

By: Representative Weathersby

To: Local and Private
Legislation

HOUSE BILL NO. 1521
(As Passed the House)

1 AN ACT TO AMEND CHAPTER 938, LOCAL AND PRIVATE LAWS OF 1998,
2 AS AMENDED BY CHAPTER 981, LOCAL AND PRIVATE LAWS OF 1999, AS
3 AMENDED BY CHAPTER 960, LOCAL AND PRIVATE LAWS OF 2001, TO PROVIDE
4 THAT THE GOVERNING AUTHORITIES OF THE CITY OF RICHLAND,
5 MISSISSIPPI, MAY IMPOSE A TAX UPON THE GROSS SALES OF BARS AND
6 RESTAURANTS IN AN AMOUNT NOT TO EXCEED TWO PERCENT FOR THE PURPOSE
7 OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM, PARKS AND
8 RECREATION WITHIN THE CITY; TO PROVIDE THAT SUCH TAX MAY BE LEVIED
9 AFTER ALL COSTS OF CONSTRUCTION OF THE CITY'S MULTIPURPOSE
10 BUILDING HAVE BEEN COMPLETELY SATISFIED AND IF 60% OF THE
11 QUALIFIED ELECTORS WHO VOTE IN AN ELECTION ON THE QUESTION OF
12 WHETHER SUCH TAX MAY BE IMPOSED VOTE IN FAVOR OF THE TAX; AND FOR
13 RELATED PURPOSES.

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

15 SECTION 1. Chapter 938, Local and Private Laws of 1998, as
16 amended by Chapter 981, Local and Private Laws of 1999, as amended
17 by Chapter 960, Local and Private Laws of 2001, is amended as
18 follows:

19 Section 1. As used in this act, the following terms shall
20 have the meanings ascribed to them in this section unless a
21 different meaning is clearly indicated by the context in which
22 they are used:



23 (a) "Governing authorities" means the governing
24 authorities of the City of Richland, Mississippi.

25 (b) "Bar" means all places, required by law to possess
26 an on-premises Alcoholic Beverage Control permit, where beer
27 and/or alcoholic beverages are sold for consumption on the
28 premises.

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

37 Section 2. (1) For the purpose of providing funds (i) for
38 the amortization or defraying of any indebtedness incurred by the
39 City of Richland in connection with the construction of a
40 multipurpose building to be used for a community center and (ii)
41 to promote tourism, parks and recreation within the city, after
42 the costs connected with the construction of the multipurpose
43 building are paid and completely satisfied and after an election
44 is held approving the funds being used to promote tourism, parks
45 and recreation, the governing authorities of the City of Richland
46 are authorized, in their discretion, to levy and collect from the
47 following persons a tax, which shall be in addition to all of the



48 taxes and assessments imposed. The tax shall be imposed on the
49 following persons:

50 (a) A tax upon every person, firm or corporation
51 operating a bar in the City of Richland, at a rate not to exceed
52 two percent (2%) of the gross proceeds of the sales of such bar;
53 and

54 (b) A tax upon every person, firm or corporation
55 operating a restaurant in the City of Richland, at a rate not to
56 exceed two percent (2%) of the gross proceeds of the sales of beer
57 and alcoholic beverages sold for consumption on the premises and
58 all prepared foods of such restaurant.

59 (2) Persons, firms or corporations liable for the levy
60 imposed under subsection (1) of this section shall add the amount
61 of the levy to the sales price of the products and services set
62 out in subsection (1) of this section and shall collect, insofar
63 as is practicable, the amount of the tax due by them from the
64 person receiving the services or product at the time of payment
65 therefor.

66 (3) Such tax shall be collected by and paid to the * * *
67 Department of Revenue on a form prescribed by the * * * Department
68 of Revenue in the manner that state sales taxes are computed,
69 collected and paid; and full enforcement provisions and all other
70 provisions of Chapter 65, Title 27, Mississippi Code of 1972,
71 shall apply as necessary to the implementation and administration
72 of this act.



73 (4) The proceeds of such tax, less three percent (3%)
74 thereof which shall be retained by the * * * Department of Revenue
75 to defray the cost of collection, shall be paid to the governing
76 authorities of the City of Richland, on or before the fifteenth
77 day of the month in which collected.

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

81 Section 3. Before any tax authorized under this act may be
82 imposed, the governing authorities shall adopt a resolution
83 declaring its intention to levy the tax, setting forth the amount
84 of such tax to be imposed, the date upon which such tax shall
85 become effective and calling for a referendum to be held on the
86 question. The date of the election shall be the first Tuesday
87 after the first Monday in November 1998. Notice of such intention
88 shall be published once each week for at least three (3)
89 consecutive weeks in a newspaper published or having a general
90 circulation in the county, with the first publication of such
91 notice to be made not less than twenty-one (21) days before the
92 date fixed in the resolution for the election and the last
93 publication to be made not more than seven (7) days before the
94 election. At the election, all qualified electors of the City of
95 Richland may vote, and the ballots used in such election shall
96 have printed thereon a brief statement of the amount and purposes
97 of the proposed tax levy and the words "FOR THE ECONOMIC AND



98 COMMUNITY DEVELOPMENT TAX" and, on a separate line, "AGAINST THE
99 ECONOMIC AND COMMUNITY DEVELOPMENT TAX," and the voters shall vote
100 by placing a cross (X) or check (✓) opposite their choice on the
101 proposition. When the results of any such election shall have
102 been canvassed by the election commission of the county and
103 certified, the city may levy the tax beginning on the first day of
104 January 1999, if a majority of the qualified electors who vote in
105 the election vote in favor of the tax.

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

117 Section 5. * * * (a) The authority for the purpose of
118 providing funds, as prescribed in Section 2(1)(i) of this act,
119 shall be repealed * * * not more than two (2) months following the
120 time that * * * the multipurpose building authorized to be
121 constructed by this act has been completed, and * * * either all
122 principal, interest, costs and other expenses for all bonds, notes



123 or other borrowings to pay the cost of constructing such building
124 have been paid and are completely satisfied, or there exists in
125 any special account established to retire such bonds, notes or
126 other borrowings, an amount on deposit which, together with any
127 earnings on investments to accrue to the account, is equal to or
128 greater than the amount necessary to pay such indebtedness.

129 (b) After all costs of construction of the multipurpose
130 building have been paid and are completely satisfied as prescribed
131 in paragraph (a) of this section, the governing authorities may
132 utilize the tax to promote tourism, parks and recreation within
133 the city if the proposed utilization of the tax is approved in an
134 election that is held, as prescribed in paragraph (c) of this
135 section, on the question of whether such tax may be imposed for
136 the promotion of tourism, parks and recreation within the city.

137 (c) Before any tax authorized under this act may be
138 imposed for the promotion of tourism, parks and recreation within
139 the city, the governing authorities shall adopt a resolution
140 declaring their intention to levy the tax, setting forth the
141 amount of the tax to be imposed, the date upon which the tax shall
142 become effective and calling for an election to be held on the
143 question, and the date of the election shall be fixed in the
144 resolution. Notice of such intention and the election shall be
145 published once each week for at least three (3) consecutive weeks
146 in a newspaper published or having a general circulation in the
147 City of Richland, with the first publication of the notice to be



148 made not less than twenty-one (21) days before the date fixed in
149 the resolution for the election and the last publication to be
150 made not more than seven (7) days before the election. At the
151 election, all qualified electors of the City of Richland may vote,
152 and the ballots used in the election shall have printed thereon a
153 brief statement of the amount and purposes of the proposed tax
154 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST
155 THE TAX" and the voters shall vote by placing a cross (X) or check
156 (✓) opposite their choice on the proposition. When the results
157 of the election shall have been canvassed and certified, the city
158 may levy the tax if sixty percent (60%) of the qualified electors
159 who vote in the election vote in favor of the tax. At least
160 thirty (30) days before the effective date of the tax provided in
161 this section, the governing authorities shall furnish to the
162 Department of Revenue a certified copy of the resolution
163 evidencing the tax.

164 (d) Accounting for receipts and expenditures of the
165 funds described in this section must be made separately from the
166 accounting of receipts and expenditures of the general fund and
167 any other funds of the City of Richland. The records reflecting
168 the receipts and expenditures of the funds prescribed in this act
169 shall be audited annually by an independent certified public
170 accountant, and the accountant shall make a written report of his
171 audit to the governing authorities. The audit shall be made and
172 completed as soon as practicable after the close of the fiscal



173 year, and expenses of such audit shall be paid from the funds
174 derived pursuant to this act.

175 Section 6. This act shall be repealed from and after July 1,
176 2022.

177 * * *

178 SECTION 2. This act shall take effect and be in force from
179 and after its passage.

