

By: Representatives Busby, Anderson

To: Local and Private
Legislation

HOUSE BILL NO. 1712

1 AN ACT TO AMEND CHAPTER 1005, LOCAL AND PRIVATE LAWS OF 2004,
2 AS LAST AMENDED BY CHAPTER 912, LOCAL AND PRIVATE LAWS OF 2014, TO
3 EXTEND THE REPEAL DATE ON THE PROVISION OF LAW AUTHORIZING THE
4 GOVERNING AUTHORITIES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO
5 LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL, MOTEL AND
6 BED-AND-BREAKFAST ROOM RENTALS IN THE CITY; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Chapter 1005, Local and Private Laws of 2004, as
10 amended by Chapter 923, Local and Private Laws of 2008, as amended
11 by Chapter 915, Local and Private Laws of 2011, as amended by
12 Chapter 912, Local and Private Laws of 2014, is amended as
13 follows:

14 Section 1. As used in this act, the following terms shall
15 have meanings ascribed in this section unless otherwise clearly
16 indicated by the context in which they are used:

17 (a) "Governing authorities" means the governing
18 authorities of the City of Pascagoula, Mississippi.

19 (b) "Hotel," "motel" or "bed-and-breakfast" means any
20 establishment engaged in the business of furnishing or providing



21 rooms intended or designed for dwelling, lodging or sleeping
22 purposes to transient guests and which are known in the trade as
23 such. The terms "hotel," "motel" and "bed-and-breakfast" do not
24 include any hospital, convalescent or nursing home or sanitarium,
25 or any hotel-like facility operated by or in connection with a
26 hospital or medical clinic providing rooms exclusively for
27 patients and their families.

28 Section 2. (1) For the purpose of providing funds to
29 promote tourism, economic development and recreation, the
30 governing authorities, in their discretion, are authorized to levy
31 and collect from every person, firm or corporation operating a
32 hotel, motel or bed-and-breakfast in the city, a tax which shall
33 be in addition to all other taxes and assessments imposed, which
34 shall not exceed three percent (3%) of the gross proceeds derived
35 from room rentals of all such hotels, motels or bed-and-breakfasts
36 in the city.

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

42 (3) Such tax shall be collected by and paid to the
43 Department of Revenue on a form prescribed by the Department of
44 Revenue in the same manner that state sales taxes are computed,
45 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 such tax shall be paid to the governing authorities on or before the fifteenth day of the month in which collected.

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

Section 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their intention to levy the taxes, setting forth the amount of such tax to be imposed, the date upon which such taxes shall become effective and calling for a referendum to be held on the question. The date of the referendum shall be the date of the next municipal general election. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the county, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the referendum and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the city may vote, and the ballots used in such referendum shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and



71 the words "FOR THE TAX" and, on a separate line, "AGAINST THE
72 TAX," and the voters shall vote by placing a cross (X) or check
73 (✓) opposite their choice on the proposition. When the results
74 of any such referendum shall have been canvassed by the election
75 commission and certified, the city may levy the taxes beginning on
76 the first day of the second month following the referendum, only
77 if at least sixty percent (60%) of the qualified electors who vote
78 in the election vote in favor of the tax. No public funds shall
79 be used for the purpose of promoting the adoption of the
80 referendum and no city employee may promote the referendum during
81 business hours. At least thirty (30) days before the effective
82 date of the taxes, the governing authorities shall furnish to the
83 Department of Revenue a certified copy of the resolution
84 evidencing the taxes.

85 Section 4. Accounting for receipts and expenditures of the
86 funds described in this act shall be made separately from the
87 accounting of receipts and expenditures of the general fund and
88 any other funds of the City of Pascagoula. The records reflecting
89 the receipts and expenditures of the funds prescribed in this act
90 shall be audited annually by an independent certified public
91 accountant, and the accountant shall make a written report of his
92 audit to the governing authorities. The audit shall be made and
93 completed as soon as practicable after the close of the fiscal
94 year, and expenses of such audit shall be paid from the funds
95 derived pursuant to this act.



96 Section 5. Any collections of revenue, made under this
97 chapter from and after July 1, 2017, and until the effective date
98 of House Bill No. 1712, 2019 Regular Session, are hereby ratified
99 and confirmed and the expenditures that may have been made by the
100 city of such revenue that was paid to the city are hereby ratified
101 and confirmed. Any of such revenue, if applicable, paid to the
102 city may be expended by the city for the purposes authorized in
103 this chapter.

104 Section * * * 6. The provisions of this act shall be
105 repealed from and after July 1, * * * 2023.

106 **SECTION 2.** This act shall retroactively take effect and be
107 in force from and after July 1, 2017.

