

By: Representatives Davis, Watson

To: Local and Private
Legislation

HOUSE BILL NO. 1839

1 AN ACT TO AMEND CHAPTER 878, LOCAL AND PRIVATE LAWS OF 1990,
2 AS LAST AMENDED BY CHAPTER 958, LOCAL AND PRIVATE LAWS OF 2000, 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4 REPEALED; AND FOR RELATED PURPOSES.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, as amended
9 by Chapter 958, Local and Private Laws of 2000, is amended as
10 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (a) Conviction of a felony; or

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

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

61 Section 4. The commission shall have jurisdiction and
62 authority over all matters relating to establishing, promoting and
63 developing tourism in the city and shall be authorized:

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

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

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

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

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

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

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

92 (3) The tax collected shall be paid to the State Tax
93 Commission on a form prescribed in the same manner that state

94 sales taxes are computed, collected and paid; and the full
95 enforcement provisions and all other provisions of Chapter 65,
96 Title 27, Mississippi Code of 1972, shall apply as necessary to
97 the implementation and administration of this act.

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

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

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

127 provided, the governing authorities shall furnish to the Chairman
128 of the State Tax Commission a certified copy of the resolution
129 evidencing such tax levy.

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

133 (2) This act shall stand repealed from and after September
134 30, 2011.

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