

4/15 4:13p

Chapter No. 922  
13/SS02/R1013CS  
Ag / AS / SG

***SENATE BILL NO. 2837***

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2837

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF HORN LAKE, MISSISSIPPI, TO LEVY A TAX UPON HOTEL AND MOTEL ROOM RENTALS, WHICH SHALL BE USED TO PROMOTE THE CITY'S TOURISM AND ECONOMIC DEVELOPMENT; TO PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE AND PAID TO THE CITY OF HORN LAKE; 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 meanings ascribed in this section unless otherwise clearly indicated by the context in which they are used:

(a) "City" means the City of Horn Lake, Mississippi.

(b) "Governing authorities" means the governing authorities of the City of Horn Lake, Mississippi.

(c) "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 and which are known in the trade as such. 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 the attributes of the city, and to promote the city's tourism and economic development, the governing authorities, in their discretion, are authorized to levy and collect from every person, firm or corporation operating a hotel or motel in the city a tax, which shall be in addition to all other taxes and assessments imposed and which shall not exceed Two Dollars (\$2.00) per room rental upon each overnight room rental in all such hotels or motels in the city, excluding charges for food, telephone, laundry, beverages and similar charges. The tax shall not be levied upon or collected on room rentals for day meetings where the room does not serve as overnight sleeping accommodations.

(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.

**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 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 the 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, 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, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing the tax.

**SECTION 4.** (1) On or before the fifteenth day of the month preceding the date on which the city will begin to levy the tax authorized under Section 2 of this act, the governing authorities shall give written notification to the Commissioner of Revenue of the date on which the tax will become effective.

(2) The tax must 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 and all other provisions of Chapter 65, Title 27, Mississippi Code of 1972, will apply as necessary for the implementation of this act.

(3) Except for any amount retained by the Department of Revenue under Section 27-3-58, Mississippi Code of 1972, the revenue from the special tax collected under this act must be paid to the city on or before the fifteenth day of the month following the month in which collected.

(4) 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.

(5) The proceeds of the tax may not be considered by the city as general fund revenues but must be placed into a special fund apart from the city general fund and any other funds and expended by the city strictly for the purposes prescribed under Section 2 of this act.

**SECTION 5.** Collections of revenue made pursuant to Chapter 1015, Local and Private Laws of 2004, as amended by Chapter 922, Local and Private Laws of 2008, from and after July 1, 2011, and until the effective date of this act, are hereby ratified and confirmed and the expenditures that may have been made by the city of such revenue that was paid to the city is hereby ratified and confirmed. Any of such revenue paid to the city and held in escrow by the city may be expended by the city for the purposes authorized in Chapter 1015, Local and Private Laws of 2004, as amended by Chapter 922, Local and Private Laws of 2008, from and after July 1, 2011.

**SECTION 6.** This act shall be repealed from and after July 1, 2017.

**SECTION 7.** The governing authorities of the City of Horn Lake, Mississippi, 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 8.** 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 SENATE  
March 27, 2013



\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 30, 2013



\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



\_\_\_\_\_  
GOVERNOR

4-15-13  
4:13pm