

Senate Amendments to House Bill No. 1787

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

12 **SECTION 1.** As used in this act, the following terms shall
13 have the meanings ascribed to them in this section unless a
14 different meaning is clearly indicated by the context in which
15 they are used:

16 (a) "Governing authorities" mean the governing
17 authorities of the City of Saltillo, Mississippi.

18 (b) "Hotel" or "motel" means any establishment engaged
19 in the business of furnishing or providing six (6) or more rooms
20 intended or designed for dwelling, lodging or sleeping purposes to
21 transient guests. The term "hotel" or "motel" does not include
22 any hospital, convalescent or nursing home or sanitarium, or any
23 hotel-like facility operated by or in connection with a hospital
24 or medical clinic providing rooms exclusively for patients and
25 their families.

26 (c) "Restaurant" or "convenience store" means all
27 places where prepared food and beverages are sold for consumption,
28 whether such food is consumed on the premises or not. The terms
29 "restaurant" and "convenience store" do not include any school,
30 hospital, convalescent or nursing home, or any restaurant-like
31 facility operated by or in connection with a school, hospital,
32 medical clinic, convalescent or nursing home providing food for
33 students, patients, visitors or their families.

34 **SECTION 2.** (1) For the purpose of providing funds to
35 promote tourism and to encourage retired persons to remain in or
36 relocate to the Saltillo area, the governing authorities are
37 authorized, in their discretion, to levy and collect from the

38 following persons a tax, which shall be in addition to all of the
39 taxes and assessments imposed. The tax shall be on the following
40 persons:

41 (a) A tax upon every person, firm or corporation
42 operating a hotel or motel in the City of Saltillo at a rate not
43 to exceed two percent (2%) of the gross proceeds derived from room
44 rentals; and

45 (b) A tax upon every person, firm or corporation
46 operating a restaurant or convenience store in the City of
47 Saltillo where prepared food and drink is sold to the public, at a
48 rate not to exceed two percent (2%) of the gross proceeds of the
49 sales of such restaurant or sales of prepared food at such
50 convenience store.

51 (2) Persons, firms or corporations liable for the levy
52 imposed under subsection (1) of this section shall add the amount
53 of the levy to the sales price of the rooms and products set out
54 in subsection (1) of this section and shall collect, insofar as is
55 practicable, the amount of the tax due by them from the person
56 receiving the services or product at the time of payment therefor.

57 (3) The tax shall be collected by and paid to the State Tax
58 Commission on a form prescribed by the State Tax Commission in the
59 manner that state sales taxes are computed, collected and paid;
60 and full enforcement provisions and all other provisions of
61 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
62 necessary to the implementation and administration of this act.

63 (4) The proceeds of the tax, less three percent (3%) thereof
64 which shall be retained by the State Tax Commission to defray the
65 cost of collection, shall be paid to the governing authorities on
66 or before the fifteenth day of the month following the month in
67 which collected.

68 (5) The proceeds of the tax shall not be considered by the
69 City of Saltillo as general fund revenues but shall be dedicated
70 to and expended solely for the purposes specified in this section.

71 **SECTION 3.** (1) Before any tax authorized under this act may
72 be imposed, the governing authorities shall adopt a resolution

73 declaring their intention to levy the taxes, setting forth the
74 amount of such tax to be imposed, the date upon which such taxes
75 shall become effective and calling for a referendum to be held on
76 the question. The date of the referendum shall be the date of the
77 next regular municipal general election. Notice of such intention
78 shall be published once each week for at least three (3)
79 consecutive weeks in a newspaper published or having a general
80 circulation in the county, with the first publication of such
81 notice to be made not less than twenty-one (21) days before the
82 date fixed in the resolution for the referendum and the last
83 publication to be made not more than seven (7) days before the
84 referendum. At the referendum, all qualified electors of the City
85 of Saltillo may vote, and the ballots used in such referendum
86 shall have printed thereon a brief statement of the amount and
87 purposes of the proposed tax levy and the words "FOR THE TAX" and,
88 on a separate line, "AGAINST THE TAX", and the voters shall vote
89 by placing a cross (X) or check (✓) opposite their choice on the
90 proposition. When the results of any such referendum shall have
91 been canvassed by the election commission and certified, the city
92 may levy the taxes beginning on the first day of the second month
93 following the referendum, only if at least sixty percent (60%) of
94 the qualified electors who vote in the election vote in favor of
95 the tax. No public funds shall be used for the purpose of
96 promoting the adoption of the referendum and no city employee may
97 promote the referendum and no city employee may promote the
98 referendum during business hours. At least thirty (30) days
99 before the effective date of the taxes, the governing authorities
100 shall furnish to the State Tax Commission a certified copy of the
101 resolution evidencing the taxes.

102 **SECTION 4.** Accounting for receipts and expenditures of the
103 funds described in this act must be made separately from the
104 accounting of receipts and expenditures of the general fund and
105 any other funds of the City of Saltillo. The records reflecting
106 the receipts and expenditures of the funds prescribed in this act
107 shall be audited annually by an independent certified public

108 accountant, and the accountant shall make a written report of his
109 audit to the governing authorities. The audit shall be made and
110 completed as soon as practicable after the close of the fiscal
111 year, and expenses of such audit shall be paid from the funds
112 derived under this act.

113 **SECTION 5.** The provisions of this act shall be repealed from
114 and after July 1, 2008.

115 **SECTION 6.** The governing authorities are directed to submit
116 this act, immediately upon approval by the Governor, or upon
117 approval by the Legislature subsequent to a veto, to the Attorney
118 General of the United States or to the United States District
119 Court for the District of Columbia in accordance with the
120 provisions of the Voting Rights Act of 1965, as amended and
121 extended.

122 **SECTION 7.** This act shall take effect and be in force from
123 and after the date it is effectuated under Section 5 of the Voting
124 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 SALTILLO, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF
3 HOTELS AND MOTELS DERIVED FROM ROOM RENTALS AND UPON THE GROSS
4 PROCEEDS OF SALES OF RESTAURANTS AND CONVENIENCE STORES; TO
5 PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE STATE TAX
6 COMMISSION; TO PROVIDE THAT THE REVENUE RECEIVED BY THE CITY OF
7 SALTILLO FROM THE TAX SHALL BE EXPENDED TO PROMOTE TOURISM AND TO
8 ENCOURAGE RETIRED PERSONS TO REMAIN IN OR RELOCATE TO THE SALTILLO
9 AREA; TO REQUIRE A REFERENDUM ON WHETHER THE TAX MAY BE LEVIED;
10 AND FOR RELATED PURPOSES.

SS26\HB1787A.1J

John O. Gilbert
Secretary of the Senate