

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.