

By: Representative Bennett

To: Local and Private  
Legislation

HOUSE BILL NO. 1716

1 AN ACT TO AMEND CHAPTER 58, LAWS OF THE EXTRAORDINARY SESSION  
2 OF 1954, AS LAST AMENDED BY CHAPTER 943, LOCAL AND PRIVATE LAWS OF  
3 2010, TO RENAME THE HARRISON COUNTY TOURISM COMMISSION THE  
4 MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU; TO  
5 PROVIDE THAT FROM AND AFTER JULY 1, 2013, ALL RIGHTS OF OFFICE OF  
6 MEMBERS SERVING ON THE HARRISON COUNTY TOURISM COMMISSION OR THE  
7 MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU  
8 PRIOR TO JULY 1, 2013, ARE TERMINATED AND TO PROVIDE FOR THE  
9 MEMBERSHIP OF THE BUREAU TO BE APPOINTED BY THE BOARDS OF  
10 SUPERVISORS OF HARRISON, HANCOCK AND JACKSON COUNTIES; TO REQUIRE  
11 THE MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU  
12 TO ENTER INTO OPERATING AGREEMENTS WITH HARRISON, HANCOCK AND  
13 JACKSON COUNTIES; TO PROVIDE THAT ALL PROPERTY, FUNDS, MONEY,  
14 ACCOUNTS, RECORDS, CONTRACTS AND OTHER OBLIGATIONS HELD IN THE  
15 NAME OF THE HARRISON COUNTY TOURISM COMMISSION SHALL, WITH CERTAIN  
16 EXCEPTIONS, BE DEEMED TO BE HELD IN THE NAME OF THE MISSISSIPPI  
17 GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU; AND FOR  
18 RELATED PURPOSES.

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

20 **SECTION 1.** Chapter 58, Laws of the Extraordinary Session of  
21 1954, as amended by Chapter 810, Local and Private Laws of 1966,  
22 as amended by Chapter 820, Local and Private Laws of 1972, as  
23 amended by Chapter 973, Local and Private Laws of 1979, as amended  
24 by Chapter 881, Local and Private Laws of 1980, as amended by  
25 Chapter 918, Local and Private Laws of 1990, as amended by Chapter  
26 882, Local and Private Laws of 1991, as amended by Chapter 937,



27 Local and Private Laws of 1995, as amended by Chapter 989, Local  
28 and Private Laws of 1999, as amended by Section 13, Chapter 1012,  
29 Local and Private Laws of 2004, as amended by Chapter 942, Local  
30 and Private Laws of 2008, as amended by Chapter 943, Local and  
31 Private Laws of 2010, is amended as follows:

32 Section 1. The Board of Supervisors of Harrison County,  
33 Mississippi, in its discretion, may levy a special ad valorem tax  
34 not in excess of one (1) mill upon all the taxable property within  
35 the county to provide funds for the \* \* \* Mississippi Gulf Coast  
36 Regional Convention and Visitors Bureau for the purpose of  
37 advertising, promoting conventions, and bringing into favorable  
38 notice the opportunities, possibilities and tourism resources  
39 of \* \* \* Harrison, Hancock and Jackson Counties.

40 Section 2. (1) For the purposes of providing funds to  
41 promote tourism and conventions in Harrison County, there is  
42 hereby levied and assessed against and shall be collected from  
43 every person, firm or corporation operating hotels or motels in  
44 Harrison County an assessment which shall be equal to three  
45 percent (3%) of the gross proceeds from room rental of all such  
46 hotels or motels in Harrison County in addition to the tax imposed  
47 under Section 2, Chapter 1012, Local and Private Laws of 2004 and  
48 all other taxes now imposed. Persons liable for the tax imposed  
49 herein shall add the amount of tax to the room rental and in  
50 addition thereto shall collect, insofar as practicable, the amount



51 of the tax due by him from the person receiving the services or  
52 goods at the time of payment therefor.

53 (2) For the purposes of this act \* \* \*:

54 (a) "Bureau" means the Mississippi Gulf Coast Regional  
55 Convention and Visitors Bureau.

56 (b) "Hotel" and "motel" \* \* \* means a place of lodging  
57 as defined in the General Laws of 2007, Chapter 526, Section 3 and  
58 codified in Section 27-65-23.1, Mississippi Code of 1972, as  
59 amended, and as adopted by the Board of Supervisors of Harrison  
60 County, Mississippi, by Resolution dated May 7, 2007, and that at  
61 any one time will accommodate transient guests on a daily or  
62 weekly basis and that are known to the trade as such, including  
63 hotels, motels, bed and breakfast inns, time-share condominiums,  
64 tourist courts, rooming houses or other places where sleeping  
65 accommodations are furnished or offered for pay if one or more  
66 rooms are available for transient guests, excluding nursing homes  
67 or institutions for the aged or infirm as defined in Section  
68 43-11-1 and personal care homes.

69 (3) \* \* \* The tax shall be collected by and paid to  
70 the \* \* \* Department of Revenue on a form to be prescribed by  
71 the \* \* \* Department of Revenue in the same manner that state  
72 sales taxes are collected and paid; and the full enforcement  
73 provisions and all other provisions of the Mississippi Sales Tax  
74 Law shall apply as necessary for the implementation and  
75 administration of this act.



76 (4) On or before the fifteenth day of the month following  
77 the month in which collected, the proceeds of such tax, less three  
78 percent (3%) to be retained by the \* \* \* Department of Revenue to  
79 defray the costs of collection, shall be paid by the \* \* \*  
80 department, as follows, for expenditure as authorized in this act:

81 (a) Until the date that the bonds issued by the board  
82 of supervisors after May 1, 1995, and prior to the effective date  
83 of House Bill No. 1823, 2004 Regular Session, for the purpose of  
84 defraying the cost of expanding the Mississippi Coast Coliseum and  
85 Convention Center are retired:

86 (i) Two-thirds (2/3) of the proceeds shall be paid  
87 to the \* \* \* bureau.

88 (ii) One-third (1/3) of the proceeds shall be paid  
89 to the Board of Supervisors of Harrison County.

90 (b) From and after the date that the bonds issued by  
91 the board of supervisors after May 1, 1995, and prior to the  
92 effective date of House Bill No. 1823, 2004 Regular Session, for  
93 the purpose of defraying the cost of expanding the Mississippi  
94 Coast Coliseum and Convention Center, are retired:

95 (i) Two-thirds (2/3) of the proceeds shall be paid  
96 to the \* \* \* bureau.

97 (ii) Twenty-five percent (25%) of the remaining  
98 one-third (1/3) of the proceeds shall be paid to the \* \* \* bureau  
99 and seventy-five percent (75%) of the remaining one-third (1/3) of



100 the proceeds shall be paid to the Board of Supervisors of Harrison  
101 County.

102 Section 3. (1) The Harrison County Tourism Commission is  
103 renamed the Mississippi Gulf Coast Regional Convention and  
104 Visitors Bureau. From and after July 1, 2013, all rights of  
105 office of members serving on the Harrison County Tourism  
106 Commission or the bureau prior to July 1, 2013, are terminated.  
107 From and after July 1, 2013, the bureau shall be composed of \* \* \*  
108 fifteen (15) members, appointed as \* \* \* provided in this section.

109 (2) (a) The board of supervisors of Harrison County shall  
110 appoint \* \* \* nine (9) members of the \* \* \*  
111 bureau with at least one (1) member from each district of a  
112 supervisor upon the recommendation of such supervisor. No  
113 supervisor may nominate any person from another supervisor's  
114 district to be a member of the bureau. In the selection of  
115 commissioners, the board should consider persons who are community  
116 leaders and/or are knowledgeable of, or actively involved in, the  
117 tourism industry.

118 (b) The \* \* \* members appointed pursuant to this  
119 subsection shall be appointed within sixty (60) days of the  
120 effective date of this act, in the following manner:

121 ( \* \* \* i) Two (2) members for one (1) year.

122 ( \* \* \* ii) Two (2) members for two (2) years.

123 ( \* \* \* iii) \* \* \* Two (2) members for three (3)

124 years.



125 ( \* \* \* iv) \* \* \* Two (2) members for four (4)  
126 years.

127 ( \* \* \* y) One (1) member for five (5) years.

128 \* \* \*

129 (c) All subsequent appointments shall be made for  
130 five-year terms, except that the board shall appoint a member to  
131 fill a vacancy for the unexpired term only. \* \* \* No person  
132 appointed pursuant to this subsection may serve more than ten (10)  
133 years prospectively from the effective date of this act as a  
134 member of the bureau.

135 (3) (a) The Board of Supervisors of Hancock County shall  
136 appoint three (3) members.

137 (b) The Board of Supervisors of Jackson County shall  
138 appoint three (3) members.

139 (c) In the selection of commissioners, the board(s)  
140 should consider persons who are community leaders and/or are  
141 knowledgeable of, or actively involved in, the tourism industry.

142 (d) Each commissioner appointed from Hancock County and  
143 Jackson County pursuant to this subsection shall serve an initial  
144 term of two (2) years for purposes of providing each county with a  
145 reasonable period of time during which to indentify and commit  
146 appropriate sources of tourism funding, as determined by the  
147 bureau. In the event sources of funding comparable to those  
148 authorized by this chapter are not enacted upon the expiration of  
149 the two-year term, the seats of that county shall expire.



150           (e) (i) Upon expiration of the initial two-year term  
151 and if comparable funding is secured as required by paragraph (c)  
152 of this subsection, the subsequent appointments by the Board of  
153 Supervisors of Hancock County pursuant to this subsection shall be  
154 appointed within sixty (60) days after the expiration of the  
155 two-year term in the following manner:

- 156                           1. One (1) member for one (1) year;  
157                           2. One (1) member for three (3) years;  
158 and  
159                           3. One (1) member for five (5) years.

160           (ii) All subsequent appointments shall be made for  
161 five-year terms, except that the board shall appoint a member to  
162 fill a vacancy for the unexpired term only. No person appointed  
163 pursuant to this subsection may serve more than ten (10) years  
164 prospectively from the effective date of this act as a member of  
165 the bureau.

166           (f) (i) Upon expiration of the initial two-year term  
167 and if comparable funding is secured as required by paragraph (d)  
168 of this subsection, the subsequent appointments by the Board of  
169 Supervisors of Jackson County pursuant to this subsection shall be  
170 appointed within sixty (60) days after the expiration of the  
171 two-year term, in the following manner:

- 172                           1. One (1) member for one (1) year;  
173                           2. One (1) member for three (3) years;  
174 and



175 3. One (1) member for five (5) years.

176 (ii) All subsequent appointments shall be made for  
177 five-year terms, except that the board shall appoint a member to  
178 fill a vacancy for the unexpired term only. No person appointed  
179 pursuant to this subsection may serve more than ten (10) years  
180 prospectively from the effective date of this act as a member of  
181 the bureau.

182 \* \* \*

183 (4) All members appointed pursuant to Sections 2 and 3 may  
184 be removed by a majority vote of the appointing board of  
185 supervisors notwithstanding any time remaining on the term under  
186 which the appointee is serving.

187 ( \* \* \* 5) Before entering on the duties of the office each  
188 appointed member of the \* \* \* bureau shall enter into and give  
189 bond to be approved by the Secretary of State of the State of  
190 Mississippi in the sum of Fifty Thousand Dollars (\$50,000.00)  
191 conditioned on the satisfactory performance of his duties. This  
192 bond's premium shall be paid from the \* \* \* bureau fund. \* \* \*  
193 The bond shall be payable to Harrison County and in the event of a  
194 breach thereof, suit may be brought by the county for the benefit  
195 of the \* \* \* bureau. The \* \* \* bureau may authorize the payment  
196 of per diem not to exceed the uniform per diem rate provided in  
197 Section 25-3-69, Mississippi Code of 1972, to commission members  
198 for each day in the discharge of their official duties provided  
199 that the payment of per diem for appointees of Jackson and Hancock





200 Counties shall be made by the appointing board of supervisors of  
201 each member until such time the county is a financially  
202 participating member of the bureau. \* \* \* Per diem expenditures  
203 shall be included in the annual budget of the \* \* \* bureau \* \* \*.  
204 The \* \* \* bureau shall elect officers and adopt rules and  
205 regulations; and shall fix a regular meeting date, but may provide  
206 for special meetings. The \* \* \* bureau shall keep minutes of its  
207 proceedings, as are necessary to carry out its responsibilities  
208 under this act. \* \* \*

209 Section 4. Before the expenditures of funds allocated to it  
210 by this act, the \* \* \* bureau shall annually adopt a budget that  
211 will reflect the anticipated expenditures for promotion,  
212 advertising and operation. \* \* \* The budget shall be subject to  
213 the approval of the Harrison County Board of Supervisors and shall  
214 comply with all the requirements of the general laws of the State  
215 of Mississippi covering the advertisement for bids and the  
216 expenditure of funds. The annual budget shall also be subject to  
217 approval of the boards of supervisors of Hancock County and  
218 Jackson County if such counties are participating financially in  
219 the bureau. In the event that either Hancock County or Jackson  
220 County shall fail to approve the budget, that county shall no  
221 longer be a member of the bureau.

222 Section 5. (a) The \* \* \* bureau established hereunder shall  
223 have the authority to promote tourism and in this regard the \* \* \*  
224 bureau is empowered:



225 ( \* \* \*i) To receive and expend revenues from any  
226 sources including, but not limited to, private enterprise;

227 ( \* \* \*ii) To own, lease or contract for the use,  
228 purchase or lease of any real or personal property, including, but  
229 not limited to, furnishings, fixtures and any equipment useful and  
230 necessary in the promotion of tourism and convention business;

231 ( \* \* \*iii) To sell, convey or otherwise dispose  
232 of all or any part of its property and assets in accordance with  
233 general laws of the State of Mississippi providing for such  
234 disposal;

235 ( \* \* \*iv) To have and exercise all powers  
236 necessary or convenient to effect any and all of the purposes for  
237 which the commission is organized, and further, to appoint and  
238 employ individuals and agencies acting in its behalf for any and  
239 all of the aforementioned powers and responsibilities;

240 ( \* \* \*y) To have and exercise all powers  
241 necessary and convenient to conduct the business of promoting and  
242 managing conventions and to carry out the purposes of the  
243 convention staff of the Mississippi Coast Coliseum Commission by  
244 agreement between the \* \* \* commission and the bureau.

245 (b) The bureau shall enter into operating agreements  
246 with Harrison, Hancock and Jackson Counties. The operating  
247 agreements shall specify how the bureau will be operated by  
248 setting forth the following:



249                   (i) The respective duties, obligations and  
250 expected conduct of the members of the bureau, executive director  
251 and staff;

252                   (ii) The structure and guidelines for the  
253 operating committee;

254                   (iii) The mechanism for establishing strategic  
255 objectives with quantified key performance indicators;

256                   (iv) Provisions for insuring accountability by  
257 setting forth the method of communicating and reporting  
258 performance as measured against clearly articulated strategic  
259 objectives to each of the counties and tourism stakeholder  
260 associations;

261                   (v) Funding sources and the requirements for  
262 insuring public transparency, including compliance with  
263 Mississippi laws pertaining to public records and open meetings;

264                   (vi) Scoring guidelines for grant requests for  
265 tourism related activities; and

266                   (vii) Adoption of a code of ethics.

267           Section 6.   \* \* \*   (a) There is created a nonvoting advisory  
268 board to the Mississippi Gulf Coast Regional Convention and  
269 Visitors Bureau which shall include Mississippi Gulf Coast  
270 domiciled members of the boards of the following organizations,  
271 with each organization appointing one (1) member:

272                   (i) The Mississippi Hotel and Lodging Association;



273                    (ii) The Mississippi Hospitality and Restaurant  
274 Association;  
275                    (iii) The Mississippi Casino Operators Association;  
276                    (iv) The Mississippi Gulf Coast Attractions  
277 Association;  
278                    (v) The Mississippi Gulf Coast Golf Association;  
279                    (vi) The Mississippi Coast Sports Commission;  
280                    (vii) The Gulfport/Biloxi International Airport  
281 Authority; and  
282                    (viii) Any other related tourism associations  
283 deemed appropriate by the board of the Mississippi Gulf Coast  
284 Regional Convention and Visitors Bureau.

285                    (b) A designee from the Mississippi Coast Coliseum and  
286 Convention Center Commission and from any private sector  
287 organization committing resources to the Mississippi Gulf Coast  
288 Regional Convention and Visitors Bureau over a multi-year period  
289 that the bureau deems significant also shall serve on the advisory  
290 board. The advisory board members shall participate in all board  
291 meetings, other than executive sessions, and may serve on the  
292 various operating committees of the bureau.

293                    Section 7. All property, funds, money, accounts, records,  
294 contracts and other obligations now held in the name of the  
295 Harrison County Tourism Commission shall be deemed to be held in  
296 the name of the bureau; however, no contracts or other obligations  
297 entered into from and after March 1, 2013, through July 1, 2013,



298 shall become obligations of the bureau except upon an affirmative  
299 vote of the bureau that is conducted after July 1, 2013.

300 Section \* \* \*8. (1) Until the date the bonds issued by the  
301 county after May 1, 1995, but prior to the effective date of House  
302 Bill No. 1823, 2004 Regular Session, to defray the costs of  
303 expanding the Mississippi Coast Coliseum and Convention Center  
304 have been retired, and the bonds issued under the provisions of  
305 Sections 1 through 12 of House Bill No. 1823, 2004 Regular  
306 Session, have been retired, the Board of Supervisors of Harrison  
307 County shall deposit the funds allocated to it by Section 2(4) of  
308 this act into a special fund in the county treasury.

309 (2) Monies in the special fund shall be expended by the  
310 board of supervisors to:

311 (a) Pay the principal of and interest on up to Ten  
312 Million Dollars (\$10,000,000.00) of general obligation bonds  
313 issued by the county after May 1, 1995, but prior to the effective  
314 date of House Bill No. 1823, 2004 Regular Session, to defray the  
315 costs of expanding the Mississippi Coast Coliseum and Convention  
316 Center, and/or

317 (b) Pay the principal of and interest on general  
318 obligation bonds issued by the county pursuant to Sections 1  
319 through 12 of House Bill No. 1823, 2004 Regular Session.

320 Section \* \* \*9. \* \* \* The Board of Supervisors of Harrison  
321 County, Mississippi, and the bureau, may, in their discretion,  
322 enter into contracts with not-for-profit organizations to provide



323 services for advertising, marketing, and promotion of tourism and  
324 conventions and other related activities \* \* \* .

325 \* \* \*

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

