

By: Representatives Bailey, Cameron, Hines,
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To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1462

1 AN ACT TO AMEND CHAPTER 816, LOCAL AND PRIVATE LAWS OF 1991,
2 AS LAST AMENDED BY CHAPTER 969, LOCAL AND PRIVATE LAWS OF 2000, TO
3 EXTEND THE REPEALER ON THE WASHINGTON COUNTY CONVENTION AND
4 VISITORS COMMITTEE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Chapter 816, Local and Private Laws of 1991, as
7 amended by Chapter 953, Local and Private Laws of 1996, as amended
8 by Chapter 969, Local and Private Laws of 2000, is amended as
9 follows:

10 Section 1. The Economic Development District of Washington
11 County, created pursuant to Section 19-5-99, Mississippi Code of
12 1972, is hereby authorized and empowered, in its discretion, to
13 create by resolution duly adopted and entered on its minutes, a
14 committee entitled the "Washington County Convention and Visitors
15 Committee," to be operated under the umbrella and authority of the
16 Economic Development District of Washington County.

17 Section 2. The Economic Development District of Washington
18 County may empower the committee upon approval of the district as
19 follows:

20 (a) To exercise activities relating to establishing,
21 promoting and developing tourism within the county;

22 (b) To furnish, equip, staff and operate any and all
23 facilities and equipment necessary or useful in the promotion of
24 tourism within the county;

25 (c) To receive and expend revenues from any sources,
26 including, but not limited to, private enterprise and those
27 revenues provided by this act;



28 (d) To lease or contract for any equipment useful and
29 necessary in the promotion of tourism and convention business; and

30 (e) To have and exercise all powers necessary or
31 convenient to effect any and all of the purposes for which the
32 committee is organized, except that the committee may not own or
33 sell real property, and further, to appoint and employ individuals
34 and agencies acting in its behalf for any and all of the
35 aforementioned powers and responsibilities.

36 Section 3. (1) For the purposes of providing funds to
37 promote tourism and conventions in Washington County, the Board of
38 Supervisors of Washington County is hereby authorized to levy and
39 assess against and to collect from every person operating a hotel,
40 motel or restaurant or on-premises retailer's permit which are
41 legal under the provisions of Chapter 1, Title 67, Mississippi
42 Code of 1972, (hereinafter referred to as "taxable
43 establishments") in Washington County an assessment in addition to
44 all other taxes now imposed, which shall not exceed a sum equal to
45 one percent (1%) of the gross proceeds of sales of such taxable
46 establishments in Washington County, excluding any charges which
47 are exempt from taxes levied under the Mississippi Sales Tax Law,
48 Chapter 65, Title 27, Mississippi Code of 1972. Persons liable
49 for the tax imposed herein shall add the amount of such tax to the
50 sales price or gross income and, in addition, shall collect,
51 insofar as practicable, the amount of the tax due by him from the
52 purchaser at the time the sales price or gross income is
53 collected. All words, terms and phrases used herein shall have
54 the same meanings ascribed to them in Chapter 65, Title 27,
55 Mississippi Code of 1972.

56 This tax shall not apply to restaurants that have gross
57 proceeds of sales or gross income of less than One Hundred
58 Thousand Dollars (\$100,000.00) per calendar year. In order to
59 calculate gross proceeds of sales or gross income, the sales or



60 income of all of the establishments owned, operated or controlled
61 by the same person, persons or corporation shall be aggregated.

62 (2) For the purposes of this act, the words "hotel" and
63 "motel" shall mean a place of lodging that at any one time will
64 accommodate transient guests on a daily or weekly basis and that
65 are known to the trade as such. Hotels and motels with ten (10)
66 or less rental units are exempt.

67 (3) For the purposes of this act, "restaurant" means a place
68 which is regularly engaged in serving cooked or prepared meals to
69 customers for compensation for on- or off-premises consumption,
70 including restaurants and lunch counters located in other retail
71 establishments, but shall not include delicatessen departments of
72 grocery and convenience stores which do not provide seating
73 facilities for customers for on-premises consumption of meals.
74 Restaurants and establishments selling alcoholic beverages
75 operated by bona fide private clubs organized for some common
76 object other than the sale of goods and alcoholic beverages are
77 exempt from the tax authorized herein.

78 (4) Such tax shall be collected by and paid to the State Tax
79 Commission on a form prescribed by the State Tax Commission in the
80 same manner that state sales taxes are computed, collected and
81 paid and the full enforcement provisions and all other provisions
82 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
83 necessary to the implementation and administration of this act.

84 (5) The proceeds of such tax less three percent (3%) to be
85 retained by the State Tax Commission to defray the costs of
86 collection shall be paid to the convention and visitors committee
87 on or before the fifteenth day of the month following the month in
88 which collected.

89 (6) The proceeds of the tax shall not be considered by
90 Washington County or any municipality therein as general fund
91 revenues, but shall be dedicated solely for the purpose of
92 carrying out the programs and activities of the committee. The



93 Washington County Convention and Visitors Committee may allocate
94 annually an amount not to exceed Twenty-five Thousand Dollars
95 (\$25,000.00) per year to Washington County, Mississippi, in
96 consideration of use of county facilities and support services.

97 Section 4. (1) The funds herein authorized shall be
98 expended by the convention and visitors committee upon approval by
99 the Economic Development District of Washington County. The
100 committee shall be composed of nine (9) members to be appointed by
101 the district as hereinafter provided. Five (5) members of the
102 committee shall be the five (5) members appointed to the district
103 by the board of supervisors and the presiding officer of the
104 district shall appoint four (4) members of the committee. The
105 four (4) members appointed by the presiding officer shall consist
106 of one (1) member from the Greenville Area Chamber of Commerce,
107 one (1) member from the alcoholic beverage sales business, one (1)
108 member from the hotel or motel business, and one (1) member from
109 the restaurant business. In the selection of committee members,
110 the district shall make every effort to select individuals who are
111 knowledgeable of, or actively involved in, the tourism industry.
112 The committee shall be appointed within sixty (60) days following
113 the passage of this act, and the members shall serve for terms of
114 three (3) years. The term of the member appointed by the
115 presiding officer of the Economic Development District of
116 Washington County from the alcoholic beverage sales business shall
117 expire on the effective date of House Bill No. 1714, 2000 Regular
118 Session, and from and after such date, such position on the
119 Washington County Convention and Visitors Committee shall be
120 filled by one (1) at large member appointed by the presiding
121 officer of the Economic Development District of Washington County.

122 (2) All subsequent appointments shall be made for terms of
123 three (3) years, except that the appointment to fill a vacancy
124 shall be for the unexpired term only.



125 (3) The members of the committee shall serve without
126 compensation and shall elect officers and adopt rules and
127 regulations. The committee shall further fix a regular meeting
128 date, but may provide for special meetings. The committee shall
129 keep minutes of its proceedings, as are necessary to carry out its
130 responsibilities under this act. A quorum of the committee shall
131 consist of five (5) members.

132 (4) Any member of the committee may be removed from office
133 by the district for one (1) of the following reasons:

134 (a) Conviction of a felony; or

135 (b) Failure to attend three (3) consecutive meetings
136 without just cause.

137 If a member of the committee is removed for one (1) of the
138 above reasons, the vacancy shall be filled in the manner
139 prescribed in this section.

140 Section 5. The tax authorized in this act shall not be
141 levied until the board of supervisors shall have adopted a
142 resolution favoring the tax levy and fixing the amount of the tax
143 levy and the date on which the tax levy is proposed to commence,
144 which shall be the first day of a month, and the board shall have
145 published notice of its intention to levy the tax. The notice
146 shall be published once each week for at least three (3)
147 consecutive weeks in a newspaper having a general circulation in
148 the county. The first publication of such notice shall be made
149 not less than twenty-one (21) days prior to the date fixed in the
150 resolution on which the board proposes to levy such tax, and the
151 last publication shall be made not more than seven (7) days prior
152 to such date. If, within the time of giving notice, twenty
153 percent (20%) or fifteen hundred (1500), whichever is less, of the
154 qualified electors of the county shall file a written petition
155 against the levy of such tax then such tax shall not be levied
156 unless authorized by a majority of the qualified electors of such
157 county, voting at an election to be called and held for that



158 purpose. Prior to the effective date of the tax levy approved as
159 herein provided, the board of supervisors shall furnish to the
160 Chairman of the State Tax Commission a certified copy of the
161 resolution evidencing such tax levy.

162 Section 6. Before the expenditure of funds herein
163 prescribed, a budget reflecting the anticipated receipts and
164 expenditures for such purposes as promotion, advertising and
165 operation shall be approved by the board of supervisors. The
166 first budget of receipts and expenditures shall cover the period
167 beginning with the effective date of the tax and ending with the
168 end of the county's fiscal year and, thereafter, the budget shall
169 be on the same fiscal basis as the budget of Washington County.

170 Section 7. Accounting for receipts and expenditures of the
171 funds herein described shall be made separately from the
172 accounting of receipts and expenditures of the committee and the
173 district and from the general fund and any other funds of
174 Washington County. The records reflecting the receipts and
175 expenditures of the funds prescribed herein shall be audited
176 annually by an independent certified public accountant, and the
177 accountant shall make a written report of his audit to the board
178 of supervisors, the district and the committee. Such audit shall
179 be made and completed as soon as practicable after the close of
180 the fiscal year and the expenses of such audit may be paid from
181 the funds derived pursuant to Section 3 of this act.

182 Section 8. The provisions of Sections 1 through 7 of this
183 act shall be repealed on July 1, 2007.

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

