

By: Representatives Currie, Eure, McKnight, Calvert, Faulkner, Gibbs (72nd), Foster, McCray, Paden To: Rules

HOUSE BILL NO. 1791 (As Sent to Governor)

1 AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS
2 OF FUNDS OUT OF THE BUDGET CONTINGENCY FUND TO CERTAIN SPECIAL
3 FUNDS CREATED BY THIS ACT; TO CREATE THE "MISSISSIPPI TOURISM
4 RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE
5 ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR
6 THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING
7 ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING
8 ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING
9 ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS
10 ACT; TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT OF FINANCE
11 AND ADMINISTRATION SHALL DISTRIBUTE FUNDS TO DESTINATION MARKETING
12 ORGANIZATIONS UNDER THIS ACT; TO TRANSFER UNEXPENDED MONIES IN THE
13 FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION
14 FUND; TO CREATE THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND"
15 AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE
16 DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF
17 PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS
18 ASSOCIATED WITH CLEANING, DISINFECTION, SOCIAL DISTANCING MEASURES
19 AND OTHER HEALTH AND SAFETY MEASURES NECESSARY IN ORDER TO REOPEN
20 TO THE PUBLIC DUE TO THE CORONAVIRUS 2019; TO TRANSFER UNEXPENDED
21 MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT
22 COMPENSATION FUND; TO AMEND SECTION 57-1-64.1, MISSISSIPPI CODE OF
23 1972, TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI TOURISM
24 ASSOCIATION MARKETING ADVISORY BOARD; AND FOR RELATED PURPOSES.

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

26 SECTION 1. The COVID-19 public health emergency has had a
27 significant negative impact on Mississippi's tourism industry and
28 its nonprofit museums. The funds provided in this act are
29 necessary expenditures related to COVID-19, the purpose of which



30 is to publicize the resumption of tourism activities and steps
31 taken to ensure a safe tourism experience and to assist nonprofit
32 museums with costs associated with cleaning, disinfection, social
33 distancing measures and/or other health and safety measures
34 necessary for such museums to reopen to the public.

35 **SECTION 2.** (1) Upon the effective date of this act, the
36 State Fiscal Officer shall transfer the sum of Fourteen Million
37 Dollars (\$14,000,000.00) from the Budget Contingency Fund to the
38 Mississippi Tourism Recovery Fund created by Section 3 of this
39 act.

40 (2) Upon the effective date of this act, the State Fiscal
41 Officer shall transfer the sum of One Million Dollars
42 (\$1,000,000.00) from the Budget Contingency Fund to the
43 Mississippi Nonprofit Museums Recovery Fund created by Section 4
44 of this act.

45 **SECTION 3.** (1) As used in this section, the following words
46 and phrases shall have the meanings ascribed in this section
47 unless the context clearly indicates otherwise:

48 (a) "Destination marketing organization" means special
49 local governmental units created by local and private laws of the
50 State of Mississippi for the purpose of tourism promotion, funded
51 by special local tax levies, and staffed with professionals
52 engaged in out-of-state tourism marketing and tourism product
53 development for municipalities, counties and/or regions.



54 (b) "Marketing activities" means multimedia marketing
55 and advertising, including digital media, broadcast media and
56 printed media, including travel publications, production, travel
57 market sector analysis, consumer travel sentiment, public
58 relations, communication strategy, direct sales bookings, group
59 tour bookings, tourism development and administrative costs to
60 execute marketing activities related to the business disruption
61 effects of the Coronavirus Disease 2019 as expressed in Section 1
62 of this act.

63 (2) (a) There is hereby created in the State Treasury a
64 special fund to be designated as the "Mississippi Tourism Recovery
65 Fund," which shall consist of funds made available by the
66 Legislature in any manner and funds from any other source
67 designated for deposit into such fund. The fund shall be
68 maintained by the State Treasurer as a separate and special fund,
69 separate and apart from the General Fund of the state. Unexpended
70 amounts remaining in the fund at the end of a fiscal year shall
71 not lapse into the State General Fund, and any investment earnings
72 or interest earned on amounts in the fund shall be deposited to
73 the credit of the fund. Monies in the fund shall be used by the
74 Department of Finance and Administration, upon appropriation by
75 the Legislature, for the purposes provided in this section.
76 Monies in the fund shall be disbursed in compliance with the
77 guidelines, guidance, rules, regulations and/or other criteria, as
78 may be amended from time to time, of the United States Department



79 of the Treasury regarding the use of monies from the Coronavirus
80 Relief Fund established by the Coronavirus Aid, Relief, and
81 Economic Security Act. If on December 1, 2020, there are
82 unexpended monies in the fund, those monies shall be transferred
83 to the Unemployment Compensation Fund. Monies in the fund shall
84 be disbursed by the Department of Finance and Administration as
85 follows:

86 (i) Two Hundred Fifty Thousand Dollars
87 (\$250,000.00) shall be disbursed to the Tate County Economic
88 Development Foundation for use by the foundation to assist the
89 Senatobia Chamber of Commerce Main Street program in paying the
90 costs of marketing activities;

91 (ii) Two Hundred Fifty Thousand Dollars
92 (\$250,000.00) shall be disbursed to the Brookhaven Tourism Council
93 to assist in paying the costs of marketing activities; and

94 (iii) Thirteen Million Five Hundred Thousand
95 Dollars (\$13,500,000.00) shall be disbursed as provided in
96 paragraph (b) of this subsection (2) to assist destination
97 marketing organizations in paying costs for marketing activities.

98 (b) (i) The Department of Finance and Administration
99 shall determine, in conjunction with the destination marketing
100 organizations, the allocations of monies provided under paragraph
101 (a)(iii) of this subsection (2) as follows:

102 1. Not more than Nine Million Seven Hundred
103 Forty-four Thousand Seven Hundred Eighty-eight Dollars



104 (\$9,744,788.00) of such monies shall be allocated to destination
105 marketing organizations in a manner that will provide monies to a
106 destination marketing organization in an amount equal to
107 seventy-five percent (75%) of the destination marketing
108 organization's marketing and advertising expenditures during the
109 2019 fiscal year, and

110 2. Not more than Three Million Seven Hundred
111 Fifty-five Thousand Two Hundred Thirteen Dollars (\$3,755,213.00)
112 of such monies shall be allocated to destination marketing
113 organizations based on the proportion that a destination marketing
114 organization's contribution toward total tourism visitors in the
115 state according to the 2019 Fiscal Year Visit Mississippi Visitors
116 Profile Report bears to all destination marketing organizations'
117 contributions toward total tourism visitors in the state according
118 to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report.
119 However, a destination marketing organization shall not receive an
120 amount less than Seventy-five Thousand Dollars (\$75,000.00) under
121 this item 2.

122 (ii) Within fifteen (15) days of enactment, the
123 Department of Finance and Administration shall distribute the
124 funds allocated under paragraph (b) (i) to eligible destination
125 marketing organizations. Before receiving funds under this
126 paragraph (b), a destination marketing organization must certify
127 to the Department of Finance and Administration that:



128 1. The funds will only be used for marketing
129 activities, and

130 2. The funds will be expended before December
131 30, 2020, unless otherwise authorized by federal law or guidance.

132 (iii) Destination marketing organizations
133 receiving funds under this paragraph (b) shall keep and maintain
134 records related to expenditures. Destination marketing
135 organizations receiving funds under this paragraph (b) shall also
136 track impacts of their marketing activities through special levy
137 tax receipts, hotel occupancy indicators, other tourism industry
138 metrics, and analytics from marketing campaigns, as appropriate.
139 Such destination marketing organizations shall provide quarterly
140 reports on expenditures and economic impacts of their marketing
141 activities to the Department of Finance and Administration, the
142 Governor, the Lieutenant Governor, the Speaker of the House of
143 Representatives and the Department of Audit.

144 (iv) Subject to applicable purchasing laws,
145 destination marketing organizations will give preference, when
146 available and practical, to Mississippi-based companies for any
147 new contracts entered into for marketing activities.

148 (3) The Department of Finance and Administration and the
149 Department of Audit shall have all powers necessary for the
150 implementation of this section.

151 (4) If the Office of Inspector General of the United States
152 Department of the Treasury, or the Office of Inspector General of



153 any other federal agency having oversight over the use of monies
154 from the Coronavirus Relief Fund established by the CARES Act (a)
155 determines that the Department of Finance and Administration or
156 recipient has expended or otherwise used any of the funds
157 appropriated to the Department of Finance and Administration under
158 this act for any purpose that is not in compliance with the
159 guidelines, guidance, rules, regulations and/or other criteria, as
160 may be amended from time to time, by the United States Department
161 of the Treasury regarding the use of monies from the Coronavirus
162 Relief Fund established by the CARES Act, and (b) the State of
163 Mississippi is required to repay the federal government for any of
164 those funds that the Office of the Inspector General determined
165 were expended or otherwise used improperly by the Department of
166 Finance and Administration or recipient, then the Department of
167 Finance and Administration or recipient, as the case may be, that
168 expended or otherwise used those funds improperly shall be
169 required to pay the amount of those funds to the State of
170 Mississippi for repayment to the federal government.

171 **SECTION 4.** (1) There is hereby created in the State
172 Treasury a special fund to be designated as the "Mississippi
173 Nonprofit Museums Recovery Fund," which shall consist of funds
174 made available by the Legislature in any manner and funds from any
175 other source designated for deposit into such fund. The fund
176 shall be maintained by the State Treasurer as a separate and
177 special fund, separate and apart from the General Fund of the



178 state. Unexpended amounts remaining in the fund at the end of a
179 fiscal year shall not lapse into the State General Fund, and any
180 investment earnings or interest earned on amounts in the fund
181 shall be deposited to the credit of the fund. Monies in the fund
182 shall be used by the Department of Finance and Administration,
183 upon appropriation by the Legislature, for the purposes provided
184 in this section. Monies in the fund shall be disbursed in
185 compliance with the guidelines, guidance, rules, regulations
186 and/or other criteria, as may be amended from time to time, by the
187 United States Department of the Treasury regarding the use of
188 monies from the Coronavirus Relief Fund established by the
189 Coronavirus Aid, Relief, and Economic Security Act. If on
190 December 1, 2020, there are unexpended monies in the fund, those
191 monies shall be transferred to the Unemployment Compensation Fund.
192 Monies in the fund shall be disbursed by the Department of Finance
193 and Administration to assist nonprofit museums in paying costs
194 associated with cleaning, disinfection, social distancing measures
195 and/or other health and safety measures necessary in order to
196 reopen to the public due to the Coronavirus 2019. The Department
197 of Finance and Administration shall take into consideration the
198 attendance, annual revenue and operating expenses when allocating
199 such monies under this section.

200 (2) The Department of Finance and Administration shall have
201 all powers necessary for the implementation of this section.



202 **SECTION 5.** Section 57-1-64.1, Mississippi Code of 1972, is
203 amended as follows:

204 57-1-64.1. (1) There is hereby created a Mississippi
205 Tourism Association Marketing Advisory Board to assist the
206 Mississippi Development Authority in the planning of initiatives
207 for advertising and promoting tourism in Mississippi.

208 (2) The advisory board shall be composed of the following
209 members:

210 (a) The Executive Director of the Mississippi Tourism
211 Association; * * *

212 (b) The members of the Mississippi Tourism Association
213 Board of Directors, composed through the bylaws of the Mississippi
214 Tourism Association as being geographically and ethnically diverse
215 members from the five (5) tourism regions designated as the Hills,
216 the Delta, the Capital/River, the Pines and the Coastal regions of
217 Mississippi, and three (3) at-large members * * *;

218 (c) Three (3) at-large members appointed by the
219 Governor;

220 (d) One (1) at-large member appointed by the Lieutenant
221 Governor; and

222 (e) One (1) at-large member appointed by the Speaker of
223 the House of Representatives.

224 (3) Members of the advisory board may not be compensated for
225 the performance of their duties.



226 (4) The advisory board will give input and advice to the
227 Mississippi Development Authority's Tourism Division on marketing
228 and advertising planning, but shall have no executive powers at
229 the Mississippi Development Authority.

230 (5) For marketing activities paid for with federal funds
231 related to the COVID-19 public health emergency and carried out by
232 either the Mississippi Development Authority's Tourism Division or
233 destination marketing organizations, the advisory board will give
234 input on appropriate branding and messaging that communicates
235 pertinent public health information. The advisory board shall
236 convene for the purposes of this subsection within fifteen (15)
237 calendar days of enactment.

238 **SECTION 6.** This act shall take effect and be in force from
239 and after its passage.

