

By: Senator(s) Kirby

To: Local and Private;  
Finance

SENATE BILL NO. 3028

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 PEARL, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF SALES  
3 OF RESTAURANTS IN A CERTAIN AREA WITHIN THE CITY OF PEARL TO BE  
4 KNOWN AS THE WEST PEARL RESTAURANT TAX DISTRICT; TO DEFINE THE  
5 WEST PEARL RESTAURANT TAX DISTRICT; TO PROVIDE THAT SUCH TAX SHALL  
6 BE COLLECTED BY THE STATE TAX COMMISSION; TO PROVIDE PURPOSES FOR  
7 WHICH THE REVENUE RECEIVED BY THE CITY OF PEARL FROM SUCH TAX MAY  
8 BE UTILIZED; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** As used in this act, the following terms shall  
11 have the meanings ascribed to them in this section unless a  
12 different meaning is clearly indicated by the context in which  
13 they are used:

14 (a) "Governing authorities" means the Mayor and Board  
15 of Aldermen of the City of Pearl, Mississippi.

16 (b) "Restaurant" means all places, including hotel and  
17 motel dining rooms, cafeterias, cafes, lunch stands, grocery and  
18 convenience stores, where prepared food and beverages are sold for  
19 consumption, whether such food is consumed on the premises or not.  
20 The term "restaurant" does not include any school, hospital,  
21 convalescent or nursing home, or any restaurant-like facility  
22 operated by or in connection with a school, hospital, medical  
23 clinic, convalescent or nursing home providing food for students,  
24 patients, visitors or their families.

25 (c) "Prepared food" means food prepared on the premises  
26 of a restaurant.

27 (d) "West Pearl Restaurant Tax District" means the  
28 following described area located in the City of Pearl, Rankin  
29 County, Mississippi:

30 Begin at a point marking the Common Corners of  
31 Sections 19, 20, 29 and 30, in Township 5 North,  
32 Range 2 East, Rankin County, Mississippi, and then  
33 proceed North along the Eastern Boundary Line of  
34 Section 19, Township 5 North, Range 2 East, Rankin  
35 County, Mississippi, and continuing North along the  
36 Eastern Boundary Line of Section 18, Township 5  
37 North, Range 2 East, Rankin County, Mississippi,  
38 until said line intersects with the Southern  
39 Boundary line of the Right-of-Way of Old Brandon  
40 Road, and then proceed Southwesterly along the  
41 Southern Boundary line of the Right-of-Way of Old  
42 Brandon Road until said line intersects with the  
43 East Right-of-Way line of Valentour Road, then  
44 proceed Northerly along the East Right-of-Way line  
45 of Valentour Road until it intersects the South  
46 Right-of-Way line of United States Highway 80, then  
47 proceed Westerly along the South Right-of-Way line  
48 of United States Highway 80 until it intersects the  
49 Western Boundary Line of the Corporate Limits of  
50 the City of Pearl, Mississippi, then proceed  
51 Southeasterly along the Corporate Boundary until it  
52 intersects with the East Right-of-Way Line of  
53 United States Highway 49 and the South Right-of-Way  
54 line of the Railroad (currently known as the Kansas  
55 City Southern Railroad) then proceed Easterly along  
56 said Railroad Right-of-Way until reaching the  
57 Eastern Boundary Line of Section 30, Township 5  
58 North, Range 2 East, Rankin County, Mississippi,  
59 then proceed North along said Section line to the  
60 Point of Beginning of the Area described herein.

61 **SECTION 2.** (1) For the purpose of providing funds to meet  
62 obligations incurred in inducing a professional baseball team to

63 locate in the City of Pearl, to improve infrastructure in the West  
64 Pearl Restaurant Tax District and to promote tourism, economic and  
65 community development and recreation in the City of Pearl, the  
66 governing authorities are authorized, in their discretion, to levy  
67 and collect a tax upon every person, firm or corporation operating  
68 a restaurant in the West Pearl Restaurant Tax District, where  
69 prepared food and drink is sold to the public, at a rate not to  
70 exceed two percent (2%) of the gross proceeds of the sales of such  
71 restaurant.

72 (2) Persons, firms or corporations liable for the levy  
73 imposed under subsection (1) of this section shall add the amount  
74 of the levy to the sales price of the products set out in  
75 subsection (1) of this section and shall collect, insofar as is  
76 practicable, the amount of the tax due by them from the person  
77 receiving the product at the time of payment therefor.

78 (3) Such tax shall be collected by and paid to the State Tax  
79 Commission on a form prescribed by the State Tax Commission in the  
80 manner that state sales taxes are computed, collected and paid;  
81 and full enforcement provisions and all other provisions of  
82 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
83 necessary to the implementation and administration of this act.

84 (4) The proceeds of such tax, less three percent (3%)  
85 thereof which shall be retained by the State Tax Commission to  
86 defray the cost of collection, shall be paid to the governing  
87 authorities, on or before the fifteenth day of the month in which  
88 collected.

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

92 **SECTION 3.** Before the tax authorized by this act may be  
93 imposed, the governing authorities must adopt a resolution  
94 declaring their intention to levy the tax, setting forth the  
95 amount of such tax and establishing the date on which this tax

96 initially shall be levied and collected. Notice of the tax shall  
97 be published once each week for at least three (3) consecutive  
98 weeks in a newspaper having a general circulation in the City of  
99 Pearl, the first publication of which shall be made not less than  
100 twenty-one (21) days before the date on which the tax initially is  
101 to be levied and collected. If, within the time of giving notice,  
102 twenty percent (20%) or fifteen hundred (1,500), whichever is  
103 less, of the qualified electors of the City of Pearl, file a  
104 written petition against the levy of such tax, then such tax shall  
105 not be levied unless authorized by a majority of the qualified  
106 electors of the City of Pearl voting at an election to be called  
107 and held for that purpose. At least thirty (30) days before the  
108 effective date of the tax, the governing authorities shall furnish  
109 to the State Tax Commission a certified copy of the resolution  
110 evidencing such tax.

111       **SECTION 4.** Accounting for receipts and expenditures of the  
112 funds described in this act must be made separately from the  
113 accounting of receipts and expenditures of the general fund and  
114 any other funds of the City of Pearl. The records reflecting the  
115 receipts and expenditures of the funds prescribed in this act  
116 shall be audited annually by an independent certified public  
117 accountant, and the accountant shall make a written report of his  
118 audit to the governing authorities. The audit shall be made and  
119 completed as soon as practicable after the close of the fiscal  
120 year, and expenses of such audit shall be paid from the funds  
121 derived pursuant to this act.

122       **SECTION 5.** The governing authorities are directed to submit  
123 this act, immediately upon approval by the Governor, or upon  
124 approval by the Legislature subsequent to a veto, to the Attorney  
125 General of the United States or to the United States District  
126 Court for the District of Columbia in accordance with the  
127 provisions of the Voting Rights Act of 1965, as amended and  
128 extended.

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