

By: Representatives Porter, Mims

To: Local and Private
Legislation

HOUSE BILL NO. 1196

1 AN ACT TO AMEND CHAPTER 916, LOCAL AND PRIVATE LAWS OF 2011,
2 AS AMENDED BY CHAPTER 910, LOCAL AND PRIVATE LAWS OF 2014, AS
3 AMENDED BY CHAPTER 945, LOCAL AND PRIVATE LAWS OF 2017, AS AMENDED
4 BY CHAPTER 918, LOCAL AND PRIVATE LAWS OF 2021, TO EXTEND THE DATE
5 OF REPEAL TO JULY 1, 2027, ON THE PROVISION OF LAW THAT AUTHORIZES
6 THE GOVERNING AUTHORITIES OF THE CITY OF MCCOMB, MISSISSIPPI, TO
7 IMPOSE A TOURISM TAX WITHIN THE CITY, AND TO EXPEND THE PROCEEDS
8 OF THE TAX TO PROMOTE TOURISM, PARKS AND RECREATION; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** Chapter 916, Local and Private Laws of 2011, as
12 amended by Chapter 910, Local and Private Laws of 2014, as amended
13 by Chapter 945, Local and Private Laws of 2017, as amended by
14 Chapter 918, Local and Private Laws of 2021, is amended as
15 follows:

16 Section 1. As used in this act, the following words shall
17 have the meanings ascribed to them in this section unless
18 otherwise clearly indicated by the context in which they are used:

19 (a) "Hotel" or "motel" means any establishment engaged
20 in the business of furnishing or providing rooms intended or
21 designed for lodging or sleeping purposes for transient guests,



22 which establishment consists of five (5) or more guest rooms and
23 does not encompass any hospital, convalescent or nursing home, or
24 sanitarium, or any hotel-like facility operated by or in
25 connection with a hospital or medical clinic providing rooms
26 exclusively for patients and their families.

27 (b) "City" means the City of McComb, Mississippi.

28 Section 2. (1) For the purpose of providing funds to
29 promote and advertise the attributes of the city, as they relate
30 to tourism, parks and recreation and for promoting tourism, parks
31 and recreation events and activities in the city, the governing
32 authorities of the City of McComb, Mississippi, in their
33 discretion, may levy, assess and collect from every person, firm
34 and corporation operating a hotel or motel in the city, a tax that
35 may be cited as a "tourism tax," which shall be in addition to all
36 other taxes and assessments imposed by the city, as provided in
37 this act.

38 (2) The tax shall be an amount not to exceed three percent
39 (3%) of the gross proceeds derived from hotel and motel room
40 rentals in the city, excluding charges for telephone, laundry and
41 similar services. The tax shall not be levied upon or collected
42 from gross proceeds of nontaxable rooms, room rentals for day
43 meetings that do not serve as overnight sleeping accommodations or
44 room rentals to residential guests of a hotel or motel.

45 (3) Persons liable for the tax imposed pursuant to this act
46 shall add the amount of tax to the gross proceeds from room



47 rentals and shall collect, insofar as practicable, the amount of
48 the tax due by him from the person receiving the services at the
49 time of payment for the services.

50 (4) The tax shall be collected by and paid to the Department
51 of Revenue on a form prescribed by the Department of Revenue, in
52 the same manner that state sales taxes are computed, collected and
53 paid; and the full enforcement provisions and all other provisions
54 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
55 necessary to the implementation and administration of this act.

56 (5) The proceeds of the tax, less three percent (3%) to be
57 retained by the Department of Revenue to defray the costs of
58 collection, shall be paid to the governing authorities of the city
59 on or before the fifteenth day of the month following the month in
60 which they were collected.

61 (6) The proceeds of the tax shall not be considered by the
62 city as general fund revenues but shall be dedicated solely for
63 the purposes set forth in subsection (1) of this section, as
64 determined by the governing authorities of the city, which are
65 designed to promote and advertise tourism, parks and recreation in
66 the city and promote tourism, parks and recreation events in the
67 city.

68 Section 3. Before any tax authorized under this act may be
69 imposed, the governing authorities shall adopt a resolution
70 declaring their intention to levy the tax, setting forth the
71 amount of the tax to be imposed, the date upon which the tax shall



72 become effective, and calling for an election to be held on the
73 question. The date of the election shall be fixed in the
74 resolution. Notice of such intention shall be published once each
75 week for at least three (3) consecutive weeks in a newspaper
76 published or having a general circulation in the City of McComb,
77 with the first publication of the notice to be made not less than
78 twenty-one (21) days before the date fixed in the resolution for
79 the election and the last publication to be made not more than
80 seven (7) days before the election. At the election, all
81 qualified electors of the City of McComb may vote, and the ballots
82 used in the election shall have printed thereon a brief statement
83 of the amount and purposes of the proposed tax levy and the words
84 "FOR THE TAX" and, on a separate line, "AGAINST THE TAX," and the
85 voters shall vote by placing a cross (X) or check (✓) opposite
86 their choice on the proposition. When the results of the election
87 shall have been canvassed and certified, the city may levy the tax
88 if sixty percent (60%) of the qualified electors who vote in the
89 election vote in favor of the tax. At least thirty (30) days
90 before the effective date of the tax provided in this section, the
91 governing authorities shall furnish to the Department of Revenue a
92 certified copy of the resolution evidencing the tax.

93 Section 4. Before the expenditure of the proceeds of the tax
94 authorized by this act, a budget reflecting the anticipated
95 receipts and expenditures shall be approved by the governing
96 authorities of the city. The first budget of receipts and



97 expenditures shall cover the period beginning with the effective
98 date of the tax and ending with the end of the city's fiscal year,
99 and thereafter, the budget shall be on the same fiscal basis as
100 the budget of the city.

101 Section 5. Accounting for receipts and expenditures of the
102 funds derived from the proceeds of the tax authorized by this act
103 shall be made separately from the accounting of receipts and
104 expenditures of the general fund and any other funds of the city.
105 The records reflecting the receipts and expenditures of these
106 funds shall be audited annually by an independent certified public
107 accountant and the audit shall be included in the General Purpose
108 Statement of the City of McComb, Mississippi. The audit shall be
109 made and completed as soon as practicable after the close of the
110 city's fiscal year, and copies of the report of the audit shall be
111 filed with the clerk of the city. The expenses of this audit may
112 be paid from the funds derived pursuant to Section 2 of this act.

113 Section 6. Sections 1 through 6 of this act shall stand
114 repealed from and after July 1, * * * 2027.

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

