

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.

