

By: Senator(s) Cuevas

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3141

1 AN ACT TO AMEND CHAPTER 1019, LOCAL AND PRIVATE LAWS OF 1996,
2 AS LAST AMENDED BY CHAPTER 916, LOCAL AND PRIVATE LAWS OF 2003, TO
3 INCREASE THE HANCOCK COUNTY TOURISM TAX; TO AUTHORIZE THE TAX
4 INCREASE TO BE IMPOSED ONLY IF 60% OF THE PERSONS VOTING AT AN
5 ELECTION CALLED FOR SUCH PURPOSE VOTE IN FAVOR OF THE LEVY OF THE
6 TAX INCREASE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 1019, Local and Private Laws of 1996, as
9 amended by Chapter 980, Local and Private Laws of 1998, as amended
10 by Chapter 956, Local and Private Laws of 2000, as amended by
11 Chapter 977, Local and Private Laws of 2001, as amended by Chapter
12 916, Local and Private Laws of 2003, is amended as follows:

13 Section 1. The following terms as used in this act shall
14 have meanings ascribed in this section unless the context
15 otherwise clearly requires:

16 (a) "Board of supervisors" or "board" means the Board
17 of Supervisors of Hancock County, Mississippi.

18 (b) "Bureau" means the Hancock County Tourism
19 Development Bureau.

20 (c) "Casino" means any casino properly licensed by the
21 Mississippi Gaming Commission and operating in Hancock County,
22 Mississippi.

23 (d) "Complimentary sales" or "complimentaries" means
24 activities involving the furnishing or providing of rooms for
25 lodging or sleeping, or the furnishing or providing of food or
26 beverage for the public's consumption, or the furnishing or
27 providing of other services, which any casino performs without
28 cost to the recipient at the point of sale.

29 (e) "County" means Hancock County, Mississippi.

30 (f) "Hotel" or "motel" means any establishment engaged
31 in the business of furnishing or providing rooms intended or
32 designed for lodging or sleeping purposes for transient guests and
33 does not encompass any hospital, convalescent or nursing homes or
34 sanitarium or any hotel-like facility operated by or in connection
35 with a hospital or medical clinic providing rooms exclusively for
36 patients and their families.

37 (g) "Similar establishment" means any bed and breakfast
38 or condominium or timeshare establishment that provides rooms
39 intended or designed for lodging or sleeping purposes for
40 transient guests.

41 (h) "Tourism-related business" means any business, firm
42 or company engaged in the activity of operating a restaurant,
43 hotel or motel, casino or similar business that provides goods,
44 service or entertainment for the enjoyment of persons not residing
45 in Hancock County.

46 Section 2. (1) (a) For the purposes of providing funds to
47 promote and develop tourism and tourism-related activities in
48 Hancock County, Mississippi, there is levied and assessed against
49 and shall be collected from every person, firm, corporation,
50 operating hotels or motels, or a similar establishment, renting
51 rooms to transient guests for ninety (90) days or less in Hancock
52 County an assessment, in addition to all other taxes not imposed,
53 which shall be in an amount not to exceed two percent (2%) of the
54 gross proceeds of sales derived from room rentals by hotels,
55 motels and similar establishments in Hancock County. The
56 assessment shall not be levied upon or collected from gross
57 proceeds of nontaxable rooms, complimentary sales or
58 complimentaries.

59 (b) From and after the effective date of Senate Bill
60 No. 3141, 2005 Regular Session, and subject to the provisions of
61 subsection 2(c) of this section, there is levied and assessed
62 against and shall be collected from every person, firm,

63 corporation, operating hotels or motels, or a similar
64 establishment, renting rooms to transient guests for ninety (90)
65 days or less in Hancock County an assessment, an additional tax in
66 addition to all other taxes not imposed, which shall be in an
67 amount not to exceed one percent (1%) of the gross proceeds of
68 sales derived from room rentals by hotels, motels and similar
69 establishments in Hancock County. The assessment shall not be
70 levied upon or collected from gross proceeds of nontaxable rooms,
71 complimentary sales or complimentaries.

72 (2) (a) Before imposing the taxes authorized in subsection
73 (1)(a) of this section the board of supervisors shall, by
74 resolution spread upon its minutes, declare its intention to
75 impose the taxes authorized by this act and shall state in such
76 resolution the amount of the tax to be imposed, and shall fix in
77 such resolution the date upon which the board proposes to enact
78 its resolution directing the levy and assessment of such tax.
79 Such resolution shall be published once a week for at least three
80 (3) weeks in a newspaper published or having a general circulation
81 in the county, with the first publication to be made not less than
82 fourteen (14) days before the date fixed in the resolution under
83 which the board proposes to levy and assess such tax, and the last
84 publication shall be made not more than seven (7) days before such
85 date. If, on or before the date specified in the resolution,
86 twenty percent (20%) or fifteen hundred (1500), whichever is less,
87 of the qualified electors of the county file a written protest
88 against the imposition of such tax, then an election upon the levy
89 and assessment of such tax shall be called and held as herein
90 provided. If no such protest is filed, then the board may enact
91 its resolution directing the levy and assessment of the tax at any
92 time within a period of six (6) months after the date specified in
93 the resolution. If an election is required by the protest of the
94 required number of qualified electors of the county, then an
95 election shall be held by the county under applicable laws for

96 conducting elections of such assessment issues, with such election
97 to be conducted at the next special election day as such is
98 defined by Section 23-15-833, Mississippi Code of 1972, occurring
99 more than sixty (60) days after the date specified in the
100 resolution.

101 (b) When the results of the election on the question of
102 the levy of the tax under subsection (1)(a) of this section have
103 been canvassed by the election commissioners of the county and
104 certified by them to the board of supervisors, it shall be the
105 duty of the board of supervisors to determine and adjudicate
106 whether or not a majority of the qualified electors who voted
107 thereon in the election voted in favor of the levy of the tax, and
108 unless a majority of the qualified electors who voted thereon in
109 the election voted in favor of the levy of the tax, then the tax
110 shall not be levied. If a majority of the qualified electors who
111 vote thereon in the election vote in favor of the levy of the tax,
112 then the board of supervisors may levy the tax, in whole or in
113 part, within six (6) months after the date of the election or the
114 date of the final favorable termination of any litigation
115 affecting the levy of the tax.

116 (c) Before the additional tax authorized under
117 subsection (1)(b) of this section may be imposed, the board of
118 supervisors shall adopt a resolution declaring its intention to
119 levy the tax, setting forth the amount of the tax to be imposed,
120 the date upon which the tax shall become effective and calling for
121 an election to be held on the question. The date of the election
122 shall be fixed in the resolution. Notice of such intention shall
123 be published once each week for at least three (3) consecutive
124 weeks in a newspaper published or having a general circulation in
125 the county, with the first publication of the notice to be made
126 not less than twenty-one (21) days before the date fixed in the
127 resolution for the election and the last publication to be made
128 not more than seven (7) days before the election. At the

129 election, all qualified electors of the county may vote, and the
130 ballots used in the election shall have printed thereon a brief
131 statement of the amount and purposes of the proposed tax levy and
132 the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX"
133 and the voters shall vote by placing a cross (X) or check (✓)
134 opposite their choice on the proposition. When the results of the
135 election shall have been canvassed and certified, the county may
136 levy the tax if sixty percent (60%) of the qualified electors who
137 vote in the election vote in favor of the tax. At least thirty
138 (30) days before the effective date of the tax provided in this
139 section, the board of supervisors shall furnish to the State Tax
140 Commission a certified copy of the resolution evidencing such tax.

141 (3) (a) Persons liable for the tax imposed herein shall add
142 the amount of tax to the sales price or gross proceeds of sales
143 and shall collect, insofar as practicable, the amount of the tax
144 due by him from the person receiving the services at the time of
145 payment therefor:

146 (b) The tax shall be collected by and paid to the State
147 Tax Commission on a form prescribed by the State Tax Commission,
148 in the same manner that state sales taxes are computed, collected
149 and paid; and the full enforcement provisions and all other
150 provisions of Chapter 65, Title 27, Mississippi Code of 1972,
151 shall apply as necessary to the implementation and administration
152 of this act.

153 (c) The proceeds of the tax, less three percent (3%) to
154 be retained by the State Tax Commission to defray the cost of
155 collection, shall be paid to the board of supervisors of the
156 county on or before the fifteenth day of the month following the
157 month in which collected by the State Tax Commission.

158 (d) The proceeds of the tax shall not be considered by
159 the county as general fund revenues and shall be dedicated to and
160 used by the bureau solely for the promotion of tourism and
161 tourism-related activities in the county.

162 Section 3. (1) The funds derived from the proceeds of the
163 tax authorized in Section 2 of this act shall be expended by the
164 Hancock County Tourism Bureau, created by this act and to be
165 composed of nine (9) members, appointed as provided in this
166 section. The board of supervisors shall appoint four (4) members
167 of the bureau. The Mayor and the City Council of the City of Bay
168 St. Louis, respectively, each shall appoint one (1) member to the
169 bureau. The Mayor and Board of Aldermen of the City of Waveland,
170 respectively, each shall appoint one (1) member to the bureau.
171 The Hancock County Chamber of Commerce shall appoint one (1)
172 member to the bureau. Each person appointed as a member to the
173 bureau may be engaged in or employed by tourism-related businesses
174 in Hancock County.

175 (2) The members of the bureau shall be appointed within
176 sixty (60) days after the effective date of this act in the
177 following manner: Two (2) members shall be appointed to serve for
178 terms of one (1) year, four (4) members shall be appointed to
179 serve for terms of two (2) years, and three (3) members shall be
180 appointed to serve for terms of three (3) years. The board of
181 supervisors, the governing authorities of the Cities of Bay St.
182 Louis and Waveland, and the Hancock County Chamber of Commerce
183 shall draw lots to determine which of the nine (9) members of the
184 bureau shall be appointed for the initial terms of office. After
185 the expiration of the initial terms, all subsequent appointments
186 shall be made for terms of three (3) years from the expiration
187 date of the previous term, except that any appointment to fill a
188 vacancy shall be for the remainder of the unexpired term only.
189 Before entering on the duties of the office each member of the
190 bureau shall enter into and give bond to be approved by the
191 Secretary of State of the State of Mississippi in the sum of
192 Fifteen Thousand Dollars (\$15,000.00) conditioned on the
193 satisfactory performance of his duties. This bond premium shall
194 be paid from the bureau's fund. Such bond shall be payable to

195 Hancock County and in the event of a breach thereof, suit may be
196 brought by the county for the benefit of the bureau.

197 (3) The bureau shall adopt a set of bylaws which may include
198 provisions that it deems appropriate but shall include provisions
199 for the following:

200 (a) Procedures and times for its meetings following
201 Roberts Rules of Order and complying with the Open Meetings Law of
202 Mississippi, Section 25-41-1 et seq., Mississippi Code of 1972.

203 (b) The secretary-treasurer making a monthly report to
204 the board of supervisors and the governing authorities of the
205 Cities of Bay St. Louis and Waveland as to the current operational
206 and financial status of the bureau and providing a written copy of
207 such report.

208 (c) The bureau annually causing a complete review of
209 all the books and accounts of the bureau to be made by an
210 independent, certified public accountant and shall provide a copy
211 to the board of supervisors and the governing authorities of the
212 Cities of Bay St. Louis and Waveland.

213 (d) The bureau shall annually submit a copy of the
214 proposed budget to the board of supervisors and the governing
215 authorities of the Cities of Bay St. Louis and Waveland.

216 (4) (a) Within thirty (30) days after the initial
217 appointments of the bureau have been made, the bureau shall meet
218 and from their number choose a president, vice president and
219 secretary-treasurer: These officers will serve for one-year terms
220 and an election will be held annually to select officers.

221 (b) The bureau shall require the necessary and
222 appropriate bond for persons authorized or responsible for the
223 funds of the bureau. Any action taken by the bureau shall be
224 official and may take place at regular, special or adjourned
225 meetings.

226 (c) The officers of the bureau may be reimbursed for
227 actual expenses including mileage and travel expenses, whether

228 within or without the State of Mississippi, incurred in the
229 performance of their duties as authorized by Section 25-3-41,
230 Mississippi Code of 1972.

231 (d) The officers of the bureau may employ any personnel
232 and take any other acts they deem necessary to carry out in the
233 mission of the bureau. The officers of the bureau shall set the
234 level of compensation to be paid to the bureau's employees.

235 (e) The bureau shall at least annually develop a plan
236 to attract visitors to and promote tourism in Hancock County.

237 Section 4. (1) The bureau shall have the authority to take
238 any action necessary to effectuate the purposes and intent of this
239 act.

240 (2) The bureau shall have the authority to (a) apply for and
241 accept grants and loans on behalf of the board of supervisors, the
242 governing authorities of the City of Bay St. Louis and the
243 governing authorities of the City of Waveland, as appropriate,
244 from the State of Mississippi or the United States of America or
245 any agency thereof; and (b) contract with any agency of the State
246 of Mississippi or the United States of America for the development
247 and promotion of tourism in Hancock County.

248 Section 5. This act shall stand repealed on July 1, 2007.

249 **SECTION 2.** The Board of Supervisors of Hancock County,
250 Mississippi, shall submit this act, immediately upon approval by
251 the Governor, or upon approval by the Legislature subsequent to a
252 veto, to the Attorney General of the United States or to the
253 United States District Court for the District of Columbia in
254 accordance with the provisions of the Voting Rights Act of 1965,
255 as amended and extended.

256 **SECTION 3.** This act shall take effect and be in force from
257 and after the date it is effectuated under Section 5 of the Voting
258 Rights Act of 1965, as amended and extended.