

By: Senator(s) Smith

To: Local and Private

SENATE BILL NO. 2735
(As Passed the Senate)

1 AN ACT TO AMEND CHAPTER 938, LOCAL AND PRIVATE LAWS OF 1998,
2 TO REMOVE THE DECEMBER 31, 2001, REPEAL DATE ON THE LAW THAT
3 AUTHORIZES THE CITY OF RICHLAND TO IMPOSE A TAX UPON THE GROSS
4 SALES OF BARS AND 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

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

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

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

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

(3) Such tax shall be collected by and paid to the State Tax Commission on a form prescribed by the State Tax Commission in the manner that state sales taxes are computed, collected and paid; and 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.

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

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

Section 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution

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

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

98 derived pursuant to this act.

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100 Section 5. The governing authorities of the City of Richland
101 shall submit this act, immediately upon approval by the Governor,
102 or upon approval by the Legislature subsequent to a veto, to the
103 Attorney General of the United States or to the United States
104 District Court for the District of Columbia in accordance with the
105 provisions of the Voting Rights Act of 1965, as amended and
106 extended.

107 Section 6. This act shall take effect and be in force from
108 and after the date it is effectuated under Section 5 of the Voting
109 Rights Act of 1965, as amended and extended.

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