

By: Representative Moore (100th)

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1631

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 COLUMBIA TO LEVY A TAX UPON THE GROSS PROCEEDS OF SALES FROM HOTEL
3 AND MOTEL ROOM RENTALS IN THE CITY AND GROSS PROCEEDS OF SALES OF
4 RESTAURANTS AND SUCH OTHER BUSINESSES WHERE PREPARED FOOD AND
5 DRINK IS SOLD TO THE PUBLIC; TO PROVIDE FOR A PETITION ELECTION ON
6 THE QUESTION OF IMPOSING THE TAX; TO PROVIDE THAT THE PROCEEDS OF
7 SUCH TAX SHALL BE USED TO PROMOTE THE ATTRIBUTES OF THE CITY OF
8 COLUMBIA, RESTORATION OF HISTORIC DOWNTOWN COLUMBIA, THE
9 PROMOTION, DEVELOPMENT, CONSTRUCTION, FURNISHING AND IMPROVEMENT
10 OF THE COLUMBIA EXPOSITION CENTER, AND THE PROMOTION
11 ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND FURNISHING OF A
12 MULTIPURPOSE SPORTS COMPLEX; AND FOR RELATED PURPOSES.

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

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

17 (a) "City clerk" means the city clerk for the City of
18 Columbia, Mississippi.

19 (b) "Governing authorities" means the governing
20 authorities of the City of Columbia, Mississippi.

21 (c) "Hotel" or "motel" means any establishment engaged
22 in the business of furnishing or providing rooms intended or
23 designed for dwelling, lodging or sleeping purposes to transient
24 guests, which establishment does not encompass any hospital,
25 convalescent or nursing home or sanitarium, or any hotel-like
26 facility operated by or in connection with a hospital or medical
27 clinic providing rooms exclusively for patients and their
28 families.

29 (d) "Prepared food" means food prepared on the premises
30 of a restaurant.

31 (e) "Restaurant" means all places where prepared food
32 and beverages are sold for consumption, whether such food is
33 consumed on the premises or not. Such term does not include any
34 school, hospital, convalescent or nursing home, or any restaurant
35 like facility operated by or in connection with a school,
36 hospital, medical clinic, convalescent or nursing home providing
37 food for students, patients, visitors or their families.

38 SECTION 2. (1) For the purpose of providing funds to
39 promote the attributes of the City of Columbia, including the
40 restoration of historic downtown Columbia, the promotion,
41 establishment, development, construction, furnishing, equipping
42 and erection of improvements to the Columbia Exposition Center,
43 and the promotion, establishment, development, construction
44 furnishing, equipping and erection of a multipurpose sports
45 complex for the City of Columbia, the governing authorities, in
46 their discretion, may levy and collect from persons, firms or
47 corporations specified in this act, a tax, which shall be in
48 addition to all of the taxes and assessments imposed. The tax
49 shall be imposed upon the following:

50 (a) A tax upon every person, firm or corporation
51 operating a hotel or motel in the City of Columbia, at a rate not
52 to exceed two percent (2%) of the gross proceeds of sales from
53 room rentals for each such hotel or motel.

54 (b) A tax upon every person, firm or corporation
55 operating a restaurant or such other business in the City of
56 Columbia, where prepared food and drink is sold to the public, at
57 a rate not to exceed two percent (2%) of the gross proceeds of the
58 sales of such restaurant or business.

59 (2) Persons, firms, or corporations liable for the tax under
60 this section shall add the amount of the tax to the sales price
61 and, in addition, shall collect, insofar as is practicable, the
62 amount of the tax due by them from the person receiving the
63 services or product at the time of payment therefor.

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

70 (4) The proceeds of such tax, less three percent (3%)
71 thereof which shall be retained by the State Tax Commission to
72 defray the cost of collection, shall be paid to the city clerk for
73 and on behalf of the City of Columbia on or before the fifteenth
74 day of the month following the month in which collected.

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

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

97 section, the governing authorities shall furnish to the State Tax
98 Commission a certified copy of the resolution evidencing such tax.

99 SECTION 4. Accounting for receipts and expenditures of the
100 funds described in this act shall be made separately from the
101 accounting of receipts and expenditures of the general fund and
102 any other funds of the City of Columbia. The records reflecting
103 the receipts and expenditures of the funds prescribed herein shall
104 be audited annually by an independent certified public accountant,
105 and the accountant shall make a written report of his audit to the
106 governing authorities. The audit shall be made and completed as
107 soon as practicable after the close of the fiscal year, and
108 expenses of such audit shall be paid from the funds derived
109 pursuant to this act.

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

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