Chapter No. 915
11/SS01/R1229SG
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SENATE BILL NO. 3022

Originated in Senate _____ Secretary

SENATE BILL NO. 3022

AN ACT TO AMEND CHAPTER 1005, LOCAL AND PRIVATE LAWS OF 2004, AS AMENDED BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 2008, TO EXTEND THE REPEAL DATE ON THE PROVISION OF LAW AUTHORIZING THE GOVERNING AUTHORITIES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL, MOTEL AND BED-AND-BREAKFAST ROOM RENTALS IN THE CITY; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 1005, Local and Private Laws of 2004, as amended by Chapter 923, Local and Private Laws of 2008, is amended as follows:

Section 1. As used in this act, the following terms shall have meanings ascribed in this section unless otherwise clearly indicated by the context in which they are used:

(a) "Governing authorities" means the governing authorities of the City of Pascagoula, Mississippi.

(b) "Hotel," "motel" or "bed-and-breakfast" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "hotel," "motel" and "bed-and-breakfast" do not include any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

Section 2. (1) For the purpose of providing funds to promote tourism, economic development and recreation, the governing authorities, in their discretion, are authorized to levy and collect from every person, firm or corporation operating a

hotel, motel or bed-and-breakfast in the city, a tax which shall be in addition to all other taxes and assessments imposed, which shall not exceed three percent (3%) of the gross proceeds derived from room rentals of all such hotels, motels or bed-and-breakfasts in the city.

(2) Persons, firms or corporations liable for the tax imposed under subsection (1) of this section shall add the amount of the tax to the sales price and shall collect, insofar as is practicable, the amount of the tax due by him from the person receiving the services or product at the time of payment therefor.

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

(4) The proceeds of such tax shall be paid to the governing authorities on or before the fifteenth day of the month in which collected.

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

Section 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their 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 city 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 Department of Revenue a certified copy of the resolution evidencing the taxes.

Section 4. Accounting for receipts and expenditures of the funds described in this act shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Pascagoula. The records reflecting the receipts and expenditures of the funds prescribed in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of such audit shall be paid from the funds derived pursuant to this act.

Section 5. The provisions of this act shall be repealed from and after July 1, 2014.

Section 6. The governing authorities shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

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

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

PASSED BY THE SENATE
March 26, 2011

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 28, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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