

By: Representatives Janus, Bentz, Dedeaux,
Fredericks, Guice, Ishee, Patterson,
Peranich, Simpson, Upshaw

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1823

1 AN ACT TO PROVIDE FOR A TAX ON GROSS PROCEEDS OF ROOM RENTALS
2 BY HOTELS AND MOTELS IN HARRISON COUNTY, MISSISSIPPI, TO BE
3 EXPENDED TO RETIRE BONDS AUTHORIZED TO BE ISSUED BY THE COUNTY
4 PURSUANT TO THIS ACT; TO AUTHORIZE THE ISSUANCE OF GENERAL
5 OBLIGATION BONDS OF THE COUNTY IN THE AMOUNT OF \$72,000,000.00 TO
6 DEFRAY THE COSTS OF EXPANDING AND RENOVATING THE MISSISSIPPI GULF
7 COAST COLISEUM AND CONVENTION CENTER; TO AMEND CHAPTER 58, LAWS OF
8 THE EXTRAORDINARY SESSION OF 1954, AS LAST AMENDED BY CHAPTER 989,
9 LOCAL AND PRIVATE LAWS OF 1999, IN CONFORMITY THERETO; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** For the purposes of Sections 1 through 10 of this
13 act:

14 (a) "Board of supervisors" means the Board of
15 Supervisors of Harrison County, Mississippi.

16 (b) "County" means Harrison County, Mississippi.

17 (c) "Hotel" or "motel" means a place of lodging that at
18 any one (1) time will accommodate transient guests on a daily or
19 weekly basis and that are known to the trade as such, including
20 hotels, motels, bed and breakfast inns, time-share condominiums,
21 tourist courts, rooming houses or other places where sleeping
22 accommodations are furnished or offered for pay if more than ten
23 (10) rooms are available for transient guests, excluding nursing
24 homes or institutions for the aged or infirmed as defined in
25 Section 43-11-1 and personal care homes. Hotels and motels with
26 ten (10) or less rental units are exempt.

27 **SECTION 2.** (1) Upon the issuance of bonds provided for in
28 Section 5 of this act, the board of supervisors shall levy, assess
29 and collect from every person, firm, corporation or other entity
30 operating hotels or motels in the county, a tax, in addition to
31 all other taxes or assessments now imposed, which shall be equal

32 to three percent (3%) of the gross proceeds from room rentals of
33 all hotels or motels in the county.

34 (2) Persons, firms, corporations or other entities liable
35 for the tax imposed by subsection (1) of this section shall add
36 the amount of such tax to the room rental and in addition thereto
37 shall collect, insofar as practicable, the amount of the tax due
38 from the person renting the room at the time of payment therefor.

39 **SECTION 3.** (1) On or before the fifteenth day of the month
40 before the imposition of the tax authorized in Section 2 of this
41 act, the board of supervisors shall give written notification to
42 the Chairman of the State Tax Commission of the date on which the
43 tax will become effective.

44 (2) The tax shall be collected by and paid to the State Tax
45 Commission in the same manner as state sales taxes are computed,
46 collected and paid, and full enforcement provisions and all other
47 provisions of Chapter 65, Title 27, Mississippi Code of 1972,
48 shall apply as necessary to the implementation of Sections 1
49 through 10 of this act.

50 (3) Except as otherwise provided in Section 27-3-58, the
51 revenue from the special tax collected under the provisions of
52 this section during the preceding month shall be paid to the
53 county on or before the fifteenth day of each month.

54 (4) The proceeds of such taxes shall be placed into a
55 separate fund apart from the county general fund and any other
56 funds of the county, and shall be expended by the county as
57 provided in Section 9(1) of this act.

58 (5) The tax imposed by Sections 1 through 10 of this act
59 shall stand repealed on the first day of the month immediately
60 succeeding the date the payment of the principal of, redemption
61 premium, if any, and interest on the bonds issued under Sections 1
62 through 10 of this act have been paid in full. Any revenue from
63 the tax remaining after the payment of the principal of,
64 redemption premium, if any, and interest on the bonds issued

65 pursuant to Sections 1 through 10 of this act have been paid in
66 full shall be transferred to the county general fund.

67 **SECTION 4.** The proceeds of the bonds issued under Sections 1
68 through 10 of this act shall be utilized for the purpose of: (a)
69 defraying the cost of constructing, repairing, equipping,
70 remodeling, enlarging, expanding or improving the Mississippi Gulf
71 Coast Coliseum and Convention Center; and (b) retiring those bonds
72 issued under Chapter 937, Local and Private Laws of 1995, as
73 amended by Chapter 989, Local and Private Laws of 1999, for the
74 purpose of defraying the cost of expanding the Mississippi Gulf
75 Coast Coliseum and Convention Center pursuant to those acts, up to
76 a maximum amount of Three Million Dollars (\$3,000,000.00).

77 **SECTION 5.** The board of supervisors is authorized and
78 empowered, in its discretion, to issue general obligation bonds of
79 the county in the aggregate principal amount not to exceed
80 Seventy-two Million Dollars (\$72,000,000.00) for the purposes
81 provided for in Section 4 of this act. As used in Sections 1
82 through 10 of this act, "bonds" shall be deemed to mean and
83 include bonds, refunding bonds, notes or certificates of
84 participation. The full faith and credit of the county shall be
85 irrevocably pledged for the payment of the principal of and
86 interest on the bonds.

87 **SECTION 6.** Bonds authorized by Sections 1 through 10 of this
88 act, other than refunding bonds, shall be issued pursuant to
89 Sections 19-9-1 through 19-9-31 or as may be otherwise provided by
90 law, including, but not limited to, Section 31-25-1 et seq.

91 **SECTION 7.** Bonds issued pursuant to Sections 1 through 10 of
92 this act shall not be deemed indebtedness within the meaning of
93 Section 19-9-5. Bonds issued pursuant to Sections 1 through 10 of
94 this act shall be submitted by validation under Sections 31-13-1
95 through 31-13-11.

96 **SECTION 8.** Bonds issued under Sections 1 through 10 of this
97 act may be refunded at any time and from time to time by the

98 county pursuant to an authorizing resolution of the board of
99 supervisors, directing issuance of refunding bonds in accordance
100 with the "Mississippi Bond Refinancing Act" (Sections 31-27-1 et
101 seq., Mississippi Code of 1972).

102 **SECTION 9.** (1) The avails of the tax provided for in
103 Sections 1 through 10 of this act shall be used solely for the
104 payment of the principal of, redemption premium, if any, and
105 interest on the bonds, and for the payment of expenses of issuance
106 thereof or reserve funds therefor.

107 (2) To the extent the proceeds of the tax provided for in
108 Sections 1 through 10 of this act and any other amounts which may,
109 from time to time, be available for the payment of the principal
110 of, redemption premium, if any, and interest on the bonds,
111 including any available revenues of the project or any available
112 revenues of the county, are not sufficient for such purpose, the
113 board of supervisors shall levy a special ad valorem tax upon all
114 of the taxable property within the county which shall be
115 sufficient, together with other money available for such purpose,
116 to provide for the payment of the principal of, redemption
117 premium, if any, and interest on such bonds according to the terms
118 thereof.

119 **SECTION 10.** Sections 1 through 10 of this act shall be
120 liberally construed for the purposes herein set out, the power
121 hereby granted shall be deemed to be full and complete authority
122 for the issuance of bonds under Sections 1 through 10 of this act
123 and shall be construed as additional, cumulative and supplemental
124 to any power granted to the county by any general or local and
125 private act of the Legislature.

126 **SECTION 11.** Chapter 58, Laws of the Extraordinary Session of
127 1954, as amended by Chapter 810, Local and Private Laws of 1966,
128 as amended by Chapter 820, Local and Private Laws of 1972, as
129 amended by Chapter 973, Local and Private Laws of 1979, as amended
130 by Chapter 881, Local and Private Laws of 1980, as amended by

131 Chapter 918, Local and Private Laws of 1990, as amended by Chapter
132 882, Local and Private Laws of 1991, as amended by Chapter 937,
133 Local and Private Laws of 1995, as amended by Chapter 989, Local
134 and Private Laws of 1999, is amended as follows:

135 Section 1. The Board of Supervisors of Harrison County,
136 Mississippi, in its discretion, may levy a special ad valorem tax
137 not in excess of one (1) mill upon all the taxable property within
138 said county to provide funds for the Harrison County Tourism
139 Commission for the purpose of advertising, promoting conventions,
140 and bringing into favorable notice the opportunities,
141 possibilities and tourism resources of said county.

142 Section 2. (1) For the purposes of providing funds to
143 promote tourism and conventions in Harrison County, there is
144 hereby levied and assessed against and shall be collected from
145 every person, firm or corporation operating hotels or motels in
146 Harrison County an assessment, in addition to all other taxes now
147 imposed, which shall be equal to the following amounts:

148 (a) Until the provisions of Section 4(b) of House Bill
149 No. _____, 2004 Regular Session, authorizing the retiring of bonds
150 issued for the 1995 expansion of the Mississippi Gulf Coast
151 Coliseum and Convention Center, are effectuated, three percent
152 (3%) of the gross proceeds from room rental of all such hotels or
153 motels in Harrison County; and

154 (b) From and after the provisions of Section 4(b) of
155 House Bill No. _____, 2004 Regular Session, authorizing the
156 retiring of bonds issued for the 1995 expansion of the Mississippi
157 Gulf Coast Coliseum and Convention Center, are effectuated, two
158 percent (2%) of the gross proceeds from room rental of such hotels
159 or motels in Harrison County.

160 Persons liable for the tax imposed herein shall add the amount of
161 tax to the room rental and in addition thereto shall collect,
162 insofar as practicable, the amount of the tax due by him from the

163 person receiving the services or goods at the time of payment
164 therefor.

165 (2) For the purposes of this act, the words "hotel" and
166 "motel" shall mean a place of lodging that at any one (1) time
167 will accommodate transient guests on a daily or weekly basis and
168 that are known to the trade as such, including hotels, motels, bed
169 and breakfast inns, time-share condominiums, tourist courts,
170 rooming houses or other places where sleeping accommodations are
171 furnished or offered for pay if more than ten (10) rooms are
172 available for transient guests, excluding nursing homes or
173 institutions for the aged or infirmed as defined in Section
174 43-11-1 and personal care homes. Hotels and motels with ten (10)
175 or less rental units are exempt.

176 (3) Such tax shall be collected by and paid to the State Tax
177 Commission on a form to be prescribed by the State Tax Commission
178 in the same manner that state sales taxes are collected and paid;
179 and the full enforcement provisions and all other provisions of
180 the Mississippi Sales Tax Law shall apply as necessary for the
181 implementation and administration of this act.

182 (4) On or before the fifteenth day of the month following
183 the month in which collected, the proceeds of such tax, less three
184 percent (3%) to be retained by the State Tax Commission to defray
185 the costs of collection, shall be paid by the commission, as
186 follows, for expenditure as authorized in this act:

187 (a) Until the provisions of Section 4(b) of House Bill
188 No. _____, 2004 Regular Session, authorizing the retiring of bonds
189 issued for the 1995 expansion of the Mississippi Gulf Coast
190 Coliseum and Convention, are effectuated, (i) two-thirds (2/3) of
191 the proceeds shall be paid to the Harrison County Tourism
192 Commission, and (ii) one-third (1/3) of the proceeds shall be paid
193 to the Board of Supervisors of Harrison County.

194 (b) From and after the provisions of Section 4(b) of
195 House Bill No. _____, 2004 Regular Session, authorizing the

196 retiring of bonds issued for the 1995 expansion of the Mississippi
197 Gulf Coast Coliseum and Convention Center, are effectuated, the
198 full amount of the proceeds shall be paid to the Harrison County
199 Tourism Commission.

200 Section 3. The Harrison County Tourism Commission shall be
201 composed of seven (7) members, appointed as hereinafter provided.
202 The board of supervisors shall appoint two (2) members of the
203 commission who are qualified electors of the City of Biloxi; two
204 (2) members who are qualified electors of the City of Gulfport;
205 one (1) member who is a qualified elector of the City of Pass
206 Christian; one (1) member who is a qualified elector of the City
207 of Long Beach; and one (1) member who is a qualified elector of
208 the County of Harrison outside of the boundaries of the four (4)
209 municipalities in the county. In the selection of commissioners,
210 the board shall make every effort to select individuals who are
211 knowledgeable of, or actively involved in, the tourism industry.
212 The said commission shall be appointed within sixty (60) days of
213 the effective date of this act, in the following manner:

- 214 (1) Two (2) members for one (1) year.
215 (2) Two (2) members for two (2) years.
216 (3) One (1) member for three (3) years.
217 (4) One (1) member for four (4) years.
218 (5) One (1) member for five (5) years.

219 The board shall draw lots to determine which of the seven (7)
220 members of the commission shall be appointed for the various
221 initial terms of office. Provided, however, that all subsequent
222 appointments shall be made for five-year terms, except that the
223 board shall appoint a member to fill a vacancy for the unexpired
224 term only. Within sixty (60) days after the effective date of
225 House Bill 1716, 1990 Regular Session, the board of supervisors
226 shall appoint two (2) additional members to the Tourism
227 Commission. The board of supervisors shall appoint one (1) member
228 who is a qualified elector of the City of d'Iberville and one (1)

229 member who is a qualified elector of the County of Harrison for a
230 term of five (5) years. All subsequent appointments shall be for
231 a term of five (5) years and an appointment to fill a vacancy
232 shall be for the unexpired term only. Before entering on the
233 duties of the office each appointed member of the Tourism
234 Commission shall enter into and give bond to be approved by the
235 Secretary of State of the State of Mississippi in the sum of Fifty
236 Thousand Dollars (\$50,000.00) conditioned on the satisfactory
237 performance of his duties. This bond's premium shall be paid from
238 the Tourism Commission Fund. Such bond shall be payable to
239 Harrison County and in the event of a breach thereof, suit may be
240 brought by the county for the benefit of the Tourism Commission.
241 The commission may authorize the payment of per diem not to exceed
242 the uniform per diem rate provided in Section 25-3-69, Mississippi
243 Code of 1972, to commission members for each day in the discharge
244 of their official duties. Such per diem expenditures shall be
245 included in the annual budget of the commission and shall be
246 subject to approval of the Harrison County Board of Supervisors.
247 The commission shall elect officers and adopt rules and
248 regulations; and shall fix a regular meeting date, but may provide
249 for special meetings. The commission shall keep minutes of its
250 proceedings, as are necessary to carry out its responsibilities
251 under this act. It is the intent of this enactment to supersede
252 the Advisory Commission and those duties performed by the board of
253 supervisors pursuant to Chapter 820, Local and Private Laws of
254 1972, with the commission herein created, and to provide for the
255 orderly transfer of all duties and powers heretofore exercised by
256 those bodies to the Harrison County Tourism Commission, which
257 shall have the sole authority to budget and contract for
258 expenditures for the fiscal year beginning October 1, 1979,
259 subject to the approval of the board of supervisors as herein
260 provided.

261 Section 4. Before the expenditures of funds allocated to it
262 by this act, the Tourism Commission shall annually adopt a budget
263 that will reflect the anticipated expenditures for promotion,
264 advertising and operation. Such budget shall be subject to the
265 approval of the Harrison County Board of Supervisors and shall
266 comply with all the requirements of the general laws of the State
267 of Mississippi covering the advertisement for bids and the
268 expenditure of funds.

269 Section 5. The Harrison County Tourism Commission
270 established hereunder shall have the authority to promote tourism
271 and in this regard the commission is empowered:

272 (a) To receive and expend revenues from any sources
273 including, but not limited to, private enterprise;

274 (b) To own, lease or contract for the use, purchase or
275 lease of any real or personal property, including, but not limited
276 to, furnishings, fixtures and any equipment useful and necessary
277 in the promotion of tourism and convention business;

278 (c) To sell, convey or otherwise dispose of all or any
279 part of its property and assets in accordance with general laws of
280 the State of Mississippi providing for such disposal;

281 (d) To have and exercise all powers necessary or
282 convenient to effect any and all of the purposes for which the
283 commission is organized, and further, to appoint and employ
284 individuals and agencies acting in its behalf for any and all of
285 the aforementioned powers and responsibilities;

286 (e) To have and exercise all powers necessary and
287 convenient to conduct the business of promoting and managing
288 conventions and to carry out the purposes of the convention staff
289 of the Mississippi Coast Coliseum Commission by agreement between
290 the two (2) commissions.

291 Section 6. The Advisory Commission, created and established
292 under the provisions of Chapter 820, Local and Private Laws of
293 1972, shall be and the same is hereby abolished effective October

294 1, 1979, and the commissioners and all members, agents,
295 representatives and employees of the said Advisory Commission and
296 the Harrison County Board of Supervisors are required and directed
297 to cooperate with the Harrison County Tourism Commission to
298 effectuate an orderly transfer of its duties to that commission in
299 accordance with this act, and to deliver to the Harrison County
300 Tourism Commission all property, funds, money, accounts, records,
301 etc., now in their possession, which were transferred to the board
302 of supervisors pursuant to Chapter 820, Local and Private Laws of
303 1972, such delivery to be made not later than October 1, 1979, and
304 where required, in such cases as real property, if any, the
305 Chairman of the said Advisory Commission and the Secretary thereof
306 or the President of the Harrison County Board of Supervisors are
307 authorized, empowered and directed to make, execute and deliver in
308 favor of the Harrison County Tourism Commission any bill of sale,
309 deed or other document required to transfer title of any property
310 transferred pursuant to Chapter 820, Local and Private Laws of
311 1972, which was held in the name of the County Advertising
312 Commission. Nothing herein shall be construed to waive the rights
313 of compelling such action by a writ of mandamus in accordance with
314 the laws of Mississippi. Provided further, that on October 1,
315 1979, all rights of office of any of the commissioners of the
316 Advisory Commission, its attorneys or agents, be and the same are
317 hereby finally determined and ended, and its former employees
318 shall serve at the pleasure of the Tourism Commission.

319 Section 7. The Board of Supervisors of Harrison County shall
320 deposit the funds allocated to it by Section 2(4)(b) of this act
321 into a special fund in the county treasury. Monies in the special
322 fund shall be expended by the board of supervisors to pay the
323 principal of and interest on up to Ten Million Dollars
324 (\$10,000,000.00) of general obligation bonds issued by the county
325 after the effective date of Senate Bill No. 3257, 1995 Regular

326 Session, to defray the costs of expanding the Mississippi Coast
327 Coliseum and Convention Center.

328 **SECTION 12.** The Harrison County Tourism Commission shall
329 hire annually a private certified public accounting firm to
330 complete an audit of the revenues and expenditures of the
331 commission and its compliance with this act and any other law of
332 the State of Mississippi, including any local and private law of
333 the state. A copy of the annual audit shall be provided to the
334 State Department of Audit and to each of the members of the
335 Mississippi Senate and House of Representatives who represent
336 Harrison County.

337 **SECTION 13.** This act shall take effect and be in force from
338 and after its passage.