

By: Senator(s) Barrett

To: Local and Private

SENATE BILL NO. 2016

1 AN ACT TO AMEND CHAPTER 925, LOCAL AND PRIVATE LAWS OF 2014,
2 AS LAST AMENDED BY CHAPTER 904, LOCAL AND PRIVATE LAWS OF 2021, TO
3 EXTEND THE REPEAL DATE ON THE LAW THAT AUTHORIZES THE GOVERNING
4 AUTHORITIES OF THE CITY OF BROOKHAVEN, MISSISSIPPI, TO LEVY A TAX
5 UPON THE GROSS PROCEEDS OF ROOM RENTALS FROM HOTELS, MOTELS AND
6 BED-AND-BREAKFAST ESTABLISHMENTS WITHIN THE CITY; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Chapter 925, Local and Private Laws of 2014, as
10 amended by Chapter 914, Local and Private Laws of 2017, as amended
11 by Chapter 904, Local and Private Laws of 2021, is amended as
12 follows:

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

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

18 (b) "Hotel," "motel" or "bed-and-breakfast" means any
19 establishment engaged in the business of furnishing or providing
20 rooms intended or designed for dwelling, lodging or sleeping



21 purposes to transient guests, where the establishment consists of
22 six (6) or more guest rooms. The terms "hotel," "motel" or
23 "bed-and-breakfast" does not include any hospital, convalescent or
24 nursing home or sanitarium, or any hotel-like facility operated by
25 or in 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 tourism and parks and recreation within the City of
29 Brookhaven, the governing authorities are authorized, in their
30 discretion, to levy and collect from the following persons a tax,
31 which shall be in addition to all of the taxes and assessments
32 imposed upon every person, firm or corporation operating a motel,
33 hotel or bed-and-breakfast establishment in the City of
34 Brookhaven, at a rate not to exceed two percent (2%) of the gross
35 proceeds of room rentals for each such hotel, motel or
36 bed-and-breakfast establishment.

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

43 (3) The tax shall be collected by and paid to the
44 Mississippi Department of Revenue on a form prescribed by the
45 Department of Revenue in the manner that state sales taxes are



46 computed, collected and paid; and full enforcement provisions and
47 all other provisions of Chapter 65, Title 27, Mississippi Code of
48 1972, shall apply as necessary to the implementation and
49 administration of this act.

50 (4) The proceeds of the tax, less three percent (3%) thereof
51 which shall be retained by the Department of Revenue to defray the
52 cost of collection, shall be paid to the governing authorities on
53 or before the fifteenth day of the month following the month in
54 which collected.

55 (5) The proceeds of the tax shall not be considered by the
56 City of Brookhaven as general fund revenues but shall be dedicated
57 to and expended solely for the purposes specified in this section.

58 Section 3. Before any tax authorized under this act may be
59 imposed, the governing authorities shall adopt a resolution
60 declaring their intention to levy the tax, setting forth the
61 amount of the tax to be imposed, the date upon which the tax shall
62 become effective and calling for an election to be held on the
63 question. The date of the election shall be fixed in the
64 resolution. Notice of such intention and the election shall be
65 published once each week for at least three (3) consecutive weeks
66 in a newspaper published or having a general circulation in the
67 City of Brookhaven, with the first publication of the notice to be
68 made not less than twenty-one (21) days before the date fixed in
69 the resolution for the election and the last publication to be
70 made not more than seven (7) days before the election. At the



71 election, all qualified electors of the City of Brookhaven may
72 vote, and the ballots used in the election shall have printed
73 thereon a brief statement of the amount and purposes of the
74 proposed tax levy and the words "FOR THE TAX" and, on a separate
75 line, "AGAINST THE TAX" and the voters shall vote by placing a
76 cross (X) or check (✓) opposite their choice on the proposition.
77 When the results of the election shall have been canvassed and
78 certified, the town may levy the tax if sixty percent (60%) of the
79 qualified electors who vote in the election vote in favor of the
80 tax. At least thirty (30) days before the effective date of the
81 tax provided in this section, the governing authorities shall
82 furnish to the Department of Revenue a certified copy of the
83 resolution evidencing the tax.

84 Section 4. Accounting for receipts and expenditures of the
85 funds herein described shall be made separately from the
86 accounting of receipts and expenditures of the general fund and
87 any other funds of the City of Brookhaven. The records reflecting
88 the receipts and expenditures of the funds prescribed in this act
89 shall be audited annually by an independent certified public
90 accountant, and the accountant shall make a written report of his
91 audit to the governing authorities. The audit shall be made and
92 completed as soon as practicable after the close of the fiscal
93 year, and expenses of the audit shall be paid from the funds
94 derived in accordance with this act.



95 Section 5. This act shall be repealed from and after July
96 1, * * * 2029.

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

