

By: Farris, King

To: Local and Private;
Finance

SENATE BILL NO. 3306
(As Sent to Governor)

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4 REPEALED; AND FOR RELATED PURPOSES.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, less three percent (3%)
98 thereof which shall be retained by the State Tax Commission to
99 defray the costs of collection, shall be paid to the City of
100 Hattiesburg on or before the fifteenth day of the month following
101 the month in which collected.

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

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

127 of the State Tax Commission a certified copy of the resolution
128 evidencing such tax levy.

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

132 (2) This act shall stand repealed from and after September
133 30, 2004.

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