

By: Senator(s) Lee

To: Local and Private;  
Finance

SENATE BILL NO. 3072  
(As Passed the Senate)

1 AN ACT TO PROVIDE FOR THE CREATION OF THE STONE COUNTY  
2 ECONOMIC DEVELOPMENT PARTNERSHIP FOR THE PURPOSE OF PROMOTING  
3 ECONOMIC DEVELOPMENT AND TOURISM IN STONE COUNTY; TO PROVIDE FOR  
4 THE MEMBERSHIP AND TERMS OF OFFICE FOR THE BOARD OF DIRECTORS OF  
5 THE PARTNERSHIP; TO PRESCRIBE THE POWERS AND DUTIES OF THE  
6 PARTNERSHIP; TO AUTHORIZE THE BOARD OF SUPERVISORS OF STONE COUNTY  
7 TO IMPOSE A TAX ON THE GROSS PROCEEDS OF CERTAIN SALES BY  
8 RESTAURANTS AND ON ROOM RENTALS BY HOTELS AND MOTELS, IN ORDER TO  
9 FUND THE PARTNERSHIP; AND FOR RELATED PURPOSES.

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

11 SECTION 1. The following terms shall have the meaning  
12 ascribed to them in this section unless the context requires  
13 otherwise:

14 (a) "Hotel" or "motel" means places of lodging for  
15 transient guests on a daily or weekly basis and are known in the  
16 trade as such and includes hotels, motels, campgrounds, travel  
17 courts, camping areas, motor home parks, recreational vehicle  
18 parks, bed and breakfast inns and other transient lodgings.

19 (b) "Partnership" means the Stone County Economic  
20 Development Partnership established pursuant to this act.

21 (c) "Prepared food" means food prepared on the premises  
22 of a restaurant.

23 (d) "Restaurant" means any place including, but not  
24 limited to, delicatessens, where prepared food and drink are sold  
25 for consumption either upon or off the premises, and which are  
26 known in the trade as such.

27 SECTION 2. There is hereby established the Stone County  
28 Economic Development Partnership, which shall organize under the  
29 general laws of this state as a not-for-profit corporation

30 qualified as tax exempt and chartered for the purpose of combining  
31 the economic development effort of Stone County.

32 SECTION 3. (1) The governing authority of the partnership  
33 shall be composed of a board of directors consisting of seventeen  
34 (17) members. The membership of the board of directors of the  
35 partnership shall be as follows:

36 (a) Five (5) members appointed by the Board of  
37 Supervisors of Stone County.

38 (b) Three (3) members appointed by the Board of  
39 Aldermen of the City of Wiggins.

40 (c) The President of the Board of Supervisors of Stone  
41 County.

42 (d) The Mayor of the City of Wiggins.

43 (e) The Superintendent of the Stone County School  
44 District who shall be a nonvoting member.

45 (f) The President of the Mississippi Gulf Coast  
46 Community College, or his designee, who shall be a nonvoting  
47 member.

48 (g) Five (5) members who shall be initially elected by  
49 a majority vote of the members in good standing of the Stone  
50 County Economic Development Foundation. After the initial term of  
51 members elected pursuant to this paragraph expire, subsequent  
52 members elected pursuant to this paragraph shall be elected by a  
53 majority vote of the members in good standing of the partnership.

54 (2) (a) The initial terms of the members appointed pursuant  
55 to subsection (1)(a) of this section shall be as follows:

56 (i) Two (2) members shall be appointed for a term  
57 of two (2) years;

58 (ii) One (1) member shall be appointed for a term  
59 of three (3) years; and

60 (iii) Two (2) members shall be appointed for a  
61 term of four (4) years.

62 The Board of Supervisors of Stone County shall designate the  
63 initial terms of the members it appoints.

64 (b) The initial terms of the members appointed pursuant  
65 to subsection (1)(b) of this section shall be as follows:

66 (i) One (1) member shall be appointed for a term

67 of two (2) years;

68 (ii) One (1) member shall be appointed for a term  
69 of three (3) years; and

70 (iii) One (1) member shall be appointed for a term  
71 of four (4) years.

72 The Board of Aldermen of the City of Wiggins shall designate  
73 the initial terms of the members it appoints.

74 (c) The initial terms of the members elected pursuant  
75 to subsection (1)(g) of this section shall be as follows:

76 (i) One (1) member shall be elected for a term of  
77 two (2) years;

78 (ii) Two (2) members shall be elected for a term  
79 of three (3) years; and

80 (iii) Two (2) members shall be elected for a term  
81 of four (4) years.

82 The Stone County Economic Development Foundation shall  
83 designate the initial terms of the members it elects.

84 (3) Subsequent terms of the members of the board of  
85 directors shall be for four (4) years or until a successor is  
86 appointed and qualified. Any vacancy that occurs in such  
87 positions shall be filled in the same manner as the original  
88 appointment and shall be made for the unexpired term.

89 (4) Any member who is absent from three (3) or more  
90 consecutive meetings or who is absent from fifty percent (50%) or  
91 more of all meetings of the board of directors in any given  
92 calendar year shall be deemed to have vacated such position,  
93 unless otherwise excused by action of the board of directors.

94 (5) The members of the board of directors shall serve  
95 without salary or compensation, but the members and the employees  
96 of the partnership may be reimbursed for actual expenses,  
97 including mileage and travel expenses, whether within or without  
98 the State of Mississippi, incurred in the performance of their  
99 duties, as authorized by Section 25-3-41, Mississippi Code of

100 1972.

101 SECTION 4. (1) Within sixty (60) days after all initial  
102 appointments have been made, the president of the Board of  
103 Supervisors of Stone County shall call the first meeting of the  
104 board of directors of the partnership, and the members of the  
105 board shall meet and elect from among their number a chairman,  
106 vice-chairman and secretary-treasurer. The board of directors  
107 shall record and retain minutes of all meetings. A majority of  
108 the board of directors shall constitute a quorum to conduct  
109 business and all actions of the board of directors shall require a  
110 majority vote of the members present and voting.

111 (2) The board of directors shall adopt a set of bylaws which  
112 may include provisions they deem appropriate but shall include  
113 provisions for the following:

114 (a) Procedures and times for its meetings. Unless  
115 otherwise provided therein the board shall follow Roberts Rules of  
116 Order at its meetings. The board shall comply with the state Open  
117 Meetings Law, Section 25-41-1 et seq., Mississippi Code of 1972.

118 (b) The secretary-treasurer making a monthly report to  
119 the board concerning the current operation and financial status of  
120 the partnership.

121 (c) The board of directors annually causing a full and  
122 complete examination of all the books and accounts of the  
123 commission to be made by an independent, certified public  
124 accountant and providing a copy of the examination to the Board of  
125 Supervisors of Stone County, the governing authorities of the City  
126 of Wiggins and to the Department of Audit of the State of  
127 Mississippi.

128 (3) Before entering upon the duties of office, each member  
129 of the board of directors shall take and subscribe to the oath of  
130 office required by Section 268, Mississippi Constitution of 1890,  
131 and give bond in a sum of not less than Five Thousand Dollars  
132 (\$5,000.00), conditioned upon the faithful performance of his

133 duties, such bond to be made payable to and approved by the  
134 chancery clerk of the county. The cost of all such bonds shall be  
135 paid by the partnership.

136 (4) The board of directors shall conduct drives to bolster  
137 private sector membership in the partnership, thereby continuing  
138 the private sector's monetary and leadership contributions.

139 (5) The board of directors may employ such personnel and  
140 take other acts they deem necessary to carry out the purpose of  
141 the partnership. The board of directors shall set the level of  
142 the compensation to be paid to the partnership's employees.

143 SECTION 5. (1) The purpose of the partnership is to promote  
144 economic development in Stone County; to develop, promote, and/or  
145 expand existing businesses and industries in Stone County; to  
146 promote tourism in Stone County; and to assist and support the  
147 development of infrastructure and community services to  
148 accommodate a growing economy and community.

149 (2) The board of directors may take any and all actions to  
150 effectuate the purposes of this act.

151 (3) The partnership shall be subject to the public  
152 purchasing laws of this state with the respect to the expenditure  
153 of funds derived from public sources; however, in the expenditure  
154 of funds derived solely from private sources, the partnership  
155 shall not be subject to any of the public purchasing laws of this  
156 state, nor shall the expenditure of such funds derived from  
157 private sources be subject to any laws regulating the expenditure  
158 of public funds. Funds derived from private sources shall be kept  
159 separate from and accounted for separately from funds derived from  
160 public sources.

161 SECTION 6. The partnership, in addition to the monies that  
162 may be received by it from Stone County as taxes as provided for  
163 in Section 9 of this act, may accept from any public or private  
164 agency, or from any individual, grants or contributions, from any  
165 source, of money or property or other things of value to be held,

166 used and applied for the purposes for which such grants or  
167 contributions may be made.

168 SECTION 7. Upon dissolution of the Stone County Economic  
169 Development Foundation, Inc., the partnership may exercise and  
170 assume the powers, duties and responsibilities of such foundation  
171 and if the partnership assumes the powers, duties and  
172 responsibilities of such foundation, all records, property,  
173 unexpended balances of such foundation's funds and obligations of  
174 such foundation shall be transferred to the partnership.

175 SECTION 8. (a) The portion of the annual budget of the  
176 partnership regarding the expenditure of the tax revenue received  
177 by the partnership, and any amendments to that portion of the  
178 annual budget, shall be presented to the governing authorities of  
179 the City of Wiggins and the Board of Supervisors of Stone County.

180 The governing authorities of the City of Wiggins and the Board of  
181 Supervisors of Stone County shall have the authority to approve or  
182 disapprove of all or any portion of the budget presented pursuant  
183 to this subsection and no expenditure of such tax revenue shall be  
184 made unless it is contained in a portion of such budget that is  
185 approved by the governing authorities of the City of Wiggins and  
186 the Board of Supervisors of Stone County.

187 (b) Not less than twenty-five percent (25%) of the tax  
188 revenue received by the partnership shall be allocated to capital  
189 acquisitions and improvements and revenue allocated for such  
190 purpose may be accumulated in a capital fund.

191 SECTION 9. (1) For the purpose of providing funds for the  
192 partnership to conduct its activities, the Board of Supervisors of  
193 Stone County may, in its discretion, levy and collect from every  
194 person, firm or corporation hereinafter specified, a tax, which  
195 shall be in addition to all other taxes now imposed. The tax  
196 shall be imposed as follows:

197 (a) A tax upon every person, firm or corporation  
198 operating a motel or hotel in Stone County, at a rate not to

199 exceed two percent (2%) of the gross proceeds of sales from room  
200 rentals for each such motel or hotel.

201 (b) A tax upon every person, firm or corporation  
202 operating a restaurant in Stone County, at a rate not to exceed  
203 two percent (2%) of the gross proceeds of sales of any such  
204 restaurant.

205 (2) Before the taxes authorized by this section may be  
206 imposed, the Board of Supervisors of Stone County shall adopt a  
207 resolution declaring its intention to levy the taxes and  
208 establishing the amount of the tax levy and the date on which the  
209 taxes initially will be levied and collected. This date shall be  
210 the first day of a month but not earlier than the first day of the  
211 second month from the date of adoption of the resolution. Notice  
212 of the proposed tax levy shall be published once each week for at  
213 least three (3) consecutive weeks in a newspaper having a general  
214 circulation in the county. The first publication of the notice  
215 shall be made not less than twenty-one (21) days before the date  
216 fixed in the resolution on which the board of supervisors proposes  
217 to levy the tax, and the last publication of the notice shall be  
218 made not more than seven (7) days before that date. If, within  
219 the time of giving notice, twenty percent (20%) or fifteen hundred  
220 (1500), whichever is less, of the qualified electors of the county  
221 file a written petition against the levy of the tax, then the tax  
222 shall not be levied unless authorized by a majority of the  
223 qualified electors of the county, voting at an election to be  
224 called and held for that purpose. Before the effective date of  
225 the tax levy approved as provided in this section, the board of  
226 supervisors shall furnish to the Chairman of the State Tax  
227 Commission a certified copy of the resolution evidencing the tax  
228 levy.

229 (3) Persons, firms or corporations liable for the taxes  
230 under this section shall add the amount of the tax to the sales  
231 price and, in addition thereto, shall collect, insofar as

232 practicable, the amount of the tax due by them from the person  
233 receiving the services at the time of payment therefor.

234 (4) All such taxes shall be collected by and paid to the  
235 State Tax Commission on a form prescribed by the State Tax  
236 Commission in the same manner that state sales taxes are computed,  
237 collected and paid. The full enforcement provisions and all other  
238 provisions of Chapter 65, Title 27, Mississippi Code of 1972,  
239 shall apply as necessary to the implementation and administration  
240 of this act.

241 (5) The proceeds of such taxes, less three percent (3%) to  
242 be retained by the State Tax Commission to defray the costs of  
243 collections, shall be paid to Stone County on or before the  
244 fifteenth day of the month following the month in which collected  
245 and shall be disbursed by Stone County to the partnership within  
246 thirty (30) days of receipt by Stone County.

247 (6) The proceeds of such taxes shall not be considered by  
248 the county as general fund revenue but shall be dedicated to and  
249 used by the partnership solely for the purpose of carrying out  
250 programs and activities of the partnership.

251 SECTION 10. The Board of Supervisors of Stone County shall  
252 submit this act, immediately upon approval by the Governor, or  
253 upon approval by the Legislature subsequent to a veto, to the  
254 Attorney General of the United States or to the United States  
255 District Court for the District of Columbia in accordance with the  
256 provisions of the Voting Rights Act of 1965, as amended and  
257 extended.

258 SECTION 11. This act shall take effect and be in force from  
259 and after the date it is effectuated under Section 5 of the Voting  
260 Rights Act of 1965, as amended and extended.