

IC 6-9-3

Chapter 3. Floyd/Clark County Innkeeper's Tax

IC 6-9-3-1 Version a

Special funds board of managers; creation; members; appointment; terms

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 1. (a) This chapter applies to each of two (2) adjacent counties when:

(1) one (1) of the counties has a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000); and

(2) the other county has a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).

(b) In these counties, there is created a special funds board of managers. As used in this chapter, the term "board of managers" means a special funds board of managers.

(c) The board of managers is composed of thirteen (13) members as follows:

(1) Four (4) members appointed by the executive of the second class city having the largest population, including at least one (1) member who is engaged in the lodging business.

(2) Three (3) members appointed by the executive of the third class city having the largest population, including at least one (1) member who is engaged in the lodging business or the restaurant business.

(3) Two (2) members appointed by the legislative body of the town having the largest population.

(4) One (1) member appointed by the executive of the county with the smaller population.

(5) Three (3) members appointed by the executive of the county with the larger population, including at least one (1) member who is engaged in the lodging business.

(d) The terms of office for the members of the board of managers are for two (2) years and end as follows:

(1) For each of the following members, the term of office ends on January 15 of each odd-numbered year:

(A) The member appointed by the less populated county's executive.

(B) One (1) member appointed by the more populated county's executive.

(C) One (1) member appointed by each of the city executives referred to in this section.

(2) For all other members, the terms of office end on January 15 of each even-numbered year.

(e) At the end of the term of a member of the board of managers, the person or body making the original appointment may reappoint a person whose term has expired or appoint a new member for a two

(2) year term. If a vacancy occurs in the board of managers during a term, a successor for the vacancy shall be appointed by the person or body making the original appointment, and the successor shall serve for the remainder of the vacated term.

(f) A member of the board of managers may be removed for cause by the person or body making the original appointment.

(g) No more than two (2) members of the board of managers appointed by the executive of the third class city may be of the same political party. The two (2) members of the board of managers appointed by the town legislative body may not be of the same political party. No more than three (3) members of the board of managers appointed by the executive of the second class city having the largest population may be of the same political party.

(h) Each member of the board of managers, before entering upon the member's duties, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment, which shall be promptly filed with the clerk of the circuit court of the member's county of residence.

(i) A person may not be appointed as a member who has not been a resident of one (1) of the two (2) counties for a period of two (2) years immediately preceding the person's appointment.

(j) A member may receive no salary but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

As added by Acts 1976, P.L.23, SEC.1. Amended by Acts 1977, P.L.92, SEC.1; Acts 1982, P.L.1, SEC.9; P.L.55-1984, SEC.1; P.L.81-1985, SEC.1; P.L.8-1989, SEC.32; P.L.101-1989, SEC.1; P.L.1-1990, SEC.86; P.L.12-1992, SEC.35; P.L.170-2002, SEC.32.

IC 6-9-3-1 Version b

Special funds board of managers; creation; members; appointment; terms

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 1. (a) This chapter applies to the following counties:

- (1) Clark County.
- (2) Floyd County.

(b) In these counties, there is created a special funds board of managers. As used in this chapter, the term "board of managers" means a special funds board of managers.

(c) Beginning January 15, 2012, the board of managers is composed of thirteen (13) members as follows:

- (1) Three (3) members appointed by the executive of the city of New Albany, including at least two (2) members who are:
 - (A) engaged in a convention, visitor, or tourism business; or
 - (B) involved in or promoting conventions, visitors, or tourism.
- (2) Three (3) members appointed by the executive of the city of Jeffersonville, including at least two (2) members who are:
 - (A) engaged in a convention, visitor, or tourism business; or

- (B) involved in or promoting conventions, visitors, or tourism.
- (3) Two (2) members appointed by the legislative body of the town of Clarksville, including at least one (1) member who is:
 - (A) engaged in a convention, visitor, or tourism business; or
 - (B) involved in or promoting conventions, visitors, or tourism.
- (4) Two (2) members appointed by the executive of Floyd County, including at least one (1) member who is:
 - (A) engaged in a convention, visitor, or tourism business; or
 - (B) involved in or promoting conventions, visitors, or tourism.
- (5) Three (3) members appointed by the executive of Clark County, including at least two (2) members who are:
 - (A) engaged in a convention, visitor, or tourism business; or
 - (B) involved in or promoting conventions, visitors, or tourism.
- (d) The terms of office for the members of the board of managers are for two (2) years and end as follows:
 - (1) For each of the following members, the term of office ends on January 15 of each odd-numbered year:
 - (A) One (1) member appointed by the executive of Floyd County.
 - (B) One (1) member appointed by the executive of Clark County.
 - (C) One (1) member appointed by each of the city executives referred to in this section.
 - (2) For all other members, the terms of office end on January 15 of each even-numbered year.

The term of the second member appointed under subsection (c)(4) by the executive of Floyd County begins January 15, 2012.

(e) At the end of the term of a member of the board of managers, the person or body making the original appointment may reappoint a person whose term has expired or appoint a new member for a two (2) year term. If a vacancy occurs in the board of managers during a term, a successor for the vacancy shall be appointed by the person or body making the original appointment, and the successor shall serve for the remainder of the vacated term.

(f) A member of the board of managers may be removed for cause by the person or body making the original appointment.

(g) The following apply to the board of managers appointed under this section:

- (1) If an entity is authorized to appoint three (3) members, not more than two (2) of the members appointed by the entity may belong to the same political party.
- (2) If an entity is authorized to appoint two (2) members, the members appointed by the entity must belong to different political parties.

(h) Each member of the board of managers, before entering upon the member's duties, shall take an oath of office in the usual form, to

be endorsed upon the member's certificate of appointment, which shall be promptly filed with the clerk of the circuit court of the member's county of residence.

(i) A person may not be appointed as a member who has not been a resident of one (1) of the two (2) counties for a period of two (2) years immediately preceding the person's appointment.

(j) A member may receive no salary but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

As added by Acts 1976, P.L.23, SEC.1. Amended by Acts 1977, P.L.92, SEC.1; Acts 1982, P.L.1, SEC.9; P.L.55-1984, SEC.1; P.L.81-1985, SEC.1; P.L.8-1989, SEC.32; P.L.101-1989, SEC.1; P.L.1-1990, SEC.86; P.L.12-1992, SEC.35; P.L.170-2002, SEC.32; P.L.172-2011, SEC.96.

IC 6-9-3-2

Organizational meeting; election of officers; bylaws, rules, and regulations; quorum

Sec. 2. Promptly after the fifteenth day of January of each year, the board of managers shall hold a meeting for the purpose of organization. They shall choose one (1) of their members president, another vice-president, another secretary and another treasurer, who shall perform the duties pertaining to those offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. The members shall be authorized to adopt such bylaws and rules and regulations as they deem necessary for the proper conduct of their proceedings, the carrying out of their duties and the safeguarding of the funds and the property entrusted to their care. A majority of the board of managers constitutes a quorum, and the concurrence of a majority of the board of managers is necessary to authorize any action.

As added by Acts 1976, P.L.23, SEC.1.

IC 6-9-3-2.5

Open door law; public records act

Sec. 2.5. Except as otherwise specifically provided by law, the board of managers is subject to IC 5-14-1.5 and IC 5-14-3.

As added by P.L.172-2011, SEC.97.

IC 6-9-3-3

Handling and expenditure of funds; audit

Sec. 3. All funds coming into possession of the board of managers shall be deposited, held, secured or invested and paid in accordance with the general laws of the state relating to the handling of public funds. The handling and expenditure of funds coming into possession of the board of managers is subject to audit and supervision by the state board of accounts.

As added by Acts 1976, P.L.23, SEC.1.

IC 6-9-3-3.5

Financial report; summary of board's activities

Sec. 3.5. (a) Before January 1 of each year, the board of managers shall annually publish a financial report summarizing the income and expenses of the board of managers for the previous twelve (12) months.

(b) The report required by subsection (a) must be published two (2) times, one (1) week apart, in a daily or weekly newspaper published in the English language and of general circulation in both Clark County and Floyd County.

(c) Before January 1 of each year, the board of managers shall prepare a written report generally summarizing the board's activities for the previous twelve (12) months. The report shall be made available on an Internet web site maintained by the board of managers.

As added by P.L.172-2011, SEC.98.

IC 6-9-3-4

Innkeeper's tax imposed; collection

Sec. 4. (a) In counties to which this chapter applies, there shall be levied each year 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 or lodgings or accommodations in any commercial hotel, motel, inn, tourist camp, or tourist cabin. However, this tax 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.

(b) Such tax shall be at the rate of four percent (4%) on the gross retail income derived from lodging income only and shall be in addition to the state gross retail tax imposed on such persons by IC 6-2.5.

(c) 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.

(d) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such 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 retail income" shall have the same meaning in this section as they have in IC 6-2.5.

(e) 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.

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

As added by Acts 1976, P.L.23, SEC.1. Amended by Acts 1977, P.L.92, SEC.2; Acts 1979, P.L.82, SEC.3; P.L.55-1984, SEC.2; P.L.108-1987, SEC.4; P.L.84-1993, SEC.1; P.L.67-1997, SEC.4.

IC 6-9-3-5

Disposition of tax revenues

Sec. 5. (a) Seventy-five percent (75%) of the tax revenues received by the county treasurer as provided in section 4 of this chapter shall be deposited in the convention and exhibition center fund, which fund shall be expended by the board of managers to develop and promote a program to attract conventions and exhibitions.

(b) The county treasurer shall deposit twenty-five percent (25%) of the tax revenues he receives under section 4 of this chapter in a separate fund to be known as the capital development tourism fund. The board of managers may use money in the capital development tourism fund only to pay the principal and interest due on bonds issued by:

- (1) one (1) of the counties described in section 1 of this chapter; or
- (2) a political subdivision, as defined in IC 36-1-2-13, located in one (1) of those counties;

to finance a project to promote tourism or to refund bonds previously issued for such a purpose.

As added by Acts 1976, P.L.23, SEC.1. Amended by P.L.55-1984, SEC.3.

IC 6-9-3-6

Capital development tourism fund; pledge of deposit to payment of bonds; covenant of general assembly with purchasers of bonds

Sec. 6. (a) The board of managers may enter into an agreement under which any amounts previously deposited in, or to be deposited in, the capital development tourism fund are pledged to payment of bonds described in section 5(b) of this chapter.

(b) With respect to bonds described in section 5(b) of this chapter for which a pledge has been made under subsection (a), the Indiana general assembly covenants with the purchasers of those bonds that:

- (1) this chapter will not be repealed or amended in any manner that will adversely affect the imposition or collection of that portion of the tax imposed by this chapter that is dedicated to the capital development tourism fund;
- (2) this chapter will not be amended in any manner that will reduce the amount of tax revenues dedicated to the capital development tourism fund; and
- (3) this chapter will not be amended in any manner that will

change the purpose for which money dedicated to the capital development tourism fund may be used; as long as the principal of, or interest on, any of those bonds is unpaid.

As added by P.L.55-1984, SEC.4.

IC 6-9-3-7

Failure to pay tax

Sec. 7. If a person fails to pay any tax imposed by section 4 of this chapter within thirty (30) days after the date payment of the tax is due, the department of state revenue shall, under IC 6-8.1-8-2:

- (1) issue a demand notice to the person; and
- (2) issue a tax warrant to the appropriate county sheriff and secure a judgment lien on the person's property, if the person does not respond to the demand notice in a satisfactory manner.

As added by P.L.81-1985, SEC.2.

IC 6-9-3-8

Reports by entities receiving funds

Sec. 8. Any entity that receives funds under this chapter shall make a financial or other report upon request of the board of managers.

As added by P.L.172-2011, SEC.99.