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HOUSE BILL NO. 1716

Originated in House _____ Clerk

HOUSE BILL NO. 1716

AN ACT TO AMEND CHAPTER 58, LAWS OF THE EXTRAORDINARY SESSION OF 1954, AS LAST AMENDED BY CHAPTER 943, LOCAL AND PRIVATE LAWS OF 2010, TO RENAME THE HARRISON COUNTY TOURISM COMMISSION THE MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU; TO PROVIDE THAT FROM AND AFTER JULY 1, 2013, ALL RIGHTS OF OFFICE OF MEMBERS SERVING ON THE HARRISON COUNTY TOURISM COMMISSION OR THE MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU PRIOR TO JULY 1, 2013, ARE TERMINATED AND TO PROVIDE FOR THE MEMBERSHIP OF THE BUREAU TO BE APPOINTED BY THE BOARDS OF SUPERVISORS OF HARRISON, HANCOCK AND JACKSON COUNTIES; TO REQUIRE THE MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU TO ENTER INTO OPERATING AGREEMENTS WITH HARRISON, HANCOCK AND JACKSON COUNTIES; TO PROVIDE THAT ALL PROPERTY, FUNDS, MONEY, ACCOUNTS, RECORDS, CONTRACTS AND OTHER OBLIGATIONS HELD IN THE NAME OF THE HARRISON COUNTY TOURISM COMMISSION SHALL, WITH CERTAIN EXCEPTIONS, BE DEEMED TO BE HELD IN THE NAME OF THE MISSISSIPPI GULF COAST REGIONAL CONVENTION AND VISITORS BUREAU; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 58, Laws of the Extraordinary Session of 1954, as amended by Chapter 810, Local and Private Laws of 1966, as amended by Chapter 820, Local and Private Laws of 1972, as amended by Chapter 973, Local and Private Laws of 1979, as amended by Chapter 881, Local and Private Laws of 1980, as amended by

Chapter 918, Local and Private Laws of 1990, as amended by Chapter 882, Local and Private Laws of 1991, as amended by Chapter 937, Local and Private Laws of 1995, as amended by Chapter 989, Local and Private Laws of 1999, as amended by Section 13, Chapter 1012, Local and Private Laws of 2004, as amended by Chapter 942, Local and Private Laws of 2008, as amended by Chapter 943, Local and Private Laws of 2010, is amended as follows:

Section 1. The Board of Supervisors of Harrison County, Mississippi, in its discretion, may levy a special ad valorem tax not in excess of one (1) mill upon all the taxable property within the county to provide funds for the * * * Mississippi Gulf Coast Regional Convention and Visitors Bureau for the purpose of advertising, promoting conventions, and bringing into favorable notice the opportunities, possibilities and tourism resources of * * * Harrison, Hancock and Jackson Counties.

Section 2. (1) For the purposes of providing funds to promote tourism and conventions in Harrison County, there is hereby levied and assessed against and shall be collected from every person, firm or corporation operating hotels or motels in Harrison County an assessment which shall be equal to three percent (3%) of the gross proceeds from room rental of all such hotels or motels in Harrison County in addition to the tax imposed under Section 2, Chapter 1012, Local and Private Laws of 2004 and all other taxes now imposed. Persons liable for the tax imposed herein shall add the amount of tax to the room rental 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.

(2) For the purposes of this act * * *:

(a) "Bureau" means the Mississippi Gulf Coast Regional Convention and Visitors Bureau.

(b) "Hotel" and "motel" * * * means a place of lodging as defined in the General Laws of 2007, Chapter 526, Section 3 and codified in Section 27-65-23.1, Mississippi Code of 1972, as amended, and as adopted by the Board of Supervisors of Harrison County, Mississippi, by Resolution dated May 7, 2007, and that at any one time will accommodate transient guests on a daily or weekly basis and that are known to the trade as such, including hotels, motels, bed and breakfast inns, time-share condominiums, tourist courts, rooming houses or other places where sleeping accommodations are furnished or offered for pay if one or more rooms are available for transient guests, excluding nursing homes or institutions for the aged or infirm as defined in Section 43-11-1 and personal care homes.

(3) * * * The tax shall be collected by and paid to the * * * Department of Revenue on a form to be prescribed by the * * * Department of Revenue in the same manner that state sales taxes are collected and paid; and the full enforcement provisions and all other provisions of the Mississippi Sales Tax

Law shall apply as necessary for the implementation and administration of this act.

(4) On or before the fifteenth day of the month following the month in which collected, the proceeds of such tax, less three percent (3%) to be retained by the * * * Department of Revenue to defray the costs of collection, shall be paid by the * * * department, as follows, for expenditure as authorized in this act:

(a) Until the date that the bonds issued by the board of supervisors after May 1, 1995, and prior to the effective date of House Bill No. 1823, 2004 Regular Session, for the purpose of defraying the cost of expanding the Mississippi Coast Coliseum and Convention Center are retired:

(i) Two-thirds (2/3) of the proceeds shall be paid to the * * * bureau.

(ii) One-third (1/3) of the proceeds shall be paid to the Board of Supervisors of Harrison County.

(b) From and after the date that the bonds issued by the board of supervisors after May 1, 1995, and prior to the effective date of House Bill No. 1823, 2004 Regular Session, for the purpose of defraying the cost of expanding the Mississippi Coast Coliseum and Convention Center, are retired:

(i) Two-thirds (2/3) of the proceeds shall be paid to the * * * bureau.

(ii) Twenty-five percent (25%) of the remaining one-third (1/3) of the proceeds shall be paid to the * * * bureau

and seventy-five percent (75%) of the remaining one-third (1/3) of the proceeds shall be paid to the Board of Supervisors of Harrison County.

Section 3. (1) The Harrison County Tourism Commission is renamed the Mississippi Gulf Coast Regional Convention and Visitors Bureau. From and after July 1, 2013, all rights of office of members serving on the Harrison County Tourism Commission or the bureau prior to July 1, 2013, are terminated. From and after July 1, 2013, the bureau shall be composed of * * * fifteen (15) members, appointed as * * * provided in this section.

(2) (a) The board of supervisors of Harrison County shall appoint * * * nine (9) members of the * * * bureau with at least one (1) member from each district of a supervisor upon the recommendation of such supervisor. No supervisor may nominate any person from another supervisor's district to be a member of the bureau. In the selection of commissioners, the board should consider persons who are community leaders and/or are knowledgeable of, or actively involved in, the tourism industry.

(b) The * * * members appointed pursuant to this subsection shall be appointed within sixty (60) days of the effective date of this act, in the following manner:

(* * *i) Two (2) members for one (1) year.

(* * *ii) Two (2) members for two (2) years.

(* * *iii) * * * Two (2) members for three (3) years.

(* * *iv) * * * Two (2) members for four (4) years.

(* * *v) One (1) member for five (5) years.

* * *

(c) All subsequent appointments shall be made for five-year terms, except that the board shall appoint a member to fill a vacancy for the unexpired term only. * * * No person appointed pursuant to this subsection may serve more than ten (10) years prospectively from the effective date of this act as a member of the bureau.

(3) (a) The Board of Supervisors of Hancock County shall appoint three (3) members.

(b) The Board of Supervisors of Jackson County shall appoint three (3) members.

(c) In the selection of commissioners, the board(s) should consider persons who are community leaders and/or are knowledgeable of, or actively involved in, the tourism industry.

(d) Each commissioner appointed from Hancock County and Jackson County pursuant to this subsection shall serve an initial term of two (2) years for purposes of providing each county with a reasonable period of time during which to indentify and commit appropriate sources of tourism funding, as determined by the bureau. In the event sources of funding comparable to those

authorized by this chapter are not enacted upon the expiration of the two-year term, the seats of that county shall expire.

(e) (i) Upon expiration of the initial two-year term and if comparable funding is secured as required by paragraph (c) of this subsection, the subsequent appointments by the Board of Supervisors of Hancock County pursuant to this subsection shall be appointed within sixty (60) days after the expiration of the two-year term in the following manner:

1. One (1) member for one (1) year;

2. One (1) member for three (3) years; and

3. One (1) member for five (5) years.

(ii) All subsequent appointments shall be made for five-year terms, except that the board shall appoint a member to fill a vacancy for the unexpired term only. No person appointed pursuant to this subsection may serve more than ten (10) years prospectively from the effective date of this act as a member of the bureau.

(f) (i) Upon expiration of the initial two-year term and if comparable funding is secured as required by paragraph (d) of this subsection, the subsequent appointments by the Board of Supervisors of Jackson County pursuant to this subsection shall be appointed within sixty (60) days after the expiration of the two-year term, in the following manner:

1. One (1) member for one (1) year;

2. One (1) member for three (3) years; and

3. One (1) member for five (5) years.

(ii) All subsequent appointments shall be made for five-year terms, except that the board shall appoint a member to fill a vacancy for the unexpired term only. No person appointed pursuant to this subsection may serve more than ten (10) years prospectively from the effective date of this act as a member of the bureau.

* * *

(4) All members appointed pursuant to Sections 2 and 3 may be removed by a majority vote of the appointing board of supervisors notwithstanding any time remaining on the term under which the appointee is serving.

(* * *5) Before entering on 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 the State of Mississippi in the sum of Fifty Thousand Dollars ($50,000.00) conditioned on the satisfactory performance of his duties. This bond's premium shall be paid from the * * * bureau fund. * * * The bond shall be payable to Harrison County and in the event of a breach thereof, suit may be brought by the county for the benefit of the * * * bureau. The * * * bureau may authorize the payment of per diem not to exceed the uniform per diem rate provided in Section 25-3-69, Mississippi Code of 1972, to commission members

for each day in the discharge of their official duties provided that the payment of per diem for appointees of Jackson and Hancock Counties shall be made by the appointing board of supervisors of each member until such time the county is a financially participating member of the bureau. * * * Per diem expenditures shall be included in the annual budget of the * * * bureau * * *. The * * * bureau shall elect officers and adopt rules and regulations; and shall fix a regular meeting date, but may provide for special meetings. The * * * bureau shall keep minutes of its proceedings, as are necessary to carry out its responsibilities under this act. * * *

Section 4. Before the expenditures of funds allocated to it by this act, the * * * bureau shall annually adopt a budget that will reflect the anticipated expenditures for promotion, advertising and operation. * * * The budget shall be subject to the approval of the Harrison County Board of Supervisors and shall comply with all the requirements of the general laws of the State of Mississippi covering the advertisement for bids and the expenditure of funds. The annual budget shall also be subject to approval of the boards of supervisors of Hancock County and Jackson County if such counties are participating financially in the bureau. In the event that either Hancock County or Jackson County shall fail to approve the budget, that county shall no longer be a member of the bureau.

Section 5. (a) The * * * bureau established hereunder shall have the authority to promote tourism and in this regard the * * * bureau is empowered:

(* * *i) To receive and expend revenues from any sources including, but not limited to, private enterprise;

(* * *ii) To own, lease or contract for the use, purchase or lease of any real or personal property, including, but not limited to, furnishings, fixtures and any equipment useful and necessary in the promotion of tourism and convention business;

(* * *iii) To sell, convey or otherwise dispose of all or any part of its property and assets in accordance with general laws of the State of Mississippi providing for such disposal;

(* * *iv) To have and exercise all powers necessary or convenient to effect any and all of the purposes for which the commission is organized, and further, to appoint and employ individuals and agencies acting in its behalf for any and all of the aforementioned powers and responsibilities;

(* * *v) To have and exercise all powers necessary and convenient to conduct the business of promoting and managing conventions and to carry out the purposes of the convention staff of the Mississippi Coast Coliseum Commission by agreement between the * * * commission and the bureau.

(b) The bureau shall enter into operating agreements with Harrison, Hancock and Jackson Counties. The operating

agreements shall specify how the bureau will be operated by setting forth the following:

(i) The respective duties, obligations and expected conduct of the members of the bureau, executive director and staff;

(ii) The structure and guidelines for the operating committee;

(iii) The mechanism for establishing strategic objectives with quantified key performance indicators;

(iv) Provisions for insuring accountability by setting forth the method of communicating and reporting performance as measured against clearly articulated strategic objectives to each of the counties and tourism stakeholder associations;

(v) Funding sources and the requirements for insuring public transparency, including compliance with Mississippi laws pertaining to public records and open meetings;

(vi) Scoring guidelines for grant requests for tourism related activities; and

(vii) Adoption of a code of ethics.

Section 6. * * * (a) There is created a nonvoting advisory board to the Mississippi Gulf Coast Regional Convention and Visitors Bureau which shall include Mississippi Gulf Coast domiciled members of the boards of the following organizations, with each organization appointing one (1) member:

(i) The Mississippi Hotel and Lodging Association;

(ii) The Mississippi Hospitality and Restaurant Association;

(iii) The Mississippi Casino Operators Association;

(iv) The Mississippi Gulf Coast Attractions Association;

(v) The Mississippi Gulf Coast Golf Association;

(vi) The Mississippi Coast Sports Commission;

(vii) The Gulfport/Biloxi International Airport Authority; and

(viii) Any other related tourism associations deemed appropriate by the board of the Mississippi Gulf Coast Regional Convention and Visitors Bureau.

(b) A designee from the Mississippi Coast Coliseum and Convention Center Commission and from any private sector organization committing resources to the Mississippi Gulf Coast Regional Convention and Visitors Bureau over a multi-year period that the bureau deems significant also shall serve on the advisory board. The advisory board members shall participate in all board meetings, other than executive sessions, and may serve on the various operating committees of the bureau.

Section 7. All property, funds, money, accounts, records, contracts and other obligations now held in the name of the Harrison County Tourism Commission shall be deemed to be held in the name of the bureau; however, no contracts or other obligations

entered into from and after March 1, 2013, through July 1, 2013, shall become obligations of the bureau except upon an affirmative vote of the bureau that is conducted after July 1, 2013.

Section * * *8. (1) Until the date the bonds issued by the county after May 1, 1995, but prior to the effective date of House Bill No. 1823, 2004 Regular Session, to defray the costs of expanding the Mississippi Coast Coliseum and Convention Center have been retired, and the bonds issued under the provisions of Sections 1 through 12 of House Bill No. 1823, 2004 Regular Session, have been retired, the Board of Supervisors of Harrison County shall deposit the funds allocated to it by Section 2(4) of this act into a special fund in the county treasury.

(2) Monies in the special fund shall be expended by the board of supervisors to:

(a) Pay the principal of and interest on up to Ten Million Dollars ($10,000,000.00) of general obligation bonds issued by the county after May 1, 1995, but prior to the effective date of House Bill No. 1823, 2004 Regular Session, to defray the costs of expanding the Mississippi Coast Coliseum and Convention Center, and/or

(b) Pay the principal of and interest on general obligation bonds issued by the county pursuant to Sections 1 through 12 of House Bill No. 1823, 2004 Regular Session.

Section * * *9. * * * The Board of Supervisors of Harrison County, Mississippi, and the bureau, may, in their discretion,

enter into contracts with not-for-profit organizations to provide services for advertising, marketing, and promotion of tourism and conventions and other related activities * * * .

* * *

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

PASSED BY THE HOUSE OF REPRESENTATIVES
March 21, 2013

Philip Gunn
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 29, 2013

Tate Reeves
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant
GOVERNOR

4-16-13
12:06 pm