

By: Representative Howell

To: Local and Private
Legislation; Ways and
Means

HOUSE BILL NO. 1718
(As Sent to Governor)

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 to
26 promote the attributes of Montgomery County, Mississippi, as they
27 relate to tourism and economic development, and for promoting
28 tourism and economic development, the Board of Supervisors of
29 Montgomery County, Mississippi, in its discretion, is authorized
30 to levy and collect from every person, firm or corporation

31 operating a hotel or motel in the county a tax, which shall be in
32 addition to all other taxes and assessments imposed, which shall
33 not exceed two percent (2%) of the gross proceeds derived from
34 room rentals of all such hotels or motels in the county, excluding
35 charges for food, telephone, laundry, beverages and similar
36 charges. The tax shall not be levied upon or collected from gross
37 proceeds derived from room rentals for day meetings where the room
38 does not serve as overnight sleeping accommodations.

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

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

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

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

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

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

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

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

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