

## **Senate Amendments to House Bill No. 1839**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

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

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;

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

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

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

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

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

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

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

(4) The proceeds of such tax, less three percent (3%) thereof which shall be retained by the State Tax Commission to defray the costs of collection, shall be paid to the City of

Hattiesburg on or before the fifteenth day of the month following the month in which collected.

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

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

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

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

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John O. Gilbert  
Secretary of the Senate