

HOUSE BILL No. 1126

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-46.

Synopsis: Brown County entertainment facility admissions tax. Authorizes Brown County to impose a \$1 admissions tax upon admissions to a county-owned, indoor entertainment facility (facility). Specifies that the revenue may be used only for retiring debt related to the facility, paying lease rentals related to the facility, paying for costs to improve or construct infrastructure serving the facility, and paying for costs related to capital repairs and maintenance of the facility. Permits the county to enter into an operating lease with the tourism commission and a contract with a nonprofit organization to operate the facility.

Effective: Upon passage.

May

January 4, 2018, read first time and referred to Committee on Ways and Means.



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. 1126



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 6-9-46 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **Chapter 46. Brown County Admissions Tax**
5 **Sec. 1. This chapter applies only to a county having a population**
6 **of more than fifteen thousand (15,000) but less than fifteen**
7 **thousand five hundred (15,500).**
8 **Sec. 2. (a) After January 1 but before June 1 of a year, the**
9 **county fiscal body may adopt an ordinance to impose an excise tax,**
10 **known as the county entertainment facility admissions tax, for the**
11 **privilege of attending any event:**
12 **(1) held in a county-owned, indoor entertainment facility that:**
13 **(A) has a minimum capacity of at least two thousand**
14 **(2,000) patrons; and**
15 **(B) is located in a geographic area that has not been**
16 **annexed by a city before the adoption of the ordinance;**
17 **and**



1 **(2) to which tickets are offered for sale to the public by:**

2 **(A) the box office of the facility; or**

3 **(B) an authorized agent of the facility.**

4 **(b) The excise tax imposed under subsection (a) does not apply**
5 **to the following:**

6 **(1) An event sponsored by an educational institution or an**
7 **association representing an educational institution.**

8 **(2) An event sponsored by a religious organization.**

9 **(3) An event sponsored by an organization that is considered**
10 **a charitable organization by the Internal Revenue Service for**
11 **federal tax purposes.**

12 **(4) An event sponsored by a political organization.**

13 **(c) If the fiscal body adopts an ordinance under subsection (a),**
14 **the excise tax applies to an event ticket purchased after:**

15 **(1) June 30 of the calendar year in which the ordinance is**
16 **adopted; or**

17 **(2) a later date that is set forth in the ordinance.**

18 **(d) If a county fiscal body adopts an ordinance under subsection**
19 **(a), it shall immediately send a certified copy of the ordinance to**
20 **the commissioner of the department of state revenue.**

21 **Sec. 3. The entertainment facility admissions tax equals one**
22 **dollar (\$1) for each admission to a facility described in section 2 of**
23 **this chapter.**

24 **Sec. 4. (a) Each person who pays a price for admission to a**
25 **facility described in section 2 of this chapter is liable for the county**
26 **entertainment facility admissions tax imposed under this chapter.**

27 **(b) The person who collects the price for admission shall collect**
28 **the county entertainment facility admissions tax imposed under**
29 **this chapter at the same time the price for admission is paid. The**
30 **person shall collect the tax as an agent of the county in which the**
31 **facility described in section 2 of this chapter is located.**

32 **Sec. 5. (a) A person who collects a county entertainment facility**
33 **admissions tax under section 4 of this chapter shall remit the**
34 **revenue collected monthly to the department of state revenue. The**
35 **tax collected from persons paying for admission to a particular**
36 **event shall be remitted not more than fifteen (15) days after the**
37 **end of the month during which the event occurred.**

38 **(b) At the time the tax revenues are remitted, the person shall**
39 **report the amount of county entertainment facility admissions tax**
40 **collected on forms prescribed by the department of state revenue.**

41 **Sec. 6. The amounts received from the county entertainment**
42 **facility admissions tax shall be paid monthly by the treasurer of**



1 state to the county treasurer upon warrants issued by the auditor
2 of state.

3 **Sec. 7. (a) If a county entertainment facility admissions tax is**
4 **imposed under this chapter, the county legislative body shall**
5 **establish a county entertainment facility admissions tax fund.**

6 **(b) The county treasurer shall deposit money received under**
7 **section 6 of this chapter in the county entertainment facility**
8 **admissions tax fund.**

9 **(c) Money earned from the investment of money in the fund**
10 **becomes a part of the fund.**

11 **(d) Money in the fund may be used by the county only with**
12 **regard to the facility described in section 2 of this chapter and only**
13 **for the following:**

14 **(1) Retiring debt related to the facility.**

15 **(2) Paying lease rentals related to the facility.**

16 **(3) Paying for costs to improve or construct infrastructure**
17 **servicing the facility.**

18 **(4) Paying for costs related to capital repairs and maintenance**
19 **of the facility.**

20 **Sec. 8. The county may enter into an operating lease with the**
21 **tourism commission and a contract with a nonprofit organization**
22 **to operate the facility.**

23 **Sec. 9. With respect to:**

24 **(1) bonds, leases, or other obligations to which the county has**
25 **pledged revenues under this chapter; and**

26 **(2) bonds issued by a lessor that are payable from lease**
27 **rentals;**

28 **the general assembly covenants with the county and the purchasers**
29 **or owners of the bonds or other obligations described in this**
30 **section that this chapter will not be repealed or amended in any**
31 **manner that will adversely affect the collection of the tax imposed**
32 **under this chapter or the money deposited in the county**
33 **entertainment facility admissions tax fund, as long as the principal**
34 **of or interest on any bonds, or the lease rentals due under any**
35 **lease, are unpaid.**

36 **SECTION 2. An emergency is declared for this act.**

