

By: Representatives Gibbs (72nd), Bell
(65th), Clarke, Dortch, Holloway, Sykes,
Wooten

To: Local and Private
Legislation

HOUSE BILL NO. 1637
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 909, LOCAL AND PRIVATE LAWS OF 1999,
2 AS LAST AMENDED BY CHAPTER 937, LOCAL AND PRIVATE LAWS OF 2015, TO
3 REVISE THE MEMBERSHIP OF THE JACKSON CONVENTION AND VISITORS
4 BUREAU; TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE
5 EVALUATION AND EXPENDITURE REVIEW TO CONDUCT AN EVALUATION OF THE
6 BUREAU; TO EXTEND UNTIL JULY 1, 2019, THE REPEAL DATE ON THE
7 PROVISIONS OF LAW THAT CREATE THE JACKSON CONVENTION AND VISITORS
8 BUREAU AND IMPOSE A TAX ON THE GROSS PROCEEDS OF SALES OF
9 RESTAURANTS, HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING FUNDS
10 FOR THE BUREAU; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Chapter 909, Local and Private Laws of 1999, as
13 amended by Chapter 941, Local and Private Laws of 2004, as amended
14 by Chapter 958, Local and Private Laws of 2008, as amended by
15 Chapter 954, Local and Private Laws of 2011, as amended by Chapter
16 937, Local and Private Laws of 2015, is amended as follows:

17 Section 1. As used in this act, the following terms shall
18 have the meanings ascribed to them in this section unless
19 otherwise clearly indicated by the context in which they are used:

20 (a) "Bureau" means the Jackson Convention and Visitors
21 Bureau.



22 (b) "Council" means the City Council of the City of
23 Jackson, Mississippi.

24 (c) "Hotel" or "motel" means and includes a place of
25 lodging that at any one time will accommodate transient guests on
26 a daily or weekly basis and that is known to the trade as such,
27 and which is located within the city limits of Jackson,
28 Mississippi. Such terms shall not include a place of lodging with
29 ten (10) or less rental units.

30 (d) "Mayor" means the Mayor of the City of Jackson,
31 Mississippi.

32 (e) "Restaurant" means and includes all places where
33 prepared food is sold and whose annual gross proceeds of sales or
34 gross income for the preceding calendar year equals or exceeds One
35 Hundred Thousand Dollars (\$100,000.00), and which are located
36 within the city limits of Jackson, Mississippi. The term
37 "restaurant" shall not include any nonprofit organization that is
38 exempt from federal income taxation under Section 501(c)(3) of the
39 Internal Revenue Code. For the purpose of calculating gross
40 proceeds of sales or gross income, the sales or income of all
41 establishments owned, operated or controlled by the same person,
42 persons or corporation shall be aggregated.

43 Section 2. There is hereby created the Jackson Convention
44 and Visitors Bureau to be constituted and appointed as provided in
45 Section 3 of this act.



46 Section 3. (1) The Jackson Convention and Visitors Bureau
47 shall consist of nine (9) members, who shall be appointed, qualify
48 and take office within * * * ninety (90) days of the enactment of
49 this act, and the appointments to the bureau and the initial terms
50 of the appointments shall be as follows:

51 (a) Two (2) hotel/motel members representing hotel or
52 motel properties located within the city limits of Jackson,
53 Mississippi, appointed by the mayor with confirmation by the
54 council for terms of two (2) and four (4) years, respectively.
55 These members and their successors shall be appointed by the mayor
56 with confirmation by the council after being selected from a panel
57 of two (2) names for each membership position submitted by the
58 Jackson Chapter of the Mississippi Hotel and Lodging Association.

59 (b) Two (2) restaurant members appointed by the mayor
60 with confirmation by the council for terms of two (2) and four (4)
61 years, respectively. These members and their successors shall be
62 appointed by the mayor with confirmation by the council after
63 being selected from a panel of two (2) names for each membership
64 position submitted by the Jackson Chapter of the Mississippi
65 Hospitality and Restaurant Association.

66 (c) One (1) member representing the business community
67 in the City of Jackson appointed by the mayor with confirmation by
68 the council for a term of two (2) years. This member and his or
69 her successors shall be appointed by the mayor with confirmation
70 by the council after being selected from a panel of two (2) names



71 submitted by the Jackson Chamber of Commerce. The names submitted
72 by the Jackson Chamber of Commerce shall be those of persons who
73 represent businesses located within the city limits of Jackson,
74 Mississippi.

75 (d) One (1) member representing the arts community in
76 the City of Jackson appointed by the mayor with confirmation by
77 the council for a term of two (2) years.

78 (e) One (1) member representing the * * * Capital City
79 Convention Center Commission appointed by the mayor with
80 confirmation by the council for a term of four (4) years. This
81 member and his or her successors shall be the Administrator of the
82 Capital City Convention Center Commission or a member of the
83 Capital City Convention Center Commission.

84 (f) One (1) member representing the attractions
85 industry in the City of Jackson appointed by the mayor with
86 confirmation by the council for a term of two (2) years. This
87 member and his or her successors shall be residents of the City of
88 Jackson appointed by the mayor with confirmation by the council
89 after being selected from a panel of two (2) names submitted by
90 the Metro Jackson Attractions Association.

91 (g) One (1) at-large member appointed by the mayor with
92 confirmation by the council for a term of four (4) years.

93 (2) (a) All succeeding appointments shall be made for a
94 term of four (4) years from the date of expiration of the initial
95 appointment. Any vacancy which may occur shall be filled by the



96 mayor within ninety (90) days after such vacancy occurs in the
97 same manner as the original appointment and shall be made for the
98 unexpired term. Each member of the bureau shall serve until his
99 or her successor is appointed and qualified.

100 (b) No member of the bureau shall be an employee of the
101 City of Jackson or Hinds County. No member of the bureau shall be
102 an elected official.

103 (3) Any member may be disqualified and removed from office
104 for any one (1) of the following reasons:

105 (a) Conviction of a felony; or

106 (b) Failure to attend three (3) consecutive meetings
107 without just cause; or

108 (c) Illegal use of a bureau motor vehicle as provided
109 in Section 12 of this act.

110 If a member of the bureau is removed for one (1) of the above
111 reasons, the vacancy shall be filled in the manner prescribed in
112 this section.

113 Section 4. Before entering upon the duties of the office,
114 each appointed member of the bureau shall enter into and give bond
115 to be approved by the Secretary of State of Mississippi in the sum
116 of Twenty-five Thousand Dollars (\$25,000.00), conditioned upon the
117 faithful performance of his or her duties. Such bond shall be
118 payable to the State of Mississippi and, in the event of a breach
119 thereof, suit may be brought by the State of Mississippi for the
120 benefit of the bureau.



121 Section 5. When the members of the bureau shall have been
122 appointed and qualified as set forth herein, they shall establish
123 quarters and conduct a meeting after giving not less than ten (10)
124 days' notice of the time and place of such meeting by registered
125 mail, postage prepaid, directed to each appointed member of the
126 bureau at his or her regular address given to the Secretary of
127 State at the time of his or her qualification and posting bond.
128 At such meeting a quorum shall consist of a majority of the
129 members of the bureau and a majority of those members attending
130 shall elect a president and secretary, both of whom shall be
131 members of the bureau, and adopt such rules and regulations as may
132 govern the time and place for holding subsequent meetings, regular
133 and special, and other rules and regulations not inconsistent with
134 the provisions of this act.

135 The bureau is further authorized to contract for the
136 employment of personnel, supplies, furnishings and other
137 facilities necessary to administer the affairs and duties of the
138 bureau and to pay for same out of the revenue provided by this
139 act.

140 Section 6. The bureau shall have jurisdiction and authority
141 over all matters relating to the establishment, promotion and
142 development of tourism and conventions and related matters within
143 the City of Jackson, Mississippi.

144 The bureau is authorized to contract for the furnishing,
145 equipping and operation of any facilities necessary or useful in



146 the promotion of tourism and conventions, to receive and expend,
147 subject to the provisions of this act, revenues from any source.

148 Section 7. (1) For the purpose of providing funds for the
149 promotion of tourism and conventions, there is hereby levied,
150 assessed and shall be collected from every person engaging in or
151 doing business in the City of Jackson, Mississippi, as specified
152 herein, a tax which may be cited as a "tourist and convention
153 tax," which shall be in addition to all other taxes now imposed,
154 as hereinafter provided.

155 (2) Such tax shall be one percent (1%) of the gross proceeds
156 of sales of restaurants, hotels and motels, including, but not
157 limited to, sales of beer and alcoholic beverages sold to be
158 consumed on the premises.

159 (3) Persons liable for the tax imposed herein shall add the
160 amount of tax to the sales price or gross proceeds of sales, and
161 in addition thereto shall collect, insofar as practicable, the
162 amount of the tax due by him from the person receiving the
163 services or goods at the time of payment therefor.

164 (4) Such tax shall be collected by and paid to the
165 Department of Revenue on a form prescribed by the Department of
166 Revenue, in the same manner that state sales taxes are computed,
167 collected and paid; and the full enforcement provisions and all
168 other provisions of Chapter 65, Title 27, Mississippi Code of
169 1972, shall apply as necessary to the implementation and
170 administration of this act.



171 (5) The proceeds of such tax, less three percent (3%)
172 thereof which shall be retained by the Department of Revenue to
173 defray the cost of collection, shall be paid to the city on or
174 before the fifteenth day of the month following the month in which
175 collected by the Department of Revenue. The city, in turn, shall
176 remit the funds to the bureau not later than ten (10) days after
177 receiving the funds from the Department of Revenue.

178 (6) The proceeds of the tax shall not be considered by the
179 city as general fund revenues and shall be dedicated solely for
180 the purpose of carrying out programs and activities which are
181 designated by the Jackson Convention and Visitors Bureau and which
182 are designed to attract conventions and tourists into Jackson,
183 Mississippi.

184 (7) As a condition of the receipt of any funds provided by
185 the bureau for the support of any event, the person or
186 organization receiving such funds shall provide the bureau with a
187 written accounting of all expenditures of such funds. Such
188 accounting shall be made available to the public under the
189 provisions of the Mississippi Public Records Act of 1983.

190 Section 8. (1) Before the taxes authorized by this act
191 shall be imposed, the governing authorities of the City of Jackson
192 shall adopt a resolution declaring their intention to levy the
193 tax, setting forth the amount of such tax and establishing the
194 date on which this tax initially shall be levied and collected.



195 This date shall be not less than the first day of the second month
196 from the date of adoption of the resolution.

197 The resolution shall be published in a local newspaper at
198 least twice during the period from the adoption of the resolution
199 to the effective date of the taxation prescribed in this act, with
200 the last publication being made no later than ten (10) days prior
201 to the effective date of such taxation. A certified copy of the
202 resolution shall be furnished to the Department of Revenue at
203 least thirty (30) days prior to the date on which the tax shall be
204 initially levied and collected.

205 (2) If the tax levied under this chapter was imposed without
206 a vote of the electorate, the governing authorities of the City of
207 Jackson, Mississippi, shall, within sixty (60) days after the
208 effective date of Senate Bill No. 2910, 2015 Regular Session, by
209 resolution spread upon their minutes, declare the intention of the
210 governing authorities to continue imposing the tax and describe
211 the tax levy including the tax rate, annual revenue collections
212 and the purposes for which the proceeds are used. The resolution
213 shall be published once each week for at least three (3)
214 consecutive weeks in a newspaper having a general circulation in
215 the city. The first publication of the notice shall be made
216 within fourteen (14) days after the governing authorities adopt
217 the resolution declaring their intention to continue the tax. If,
218 on or before the date specified in the resolution for filing a
219 written protest, which date shall be not less than forty-five (45)



220 days and not more than sixty (60) days after the governing
221 authorities adopt the resolution, twenty percent (20%) or one
222 thousand five hundred (1,500), whichever is less, of the qualified
223 electors of the city file a written petition against the levy of
224 the tax, an election shall be called and held with the election to
225 be conducted at the next special election day as such is defined
226 by Section 23-15-833, Mississippi Code of 1972, occurring more
227 than sixty (60) days after the date specified in the resolution
228 for filing a written protest. The tax shall not be continued
229 unless authorized by a majority of the qualified electors of the
230 city, voting at the election. If the majority of qualified
231 electors voting in the election vote against the imposition of the
232 tax, the tax shall cease to be imposed on the first day of the
233 month following certification of the election results by the
234 election commissioners of the city to the governing authorities.
235 The governing authorities shall notify the Department of Revenue
236 of the date of the discontinuance of the tax and shall publish
237 sufficient notice thereof in a newspaper published or having a
238 general circulation in the city. If no protest is filed, then the
239 governing authorities shall state that fact in their minutes and
240 may continue the levy and assessment of the tax.

241 This subsection shall not apply if the revenue from the tax
242 authorized by this chapter has been contractually pledged for the
243 payment of debt incurred prior to the effective date of Senate
244 Bill No. 2910, 2015 Regular Session, until such time as the debt



245 is satisfied. Once the debt has been satisfied, the governing
246 authorities shall, within sixty (60) days, adopt a resolution
247 declaring the intention of the governing authorities to continue
248 the tax which shall initiate the procedure described in subsection
249 (1) of this section.

250 Section 9. Before the expenditure of funds herein
251 prescribed, a budget reflecting the anticipated receipts and
252 expenditures for such purposes as promotion, advertising and
253 operation, shall be approved by the bureau. The first budget of
254 receipts and expenditures shall cover the period beginning with
255 the effective date of the tax and ending with the end of the
256 city's fiscal year, and thereafter the budget shall be on the same
257 fiscal basis as the budget of the City of Jackson.

258 Section 10. Accounting for receipts and expenditures of the
259 funds herein described shall be the responsibility of the bureau
260 and shall be made separately from the accounting of receipts and
261 expenditures of the general fund and any other funds of the
262 municipality to which it is originally paid. The records
263 reflecting the receipts and expenditures of the funds prescribed
264 herein shall be audited annually by an independent certified
265 public accountant, and such accountant shall make a written report
266 of his or her audit to the City Clerk of Jackson and to the
267 bureau. The complete audit shall be made available by the bureau
268 to any person who requests a copy, under the provisions of
269 Sections 25-61-1 through 25-61-17, Mississippi Code of 1972, also



270 known as the "Mississippi Public Records Act of 1983." The audit
271 shall be made and completed as soon as practicable after the close
272 of the fiscal year, and the expenses of such audit may be paid
273 from the funds derived pursuant to Section 7 of this act. The
274 State Auditor of Public Accounts shall have the authority to
275 conduct audits of the bureau.

276 Section 11. The bureau shall not contract with any person
277 who is related to an employee of the bureau within the third
278 degree or who is the spouse of an employee of the bureau, nor
279 shall the bureau contract with a business entity of which an
280 employee of the bureau is an officer, director, owner, partner or
281 employee, or is a holder of more than ten percent (10%) of the
282 fair market value, or from which an employee of the bureau or his
283 or her relative within the third degree derives more than One
284 Thousand Dollars (\$1,000.00) in annual income, or over which an
285 employee of the bureau or his or her relative within the third
286 degree exercises control.

287 Section 12. No motor vehicle owned or leased by the bureau
288 shall be operated by any member or employee of the bureau except
289 in the performance of his or her official duties directly related
290 to the business of the bureau. Any violation of this prohibition
291 may be punished by removal from office or employment.

292 Section 13. The bureau shall be subject to Sections 25-61-1
293 through 25-61-17, Mississippi Code of 1972, also known as the
294 "Mississippi Public Records Act of 1983."



295 Section 14. (1) (a) The Joint Legislative Committee on
296 Performance Evaluation and Expenditure Review (PEER Committee)
297 shall conduct a review of the bureau, which shall include, but not
298 be limited to, accounting practices, office operations,
299 administration, staffing, resource utilization and other best
300 practices of facility management. The review shall be provided to
301 the Lieutenant Governor, Speaker of the House, the Chairman of the
302 Senate Local and Private Committee, the Chairman of the House of
303 Representatives Local and Private Committee, each member of the
304 Senate and House of Representatives who represents a portion of
305 the City of Jackson, the mayor and members of the council by not
306 later than December 15, 2018. The report shall also be posted on
307 the PEER Committee website.

308 (b) The PEER Committee may contract with a private
309 contractor or contractors to conduct the review, or any part or
310 parts thereof required by this section.

311 (2) (a) In the event that the PEER Committee determines
312 that contractors should be used, it shall seek competitive
313 proposals for services and select the lowest and best proposal or
314 proposals.

315 (b) The bureau shall be legally and unconditionally
316 obligated to pay the expenses of any work performed by any such
317 contractor or contractors utilized by the PEER Committee as
318 provided in paragraph (c) of this subsection to perform the work
319 described in subsection (1) of this section.



320 (c) Upon completion of the review and after the
321 Executive Director of the PEER Committee has accepted the work
322 product of the contractor or contractors, the contractor or
323 contractors utilized shall submit to the bureau an invoice or
324 invoices for the costs of services rendered in an amount not to
325 exceed One Hundred Thousand Dollars (\$100,000.00), in the
326 aggregate. In the event that the contractor or contractors are
327 not paid within forty-five (45) days of submitting the invoice or
328 invoices, the contractor or contractors shall notify the PEER
329 Committee of the failure to make payment. In such case, the
330 Executive Director of the PEER Committee shall give notice to the
331 Commissioner of Revenue. Upon receipt of the notice, the
332 Commissioner of Revenue shall immediately impound the revenue from
333 the tax levied by authority of this act until such time as
334 sufficient funds are accumulated to pay the contractor or
335 contractors. At that time, the Department of Revenue shall pay
336 the invoice or invoices from the impounded funds.

337 (d) The review required by this section shall be
338 prepared for the purpose of benefiting the City of Jackson in the
339 administration of its visitors' and convention programs, and for
340 the purpose of assisting the Legislature in determining the need
341 for continued authorization of the taxes levied by this act.

342 Section * * * 15. This act shall stand repealed from and
343 after July 1, * * * 2019.



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

