

By: Representative Cummings

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1886

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.

