

By: Senator(s) Boyd, Jackson (11th)

To: Local and Private

SENATE BILL NO. 2997

1 AN ACT TO AMEND CHAPTER 824, LOCAL AND PRIVATE LAWS OF 1992,
2 AS LAST AMENDED BY CHAPTER 942, LOCAL AND PRIVATE LAWS OF 2016, TO
3 EXTEND THE DATE OF REPEAL FROM JULY 1, 2023, TO JULY 1, 2026, ON
4 THE PROVISIONS OF LAW THAT LEVY THE TOURISM AND INDUSTRY PROMOTION
5 TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL AND MOTEL ROOM
6 RENTALS AND RESTAURANT SALES IN THE CITY AND CREATE THE CITY OF
7 BATESVILLE, MISSISSIPPI, AND SOUTH PANOLA AREA CHAMBER OF COMMERCE
8 TOURISM AND INDUSTRIAL DEVELOPMENT COMMITTEE; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Chapter 824, Local and Private Laws of 1992, as
12 amended by Chapter 912, Local and Private Laws of 1997, as amended
13 by Chapter 942, Local and Private Laws of 2016, is amended as
14 follows:

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

18 (a) "City" means the City of Batesville, Mississippi.

19 (b) "Governing authorities" means the governing
20 authorities of the City of Batesville, Mississippi.



21 (c) "Hotel" and "motel" shall mean a place of lodging
22 with more than six (6) rental units that at any one (1) time will
23 accommodate transient guests on a daily or weekly basis and that
24 is known to the trade as such.

25 (d) "Restaurant" means and includes all places where
26 prepared food is served for consumption, at which location the
27 primary source of income (fifty percent (50%) or greater) is the
28 sale of prepared food for consumption. This includes places that
29 serve such food inside, at drive-in facilities or at drive-up
30 windows.

31 (e) "Committee" shall mean the City of Batesville,
32 Mississippi, and South Panola Area Chamber of Commerce Tourism and
33 Industrial Development Committee created by this act.

34 Section 2. There is hereby created the City of Batesville,
35 Mississippi, and South Panola Area Chamber of Commerce Tourism and
36 Industrial Development Committee to be composed of five (5)
37 members to be constituted and appointed as provided in Section 3
38 of this act. From and after the effective date of House Bill No.
39 1837, 1997 Regular Session, the City of Batesville, Mississippi,
40 and South Panola Area Chamber of Commerce Tourism and Industrial
41 Development Committee shall be abolished.

42 Section 3. The city may take such action as it deems
43 necessary relating to the establishment, promotion and development
44 of tourism, economic development and industry and related matters
45 within the city and the surrounding area. The city is authorized



to contract for the furnishings, equipment and operation of any and all facilities necessary or useful in the promotion of tourism and industrial development and to receive and expend, subject to the provisions of this act, revenues from any source.

Section 4. For the purpose of providing funds for the promotion of tourism, economic development and industry in the city and the surrounding area, the governing authorities are authorized to, in their discretion, levy and collect from the persons hereinafter specified a tax, which shall be in addition to all of the taxes and assessments now imposed, and the tax shall be imposed on any one (1) person, one or more persons or all persons listed below, as hereinafter provided, to wit:

(a) A tax upon every person, firm or corporation operating a motel or hotel in the city at a rate not to exceed one percent (1%) of the gross proceeds of room rentals for each such hotel or motel. Such tax shall be in addition to all other taxes and assessments now or hereafter imposed. From and after the effective date of House Bill No. 1837, 1997 Regular Session, such tax may be increased to a rate not to exceed three percent (3%) of the gross proceeds of such hotel or motel room rentals.

(b) A tax upon every person, firm, or corporation operating a restaurant in the city at a rate not to exceed one percent (1%) of the gross proceeds of the sales of such restaurant. Such tax shall be in addition to all other taxes and assessments now or hereafter imposed. From and after the



effective date of House Bill No. 1837, 1997 Regular Session, such tax may be increased to a rate not to exceed three percent (3%) of the gross proceeds of such restaurant sales.

(c) Persons, firms or corporations liable for the levy imposed herein shall add the amount of the levy to the sales price of the rooms and products set out above and shall collect, insofar as is practicable, the amount of the tax due by them from the person receiving the services or product at the time of payment therefor.

(d) Such tax shall be collected by and paid to the Department of Revenue on a form prescribed by the Department of Revenue in the manner that state sales taxes are computed, 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.

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

(f) The proceeds of such tax shall not be considered by the city as general fund revenues but shall be dedicated to and used by the governing authorities solely for the purpose of carrying out programs and activities designed to attract visitors,



96 tourists and industry in order to promote and enhance the tourism,
97 industry and economic development of the city and the surrounding
98 area.

99 Section 5. (* * *1) Before the tax authorized by this act
100 shall be imposed or before the tax rate in effect on the effective
101 date of House Bill No. 1837, 1997 Regular Session, may be
102 increased, the governing authorities shall adopt a resolution
103 declaring their intention to levy the tax or tax increase, as
104 appropriate, setting forth the amount of such tax or tax increase,
105 as appropriate, and establishing the date on which this tax or tax
106 increase, as appropriate, initially shall be levied and collected.
107 Notice of the tax or tax increase, as appropriate, shall be
108 published once each week for at least three (3) consecutive weeks
109 in a newspaper having a general circulation in the city, the first
110 publication of which shall be made not less than twenty-one (21)
111 days prior to the date on which the tax or tax increase, as
112 appropriate, initially shall be levied and collected. If, within
113 the time of giving notice, twenty percent (20%) or fifteen hundred
114 (1500), whichever is less, of the qualified electors of the city
115 shall file a written petition against the levy of such tax or tax
116 increase, as appropriate, then such tax or tax increase, as
117 appropriate, shall not be levied unless authorized by a majority
118 of the qualified electors of the city voting at an election to be
119 called and held for that purpose. At least thirty (30) days prior
120 to the effective date of the tax or tax increase, as appropriate,



as herein provided, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing such tax or tax increase, as appropriate.

If the tax increase authorized in House Bill No. 1837, 1997 Regular Session, is rejected by the qualified electors of the city pursuant to an election held under the provisions of this section, the currently existing tourism tax, as authorized under Chapter 824, Local and Private Laws of 1992, shall continue in full force and effect.

(* * *2) If the tax levied under this chapter was imposed without a vote of the electorate, the governing authorities shall, within sixty (60) days after the effective date of House Bill No. 1587, 2016 Regular Session, by resolution spread upon its minutes, declare the intention of the governing authorities to continue imposing the tax and describe the tax levy, including the tax rate, annual revenue collections and the purposes for which the proceeds are used. The resolution shall be published once a week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the municipality, with the first publication to be made within fourteen (14) days after the governing authorities adopt the resolution declaring their intention to continue the tax. If, on or before the date specified in the resolution for filing a written protest, which date shall be not less than forty-five (45) days and not more than sixty (60) days after the governing authorities adopt the



146 resolution, twenty percent (20%) or one thousand five hundred
147 (1,500), whichever is less, of the qualified electors of the
148 municipality file a written protest against the imposition of the
149 tax, then an election upon the levy and assessment of the tax
150 shall be called and held as in the manner provided for in
151 subsection (* * *1) of this section, with the election to be
152 conducted at the next special election day as such is defined by
153 Section 23-15-833, Mississippi Code of 1972, occurring more than
154 sixty (60) days after the date specified in the resolution for
155 filing a written protest. If the requisite number of qualified
156 electors vote against the imposition of the tax, the tax shall
157 cease to be imposed on the first day of the month following
158 certification of the election results by the election
159 commissioners of the municipality to the governing authorities.
160 The governing authorities shall notify the Department of Revenue
161 of the date of the discontinuance of the tax and shall publish
162 sufficient notice thereof in a newspaper published or having a
163 general circulation in the municipality. If no protest is filed,
164 then the governing authorities shall state that fact in their
165 minutes and may continue the levy and assessment of the tax.

166 This subsection (* * *2) shall not apply if the revenue from
167 the tax authorized by this chapter has been contractually pledged
168 for the payment of debt incurred prior to the effective date of
169 House Bill No. 1587, 2016 Regular Session, until such time as the
170 debt is satisfied. Once the debt has been satisfied, the



governing authorities, shall within sixty (60) days, adopt a resolution declaring the intention of the governing authorities to continue the tax which shall initiate the procedure described in subsection (* * *1) of this section.

Section 6. Accounting for receipts and expenditures of the funds herein described shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the city. The records reflecting the receipts and expenditures of the funds prescribed herein shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. Such audit shall be made and completed as soon as practicable after the close of the city's fiscal year, and expenses of such audit shall be paid from the funds derived pursuant to provisions of this act.

Section 7. This act shall stand repealed from and after July 1, * * * 2026.

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

