

By: Senator(s) Simmons

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3094

1 AN ACT TO REMOVE THE REPEAL DATE ON THE LAW THAT CREATES THE
2 INDIANOLA TOURISM COMMISSION, PROVIDES FOR THE COMPOSITION OF THE
3 COMMISSION, PRESCRIBE THE POWERS AND DUTIES OF THE COMMISSION AND
4 AUTHORIZES THE GOVERNING AUTHORITIES TO LEVY A TAX TO FUND THE
5 COMMISSION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Chapter 931, Local and Private Laws of 2003, is
8 amended as follows:

9 Section 1. For the purposes of this act, the following terms
10 shall have the following meanings:

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

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

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

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

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

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

28 (g) "Restaurant" means any place, including hotel and
29 motel dining rooms, cafeterias, cafes and lunch stands, where
30 prepared food and drink are sold for consumption either upon or
31 off the premises.

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

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

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

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

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

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

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

61 (3) The five (5) appointed members of the commission who
62 represent the five (5) city wards and the two (2) members
63 appointed to represent the hotel/motel owners and restaurant/bar
64 owners shall each serve a one-year term of office beginning and
65 ending on dates established by the board of aldermen. The members
66 from the Chamber of Commerce and the B.B. King Museum Foundation
67 shall serve so long as they hold their respective positions with
68 the organization they represent. Vacancies on the council shall
69 be filled in the same manner as the original appointment for the
70 unexpired term.

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

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

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

91 (7) The members shall elect from among themselves a
92 chairman. The chairman of the commission shall serve a term of
93 not more than one (1) year, with the first election to be held at

94 the first scheduled meeting after the members are appointed and
95 subsequent elections shall be held annually thereafter. The
96 person elected as chairman may serve consecutive terms. The
97 commission shall elect from its membership a vice chairman,
98 secretary and treasurer. The offices of secretary and treasurer
99 may be combined, if the commission elects. The commission may
100 promulgate and adopt bylaws governing its operations and
101 procedures. Five (5) members shall constitute a quorum for the
102 transaction of any business of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

158 (5) The proceeds of the tax, less three percent (3%) which
159 shall be retained by the State Tax Commission to defray the costs
160 of collection, shall be paid to the governing authorities on or
161 before the fifteenth day of the month following the month in which
162 they are collected.

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

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

171 Section 5. Before the tax authorized by this act may be
172 imposed, the governing authorities shall adopt a resolution
173 declaring their intention to levy the tax, setting forth the
174 amount of such tax and establishing the date on which the tax
175 initially shall be levied and collected. Notice of the proposed
176 tax shall be published once each week for at least three (3)
177 consecutive weeks in a newspaper having a general circulation in
178 the City of Indianola. The advertisement shall be no less than
179 one-fourth (1/4) page in size and the type shall be no smaller
180 than eighteen (18) point and surrounded by a one-fourth inch
181 (1/4") solid black border. The first publication of the notice
182 shall be made not less than twenty-one (21) days before the date
183 fixed in the resolution on which the tax initially is to be levied
184 and collected, and the last publication of the notice shall be
185 made not more than seven (7) days before the date. If, within the
186 time of giving notice, twenty percent (20%) or fifteen hundred
187 (1500), whichever is less, of the qualified electors of the City
188 of Indianola file a written petition against the levy of the tax,
189 then the tax shall not be levied unless authorized by a majority
190 of the qualified electors of the City of Indianola, voting at an

191 election to be called and held for that purpose. At least thirty
192 (30) days before the effective date of the tax, the governing
193 authorities shall furnish to the State Tax Commission a certified
194 copy of the resolution evidencing such tax.

195 Section 6. (1) The commission annually shall adopt a budget
196 of receipts and expenditures. The first budget of receipts and
197 expenditures shall be prepared and adopted by the commission
198 within thirty (30) days after the election of its first chairman
199 and, upon approval by the Mayor and Board of Aldermen of the City
200 of Indianola, the budget shall constitute the budget for the
201 remainder of the current fiscal year. Thereafter, the budget
202 shall be on the same fiscal year basis as the budget of the city.
203 The annual proposed budget of the council shall be submitted to
204 the Mayor and Board of Aldermen of the City of Indianola for
205 review and, upon approval by the mayor and board of aldermen, such
206 budget shall constitute the budget of the commission for that
207 fiscal year.

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

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

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225 **SECTION 2.** This act shall take effect and be in force from
226 and after its passage.