

By: Representatives McGee, McCarty, Watson

To: Local and Private  
Legislation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1742

1 AN ACT TO AMEND CHAPTER 878, LOCAL AND PRIVATE LAWS OF 1990,  
2 AS LAST AMENDED BY CHAPTER 937, LOCAL AND PRIVATE LAWS OF 2020, TO  
3 EXTEND THE DATE OF REPEAL FROM JULY 1, 2022, TO JULY 1, 2027, ON  
4 THE PROVISIONS OF LAW THAT CREATE THE HATTIESBURG TOURISM  
5 COMMISSION AND AUTHORIZE A TAX ON THE GROSS PROCEEDS OF HOTELS AND  
6 MOTELS FROM OVERNIGHT ROOM RENTALS TO FUND THE COMMISSION; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 878, Local and Private Laws of 1990, as  
10 amended by Chapter 1013, Local and Private Laws of 1995, as  
11 amended by Chapter 947, Local and Private Laws of 1997, as amended  
12 by Chapter 958, Local and Private Laws of 2000, as amended by  
13 Chapter 1010, Local and Private Laws of 2004, as amended by  
14 Chapter 925, Local and Private Laws of 2008, as amended by Chapter  
15 920, Local and Private Laws of 2011, as amended by Chapter 946,  
16 Local and Private Laws of 2014, as amended by Chapter 922, Local  
17 and Private Laws of 2017, as amended by Chapter 937, Local and  
18 Private Laws of 2020, is amended as follows:



19           Section 1. The following terms as used in this act shall  
20 have the meanings herein ascribed unless the context otherwise  
21 clearly requires:

22           (a) "Hotel" or "motel" means a place of lodging that at  
23 any one time will accommodate transient guests on a daily or  
24 weekly basis, excluding hotels or motels with ten (10) or less  
25 overnight rental units;

26           (b) "Commission" means the Hattiesburg Tourism  
27 Commission;

28           (c) "City" means the City of Hattiesburg \* \* \*;

29           (d) "Governing authorities" means the governing  
30 authorities of the City of Hattiesburg.

31           Section 2. There is hereby created and established the  
32 Hattiesburg Tourism Commission.

33           Section 3. (1) The commission shall consist of the  
34 following seven (7) members appointed by the mayor and ratified by  
35 the city council:

36           (a) Two (2) members of the hotel/motel industry;

37           (b) One (1) member either of the Chamber of Commerce or  
38 the Economic Development Foundation;

39           (c) One (1) member representing the University of  
40 Southern Mississippi; and

41           (d) Three (3) members who serve at large.



42           (2) The commission shall be appointed within sixty (60) days  
43 following the adoption of a resolution pursuant to passage of this  
44 act for the following terms:

- 45           (a) Two (2) members for a term of one (1) year;
- 46           (b) Two (2) members for a term of two (2) years;
- 47           (c) One (1) member for a term of three (3) years;
- 48           (d) One (1) member for a term of four (4) years; and
- 49           (e) One (1) member for a term of five (5) years.

50           Thereafter, appointments will be made on a staggered basis  
51 for a five-year period.

52           (3) Members of the commission shall serve without  
53 compensation, shall elect officers and adopt rules and  
54 regulations, and shall fix a regular meeting date, but may provide  
55 for special meetings. The commission shall keep minutes of its  
56 proceedings as are necessary to carry out its responsibilities. A  
57 quorum of the commission shall consist of four (4) members.

58           (4) Any member of the commission may be disqualified and  
59 removed from office for any one (1) of the following reasons:

- 60           (a) Conviction of a felony; or
- 61           (b) Failure to attend three (3) consecutive meetings  
62 without just cause.

63           (5) Before entering on the duties of the office appointed,  
64 each member of the commission shall enter into and give bond to be  
65 approved by the Secretary of State of the State of Mississippi, in  
66 the sum of Fifty Thousand Dollars (\$50,000.00) conditioned on the



67 satisfactory performance of his duties. This bond premium shall  
68 be paid from the Tourism Commission's funds and payable to the  
69 City of Hattiesburg in the event of a breach thereof. Suit may be  
70 brought by the city for benefit of the commission.

71 Section 4. The commission shall have jurisdiction and  
72 authority over all matters relating to establishing, promoting and  
73 developing tourism in the city and shall be authorized:

74 (a) To acquire, own, furnish, equip, staff and operate  
75 any and all facilities and equipment necessary or usable in the  
76 promotion of tourism for the City of Hattiesburg;

77 (b) To receive and expend revenues from any source,  
78 including, but not limited to, private enterprise and those  
79 revenues generated by this act;

80 (c) To own, lease or contract for any equipment useful  
81 and necessary in the promotion of tourism and convention business  
82 for the City of Hattiesburg;

83 (d) To sell, convey and otherwise dispose of all or any  
84 part of its property and assets in accordance with the General  
85 Laws of the State of Mississippi; and

86 (e) To have and exercise all powers necessary or  
87 convenient to effect any and all of the purposes for which the  
88 commission is organized, including the appointment and employment  
89 of individuals acting on behalf of the commission.

90 Section 5. (1) For the purpose of providing operating funds  
91 for the commission to promote tourism, the governing authorities



92 are hereby authorized, in their discretion, to levy, assess and  
93 collect from every person, firm or corporation operating hotels  
94 and motels in the City of Hattiesburg, and in addition to all  
95 other taxes now imposed, an amount not to exceed two percent (2%)  
96 of the gross proceeds from overnight room rental, exclusive of  
97 charges for food, telephone, laundry, beverages and similar  
98 charges.

99 (2) Persons liable for the tax imposed herein shall add the  
100 amount of the tax to the aforesaid room rentals and collect the  
101 same.

102 (3) The tax collected shall be paid to the Department of  
103 Revenue on a form prescribed in the same manner that state sales  
104 taxes are computed, collected and paid; and the full enforcement  
105 provisions and all other provisions of Chapter 65, Title 27,  
106 Mississippi Code of 1972, shall apply as necessary to the  
107 implementation and administration of this act.

108 (4) The proceeds of such tax, less three percent (3%)  
109 thereof which shall be retained by the Department of Revenue to  
110 defray the costs of collection, shall be paid to the City of  
111 Hattiesburg on or before the fifteenth day of the month following  
112 the month in which collected.

113 (5) Proceeds of the tax shall not be considered by the City  
114 of Hattiesburg as general fund revenues, but shall be dedicated  
115 solely for the purpose of carrying out the programs and activities  
116 of the Tourism Commission.



117           (6) (a) Before the taxes authorized by this act may be  
118 imposed, the governing authorities shall adopt a resolution  
119 declaring their intention to levy the taxes and establishing the  
120 amount of the tax levy and the date on which the taxes initially  
121 shall be levied and collected. The date shall be the first day of  
122 a month but not less than forty-five (45) days from the date of  
123 adoption of the resolution. Notice of the proposed tax levy shall  
124 be published once each week for at least three (3) consecutive  
125 weeks in a newspaper having a general circulation in such city.  
126 The first publication of such notice shall be made not less than  
127 twenty-one (21) days prior to the date fixed in the resolution on  
128 which the governing authorities propose to levy such taxes, and  
129 the last publication shall be made not more than seven (7) days  
130 prior to such date. If, within the time of giving notice, twenty  
131 percent (20%) or fifteen hundred (1500), whichever is less, of the  
132 qualified electors of the city file a written petition against the  
133 levy of such taxes, then such taxes shall not be levied unless  
134 authorized by a majority of the qualified electors of such city  
135 voting at an election to be called and held for that purpose.  
136 Prior to the effective date of the tax levy approved as herein  
137 provided, the governing authorities shall furnish to the  
138 Commissioner of the Department of Revenue a certified copy of the  
139 resolution evidencing such tax levy.

140           (b) If the tax levied under this chapter was imposed  
141 without a vote of the electorate, the governing authorities shall,



142 within sixty (60) days after the effective date of House Bill No.  
143 1642, 2014 Regular Session, by resolution spread upon its minutes,  
144 declare the intention of the governing authorities to continue  
145 imposing the tax and describe the tax levy including the tax rate,  
146 annual revenue collections and the purposes for which the proceeds  
147 are used. The resolution shall be published once each week for at  
148 least three (3) consecutive weeks in a newspaper having a general  
149 circulation in the city. The first publication of the notice  
150 shall be made within fourteen (14) days after the governing  
151 authorities adopt the resolution declaring their intention to  
152 continue the tax. If, on or before the date specified in the  
153 resolution for filing a written protest, which date shall be not  
154 less than forty-five (45) days and not more than sixty (60) days  
155 after the governing authorities adopt the resolution, twenty  
156 percent (20%) or one thousand five hundred (1,500), whichever is  
157 less, of the qualified electors of the city file a written  
158 petition against the levy of the tax, an election shall be called  
159 and held with the election to be conducted at the next special  
160 election day as such is defined by Section 23-15-833, Mississippi  
161 Code of 1972, occurring more than sixty (60) days after the date  
162 specified in the resolution for filing a written protest. The tax  
163 shall not be continued unless authorized by a majority of the  
164 qualified electors of the city, voting at the election. If the  
165 majority of qualified electors voting in the election vote against  
166 the imposition of the tax, the tax shall cease to be imposed on



167 the first day of the month following certification of the election  
168 results by the election commissioners of the city to the governing  
169 authorities. The governing authorities shall notify the  
170 Department of Revenue of the date of the discontinuance of the tax  
171 and shall publish sufficient notice thereof in a newspaper  
172 published or having a general circulation in the city. If no  
173 protest is filed, then the governing authorities shall state that  
174 fact in their minutes and may continue the levy and assessment of  
175 the tax.

176 This paragraph shall not apply if the revenue from the tax  
177 authorized by this chapter has been contractually pledged for the  
178 payment of debt incurred prior to the effective date of House Bill  
179 No. 1642, 2014 Regular Session, until such time as the debt is  
180 satisfied. Once the debt has been satisfied, the governing  
181 authorities shall, within sixty (60) days, adopt a resolution  
182 declaring the intention of the governing authorities to continue  
183 the tax which shall initiate the procedure described in subsection  
184 (a) of this section.

185 Section 6. Accounting for receipts and expenditures of the  
186 funds herein described shall be made separately from the  
187 accounting of receipts and expenditures of the general fund and  
188 any other funds of the City of Hattiesburg. The records  
189 reflecting the receipts and expenditures of the funds prescribed  
190 in this act shall be audited annually by an independent certified  
191 public accountant, and the accountant shall make a written report





192 of his audit to the governing authorities. The audit shall be  
193 made and completed as soon as practicable after the close of the  
194 fiscal year, and expenses of the audit shall be paid from the  
195 funds derived in accordance with this act.

196 Section 7. This act shall be repealed from and after July  
197 1, \* \* \* 2027.

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

