

By: Senator(s) Chaney, Posey

To: Local and Private;  
Finance

SENATE BILL NO. 3013

1 AN ACT TO AUTHORIZE THE CITY OF VICKSBURG, MISSISSIPPI, TO  
 2 INCUR INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$16,000,000.00 FOR  
 3 THE PURPOSE OF CONSTRUCTING AND/OR IMPROVING A FACILITY AND  
 4 NECESSARY INFRASTRUCTURE FOR A TOURIST ORIENTED ENTERPRISE; TO  
 5 REQUIRE THE CITY OF VICKSBURG TO IMPOSE A 2% SALES TAX ON ALL  
 6 RETAIL SALES AT TOURIST ORIENTED ENTERPRISES LOCATED IN THE CITY  
 7 PRIOR TO INCURRING SUCH DEBT; TO REQUIRE THE REVENUE COLLECTED  
 8 FROM SUCH SALES TAX TO BE USED TO PAY FOR THE COSTS INCURRED IN  
 9 CONSTRUCTING AND/OR IMPROVING SUCH FACILITIES OR NECESSARY  
 10 INFRASTRUCTURE AND OTHER COSTS RELATED TO THE DEVELOPMENT OF THE  
 11 TOURISM ORIENTED ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, LAND  
 12 ACQUISITION, SITE PREPARATION, ENGINEERING FEES, ARCHITECTURAL  
 13 FEES AND DEVELOPER'S FEES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Whenever used in this act, unless a different  
 16 meaning clearly appears in the context, the following terms shall  
 17 be given the following meanings:

18 (a) "City" means the City of Vicksburg, Mississippi.

19 (b) "Governing authorities" means the Board of Mayor  
20 and Aldermen of the City of Vicksburg, Mississippi.

21 (c) "Tourism oriented enterprise" means a retail  
22 business:

23 (i) With a minimum capital investment, public or  
 24 private, of Seventeen Million Five Hundred Thousand Dollars  
 25 (\$17,500,000.00) for land acquisition, site preparation,  
 26 infrastructure improvements, building construction, engineering  
 27 and architectural fees, developer's fees and other related costs  
 28 associated with the retail business;

29 (ii) Which will consist of a building of not less  
30 than one hundred thousand (100,000) square feet;

31 (iii) Which will promote, improve and enhance  
32 tourism and will attract out-of-state visitors to the retail



33 business and there is no other retail business operating under the  
34 same trade name or franchise name within one hundred twenty-five  
35 (125) miles of the corporate limits of the City of Vicksburg,  
36 Mississippi.

37         **SECTION 2.** (1) The governing authorities may incur  
38 indebtedness of the city in the aggregate principal amount not to  
39 exceed Sixteen Million Dollars (\$16,000,000.00) for the purpose of  
40 constructing and/or improving a facility for a tourism oriented  
41 enterprise in the City of Vicksburg and infrastructure related to  
42 such facility, and other costs related to the development of the  
43 tourism oriented enterprise, including, but not limited to, land  
44 acquisition, site preparation, engineering fees, architectural  
45 fees and developer's fees. The indebtedness shall not be  
46 considered when computing any limitation of indebtedness of the  
47 city established by law. The city may use the proceeds of the  
48 special tax levied pursuant to Section 3 of this act without  
49 incurring debt; however, the amount of any proceeds so used shall  
50 be deducted from the aggregate principal indebtedness authorized  
51 to be incurred under this section. In no event may the total of  
52 the aggregate amount of debt incurred by the city and the amount  
53 of the proceeds used by the city without incurring debt exceed  
54 Sixteen Million Dollars (\$16,000,000.00).

55         (2) The City of Vicksburg may own the land, the facility for  
56 such tourism oriented enterprise and any improvements thereto and  
57 lease such land, facility and improvements to a tourism oriented  
58 enterprise for an amount that is negotiated between the city and  
59 the tourism oriented enterprise.

60         **SECTION 3.** (1) Before any indebtedness may be incurred by  
61 the city pursuant to this act, the governing authorities shall  
62 levy and collect a tax, which shall be in addition to all of the  
63 taxes and assessments imposed. The tax shall be upon every  
64 person, firm or corporation operating tourism oriented enterprise  
65 in the City of Vicksburg, at a rate not to exceed two percent (2%)



66 of the gross proceeds of the sales of such tourism oriented  
67 enterprise.

68 (2) Before the tax authorized by this section may be  
69 imposed, the governing authorities shall adopt a resolution  
70 declaring its intention to levy the tax and establishing the  
71 amount of the tax and the date on which the tax initially shall be  
72 levied and collected. The date shall be the first day of a month  
73 but not less than forty-five (45) days from the date of adoption  
74 of the resolution. Notice of the proposed tax levy shall be  
75 published once each week for at least three (3) consecutive weeks  
76 in a newspaper having a general circulation in the city. The  
77 first publication of notice shall be made not less than twenty-one  
78 (21) days before the date fixed in the resolution on which the  
79 governing authorities propose to levy such tax, and the last  
80 publication shall be made not more than seven (7) days before such  
81 date. If, within the time of giving notice, twenty percent (20%)  
82 or fifteen hundred (1500), whichever is less, of the qualified  
83 electors of the city file a written petition against the levy of  
84 such tax, then such tax shall not be levied unless authorized by a  
85 majority of the qualified electors of such city voting at an  
86 election to be called and held for that purpose.

87 (3) At least thirty (30) days before the effective date of  
88 the tax, the governing authorities shall furnish to the State Tax  
89 Commission a certified copy of the resolution evidencing such tax.

90 **SECTION 4.** (1) On or before the fifteenth day before the  
91 imposition of the special sales tax authorized in Section 3 of  
92 this act, the governing authorities shall give written  
93 notification to the Chairman of the State Tax Commission of the  
94 date on which the tax will become effective.

95 (2) Such tax shall be collected in the same manner as the  
96 state sales tax imposed by Title 27, Chapter 65, Mississippi Code  
97 of 1972, and shall be accounted for separately from the amount of  
98 sales tax collected for the state in the city. All provisions of



99 the State Sales Tax Law applicable to filing of such returns,  
100 discounts to the taxpayer, remittances to the State Tax Commission  
101 and retainage thereby of sums to defray the costs of collection,  
102 collection enforcement, rights of taxpayers, recovery of improper  
103 taxes, refunds of overpaid taxes or other provisions of said  
104 chapter providing for imposition and collection of the sales tax  
105 shall apply to the tax authorized by this act.

106 (3) On or before the fifteenth day of each month, the  
107 revenue from the tax collected under the provisions of this  
108 section during the preceding month shall be paid to the city.

109 (4) The proceeds of such taxes and any other revenue owed to  
110 the city which is generated by the tourism oriented enterprise  
111 shall be placed into a separate fund apart from the municipal  
112 general fund and any other funds of the city, and shall be  
113 expended by the city solely for the purposes of paying any  
114 indebtedness or other obligations the city may incur for the  
115 purposes authorized in this act.

116 (5) Persons liable for the taxes imposed herein shall add  
117 the amount of tax to the sales price or gross income, and in  
118 addition thereto shall collect, insofar as practicable, the amount  
119 of the tax due by him from the person receiving the services or  
120 goods at the time of payment therefor.

121 (6) The tax shall stand repealed on the first day of the  
122 month immediately succeeding the date the indebtedness incurred  
123 pursuant to this act, including interest, is retired, or in the  
124 event the city incurs no indebtedness, the first day of the month  
125 after the total amount of the revenue collected from the special  
126 sales tax reaches Sixteen Million Dollars (\$16,000,000.00). Any  
127 amount remaining in the separate fund containing the proceeds of  
128 the special tax not necessary to retire such debt, including  
129 interest, shall be transferred to the municipal general fund.

130 **SECTION 5.** This act shall be deemed to be full and complete  
131 authority for the exercise of the powers granted, but this act



132 shall not be deemed to repeal or to be in derogation of any  
133 existing law of this state.

134         **SECTION 6.** The governing authorities of the City of  
135 Vicksburg shall submit this act, immediately upon approval by the  
136 Governor, or upon approval by the Legislature subsequent to a  
137 veto, to the Attorney General of the United States or to the  
138 United States District Court for the District of Columbia in  
139 accordance with the provisions of the Voting Rights Act of 1965,  
140 as amended and extended.

141         **SECTION 7.** This act shall take effect and be in force from  
142 and after the date it is effectuated under Section 5 of the Voting  
143 Rights Act of 1965, as amended and extended.

