AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, MISSISSIPPI, TO LEVY AN ADDITIONAL SALES TAX ON HOTELS, MOTELS AND RESTAURANTS FOR THE PURPOSE OF PROVIDING FUNDS TO CONSTRUCT A DOWNTOWN CONVENTION CENTER IN THE CITY OF GREENVILLE AND TO DEFRAY THE COSTS OF MAINTAINING THE WASHINGTON COUNTY CONVENTION CENTER; TO ALLOCATE THE REVENUE COLLECTED PURSUANT TO SUCH TAX; AND FOR RELATED PURPOSES.

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

SECTION 1. For the purposes of this act:

(a) "Hotel" and "motel" mean a place of lodging that at any one time will accommodate transient guests on a daily or weekly basis and that are known to the trade as such. Hotels and motels with ten (10) or less rental units are exempt.

(b) "Restaurant" means a place which is regularly engaged in serving cooked or prepared meals to customers for compensation for on- or off-premises consumption, including restaurants and lunch counters located in other retail establishments, but shall not include delicatessen departments of grocery and convenience stores which do not provide seating facilities for customers for on-premises consumption of meals.

Restaurants that have gross proceeds of sales or gross income of less than One Hundred Thousand Dollars ($100,000.00) per calendar year are exempt, and in order to calculate gross proceeds of sales or gross income of restaurants, the sales or income of all of the establishments owned, operated or controlled by the same person, persons or corporation shall be aggregated. Restaurants and establishments selling alcoholic beverages operated by bona fide private clubs organized for some common object other than the sale
of goods and alcoholic beverages are exempt from the tax authorized herein.

SECTION 2. (1) For the purposes of providing funds to build a downtown convention center in the City of Greenville, Mississippi, and to defray the costs of maintaining the Washington County Convention Center, the Board of Supervisors of Washington County, Mississippi, is hereby authorized to levy and assess against and to collect from every person operating a hotel, motel or restaurant or on-premises retailer's permit which are legal under the provisions of Chapter 1, Title 67, Mississippi Code of 1972 (hereinafter referred to as "taxable establishments") in Washington County, an assessment in addition to all other taxes now imposed, which shall not exceed a sum equal to one percent (1%) of the gross proceeds of sales of such taxable establishments in Washington County, excluding any charges which are exempt from taxes levied under the Mississippi Sales Tax Law, Chapter 65, Title 27, Mississippi Code of 1972. Persons liable for the tax imposed herein shall add the amount of such tax to the sales price or gross income and, insofar as practicable, the amount of the tax due by him from the purchaser at the time the sales price or gross income is collected. All words, terms and phrases used herein shall have the same meanings ascribed to them in Chapter 65, Title 27, Mississippi Code of 1972.

(2) 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.

(3) The proceeds of such tax less three percent (3%) to be retained by the State Tax Commission to defray the costs of
collection shall be paid to Washington County on or before the fifteenth day of the month following the month in which collected.

(4) The proceeds of the tax shall not be considered by Washington County or any municipality therein as general fund revenues, but shall be dedicated solely for the purpose of carrying out the purposes of this act and shall be allocated as follows:

(a) Sixty-six percent (66%) to the City of Greenville for the construction of a downtown convention center; and

(b) Thirty-four percent (34%) to defray the cost of maintaining the Washington County Convention Center.

SECTION 3. The tax authorized in this act shall not be levied until the board of supervisors shall have adopted a resolution favoring the tax levy and fixing the amount of the tax levy and the date on which the tax levy is proposed to commence, which shall be the first day of a month, and the board shall have published notice of its intention to levy the tax. The notice shall be published once each week for at least three (3) consecutive weeks in a newspaper having a general circulation in the county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in the resolution on which the board proposes to levy such tax, and the last publication shall be made not more than seven (7) days prior to such date. If, within the time of giving notice, twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county 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 such county, voting at an election to be called and held for that purpose. Prior to the effective date of the tax levy approved as herein provided, the board of supervisors shall furnish to the Chairman of the State Tax Commission a certified copy of the resolution evidencing such tax levy.
SECTION 4. Accounting for receipts and expenditures of the funds described in this act must be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the Board of Supervisors of Washington County and the City of Greenville. 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 board of supervisors. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of such audit shall be paid from the funds derived pursuant to this act.

SECTION 5. The Board of Supervisors of Washington County, 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 6. 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.