

By: Representatives Parker, Hamilton  
(109th), Walley

To: Local and Private  
Legislation; Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1770

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF GEORGE  
2 COUNTY, MISSISSIPPI, TO IMPOSE A TAX OF UP TO TWO PERCENT TO BE  
3 LEVIED ON THE GROSS PROCEEDS DERIVED FROM HOTEL AND MOTEL ROOM  
4 RENTALS WITHIN THE COUNTY, AND TO EXPEND THE PROCEEDS OF THE TAX  
5 TO PROMOTE ECONOMIC DEVELOPMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** As used in this act, the following words shall  
8 have the meanings ascribed to them in this section unless  
9 otherwise clearly indicated by the context in which they are used:

10 (a) "Hotel" or "motel" means any establishment engaged  
11 in the business of furnishing or providing rooms intended or  
12 designed for lodging or sleeping purposes for transient guests,  
13 which establishment consists of five (5) or more guest rooms and  
14 does not encompass any hospital, convalescent or nursing home, or  
15 sanitarium, or any hotel-like facility operated by or in  
16 connection with a hospital or medical clinic providing rooms  
17 exclusively for patients and their families.

18 (b) "Board" means the Board of Supervisors of George  
19 County, Mississippi.

20 (c) "County" means George County, Mississippi.

21 **SECTION 2.** (1) For the purpose of providing funds to  
22 promote economic development in the county, the board, in its  
23 discretion, may levy, assess and collect from every person, firm  
24 and corporation operating a hotel or motel in the county, a tax  
25 which shall be in addition to all other taxes and assessments  
26 imposed by the county, as provided in this act.

27 (2) The tax shall be an amount not to exceed two percent  
28 (2%) of the gross proceeds derived from hotel and motel room

29 rentals in the county, excluding charges for telephone, laundry  
30 and similar services. The tax shall not be levied upon or  
31 collected from gross proceeds of nontaxable rooms, room rentals  
32 for day meetings that do not serve as overnight sleeping  
33 accommodations or room rentals to residential guests of a hotel or  
34 motel.

35 (3) Persons liable for the tax imposed pursuant to this act  
36 shall add the amount of tax to the gross proceeds from room  
37 rentals and shall collect, insofar as practicable, the amount of  
38 the tax due by him from the person receiving the services at the  
39 time of payment for the services.

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

46 (5) The proceeds of the tax, less three percent (3%) to be  
47 retained by the State Tax Commission to defray the costs of  
48 collection, shall be paid to the county on or before the fifteenth  
49 day of the month following the month in which they were collected.

50 (6) The proceeds of the tax shall not be considered by the  
51 county as general fund revenues but shall be placed into a special  
52 fund and may be expended solely for the purpose of promoting  
53 economic development in the county.

54 **SECTION 3.** Before any tax authorized under this act may be  
55 imposed, the board shall adopt a resolution declaring its  
56 intention to levy the tax, setting forth the amount of the tax to  
57 be imposed, the date upon which the tax shall become effective and  
58 calling for an election to be held on the question. The date of  
59 the election shall be fixed in the resolution. Notice of such  
60 intention shall be published once each week for at least three (3)  
61 consecutive weeks in a newspaper published or having a general

62 circulation in the county, with the first publication of the  
63 notice to be made not less than twenty-one (21) days before the  
64 date fixed in the resolution for the election and the last  
65 publication to be made not more than seven (7) days before the  
66 election. At the election, all qualified electors of the county  
67 may vote, and the ballots used in the election shall have printed  
68 thereon a brief statement of the amount and purposes of the  
69 proposed tax levy and the words "FOR THE TAX" and, on a separate  
70 line, "AGAINST THE TAX" and the voters shall vote by placing a  
71 cross (X) or check (✓) opposite their choice on the proposition.  
72 When the results of the election shall have been canvassed and  
73 certified, the county may levy the tax if sixty percent (60%) of  
74 the qualified electors who vote in the election vote in favor of  
75 the tax. At least thirty (30) days before the effective date of  
76 the tax provided in this section, the board shall furnish to the  
77 State Tax Commission a certified copy of the resolution evidencing  
78 the tax.

79       **SECTION 4.** Before the expenditure of the proceeds of the tax  
80 authorized by this act, a budget reflecting the anticipated  
81 receipts and expenditures shall be approved by the board. The  
82 first budget of receipts and expenditures shall cover the period  
83 beginning with the effective date of the tax and ending with the  
84 end of the county's fiscal year, and thereafter, the budget shall  
85 be on the same fiscal basis as the budget of the county.

86       **SECTION 5.** Accounting for receipts and expenditures of the  
87 funds derived from the proceeds of the tax authorized by this act  
88 shall be made separately from the accounting of receipts and  
89 expenditures of the general fund and any other funds of the  
90 county. The records reflecting the receipts and expenditures of  
91 these funds shall be audited annually by an independent certified  
92 public accountant and the audit shall be included in the General  
93 Purpose Statement of the county. The audit shall be made and  
94 completed as soon as practicable after the close of the county's

95 fiscal year, and copies of the report of the audit shall be filed  
96 with the clerk for the board. The expenses of this audit may be  
97 paid from the funds derived pursuant to Section 2 of this act.

98       **SECTION 6.** This act shall be liberally construed for the  
99 purposes prescribed herein, the power granted by this act shall be  
100 deemed to be full and complete authority for the imposition and  
101 collection of the tax and the expenditure of the proceeds thereof  
102 and shall be construed as additional, cumulative and supplemental  
103 to any power granted to the county by any general or local and  
104 private act of the Legislature.

105       **SECTION 7.** The Board of Supervisors of George County,  
106 Mississippi, shall submit this act, immediately upon approval by  
107 the Governor, or upon approval by the Legislature subsequent to a  
108 veto, to the Attorney General of the United States or to the  
109 United States District Court for the District of Columbia in  
110 accordance with the provisions of the Voting Rights Act of 1965,  
111 as amended and extended.

112       **SECTION 8.** This act shall take effect and be in force from  
113 and after the date it is effectuated under Section 5 of the Voting  
114 Rights Act of 1965, as amended and extended.