

By: Farris, King

To: Local and Private;  
Finance

SENATE BILL NO. 3306  
(As Passed the Senate)

1 AN ACT TO AMEND CHAPTER 878, LOCAL AND PRIVATE LAWS OF 1990,  
2 AS LAST AMENDED BY CHAPTER 947, LOCAL AND PRIVATE LAWS OF 1997, TO  
3 EXTEND THE DATE UPON WHICH THE HATTIESBURG TOURISM COMMISSION IS  
4 REPEALED; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Chapter 878, Local and Private Laws of 1990, as  
7 amended by Chapter 1013, Local and Private Laws of 1995, as  
8 amended by Chapter 947, Local and Private Laws of 1997, is amended  
9 as follows:

10 Section 1. The following terms as used in this act shall  
11 have the meanings herein ascribed unless the context otherwise  
12 clearly requires:

13 (a) "Hotel" or "motel" means a place of lodging that at  
14 any one time will accommodate transient guests on a daily or  
15 weekly basis, excluding hotels or motels with ten (10) or less  
16 overnight rental units;

17 (b) "Commission" means the Hattiesburg Tourism  
18 Commission;

19 (c) "City" means the City of Hattiesburg.

20 Section 2. There is hereby created and established the  
21 Hattiesburg Tourism Commission.

22 Section 3. (1) The commission shall consist of the  
23 following seven (7) members appointed by the mayor and ratified by  
24 the city council:

25 (a) Two (2) members of the hotel/motel industry;

26 (b) One (1) member either of the Chamber of Commerce or  
27 the Economic Development Foundation;

28 (c) One (1) member representing the University of  
29 Southern Mississippi; and

30 (d) Three (3) members who serve at large.

31 (2) The commission shall be appointed within sixty (60) days  
32 following the adoption of a resolution pursuant to passage of this  
33 act for the following terms:

34 (a) Two (2) members for a term of one (1) year;

35 (b) Two (2) members for a term of two (2) years;

36 (c) One (1) member for a term of three (3) years;

37 (d) One (1) member for a term of four (4) years; and

38 (e) One (1) member for a term of five (5) years.

39 Thereafter, appointments will be made on a staggered basis  
40 for a five-year period.

41 (3) Members of the commission shall serve without  
42 compensation, shall elect officers and adopt rules and  
43 regulations, and shall fix a regular meeting date, but may provide  
44 for special meetings. The commission shall keep minutes of its  
45 proceedings as are necessary to carry out its responsibilities. A  
46 quorum of the commission shall consist of four (4) members.

47 (4) Any member of the commission may be disqualified and  
48 removed from office for any one (1) of the following reasons:

49 (a) Conviction of a felony; or

50 (b) Failure to attend three (3) consecutive meetings  
51 without just cause.

52 (5) Before entering on the duties of the office appointed,  
53 each member of the commission shall enter into and give bond to be  
54 approved by the Secretary of State of the State of Mississippi, in  
55 the sum of Fifty Thousand Dollars (\$50,000.00) conditioned on the  
56 satisfactory performance of his duties. This bond premium shall  
57 be paid from the Tourism Commission's funds and payable to the  
58 City of Hattiesburg in the event of a breach thereof. Suit may be  
59 brought by the city for benefit of the commission.

60 Section 4. The commission shall have jurisdiction and

61 authority over all matters relating to establishing, promoting and  
62 developing tourism in the city and shall be authorized:

63 (a) To acquire, own, furnish, equip, staff and operate  
64 any and all facilities and equipment necessary or usable in the  
65 promotion of tourism for the City of Hattiesburg;

66 (b) To receive and expend revenues from any source,  
67 including, but not limited to, private enterprise and those  
68 revenues generated by this act;

69 (c) To own, lease or contract for any equipment useful  
70 and necessary in the promotion of tourism and convention business  
71 for the City of Hattiesburg;

72 (d) To sell, convey and otherwise dispose of all or any  
73 part of its property and assets in accordance with the General  
74 Laws of the State of Mississippi; and

75 (e) To have and exercise all powers necessary or  
76 convenient to effect any and all of the purposes for which the  
77 commission is organized, including the appointment and employment  
78 of individuals acting on behalf of the commission.

79 Section 5. (1) For the purpose of providing operating funds  
80 for the commission to promote tourism, the governing authorities  
81 are hereby authorized, in their discretion, to levy, assess and  
82 collect from every person, firm or corporation operating hotels  
83 and motels in the City of Hattiesburg, and in addition to all  
84 other taxes now imposed, an amount not to exceed two percent (2%)  
85 of the gross proceeds from overnight room rental, exclusive of  
86 charges for food, telephone, laundry, beverages and similar  
87 charges.

88 (2) Persons liable for the tax imposed herein shall add the  
89 amount of the tax to the aforesaid room rentals and collect the  
90 same.

91 (3) The tax collected shall be paid to the State Tax  
92 Commission on a form prescribed in the same manner that state  
93 sales taxes are computed, collected and paid; and the full

94 enforcement provisions and all other provisions of Chapter 65,  
95 Title 27, Mississippi Code of 1972, shall apply as necessary to  
96 the implementation and administration of this act.

97 (4) The proceeds of such tax shall be paid to the City of  
98 Hattiesburg on or before the fifteenth day of the month following  
99 the month in which collected.

100 (5) Proceeds of the tax shall not be considered by the City  
101 of Hattiesburg as General Fund revenues, but shall be dedicated  
102 solely for the purpose of carrying out the programs and activities  
103 of the Tourism Commission.

104 (6) Before the taxes authorized by this act may be imposed,  
105 the governing authorities shall adopt a resolution declaring its  
106 intention to levy the taxes and establishing the amount of the tax  
107 levy and the date on which the taxes initially shall be levied and  
108 collected. The date shall be the first day of a month but not  
109 less than forty-five (45) days from the date of adoption of the  
110 resolution. Notice of the proposed tax levy shall be published  
111 once each week for at least three (3) consecutive weeks in a  
112 newspaper having a general circulation in such city. The first  
113 publication of such notice shall be made not less than twenty-one  
114 (21) days prior to the date fixed in the resolution on which the  
115 governing authorities propose to levy such taxes, and the last  
116 publication shall be made not more than seven (7) days prior to  
117 such date. If, within the time of giving notice, twenty percent  
118 (20%) or fifteen hundred (1500), whichever is less, of the  
119 qualified electors of the city file a written petition against the  
120 levy of such taxes, then such taxes shall not be levied unless  
121 authorized by a majority of the qualified electors of such city  
122 voting at an election to be called and held for that purpose.  
123 Prior to the effective date of the tax levy approved as herein  
124 provided, the governing authorities shall furnish to the Chairman  
125 of the State Tax Commission a certified copy of the resolution  
126 evidencing such tax levy.

127           Section 6. (1) This act shall take effect and be in force  
128 from and after the date it is effectuated under Section 5 of the  
129 Voting Rights Act of 1965, as amended and extended.

130           (2) This act shall stand repealed from and after September  
131 30, 2004.

132           SECTION 2. This act shall take effect and be in force from  
133 and after its passage.