

By: Senator(s) Boyd, Jackson

To: Local and Private

SENATE BILL NO. 2518

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, 2027, ON
 4 THE PROVISIONS OF LAW THAT AUTHORIZE THE LEVY OF THE TOURISM AND
 5 INDUSTRY PROMOTION TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL
 6 AND MOTEL ROOM RENTALS AND RESTAURANT SALES IN THE CITY AND CREATE
 7 THE CITY OF BATESVILLE, MISSISSIPPI, AND SOUTH PANOLA AREA CHAMBER
 8 OF COMMERCE TOURISM AND INDUSTRIAL DEVELOPMENT COMMITTEE; AND FOR
 9 RELATED 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



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

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

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

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



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

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

80 (d) Such tax shall be collected by and paid to the
81 Department of Revenue on a form prescribed by the Department of
82 Revenue in the manner that state sales taxes are computed,
83 collected and paid; and the full enforcement provisions and all
84 other provisions of Chapter 65, Title 27, Mississippi Code of
85 1972, shall apply as necessary to the implementation and
86 administration of this act.

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

92 (f) The proceeds of such tax shall not be considered by
93 the city as general fund revenues but shall be dedicated to and
94 used by the governing authorities solely for the purpose of
95 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. (a) Before the tax authorized by this act shall
100 be imposed or before the tax rate in effect on the effective date
101 of House Bill No. 1837, 1997 Regular Session, may be increased,
102 the governing authorities shall adopt a resolution declaring their
103 intention to levy the tax or tax increase, as appropriate, setting
104 forth the amount of such tax or tax increase, as appropriate, and
105 establishing the date on which this tax or tax increase, as
106 appropriate, initially shall be levied and collected. Notice of
107 the tax or tax increase, as appropriate, shall be published once
108 each week for at least three (3) consecutive weeks in a newspaper
109 having a general circulation in the city, the first publication of
110 which shall be made not less than twenty-one (21) days prior to
111 the date on which the tax or tax increase, as appropriate,
112 initially shall be levied and collected. If, within the time of
113 giving notice, twenty percent (20%) or fifteen hundred (1500),
114 whichever is less, of the qualified electors of the city shall
115 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,



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

124 If the tax increase authorized in House Bill No. 1837, 1997
125 Regular Session, is rejected by the qualified electors of the city
126 pursuant to an election held under the provisions of this section,
127 the currently existing tourism tax, as authorized under Chapter
128 824, Local and Private Laws of 1992, shall continue in full force
129 and effect.

130 (b) If the tax levied under this chapter was imposed
131 without a vote of the electorate, the governing authorities shall,
132 within sixty (60) days after the effective date of House Bill No.
133 1587, 2016 Regular Session, by resolution spread upon its minutes,
134 declare the intention of the governing authorities to continue
135 imposing the tax and describe the tax levy including the tax rate,
136 annual revenue collections and the purposes for which the proceeds
137 are used. The resolution shall be published once a week for at
138 least three (3) consecutive weeks in a newspaper published or
139 having a general circulation in the municipality, with the first
140 publication to be made within fourteen (14) days after the
141 governing authorities adopt the resolution declaring their
142 intention to continue the tax. If, on or before the date
143 specified in the resolution for filing a written protest, which
144 date shall be not less than forty-five (45) days and not more than
145 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 (a) of this section, with the election to be conducted
152 at the next special election day as such is defined by Section
153 23-15-833, Mississippi Code of 1972, occurring more than sixty
154 (60) days after the date specified in the resolution for filing a
155 written protest. If the requisite number of qualified electors
156 vote against the imposition of the tax, the tax shall cease to be
157 imposed on the first day of the month following certification of
158 the election results by the election commissioners of the
159 municipality to the governing authorities. The governing
160 authorities shall notify the Department of Revenue of the date of
161 the discontinuance of the tax and shall publish sufficient notice
162 thereof in a newspaper published or having a general circulation
163 in the municipality. If no protest is filed, then the governing
164 authorities shall state that fact in their minutes and may
165 continue the levy and assessment of the tax.

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



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

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

186 Section 7. This act shall stand repealed from and after July
187 1, * * * 2027.

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

