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Chapter No. 954

11/HR40/R1715SG

JP / EW

HOUSE BILL NO. 1461

Originated in House Don Richardson Clerk

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AN ACT TO AMEND CHAPTER 909, LOCAL AND PRIVATE LAWS OF 1999, AS AMENDED BY CHAPTER 941, LOCAL AND PRIVATE LAWS OF 2004, AS AMENDED BY CHAPTER 958, LOCAL AND PRIVATE LAWS OF 2008, TO EXTEND THE REPEALER ON THE PROVISIONS OF LAW WHICH CREATE THE JACKSON CONVENTION AND VISITORS BUREAU AND IMPOSE A TAX ON THE GROSS PROCEEDS OF SALES OF RESTAURANTS, HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE BUREAU; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 909, Local and Private Laws of 1999, as amended by Chapter 941, Local and Private Laws of 2004, as amended by Chapter 958, Local and Private Laws of 2008, is amended as follows:

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

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

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

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

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

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

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

Section 3. (1) The Jackson Convention and Visitors Bureau shall consist of nine (9) members, who shall be appointed, qualify and take office within thirty (30) days of the enactment of this act, and the appointments to the bureau and the initial terms of the appointments shall be as follows:

(a) Two (2) hotel/motel members representing hotel or motel properties located within the city limits of Jackson, Mississippi, appointed by the mayor with confirmation by the council for terms of two (2) and four (4) years, respectively. These members and their successors shall be appointed by the mayor with confirmation by the council after being selected from a panel of two (2) names for each membership position submitted by the Jackson Chapter of the Mississippi Hotel and Lodging Association.

(b) Two (2) restaurant members appointed by the mayor with confirmation by the council for terms of two (2) and four (4) years, respectively. These members and their successors shall be appointed by the mayor with confirmation by the council after being selected from a panel of two (2) names for each membership

position submitted by the Jackson Chapter of the Mississippi Hospitality and Restaurant Association.

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

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

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

(f) One (1) member representing the attractions industry in the City of Jackson appointed by the mayor with confirmation by the council for a term of two (2) years.

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

(2) (a) All succeeding appointments shall be made for a term of four (4) years from the date of expiration of the initial appointment. Any vacancy which may occur shall be filled by the mayor within ninety (90) days after such vacancy occurs in the same manner as the original appointment and shall be made for the unexpired term. Each member of the bureau shall serve until his successor is appointed and qualified.

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

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

(a) Conviction of a felony; or

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

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

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

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

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

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

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

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

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

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

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

(4) Such tax shall be collected by and paid to the Department of Revenue on a form prescribed by the Department of Revenue, in the same manner that state sales taxes are computed,

collected and paid; and the full enforcement provisions and all other provisions of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

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

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

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

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

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

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

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

Section 10. Accounting for receipts and expenditures of the funds herein described shall be the responsibility of the bureau and shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the municipality to which it is originally paid. The records reflecting the receipts and expenditures of the funds prescribed herein shall be audited annually by an independent certified public accountant, and such accountant shall make a written report of his audit to the City Clerk of Jackson and to the bureau. The complete audit shall be made available by the bureau to any person who requests a copy, under the provisions of Sections 25-61-1 through 25-61-17, Mississippi Code of 1972, also known as the "Mississippi Public Records Act of 1983." The audit shall be made and completed as soon as practicable after the close of the fiscal year, and the expenses of such audit may be paid from the funds derived pursuant to Section 7 of this act. The State Auditor of Public Accounts shall have the authority to conduct audits of the bureau.

Section 11. The bureau shall not contract with any person who is related to an employee of the bureau within the third

degree or who is the spouse of an employee of the bureau, nor shall the bureau contract with a business entity of which an employee of the bureau is an officer, director, owner, partner or employee, or is a holder of more than ten percent (10%) of the fair market value, or from which an employee of the bureau or his relative within the third degree derives more than One Thousand Dollars (\$1,000.00) in annual income, or over which an employee of the bureau or his relative within the third degree exercises control.

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

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

Section 14. This * * * act shall stand repealed from and after July 1, 2015.

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

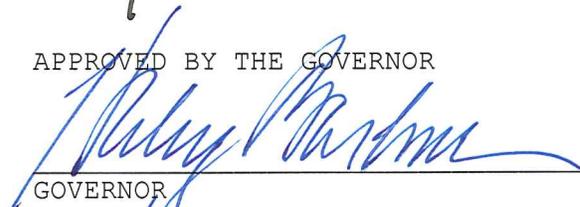
PASSED BY THE HOUSE OF REPRESENTATIVES
March 24, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
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