

By: Moffatt, Robertson

To: Local and Private;
Finance

SENATE BILL NO. 3221

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 GAUTIER, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS
3 DERIVED FROM HOTEL, MOTEL AND BED AND BREAKFAST ROOM RENTALS IN
4 THE CITY; TO PROVIDE FOR A PETITION ELECTION ON THE QUESTION OF
5 IMPOSING SUCH A TAX; TO PROVIDE THAT THE TAX SHALL BE COLLECTED BY
6 THE STATE TAX COMMISSION AND PAID TO THE CITY OF GAUTIER; TO
7 PROVIDE THAT THE PROCEEDS FROM THE TAX SHALL BE USED FOR THE
8 PURPOSE OF CAPITAL IMPROVEMENTS AND ECONOMIC DEVELOPMENT IN THE
9 GAUTIER AREA; 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) "Governing authorities" means the governing
15 authorities of the City of Gautier, Mississippi.

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

25 SECTION 2. (1) For the purpose of providing funds for
26 capital improvement and economic development in the Gautier,
27 Mississippi, area, the governing authorities of the City of
28 Gautier, in their discretion, are authorized to levy and collect
29 from every person, firm or corporation operating a hotel, motel or

30 bed and breakfast in the city a tax, which shall be in addition to
31 all other taxes and assessments imposed, which shall not exceed
32 three percent (3%) of the gross proceeds derived from room rentals
33 of all such hotels, motels or bed and breakfasts in the city.

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

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

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

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

53 SECTION 3. Accounting for receipts and expenditures of the
54 funds described in this act shall be made separately from the
55 accounting of receipts and expenditures of the general fund and
56 any other funds of the City of Gautier. The records reflecting
57 the receipts and expenditures of the funds prescribed in this act
58 shall be audited annually by an independent certified public
59 accountant, and the accountant shall make a written report of his
60 audit to the governing authorities. The audit shall be made and
61 completed as soon as practicable after the close of the fiscal
62 year, and expenses of such audit shall be paid from the funds
63 derived pursuant to this act.

64 SECTION 4. SECTION 6. This act shall take effect and be in
65 force from and after July 1, 2000.