

By: Representative Taylor

To: Local and Private  
Legislation; Ways and Means

HOUSE BILL NO. 1764

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 WAYNESBORO, MISSISSIPPI, AND THE BOARD OF SUPERVISORS OF WAYNE  
3 COUNTY, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF  
4 HOTELS AND MOTELS DERIVED FROM ROOM RENTALS AND UPON THE GROSS  
5 PROCEEDS OF SALES OF BARS AND RESTAURANTS; TO PROVIDE THAT SUCH  
6 TAX SHALL BE COLLECTED BY THE STATE TAX COMMISSION; TO PROVIDE FOR  
7 AN ELECTION ON THE QUESTION OF IMPOSING SUCH A TAX; TO PROVIDE  
8 THAT THE REVENUE RECEIVED BY THE CITY OF WAYNESBORO FROM SUCH TAX  
9 SHALL BE EXPENDED TO CONSTRUCT AND IMPROVE RECREATIONAL FACILITIES  
10 WITHIN THE BOUNDARIES OF THE CITY OF WAYNESBORO, MISSISSIPPI, AS  
11 THOSE BOUNDARIES EXISTED BEFORE MARCH 26, 2001; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** As used in this act, the following terms shall  
15 have the meanings ascribed to them in this section unless a  
16 different meaning is clearly indicated by the context in which  
17 they are used:

18 (a) "Board of supervisors" means the Board of  
19 Supervisors of Wayne County, Mississippi.

20 (b) "Governing authorities" means the Mayor and Board  
21 of Aldermen of the City of Waynesboro, Mississippi.

22 (c) "Hotel" or "motel" means any establishment engaged  
23 in the business of furnishing or providing six (6) or more rooms  
24 intended or designed for dwelling, lodging or sleeping purposes to  
25 transient guests. The term "hotel" or "motel" does not include  
26 any hospital, convalescent or nursing home or sanitarium, or any  
27 hotel-like facility operated by or in connection with a hospital  
28 or medical clinic providing rooms exclusively for patients and  
29 their families.

30 (d) "Restaurant" means all places where prepared food  
31 and beverages are sold for consumption, whether such food is  
32 consumed on the premises or not. The term "restaurant" does not

33 include any school, hospital, convalescent or nursing home, or any  
34 restaurant-like facility operated by or in connection with a  
35 school, hospital, medical clinic, convalescent or nursing home  
36 providing food for students, patients, visitors or their families.

37 (e) "Bar" means all places required by law to possess  
38 an on-premises Alcoholic Beverage Control Permit where beer or  
39 other alcoholic beverages, or both, are sold for consumption on  
40 the premises.

41 **SECTION 2.** (1) For the purpose of providing funds to  
42 construct and improve recreational facilities within the  
43 boundaries of the City of Waynesboro, Mississippi, as those  
44 boundaries existed before March 26, 2001, the board of supervisors  
45 and the governing authorities are authorized, in their discretion,  
46 to levy and collect from the following persons a tax, which shall  
47 be in addition to all of the taxes and assessments imposed. The  
48 tax shall be on the following persons:

49 (a) An additional tax upon every person, firm or  
50 corporation operating a hotel or motel in the City of Waynesboro,  
51 or in Wayne County outside the city limits, at a rate not to  
52 exceed one percent (1%) of the gross proceeds derived from room  
53 rentals;

54 (b) An additional tax upon every person, firm or  
55 corporation operating a restaurant in the City of Waynesboro, or  
56 in Wayne County outside the city limits, where prepared food and  
57 drink is sold to the public, at a rate not to exceed one percent  
58 (1%) of the gross proceeds of the sales of such restaurant; and

59 (c) An additional tax upon every person, firm or  
60 corporation operating a bar in the City of Waynesboro, or in Wayne  
61 County outside the city limits, at a rate not to exceed one  
62 percent (1%) of the gross proceeds of the sales of such bar.

63 (2) Persons, firms or corporations liable for the levy  
64 imposed under subsection (1) of this section shall add the amount  
65 of the levy to the sales price of the rooms and products set out

66 in subsection (1) of this section and shall collect, insofar as is  
67 practicable, the amount of the tax due by them from the person  
68 receiving the services or product at the time of payment therefor.

69 (3) Such tax shall be collected by and paid to the State Tax  
70 Commission on a form prescribed by the State Tax Commission in the  
71 manner that state sales taxes are computed, collected and paid;  
72 and full enforcement provisions and all other provisions of  
73 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
74 necessary to the implementation and administration of this act.

75 (4) The proceeds of such tax, less three percent (3%)  
76 thereof which shall be retained by the State Tax Commission to  
77 defray the cost of collection, shall be paid to the governing  
78 authorities, on or before the fifteenth day of the month in which  
79 collected.

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

83 **SECTION 3.** Before any tax authorized under this act may be  
84 imposed, the governing authorities and the board of supervisors  
85 shall adopt a resolution declaring their intention to levy the  
86 taxes, setting forth the amount of such tax to be imposed, the  
87 date upon which such taxes shall become effective and calling for  
88 a referendum to be held on the question. Notice of such intention  
89 shall be published once each week for at least three (3)  
90 consecutive weeks in a newspaper published or having a general  
91 circulation in the county, with the first publication of such  
92 notice to be made not less than twenty-one (21) days before the  
93 date fixed in the resolution for the referendum and the last  
94 publication to be made not more than seven (7) days before the  
95 referendum. At the referendum, all qualified electors of the  
96 county may vote, and the ballots used in such referendum shall  
97 have printed thereon a brief statement of the amount and purposes  
98 of the proposed tax levy and the words "FOR THE TAX" and, on a

99 separate line, "AGAINST THE TAX," and the voters shall vote by  
100 placing a cross (X) or check (✓) opposite their choice on the  
101 proposition. When the results of any such referendum shall have  
102 been canvassed by the election commission and certified, the city  
103 and the county may levy the taxes beginning on the first day of  
104 the second month following the referendum, only if at least sixty  
105 percent (60%) of the qualified electors who vote in the election  
106 vote in favor of the tax. No public funds shall be used for the  
107 purpose of promoting the adoption of the referendum and no city or  
108 county employee may promote the referendum during business hours.  
109 At least thirty (30) days before the effective date of the taxes,  
110 the governing authorities and the board of supervisors shall  
111 furnish to the State Tax Commission a certified copy of the  
112 resolution evidencing the taxes.

113       **SECTION 4.** Accounting for receipts and expenditures of the  
114 funds described in this act must be made separately from the  
115 accounting of receipts and expenditures of the general fund and  
116 any other funds of the City of Waynesboro. The records reflecting  
117 the receipts and expenditures of the funds prescribed in this act  
118 shall be audited annually by an independent certified public  
119 accountant, and the accountant shall make a written report of his  
120 audit to the governing authorities. The audit shall be made and  
121 completed as soon as practicable after the close of the fiscal  
122 year, and expenses of such audit shall be paid from the funds  
123 derived pursuant to this act.

124       **SECTION 5.** The board of supervisors and the governing  
125 authorities are directed to submit this act, immediately upon  
126 approval by the Governor, or upon approval by the Legislature  
127 subsequent to a veto, to the Attorney General of the United States  
128 or to the United States District Court for the District of  
129 Columbia in accordance with the provisions of the Voting Rights  
130 Act of 1965, as amended and extended.

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