

By: Senator(s) Turner-Ford

To: Local and Private

SENATE BILL NO. 3012

1 AN ACT TO AMEND CHAPTER 950, LOCAL AND PRIVATE LAWS OF 1994,  
2 AS LAST AMENDED BY CHAPTER 929, LOCAL AND PRIVATE LAWS OF 2015, TO  
3 EXTEND THE REPEAL DATE FROM JUNE 30, 2018, TO JUNE 30, 2022, ON  
4 THE CITY OF STARKVILLE'S ECONOMIC DEVELOPMENT, TOURISM AND  
5 CONVENTION TAX; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Chapter 950, Local and Private Laws of 1994, as  
8 amended by Chapter 1014, Local and Private Laws of 2004, as last  
9 amended by Chapter 929, Local and Private Laws of 2015, is amended  
10 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" means and includes all places where  
27 prepared food and beverages are sold for consumption either upon  
28 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 parks" means the various public parks  
36 and recreational facilities located within the City of Starkville,  
37 Mississippi, that are acquired, constructed and/or managed by the  
38 governing authorities or a commission designated by the governing  
39 authority.

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



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

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

55           (b) Persons, firms or corporations liable for the tax  
56 imposed shall add the amount of the tax to the sales price of  
57 goods described in subsection (1)(a) of this section and, in  
58 addition, shall collect, insofar as practicable, the amount of the  
59 tax due by them from the person receiving the services or goods at  
60 the time of payment therefor.

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



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

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

91           (3) Fifteen percent (15%) of the proceeds derived from the  
92 tax collected under this act shall be distributed by the governing



93 authority to the EDA to be expended by the EDA solely for economic  
94 and community development. Fifteen percent (15%) of the proceeds  
95 derived from the tax collected under this act shall be distributed  
96 by the governing authority to the VCC to be expended by the VCC  
97 solely to enhance community development and for the expansion of  
98 tourism and conventions. Ten percent (10%) of the proceeds  
99 derived from the tax collected under this act shall be retained  
100 and expended by the governing authority solely for economic and  
101 community development projects, initiatives or opportunities.  
102 Forty percent (40%) of the proceeds derived from the tax collected  
103 under this act shall be distributed annually by the governing  
104 authority to Starkville parks to be expended for park and  
105 recreational improvements. Twenty percent (20%) of the proceeds  
106 derived from the tax collected under this act shall be distributed  
107 by the governing authority to Mississippi State University to be  
108 expended by the university solely to enhance student-related  
109 activities.

110 (4) The proceeds of the tax collected under this act shall  
111 not be considered by the city as general fund revenues, but shall  
112 be dedicated solely for the purpose of carrying out those programs  
113 and activities which are designed by the governing authority  
114 through concurrent contracts with the VCC, EDA, Starkville parks  
115 and Mississippi State University or through interlocal agreements  
116 as provided by Section 17-13-17, Mississippi Code of 1972, as  
117 amended.



118 Section 3. (1) The governing authority shall retain the  
119 right to approve or disapprove budgets of the agencies funded  
120 under this act with respect to funds approved and disbursed to the  
121 agencies under this act. A detailed budget of funds requested by  
122 the VCC, EDA, Starkville parks and Mississippi State University  
123 shall be submitted to the city with each year's request for funds.

124 (2) The governing authority shall retain the right to  
125 prescribe such requirements with respect to budgeting,  
126 establishment of funds, management, record keeping, reporting and  
127 audit as may be necessary for the proper protection of funds  
128 approved and disbursed under this act.

129 Section 4. The books of the entities receiving funds  
130 disbursed under this act shall be audited annually by an  
131 independent certified public accountant or the State Auditor. A  
132 copy of each audit report shall be filed with the governing  
133 authority within fifteen (15) calendar days after receipt thereof  
134 by entities. No expenditure, purchase or transaction shall be  
135 made or authorized in violation of the laws of the State of  
136 Mississippi governing public purchasing, bidding, contracting or  
137 auditing.

138 Section 5. (1) The first budget of receipts and  
139 expenditures under the provisions of this act shall cover the  
140 period beginning with the effective date of the tax and ending  
141 with the end of the fiscal year and, thereafter, the budget shall  
142 be on the fiscal-year basis provided herein.



143           (2) Accounting for receipts and expenditures of the funds  
144 herein described shall be made separately from the accounting of  
145 receipts and expenditures of the general fund and other funds of  
146 the City of Starkville. The record reflecting receipts and  
147 expenditures of the funds described herein shall be audited by an  
148 independent certified public accountant and such accountant shall  
149 make a written report of the audit to the governing authority.  
150 Such audit shall be made and completed as soon as practicable  
151 after the close of the fiscal year and the expenses of such audit  
152 may be paid from funds derived under Section 2 of this act.

153           Section 6. This act shall stand repealed from and after June  
154 30, \* \* \* 2022.

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

