

By: Senator(s) Burton

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3202

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF SCOTT COUNTY
2 TO LEVY A TOURIST TAX LEVIED ON THE GROSS INCOME OF HOTEL AND
3 MOTEL ROOM RENTALS IN SCOTT COUNTY FOR THE PURPOSE OF PROVIDING
4 FUNDS FOR THE OPERATION, PROMOTION AND IMPROVEMENT OF THE
5 FOREST/SCOTT COUNTY COLISEUM AND PROMOTING TOURISM WITHIN SCOTT
6 COUNTY; AND FOR RELATED PURPOSES.

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

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 operation, promotion and improvement of the Forest/Scott County
19 Coliseum and promoting tourism within Scott County, the Board of
20 Supervisors of Scott County, Mississippi, in its discretion, may
21 levy, assess and collect from every person, firm and corporation
22 operating a hotel or motel in Scott County a tax that may be cited
23 as a "tourist tax," which shall be in addition to all other taxes
24 and assessments imposed by the county, as provided in this act.

25 (2) Such tax shall be an amount not to exceed two percent
26 (2%) 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 Scott County on or before the
46 fifteenth day of the month following the month in which collected
47 by the State Tax Commission for the purpose of providing funds for
48 the operation, promotion and improvement of the Forest/Scott
49 County Coliseum and promoting tourism within Scott County.

50 (6) The proceeds of the tax shall not be considered by the
51 Scott County as general fund revenues but shall be expended solely
52 for the purposes specified in this section.

53 **SECTION 3.** Before any tax authorized under this act may be
54 imposed, the board of supervisors shall adopt a resolution
55 declaring its intention to levy the tax, setting forth the amount
56 of such tax to be imposed, the date upon which such tax shall
57 become effective and calling for a referendum to be held on the
58 question. The date of the election shall be the first Tuesday
59 after the first Monday in November 2002. Notice of such intention
60 shall be published once each week for at least three (3)
61 consecutive weeks in a newspaper published or having a general
62 circulation in the county, with the first publication of such



63 notice to be made not less than twenty-one (21) days before the
64 date fixed in the resolution for the election and the last
65 publication to be made not more than seven (7) days before the
66 election. At the election, all qualified electors of Scott County
67 may vote, and the ballots used in such election shall have printed
68 thereon a brief statement of the amount and purposes of the
69 proposed tax levy and the words "FOR THE TOURIST TAX" and, on a
70 separate line, "AGAINST THE TOURIST TAX" and the voters shall vote
71 by placing a cross (X) or check (✓) opposite their choice on the
72 proposition. When the results of any such election shall have
73 been canvassed and certified, the county may levy the tax
74 beginning on the first day of January 2003, if a majority of the
75 qualified electors who vote in the election vote in favor of the
76 tax. At least thirty (30) days before the effective date of the
77 tax provided in this section, the governing authorities shall
78 furnish to the State Tax Commission a certified copy of the
79 resolution evidencing such tax.

80 **SECTION 4.** Accounting for receipts and expenditures of the
81 funds derived from the proceeds of the tax authorized by this act
82 shall be made separately from the accounting of receipts and
83 expenditures of the general fund and any other funds of Scott
84 County. The records reflecting the receipts and expenditures of
85 these funds shall be audited annually by an independent certified
86 public accountant, and the accountant shall make a written report
87 of his audit to the Board of Supervisors of Scott County. The
88 audit shall be made and completed as soon as practicable after the
89 close of the county's fiscal year, and expenses of such audit
90 shall be paid from the funds derived pursuant to this act.

91 **SECTION 5.** The Board of Supervisors of Scott County shall
92 submit this act, immediately upon approval by the Governor, or
93 upon approval by the Legislature subsequent to a veto, to the
94 Attorney General of the United States or to the United States
95 District Court for the District of Columbia in accordance with the



96 provisions of the Voting Rights Act of 1965, as amended and
97 extended.

98 **SECTION 6.** This act shall take effect and be in force from
99 and after the date it is effectuated under Section 5 of the Voting
100 Rights Act of 1965, as amended and extended.

