

IC 6-9-4

Chapter 4. Monroe County Innkeeper's Tax

IC 6-9-4-0.3

Legalization of pledges and mortgages of revenues before March 5, 1988

Sec. 0.3. A pledge or mortgage of innkeeper's tax revenues or property made before March 5, 1988, by Monroe County or the Monroe County convention and visitor commission to secure any obligations of the county is legalized and validated.

As added by P.L.220-2011, SEC.166.

IC 6-9-4-1

Application of chapter

Sec. 1. This chapter applies to a county having a population of more than one hundred thirty-five thousand (135,000) but less than one hundred thirty-eight thousand (138,000).

As added by Acts 1977, P.L.92, SEC.3. Amended by Acts 1982, P.L.1, SEC.10; P.L.12-1992, SEC.36; P.L.170-2002, SEC.33; P.L.119-2012, SEC.58.

IC 6-9-4-2

Convention and visitor commission; creation; membership

Sec. 2. (a) 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 three (3) members of the commission. Two (2) members must be owners or general managers of a hotel or motel having at least forty (40) beds that is located in the county.

(c) The county commissioners, by majority vote, shall appoint two (2) members of the commission. One (1) member must be an owner or general manager of a hotel or motel having at least forty (40) beds that is located in the county. One (1) member must be the director or associate director of the Indiana University Memorial Union.

(d) All terms of office begin on January 1 and end on December 31. Members of the commission appointed by the county council 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, a person shall be appointed by the original appointing authority to serve for the remainder of the term.

(e) A member of the commission may be removed for cause by his appointing authority.

(f) 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 1977, P.L.92, SEC.3. Amended by P.L.62-1990, SEC.1; P.L.85-1995, SEC.34.

IC 6-9-4-3

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 not-for-profit corporations or political subdivisions; and
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from any funds available under section 7 of this chapter for the purpose of promotion and encouragement in the county of conventions, trade shows, visitors, or special events, and for the financing of facilities to be used by the commission for those purposes.

(b) The commission and the county jointly, by resolution of the commission and ordinance of the county council, may:

- (1) mortgage, pledge, or lease property owned by the county for the purposes of this chapter;
- (2) pledge tax revenues received under this chapter to finance facilities to be used by the commission or by the not-for-profit corporation with which it contracts to transfer funds, for the purposes set forth in subsection (a)(6); and
- (3) require financial or other reports from any corporation that receives funds under this chapter.

(c) The commission may pledge tax revenues received under this chapter to finance facilities to be used by the commission or by the not-for-profit corporation with which it contracts to transfer funds, for the purposes set forth in subsection (a)(6).

(d) 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 1977, P.L.92, SEC.3. Amended by P.L.75-1988, SEC.1.

IC 6-9-4-4

Expenses of commission; budget; expenditures

Sec. 4. All expenses of the commission shall be paid from the fund established in section 7 of this chapter. The commission shall annually prepare a budget taking into consideration the recommendations made by a not-for-profit corporation qualifying under section 3 of this chapter and shall submit it to the county

council for its review and approval. No expenditure shall be made unless it is pursuant to an appropriation made by the county council in the manner provided by law.

As added by Acts 1977, P.L.92, SEC.3.

IC 6-9-4-5

Reports 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.

As added by Acts 1977, P.L.92, SEC.3.

IC 6-9-4-6

Tax on lodgings authorized; 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 cabin, university memorial union, or university residence hall, except state camping facilities, located in the county. The tax shall be imposed at the rate of at least three percent (3%) but not more than five percent (5%) on the gross income derived from lodging income only and shall be 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 state 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 1977, P.L.92, SEC.3. Amended by Acts 1979, P.L.82, SEC.4; P.L.19-1986, SEC.21; P.L.108-1987, SEC.5; P.L.62-1990, SEC.2; P.L.67-1997, SEC.5.

IC 6-9-4-7

Innkeeper's tax fund; expenditures

Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit in the fund all money the treasurer receives under section 6 of this chapter.

(b) Money in the fund shall be expended in the following order:

(1) To service:

(A) bonds issued by the county under IC 36-2-6-18 through IC 36-2-6-20; or

(B) other debt incurred by the commission or the not-for-profit corporation with which the commission contracts to transfer funds;

if the bonds or other debt are issued for the purposes set forth in section 3(a)(6) of this chapter and are payable in whole or in part from money derived from the innkeeper's tax.

(2) To fund or maintain a debt service reserve for bonds or debt described in subdivision (1).

(3) To pay the commission's operating expenses and its other expenses in carrying out the purposes set forth in section 3(a)(6) of this chapter.

(c) The county auditor shall make a semiannual distribution, at the time property tax revenue is distributed, to the paying agent for any bonds described in subsection (b)(1). Each semiannual distribution must be equal to one-half (1/2) of the annual principal and interest obligations on the bonds. Money received by a paying agent under this subsection shall be deposited in a special fund to be used to service the bonds.

As added by Acts 1977, P.L.92, SEC.3. Amended by P.L.75-1988, SEC.2; P.L.3-1989, SEC.43.

IC 6-9-4-8

Unauthorized 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 Level 6 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 Level 6 felony.

As added by Acts 1977, P.L.92, SEC.3. Amended by Acts 1978, P.L.2, SEC.654; P.L.158-2013, SEC.108.

IC 6-9-4-9

Bonds or debts; adverse legislation; covenant

Sec. 9. With respect to bonds or debt for which a pledge of tax revenues has been made under section 3 of this chapter, the general assembly covenants with the commission, the county, the purchasers of those bonds, and the lenders to a not-for-profit corporation under this chapter that:

(1) this chapter will not be repealed or amended in any manner that will adversely affect the imposition or collection of the tax imposed by this chapter or the rights of lenders or bond purchasers; and

(2) this chapter will not be amended in any manner that will change the purpose for which revenues from the tax imposed by this chapter may be used;

as long as the principal of, or interest on, any of the bonds or debt is unpaid.

As added by P.L.75-1988, SEC.3.