

By: Representative Weathersby

To: Local and Private
Legislation

HOUSE BILL NO. 1525

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, AS AMENDED
 4 BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 2018, TO EXTEND THE
 5 REPEALER FROM JULY 1, 2022, TO JULY 1, 2026, ON THE PROVISION OF
 6 LAW THAT AUTHORIZES THE GOVERNING AUTHORITIES OF THE CITY OF
 7 RICHLAND, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS SALES OF
 8 BARS AND RESTAURANTS IN AN AMOUNT NOT TO EXCEED TWO PERCENT FOR
 9 THE PURPOSE OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM, PARKS
 10 AND RECREATION WITHIN THE CITY; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Chapter 938, Local and Private Laws of 1998, as
 13 amended by Chapter 981, Local and Private Laws of 1999, as amended
 14 by Chapter 960, Local and Private Laws of 2001, as amended by
 15 Chapter 923, Local and Private Laws of 2018, is amended as
 16 follows:

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

21 (a) "Governing authorities" means the governing
 22 authorities of the City of Richland, Mississippi.



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

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

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



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

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

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

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

71 (4) The proceeds of such tax, less three percent (3%)
72 thereof which shall be retained by the Department of Revenue to



73 defray the cost of collection, shall be paid to the governing
74 authorities of the City of Richland, on or before the fifteenth
75 day of the month in which collected.

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

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



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

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

115 Section 5. (a) The authority for the purpose of providing
116 funds, as prescribed in Section 2(1)(i) of this act, shall be
117 repealed the multipurpose building authorized to be constructed by
118 this act has been completed, and either all principal, interest,
119 costs and other expenses for all bonds, notes or other borrowings
120 to pay the cost of constructing such building have been paid and
121 are completely satisfied, or there exists in any special account
122 established to retire such bonds, notes or other borrowings, an



123 amount on deposit which, together with any earnings on investments
124 to accrue to the account, is equal to or greater than the amount
125 necessary to pay such indebtedness.

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

134 (c) Before any tax authorized under this act may be
135 imposed for the promotion of tourism, parks and recreation within
136 the city, the governing authorities shall adopt a resolution
137 declaring their intention to levy the tax, setting forth the
138 amount of the tax to be imposed, the date upon which the tax shall
139 become effective and calling for an election to be held on the
140 question, and the date of the election shall be fixed in the
141 resolution. Notice of such intention and the election shall be
142 published once each week for at least three (3) consecutive weeks
143 in a newspaper published or having a general circulation in the
144 City of Richland, with the first publication of the notice to be
145 made not less than twenty-one (21) days before the date fixed in
146 the resolution for the election and the last publication to be
147 made not more than seven (7) days before the election. At the



148 election, all qualified electors of the City of Richland may vote,
149 and the ballots used in the election shall have printed thereon a
150 brief statement of the amount and purposes of the proposed tax
151 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST
152 THE TAX" and the voters shall vote by placing a cross (X) or check
153 (✓) opposite their choice on the proposition. When the results
154 of the election shall have been canvassed and certified, the city
155 may levy the tax if sixty percent (60%) of the qualified electors
156 who vote in the election vote in favor of the tax. At least
157 thirty (30) days before the effective date of the tax provided in
158 this section, the governing authorities shall furnish to the
159 Department of Revenue a certified copy of the resolution
160 evidencing the tax.

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



172 Section 6. This act shall be repealed from and after July
173 1, * * * 2026.

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

