

By: Representative Lott

To: Local and Private
Legislation

HOUSE BILL NO. 1744

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 LUCEDALE, MISSISSIPPI, TO LEVY A TAX THAT SHALL NOT EXCEED THREE
3 PERCENT UPON THE GROSS SALES OF HOTELS AND MOTELS DERIVED FROM
4 ROOM RENTALS; TO PROVIDE THAT SUCH TAX SHALL BE USED FOR THE
5 PURPOSE OF GENERATING REVENUE FOR PARKS AND RECREATIONAL CAPITAL
6 IMPROVEMENT PROJECTS; TO REQUIRE AN ELECTION BE HELD ON THE
7 QUESTION OF WHETHER SUCH TAX MAY BE LEVIED; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** As used in this act:

11 (a) "City" means the City of Lucedale, Mississippi.

12 (b) "Governing authorities" means the Mayor and Board
13 of Aldermen of the City of Lucedale, Mississippi.

14 (c) "Hotel" or "motel" means any establishment engaged
15 in the business of furnishing or providing rooms intended or
16 designed for dwelling, lodging or sleeping purposes to transient
17 guests, where the establishment consists of six (6) or more guest
18 rooms. The term "hotel" or "motel" does not include any hospital,
19 convalescent or nursing home or sanitarium, or any hotel-like
20 facility operated by or in connection with a hospital or medical



21 clinic providing rooms exclusively for patients and their
22 families.

23 **SECTION 2.** (1) For the purpose of providing funds for parks
24 and recreational capital improvements projects, the governing
25 authorities are authorized, in their discretion, to levy assess
26 and collect from every person or entity operating a hotel or
27 motel, in addition to all other taxes currently being levied, a
28 tax not to exceed three (3%) of the gross proceeds of sales of
29 room rentals for each such hotel or motel. The tax shall be
30 imposed upon every person, firm or corporation operating a motel
31 or hotel in the city, at a rate not to exceed three percent (3%)
32 of the gross proceeds of room rentals for each such hotel or
33 motel.

34 (2) Persons or entities liable for the tax shall add the
35 amount of the tax to the sales price and shall collect the amount
36 of the tax due by them from the person receiving the services at
37 the time of payment.

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

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



46 cost of collection, shall be paid to the city on or before the
47 fifteenth day of the month following the month in which collected.

48 (5) The proceeds of the tax shall not be considered by the
49 city as general fund revenues but shall be dedicated to and
50 expended solely for the purposes specified in this section.

51 **SECTION 3.** Before any tax authorized under this act may be
52 imposed, the governing authorities shall adopt a resolution
53 declaring their intention to levy the tax, setting forth the
54 amount of the tax to be imposed, the date upon which the tax shall
55 become effective and calling for an election to be held on the
56 question. Notice of such intention and the election shall be
57 published once each week for at least three (3) consecutive weeks
58 in a newspaper published or having a general circulation in the
59 city, with the first publication of the notice to be made not less
60 than twenty-one (21) days before the date fixed in the resolution
61 for the election and the last publication to be made not more than
62 seven (7) days before the election. At the election, all
63 qualified electors of the city may vote, and the ballots used in
64 the election shall have printed thereon a brief statement of the
65 amount and purposes of the proposed tax levy and the words "FOR
66 THE TAX" and on a separate line, "AGAINST THE TAX" and the voters
67 shall vote by placing a cross (X) or check (✓) opposite their
68 choice on the proposition. When the results of the election shall
69 have been canvassed and certified, the city may levy the tax if
70 sixty percent (60%) of the qualified electors who vote in the



71 election vote in favor of the tax. At least thirty (30) days
72 before the effective date of the tax provided in this section, the
73 governing authorities shall furnish to the Department of Revenue a
74 certified copy of the resolution evidencing the tax.

75 **SECTION 4.** Accounting for receipts and expenditures of the
76 funds herein described shall be made separately from the
77 accounting of receipts and expenditures of the general fund and
78 any other funds of the city. The records reflecting the receipts
79 and expenditures of the funds prescribed in this act shall be
80 audited annually by an independent certified public accountant,
81 and the accountant shall make a written report of his audit to the
82 governing authorities. The audit shall be made and completed as
83 soon as practicable after the close of the fiscal year, and
84 expenses of the audit shall be paid from the funds derived in
85 accordance with this act.

86 **SECTION 5.** This act shall be repealed from and after July 1,
87 2028.

88 **SECTION 6.** This act shall take effect and be in force from
89 and after its passage.

