

By: Senator(s) Carmichael, Burton

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3040

1 AN ACT TO AMEND CHAPTER 991, LOCAL AND PRIVATE LAWS OF 1997,
2 AS AMENDED BY CHAPTER 936, LOCAL AND PRIVATE LAWS OF 2001, TO
3 EXTEND THE REPEAL DATE ON THE LAW THAT ESTABLISHES THE LAUDERDALE
4 COUNTY TOURISM COMMISSION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Chapter 991, Local and Private Laws of 1997, as
7 amended by Chapter 936, Local and Private Laws of 2001, is amended
8 as follows:

9 Section 1. (1) The Board of Supervisors of Lauderdale
10 County, Mississippi, ("board of supervisors") is authorized and
11 empowered, in its discretion, to create, by resolution duly
12 adopted and entered on its minutes, the Lauderdale County Tourism
13 Commission ("commission"), as set forth in this act.

14 (2) The board of supervisors may empower the commission as
15 follows:

16 (a) To exercise activities related to establishing,
17 promoting and developing tourism within Lauderdale County
18 ("county");

19 (b) To acquire, own, lease, furnish, equip, staff and
20 operate any and all facilities and equipment necessary or useful
21 in the promotion of tourism within the county;

22 (c) To receive and expend revenues from any sources
23 including, but not limited to, grants, donations, private
24 enterprise, individuals, the county general fund and those
25 revenues provided by this act;

26 (d) To own, lease or contract for any equipment or
27 office space useful and necessary in the promotion of tourism and
28 convention business;

29 (e) To sell, convey or otherwise dispose of all or any
30 part of its property and assets in accordance with general laws of
31 the State of Mississippi providing for such disposal; and

32 (f) To have and exercise all powers necessary or
33 convenient to effect any and all of the purposes for which the
34 commission is organized and, further, to appoint and employ
35 individuals and agencies acting in its behalf for any and all of
36 the aforementioned powers and responsibilities. However, the
37 commission may not appoint or employ any individual or agency
38 unless the individual or agency is first approved by the board of
39 supervisors.

40 Section 2. (1) For the purposes of providing funds to
41 promote tourism and conventions in Lauderdale County, the board of
42 supervisors is authorized to levy and assess against and to
43 collect from every person, firm or corporation operating hotels or
44 motels in the county a tax in addition to all other taxes now
45 imposed, which shall not exceed a sum equal to two and one-half
46 percent (2-1/2%) of the gross proceeds from room rentals of all
47 such hotels or motels in the county, excluding charges for food,
48 telephone, laundry, beverages and similar charges. The tax shall
49 not be levied upon or collected from gross proceeds from room
50 rentals for day meetings where the room does not serve as
51 overnight sleeping accommodations. Persons liable for the tax
52 imposed herein shall add the amount of tax to the room rental and
53 in addition thereto shall collect, insofar as practicable, the
54 amount of tax due by him from the person receiving the services or
55 goods at the time of payment therefor.

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

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

67 (4) The proceeds of such tax, less three percent (3%) to be
68 retained by the State Tax Commission to defray the costs of
69 collection, shall be paid to the board of supervisors on or before
70 the fifteenth day of the month following the month in which
71 collected.

72 (5) The proceeds of the tax shall be deposited into the
73 general fund of the county and may be expended for any purpose
74 authorized by law for expenditures of county general fund money,
75 including the purpose of carrying out the programs and activities
76 of the commission under the provisions of this act; however,
77 accounting for receipts and expenditures of the proceeds of the
78 tax shall be made separately as provided in Section 8 of this act.

79 Section 3. (1) The Lauderdale County Tourism Commission
80 shall be composed of seven (7) members, appointed as hereinafter
81 provided. The board of supervisors shall appoint three (3)
82 members of the commission; the City Council of the City of
83 Meridian, Mississippi, ("city council") shall appoint three (3)
84 members of the commission; and the Board of Aldermen of the Town
85 of Marion, Mississippi, ("board of aldermen") shall appoint one
86 (1) member of the commission. The commission shall be appointed
87 within sixty (60) days of the effective date of this act, in the
88 following manner:

89 (a) Board of supervisors: three (3) members for terms
90 of one (1), two (2) and three (3) years respectively.

91 (b) City council: three (3) members for terms of one
92 (1), two (2) and three (3) years respectively.

93 (c) Board of aldermen: one (1) member for a term of
94 three (3) years.

95 (2) All subsequent appointments shall be made for terms of
96 three (3) years, except that the appointing bodies shall appoint a
97 member to fill a vacancy for the unexpired term only.

98 (3) Before entering on the duties of the office, each member
99 of the commission shall enter into and give bond to be approved by
100 the Secretary of State of the State of Mississippi in the sum of
101 Fifty Thousand Dollars (\$50,000.00), conditioned on the
102 satisfactory performance of his duties. This bond's premium shall
103 be paid from the commission's funds. Such bond shall be payable
104 to the county and in the event of a breach thereof, suit may be
105 brought by the county for the benefit of the commission.

106 (4) The members of the commission shall serve without salary
107 or compensation, but the members, staff and employees of the
108 commission may be reimbursed for actual and necessary expenses,
109 including mileage and travel expenses, whether within or without
110 the State of Mississippi, incurred in the performance of their
111 duties, as authorized by Section 25-3-41, Mississippi Code of
112 1972. The commission shall elect officers and adopt rules and
113 regulations and shall fix a regular meeting date, but may provide
114 for special meetings. The commission shall keep minutes of its
115 proceedings as necessary to carry out its responsibilities under
116 this act. A quorum of the commission shall consist of four (4)
117 members.

118 (5) Any member of the commission may be disqualified and
119 removed from office for any one (1) of the following reasons:

120 (a) Conviction of a felony; or

121 (b) Failure to attend three (3) consecutive meetings
122 without just cause.

123 (6) A present or former salaried employee or board member of
124 an entity created pursuant to Chapter 935, Local and Private Laws
125 of 1984, as amended by Chapter 926, Local and Private Laws of

126 1987, as amended by Chapter 945, Local and Private Laws of 1991,
127 is not eligible to serve as an employee or as a member of the
128 commission. A present or former salaried employee or board member
129 of an entity created pursuant to Chapter 932, Local and Private
130 Laws of 1984, as amended by Chapter 848, Local and Private Laws of
131 1986, as amended by Chapter 945, Local and Private Laws of 1991,
132 is not eligible to serve as an employee or as a member of the
133 commission if such person served as a salaried employee or board
134 member of the Meridian/Lauderdale County Partnership, created
135 pursuant to Chapter 945, Local and Private Laws of 1991. A person
136 who served as a salaried employee or board member of the
137 Meridian/Lauderdale County Partnership, created pursuant to
138 Chapter 945, Local and Private Laws of 1991, is not eligible to
139 serve as an employee or as a member of the commission.

140 If a member of the commission is removed for one (1) of the
141 above reasons, the vacancy shall be filled in the manner
142 prescribed in this section.

143 (7) The commission may employ a director and establish the
144 specific duties of the director, including day-to-day
145 administration and implementing policies established by the
146 commission. However, the commission may not employ any person as
147 director unless such person is first approved by the board of
148 supervisors. The director shall give bond in a sum not less than
149 Fifty Thousand Dollars (\$50,000.00), conditioned upon the faithful
150 performance of his duties and made payable to and approved by the
151 commission. The premium shall be paid from the commission's
152 funds. The director may employ staff or contract for staff and
153 professional services with other organizations such as attorneys,
154 engineers, accountants, consultants and such personnel as
155 reasonably necessary to carry out the duties and powers authorized
156 by this act. However, the director may not employ any staff
157 unless such proposed employment is first approved by the board of
158 supervisors. The director and staff of the commission shall serve

159 at the will and pleasure of the board of supervisors. The maximum
160 salary that may be paid to the director or any employee of the
161 commission may not exceed one and one-half (1-1/2) times the
162 maximum statutory salary for a member of the board of supervisors.

163 Section 4. The commission may, with the approval of the
164 board of supervisors, reserve, set aside or expend any or all of
165 the revenue derived from the tax set forth in Section 2 of this
166 act, in addition to the revenues set forth in Sections 1 and 5 of
167 this act, for the purpose of defraying costs of construction,
168 acquisition, equipping, furnishing or other expenses of a
169 coliseum, multipurpose building or convention center which may be
170 constructed by the board of supervisors, the Mayor and City
171 Council of the City of Meridian, Mississippi, and the Mayor and
172 Board of Aldermen of the Town of Marion, Mississippi, acting
173 separately or jointly.

174 The commission may, with the approval of the board of
175 supervisors, also use such revenues to defray any or all of the
176 principal and interest of indebtedness incurred by any one or more
177 of the board of supervisors or such governing authorities with
178 regard to a coliseum, multipurpose building or convention center
179 if each of the three (3) governing bodies so approve.

180 Section 5. Any and all remaining tourism revenue and other
181 remaining tourism funds previously collected from tourism taxes by
182 the Meridian/Lauderdale County Partnership shall be paid to the
183 board of supervisors within ten (10) days of the effective date of
184 this act. All revenue and funds paid pursuant to this section
185 shall in all respects be considered revenue as contemplated by
186 Section 1(2)(c) of this act.

187 Section 6. Before the tax authorized by this act shall be
188 imposed, the board of supervisors shall adopt a resolution
189 declaring its intention to levy the tax, setting forth the amount
190 of such tax and establishing the date on which this tax initially
191 shall be levied and collected. This date shall not be less than

192 the first day of the second month from the date of adoption of the
193 resolution, and shall become effective on the first day of such
194 month.

195 The resolution shall be published in a local newspaper at
196 least twice during the period from the adoption of the resolution
197 to the effective date of the tax prescribed in this act, with the
198 last publication being made no later than ten (10) days before the
199 effective date of such tax.

200 At least thirty (30) days before the effective date of the
201 tax authorized herein, the board of supervisors shall furnish to
202 the State Tax Commission a certified copy of the resolution
203 evidencing such tax.

204 Section 7. Before the expenditure of funds herein
205 prescribed, a budget reflecting the anticipated receipts and
206 expenditures for such purposes as promotion, advertising and
207 operation shall be approved by the board of supervisors. The
208 first budget of receipts and expenditures shall cover the period
209 beginning with the effective date of the tax and ending with the
210 end of the county's fiscal year, and thereafter, the budget shall
211 be on the same fiscal basis as the budget of the county.

212 Section 8. Accounting for receipts and expenditures of the
213 funds herein described shall be made separately from the
214 accounting of receipts and expenditures of the commission and from
215 the general fund and any other funds of the county. The
216 commission shall have its books and records audited annually by an
217 independent certified public accountant regarding the receipt and
218 expenditure of funds prescribed in this act. The audit shall be
219 performed in accordance with generally accepted auditing standards
220 and the financial statements shall be prepared in accordance with
221 generally accepted accounting principles. The audit shall be
222 completed within six (6) months after the close of the
223 commission's fiscal year. The audit report shall include
224 supplemental schedules of expenditures for items such as

225 consulting fees, travel, salaries, legal, audit, etc., showing for
226 each individual expenditure (1) to whom the expenditure was made,
227 (2) the expenditure amount and (3) an explanation of why the
228 expenditure was made. The commission shall file a written report
229 of the audit with the circuit clerk of the county, and with the
230 Lauderdale County Legislative Delegation of the Mississippi House
231 of Representatives and the State Senate. The expenses of such
232 audit may be paid from the funds derived pursuant to Section 1, 2
233 or 5 of this act.

234 Section 9. This act shall stand repealed from and after
235 October 1, 2007.

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