

By: Representatives Gibbs (72nd), Summers

To: Local and Private
Legislation

HOUSE BILL NO. 1565

1 AN ACT TO AMEND CHAPTER 909, LOCAL AND PRIVATE LAWS OF 1999,
2 AS LAST AMENDED BY CHAPTER 928, LOCAL AND PRIVATE LAWS OF 2019, TO
3 EXTEND THE DATE OF REPEAL FROM JULY 1, 2022, TO JULY 1, 2026, ON
4 THE PROVISIONS OF LAW THAT CREATE THE JACKSON CONVENTION AND
5 VISITORS BUREAU AND IMPOSE A TAX ON THE GROSS PROCEEDS OF SALES OF
6 RESTAURANTS, HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING FUNDS
7 FOR THE BUREAU; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 909, Local and Private Laws of 1999, as
10 amended by Chapter 941, Local and Private Laws of 2004, as amended
11 by Chapter 958, Local and Private Laws of 2008, as amended by
12 Chapter 954, Local and Private Laws of 2011, as amended by Chapter
13 937, Local and Private Laws of 2015, as amended by Chapter 954,
14 Local and Private Laws of 2018, as amended by Chapter 928, Local
15 and Private Laws of 2019, is amended as follows:

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

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



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

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

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

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

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



45 Section 3. (1) The terms of the current members of the
46 Jackson Convention and Visitors Bureau shall expire on July 1,
47 2019. Thereafter the bureau shall consist of nine (9) members,
48 who shall be appointed, qualify and take office within ninety (90)
49 days after July 1, 2019, and the appointments to the bureau and,
50 if applicable, the initial terms of the appointments made on or
51 after July 1, 2019, shall be as follows:

52 (a) The two (2) hotel/motel members representing hotel
53 or motel properties located within the city limits of Jackson,
54 Mississippi, who are members of the Capital Center Convention
55 Center Commission.

56 (b) The two (2) restaurant members appointed who are
57 members of the Capital Center Convention Center Commission.

58 (c) One (1) member representing the business community
59 in the City of Jackson appointed by the mayor with confirmation by
60 the council for a term of two (2) years. This member and his or
61 her successors shall be appointed by the mayor with confirmation
62 by the council after being selected from a panel of two (2) names
63 submitted by the Jackson Chamber of Commerce. The names submitted
64 by the Jackson Chamber of Commerce shall be those of persons who
65 represent businesses located within the city limits of Jackson,
66 Mississippi.

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



70 (e) One (1) member representing the education community
71 appointed by the mayor with confirmation by the council for a term
72 of four (4) years.

73 (f) One (1) member representing the attractions
74 industry in the City of Jackson appointed by the mayor with
75 confirmation by the council for a term of two (2) years. This
76 member and his or her successors shall be residents of the City of
77 Jackson appointed by the mayor with confirmation by the council
78 after being selected from a panel of two (2) names submitted by
79 the Metro Jackson Attractions Association.

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

82 (2) (a) All succeeding appointments shall be made for a
83 term of four (4) years from the date of expiration of the initial
84 appointment. Any vacancy which may occur shall be filled by the
85 mayor within ninety (90) days after such vacancy occurs in the
86 same manner as the original appointment and shall be made for the
87 unexpired term. Each member of the bureau shall serve until his
88 or her successor is appointed and qualified; however, no member
89 shall serve longer than ninety (90) days after the expiration of
90 his or her term at which time the membership shall be vacant until
91 an appointment is made under subsection (1) of this section.

92 (b) No member of the bureau shall be an employee of the
93 City of Jackson or Hinds County. No member of the bureau shall be
94 an elected official.



95 (c) The General Manager of the Capital City Convention
96 Center shall serve as an ex officio nonvoting member of the
97 bureau.

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

100 (a) Conviction of a felony; or

101 (b) Failure to attend three (3) consecutive meetings
102 without just cause; or

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

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

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

116 Section 5. When the members of the bureau shall have been
117 appointed and qualified as set forth herein, they shall establish
118 quarters and conduct a meeting after giving not less than ten (10)
119 days' notice of the time and place of such meeting by registered



120 mail, postage prepaid, directed to each appointed member of the
121 bureau at his or her regular address given to the Secretary of
122 State at the time of his or her qualification and posting bond.
123 At such meeting a quorum shall consist of a majority of the
124 members of the bureau and a majority of those members attending
125 shall elect a president and secretary, both of whom shall be
126 members of the bureau, and adopt such rules and regulations as may
127 govern the time and place for holding subsequent meetings, regular
128 and special, and other rules and regulations not inconsistent with
129 the provisions of this act.

130 The bureau is further authorized to contract for the
131 employment of personnel, supplies, furnishings and other
132 facilities necessary to administer the affairs and duties of the
133 bureau and to pay for same out of the revenue provided by this
134 act.

135 Section 6. The bureau shall have jurisdiction and authority
136 over all matters relating to the establishment, promotion and
137 development of tourism and conventions and related matters within
138 the City of Jackson, Mississippi.

139 The bureau is authorized to contract for the furnishing,
140 equipping and operation of any facilities necessary or useful in
141 the promotion of tourism and conventions, to receive and expend,
142 subject to the provisions of this act, revenues from any source.

143 Section 7. (1) For the purpose of providing funds for the
144 promotion of tourism and conventions, there is hereby levied,



145 assessed and shall be collected from every person engaging in or
146 doing business in the City of Jackson, Mississippi, as specified
147 herein, a tax which may be cited as a "tourist and convention
148 tax," which shall be in addition to all other taxes now imposed,
149 as hereinafter provided.

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

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

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

166 (5) The proceeds of such tax, less three percent (3%)
167 thereof which shall be retained by the Department of Revenue to
168 defray the cost of collection, shall be paid to the city on or
169 before the fifteenth day of the month following the month in which



170 collected by the Department of Revenue. The city, in turn, shall
171 remit the funds to the bureau not later than ten (10) days after
172 receiving the funds from the Department of Revenue.

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

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

185 Section 8. (1) Before the taxes authorized by this act
186 shall be imposed, the governing authorities of the City of Jackson
187 shall adopt a resolution declaring their intention to levy the
188 tax, setting forth the amount of such tax and establishing the
189 date on which this tax initially shall be levied and collected.
190 This date shall be not less than the first day of the second month
191 from the date of adoption of the resolution.

192 The resolution shall be published in a local newspaper at
193 least twice during the period from the adoption of the resolution
194 to the effective date of the taxation prescribed in this act, with



195 the last publication being made no later than ten (10) days prior
196 to the effective date of such taxation. A certified copy of the
197 resolution shall be furnished to the Department of Revenue at
198 least thirty (30) days prior to the date on which the tax shall be
199 initially levied and collected.

200 (2) If the tax levied under this chapter was imposed without
201 a vote of the electorate, the governing authorities of the City of
202 Jackson, Mississippi, shall, within sixty (60) days after the
203 effective date of Senate Bill No. 2910, 2015 Regular Session, by
204 resolution spread upon their minutes, declare the intention of the
205 governing authorities to continue imposing the tax and describe
206 the tax levy including the tax rate, annual revenue collections
207 and the purposes for which the proceeds are used. The resolution
208 shall be published once each week for at least three (3)
209 consecutive weeks in a newspaper having a general circulation in
210 the city. The first publication of the notice shall be made
211 within fourteen (14) days after the governing authorities adopt
212 the resolution declaring their intention to continue the tax. If,
213 on or before the date specified in the resolution for filing a
214 written protest, which date shall be not less than forty-five (45)
215 days and not more than sixty (60) days after the governing
216 authorities adopt the resolution, twenty percent (20%) or one
217 thousand five hundred (1,500), whichever is less, of the qualified
218 electors of the city file a written petition against the levy of
219 the tax, an election shall be called and held with the election to



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

236 This subsection shall not apply if the revenue from the tax
237 authorized by this chapter has been contractually pledged for the
238 payment of debt incurred prior to the effective date of Senate
239 Bill No. 2910, 2015 Regular Session, until such time as the debt
240 is satisfied. Once the debt has been satisfied, the governing
241 authorities shall, within sixty (60) days, adopt a resolution
242 declaring the intention of the governing authorities to continue
243 the tax which shall initiate the procedure described in subsection
244 (1) of this section.



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

253 Section 10. Accounting for receipts and expenditures of the
254 funds herein described shall be the responsibility of the bureau
255 and shall be made separately from the accounting of receipts and
256 expenditures of the general fund and any other funds of the
257 municipality to which it is originally paid. The records
258 reflecting the receipts and expenditures of the funds prescribed
259 herein shall be audited annually by an independent certified
260 public accountant, and such accountant shall make a written report
261 of his or her audit to the City Clerk of Jackson and to the
262 bureau. The complete audit shall be made available by the bureau
263 to any person who requests a copy, under the provisions of
264 Sections 25-61-1 through 25-61-17, Mississippi Code of 1972, also
265 known as the "Mississippi Public Records Act of 1983." The audit
266 shall be made and completed as soon as practicable after the close
267 of the fiscal year, and the expenses of such audit may be paid
268 from the funds derived pursuant to Section 7 of this act. The



269 State Auditor of Public Accounts shall have the authority to
270 conduct audits of the bureau.

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

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

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

290 Section 14. (1) (a) The Joint Legislative Committee on
291 Performance Evaluation and Expenditure Review (PEER Committee)
292 shall conduct a review of the bureau, which shall include, but not
293 be limited to, accounting practices, office operations,



294 administration, staffing, resource utilization and other best
295 practices of facility management. The review shall be provided to
296 the Lieutenant Governor, Speaker of the House, the Chairman of the
297 Senate Local and Private Committee, the Chairman of the House of
298 Representatives Local and Private Committee, each member of the
299 Senate and House of Representatives who represents a portion of
300 the City of Jackson, the mayor and members of the council by not
301 later than December 15, 2018. The report shall also be posted on
302 the PEER Committee website.

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

306 (2) (a) In the event that the PEER Committee determines
307 that contractors should be used, it shall seek competitive
308 proposals for services and select the lowest and best proposal or
309 proposals.

310 (b) The bureau shall be legally and unconditionally
311 obligated to pay the expenses of any work performed by any such
312 contractor or contractors utilized by the PEER Committee as
313 provided in paragraph (c) of this subsection to perform the work
314 described in subsection (1) of this section.

315 (c) Upon completion of the review and after the
316 Executive Director of the PEER Committee has accepted the work
317 product of the contractor or contractors, the contractor or
318 contractors utilized shall submit to the bureau an invoice or



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

332 (d) The review required by this section shall be
333 prepared for the purpose of benefiting the City of Jackson in the
334 administration of its visitors' and convention programs, and for
335 the purpose of assisting the Legislature in determining the need
336 for continued authorization of the taxes levied by this act.

337 Section 15. This act shall stand repealed from and after
338 July 1 * * * 2026.

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

