

By: Representative Lancaster

To: Local and Private
Legislation

HOUSE BILL NO. 1718

1 AN ACT TO AMEND CHAPTER 905, LOCAL AND PRIVATE LAWS OF 2014,
 2 AS LAST AMENDED BY CHAPTER 945, LOCAL AND PRIVATE LAWS OF 2019, TO
 3 REENACT THE LAW AUTHORIZING THE GOVERNING AUTHORITIES OF THE CITY
 4 OF AMORY, MISSISSIPPI, TO LEVY A 2% TAX UPON THE GROSS SALES OF
 5 HOTELS AND MOTELS DERIVED FROM ROOM RENTALS AND UPON THE GROSS
 6 PROCEEDS OF SALES OF RESTAURANTS AND TO UTILIZE THE REVENUE FROM
 7 THE TAX TO PROMOTE TOURISM AND PARKS AND RECREATION; TO AUTHORIZE
 8 THE LEVY OF AN ADDITIONAL 1% TAX UPON THE SAME SALES AND FOR THE
 9 SAME PURPOSES; TO REQUIRE THAT THE LEVY OF THE ADDITIONAL 1% TAX
 10 MAY BE IMPOSED ONLY IF APPROVED AT AN ELECTION BY 60% OF THOSE
 11 VOTING; TO EXTEND THE REPEAL DATE ON THE REENACTED LAW; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** Chapter 905, Local and Private Laws of 2014, as
 15 amended by Chapter 944, Local and Private Laws of 2017, as amended
 16 by Chapter 945, Local and Private Laws of 2019, is amended as
 17 follows:

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

21 (a) "Governing authorities" means the governing
 22 authorities of the City of Amory, Mississippi.



23 (b) "Hotel" or "motel" means any establishment engaged
24 in the business of furnishing or providing rooms intended or
25 designed for dwelling, lodging or sleeping purposes to transient
26 guests, where the establishment consists of six (6) or more guest
27 rooms. The term "hotel" or "motel" does not include any hospital,
28 convalescent or nursing home * * *, sanitarium * * * or any
29 hotel-like facility operated by or in connection with a hospital
30 or medical clinic providing rooms exclusively for patients and
31 their families.

32 (c) "Restaurant" means all places where prepared food
33 and beverages are sold for consumption on the premises. The term
34 "restaurant" does not include any school, hospital, convalescent
35 or nursing home * * * or any restaurant-like facility operated by
36 or in connection with a school, hospital, medical clinic,
37 convalescent or nursing home providing food for students,
38 patients, visitors or their families.

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

45 (a) A tax upon every person, firm or corporation
46 operating a motel or hotel in the City of Amory, at a rate not to
47 exceed two percent (2%) of the gross proceeds of room rentals for



48 each such hotel or motel. From and after the effective date of
49 House Bill No. _____, 2024 Regular Session, a maximum rate of three
50 percent (3%) is authorized, subject to Section 3 of this act
51 before the additional one percent (1%) may be imposed.

52 (b) A tax upon every person, firm or corporation
53 operating a restaurant in the City of Amory, at a rate not to
54 exceed two percent (2%) of the gross proceeds of the sales of the
55 restaurant. From and after the effective date of House Bill No.
56 _____, 2024 Regular Session, a maximum rate of three percent (3%)
57 is authorized, subject to Section 3 of this act before the
58 additional one percent (1%) may be imposed.

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

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

71 (4) The proceeds of the tax, less three percent (3%) thereof
72 which shall be retained by the Department of Revenue to defray the



73 cost of collection, shall be paid to the governing authorities on
74 or before the fifteenth day of the month following the month in
75 which collected.

76 (5) The proceeds of the tax shall not be considered by the
77 City of Amory as general fund revenues but shall be dedicated to
78 and expended solely for the purposes specified in this section.

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



98 election * * * have been canvassed and certified, the city may
99 levy the tax if sixty percent (60%) of the qualified electors who
100 vote in the election vote in favor of the tax. At least thirty
101 (30) days before the effective date of the tax provided in this
102 section, the governing authorities shall furnish to the Department
103 of Revenue a certified copy of the resolution evidencing the tax.

104 Section 4. Before the expenditure of the proceeds of the tax
105 authorized by this act, a budget reflecting the anticipated
106 receipts and expenditures shall be approved by the governing
107 authorities of the city. The first budget of receipts and
108 expenditures shall cover the period beginning with the effective
109 date of the tax and ending with the end of the city's fiscal year,
110 and thereafter, the budget shall be on the same fiscal basis as
111 the budget of the city.

112 Section 5. Accounting for receipts and expenditures of the
113 funds herein described shall be made separately from the
114 accounting of receipts and expenditures of the general fund and
115 any other funds of the City of Amory. The records reflecting the
116 receipts and expenditures of the funds prescribed in this act
117 shall be audited annually by an independent certified public
118 accountant, and the accountant shall make a written report of his
119 or her audit to the governing authorities. The audit shall be
120 made and completed as soon as practicable after the close of the
121 fiscal year, and expenses of the audit shall be paid from the
122 funds derived in accordance with this act.



123 Section 6. Any collections of revenue, made under this
124 chapter from and after July 1, 2023, and until the effective date
125 of House Bill No. , 2024 Regular Session, are hereby ratified
126 and confirmed and the expenditures that may have been made by the
127 city of such revenue that was paid to the city are hereby ratified
128 and confirmed. Any of such revenue, if applicable, paid to the
129 city may be expended by the city for the purposes authorized in
130 this chapter.

131 Section * * * 7. This act shall be repealed from and after
132 July 1, * * * 2028.

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

