

By: Senator(s) Kirby

To: Local and Private

SENATE BILL NO. 3153

1 AN ACT TO AMEND CHAPTER 951, LOCAL AND PRIVATE LAWS OF 2018,
 2 AS LAST AMENDED BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 2020, TO
 3 EXTEND THE DATE OF REPEAL FROM JULY 1, 2024, TO JULY 1, 2027, ON
 4 THE LAW THAT AUTHORIZES THE CITY OF PEARL, MISSISSIPPI, TO LEVY A
 5 TAX UPON THE GROSS PROCEEDS OF THE SALES OF HOTELS, MOTELS AND
 6 RESTAURANTS FOR THE PURPOSE OF PROVIDING FUNDS TO PROMOTE TOURISM,
 7 PARKS AND RECREATION IN THE CITY; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 951, Local and Private Laws of 2018, as
 10 amended by Chapter 923, Local and Private Laws of 2020, is amended
 11 as follows:

12 Section 1. As used in this act, the following terms shall
 13 have the following meanings unless a different meaning is clearly
 14 indicated by the context in which they are used:

15 (a) "City" means the City of Pearl, Mississippi.

16 (b) "Governing authorities" means the Mayor and Board
 17 of Aldermen of the City of Pearl, Mississippi.

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



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

27 (d) "Restaurant" means all places, including hotel and
28 motel dining rooms, cafeterias, cafes, lunch stands, grocery and
29 convenience stores where prepared food and beverages are sold for
30 consumption, whether such food is consumed on the premises or not.
31 The term "restaurant" does not include any school, hospital,
32 convalescent or nursing home, or any restaurant-like facility
33 operated by or in connection with a school, hospital, medical
34 clinic, convalescent or nursing home providing food for students,
35 patients, visitors or their families. The term "restaurant" shall
36 not include a concession stand.

37 Section 2. (1) For the purposes of providing funds to
38 promote tourism and parks and recreation in the city, the
39 governing authorities are authorized, in their discretion, to levy
40 and collect from the following persons a tax, which shall be in
41 addition to all of the taxes and assessments imposed. The tax
42 shall be imposed on the following persons:

43 (a) A tax upon every person, firm or corporation
44 operating a motel or hotel in the City of Pearl, at a rate not to



45 exceed three percent (3%) of the gross proceeds of room rentals
46 for each such hotel or motel.

47 (b) A tax upon every person, firm or corporation
48 operating a restaurant in the City of Pearl, at a rate not to
49 exceed one percent (1%) of the gross proceeds of the sales of the
50 restaurant.

51 (2) Persons, firms or corporations liable for the tax
52 imposed under subsection (1) of this section shall add the amount
53 of the levy to the sales price of the rooms and products set out
54 in subsection (1) of this section and shall collect, insofar as is
55 practicable, the amount of the tax due by them from the person
56 receiving the services or product at the time of payment therefor.

57 (3) The tax shall be collected by and paid to the Department
58 of Revenue on a form prescribed by the Department of Revenue in
59 the manner that state sales taxes are computed, collected and
60 paid; and full enforcement provisions and all other provisions of
61 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
62 necessary to the implementation and administration of this act.

63 (4) The proceeds of the tax, less three percent (3%) thereof
64 which shall be retained by the Department of Revenue to defray the
65 cost of collection, shall be paid to the governing authorities on
66 or before the fifteenth day of the month following the month in
67 which collected.

68 (5) The proceeds of the tax shall not be considered by the
69 City of Pearl as general fund revenues but shall be dedicated to



70 and expended solely for the purposes specified in this section.
71 In no event shall the proceeds of the tax be expended on any
72 private property, payment for any legal fees or payment for any
73 salaries, including salaries related to any grant for the
74 promotion of tourism and parks and recreation.

75 Section 3. Before any tax authorized under this act may be
76 imposed, the governing authorities shall adopt a resolution
77 declaring their intention to levy the tax, setting forth the
78 amount of the tax to be imposed, the date upon which the tax shall
79 become effective and calling for an election to be held on the
80 question, and the date of the election shall be fixed in the
81 resolution. Notice of such intention and the election shall be
82 published once each week for at least three (3) consecutive weeks
83 in a newspaper published or having a general circulation in the
84 City of Pearl, with the first publication of the notice to be made
85 not less than twenty-one (21) days before the date fixed in the
86 resolution for the election and the last publication to be made
87 not more than seven (7) days before the election. At the
88 election, all qualified electors of the City of Pearl may vote,
89 and the ballots used in the election shall have printed thereon a
90 brief statement of the amount and purposes of the proposed tax
91 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST
92 THE TAX" and the voters shall vote by placing a cross (X) or check
93 (✓) opposite their choice on the proposition. When the results
94 of the election shall have been canvassed and certified, the city



95 may levy the tax if sixty percent (60%) of the qualified electors
96 who vote in the election vote in favor of the tax. At least
97 thirty (30) days before the effective date of the tax provided in
98 this section, the governing authorities shall furnish to the
99 Department of Revenue a certified copy of the resolution
100 evidencing the tax.

101 Section 4. Accounting for receipts and expenditures of the
102 revenue from the tax shall be made separately from the accounting
103 of receipts and expenditures of the general fund and any other
104 funds of the city. The records reflecting the receipts and
105 expenditures of these funds prescribed in this act shall be
106 audited annually by an independent certified accountant, and the
107 accountant shall make a written report of his or her audit to the
108 governing authorities. The audit shall be made and completed as
109 soon as practicable after the close of the fiscal year, and
110 expenses of the audit shall be paid from the funds derived
111 pursuant to this act.

112 Section 5. This act shall be repealed from and after July
113 1, * * * 2027.

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

