

HOUSE BILL 2411

By Watson

AN ACT to amend Chapter 2 of the Private Acts of 1981; as amended by Chapter 196 of the Private Acts of 1984; Chapter 135 of the Private Acts of 1991; Chapter 44 of the Private Acts of 1997; Chapter 32 of the Private Acts of 2001; Chapter 44 of the Private Acts of 2003; and any other acts amendatory thereto, relative to the Polk County amusement and privilege tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 2 of the Private Acts of 1981, as amended by Chapter 196 of the Private Acts of 1984, Chapter 135 of the Private Acts of 1991, Chapter 44 of the Private Acts of 1997, Chapter 32 of the Private Acts of 2001, Chapter 44 of the Private Acts of 2003, and any other acts amendatory thereto, is amended by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. The legislative body of Polk County is hereby authorized to levy a privilege tax upon the privilege of a consumer participating in an amusement. Such tax so imposed is a privilege tax upon the consumer enjoying the amusement, and is to be collected and distributed as provided in this act. Such tax shall not be imposed upon employees and bona fide trainees of the operator providing the amusement.

The rate of such privilege tax on consumers enjoying whitewater, rafting and other services on the Ocoee and Hiwassee Rivers shall be a fixed amount per person to be established by the county legislative body during the budgeting process after determination of the cost necessary for the provisions of services incident to the activities of commercial whitewater rafting. The county legislative body shall set such fixed amount per person during the budgeting process of the fiscal year which begins July 1 each year and the fixed amount per person shall become effective for the rafting season that begins

the following year.

The calculation on the setting of the amount of the privilege tax shall be the cost of provision of services incident to the activities of commercial whitewater rafting or such other amusement to which such tax is applicable, divided by the number of persons who engage in such activities. For the purposes of whitewater rafting, such cost shall be divided by the number of persons who engaged in whitewater rafting during the preceding year's rafting activities. Such cost shall be based solely on the considerations allowable under the Maritime Transportation Security Act of 2002, compiled in 46 U.S.C. § 2101 et seq.

The amount of such tax on amusements other than those associated with the aforementioned rivers shall be set by the county legislative body at an amount not to exceed two dollars and fifty cents (\$2.50) per person.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Polk County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.