

By: Representative Roberson

To: Local and Private
Legislation

HOUSE BILL NO. 1547

1 AN ACT TO AMEND CHAPTER 950, LOCAL AND PRIVATE LAWS OF 1994,
2 AS LAST AMENDED BY CHAPTER 915, LOCAL AND PRIVATE LAWS OF 2018, TO
3 EXTEND THE REPEAL DATE FROM JUNE 30, 2022, TO JUNE 30, 2026, 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
9 amended by Chapter 929, Local and Private Laws of 2015, as amended
10 by Chapter 915, Local and Private Laws of 2018, is amended as
11 follows:

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

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

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



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

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

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

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

36 (g) "Starkville parks" means the various public parks
37 and recreational facilities located within the City of Starkville,
38 Mississippi, that are acquired, constructed and/or managed by the
39 governing authorities or a commission designated by the governing
40 authority.

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



69 (d) The proceeds of the tax, less three percent (3%) to
70 be retained by the Department of Revenue 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 Department of Revenue a certified
91 copy of the resolution evidencing such a tax levy.

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



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

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



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

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

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

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



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

154 Section 6. This act shall stand repealed from and after June
155 30, * * * 2026.

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

