

By: Representative Howell

To: Local and Private  
Legislation; Ways and  
Means

HOUSE BILL NO. 1718  
(As Passed the House)

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF MONTGOMERY  
2 COUNTY TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL  
3 AND MOTEL ROOM RENTALS IN THE COUNTY; TO PROVIDE FOR A PETITION  
4 ELECTION ON THE QUESTION OF IMPOSING SUCH A TAX; TO PROVIDE THAT  
5 THE TAX SHALL BE COLLECTED BY THE STATE TAX COMMISSION AND PAID TO  
6 MONTGOMERY COUNTY; TO PROVIDE THAT THE PROCEEDS FROM THE TAX SHALL  
7 BE USED FOR THE PURPOSE OF OPERATING AND SUPPORTING THE MONTGOMERY  
8 COUNTY COLISEUM AND FOR PROMOTING TOURISM IN MONTGOMERY COUNTY;  
9 AND FOR RELATED PURPOSES.

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

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

14 (a) "County" means Montgomery County, Mississippi.

15 (b) "Board of supervisors" means the Board of  
16 Supervisors of Montgomery County.

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

25 SECTION 2. (1) For the purpose of providing funds for the  
26 operation and support of the Montgomery County Coliseum and to  
27 promote tourism in Montgomery County, the Board of Supervisors of  
28 Montgomery County may levy and collect from every person, firm or  
29 corporation operating a hotel or motel in the county a tax, which

shall be in addition to all other taxes and assessments imposed, which shall be One Dollar (\$1.00) per room upon each hotel and motel room rented in the county and any municipality located within the county. The tax shall not be levied upon or collected from gross proceeds derived from room rentals for day meetings where the room does not serve as overnight sleeping accommodations.

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

(3) The tax shall be collected by and paid to the State Tax Commission on a form prescribed by the State Tax Commission 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.

(4) The proceeds of the tax, less three percent (3%) thereof which shall be retained by the State Tax Commission to defray the costs of collection, shall be paid to the board of supervisors on or before the fifteenth day of the month following the month in which collected.

(5) The proceeds of the tax shall not be considered by the county as general fund revenues but shall be dedicated to and expended solely for the operation and support of the Montgomery County Coliseum and to promote tourism.

SECTION 3. Before the tax authorized by this act may be imposed, the board of supervisors shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of the tax and establishing the date on which the tax initially shall be levied and collected. Notice of the proposed tax shall be published once each week for at least three (3) consecutive weeks in a newspaper having a general circulation in the county. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed in the resolution on which the tax initially is to be levied and collected, and the

67 last publication of the notice shall be made not more than seven  
68 (7) days before that date. If, within the time of giving notice,  
69 twenty percent (20%) or fifteen hundred (1500), whichever is less,  
70 of the qualified electors of the county, file a written petition  
71 against the levy of the tax, then the tax shall not be levied  
72 unless authorized by a majority of the qualified electors of the  
73 county, voting at an election to be called and held for that  
74 purpose. At least thirty (30) days before the effective date of  
75 the tax, the board of supervisors shall furnish to the State Tax  
76 Commission a certified copy of the resolution evidencing the 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 county. The records reflecting the  
81 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 board of supervisors. The audit shall be made and  
85 completed as soon as practicable after the close of the fiscal  
86 year, and expenses of the audit shall be paid from the funds  
87 derived pursuant to this act.

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