

By: Representative Robertson

To: Local and Private
Legislation; Ways and
Means

HOUSE BILL NO. 1699
(As Passed the House)

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 HERNANDO, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS
3 DERIVED FROM HOTEL AND MOTEL ROOM RENTALS IN THE CITY; TO PROVIDE
4 FOR A PETITION ELECTION ON THE QUESTION OF IMPOSING SUCH A TAX; TO
5 PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE STATE TAX
6 COMMISSION AND PAID TO THE CITY OF HERNANDO; TO PROVIDE THAT THE
7 PROCEEDS FROM THE TAX SHALL BE USED FOR THE PURPOSE OF PROMOTING
8 THE ATTRIBUTES OF THE CITY; AND FOR RELATED PURPOSES.

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

10 SECTION 1. As used in this act, the following terms shall
11 have meanings ascribed in this section unless otherwise clearly
12 indicated by the context in which they are used:

13 (a) "Governing authorities" means the governing
14 authorities of the City of Hernando, Mississippi.

15 (b) "Hotel" or "motel" means any establishment engaged
16 in the business of furnishing or providing rooms intended or
17 designed for dwelling, lodging or sleeping purposes to transient
18 guests and which are known in the trade as such. The term "hotel"
19 or "motel" does not include any hospital, convalescent or nursing
20 home or sanitarium, or any hotel-like facility operated by or in
21 connection with a hospital or medical clinic providing rooms
22 exclusively for patients and their families.

23 SECTION 2. (1) For the purpose of providing funds to
24 promote the attributes of the City of Hernando, Mississippi, as
25 they relate to tourism and economic development, and for promoting
26 tourism and economic development, the governing authorities of the
27 City of Hernando, in their discretion, are authorized to levy and
28 collect from every person, firm or corporation operating a hotel
29 or motel in the city a tax, which shall be in addition to all

30 other taxes and assessments imposed, which shall not exceed one
31 percent (1%) of the gross proceeds derived from room rentals of
32 all such hotels or motels in the city, excluding charges for food,
33 telephone, laundry, beverages and similar charges. The tax shall
34 not be levied upon or collected from gross proceeds derived from
35 room rentals for day meetings where the room does not serve as
36 overnight sleeping accommodations.

37 (2) Persons, firms or corporations liable for the tax
38 imposed under subsection (1) of this section shall add the amount
39 of the tax to the sales price and shall collect, insofar as is
40 practicable, the amount of the tax due by him from the person
41 receiving the services or product at the time of payment therefor.

42 (3) Such tax shall be collected by and paid to the State Tax
43 Commission on a form prescribed by the State Tax Commission in the
44 same manner that state sales taxes are computed, collected and
45 paid; and the full enforcement provisions and all other provisions
46 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
47 necessary to the implementation and administration of this act.

48 (4) The proceeds of such tax, less three percent (3%)
49 thereof which shall be retained by the State Tax Commission to
50 defray the costs of collection, shall be paid to the governing
51 authorities on or before the fifteenth day of the month following
52 the month in which collected.

53 (5) The proceeds of such tax shall not be considered by the
54 City of Hernando as general fund revenues but shall be dedicated
55 to and expended solely for the purposes specified in this section.

56 SECTION 3. Before the tax authorized by this act may be
57 imposed, the governing authorities shall adopt a resolution
58 declaring their intention to levy the tax, setting forth the
59 amount of such tax and establishing the date on which the tax
60 initially shall be levied and collected. Notice of the proposed
61 tax shall be published once each week for at least three (3)
62 consecutive weeks in a newspaper having a general circulation in
63 the City of Hernando. The first publication of the notice shall
64 be made not less than twenty-one (21) days before the date fixed
65 in the resolution on which the tax initially is to be levied and
66 collected, and the last publication of the notice shall be made

67 not more than seven (7) days before such date. If, within the
68 time of giving notice, twenty percent (20%) or fifteen hundred
69 (1500), whichever is less, of the qualified electors of the City
70 of Hernando, file a written petition against the levy of such tax,
71 then the tax shall not be levied unless authorized by a majority
72 of the qualified electors of the City of Hernando, voting at an
73 election to be called and held for that purpose. At least thirty
74 (30) days before the effective date of the tax, the governing
75 authorities shall furnish to the State Tax Commission a certified
76 copy of the resolution evidencing such tax.

77 SECTION 4. Accounting for receipts and expenditures of the
78 funds described in this act shall be made separately from the
79 accounting of receipts and expenditures of the general fund and
80 any other funds of the City of Hernando. The records reflecting
81 the receipts and expenditures of the funds prescribed in this act
82 shall be audited annually by an independent certified public
83 accountant, and the accountant shall make a written report of his
84 audit to the governing authorities. The audit shall be made and
85 completed as soon as practicable after the close of the fiscal
86 year, and expenses of such audit shall be paid from the funds
87 derived pursuant to this act.

88 SECTION 5. The governing authorities of the City of
89 Hernando, Mississippi, shall submit this act, immediately upon
90 approval by the Governor, or upon approval by the Legislature
91 subsequent to a veto, to the Attorney General of the United States
92 or to the United States District Court for the District of
93 Columbia in accordance with the provisions of the Voting Rights
94 Act of 1965, as amended and extended.

95 SECTION 6. This act shall take effect and be in force from
96 and after the date it is effectuated under Section 5 of the Voting
97 Rights Act of 1965, as amended and extended.