

By: Representative Roberson

To: Local and Private
Legislation

HOUSE BILL NO. 1792
(As Sent to Governor)

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, where such
14 establishment has at least four (4) rooms in a singular location
15 or has at least four (4) rooms in the aggregate if not in a
16 singular location.

17 Section 2. (1) There is hereby created the Visitors and
18 Convention Council, hereinafter referred to in this act as the
19 "council," under the control of the Board of Directors of the



20 Starkville Area Chamber of Commerce, Inc. The governing authority
21 of the City of Starkville, Mississippi, is authorized to contract
22 with the Visitors and Convention Council of the Starkville Area
23 Chamber of Commerce, Inc., for the administrative responsibilities
24 of a visitors and convention development program for the
25 Starkville area. All contracts between the council and the City
26 of Starkville, Mississippi, shall be signed by the President and
27 the Executive Director of the Starkville Area Chamber of Commerce,
28 Inc.

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

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



45 at large. The initial appointments to the council made by the
46 Board of Directors of the Chamber of Commerce shall be for the
47 following terms:

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

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

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

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

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

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



69 Section 3. (1) For the purpose of providing funds for the
70 promotion of a visitors and convention program in Starkville,
71 Mississippi, and the surrounding area, the governing authority of
72 the City of Starkville, Mississippi, is authorized to levy upon
73 every person, firm or corporation operating a motel or hotel in
74 such city, a tax, which may be cited as a "motel-hotel tax," at a
75 rate not to exceed two percent (2%) of the gross proceeds of sales
76 from room rentals of motels and hotels in Starkville, Mississippi.
77 Such tax shall be in addition to all other taxes now imposed.

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



94 qualified electors of the city shall file a written petition
95 against the levy of such tax, then such tax shall not be levied
96 unless authorized by majority of the qualified electors of such
97 city voting at an election to be called and held for that purpose.
98 Prior to the effective date of the tax levy approved as herein
99 provided, the governing authority shall furnish to the * * *
100 Commissioner of the * * * Department of Revenue a certified copy
101 of the resolution evidencing such tax levy.

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



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

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



144 resolution declaring the intention of the governing authorities to
145 continue the tax which shall initiate the procedure described in
146 subsection (2) (a) of this section.

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

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

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

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



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

178 Section 5. This act shall be repealed from and after July 1,
179 2027.

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

