

By: Representatives Weathersby, Rogers

To: Local and Private
Legislation

HOUSE BILL NO. 1582
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 938, LOCAL AND PRIVATE LAWS OF 1998,
2 TO EXTEND THE REPEAL DATE ON THE LAW THAT AUTHORIZES THE CITY OF
3 RICHLAND TO IMPOSE A TAX UPON THE GROSS SALES OF BARS AND
4 RESTAURANTS.

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

6 SECTION 1. Chapter 938, Local and Private Laws of 1998, is
7 amended as follows:

8 Section 1. As used in this act, the following terms shall
9 have the meanings ascribed to them in this section unless a
10 different meaning is clearly indicated by the context in which
11 they are used:

12 (a) "Governing authorities" means the governing
13 authorities of the City of Richland, Mississippi.

14 (b) "Bar" means all places, required by law to possess
15 an on-premises Alcoholic Beverage Control permit, where beer
16 and/or alcoholic beverages are sold for consumption on the
17 premises.

18 (c) "Restaurant" means all places where prepared food
19 and beverages, including beer and alcoholic beverages, are sold
20 for consumption, whether such food is consumed on the premises or
21 not. The term "restaurant" does not include any school, hospital,
22 convalescent or nursing home, or any restaurant-like facility
23 operated by or in connection with a school, hospital, medical
24 clinic, convalescent or nursing home providing food for students,
25 patients, visitors or their families.

26 Section 2. (1) For the purpose of providing funds for the
27 promotion of economic and community development in the City of

28 Richland including the construction of a multipurpose building to
29 be used for a community center and other purposes, the governing
30 authorities of the City of Richland are authorized, in their
31 discretion, to levy and collect from the following persons a tax,
32 which shall be in addition to all of the taxes and assessments
33 imposed. The tax shall be imposed on the following persons:

34 (a) A tax upon every person, firm or corporation
35 operating a bar in the City of Richland, at a rate not to exceed
36 two percent (2%) of the gross proceeds of the sales of such bar;
37 and

38 (b) A tax upon every person, firm or corporation
39 operating a restaurant in the City of Richland, at a rate not to
40 exceed two percent (2%) of the gross proceeds of the sales of beer
41 and alcoholic beverages sold for consumption on the premises and
42 all prepared foods of such restaurant.

43 (2) Persons, firms or corporation liable for the levy
44 imposed under subsection (1) of this section shall add the amount
45 of the levy to the sales price of the * * * products and services
46 set out in subsection (1) of this section and shall collect,
47 insofar as is practicable, the amount of the tax due by them from
48 the person receiving the services or product at the time of
49 payment therefor.

50 (3) Such tax shall be collected by and paid to the State Tax
51 Commission on a form prescribed by the State Tax Commission in the
52 manner that state sales taxes are computed, collected and paid;
53 and full enforcement provisions and all other provisions of
54 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
55 necessary to the implementation and administration of this act.

56 (4) The proceeds of such tax, less three percent (3%)
57 thereof which shall be retained by the State Tax Commission to
58 defray the cost of collection, shall be paid to the governing
59 authorities of the City of Richland, on or before the fifteenth
60 day of the month in which collected.

61 (5) The proceeds of such tax shall not be considered by the
62 City of Richland as general fund revenues but shall be dedicated
63 to and expended solely for the purposes specified in this section.

64 Section 3. Before any tax authorized under this act may be

65 imposed, the governing authorities shall adopt a resolution
66 declaring its intention to levy the tax, setting forth the amount
67 of such tax to be imposed, the date upon which such tax shall
68 become effective and calling for a referendum to be held on the
69 question. The date of the election shall be the first Tuesday
70 after the first Monday in November 1998. Notice of such intention
71 shall be published once each week for at least three (3)
72 consecutive weeks in a newspaper published or having a general
73 circulation in the county, with the first publication of such
74 notice to be made not less than twenty-one (21) days before the
75 date fixed in the resolution for the election and the last
76 publication to be made not more than seven (7) days before the
77 election. At the election, all qualified electors of the City of
78 Richland may vote, and the ballots used in such election shall
79 have printed thereon a brief statement of the amount and purposes
80 of the proposed tax levy and the words "FOR THE ECONOMIC AND
81 COMMUNITY DEVELOPMENT TAX" and, on a separate line, "AGAINST THE
82 ECONOMIC AND COMMUNITY DEVELOPMENT TAX," and the voters shall vote
83 by placing a cross (X) or check () opposite their choice on the
84 proposition. When the results of any such election shall have
85 been canvassed by the election commission of the county and
86 certified, the city may levy the tax beginning on the first day of
87 January 1999, if a majority of the qualified electors who vote in
88 the election vote in favor of the tax.

89 Section 4. Accounting for receipts and expenditures of the
90 funds described in this act must be made separately from the
91 accounting of receipts and expenditures of the general fund and
92 any other funds of the City of Richland. The records reflecting
93 the receipts and expenditures of the funds prescribed in this act
94 shall be audited annually by an independent certified public
95 accountant, and the accountant shall make a written report of his
96 audit to the governing authorities. The audit shall be made and
97 completed as soon as practicable after the close of the fiscal

98 year, and expenses of such audit shall be paid from the funds
99 derived pursuant to this act.

100 Section 5. This act shall be repealed from and after the
101 earlier of:

102 (a) December 31, 2014, or

103 (b) Not more than two (2) months following the time
104 that:

105 (i) The multipurpose building authorized to be
106 constructed by this act has been completed, and

107 (ii) Either all principal, interest, costs and
108 other expenses for all bonds, notes or other borrowings to pay the
109 cost of constructing such building have been paid and are
110 completely satisfied, or there exists in any special account
111 established to retire such bonds, notes or other borrowings, an
112 amount on deposit which, together with any earnings on investments
113 to accrue to the account, is equal to or greater than the amount
114 necessary to pay such indebtedness.

115 Section 6. The governing authorities of the City of Richland
116 shall submit this act, immediately upon approval by the Governor,
117 or upon approval by the Legislature subsequent to a veto, to the
118 Attorney General of the United States or to the United States
119 District 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.

125 SECTION 2. This act shall take effect and be in force from
126 and after its passage.