

By: Representatives Bailey, Hines, Espy

To: Local and Private
Legislation

HOUSE BILL NO. 1823

1 AN ACT TO AMEND CHAPTER 816, LOCAL AND PRIVATE LAWS OF 1991,
2 AS LAST AMENDED BY CHAPTER 910, LOCAL AND PRIVATE LAWS OF 2003, TO
3 EXTEND THE REPEALER ON THE WASHINGTON COUNTY CONVENTION AND
4 VISITORS COMMITTEE; TO REQUIRE THE COMMITTEE TO MAKE CERTAIN
5 MONTHLY REPORTS; TO REQUIRE THAT CERTAIN ANNUAL FINANCIAL AUDITS
6 BE DELIVERED SIMULTANEOUSLY TO THE BOARD OF SUPERVISORS, THE
7 DISTRICT AND THE COMMITTEE; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 816, Local and Private Laws of 1991, as
10 amended by Chapter 953, Local and Private Laws of 1996, as amended
11 by Chapter 969, Local and Private Laws of 2000, as amended by
12 Chapter 910, Local and Private Laws of 2003, is amended as
13 follows:

14 Section 1. The Economic Development District of Washington
15 County, created pursuant to Section 19-5-99, Mississippi Code of
16 1972, is hereby authorized and empowered, in its discretion, to
17 create by resolution duly adopted and entered on its minutes, a
18 committee entitled the "Washington County Convention and Visitors
19 Committee," to be operated under the umbrella and authority of the
20 Economic Development District of Washington County.

21 Section 2. The Economic Development District of Washington
22 County may empower the committee upon approval of the district as
23 follows:

24 (a) To exercise activities relating to establishing,
25 promoting and developing tourism within the county;

26 (b) To furnish, equip, staff and operate any and all
27 facilities and equipment necessary or useful in the promotion of
28 tourism within the county;

29 (c) To receive and expend revenues from any sources,
30 including, but not limited to, private enterprise and those
31 revenues provided by this act;

32 (d) To lease or contract for any equipment useful and
33 necessary in the promotion of tourism and convention business; and

34 (e) To have and exercise all powers necessary or
35 convenient to effect any and all of the purposes for which the
36 committee is organized, except that the committee may not own or
37 sell real property, and further, to appoint and employ individuals
38 and agencies acting in its behalf for any and all of the
39 aforementioned powers and responsibilities.

40 Section 3. (1) For the purposes of providing funds to
41 promote tourism and conventions in Washington County, the Board of
42 Supervisors of Washington County is hereby authorized to levy and
43 assess against and to collect from every person operating a hotel,
44 motel or restaurant or on-premises retailer's permit which are
45 legal under the provisions of Chapter 1, Title 67, Mississippi
46 Code of 1972, (hereinafter referred to as "taxable
47 establishments") in Washington County an assessment in addition to
48 all other taxes now imposed, which shall not exceed a sum equal to
49 one percent (1%) of the gross proceeds of sales of such taxable
50 establishments in Washington County, excluding any charges which
51 are exempt from taxes levied under the Mississippi Sales Tax Law,
52 Chapter 65, Title 27, Mississippi Code of 1972. Persons liable
53 for the tax imposed herein shall add the amount of such tax to the
54 sales price or gross income and, in addition, shall collect,
55 insofar as practicable, the amount of the tax due by him from the
56 purchaser at the time the sales price or gross income is
57 collected. All words, terms and phrases used herein shall have
58 the same meanings ascribed to them in Chapter 65, Title 27,
59 Mississippi Code of 1972.

60 This tax shall not apply to restaurants that have gross
61 proceeds of sales or gross income of less than One Hundred

62 Thousand Dollars (\$100,000.00) per calendar year. In order to
63 calculate gross proceeds of sales or gross income, the sales or
64 income of all of the establishments owned, operated or controlled
65 by the same person, persons or corporation shall be aggregated.

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

71 (3) For the purposes of this act, "restaurant" means a place
72 which is regularly engaged in serving cooked or prepared meals to
73 customers for compensation for on- or off-premises consumption,
74 including restaurants and lunch counters located in other retail
75 establishments, but shall not include delicatessen departments of
76 grocery and convenience stores which do not provide seating
77 facilities for customers for on-premises consumption of meals.
78 Restaurants and establishments selling alcoholic beverages
79 operated by bona fide private clubs organized for some common
80 object other than the sale of goods and alcoholic beverages are
81 exempt from the tax authorized herein.

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

88 (5) The proceeds of such tax less three percent (3%) to be
89 retained by the State Tax Commission to defray the costs of
90 collection shall be paid to the convention and visitors committee
91 on or before the fifteenth day of the month following the month in
92 which collected.

93 (6) The proceeds of the tax shall not be considered by
94 Washington County or any municipality therein as general fund

95 revenues, but shall be dedicated solely for the purpose of
96 carrying out the programs and activities of the committee. The
97 Washington County Convention and Visitors Committee may allocate
98 annually an amount not to exceed Twenty-five Thousand Dollars
99 (\$25,000.00) per year to Washington County, Mississippi, in
100 consideration of use of county facilities and support services.

101 Section 4. (1) The funds herein authorized shall be
102 expended by the convention and visitors committee upon approval by
103 the Economic Development District of Washington County. The
104 committee shall be composed of nine (9) members to be appointed by
105 the district as hereinafter provided. Five (5) members of the
106 committee shall be the five (5) members appointed to the district
107 by the board of supervisors and the presiding officer of the
108 district shall appoint four (4) members of the committee. The
109 four (4) members appointed by the presiding officer shall consist
110 of one (1) member from the Greenville Area Chamber of Commerce,
111 one (1) member from the alcoholic beverage sales business, one (1)
112 member from the hotel or motel business, and one (1) member from
113 the restaurant business. In the selection of committee members,
114 the district shall make every effort to select individuals who are
115 knowledgeable of, or actively involved in, the tourism industry.
116 The committee shall be appointed within sixty (60) days following
117 the passage of this act, and the members shall serve for terms of
118 three (3) years. The term of the member appointed by the
119 presiding officer of the Economic Development District of
120 Washington County from the alcoholic beverage sales business shall
121 expire on the effective date of House Bill No. 1714, 2000 Regular
122 Session, and from and after such date, such position on the
123 Washington County Convention and Visitors Committee shall be
124 filled by one (1) at large member appointed by the presiding
125 officer of the Economic Development District of Washington County.

126 (2) All subsequent appointments shall be made for terms of
127 three (3) years, except that the appointment to fill a vacancy
128 shall be for the unexpired term only.

129 (3) The members of the committee shall serve without
130 compensation and shall elect officers and adopt rules and
131 regulations. The committee shall further fix a regular meeting
132 date, but may provide for special meetings. The committee shall
133 keep minutes of its proceedings, as are necessary to carry out its
134 responsibilities under this act. On the last day of each month,
135 the committee shall file with the Chancery Clerk of Washington
136 County a copy of its approved minutes and of its accounting of
137 receipts and expenditures and any other financial statements
138 pertaining to the committee's actions during that month. A quorum
139 of the committee shall consist of five (5) members.

140 (4) Any member of the committee may be removed from office
141 by the district for one (1) of the following reasons:

142 (a) Conviction of a felony; or

143 (b) Failure to attend three (3) consecutive meetings
144 without just cause.

145 If a member of the committee is removed for one (1) of the
146 above reasons, the vacancy shall be filled in the manner
147 prescribed in this section.

148 Section 5. The tax authorized in this act shall not be
149 levied until the board of supervisors shall have adopted a
150 resolution favoring the tax levy and fixing the amount of the tax
151 levy and the date on which the tax levy is proposed to commence,
152 which shall be the first day of a month, and the board shall have
153 published notice of its intention to levy the tax. The notice
154 shall be published once each week for at least three (3)
155 consecutive weeks in a newspaper having a general circulation in
156 the county. The first publication of such notice shall be made
157 not less than twenty-one (21) days prior to the date fixed in the
158 resolution on which the board proposes to levy such tax, and the

159 last publication shall be made not more than seven (7) days prior
160 to such date. If, within the time of giving notice, twenty
161 percent (20%) or fifteen hundred (1500), whichever is less, of the
162 qualified electors of the county shall file a written petition
163 against the levy of such tax then such tax shall not be levied
164 unless authorized by a majority of the qualified electors of such
165 county, voting at an election to be called and held for that
166 purpose. Prior to the effective date of the tax levy approved as
167 herein provided, the board of supervisors shall furnish to the
168 Chairman of the State Tax Commission a certified copy of the
169 resolution evidencing such tax levy.

170 Section 6. Before the expenditure of funds herein
171 prescribed, a budget reflecting the anticipated receipts and
172 expenditures for such purposes as promotion, advertising and
173 operation shall be approved by the board of supervisors. The
174 first budget of receipts and expenditures shall cover the period
175 beginning with the effective date of the tax and ending with the
176 end of the county's fiscal year and, thereafter, the budget shall
177 be on the same fiscal basis as the budget of Washington County.

178 Section 7. Accounting for receipts and expenditures of the
179 funds herein described shall be made separately from the
180 accounting of receipts and expenditures of the committee and the
181 district and from the general fund and any other funds of
182 Washington County. The records reflecting the receipts and
183 expenditures of the funds prescribed herein shall be audited
184 annually by an independent certified public accountant, and the
185 accountant shall make a written report of his audit which shall be
186 simultaneously delivered to the board of supervisors, the district
187 and the committee. Such audit shall be made and completed as soon
188 as practicable after the close of the fiscal year and the expenses
189 of such audit may be paid from the funds derived pursuant to
190 Section 3 of this act.

191 Section 8. The provisions of Sections 1 through 7 of this
192 act shall be repealed on July 1, 2011.

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