

By: Representative Cummings

To: Local and Private  
Legislation; Ways and Means

HOUSE BILL NO. 1670

1 AN ACT TO AMEND CHAPTER 944, LAWS OF 1993, TO AUTHORIZE AN  
2 INCREASE IN THE TOURIST TAX LEVIED ON THE GROSS INCOME OF HOTEL  
3 AND MOTEL ROOM RENTALS IN TISHOMINGO COUNTY FOR THE PURPOSE OF  
4 PROVIDING FUNDS FOR THE PROMOTION OF TOURISM AND RETIREMENT IN THE  
5 COUNTY; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Chapter 944, Laws of 1993, is amended as follows:

8 Section 1. As used in this act, the term "hotel" or "motel"  
9 means any establishment engaged in the business of furnishing or  
10 providing rooms intended or designed for lodging or sleeping  
11 purposes for transient guests, which establishment consists of  
12 five (5) or more guest rooms and does not encompass any hospital,  
13 convalescent or nursing home, or sanitarium, or any hotel-like  
14 facility operated by or in connection with a hospital or medical  
15 clinic providing rooms exclusively for patients and their  
16 families.

17 Section 2. (1) For the purpose of providing funds for the  
18 promotion of tourism and retirement, the Board of Supervisors of  
19 Tishomingo County, Mississippi, in its discretion, may levy,  
20 assess and collect from every person, firm and corporation  
21 operating a hotel or motel in Tishomingo County a tax that may be  
22 cited as a "tourist tax," which shall be in addition to all other  
23 taxes and assessments imposed by the county, as provided in this  
24 act.

25 (2) Such tax shall be an amount not to exceed three percent  
26 (3%) of the gross proceeds from room rentals of hotels and motels  
27 in the county, excluding charges for telephone, laundry and  
28 similar services. The tax shall not be levied upon or collected

29 from gross proceeds of nontaxable rooms, room rentals for day  
30 meetings that do not serve as overnight sleeping accommodations or  
31 room rentals to residential guests of a hotel or motel.

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

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

43 (5) The proceeds of the tax, less three percent (3%) to be  
44 retained by the State Tax Commission to defray the costs of  
45 collection, shall be paid to the Tishomingo Development Foundation  
46 on or before the fifteenth day of the month following the month in  
47 which collected by the State Tax Commission for the purpose of  
48 providing operating funds for the foundation to promote and  
49 enhance the development of tourism and retirement in Tishomingo  
50 County.

51 (6) The proceeds of the tax shall not be considered by the  
52 county as general fund revenues but shall be paid directly to the  
53 Tishomingo Development Foundation and dedicated solely for the  
54 purpose of carrying out programs and activities which are  
55 designated by the Tishomingo Development Foundation and designed  
56 to attract tourists and retirees to Tishomingo County,  
57 Mississippi.

58 Section 3. Before the tax authorized by this act shall be  
59 imposed, the board of supervisors shall adopt a resolution  
60 declaring their intention to levy the tax, setting forth the  
61 amount of such tax, and establishing the date on which this tax

62 initially shall be levied and collected. Notice of the tax shall  
63 be published once each week for at least three (3) consecutive  
64 weeks in a newspaper having a general circulation in Tishomingo  
65 County, the first publication of which shall be made not less than  
66 twenty-one (21) days prior to the date on which the tax initially  
67 shall be levied and collected. If, within the time of giving  
68 notice, twenty percent (20%) or fifteen hundred (1500), whichever  
69 is less, of the qualified electors of Tishomingo County,  
70 Mississippi, shall file a written petition against the levy of  
71 such tax, then such tax shall not be levied unless authorized by a  
72 majority of the qualified electors of Tishomingo County voting at  
73 an election to be called and held for that purpose. At least  
74 thirty (30) days prior to the effective date of the tax as herein  
75 provided, the board of supervisors shall furnish to the State Tax  
76 Commission a certified copy of the resolution evidencing such tax.

77 Section 4. Before the expenditure of the proceeds of any  
78 taxes authorized by this act, a budget reflecting the anticipated  
79 receipts and expenditures shall be approved by the Board of  
80 Supervisors of Tishomingo County. The first budget of receipts  
81 and expenditures shall cover the period beginning with the  
82 effective date of the tax and ending with the end of the county's  
83 fiscal year, and thereafter, the budget shall be on the same  
84 fiscal basis as the budget of Tishomingo County.

85 Section 5. Accounting for receipts and expenditures of the  
86 funds derived from the proceeds of the tax authorized by this act  
87 shall be made separately from the accounting of receipts and  
88 expenditures of the general fund and any other funds of Tishomingo  
89 County. The records reflecting the receipts and expenditures of  
90 these funds shall be audited annually by an independent certified  
91 public accountant, and the accountant shall make a written report  
92 of his audit to the Tishomingo Development Foundation. The audit  
93 shall be made and completed as soon as practicable after the close  
94 of the county's fiscal year, and copies of the report of the audit

95 shall be filed with the clerk of the board of supervisors within  
96 fifteen (15) days after receipt thereof by the Tishomingo  
97 Development Foundation. The expenses of this audit may be paid  
98 from the funds derived pursuant to Section 2 of this act.  
99 SECTION 2. This act shall take effect and be in force from  
100 and after its passage.