6(a) of this chapter. The initial terms of the members appointed by the county commissioners end on December 31 of the year in which the tax is levied, and the initial terms of the members appointed by the county council and by the mayor of the largest city end on December 31 of the immediately following year. All terms of office after the initial terms begin on January 1 and end on December 31. After the initial terms, members of the commission appointed by the county council and by the mayor of the largest city serve two (2) year terms, and members appointed by the county commissioners serve one (1) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the commission, by majority vote shall, within thirty (30) days, appoint a qualified person to serve the remainder of the term. If the commission fails to appoint a person within thirty (30) days of the vacancy, the original appointing official or body for that vacant position, by majority vote, shall appoint a

qualified person to serve the remainder of the term.

(d) Members of the commission may not receive a salary. However, commission members shall receive reimbursement for necessary expenses, but only when the necessary expenses are incurred in the performance of their respective duties.

*As added by Acts 1980, P.L.65, SEC.1.*

### **IC 6-9-11-3**

#### **Powers and duties of commission**

Sec. 3. (a) The commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions which the commission deems necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules and regulations necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under clause (6) of this section;
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from the fund established in section 7 of this chapter, to any Indiana not-for-profit corporation for the purpose of promotion and encouragement in the county of conventions, tourism, trade shows, visitors, or special events;
- (7) require financial or other reports from any corporation that receives funds under this chapter;
- (8) issue bonds for the construction, acquisition, enlarging, and equipping of a sports and recreational facility;
- (9) enter into leases under IC 36-1-10 for the construction acquisition, enlargement, and equipping of a sports and recreational facility; and
- (10) exercise the power of eminent domain to acquire property to promote and encourage conventions, tourism, trade shows, visitors, or special events within the county.

(b) A majority of the commission shall constitute a quorum for the transaction of business, and the concurrence of a majority of those present shall be necessary to authorize any action.

*As added by Acts 1980, P.L.65, SEC.1. Amended by P.L.11-2001, SEC.1.*

### **IC 6-9-11-3.5**

#### **Use of funds; sports and recreation facilities**

Sec. 3.5. The commission may enter into an agreement under which amounts deposited in, or to be deposited in, the convention and visitor promotion fund established under section 7 of this chapter are pledged to payment of obligations (including bonds and leases entered into under IC 36-1-10) issued to finance the construction, acquisition, enlargement, and equipping of a sports and recreation facility to promote and encourage conventions, trade shows, tourism,

visitors, or special events within the county.  
*As added by P.L.11-2001, SEC.2.*

### **IC 6-9-11-3.7**

#### **Bonds and leases; sports and recreation facilities**

Sec. 3.7. (a) The commission may issue bonds or enter into leases to:

- (1) pay the costs incurred in the financing, construction, acquisition, enlargement, and equipping of a sports and recreational facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county;
- (2) reimburse itself or any nonprofit corporation for any money advanced to pay the costs described in subdivision (1); or
- (3) refund bonds issued or other obligations incurred under this chapter.

The county fiscal body must adopt a resolution authorizing the issuance of bonds or the execution of leases entered into under this section.

(b) Bonds issued under this section:

- (1) are payable solely from the money provided in this chapter;
- (2) may, in the discretion of the commission, be sold at a negotiated sale or under IC 5-1-11 and IC 5-3-1; and
- (3) must be authorized by a resolution of the commission.

(c) Leases entered into under this section:

- (1) may be for a term not to exceed fifty (50) years;
- (2) may provide for payments from revenues under this chapter, any other revenues available to the commission, or any combination of these sources;
- (3) may provide that payments by the commission to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;
- (4) must be based upon the value of the facilities leased; and
- (5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the commission only after a public hearing:

- (1) for which notice has been given in accordance with IC 5-3-1; and
- (2) at which all interested parties are provided the opportunity to be heard.

(e) After the public hearing required by subsection (d), the commission may approve the execution of a lease only if the commission finds that the services to be provided throughout the life of the lease will serve the public purposes for which the commission was created and that the execution of the lease is in the best interests of the residents of the county.

(f) Upon execution of a lease under this section, the commission shall publish notice of the execution of the lease in accordance with

IC 5-3-1.

(g) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond resolution or notice of the execution and approval of the lease, as the case may be.

*As added by P.L.11-2001, SEC.3.*

### **IC 6-9-11-3.9**

#### **Bonds and leases; adverse legislation**

Sec. 3.9. With respect to:

(1) bonds or leases to which the commission has pledged revenues under this chapter; and

(2) bonds issued by a lessor that are payable from lease rentals; the general assembly covenants with the commission and the purchasers or owners of the bonds described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter or the money deposited in the convention and visitor promotion fund, as long as the principal of or interest on any bonds, or the lease rentals due under any lease, are unpaid.

*As added by P.L.11-2001, SEC.4.*

### **IC 6-9-11-4**

#### **Expenses of commission; disbursements**

Sec. 4. All expenses of the commission shall be paid from the fund established in section 7 of this chapter. The commission has the sole authority to allocate and disburse monies from this fund. The commission may make allocations of these funds only to further the purpose of this chapter as stated in section 2(a) of this chapter. In addition, the commission may not lend any funds to any private investment group.

*As added by Acts 1980, P.L.65, SEC.1.*

### **IC 6-9-11-4.5**

#### **Public purpose; sports and recreation facilities**

Sec. 4.5. The financing of the construction, acquisition, enlargement, and equipping of a sports and recreational facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county serves a public purpose and is of benefit to the general welfare of the county by encouraging investment, job creation and retention, and economic growth and diversity.

*As added by P.L.11-2001, SEC.5.*

### **IC 6-9-11-5**

#### **Report by not-for-profit corporations receiving funds**

Sec. 5. Any not-for-profit corporation that receives funds under this chapter shall make a financial or other report upon request of the commission, and/or the Vigo County Council.

*As added by Acts 1980, P.L.65, SEC.1.*

### **IC 6-9-11-6**

#### **Tax on lodgings authorized; imposition, payment, and collection**

Sec. 6. (a) The county council may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any commercial hotel, motel, inn, tourist camp, tourist cabin, university memorial union, or university residence hall, except state camping facilities, located in the county. The county council may impose the tax at a rate not to exceed five percent (5%) on the gross income derived from lodging income only. The tax is in addition to the state gross retail tax imposed on those persons by IC 6-2.5. The tax does not apply to a retail transaction in which a student rents lodging in a university memorial union or residence hall while that student participates in a course of study for which the student receives college credit from a state university located in the county.

(b) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected pursuant to IC 6-2.5.

(c) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration apply to the imposition and administration of the tax imposed under this section, except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically and not in limitation of the foregoing sentence, the terms "person" and "gross income" shall have the same meaning in this section as they have in IC 6-2.5, except that "person" shall not include supported educational institutions. If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may by rule determine.

(d) If the tax is paid to the department of state revenue, the amounts received from the tax shall be paid quarterly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

(e) The tax imposed under subsection (a) does not apply to the renting or furnishing of rooms, lodgings, or accommodations to a person for a period of thirty (30) days or more.

*As added by Acts 1980, P.L. 65, SEC.1. Amended by P.L.19-1986, SEC.26; P.L.108-1987, SEC.12; P.L.85-1995, SEC.36; P.L.67-1997, SEC.13; P.L.41-1999, SEC.1.*

### **IC 6-9-11-7**

**Convention and visitor promotion fund**

Sec. 7. The county treasurer shall establish a convention and visitor promotion fund and shall invest any portion of the fund as he may be directed by the commission in section 2(a) of this chapter. He shall deposit in the fund all money he receives under section 6 of this chapter. Money in the fund may be expended only as provided in this chapter.

*As added by Acts 1980, P.L.65, SEC.1.*

**IC 6-9-11-8**

**Transfer and use of funds; offenses**

Sec. 8. (a) A member of the commission who knowingly approves the transfer of funds to any person not qualified under this chapter for such a transfer, or approves a transfer for a purpose not permitted under this chapter, commits a Class D felony.

(b) A person who receives a transfer of funds under this chapter, and knowingly uses the funds for any purpose other than a proposal approved by the commission, commits a Class D felony.

*As added by Acts 1980, P.L.65, SEC.1.*

**IC 6-9-11-9**

**Promotion of tourism and visitors; sports and recreation facilities**

Sec. 9. The General Assembly finds that:

(1) a county described in section 1 of this chapter possesses a unique opportunity to promote and encourage conventions, trade shows, tourism, visitors, or special events in the county due to the presence in the county of one (1) or more sports and recreational facilities that have been used by:

- (A) public and private universities in the county;
- (B) senior citizens;
- (C) community groups; and
- (D) interscholastic organizations;

for athletic competitions that have served and encouraged tourism and visitors in the county due to the size, extent, and nature of such athletic competitions; and

(2) the construction, acquisition, enlargement, and equipping of those sports and recreational facilities will promote and encourage tourism and visitors within the county.

*As added by P.L.11-2001, SEC.6.*