

By: Moore (100th), Rushing, Hudson, Nettles To: Local and Private
Legislation; Ways and
Means

HOUSE BILL NO. 1696

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 COLUMBIA, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF
3 SALES FROM HOTEL AND MOTEL ROOM RENTALS AND RETAIL SALES OF
4 PREPARED FOOD IN THE CITY; TO PROVIDE FOR A PETITION ELECTION ON
5 THE QUESTION OF IMPOSING SUCH A TAX; TO PROVIDE THAT THE TAX SHALL
6 BE COLLECTED BY THE STATE TAX COMMISSION AND PAID TO THE CITY OF
7 COLUMBIA; TO PROVIDE THAT THE PROCEEDS FROM THE TAX SHALL BE USED
8 FOR THE PURPOSE OF PROMOTING THE ATTRIBUTES OF THE CITY; AND FOR
9 RELATED PURPOSES.

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

11 SECTION 1. As used in this act, the following terms shall
12 have meanings ascribed in this section unless otherwise clearly
13 indicated by the context in which they are used:

14 (a) "City clerk" means the City Clerk of the City of
15 Columbia, Mississippi.

16 (b) "Governing authorities" means the duly elected
17 Mayor and Board of Aldermen of the City of Columbia, Mississippi.

18 (c) "Hotel" or "motel" means any establishment engaged
19 in the business of furnishing or providing rooms intended or
20 designed for dwelling, lodging or sleeping purposes to transient
21 guests and which are known in the trade as a hotel or motel. The
22 term "hotel" or "motel" does not include any hospital,
23 convalescent or nursing home or sanitarium, or any hotel-like
24 facility operated by or is exclusively for patients and their
25 families.

26 (d) "Prepared food" means food prepared on the premises
27 of a restaurant.

28 (e) "Restaurant" means and includes all places where
29 prepared food and beverages are sold for consumption, whether such

30 food is consumed on the premises or not. "Restaurant" as defined
31 in this section does not include any school, hospital,
32 convalescent or nursing home providing food for students,
33 patients, visitors and their families.

34 SECTION 2. (1) For the purpose of providing funds to
35 promote the attributes of the City of Columbia, Mississippi,
36 including the restoration of historic downtown Columbia, the
37 promotion, establishment, development, construction, furnishing,
38 equipping and erection of improvements to the Columbia Exposition
39 Center, and the promotion, establishment, development,
40 construction, furnishing, equipping and erection of a multipurpose
41 sports complex, the governing authorities of the City of Columbia,
42 in their discretion, are authorized to levy and collect from every
43 person, firm or corporation operating: (a) a hotel or motel in
44 the city or (b) a restaurant in the city, a tax, which shall be in
45 addition to all other taxes and assessments imposed, which shall
46 not exceed two percent (2%) of the gross proceeds derived from:
47 (i) room rentals of all such hotels or motels in the city,
48 excluding charges for food, telephone, laundry, beverages and
49 similar charges and (ii) sales of prepared food whether for
50 consumption upon the premises or not. The tax shall not be levied
51 upon or collected from gross proceeds derived from room rentals
52 for day meetings where the room does not serve as overnight
53 sleeping accommodations.

54 (2) Persons, firms or corporations liable for the tax
55 imposed under this section shall add the amount of the tax to the
56 sales price and shall collect, insofar as is practicable, the
57 amount of the tax due by them from the person receiving the
58 services or product at the time of payment therefor.

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

65 (4) The proceeds of such tax, less three percent (3%)
66 thereof which shall be retained by the State Tax Commission to

67 defray the costs of collection, shall be paid to the City Clerk of
68 the City of Columbia for and on behalf of the City of Columbia,
69 Mississippi, on or before the fifteenth day of the month following
70 the month in which they were collected.

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

74 SECTION 3. Before the tax authorized by this act may be
75 imposed, the governing authorities shall adopt a resolution
76 declaring their intention to levy the tax, setting forth the
77 amount of such tax and establishing the date on which the tax
78 initially shall be levied and collected. Notice of the proposed
79 tax shall be published once each week for at least three (3)
80 consecutive weeks in a newspaper having a general circulation in
81 the City of Columbia. The first publication of the notice shall
82 be made not less than twenty-one (21) days before the date fixed
83 in the resolution on which the tax initially is to be levied and
84 collected, and the last publication of the notice shall be made
85 not more than seven (7) days before that date. If, within the
86 time of giving notice, twenty percent (20%) or fifteen hundred
87 (1,500), whichever is less, of the qualified electors of the City
88 of Columbia, file a written petition against the levy of such tax,
89 then the tax shall not be levied unless authorized by a majority
90 of the qualified electors of the City of Columbia, voting at an
91 election to be called and held for that purpose. At least thirty
92 (30) days before the effective date of the tax, the governing
93 authorities shall furnish to the State Tax Commission a certified
94 copy of the resolution evidencing such tax.

95 SECTION 4. Accounting for receipts and expenditures of the
96 funds described in this act shall be made separately from the
97 accounting of receipts and expenditures of the general fund and
98 any other funds of the City of Columbia. The records reflecting
99 the receipts and expenditures of the funds prescribed in this act

100 shall be audited annually by an independent certified public
101 accountant, and the accountant shall make a written report of his
102 audit to the governing authorities. The audit shall be made and
103 completed as soon as practicable after the close of the fiscal
104 year, and expenses of such audit shall be paid from the funds
105 derived pursuant to this act.

106 SECTION 5. The governing authorities of the City of
107 Columbia, Mississippi, shall submit this act, immediately upon
108 approval by the Governor, or upon approval by the Legislature
109 subsequent to a veto, to the Attorney General of the United States
110 or to the United States District Court for the District of
111 Columbia in accordance with the provisions of the Voting Rights
112 Act of 1965, as amended and extended.

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