

By: Senator(s) Cuevas

To: Local and Private;  
Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3141

1 AN ACT TO AMEND CHAPTER 1019, LOCAL AND PRIVATE LAWS OF 1996,  
2 AS LAST AMENDED BY CHAPTER 916, LOCAL AND PRIVATE LAWS OF 2003, TO  
3 INCREASE THE HANCOCK COUNTY TOURISM TAX; TO AUTHORIZE THE TAX  
4 INCREASE TO BE IMPOSED ONLY IF 60% OF THE PERSONS VOTING AT AN  
5 ELECTION CALLED FOR SUCH PURPOSE VOTE IN FAVOR OF THE LEVY OF THE  
6 TAX INCREASE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 1019, Local and Private Laws of 1996, as  
9 amended by Chapter 980, Local and Private Laws of 1998, as amended  
10 by Chapter 956, Local and Private Laws of 2000, as amended by  
11 Chapter 977, Local and Private Laws of 2001, as amended by Chapter  
12 916, Local and Private Laws of 2003, is amended as follows:

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

16 (a) "Board of supervisors" or "board" means the Board  
17 of Supervisors of Hancock County, Mississippi.

18 (b) "Bureau" means the Hancock County Tourism  
19 Development Bureau.

20 (c) "Casino" means any casino properly licensed by the  
21 Mississippi Gaming Commission and operating in Hancock County,  
22 Mississippi.

23 (d) "Complimentary sales" or "complimentaries" means  
24 activities involving the furnishing or providing of rooms for  
25 lodging or sleeping, or the furnishing or providing of food or  
26 beverage for the public's consumption, or the furnishing or  
27 providing of other services, which any casino performs without  
28 cost to the recipient at the point of sale.

29 (e) "County" means Hancock County, Mississippi.

30           (f) "Hotel" or "motel" means any establishment engaged  
31 in the business of furnishing or providing rooms intended or  
32 designed for lodging or sleeping purposes for transient guests and  
33 does not encompass any hospital, convalescent or nursing homes or  
34 sanitarium or any hotel-like facility operated by or in connection  
35 with a hospital or medical clinic providing rooms exclusively for  
36 patients and their families.

37           (g) "Similar establishment" means any bed and breakfast  
38 or condominium or timeshare establishment that provides rooms  
39 intended or designed for lodging or sleeping purposes for  
40 transient guests.

41           (h) "Tourism-related business" means any business, firm  
42 or company engaged in the activity of operating a restaurant,  
43 hotel or motel, casino or similar business that provides goods,  
44 service or entertainment for the enjoyment of persons not residing  
45 in Hancock County.

46           Section 2. (1) (a) For the purposes of providing funds to  
47 promote and develop tourism and tourism-related activities in  
48 Hancock County, Mississippi, there is levied and assessed against  
49 and shall be collected from every person, firm, corporation,  
50 operating hotels or motels, or a similar establishment, renting  
51 rooms to transient guests for ninety (90) days or less in Hancock  
52 County an assessment, in addition to all other taxes not imposed,  
53 which shall be in an amount not to exceed two percent (2%) of the  
54 gross proceeds of sales derived from room rentals by hotels,  
55 motels and similar establishments in Hancock County. The  
56 assessment shall not be levied upon or collected from gross  
57 proceeds of nontaxable rooms, complimentary sales or  
58 complimentaries.

59           (b) From and after the effective date of Senate Bill  
60 No. 3141, 2005 Regular Session, and subject to the provisions of  
61 subsection 2(c) of this section, there is levied and assessed  
62 against and shall be collected from every person, firm,

63 corporation, operating hotels or motels, or a similar  
64 establishment, renting rooms to transient guests for ninety (90)  
65 days or less in Hancock County an assessment, an additional tax in  
66 addition to all other taxes not imposed, which shall be in an  
67 amount not to exceed one percent (1%) of the gross proceeds of  
68 sales derived from room rentals by hotels, motels and similar  
69 establishments in Hancock County. The assessment shall not be  
70 levied upon or collected from gross proceeds of nontaxable rooms,  
71 complimentary sales or complimentaries.

72 (2) (a) Before imposing the taxes authorized in subsection  
73 (1)(a) of this section the board of supervisors shall, by  
74 resolution spread upon its minutes, declare its intention to  
75 impose the taxes authorized by this act and shall state in such  
76 resolution the amount of the tax to be imposed, and shall fix in  
77 such resolution the date upon which the board proposes to enact  
78 its resolution directing the levy and assessment of such tax.  
79 Such resolution shall be published once a week for at least three  
80 (3) weeks in a newspaper published or having a general circulation  
81 in the county, with the first publication to be made not less than  
82 fourteen (14) days before the date fixed in the resolution under  
83 which the board proposes to levy and assess such tax, and the last  
84 publication shall be made not more than seven (7) days before such  
85 date. If, on or before the date specified in the resolution,  
86 twenty percent (20%) or fifteen hundred (1500), whichever is less,  
87 of the qualified electors of the county file a written protest  
88 against the imposition of such tax, then an election upon the levy  
89 and assessment of such tax shall be called and held as herein  
90 provided. If no such protest is filed, then the board may enact  
91 its resolution directing the levy and assessment of the tax at any  
92 time within a period of six (6) months after the date specified in  
93 the resolution. If an election is required by the protest of the  
94 required number of qualified electors of the county, then an  
95 election shall be held by the county under applicable laws for

96 conducting elections of such assessment issues, with such election  
97 to be conducted at the next special election day as such is  
98 defined by Section 23-15-833, Mississippi Code of 1972, occurring  
99 more than sixty (60) days after the date specified in the  
100 resolution.

101 (b) When the results of the election on the question of  
102 the levy of the tax under subsection (1)(a) of this section have  
103 been canvassed by the election commissioners of the county and  
104 certified by them to the board of supervisors, it shall be the  
105 duty of the board of supervisors to determine and adjudicate  
106 whether or not a majority of the qualified electors who voted  
107 thereon in the election voted in favor of the levy of the tax, and  
108 unless a majority of the qualified electors who voted thereon in  
109 the election voted in favor of the levy of the tax, then the tax  
110 shall not be levied. If a majority of the qualified electors who  
111 vote thereon in the election vote in favor of the levy of the tax,  
112 then the board of supervisors may levy the tax, in whole or in  
113 part, within six (6) months after the date of the election or the  
114 date of the final favorable termination of any litigation  
115 affecting the levy of the tax.

116 (c) Before the additional tax authorized under  
117 subsection (1)(b) of this section may be imposed, the board of  
118 supervisors shall adopt a resolution declaring its intention to  
119 levy the tax, setting forth the amount of the tax to be imposed,  
120 the date upon which the tax shall become effective and calling for  
121 an election to be held on the question. The date of the election  
122 shall be fixed in the resolution. Notice of such intention shall  
123 be published once each week for at least three (3) consecutive  
124 weeks in a newspaper published or having a general circulation in  
125 the county, with the first publication of the notice to be made  
126 not less than twenty-one (21) days before the date fixed in the  
127 resolution for the election and the last publication to be made  
128 not more than seven (7) days before the election. At the

129 election, all qualified electors of the county may vote, and the  
130 ballots used in the election shall have printed thereon a brief  
131 statement of the amount and purposes of the proposed tax levy and  
132 the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX"  
133 and the voters shall vote by placing a cross (X) or check (✓)  
134 opposite their choice on the proposition. When the results of the  
135 election shall have been canvassed and certified, the county may  
136 levy the tax if sixty percent (60%) of the qualified electors who  
137 vote in the election vote in favor of the tax. At least thirty  
138 (30) days before the effective date of the tax provided in this  
139 section, the board of supervisors shall furnish to the State Tax  
140 Commission a certified copy of the resolution evidencing such tax.

141       (3) (a) Persons liable for the tax imposed herein shall add  
142 the amount of tax to the sales price or gross proceeds of sales  
143 and shall collect, insofar as practicable, the amount of the tax  
144 due by him from the person receiving the services at the time of  
145 payment therefor:

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

153       (c) The proceeds of the tax, less three percent (3%) to  
154 be retained by the State Tax Commission to defray the cost of  
155 collection, shall be paid to the board of supervisors of the  
156 county on or before the fifteenth day of the month following the  
157 month in which collected by the State Tax Commission.

158       (d) The proceeds of the tax shall not be considered by  
159 the county as general fund revenues and shall be dedicated to and  
160 used by the bureau solely for the promotion of tourism and  
161 tourism-related activities in the county.

162           Section 3. (1) The funds derived from the proceeds of the  
163 tax authorized in Section 2 of this act shall be expended by the  
164 Hancock County Tourism Bureau, created by this act and to be  
165 composed of nine (9) members, appointed as provided in this  
166 section. The board of supervisors shall appoint four (4) members  
167 of the bureau. The Mayor and the City Council of the City of Bay  
168 St. Louis, respectively, each shall appoint one (1) member to the  
169 bureau. The Mayor and Board of Aldermen of the City of Waveland,  
170 respectively, each shall appoint one (1) member to the bureau.  
171 The Hancock County Chamber of Commerce shall appoint one (1)  
172 member to the bureau. Each person appointed as a member to the  
173 bureau may be engaged in or employed by tourism-related businesses  
174 in Hancock County.

175           (2) The members of the bureau shall be appointed within  
176 sixty (60) days after the effective date of this act in the  
177 following manner: Two (2) members shall be appointed to serve for  
178 terms of one (1) year, four (4) members shall be appointed to  
179 serve for terms of two (2) years, and three (3) members shall be  
180 appointed to serve for terms of three (3) years. The board of  
181 supervisors, the governing authorities of the Cities of Bay St.  
182 Louis and Waveland, and the Hancock County Chamber of Commerce  
183 shall draw lots to determine which of the nine (9) members of the  
184 bureau shall be appointed for the initial terms of office. After  
185 the expiration of the initial terms, all subsequent appointments  
186 shall be made for terms of three (3) years from the expiration  
187 date of the previous term, except that any appointment to fill a  
188 vacancy shall be for the remainder of the unexpired term only.  
189 Before entering on the duties of the office each member of the  
190 bureau shall enter into and give bond to be approved by the  
191 Secretary of State of the State of Mississippi in the sum of  
192 Fifteen Thousand Dollars (\$15,000.00) conditioned on the  
193 satisfactory performance of his duties. This bond premium shall  
194 be paid from the bureau's fund. Such bond shall be payable to

195 Hancock County and in the event of a breach thereof, suit may be  
196 brought by the county for the benefit of the bureau.

197 (3) The bureau shall adopt a set of bylaws which may include  
198 provisions that it deems appropriate but shall include provisions  
199 for the following:

200 (a) Procedures and times for its meetings following  
201 Roberts Rules of Order and complying with the Open Meetings Law of  
202 Mississippi, Section 25-41-1 et seq., Mississippi Code of 1972.

203 (b) The secretary-treasurer making a monthly report to  
204 the board of supervisors and the governing authorities of the  
205 Cities of Bay St. Louis and Waveland as to the current operational  
206 and financial status of the bureau and providing a written copy of  
207 such report.

208 (c) The bureau annually causing a complete review of  
209 all the books and accounts of the bureau to be made by an  
210 independent, certified public accountant and shall provide a copy  
211 to the board of supervisors and the governing authorities of the  
212 Cities of Bay St. Louis and Waveland.

213 (d) The bureau shall annually submit a copy of the  
214 proposed budget to the board of supervisors and the governing  
215 authorities of the Cities of Bay St. Louis and Waveland.

216 (4) (a) Within thirty (30) days after the initial  
217 appointments of the bureau have been made, the bureau shall meet  
218 and from their number choose a president, vice president and  
219 secretary-treasurer: These officers will serve for one-year terms  
220 and an election will be held annually to select officers.

221 (b) The bureau shall require the necessary and  
222 appropriate bond for persons authorized or responsible for the  
223 funds of the bureau. Any action taken by the bureau shall be  
224 official and may take place at regular, special or adjourned  
225 meetings.

226 (c) The officers of the bureau may be reimbursed for  
227 actual expenses including mileage and travel expenses, whether

228 within or without the State of Mississippi, incurred in the  
229 performance of their duties as authorized by Section 25-3-41,  
230 Mississippi Code of 1972.

231 (d) The officers of the bureau may employ any personnel  
232 and take any other acts they deem necessary to carry out in the  
233 mission of the bureau. The officers of the bureau shall set the  
234 level of compensation to be paid to the bureau's employees.

235 (e) The bureau shall at least annually develop a plan  
236 to attract visitors to and promote tourism in Hancock County.

237 Section 4. (1) The bureau shall have the authority to take  
238 any action necessary to effectuate the purposes and intent of this  
239 act.

240 (2) The bureau shall have the authority to (a) apply for and  
241 accept grants and loans on behalf of the board of supervisors, the  
242 governing authorities of the City of Bay St. Louis and the  
243 governing authorities of the City of Waveland, as appropriate,  
244 from the State of Mississippi or the United States of America or  
245 any agency thereof; and (b) contract with any agency of the State  
246 of Mississippi or the United States of America for the development  
247 and promotion of tourism in Hancock County.

248 Section 5. This act shall stand repealed on July 1, 2007.

249 **SECTION 2.** The Board of Supervisors of Hancock County,  
250 Mississippi, shall submit this act, immediately upon approval by  
251 the Governor, or upon approval by the Legislature subsequent to a  
252 veto, to the Attorney General of the United States or to the  
253 United States District Court for the District of Columbia in  
254 accordance with the provisions of the Voting Rights Act of 1965,  
255 as amended and extended.

256 **SECTION 3.** This act shall take effect and be in force from  
257 and after the date it is effectuated under Section 5 of the Voting  
258 Rights Act of 1965, as amended and extended.