

By: Representative Gunn

To: Local and Private
Legislation

HOUSE BILL NO. 1816
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 957, LOCAL AND PRIVATE LAWS OF 2018,
2 TO EXTEND THE DATE OF REPEAL TO JULY 1, 2027, ON THE PROVISION OF
3 LAW THAT AUTHORIZES THE GOVERNING AUTHORITIES OF THE CITY OF
4 CLINTON, MISSISSIPPI, TO IMPOSE AN ADDITIONAL TOURISM TAX OF ONE
5 PERCENT ON THE GROSS PROCEEDS DERIVED FROM HOTEL AND MOTEL ROOM
6 RENTALS WITHIN THE CITY FOR THE PURPOSE OF PROVIDING FUNDS TO
7 PROMOTE TOURISM, PARKS AND RECREATION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 957, Local and Private Laws of 2018, is
10 amended as follows:

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

14 (a) "City" means the City of Clinton, Mississippi.

15 (b) "Fiscal year" means the period from October 1 to
16 September 30 of each calendar year.

17 (c) "Governing authorities" means the Mayor and Board
18 of Aldermen of the City of Clinton, Mississippi.

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

37 (2) The tax shall be an amount not to exceed one percent
38 (1%) of the gross proceeds derived from hotel and motel room
39 rentals in the city, excluding charges for telephone, laundry and
40 similar services. The tax shall not be levied upon or collected
41 from gross proceeds of nontaxable rooms, room rentals for day
42 meetings that do not serve as overnight sleeping accommodations,
43 or room rentals to residential guests of a hotel or motel.

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



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

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

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

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

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



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

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



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

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

112 Section 6. This act shall not alter or amend Chapter 943,
113 Local and Private Laws of 1995, which act, including the two
114 percent (2%) tourism tax authorized therein, shall remain
115 unchanged, without amendment, and in full force and effect.

116 Section 7. This act shall be repealed from and after July
117 1, * * * 2027.

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

