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

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

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

Section 1. As used in this act, the term "hotel" or "motel" means any establishment engaged in the business of furnishing or providing rooms intended or designed for lodging or sleeping purposes for transient guests, which establishment consists of five (5) or more guest rooms and does not encompass 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 for the promotion of tourism and retirement, the Board of Supervisors of Tishomingo County, Mississippi, in its discretion, may levy, assess and collect from every person, firm and corporation operating a hotel or motel in Tishomingo County a tax that may be cited as a "tourist tax," which shall be in addition to all other taxes and assessments imposed by the county, as provided in this act.

(2) Such tax shall be an amount not to exceed three percent (3%) of the gross proceeds from room rentals of hotels and motels in the county, excluding charges for telephone, laundry and similar services. The tax shall not be levied upon or collected
from gross proceeds of nontaxable rooms, room rentals for day
meetings that do not serve as overnight sleeping accommodations or
room rentals to residential guests of a hotel or motel.

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

(4) Such tax shall be collected by and paid to the State Tax
Commission on a form prescribed by the State Tax Commission, 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.

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

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

Section 3. Before the tax authorized by this act shall be
imposed, the board of supervisors shall adopt a resolution
declaring their intention to levy the tax, setting forth the
amount of such tax, and establishing the date on which this tax
initially shall be levied and collected. Notice of the tax shall
be published once each week for at least three (3) consecutive
weeks in a newspaper having a general circulation in Tishomingo
County, the first publication of which shall be made not less than
twenty-one (21) days prior to the date on which the tax initially
shall be levied and collected. If, within the time of giving
notice, twenty percent (20%) or fifteen hundred (1500), whichever
is less, of the qualified electors of Tishomingo County,
Mississippi, shall file a written petition against the levy of
such tax, then such tax shall not be levied unless authorized by a
majority of the qualified electors of Tishomingo County voting at
an election to be called and held for that purpose. At least
thirty (30) days prior to the effective date of the tax as herein
provided, the board of supervisors shall furnish to the State Tax
Commission a certified copy of the resolution evidencing such tax.

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

Section 5. Accounting for receipts and expenditures of the
funds derived from the proceeds of the tax authorized by this act
shall be made separately from the accounting of receipts and
expenditures of the general fund and any other funds of Tishomingo
County. The records reflecting the receipts and expenditures of
these funds shall be audited annually by an independent certified
public accountant, and the accountant shall make a written report
of his audit to the Tishomingo Development Foundation. The audit
shall be made and completed as soon as practicable after the close
of the county's fiscal year, and copies of the report of the audit
shall be filed with the clerk of the board of supervisors within fifteen (15) days after receipt thereof by the Tishomingo Development Foundation. The expenses of this audit may be paid from the funds derived pursuant to Section 2 of this act.

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