

By: Representatives Kinkade, Hale,  
Massengill

To: Local and Private  
Legislation

HOUSE BILL NO. 1533

1 AN ACT TO REENACT AND AMEND CHAPTER 944, LOCAL AND PRIVATE  
2 LAWS OF 2010, AS AMENDED BY CHAPTER 949, LOCAL AND PRIVATE LAWS OF  
3 2012, AS AMENDED BY CHAPTER 909, LOCAL AND PRIVATE LAWS OF 2017,  
4 TO EXTEND UNTIL JULY 1, 2026, THE DATE OF REPEAL ON THE LAW THAT  
5 AUTHORIZES THE TOWN OF BYHALIA, MISSISSIPPI, TO IMPOSE A TAX UPON  
6 THE GROSS PROCEEDS OF ROOM RENTALS FOR HOTELS OR MOTELS IN THE  
7 TOWN; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 944, Local and Private Laws of 2010, as  
10 amended by Chapter 949, Local and Private Laws of 2012, as amended  
11 by Chapter 909, Local and Private Laws of 2017, is reenacted and  
12 amended as follows:

13 Section 1. As used in this act, the following terms shall  
14 have the following meanings unless a different meaning is clearly  
15 indicated by the context in which they are used:

16 (a) "Governing authorities" means the governing  
17 authorities of the Town of Byhalia, Mississippi.

18 (b) "Hotel" or "motel" means any establishment engaged  
19 in the business of furnishing or providing rooms intended or  
20 designed for dwelling, lodging or sleeping purposes to transient



21 guests, where the establishment consists of six (6) or more guest  
22 rooms. The term "hotel" or "motel" does not include any hospital,  
23 convalescent or nursing home or sanitarium, or any hotel-like  
24 facility operated by or in connection with a hospital or medical  
25 clinic providing rooms exclusively for patients and their  
26 families.

27 Section 2. (1) For the purpose of providing funds to  
28 promote tourism and parks and recreation in the Byhalia area, the  
29 governing authorities are authorized, in their discretion, to levy  
30 and collect from the following persons a tax, which shall be in  
31 addition to all of the taxes and assessments imposed upon every  
32 person, firm or corporation operating a motel or hotel in the Town  
33 of Byhalia, at a rate not to exceed two percent (2%) of the gross  
34 proceeds of room rentals for each such hotel or motel.

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

41 (3) The tax shall be collected by and paid to the  
42 Mississippi Department of Revenue on a form prescribed by the  
43 Department of Revenue in the manner that state sales taxes are  
44 computed, collected and paid; and full enforcement provisions and  
45 all other provisions of Chapter 65, Title 27, Mississippi Code of



46 1972, shall apply as necessary to the implementation and  
47 administration of this act.

48 (4) The proceeds of the tax, less three percent (3%) thereof  
49 which shall be retained by the Department of Revenue to defray the  
50 cost of collection, shall be paid to the governing authorities on  
51 or before the fifteenth day of the month following the month in  
52 which collected.

53 (5) The proceeds of the tax shall not be considered by the  
54 Town of Byhalia as general fund revenues but shall be dedicated to  
55 and expended solely for the purposes specified in this section.

56 Section 3. Before any tax authorized under this act may be  
57 imposed, the governing authorities shall adopt a resolution  
58 declaring their intention to levy the tax, setting forth the  
59 amount of the tax to be imposed, the date upon which the tax shall  
60 become effective and calling for an election to be held on the  
61 question. The date of the election shall be fixed in the  
62 resolution. Notice of such intention and the election shall be  
63 published once each week for at least three (3) consecutive weeks  
64 in a newspaper published or having a general circulation in the  
65 Town of Byhalia, with the first publication of the notice to be  
66 made not less than twenty-one (21) days before the date fixed in  
67 the resolution for the election and the last publication to be  
68 made not more than seven (7) days before the election. At the  
69 election, all qualified electors of the Town of Byhalia may vote,  
70 and the ballots used in the election shall have printed thereon a



71 brief statement of the amount and purposes of the proposed tax  
72 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST  
73 THE TAX" and the voters shall vote by placing a cross (X) or check  
74 (✓) opposite their choice on the proposition. When the results  
75 of the election shall have been canvassed and certified, the town  
76 may levy the tax if sixty percent (60%) of the qualified electors  
77 who vote in the election vote in favor of the tax. At least  
78 thirty (30) days before the effective date of the tax provided in  
79 this section, the governing authorities shall furnish to the  
80 Department of Revenue a certified copy of the resolution  
81 evidencing the tax.

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

93 Section 5. (a) Collections of revenue made under this  
94 chapter from and after July 1, 2016, and until the effective date  
95 of Senate Bill No. 2941, 2017 Regular Session, are hereby ratified



96 and confirmed and the expenditures that may have been made by the  
97 town of such revenue that was paid to the town are hereby ratified  
98 and confirmed. Any of such revenue paid to the town and held in  
99 escrow by the town may be expended by the town for the purposes  
100 authorized in this chapter.

101 (b) Collections of revenue made under this chapter from  
102 and after July 1, 2021, and until the effective date of House Bill  
103 No. 1533, 2022 Regular Session, are hereby ratified and confirmed  
104 and the expenditures that may have been made by the town of such  
105 revenue that was paid to the town are hereby ratified and  
106 confirmed. Any of such revenue paid to the town and held in  
107 escrow by the town may be expended by the town for the purposes  
108 authorized in this chapter.

109 Section 6. This act shall be repealed from and after July  
110 1, \* \* \* 2026.

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

