

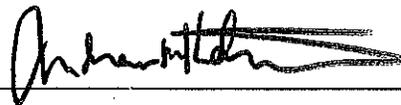
5/3/16

10:18 A.M.

Chapter No. 935
16/HR31/R8CS
AM 10ST

HOUSE BILL NO. 1507

Originated in House



Clerk

HOUSE BILL NO. 1507

AN ACT TO AUTHORIZE THE CITY OF BRANDON, MISSISSIPPI, TO LEVY A 3% TAX UPON THE GROSS PROCEEDS OF ROOM RENTALS FROM HOTELS AND MOTELS WITHIN THE CITY FOR THE PURPOSE OF FUNDING AN AMPHITHEATRE AND OTHER ANCILLARY IMPROVEMENTS; TO PROVIDE FOR AN ELECTION ON WHETHER THE TAX MAY BE LEVIED; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in this act:

(a) "City" means the City of Brandon, Mississippi.

(b) "Costs" as applied to the facilities, means any and all costs of financing or refinancing such facilities and, without limiting the generality of the foregoing, shall include the following:

(i) All costs of the establishment, demolition, site development of new and rehabilitated buildings, rehabilitation, reconstruction repair, erection, building, construction, remodeling, expanding, improving, equipping and furnishing of the facilities and all costs incident or related thereto;

(ii) The cost of acquiring any property interest in the facilities, including the purchase of any property interest or the cost of any option to purchase;

(iii) The cost of architectural, engineering, legal and related services; the cost of the preparation of plans, specifications, studies, surveys and estimates of cost and of revenue; all other expenses necessary or incident to planning, providing or determining the need for or the feasibility and practicability of the facilities or the acquisition of the facilities;

(iv) The cost of financing charges, including premiums or prepayment penalties, if any, and interest accrued prior to the acquisition and completion or refinancing of the facilities and after such acquisition and completion or refinancing, and start-up costs related to new facilities; and

(v) Any and all costs paid or incurred in connection with the financing or refinancing of the facilities, including out-of-pocket expenses, the cost of financing, legal, accounting, financial advisory and consulting fees, expenses and disbursements; the cost of any policy of insurance; the cost of printing, engraving and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.

(c) "Facilities" means an amphitheater and other related and ancillary facilities.

(d) "Governing authorities" means the Mayor and Board of Aldermen of the city.

(e) "Hotel" or "motel" means and includes a place of lodging that at any one time will accommodate transient guests on a daily, weekly or monthly basis and that is known to the trade as such, and which is located within the city limits of the city.

(f) "Project" means paying the costs of the acquisition, construction, reconstruction, expanding, improving, furnishing, equipping and repairing of the facilities.

SECTION 2. (1) For the purpose of providing funds for the acquisition, construction, reconstruction, expanding, improving, furnishing, equipping and repairing of an amphitheater in the city, and for the payment of any debt incurred in connection therewith, there is levied and assessed and shall be collected from every person engaged in operating a hotel or motel, in addition to all other taxes currently being levied, assessed and collected, a tax of three percent (3%) of the gross proceeds of sales of room rentals of hotel and motel rooms for each such hotel and motel.

(2) Persons liable for the tax imposed in this section shall add the amount of the tax to the sales price, as applicable, and, in addition, shall collect, insofar as practicable, the amount of the tax due by them from the person receiving the services at the time of payment for the services.

SECTION 3. (1) The tax shall be collected by and paid to the Department of Revenue in the same manner that state sales taxes are computed, collected and paid, and the full enforcement provisions of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

(2) Except for any amount retained by the Department of Revenue under Section 27-3-58, Mississippi Code of 1972, the proceeds of the tax shall be paid to the city on or before the fifteenth day of the month following the month in which they were collected.

(3) Accounting for receipts and expenditures of the revenue from the tax shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the city. The records reflecting the receipts and expenditures of the revenue from the tax 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 the audit shall be paid from the funds derived pursuant to this act.

(4) The proceeds of the tax shall not be considered by the city as general fund revenues and shall be placed into a special fund created separate and apart from any other fund of the city.

SECTION 4. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their intention to levy the tax, setting forth the amount of the tax to be imposed, the date upon which the tax shall become effective, and calling for an election to be held on the question. The date of the election shall be fixed in the resolution. 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 city, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the election. At the election, all qualified electors of the city may vote, and the ballots used in the election 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 the election shall have been canvassed and certified, the city may levy the tax if sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. At least thirty (30) days before the effective date of the tax provided in this section, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing the tax.

SECTION 5. The city is authorized to incur debt under the provisions of this act or under any existing law authorizing notes or other evidences of debt. The governing authorities, in their discretion, may pledge the revenues derived from the tax levy authorized by this act to repay any indebtedness of the city which the city may be authorized to incur under the laws of the state.

SECTION 6. Subject to the provisions of this act and provided that there is no indebtedness or obligations outstanding pursuant to the provisions of this act, the tax levied under this act may be discontinued by an action of the governing authority adopting a resolution to that effect. The discontinuance of the tax shall be effective beginning on the first day of the month designated in the resolution and the tax levy shall not apply to sales made on and after that date. A certified copy of the resolution discontinuing the tax shall be delivered to the Department of Revenue at least seven (7) days before the date set in the resolution for the discontinuance of the tax.

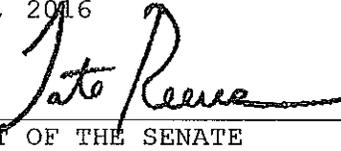
SECTION 7. This act shall be repealed from and after July 1, 2020.

SECTION 8. This act shall take effect and be in force from and after its passage.

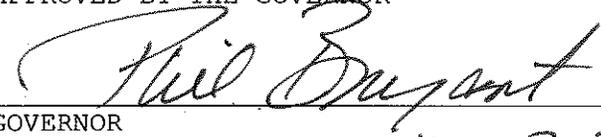
PASSED BY THE HOUSE OF REPRESENTATIVES
April 6, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 16, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

May 3, 2016
10:15 AM