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Chapter No. 907
13/HR40/R1236SG

Feb 1 2013

HOUSE BILL NO. 1595

Originated in House  Clerk

HOUSE BILL NO. 1595

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF LOUISVILLE, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS PROCEEDS OF ROOM RENTALS FOR HOTELS OR MOTELS IN THE CITY AND TO ESTABLISH A TOURISM AND ECONOMIC ADVISORY BOARD; AND FOR RELATED PURPOSES.

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

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

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

(b) "Hotel" or "motel" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests, where the establishment consists of six (6) or more guest rooms. The term "hotel" or "motel" does 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 and parks and recreation within the City of Louisville, the governing authorities are authorized, in their discretion, to levy and collect from the following persons a tax, which shall be in addition to all of the taxes and assessments imposed upon every person, firm or corporation operating a motel or hotel in the City of Louisville, at a rate not to exceed two percent (2%) of the gross proceeds of room rentals for each such hotel or motel.

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

(3) The tax shall be collected by and paid to the Mississippi Department of Revenue on a form prescribed by the Department of Revenue in the manner that state sales taxes are computed, collected and paid; and 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 the tax, less three percent (3%) thereof which shall be retained by the Department of Revenue to defray the cost of collection, shall be paid to the governing authorities on or before the fifteenth day of the month following the month in which collected.

(5) The proceeds of the tax shall not be considered by the City of Louisville 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 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 and the election 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 of Louisville, 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 of Louisville 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 town 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 4. Accounting for receipts and expenditures of the funds herein described shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Louisville. 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 the audit shall be paid from the funds derived in accordance with this act.

SECTION 5. (1) Before levying or collecting the tax authorized under this act, the governing authorities shall establish and appoint three (3) members to a three-year term on the Tourism and Economic Advisory Board who shall be composed of the following:

(a) The Mayor of the City of Louisville, or a member of the Board of Aldermen of the City of Louisville, whose term expires on July 1, 2015;

(b) The chief operating official of the Louisville/Winston County Economic Development Partnership, whose term expires on July 1, 2013; and

(c) An owner of a hotel/motel establishment operating such business within the city limits of Louisville, Mississippi, whose term expires on July 1, 2014.

(2) Regardless of the length of appointment, a member's term on the Tourism and Economic Advisory Board shall terminate should he or she no longer hold the requisite position for which his or her appointment is made and a replacement appointment of an individual who meets the requisite qualification shall be made to fill the unexpired portion of such appointment.

SECTION 6. The Board of Aldermen of the City of Louisville is authorized to expend funds solely for the purposes prescribed under Section 2 of this act, but only after first receiving a written recommendation for such expenditures from the Tourism and Economic Advisory Board created under this act.

SECTION 7. This act shall be repealed from and after July 1, 2016.

SECTION 8. The governing authorities are directed to 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 9. 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.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 26, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 14, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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