

By: Senator(s) Simmons

To: Local and Private;  
Finance

SENATE BILL NO. 3007

1 AN ACT TO ESTABLISH THE INDIANOLA TOURISM COMMISSION; TO  
2 PROVIDE FOR THE COMPOSITION OF THE COMMISSION; TO PRESCRIBE THE  
3 POWERS AND DUTIES OF THE COMMISSION; TO AUTHORIZE THE GOVERNING  
4 AUTHORITIES TO LEVY A TAX TO FUND THE COMMISSION; TO PROVIDE THAT  
5 THE GOVERNING AUTHORITIES PROVIDE NOTICE OF INTENT TO LEVY TAX; TO  
6 PROVIDE THAT IF A CERTAIN NUMBER OF QUALIFIED ELECTORS FILE A  
7 PETITION AGAINST THE LEVY OF THE TAX, THEN THE CITY SHALL HAVE AN  
8 ELECTION ON THE ISSUE OF THE TAX; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** For the purposes of this act, the following terms  
11 shall have the following meanings:

12 (a) "Bar" means any bar, tavern or lounge where  
13 alcoholic beverages are sold for consumption on the premises;

14 (b) "Commission" means the Indianola Tourism  
15 Commission;

16 (c) "City" means the City of Indianola, Mississippi;

17 (d) "Governing authorities" means the Mayor and Board  
18 of Aldermen of the City of Indianola;

19 (e) "Hotel" or "motel" means any establishment engaged  
20 in the business of furnishing or providing rooms intended or  
21 designed for lodging or sleeping purposes for transient guests,  
22 which establishment consists of ten (10) or more guest rooms and  
23 does not encompass any hospital, convalescent or nursing home or  
24 sanitarium, or any hotel-like facility operated by or in  
25 connection with a hospital or medical clinic providing rooms  
26 exclusively for patients and their families;

27 (f) "Prepared food" means food prepared on the premises  
28 of a restaurant; and

29 (g) "Restaurant" means any place, including hotel and  
30 motel dining rooms, cafeterias, cafes and lunch stands, where



31 prepared food and drink are sold for consumption either upon or  
32 off the premises.

33         **SECTION 2.** (1) There is created the Indianola Tourism  
34 Commission which shall be domiciled in Indianola, Mississippi.  
35 The commission shall function in an advisory capacity as a part of  
36 the executive branch of the municipal government of the City of  
37 Indianola and shall study and advise the executive branch in the  
38 areas of promoting conventions and tourism. The commission may  
39 carry out other tasks as the mayor, by executive order, may assign  
40 to it from time to time. The city attorney shall be the attorney  
41 for the commission.

42         (2) The commission shall be composed of the following  
43 members:

44             (a) One (1) member from each of the five (5) wards in  
45 the city to be chosen by the Board of Aldermen. The mayor may  
46 nominate persons and each alderman may nominate one (1) person  
47 from his or her ward;

48             (b) A member of the Executive Committee of the  
49 Indianola Chamber of Commerce selected by the executive committee,  
50 who shall serve as an ex officio voting member;

51             (c) A member of the Board of B.B. King Museum  
52 Foundation, to be selected by that board, who shall serve as an ex  
53 officio voting member;

54             (d) A representative of the owners of hotels/motels  
55 operating within the City of Indianola to be chosen by the Board  
56 of Aldermen. The mayor may nominate a person and each alderman  
57 may nominate a person from his or her ward; and

58             (e) A representative of the owners of restaurants and  
59 bars operating within the City of Indianola to be chosen by the  
60 Board of Aldermen. The mayor may nominate a person and each  
61 alderman may nominate a person from his or her ward.

62         (3) The five (5) appointed members of the commission who  
63 represent the five (5) city wards and the two (2) members



64 appointed to represent the hotel/motel owners and restaurant/bar  
65 owners shall each serve a one-year term of office beginning and  
66 ending on dates established by the Board of Aldermen. The members  
67 from the Chamber of Commerce and the B.B. King Museum Foundation  
68 shall serve so long as they hold their respective positions with  
69 the organization they represent. Vacancies on the council shall  
70 be filled in the same manner as the original appointment for the  
71 unexpired term.

72 (4) Any member may be disqualified and removed from office  
73 for conviction of a felony or for failure to attend three (3)  
74 consecutive meetings without just cause.

75 (5) Before entering upon the duties of office, each member  
76 shall enter into and give bond to be approved by the Secretary of  
77 State in the sum of Twenty-five Thousand Dollars (\$25,000.00),  
78 conditioned on the satisfactory performance of his duties. This  
79 bond premium shall be paid from the commission's funds. Such bond  
80 shall be payable to the county and in the event of a breach  
81 thereof, suit may be brought by the county for the benefit of the  
82 council.

83 (6) When the members of the commission have been appointed  
84 and qualified, they shall meet in the City of Indianola after  
85 giving not less than ten (10) days' notice of the time and place  
86 of the meeting by registered mail, postage prepaid, directed to  
87 each member of the commission at his regular address at the time  
88 of his qualification and posting bond. The notice shall be given  
89 by the Mayor of Indianola. The notice of such meeting may be  
90 waived if all members sign a written waiver of notice. Any waiver  
91 shall be attached to the minutes of the meeting.

92 (7) The members shall elect from among themselves a  
93 chairman. The chairman of the commission shall serve a term of  
94 not more than one (1) year, with the first election to be held at  
95 the first scheduled meeting after the members are appointed and  
96 subsequent elections shall be held annually thereafter. The



97 person elected as chairman may serve consecutive terms. The  
98 commission shall elect from its membership a vice chairman,  
99 secretary and treasurer. The offices of secretary and treasurer  
100 may be combined, if the commission elects. The commission may  
101 promulgate and adopt bylaws governing its operations and  
102 procedures. Five (5) members shall constitute a quorum for the  
103 transaction of any business of the commission.

104 **SECTION 3.** The council shall be domiciled in the City of  
105 Indianola, Mississippi, and shall have the following powers:

106 (a) To exercise authority over matters related to  
107 establishing, promoting and developing tourism and economic  
108 development within the City of Indianola;

109 (b) To acquire, own, lease, furnish, equip, staff and  
110 operate any and all facilities and equipment necessary or useful  
111 in the promotion of tourism and economic development within the  
112 city;

113 (c) To receive and expend revenues from any sources;

114 (d) To own, lease or contract for any equipment or  
115 office space useful and necessary in the promotion of tourism and  
116 economic development;

117 (e) To sell, convey or otherwise dispose of all or any  
118 part of its property and assets in accordance with the general  
119 laws of the State of Mississippi providing for such disposal;

120 (f) To contribute funds for the operation of any  
121 visitor information center in the designated area for the repair,  
122 restoration and maintenance of buildings and grounds owned by  
123 governmental entities and nonprofit corporations which would tend  
124 to promote tourism or economic development in the city and the  
125 county; and

126 (g) To have and exercise all powers necessary or  
127 convenient to effect any and all of the purposes for which the  
128 council is organized.



129           **SECTION 4.** (1) For the purpose of providing funds for the  
130 promotion of tourism and economic development in the City of  
131 Indianola, the governing authorities of the City of Indianola,  
132 Mississippi, are authorized, in their discretion, to levy and  
133 collect a tax upon every person, firm or corporation operating a  
134 hotel or motel in the City of Indianola, Mississippi, which shall  
135 be in addition to all other taxes and assessments imposed, which  
136 shall not exceed two percent (2%) of the gross proceeds of sales  
137 derived from room rentals of such hotels or motels.

138           (2) In addition to the authority in subsection (1) of this  
139 section, the governing authorities of the City of Indianola,  
140 Mississippi, are authorized, in their discretion, to levy and  
141 collect a tax upon every person, firm or corporation operating a  
142 restaurant or bar in the City of Indianola, Mississippi, which  
143 shall be in addition to all other taxes and assessments imposed,  
144 which shall not exceed two percent (2%) of the gross proceeds of  
145 restaurant sales of prepared food, beer or any other alcoholic  
146 beverage.

147           (3) Persons, firms or corporations liable for the tax  
148 imposed under subsections (1) and (2) of this section shall add  
149 the amount of the tax to the sales price and shall collect,  
150 insofar as is practicable, the amount of the tax due by him from  
151 the person receiving the services or product at the time of  
152 payment.

153           (4) Such tax shall be collected by and paid to the State Tax  
154 Commission on a form prescribed by the State Tax Commission in the  
155 same manner that state sales taxes are computed, collected and  
156 paid; and the full enforcement provisions and all other provisions  
157 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
158 necessary to the implementation and administration of this act.

159           (5) The proceeds of the tax, less three percent (3%) which  
160 shall be retained by the State Tax Commission to defray the costs  
161 of collection, shall be paid to the governing authorities on or



162 before the fifteenth day of the month following the month in which  
163 they are collected.

164 (6) The proceeds of the tax shall not be considered by the  
165 City of Indianola as general fund revenues but shall be dedicated  
166 to and expended solely for the purposes specified in this section.

167 (7) The tax may be discontinued by the adoption of a  
168 resolution to that effect by the Mayor and Board of Aldermen of  
169 the City of Indianola. The resolution shall be effective on the  
170 last day of a month and a certified copy of such resolution shall  
171 be furnished to the Chairman of the State Tax Commission.

172 **SECTION 5.** Before the tax authorized by this act may be  
173 imposed, the governing authorities shall adopt a resolution  
174 declaring their intention to levy the tax, setting forth the  
175 amount of such tax and establishing the date on which the tax  
176 initially shall be levied and collected. Notice of the proposed  
177 tax shall be published once each week for at least three (3)  
178 consecutive weeks in a newspaper having a general circulation in  
179 the City of Indianola. The first publication of the notice shall  
180 be made not less than twenty-one (21) days before the date fixed  
181 in the resolution on which the tax initially is to be levied and  
182 collected, and the last publication of the notice shall be made  
183 not more than seven (7) days before the date. If, within the time  
184 of giving notice, twenty percent (20%) or fifteen hundred (1500),  
185 whichever is less, of the qualified electors of the City of  
186 Indianola file a written petition against the levy of the tax,  
187 then the tax shall not be levied unless authorized by a majority  
188 of the qualified electors of the City of Indianola, voting at an  
189 election to be called and held for that purpose. At least thirty  
190 (30) days before the effective date of the tax, the governing  
191 authorities shall furnish to the State Tax Commission a certified  
192 copy of the resolution evidencing such tax.

193 **SECTION 6.** (1) The commission annually shall adopt a budget  
194 of receipts and expenditures. The first budget of receipts and



195 expenditures shall be prepared and adopted by the commission  
196 within thirty (30) days after the election of its first chairman  
197 and, upon approval by the Mayor and Board of Aldermen of the City  
198 of Indianola, the budget shall constitute the budget for the  
199 remainder of the current fiscal year. Thereafter, the budget  
200 shall be on the same fiscal year basis as the budget of the city.  
201 The annual proposed budget of the council shall be submitted to  
202 the Mayor and Board of Aldermen of the City of Indianola for  
203 review and, upon approval by the mayor and board of aldermen, such  
204 budget shall constitute the budget of the commission for that  
205 fiscal year.

206 (2) The commission may borrow money to pay its operating  
207 obligations that cannot be paid at maturity out of current revenue  
208 from the tax authorized in this act, but the amount so borrowed  
209 shall in no case exceed the estimated income of the commission as  
210 shown by the budget adopted prior to that time, and the tax income  
211 of the commission, as shown by the budget, shall be dedicated and  
212 set aside to the payment of the indebtedness.

213 (3) The books of the council shall be audited annually by an  
214 independent certified public accountant who shall make a written  
215 report of his audit to the council and submit a copy of such  
216 report to the governing authorities of the City of Indianola and  
217 the State Department of Audit. Such audit shall be made and  
218 completed as soon as practicable after the close of the fiscal  
219 year and copies of the report of the audit shall be filed with the  
220 city and State Department of Audit within fifteen (15) days after  
221 receipt by the council.

222 **SECTION 7.** This act shall take effect and be in force from  
223 and after its passage, and shall stand repealed from and after  
224 September 30, 2007.

