

By: Senator(s) Stogner, Harvey

To: Local and Private;  
Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2214

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 FUND THE PROMOTION, DEVELOPMENT,  
8 FURNISHING AND IMPROVEMENT OF THE COLUMBIA EXPOSITION CENTER, AND  
9 THE PROMOTION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND  
10 FURNISHING OF A MULTIPURPOSE SPORTS COMPLEX; AND FOR RELATED  
11 PURPOSES.

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

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

16 (a) "City clerk" means the City Clerk for the City of  
17 Columbia, Mississippi.

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

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

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

30 (e) "Restaurant" means all places where prepared food  
31 and beverages are sold for consumption, whether such food is



32 consumed on the premises or not. Such term does not include any  
33 school, hospital, convalescent or nursing home, or any  
34 restaurant-like facility operated by or in connection with a  
35 school, hospital, medical clinic, convalescent or nursing home  
36 providing food for students, patients, visitors or their families.

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

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

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

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

60 (3) Such tax shall be collected by and paid to the State Tax  
61 Commission on a form prescribed by the State Tax Commission in the  
62 same manner that state sales tax is computed, collected and paid;  
63 and the full enforcement provisions and all other provisions of



64 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
65 necessary to the implementation and administration of this act.

66 (4) The proceeds of such tax, less three percent (3%)  
67 thereof which shall be retained by the State Tax Commission to  
68 defray the cost of collection, shall be paid to the city clerk for  
69 and on behalf of the City of Columbia on or before the fifteenth  
70 day of the month following the month in which 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 any tax authorized under this act may be  
75 imposed, the governing authorities shall adopt a resolution  
76 declaring its intention to levy the tax, setting forth the amount  
77 of such tax to be imposed, the date upon which such tax shall  
78 become effective and calling for a referendum to be held on the  
79 question. The date of the election shall be the first Tuesday  
80 after the first Monday in November 2002. Notice of such intention  
81 shall be published once each week for at least three (3)  
82 consecutive weeks in a newspaper published or having a general  
83 circulation in the county, with the first publication of such  
84 notice to be made not less than twenty-one (21) days before the  
85 date fixed in the resolution for the election and the last  
86 publication to be made not more than seven (7) days before the  
87 election. At the election, all qualified electors of the City of  
88 Columbia may vote, and the ballots used in such election shall  
89 have printed thereon a brief statement of the amount and purposes  
90 of the proposed tax levy and the words "FOR THE TOURISM PROMOTION  
91 TAX" and, on a separate line, "AGAINST THE TOURISM PROMOTION TAX"  
92 and the voters shall vote by placing a cross (X) or check (✓)  
93 opposite their choice on the proposition. When the results of any  
94 such election shall have been canvassed and certified, the city  
95 may levy the tax beginning on the first day of January 2003, if a  
96 majority of the qualified electors who vote in the election vote



97 in favor of the tax. At least thirty (30) days before the  
98 effective date of the tax provided in this section, the governing  
99 authorities shall furnish to the State Tax Commission a certified  
100 copy of the resolution evidencing such tax.

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

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

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

