

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 3306

By Representative(s) Committee

6 **Amend by striking all after the enacting clause and inserting**
7 **in lieu thereof the following:**

8

9 SECTION 1. Chapter 878, Local and Private Laws of 1990, as
10 amended by Chapter 1013, Local and Private Laws of 1995, as
11 amended by Chapter 947, Local and Private Laws of 1997, is amended
12 as follows:

13 Section 1. The following terms as used in this act shall
14 have the meanings herein ascribed unless the context otherwise
15 clearly requires:

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

20 (b) "Commission" means the Hattiesburg Tourism
21 Commission;

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

23 Section 2. There is hereby created and established the
24 Hattiesburg Tourism Commission.

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

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

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

31 (c) One (1) member representing the University of
32 Southern Mississippi; and

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

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

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

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

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

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

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

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

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

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

52 (a) Conviction of a felony; or

53 (b) Failure to attend three (3) consecutive meetings
54 without just cause.

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

63 Section 4. The commission shall have jurisdiction and

64authority over all matters relating to establishing, promoting and
65developing tourism in the city and shall be authorized:

66 (a) To acquire, own, furnish, equip, staff and operate
67any and all facilities and equipment necessary or usable in the
68promotion of tourism for the City of Hattiesburg;

69 (b) To receive and expend revenues from any source,
70including, but not limited to, private enterprise and those
71revenues generated by this act;

72 (c) To own, lease or contract for any equipment useful
73and necessary in the promotion of tourism and convention business
74for the City of Hattiesburg;

75 (d) To sell, convey and otherwise dispose of all or any
76part of its property and assets in accordance with the General
77Laws of the State of Mississippi; and

78 (e) To have and exercise all powers necessary or
79convenient to effect any and all of the purposes for which the
80commission is organized, including the appointment and employment
81of individuals acting on behalf of the commission.

82 Section 5. (1) For the purpose of providing operating funds
83for the commission to promote tourism, the governing authorities
84are hereby authorized, in their discretion, to levy, assess and
85collect from every person, firm or corporation operating hotels
86and motels in the City of Hattiesburg, and in addition to all
87other taxes now imposed, an amount not to exceed two percent (2%)
88of the gross proceeds from overnight room rental, exclusive of
89charges for food, telephone, laundry, beverages and similar
90charges.

91 (2) Persons liable for the tax imposed herein shall add the
92amount of the tax to the aforesaid room rentals and collect the
93same.

94 (3) The tax collected shall be paid to the State Tax
95Commission on a form prescribed in the same manner that state
96sales taxes are computed, collected and paid; and the full
97enforcement provisions and all other provisions of Chapter 65,
98Title 27, Mississippi Code of 1972, shall apply as necessary to

99the implementation and administration of this act.

100 (4) The proceeds of such tax, less three percent (3%)
101thereof which shall be retained by the State Tax Commission to
102defray the costs of collection, shall be paid to the City of
103Hattiesburg on or before the fifteenth day of the month following
104the month in which collected.

105 (5) Proceeds of the tax shall not be considered by the City
106of Hattiesburg as General Fund revenues, but shall be dedicated
107solely for the purpose of carrying out the programs and activities
108of the Tourism Commission.

109 (6) Before the taxes authorized by this act may be imposed,
110the governing authorities shall adopt a resolution declaring its
111intention to levy the taxes and establishing the amount of the tax
112levy and the date on which the taxes initially shall be levied and
113collected. The date shall be the first day of a month but not
114less than forty-five (45) days from the date of adoption of the
115resolution. Notice of the proposed tax levy shall be published
116once each week for at least three (3) consecutive weeks in a
117newspaper having a general circulation in such city. The first
118publication of such notice shall be made not less than twenty-one
119(21) days prior to the date fixed in the resolution on which the
120governing authorities propose to levy such taxes, and the last
121publication shall be made not more than seven (7) days prior to
122such date. If, within the time of giving notice, twenty percent
123(20%) or fifteen hundred (1500), whichever is less, of the
124qualified electors of the city file a written petition against the
125levy of such taxes, then such taxes shall not be levied unless
126authorized by a majority of the qualified electors of such city
127voting at an election to be called and held for that purpose.
128Prior to the effective date of the tax levy approved as herein
129provided, the governing authorities shall furnish to the Chairman
130of the State Tax Commission a certified copy of the resolution
131evidencing such tax levy.

132 Section 6. (1) This act shall take effect and be in force
133from and after the date it is effectuated under Section 5 of the

134 Voting Rights Act of 1965, as amended and extended.

135 (2) This act shall stand repealed from and after September
136 30, 2004.

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