

By: Representatives Davis, Watson

To: Local and Private
Legislation

HOUSE BILL NO. 1839
(As Sent to Governor)

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 UNTIL SEPTEMBER 30, 2008, THE DATE UPON WHICH THE
4 HATTIESBURG TOURISM COMMISSION IS REPEALED; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Chapter 878, Local and Private Laws of 1990, as
8 amended by Chapter 1013, Local and Private Laws of 1995, as
9 amended by Chapter 947, Local and Private Laws of 1997, as amended
10 by Chapter 958, Local and Private Laws of 2000, is amended as
11 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (a) Conviction of a felony; or

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

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

60 City of Hattiesburg in the event of a breach thereof. Suit may be
61 brought by the city for benefit of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

126 voting at an election to be called and held for that purpose.
127 Prior to the effective date of the tax levy approved as herein
128 provided, the governing authorities shall furnish to the Chairman
129 of the State Tax Commission a certified copy of the resolution
130 evidencing such tax levy.

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

134 (2) This act shall stand repealed from and after September
135 30, 2008.

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