

By: Senator(s) Norwood, Frazier, Blount

To: Local and Private;
Finance

SENATE BILL NO. 3179

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 UNTIL JULY 1, 2026, THE REPEAL DATE ON THE PROVISIONS OF
 4 LAW THAT CREATE AND RECONSTITUTE THE JACKSON CONVENTION AND
 5 VISITORS BUREAU AND IMPOSES A TAX ON THE GROSS PROCEEDS OF SALES
 6 OF RESTAURANTS, HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING
 7 FUNDS FOR THE BUREAU; TO RAISE THE TAX ON THE GROSS PROCEEDS OF
 8 SALES OF HOTELS AND MOTELS FROM 1% TO 2%; AND FOR RELATED
 9 PURPOSES.

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

102 (a) Conviction of a felony; or

103 (b) Failure to attend three (3) consecutive meetings
104 without just cause; or

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

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

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



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

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

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

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



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

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

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

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

162 (4) Such tax shall be collected by and paid to the
163 Department of Revenue on a form prescribed by the Department of
164 Revenue, in the same manner that state sales taxes are computed,
165 collected and paid; and the full enforcement provisions and all
166 other provisions of Title 27, Chapter 65, Mississippi Code of



167 1972, shall apply as necessary to the implementation and
168 administration of this act.

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

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

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

188 Section 8. (1) Before the taxes authorized by this act
189 shall be imposed, the governing authorities of the City of Jackson
190 shall adopt a resolution declaring their intention to levy the
191 tax, setting forth the amount of such tax and establishing the



192 date on which this tax initially shall be levied and collected.
193 This date shall be not less than the first day of the second month
194 from the date of adoption of the resolution.

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

203 (2) If the tax levied under this chapter was imposed without
204 a vote of the electorate, the governing authorities of the City of
205 Jackson, Mississippi, shall, within sixty (60) days after the
206 effective date of Senate Bill No. 2910, 2015 Regular Session, by
207 resolution spread upon their minutes, declare the intention of the
208 governing authorities to continue imposing the tax and describe
209 the tax levy including the tax rate, annual revenue collections
210 and the purposes for which the proceeds are used. The resolution
211 shall be published once each week for at least three (3)
212 consecutive weeks in a newspaper having a general circulation in
213 the city. The first publication of the notice shall be made
214 within fourteen (14) days after the governing authorities adopt
215 the resolution declaring their intention to continue the tax. If,
216 on or before the date specified in the resolution for filing a



217 written protest, which date shall be not less than forty-five (45)
218 days and not more than sixty (60) days after the governing
219 authorities adopt the resolution, twenty percent (20%) or one
220 thousand five hundred (1,500), whichever is less, of the qualified
221 electors of the city file a written petition against the levy of
222 the tax, an election shall be called and held with the election to
223 be conducted at the next special election day as such is defined
224 by Section 23-15-833, Mississippi Code of 1972, occurring more
225 than sixty (60) days after the date specified in the resolution
226 for filing a written protest. The tax shall not be continued
227 unless authorized by a majority of the qualified electors of the
228 city, voting at the election. If the majority of qualified
229 electors voting in the election vote against the imposition of the
230 tax, the tax shall cease to be imposed on the first day of the
231 month following certification of the election results by the
232 election commissioners of the city to the governing authorities.
233 The governing authorities shall notify the Department of Revenue
234 of the date of the discontinuance of the tax and shall publish
235 sufficient notice thereof in a newspaper published or having a
236 general circulation in the city. If no protest is filed, then the
237 governing authorities shall state that fact in their minutes and
238 may continue the levy and assessment of the tax.

239 This subsection shall not apply if the revenue from the tax
240 authorized by this chapter has been contractually pledged for the
241 payment of debt incurred prior to the effective date of Senate



242 Bill No. 2910, 2015 Regular Session, until such time as the debt
243 is satisfied. Once the debt has been satisfied, the governing
244 authorities shall, within sixty (60) days, adopt a resolution
245 declaring the intention of the governing authorities to continue
246 the tax which shall initiate the procedure described in subsection
247 (1) of this section.

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

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



267 Sections 25-61-1 through 25-61-17, Mississippi Code of 1972, also
268 known as the "Mississippi Public Records Act of 1983." The audit
269 shall be made and completed as soon as practicable after the close
270 of the fiscal year, and the expenses of such audit may be paid
271 from the funds derived pursuant to Section 7 of this act. The
272 State Auditor of Public Accounts shall have the authority to
273 conduct audits of the bureau.

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

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



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

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

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

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

313 (b) The bureau shall be legally and unconditionally
314 obligated to pay the expenses of any work performed by any such



315 contractor or contractors utilized by the PEER Committee as
316 provided in paragraph (c) of this subsection to perform the work
317 described in subsection (1) of this section.

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

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



340 Section 15. This act shall stand repealed from and after
341 July 1, * * * 2026.

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

