

By: Representative Powell

To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1628

1 AN ACT TO AMEND CHAPTER 935, LOCAL AND PRIVATE LAWS OF 2016,
2 TO EXTEND THE DATE OF REPEAL FROM JULY 1, 2020, TO JULY 1, 2030,
3 ON THE PROVISION OF LAW THAT AUTHORIZES THE GOVERNING AUTHORITIES
4 OF THE CITY OF BRANDON, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS
5 PROCEEDS OF ROOM RENTALS FROM HOTELS AND MOTELS WITHIN THE CITY
6 FOR THE PURPOSE OF FUNDING AN AMPHITHEATRE AND OTHER ANCILLARY
7 IMPROVEMENTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 935, Local and Private Laws of 2016, is
10 amended as follows:

11 Section 1. As used in this act:

12 (a) "City" means the City of Brandon, Mississippi.

13 (b) "Costs" as applied to the facilities, means any and
14 all costs of financing or refinancing such facilities and, without
15 limiting the generality of the foregoing, shall include the
16 following:

17 (i) All costs of the establishment, demolition,
18 site development of new and rehabilitated buildings,
19 rehabilitation, reconstruction repair, erection, building,
20 construction, remodeling, expanding, improving, equipping and



21 furnishing of the facilities and all costs incident or related
22 thereto;

23 (ii) The cost of acquiring any property interest
24 in the facilities, including the purchase of any property interest
25 or the cost of any option to purchase;

26 (iii) The cost of architectural, engineering,
27 legal and related services; the cost of the preparation of plans,
28 specifications, studies, surveys and estimates of cost and of
29 revenue; all other expenses necessary or incident to planning,
30 providing or determining the need for or the feasibility and
31 practicability of the facilities or the acquisition of the
32 facilities;

33 (iv) The cost of financing charges, including
34 premiums or prepayment penalties, if any, and interest accrued
35 prior to the acquisition and completion or refinancing of the
36 facilities and after such acquisition and completion or
37 refinancing, and start-up costs related to new facilities; and

38 (v) Any and all costs paid or incurred in
39 connection with the financing or refinancing of the facilities,
40 including out-of-pocket expenses, the cost of financing,
41 legal, accounting, financial advisory and consulting fees,
42 expenses and disbursements; the cost of any policy of insurance;
43 the cost of printing, engraving and reproduction services; and the
44 cost of the initial or acceptance fee of any trustee or paying
45 agent.



46 (c) "Facilities" means an amphitheater and other
47 related and ancillary facilities.

48 (d) "Governing authorities" means the Mayor and Board
49 of Aldermen of the city.

50 (e) "Hotel" or "motel" means and includes a place of
51 lodging that at any one time will accommodate transient guests on
52 a daily, weekly or monthly basis and that is known to the trade as
53 such, and which is located within the city limits of the city.

54 (f) "Project" means paying the costs of the
55 acquisition, construction, reconstruction, expanding, improving,
56 furnishing, equipping and repairing of the facilities.

57 Section 2. (1) For the purpose of providing funds for the
58 acquisition, construction, reconstruction, expanding, improving,
59 furnishing, equipping and repairing of an amphitheater in the
60 city, and for the payment of any debt incurred in connection
61 therewith, there is levied and assessed and shall be collected
62 from every person engaged in operating a hotel or motel, in
63 addition to all other taxes currently being levied, assessed and
64 collected, a tax of three percent (3%) of the gross proceeds of
65 sales of room rentals of hotel and motel rooms for each such hotel
66 and motel.

67 (2) Persons liable for the tax imposed in this section shall
68 add the amount of the tax to the sales price, as applicable, and,
69 in addition, shall collect, insofar as practicable, the amount of



70 the tax due by them from the person receiving the services at the
71 time of payment for the services.

72 Section 3. (1) The tax shall be collected by and paid to
73 the Department of Revenue in the same manner that state sales
74 taxes are computed, collected and paid, and the full enforcement
75 provisions of Chapter 65, Title 27, Mississippi Code of 1972,
76 shall apply as necessary to the implementation and administration
77 of this act.

78 (2) Except for any amount retained by the Department of
79 Revenue under Section 27-3-58, Mississippi Code of 1972, the
80 proceeds of the tax shall be paid to the city on or before the
81 fifteenth day of the month following the month in which they were
82 collected.

83 (3) Accounting for receipts and expenditures of the revenue
84 from the tax shall be made separately from the accounting of
85 receipts and expenditures of the general fund and any other funds
86 of the city. The records reflecting the receipts and expenditures
87 of the revenue from the tax shall be audited annually by an
88 independent certified public accountant, and the accountant shall
89 make a written report of his audit to the governing authorities.
90 The audit shall be made and completed as soon as practicable after
91 the close of the fiscal year, and expenses of the audit shall be
92 paid from the funds derived pursuant to this act.



93 (4) The proceeds of the tax shall not be considered by the
94 city as general fund revenues and shall be placed into a special
95 fund created separate and apart from any other fund of the city.

96 Section 4. Before any tax authorized under this act may be
97 imposed, the governing authorities shall adopt a resolution
98 declaring their intention to levy the tax, setting forth the
99 amount of the tax to be imposed, the date upon which the tax shall
100 become effective, and calling for an election to be held on the
101 question. The date of the election shall be fixed in the
102 resolution. Notice of such intention shall be published once each
103 week for at least three (3) consecutive weeks in a newspaper
104 published or having a general circulation in the city, with the
105 first publication of the notice to be made not less than
106 twenty-one (21) days before the date fixed in the resolution for
107 the election and the last publication to be made not more than
108 seven (7) days before the election. At the election, all
109 qualified electors of the city may vote, and the ballots used in
110 the election shall have printed thereon a brief statement of the
111 amount and purposes of the proposed tax levy and the words "FOR
112 THE TAX" and, on a separate line, "AGAINST THE TAX," and the
113 voters shall vote by placing a cross (X) or check (✓) opposite
114 their choice on the proposition. When the results of the election
115 shall have been canvassed and certified, the city may levy the tax
116 if sixty percent (60%) of the qualified electors who vote in the
117 election vote in favor of the tax. At least thirty (30) days



118 before the effective date of the tax provided in this section, the
119 governing authorities shall furnish to the Department of Revenue a
120 certified copy of the resolution evidencing the tax.

121 Section 5. The city is authorized to incur debt under the
122 provisions of this act or under any existing law authorizing notes
123 or other evidences of debt. The governing authorities, in their
124 discretion, may pledge the revenues derived from the tax levy
125 authorized by this act to repay any indebtedness of the city which
126 the city may be authorized to incur under the laws of the state.

127 Section 6. Subject to the provisions of this act and
128 provided that there is no indebtedness or obligations outstanding
129 pursuant to the provisions of this act, the tax levied under this
130 act may be discontinued by an action of the governing authority
131 adopting a resolution to that effect. The discontinuance of the
132 tax shall be effective beginning on the first day of the month
133 designated in the resolution and the tax levy shall not apply to
134 sales made on and after that date. A certified copy of the
135 resolution discontinuing the tax shall be delivered to the
136 Department of Revenue at least seven (7) days before the date set
137 in the resolution for the discontinuance of the tax.

138 Section 7. This act shall be repealed from and after July
139 1, * * * 2030.

140 **SECTION 2.** This act shall take effect and be in force from
141 and after its passage.

