

By: Representative Roberson

To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1792

1 AN ACT TO AMEND CHAPTER 854, LOCAL AND PRIVATE LAWS OF 1986,
2 TO REVISE THE DEFINITION OF "HOTEL" AND "MOTEL" UNDER THE CITY OF
3 STARKVILLE, MISSISSIPPI'S MOTEL-HOTEL TAX; TO PROVIDE FOR AN
4 INDIRECT REFERENDUM ON THE CONTINUATION OF THE LEVYING OF SUCH
5 TAX; AND FOR RELATED PURPOSES.

6 BE ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Chapter 854, Local and Private Laws of 1986, is
8 amended as follows:

9 Section 1. As used in this act, unless a different meaning
10 is clearly indicated by the context, the words "hotel" and "motel"

11 * * * means any establishment engaged in the business of
12 furnishing or providing rooms intended or designed for dwelling,
13 lodging or sleeping purposes to transient guests.

14 Section 2. (1) There is hereby created the Visitors and
15 Convention Council, hereinafter referred to in this act as the
16 "council," under the control of the Board of Directors of the
17 Starkville Area Chamber of Commerce, Inc. The governing authority
18 of the City of Starkville, Mississippi, is authorized to contract
19 with the Visitors and Convention Council of the Starkville Area



20 Chamber of Commerce, Inc., for the administrative responsibilities
21 of a visitors and convention development program for the
22 Starkville area. All contracts between the council and the City
23 of Starkville, Mississippi, shall be signed by the President and
24 the Executive Director of the Starkville Area Chamber of Commerce,
25 Inc.

26 (2) The council shall have jurisdiction and authority over
27 all matters relating to establishing, promoting and developing
28 tourism, along with related matters, in the Starkville area. The
29 council shall be authorized to own, lease, rent or otherwise
30 furnish, equip and operate any and all facilities and equipment
31 necessary or useful to promote visitor and convention development
32 and to receive and expend, subject to the provisions of this act,
33 revenues from other sources.

34 (3) The council shall be composed of eight (8) members
35 appointed by the Board of Directors of the Starkville Area Chamber
36 of Commerce, Inc., as herein provided, and one (1) member
37 appointed by the Board of Aldermen of the City of Starkville,
38 Mississippi, to represent the city. Five (5) members shall be
39 from the motel and hotel industry or a business related to
40 tourism. One (1) member shall be from Mississippi State
41 University. Two (2) members shall be appointed from the community
42 at large. The initial appointments to the council made by the
43 Board of Directors of the Chamber of Commerce shall be for the
44 following terms:



45 (a) Two (2) members of the council shall be appointed
46 for terms of one (1) year.

47 (b) Three (3) members of the council shall be appointed
48 for terms of two (2) years; and

49 (c) Three (3) members of the council shall be appointed
50 for terms of three (3) years.

51 All succeeding appointments shall be made for a term of three
52 (3) years from the date of expiration of the initial appointment,
53 except for the City of Starkville representative. Any vacancy
54 which may occur shall be filled in the same manner as the original
55 appointment and shall be made for the unexpired term. Each
56 director shall serve until his successor is appointed and
57 qualified. All members shall serve without compensation.

58 The members so appointed shall elect from among themselves a
59 chairman. A member of the council shall not serve as chairman for
60 more than two (2) consecutive one-year terms.

61 (4) The Starkville Area Chamber of Commerce, Inc. is
62 authorized to employ personnel, obtain supplies, furnishings and
63 other facilities necessary to administer the affairs and duties of
64 the council and to pay therefor out of the revenue provided by
65 this act.

66 Section 3. (1) For the purpose of providing funds for the
67 promotion of a visitors and convention program in Starkville,
68 Mississippi, and the surrounding area, the governing authority of
69 the City of Starkville, Mississippi, is authorized to levy upon



70 every person, firm or corporation operating a motel or hotel in
71 such city, a tax, which may be cited as a "motel-hotel tax," at a
72 rate not to exceed two percent (2%) of the gross proceeds of sales
73 from room rentals of motels and hotels in Starkville, Mississippi.
74 Such tax shall be in addition to all other taxes now imposed.

75 (2) (a) Before the tax authorized by this act may be
76 imposed, the governing authority of the City of Starkville,
77 Mississippi, shall adopt a resolution declaring its intention to
78 levy the tax and establishing the amount of the tax levy and the
79 date on which this tax initially shall be levied and collected.
80 This date shall be the first day of a month but not less than the
81 first day of the second month from the date of adoption of the
82 resolution. Notice of the proposed tax levy shall be published
83 once each week for at least three (3) consecutive weeks in a
84 newspaper having a general circulation in such city. The first
85 publication of such notice shall be made not less than twenty-one
86 (21) days prior to the date fixed in the resolution on which the
87 governing authority proposes to levy such tax, and the last
88 publication shall be made not more than seven (7) days prior to
89 such date. If, within the time of giving notice, twenty percent
90 (20%) or fifteen hundred (1500), whichever is less, of the
91 qualified electors of the city shall file a written petition
92 against the levy of such tax, then such tax shall not be levied
93 unless authorized by majority of the



94 qualified electors of such city voting at an election to be called
95 and held for that purpose. Prior to the effective date of the tax
96 levy approved as herein provided, the governing authority shall
97 furnish to the * * * Commissioner of the * * * Department of
98 Revenue a certified copy of the resolution evidencing such tax
99 levy.

100 (b) If the tax levied under this chapter was imposed
101 without a vote of the electorate, the governing authorities shall,
102 within sixty (60) days after the effective date of House Bill No.
103 1792, 2023 Regular Session, by resolution spread upon its minutes,
104 declare the intention of the governing authorities to continue
105 imposing the tax and describe the tax levy including the tax rate,
106 annual revenue collections and the purposes for which the proceeds
107 are used. The resolution shall be published once a week for at
108 least three (3) consecutive weeks in a newspaper published or
109 having a general circulation in the municipality, with the first
110 publication to be made within fourteen (14) days after the
111 governing authorities adopt the resolution declaring their
112 intention to continue the tax. If, on or before the date
113 specified in the resolution for filing a written protest, which
114 date shall be not less than forty-five (45) days and not more than
115 sixty (60) days after the governing authorities adopt the
116 resolution, twenty percent (20%) or fifteen hundred (1500),
117 whichever is less, of the qualified electors of the municipality
118 file a written protest against the imposition of the tax, then an



119 election upon the levy and assessment of the tax shall be called
120 and held as in the manner provided for in subsection (2) (a) of
121 this section, with the election to be conducted at the next
122 special election day as such is defined by Section 23-15-833,
123 Mississippi Code of 1972, occurring more than sixty (60) days
124 after the date specified in the resolution for filing a written
125 protest. If the requisite number of qualified electors vote
126 against the imposition of the tax, the tax shall cease to be
127 imposed on the first day of the month following certification of
128 the election results by the election commissioners of the
129 municipality to the governing authorities. The governing
130 authorities shall notify the Department of Revenue of the date of
131 the discontinuance of the tax and shall publish sufficient notice
132 thereof in a newspaper published or having a general circulation
133 in the municipality. If no protest is filed, then the governing
134 authorities shall state that fact in their minutes and may
135 continue the levy and assessment of the tax.

136 This subsection (2) (b) shall not apply if the revenue from
137 the tax authorized by this chapter has been contractually pledged
138 for the payment of debt incurred prior to the effective date of
139 House Bill No. 1792, 2023 Regular Session, until such time as the
140 debt is satisfied. Once the debt has been satisfied, the
141 governing authorities, shall within sixty (60) days, adopt a
142 resolution declaring the intention of the governing authorities to



143 continue the tax which shall initiate the procedure described in
144 subsection (2) (a) of this section.

145 (3) Persons, firms or corporations liable for the tax
146 imposed herein shall add the amount of tax to the sales price of
147 room rentals, and in addition thereto, shall collect, insofar as
148 practicable, the amount of the tax due by them from the person
149 receiving the services at the time of payment therefor.

150 (4) Such tax shall be collected by and paid to the * * *
151 Department of Revenue in a form prescribed by the * * * Department
152 of Revenue, in the same manner that state sales taxes are
153 computed, collected and paid; and the full enforcement provisions
154 and all other provisions of Chapter 65, Title 27, Mississippi Code
155 of 1972, shall apply as necessary to the implementation and
156 administration of this act.

157 (5) The proceeds of such tax, less three percent (3%) to be
158 retained by the * * * Department of Revenue to defray the costs of
159 collection, shall be paid to the governing authority of the City
160 of Starkville, Mississippi, on or before the fifteenth day of the
161 month following the month in which collected.

162 (6) The proceeds of such tax shall not be considered by the
163 city as general fund revenues but shall be dedicated to and used
164 by the council solely for the purpose of carrying out programs and
165 activities designed to attract visitors to promote economic
166 development of the city and surrounding area.



167 Section 4. The books of the council shall be audited
168 annually by an independent certified public accountant, and such
169 accountant shall make a written report of his audit to the council
170 who will thereupon submit a copy of such report to the Board of
171 Directors of the Chamber of Commerce and the governing authority
172 of the City of Starkville. Such audit shall be made and completed
173 as soon as practicable after the close of the fiscal year, and
174 copies of the report of such audit shall be filed with the city
175 within fifteen (15) days after receipt thereof by the council.

176 Section 5. This act shall be repealed from and after July 1,
177 2027.

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

