

***** Pending *****

COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 3197

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

9 **SECTION 1.** Chapter 950, Local and Private Laws of 1994, is
10 amended as follows:

11 Section 1. The following words shall have the meaning
12 ascribed to them in this section unless the context clearly
13 indicates otherwise:

14 (a) "City" means the City of Starkville, Mississippi.

15 (b) "EDA" means the Oktibbeha County Economic
16 Development Authority, a governmental subdivision of Oktibbeha
17 County, created by the Board of Supervisors of Oktibbeha County,
18 pursuant to Chapter 880, Local and Private Laws of 1984.

19 (c) "Fiscal year" means the period from October 1 to
20 September 30 of each calendar year.

21 (d) "Governing authority" means the Mayor and Board of
22 Aldermen of the City of Starkville, Mississippi.

23 (e) "Gross income" means the total revenue generated by
24 a restaurant from the sale of prepared or prepackaged food,
25 alcoholic and nonalcoholic beverages.

26 (f) "Restaurant" shall mean and include all places
27 where prepared food and beverages are sold for consumption either

28 upon or off the premises and is to include catering activities for
29 prepared food sold from within the city limits of Starkville,
30 Mississippi. "Restaurant" as defined herein does not include any
31 school, hospital, convalescence or nursing home or any
32 restaurant-like facility operated by or in connection therewith
33 providing food for students, teachers, patients, visitors and
34 their families.

35 (g) "Starkville Park Commission" shall mean the
36 commission designated by the Starkville City Board of Aldermen
37 charged with the duty and responsibility of acquiring,
38 constructing and managing the various public parks and
39 recreational facilities located within the City of Starkville,
40 Mississippi.

41 (h) "VCC" means the Visitors and Convention Council
42 organized and created by Chapter 854, Local and Private Laws of
43 1986.

44 Section 2. (1) Subject to provisions of subsection (2) of
45 this section, the governing authority is authorized, in its
46 discretion, to provide funds for the purposes provided for in
47 subsection (3) of this section. The tax authorized under this act
48 shall be levied, assessed and collected upon the gross revenue of
49 every restaurant operating within the city and shall be cited as
50 an "Economic Development, Tourism and Convention Tax" and shall be
51 in addition to all other taxes now imposed, as hereinafter
52 provided:

53 (a) The tax shall be a sum equal to two percent (2%) of
54 the gross income of restaurants derived from retail sales of
55 prepared food, alcoholic and nonalcoholic beverages.

56 (b) Persons, firms or corporations liable for the tax
57 imposed shall add the amount of the tax to the sales price of
58 goods described in subsection (1)(a) of this section and, in

59 addition, shall collect, insofar as practicable, the amount of the
60 tax due by them from the person receiving the services or goods at
61 the time of payment therefor.

62 (c) The tax shall be collected and paid to the State
63 Tax Commission, on a form to be prescribed by the State Tax
64 Commission, in the same manner that state sales taxes are
65 computed, collected and paid; and the full enforcement provisions
66 and all other provisions of the Mississippi Sales Tax Law shall
67 apply as necessary to the implementation and administration of
68 this act.

69 (d) The proceeds of the tax, less three percent (3%) to
70 be retained by the State Tax Commission to defray the cost of
71 collections, shall be paid to the City of Starkville, to be placed
72 into a special fund created apart and separate from any other city
73 fund, on or before the fifteenth day of the month following the
74 month during which the tax is collected and shall on or before the
75 fifteenth day of the following month be delivered to the
76 appropriate entities as provided by subsection (3) of this
77 section.

78 (2) Before the tax authorized by this act may be imposed,
79 the governing authority shall adopt a resolution declaring its
80 intention to levy the tax and establish the amount of the tax levy
81 and the date on which the tax initially shall be levied and
82 collected. This date shall be the first day of a particular
83 month. The adoption of this tax shall be made by the governing
84 authority by placing the issue upon a ballot to be determined by
85 the qualified electors in the City of Starkville. The tax shall
86 not be levied unless authorized by the vote of a majority of the
87 qualified electors in the city voting at an election to be called
88 and held for that purpose. Before the effective date of the tax
89 levy approved as herein provided, the governing authority shall

90 furnish to the Chairman of the State Tax Commission a certified
91 copy of the resolution evidencing such a tax levy.

92 (3) (a) Before the proceeds derived from the tax collected
93 under this act may be distributed in accordance with paragraph (b)
94 of this subsection, the governing authorities shall adopt a
95 resolution declaring its intention to so distribute the taxes and
96 the date on which the taxes initially shall be distributed in
97 accordance with paragraph (b) of this subsection. The date shall
98 be the first day of a month but not less than forty-five (45) days
99 from the date of adoption of the resolution. Notice of the
100 proposed distributing of the tax shall be published once each week
101 for at least three (3) consecutive weeks in a newspaper having a
102 general circulation in such city. The first publication of such
103 notice shall be made not less than twenty-one (21) days before the
104 date fixed in the resolution on which the governing authorities
105 propose to distribute such taxes under paragraph (b), and the last
106 publication shall be made not more than seven (7) days before such
107 date. If, within the time of giving notice, ten percent (10%) or
108 fifteen hundred (1500), whichever is less, of the qualified
109 electors of the city file a written petition against the
110 distribution of such taxes in accordance with paragraph (b) of
111 this subsection, then such distribution shall not occur unless
112 authorized by a majority of the qualified electors of the city
113 voting at an election to be called and held for that purpose.
114 Before the effective date of the tax distribution approved as
115 herein provided, the governing authorities shall furnish to the
116 Chairman of the State Tax Commission a certified copy of the
117 resolution evidencing the authority to distribute the taxes in
118 accordance with paragraph (b) of this subsection.

119 (b) From and after the effective date of House Bill No.
120 1833, 2004 Regular Session, the proceeds derived from the tax
121 collected under this act shall be distributed as follows: Fifteen

122 percent (15%) of the proceeds derived from the tax collected under
123 this act shall be distributed by the governing authority to the
124 EDA to be expended by the EDA solely for economic and community
125 development. Fifteen percent (15%) of the proceeds derived from
126 the tax collected under this act shall be distributed by the
127 governing authority to the VCC to be expended by the VCC solely to
128 enhance community development and for the expansion of tourism and
129 conventions. Ten percent (10%) of the proceeds derived from the
130 tax collected under this act shall be retained and expended by the
131 governing authority solely for economic and community development
132 projects, initiatives or opportunities. Forty percent (40%) of
133 the proceeds derived from the tax collected under this act shall
134 be distributed annually to the Starkville Park Commission to be
135 expended for park and recreational improvements. Twenty percent
136 (20%) of the proceeds derived from the tax collected under this
137 act shall be distributed by the governing authority to Mississippi
138 State University to be expended by the university solely to
139 enhance student-related activities.

140 (4) The proceeds of the tax collected under this act shall
141 not be considered by the city as general fund revenues, but shall
142 be dedicated solely for the purpose of carrying out those programs
143 and activities which are designed by the governing authority
144 through concurrent contracts with the VCC, EDA, * * * Starkville
145 Park Commission and * * * Mississippi State University * * * or
146 through interlocal agreements as provided by Section 17-13-17 of
147 the Mississippi Code of 1972, as amended. * * *

148 Section 3. (1) The governing authority shall retain the
149 right to approve or disapprove budgets of the agencies funded
150 under this act with respect to funds approved and disbursed to the
151 agencies under this act. A detailed budget of funds requested by
152 the VCC, EDA, the Starkville Park Commission and Mississippi State

153 University shall be submitted to the city with each year's request
154 for funds.

155 (2) The governing authority shall retain the right * * * to
156 prescribe such requirements with respect to budgeting,
157 establishment of funds, management, record keeping, reporting and
158 audit as may be necessary for the proper protection of funds
159 approved and disbursed under this act.

160 Section 4. The books of the entities receiving funds
161 disbursed under this act shall be audited annually by an
162 independent certified public accountant or the State Auditor. A
163 copy of each audit report shall be filed with the governing
164 authority within fifteen (15) calendar days after receipt thereof
165 by entities. * * * No expenditure, purchase or transaction shall
166 be made or authorized in violation of the laws of the State of
167 Mississippi governing public purchasing, bidding, contracting or
168 auditing.

169 Section 5. (1) The first budget of receipts and
170 expenditures under the provisions of this act shall cover the
171 period beginning with the effective date of the tax and ending
172 with the end of the fiscal year and, thereafter, the budget shall
173 be on the fiscal-year basis provided herein.

174 (2) Accounting for receipts and expenditures of the funds
175 herein described shall be made separately from the accounting of
176 receipts and expenditures of the general fund and other funds of
177 the City of Starkville. The record reflecting receipts and
178 expenditures of the funds described herein shall be audited by an
179 independent certified public accountant and such accountant shall
180 make a written report of the audit to the governing authority.
181 Such audit shall be made and completed as soon as practicable
182 after the close of the fiscal year and the expenses of such audit
183 may be paid from funds derived under Section 2 of this act.

184 Section 6. The governing authority of the City of Starkville
185 is directed to submit this act, immediately upon approval by the
186 Governor, or upon approval by the Legislature subsequent to a
187 veto, to the Attorney General of the United States or to the
188 United States District Court for the District of Columbia in
189 accordance with the provisions of the Voting Rights Act of 1965,
190 as amended and extended.

191 Section 7. This act shall take effect and be in force from
192 and after the date it is effectuated under Section 5 of the Voting
193 Rights Act of 1965, as amended and extended.

194 Section 8. This act shall stand repealed from and after June
195 30, 2015.

196 **SECTION 2.** This act shall take effect and be in force from
197 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND CHAPTER 950, LOCAL AND PRIVATE LAWS OF 1994,
2 TO REVISE THE DISTRIBUTION OF THE PROCEEDS FROM THE ECONOMIC
3 DEVELOPMENT, TOURISM AND CONVENTION TAX IMPOSED BY THE CITY OF
4 STARKVILLE, MISSISSIPPI, ON THE GROSS INCOME OF RESTAURANTS
5 DERIVED FROM THE SALE OF PREPARED FOOD, ALCOHOLIC AND NONALCOHOLIC
6 BEVERAGES; TO EXTEND THE REPEAL DATE ON SUCH TAX UNTIL JUNE 30,
7 2015; AND FOR RELATED PURPOSES.