

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 0

**MR. SPEAKER:**

Your Committee on Small Business and Economic Development, to which was referred House Bill 1166, 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:

- 1 Page 3, between lines 6 and 7, begin a new line block indented and
- 2 insert:
- 3 **"(5) An amusement park.**
- 4 **(6) A water park."**
- 5 Page 7, after line 37, begin a new paragraph and insert:
- 6 "SECTION 9. IC 6-9-2-2, AS AMENDED BY P.L.168-2005,
- 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2007]: Sec. 2. (a) The revenue received by the county
- 9 treasurer under this chapter shall be allocated to the Lake County
- 10 convention and visitor bureau, Indiana University-Northwest, Purdue
- 11 University-Calumet, municipal public safety departments, municipal
- 12 physical and economic development divisions, and the cities and towns
- 13 in the county as provided in this section. Subsections (b) through (g) do
- 14 not apply to the distribution of revenue received under section 1 of this
- 15 chapter from hotels, motels, inns, tourist camps, tourist cabins, and
- 16 other lodgings or accommodations built or refurbished after June 30,

1 1993, that are located in the largest city of the county.

2 (b) The Lake County convention and visitor bureau shall establish  
3 a convention, tourism, and visitor promotion fund (referred to in this  
4 chapter as the "promotion fund"). The county treasurer shall transfer to  
5 the Lake County convention and visitor bureau for deposit in the  
6 promotion fund thirty-five percent (35%) of the first one million two  
7 hundred thousand dollars (\$1,200,000) of revenue received from the  
8 tax imposed under this chapter in each year. The promotion fund  
9 consists of:

- 10 (1) money in the promotion fund on June 30, 2005;  
11 (2) revenue deposited in the promotion fund under this subsection  
12 after June 30, 2005; and  
13 (3) investment income earned on the promotion fund's assets.

14 Money in the ~~promotion fund bureau's funds~~ may be expended ~~only~~  
15 to promote and encourage conventions, trade shows, special events,  
16 recreation, and visitors. ~~within the county.~~ Money may be paid from the  
17 promotion fund by claim in the same manner as municipalities may pay  
18 claims under IC 5-11-10-1.6.

19 (c) This subsection applies to the first one million two hundred  
20 thousand dollars (\$1,200,000) of revenue received from the tax  
21 imposed under this chapter in each year. During each year, the county  
22 treasurer shall transfer to Indiana University-Northwest forty-four and  
23 thirty-three hundredths percent (44.33%) of the revenue received under  
24 this chapter for that year to be used as follows:

- 25 (1) Seventy-five percent (75%) of the revenue received under this  
26 subsection may be used only for the university's medical  
27 education programs.  
28 (2) Twenty-five percent (25%) of the revenue received under this  
29 subsection may be used only for the university's allied health  
30 education programs.

31 ~~The amount for each year shall be transferred in four (4) approximately~~  
32 ~~equal quarterly installments.~~

33 (d) This subsection applies to the first one million two hundred  
34 thousand dollars (\$1,200,000) of revenue received from the tax  
35 imposed under this chapter in each year. During each year, the county  
36 treasurer shall allocate among the cities and towns throughout the  
37 county nine percent (9%) of the revenue received under this chapter for  
38 that year ~~The amount of each city's or town's allocation~~ is as follows:

- 1 (1) Ten percent (10%) of the revenue covered by this subsection  
 2 shall be ~~transferred distributed~~ to cities having a population of  
 3 more than ninety thousand (90,000) but less than one hundred  
 4 five thousand (105,000).
- 5 (2) Ten percent (10%) of the revenue covered by this subsection  
 6 shall be ~~transferred distributed~~ to cities having a population of  
 7 more than seventy-five thousand (75,000) but less than ninety  
 8 thousand (90,000).
- 9 (3) Ten percent (10%) of the revenue covered by this subsection  
 10 shall be ~~transferred distributed~~ to cities having a population of  
 11 more than thirty-two thousand (32,000) but less than thirty-two  
 12 thousand eight hundred (32,800).
- 13 (4) ~~Five Seventy~~ percent (~~5%~~) (**70%**) of the revenue covered by  
 14 this subsection shall be ~~transferred distributed~~ **in equal amounts**  
 15 to each town and each city not receiving a ~~transfer distribution~~  
 16 under subdivisions (1) through (3).
- 17 The money ~~transferred distributed~~ under this subsection may be used  
 18 only for **tourism and** economic development projects. The county  
 19 treasurer shall make the ~~transfers distributions~~ on or before December  
 20 1 of each year.
- 21 (e) This subsection applies to the first one million two hundred  
 22 thousand dollars (\$1,200,000) of revenue received from the tax  
 23 imposed under this chapter in each year. During each year, the county  
 24 treasurer shall transfer to Purdue University-Calumet nine percent (9%)  
 25 of the revenue received under this chapter for that year. The money  
 26 received by Purdue University-Calumet may be used by the university  
 27 only for nursing education programs.
- 28 (f) This subsection applies to the first one million two hundred  
 29 thousand dollars (\$1,200,000) of revenue received from the tax  
 30 imposed under this chapter in each year. During each year, the county  
 31 treasurer shall transfer two and sixty-seven hundredths percent (2.67%)  
 32 of the revenue received under this chapter for that year to the following  
 33 cities:
- 34 (1) Fifty percent (50%) of the revenue covered by this subsection  
 35 shall be transferred to cities having a population of more than  
 36 ninety thousand (90,000) but less than one hundred five thousand  
 37 (105,000).
- 38 (2) Fifty percent (50%) of the revenue covered by this subsection

1 shall be transferred to cities having a population of more than  
 2 seventy-five thousand (75,000) but less than ninety thousand  
 3 (90,000).

4 Money transferred under this subsection may be used only for  
 5 convention facilities located within the city. In addition, the money may  
 6 be used only for facility marketing, sales, and public relations  
 7 programs. Money transferred under this subsection may not be used for  
 8 salaries, facility operating costs, or capital expenditures related to the  
 9 convention facilities. The county treasurer shall make the transfers on  
 10 or before December 1 of each year.

11 (g) This subsection applies to the revenue received from the tax  
 12 imposed under this chapter in each year that exceeds one million two  
 13 hundred thousand dollars (\$1,200,000). During each year, the county  
 14 treasurer shall distribute money in the promotion fund as follows:

15 (1) Eighty-five percent (85%) of the revenue covered by this  
 16 subsection shall be deposited in the convention, tourism, and  
 17 visitor promotion fund. The money deposited in the fund under  
 18 this subdivision may be used only for the purposes for which  
 19 other money in the fund may be used.

20 (2) Five percent (5%) of the revenue covered by this subsection  
 21 shall be transferred to Purdue University-Calumet. The money  
 22 received by Purdue University-Calumet under this subdivision  
 23 may be used by the university only for nursing education  
 24 programs.

25 (3) Five percent (5%) of the revenue covered by this subsection  
 26 shall be transferred to Indiana University-Northwest. The money  
 27 received by Indiana University-Northwest under this subdivision  
 28 may be used only for the university's medical education programs.

29 (4) Five percent (5%) of the revenue covered by this subsection  
 30 shall be transferred to Indiana University-Northwest. The money  
 31 received by Indiana University-Northwest under this subdivision  
 32 may be used only for the university's allied health education  
 33 programs.

34 ~~(h) The county treasurer may estimate the amount that will be~~  
 35 ~~received under this chapter for the year to determine the amount to be~~  
 36 ~~transferred under this section.~~

37 (i) ~~(h)~~ This subsection applies only to the distribution of revenue  
 38 received from the tax imposed under section 1 of this chapter from

1 hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or  
 2 accommodations built or refurbished after June 30, 1993, that are  
 3 located in the largest city of the county. During each year, the county  
 4 treasurer shall transfer:

5 (1) seventy-five percent (75%) of the revenues under this  
 6 subsection to the department of public safety; and

7 (2) twenty-five percent (25%) of the revenues under this  
 8 subsection to the division of physical and economic development;  
 9 of the largest city of the county.

10 ~~(j)~~ **(i)** The Lake County convention and visitor bureau shall assist  
 11 the county treasurer, as needed, with the calculation of the amounts that  
 12 must be deposited and transferred under this section.

13 SECTION 10. IC 6-9-2-3, AS AMENDED BY P.L.168-2005,  
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2007]: Sec. 3. (a) For purposes of this section, the size of a  
 16 political subdivision is based on the population determined in the last  
 17 federal decennial census.

18 (b) A convention and visitor bureau having ~~fifteen (15)~~ **eleven (11)**  
 19 members is created to promote the development and growth of the  
 20 convention, tourism, and visitor industry. ~~in the county.~~

21 (c) The executives (as defined by IC 36-1-2-5) of the eight (8)  
 22 largest municipalities (as defined by IC 36-1-2-11) in the county shall  
 23 each appoint one (1) member to the bureau. The legislative body (as  
 24 defined in IC 36-1-2-9) of the two (2) largest municipalities in the  
 25 county shall each appoint one (1) member to the bureau.

26 ~~(d) The county council shall appoint two (2) members to the bureau.~~  
 27 ~~One (1) of the appointees must be a resident of the largest township in~~  
 28 ~~the county, and one (1) of the appointees must be a resident of the~~  
 29 ~~second largest township in the county.~~

30 ~~(e) The county commissioners shall appoint two (2) members to the~~  
 31 ~~bureau. Each appointee must be a resident of the fifth, sixth, seventh,~~  
 32 ~~eighth, ninth, tenth, or eleventh largest township in the county. These~~  
 33 ~~appointees must be residents of different townships.~~

34 ~~(f)~~ **(d)** The lieutenant governor shall appoint one (1) member to the  
 35 bureau.

36 ~~(g)~~ **(e)** ~~One (1) of the appointees under subsection (d) and one (1) of the~~  
 37 ~~appointees under subsection (e) must be members of the political party~~  
 38 ~~that received the highest number of votes in the county in the last~~

1 preceding election for the office of secretary of state. One (1) of the  
 2 appointees under subsection (d) and one (1) of the appointees under  
 3 subsection (e) must be members of the political party that received the  
 4 second highest number of votes in the county in the election for that  
 5 office. (e) No appointee under this section may hold a **school board**  
 6 **office**, an elected **office**, or **another** appointed **political local** office  
 7 while ~~he~~ **serves** serving on the bureau.

8 (f) In making appointments under this section, the appointing  
 9 authority shall give sole consideration to individuals ~~who shall be~~  
 10 **knowledgeable and interested employed as executives or managers**  
 11 in at least one (1) of the following businesses in the county:

- 12 (1) Hotel.
- 13 (2) Motel.
- 14 (3) Restaurant.
- 15 (4) Travel.
- 16 (5) Transportation.
- 17 (6) Convention.
- 18 (7) Trade show.

19 **(8) A riverboat licensed under IC 4-33.**

20 **However, an individual employed by a riverboat may not be**  
 21 **appointed under this section unless the individual holds a Level 1**  
 22 **occupational license issued under IC 4-33-8.**

23 (g) All terms of office of bureau members begin on July 1.  
 24 Members of the bureau serve terms of three (3) years. A member  
 25 whose term expires may be reappointed to serve another term. If a  
 26 vacancy occurs, the appointing authority shall appoint a qualified  
 27 person to serve for the remainder of the term. If an appointment is not  
 28 made before July 16 or a vacancy is not filled within thirty (30) days,  
 29 the member appointed by the lieutenant governor under subsection (f)  
 30 (d) shall appoint a qualified person.

31 (h) A member of the bureau may be removed for **misfeasance,**  
 32 **malfeasance, neglect, absence, or** cause by ~~the member's appointing~~  
 33 **authority: a majority vote of the bureau.**

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

37 (j) Each bureau member, before entering the member's duties,  
 38 shall take an oath of office in the usual form, to be endorsed upon the

1 member's certificate of appointment and promptly filed with the clerk  
2 of the circuit court of the county.

3 ~~(m)~~ **(k)** The bureau shall meet after July 1 each year for the purpose  
4 of organization. The bureau shall elect a chairman from its members.  
5 The bureau shall also elect from its members a vice chairman, a  
6 secretary, and a treasurer. The members serving in those offices shall  
7 perform the duties pertaining to the offices. The first officers chosen  
8 shall serve until their successors are elected and qualified. A majority  
9 of the bureau constitutes a quorum, and the concurrence of a majority  
10 of those present is necessary to authorize any action.

11 ~~(n)~~ **(l)** If the county and one (1) or more adjoining counties desire to  
12 establish a joint bureau, the counties shall enter into an agreement  
13 under IC 36-1-7. ~~In the absence of such an agreement, the bureau may~~  
14 ~~not expend funds to promote activities in any other county.~~

15 SECTION 11. IC 6-9-2-3.5 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2007]: **Sec. 3.5. (a) As used in this section, "felony" means a**  
18 **conviction in any jurisdiction for which the convicted person might**  
19 **have been imprisoned for at least one (1) year. However, the term**  
20 **does not include a conviction:**

21 **(1) for which the person has been pardoned; or**  
22 **(2) that has been:**  
23 **(A) reversed;**  
24 **(B) vacated;**  
25 **(C) set aside; or**  
26 **(D) not entered because the trial court did not accept the**  
27 **person's guilty plea.**

28 **(b) A person is disqualified from assuming or being appointed**  
29 **to a membership on the bureau if in a:**

30 **(1) jury trial, a jury publicly announces a verdict against the**  
31 **person for a felony;**  
32 **(2) bench trial, the court publicly announces a verdict against**  
33 **the person for a felony; or**  
34 **(3) guilty plea hearing, the person pleads guilty or nolo**  
35 **contendere to a felony.**

36 **(c) The reduction of a felony to a Class A misdemeanor under**  
37 **IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of**  
38 **subsection (b).**

1 SECTION 12. IC 6-9-2-4, AS AMENDED BY P.L.168-2005,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2007]: Sec. 4. (a) The bureau may:

- 4 (1) accept and use gifts, grants, and contributions from any public  
 5 or private source, under terms and conditions that the bureau  
 6 considers necessary and desirable;  
 7 (2) sue and be sued;  
 8 (3) enter into contracts and agreements;  
 9 (4) make rules necessary for the conduct of its business and the  
 10 accomplishment of its purposes;  
 11 (5) receive and approve, alter, or reject requests and proposals for  
 12 funding by corporations qualified under subdivision (6);  
 13 (6) after its approval of a proposal, transfer money from the  
 14 promotion fund or from the alternate revenue fund to any Indiana  
 15 nonprofit corporation to promote and encourage conventions,  
 16 trade shows, visitors, or special events in the county;  
 17 (7) require financial or other reports from any corporation that  
 18 receives funds under this chapter;  
 19 (8) enter into leases under IC 36-1-10 for the construction,  
 20 acquisition, and equipping of a visitor center; and  
 21 (9) exercise the power of eminent domain to acquire property to  
 22 promote and encourage conventions, trade shows, special events,  
 23 recreation, and visitors. ~~within the county.~~

24 (b) All expenses of the bureau shall be paid from ~~the promotion~~  
 25 ~~fund.~~ **funds established by the bureau.** Before September 1 of each  
 26 year, the bureau shall prepare a budget for expenditures ~~from the~~  
 27 ~~promotion fund~~ during the following year, taking into consideration the  
 28 recommendations made by a corporation qualified under subsection  
 29 (a)(6). **A budget prepared under this section must be submitted to**  
 30 **the department of local government finance and placed on file with**  
 31 **the county auditor.**

32 (c) All money in the ~~promotion fund~~ **bureau's funds** shall be  
 33 deposited, held, secured, invested, and paid in accordance with statutes  
 34 relating to the handling of public funds. The handling and expenditure  
 35 of money in the ~~promotion fund~~ **is bureau's funds** are subject to audit  
 36 and supervision by the state board of accounts.

37 SECTION 13. IC 6-9-2-9 IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The legislative body of a

1 county that imposes a tax under section 1 of this chapter shall annually  
 2 prepare a report concerning the disbursement and use of the money  
 3 collected under this chapter **during the preceding calendar year**. The  
 4 report shall be prepared before ~~December~~ **March** 15 each year and  
 5 shall be made available to the public.

6 (b) If in any year an entity receiving money under this chapter fails  
 7 to provide the county legislative body with sufficient information, as  
 8 reasonably requested by the county legislative body:

9 (1) for the county legislative body to comply with this section;

10 and

11 (2) before the date specified by the county legislative body;

12 the county legislative body may direct the county treasurer by  
 13 resolution to stop deposits and transfers under this chapter to the entity.  
 14 When an entity provides the information that is the subject of the  
 15 resolution, the county legislative body shall as soon as practicable  
 16 direct the county treasurer, by resolution, to resume making deposits  
 17 and transfers to the entity, including any deposits and transfers that  
 18 would otherwise have been made to the entity during the time that  
 19 deposits and transfers were stopped under this subsection. A copy of a  
 20 resolution adopted under this subsection must be distributed to the  
 21 county treasurer and the entity that is the subject of the resolution  
 22 within ten (10) business days after the resolution is adopted. The  
 23 county treasurer shall comply with a resolution adopted under this  
 24 subsection.

25 SECTION 14. IC 6-9-2-11 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 27 1, 2007]: **Sec. 11. The bureau created under section 3 of this**  
 28 **chapter is a political subdivision for purposes of IC 34-13-3.**

29 SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) As used in this**  
 30 **SECTION, "bureau" refers to the Lake County convention and**  
 31 **visitor bureau created by IC 6-9-2-3.**

32 **(b) Notwithstanding any other law, the term of office of a**  
 33 **member of the bureau who:**

34 **(1) is serving on June 30, 2007; and**

35 **(2) was appointed under IC 6-9-2-3(d) or IC 6-9-2-3(e), both**  
 36 **as in effect on January 1, 2007;**

37 **terminates July 1, 2007.**

38 **(c) This SECTION expires July 1, 2008.**

1           SECTION 16. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2 SECTION, "bureau" refers to the Lake County convention and  
3 visitor bureau created by IC 6-9-2-3.  
4           (b) This SECTION applies to a member of the bureau who was  
5 appointed by the executive of either of the following municipalities  
6 located in Lake County:  
7           (1) A city having a population of more than twenty-five  
8 thousand (25,000) but less than twenty-seven thousand  
9 (27,000).  
10           (2) A town having a population of more than twenty-three  
11 thousand (23,000) but less than twenty-four thousand  
12 (24,000).  
13           (c) Notwithstanding any other law, the term of office of a  
14 member of the bureau who is:  
15           (1) described in subsection (b); and  
16           (2) serving on June 30, 2007;  
17 does not terminate on July 1, 2007, but is extended until July 1,  
18 2008.  
19           (d) This SECTION expires July 1, 2009.  
20 SECTION 17. An emergency is declared for this act".  
21 Renumber all SECTIONS consecutively.  
(Reference is to HB 1166 as introduced.)

**and when so amended that said bill do pass.**

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Representative Orentlicher