

Senate Amendments to House Bill No. 1844

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15 **SECTION 1.** As used in this act, the following terms shall
16 have the meanings ascribed to them in this section unless a
17 different meaning is clearly indicated by the context in which
18 they are used:

19 (a) "Governing authorities" means the governing
20 authorities of the City of Houston, Mississippi.

21 (b) "Hotel" or "motel" means any establishment engaged
22 in the business of furnishing or providing rooms intended or
23 designed for dwelling, lodging or sleeping purposes to transient
24 guests, where such establishment consists of ten (10) or more
25 guest rooms and does not encompass any hospital, convalescent or
26 nursing home or sanitarium, or any hotel-like facility operated by
27 or in connection with a hospital or medical clinic providing rooms
28 exclusively for patients and their families.

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

37 **SECTION 2.** (1) For the purpose of providing funds for the
38 promotion of tourism and economic and community development in the
39 City of Houston, and for the purpose of retiring the debt and
40 providing for the continued operation and maintenance of the

41 Houston Sportsplex, the governing authorities of the City of
42 Houston, in their discretion, may levy and collect from the
43 following persons a tax, which shall be in addition to all of the
44 taxes and assessments imposed. The tax shall be imposed upon the
45 following persons:

46 (a) A tax upon every person, firm or corporation
47 operating a hotel or motel in the City of Houston, at a rate not
48 to exceed two percent (2%) of the gross income; and

49 (b) A tax upon every person, firm or corporation
50 operating a restaurant in the City of Houston, at a rate not to
51 exceed two percent (2%) of the gross income from the sales of all
52 prepared foods and/or beverages sold for consumption on or off the
53 premises of such restaurant.

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

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

66 (4) The proceeds of such tax, less three percent (3%)
67 thereof which shall be retained by the State Tax Commission to
68 defray the cost of collection, shall be paid to the governing
69 authorities of the City of Houston on or before the fifteenth day
70 of the month in which collected.

71 (5) The proceeds of such tax shall not be considered by the
72 City of Houston as general fund revenues but shall be dedicated to
73 and expended solely for the following purposes:

74 (a) Eighty-eight percent (88%) of the gross proceeds
75 from the tax shall be allocated and expended to retire the debt

and to provide for the operation and maintenance of the Houston Sportsplex;

(b) Twelve percent (12%) of the gross proceeds from the tax shall be allocated and expended for community and economic development.

SECTION 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring its intention to levy the taxes, setting forth the amount of such tax to be imposed, the date upon which such taxes shall become effective and calling for a referendum to be held on the question. The date of the referendum shall be the date of the next municipal general election. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the county, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the referendum and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the First Judicial District of Chickasaw County may vote, and the ballots used in such referendum shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX", and the voters shall vote by placing a cross (X) or check (✓) opposite their choice on the proposition. When the results of any such referendum shall have been canvassed by the election commission and certified, the city may levy the taxes beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no city employee may promote the referendum during business hours. At least thirty (30) days before the effective date of the taxes, the governing authorities shall furnish to the State Tax

110 Commission a certified copy of the resolution evidencing the
111 taxes.

112 **SECTION 4.** Accounting for receipts and expenditures of the
113 funds described in this act must be made separately from the
114 accounting of receipts and expenditures of the general fund and
115 any other funds of the City of Houston. The records reflecting
116 the 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 audit to the governing authorities. The audit shall be made and
120 completed as soon as practicable after the close of the fiscal
121 year, and expenses of such audit shall be paid from the funds
122 derived pursuant to this act.

123 **SECTION 5.** This act shall stand repealed from and after July
124 1, 2008.

125 **SECTION 6.** The governing authorities of the City of Houston
126 shall submit this act, immediately upon approval by the Governor,
127 or upon approval by the Legislature subsequent to a veto, to the
128 Attorney General of the United States or to the United States
129 District Court for the District of Columbia in accordance with the
130 provisions of the Voting Rights Act of 1965, as amended and
131 extended.

132 **SECTION 7.** This act shall take effect and be in force from
133 and after the date it is effectuated under Section 5 of the Voting
134 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 HOUSTON, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS SALES OF
3 HOTELS, MOTELS AND RESTAURANTS IN AN AMOUNT NOT TO EXCEED TWO
4 PERCENT OF GROSS SALES; TO PROVIDE THAT SUCH TAX SHALL BE
5 COLLECTED BY THE STATE TAX COMMISSION AND PAID TO THE CITY OF
6 HOUSTON; TO PROVIDE THAT THE PORTION OF THE PROCEEDS RECEIVED BY
7 THE CITY OF HOUSTON SHALL BE DEDICATED TO AND EXPENDED SOLELY FOR
8 THE PURPOSE OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM AND
9 ECONOMIC AND COMMUNITY DEVELOPMENT IN THE CITY OF HOUSTON, AND FOR
10 THE PURPOSE OF RETIRING THE DEBT AND PROVIDING FOR THE CONTINUED
11 OPERATION AND MAINTENANCE OF THE HOUSTON SPORTSPLEX; TO REQUIRE A
12 REFERENDUM TO BE HELD ON THE QUESTION OF IMPOSING THE TAX; AND FOR
13 RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate