



January 29, 2018

HOUSE BILL No. 1056

DIGEST OF HB 1056 (Updated January 29, 2018 11:32 am - DI 58)

Citations Affected: IC 6-9.

Synopsis: Innkeepers' taxes. Provides that a member appointed to a convention and tourism commission under the uniform innkeeper's tax statute who is required to be: (1) engaged in a convention, visitor, or tourism business; or (2) involved in or promoting conventions, visitors, or tourism; need not be a resident of the county if the member is an owner or an executive level employee of a convention, visitor, or tourism business that is located within the county. Provides that such a member must be a resident of Indiana. Repeals the requirement in the uniform innkeeper's tax statute that no more than a simple majority of the members of a convention and tourism commission may be affiliated with the same political party. Requires the department of state revenue (department) to prescribe a standard return form to be used with remittance of the innkeeper's tax. Requires the department to provide each commission with summary data of the amount of the innkeeper's tax disbursed to the county. Provides that, in the case of a county that has adopted an ordinance requiring the payment of the innkeeper's tax to the county treasurer instead of the department: (1) the county treasurer is required to annually report to the department the amount of innkeeper's tax collected in the county in the preceding year; and (2) the department is required to provide summary data of the total amount of the county's innkeeper's tax collected in the preceding year to the commission established for that county.

Effective: July 1, 2018.

Ober, GiaQuinta

January 3, 2018, read first time and referred to Committee on Ways and Means.
January 29, 2018, amended, reported — Do Pass.

HB 1056—LS 6511/DI 120



January 29, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1056

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 6-9-18-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) If a tax is levied under section
3 3 of this chapter, the county executive shall create a commission to
4 promote the development and growth of the convention, visitor, and
5 tourism industry in the county. If two (2) or more adjoining counties
6 desire to establish a joint commission, the counties shall enter into an
7 agreement under IC 36-1-7.
8 (b) The county executive shall determine the number of members,
9 which must be an odd number, to be appointed to the commission. A
10 simple majority of the members must be:
11 (1) engaged in a convention, visitor, or tourism business; or
12 (2) involved in or promoting conventions, visitors, or tourism.
13 **A member appointed to the commission under subdivision (1) or**
14 **(2) need not be a resident of the county if the member is an owner**
15 **or an executive level employee of a convention, visitor, or tourism**
16 **business that is located within the county. However, the member**
17 **must be a resident of Indiana.** If available and willing to serve, at

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1 least two (2) of the members must be engaged in the business of renting
2 or furnishing rooms, lodging, or accommodations (as described in
3 section 3 of this chapter). Not more than one (1) member may be
4 affiliated with the same business entity. ~~No more than a simple~~
5 ~~majority of the members may be affiliated with the same political party.~~
6 **Except as otherwise provided in this subsection**, each member must
7 reside in the county. The county executive shall also determine who
8 will make the appointments to the commission, except that the
9 executive of the largest municipality in the county shall appoint a
10 number of the members of the commission, which number shall be in
11 the same ratio to the total size of the commission (rounded off to the
12 nearest whole number) that the population of the largest municipality
13 bears to the total population of the county.

14 (c) This subsection applies to a county in which a tax imposed under
15 this chapter becomes effective after December 31, 1989. If a
16 municipality other than the largest municipality in the county collects
17 fifty percent (50%) or more of the tax revenue collected under this
18 chapter during the three (3) month period following imposition of the
19 tax, the executive of the municipality shall appoint the same number of
20 members to the commission that the executive of the largest
21 municipality in the county appoints under subsection (b).

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

31 (e) A member of the commission may be removed for cause by ~~his~~
32 **the member's** appointing authority.

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

36 (g) Each commission member, before entering ~~his~~ **the member's**
37 duties, shall take an oath of office in the usual form, to be endorsed
38 upon ~~his~~ **the member's** certificate of appointment and promptly filed
39 with the clerk of the circuit court of the county.

40 (h) The commission shall meet after January 1 each year for the
41 purpose of organization. It shall elect one (1) of its members president,
42 another vice president, another secretary, and another treasurer. The



1 members elected to those offices shall perform the duties pertaining to
 2 the offices. The first officers chosen shall serve from the date of their
 3 election until their successors are elected and qualified. A majority of
 4 the commission constitutes a quorum, and the concurrence of a
 5 majority of the commission is necessary to authorize any action.

6 SECTION 2. IC 6-9-29-3, AS AMENDED BY P.L.181-2016,
 7 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 3. (a) If an ordinance has been adopted requiring
 9 the payment of the innkeeper's tax to the county treasurer instead of the
 10 department of state revenue, the county treasurer has the same rights
 11 and powers with respect to collecting and refunding the county
 12 innkeeper's tax as the department of state revenue.

13 (b) **The department of state revenue shall prescribe a standard**
 14 **return form to be used by a taxpayer with remittance of the**
 15 **innkeeper's tax:**

16 (1) **to the department of state revenue, if the taxpayer files a**
 17 **separate return for the innkeeper's tax; or**

18 (2) **to the county treasurer, if an ordinance has been adopted**
 19 **requiring the payment of the innkeeper's tax to the county**
 20 **treasurer instead of the department of state revenue.**

21 SECTION 3. IC 6-9-29-5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2018]: Sec. 5. (a) **As used in this section, "commission" refers to**
 24 **the following:**

25 (1) **A board of managers established under:**

26 (A) **IC 6-9-1-2 (St. Joseph County);**

27 (B) **IC 6-9-3-1 (Floyd/Clark County);**

28 (C) **IC 6-9-6-2 (LaPorte County);**

29 (D) **IC 6-9-10-2 (Wayne County); or**

30 (E) **IC 6-9-15-2 (Jefferson County).**

31 (2) **A capital improvement board of managers established**
 32 **under:**

33 (A) **IC 36-10-9-3 (Marion County); or**

34 (B) **IC 36-10-8 (Allen County).**

35 (3) **A commission established under:**

36 (A) **IC 6-9-10.5-9 (White County);**

37 (B) **IC 6-9-18-5 (Uniform County Innkeeper's Tax);**

38 (C) **IC 6-9-19-5 (Elkhart County);**

39 (D) **IC 6-9-32-5 (Jackson County); or**

40 (E) **IC 6-9-37-5 (Hendricks County).**

41 (4) **A convention and visitor bureau:**

42 (A) **established under IC 6-9-2-3 (Lake County); or**



- 1 **(B) designated as a grant recipient under IC 6-9-9-3(b)**
2 **(Allen County).**
- 3 **(5) A convention and visitor commission established under:**
4 **(A) IC 6-9-2.5-2 (Vanderburgh County);**
5 **(B) IC 6-9-4-2 (Monroe County);**
6 **(C) IC 6-9-7-2 (Tippecanoe County);**
7 **(D) IC 6-9-11-2 (Vigo County);**
8 **(E) IC 6-9-14-2 (Brown County);**
9 **(F) IC 6-9-16-2 (Howard County); or**
10 **(G) IC 6-9-17-5 (Madison County).**
- 11 **(6) Any other similar entity that is authorized to administer**
12 **funds received from an innkeeper's tax imposed under this**
13 **article.**
- 14 **(b) With each disbursement of innkeeper's tax revenue to a**
15 **county under this article, the department of state revenue shall also**
16 **provide summary data of the amount of the county's innkeeper's**
17 **tax disbursement to the commission established for that county.**
- 18 **(c) This subsection applies only to a county that has adopted an**
19 **ordinance requiring the payment of the innkeeper's tax to the**
20 **county treasurer instead of the department of state revenue. The**
21 **county treasurer shall determine and report to the department of**
22 **state revenue before March 1 of each year the amount of**
23 **innkeeper's tax collected in the county in the preceding year. Not**
24 **later than April 1 of each year, the department of state revenue**
25 **shall provide summary data of the total amount of the county's**
26 **innkeeper's tax collected in the preceding year to the commission**
27 **established for that county.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1056 as introduced.)

BROWN T

Committee Vote: yeas 17, nays 0.

