

By: Representatives McGee, McCarty, Watson

To: Local and Private
Legislation

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, 2026, ON
4 THE PROVISIONS OF LAW THAT CREATE THE HATTIESBURG TOURISM
5 COMMISSION AND AUTHORIZES A TAX ON THE GROSS PROCEEDS OF HOTELS
6 AND MOTELS FROM OVERNIGHT ROOM RENTALS TO FUND THE COMMISSION; AND
7 FOR 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, * * * 2026.

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

