

By: Representative Moore (100th)

To: Local and Private  
Legislation; Ways and Means

HOUSE BILL NO. 1631

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 COLUMBIA TO LEVY A TAX UPON THE GROSS PROCEEDS OF SALES FROM HOTEL  
3 AND MOTEL ROOM RENTALS IN THE CITY AND GROSS PROCEEDS OF SALES OF  
4 RESTAURANTS AND SUCH OTHER BUSINESSES WHERE PREPARED FOOD AND  
5 DRINK IS SOLD TO THE PUBLIC; TO PROVIDE FOR A PETITION ELECTION ON  
6 THE QUESTION OF IMPOSING THE TAX; TO PROVIDE THAT THE PROCEEDS OF  
7 SUCH TAX SHALL BE USED TO PROMOTE THE ATTRIBUTES OF THE CITY OF  
8 COLUMBIA, RESTORATION OF HISTORIC DOWNTOWN COLUMBIA, THE  
9 PROMOTION, DEVELOPMENT, CONSTRUCTION, FURNISHING AND IMPROVEMENT  
10 OF THE COLUMBIA EXPOSITION CENTER, AND THE PROMOTION  
11 ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND FURNISHING OF A  
12 MULTIPURPOSE SPORTS COMPLEX; AND FOR RELATED PURPOSES.

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

14 SECTION 1. As used in this act, the following terms shall  
15 have the meanings ascribed in this section unless otherwise  
16 clearly indicated by the context in which they are used:

17 (a) "City clerk" means the city clerk for the City of  
18 Columbia, Mississippi.

19 (b) "Governing authorities" means the governing  
20 authorities of the City of Columbia, Mississippi.

21 (c) "Hotel" or "motel" means any establishment engaged  
22 in the business of furnishing or providing rooms intended or  
23 designed for dwelling, lodging or sleeping purposes to transient  
24 guests, which establishment does not encompass any hospital,  
25 convalescent or nursing home or sanitarium, or any hotel-like  
26 facility operated by or in connection with a hospital or medical  
27 clinic providing rooms exclusively for patients and their  
28 families.

29 (d) "Prepared food" means food prepared on the premises  
30 of a restaurant.

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

38           SECTION 2. (1) For the purpose of providing funds to  
39 promote the attributes of the City of Columbia, including the  
40 restoration of historic downtown Columbia, the promotion,  
41 establishment, development, construction, furnishing, equipping  
42 and erection of improvements to the Columbia Exposition Center,  
43 and the promotion, establishment, development, construction  
44 furnishing, equipping and erection of a multipurpose sports  
45 complex for the City of Columbia, the governing authorities, in  
46 their discretion, may levy and collect from persons, firms or  
47 corporations specified in this act, a tax, which shall be in  
48 addition to all of the taxes and assessments imposed. The tax  
49 shall be imposed upon the following:

50           (a) A tax upon every person, firm or corporation  
51 operating a hotel or motel in the City of Columbia, at a rate not  
52 to exceed two percent (2%) of the gross proceeds of sales from  
53 room rentals for each such hotel or motel.

54           (b) A tax upon every person, firm or corporation  
55 operating a restaurant or such other business in the City of  
56 Columbia, where prepared food and drink is sold to the public, at  
57 a rate not to exceed two percent (2%) of the gross proceeds of the  
58 sales of such restaurant or business.

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

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

70           (4) The proceeds of such tax, less three percent (3%)  
71 thereof which shall be retained by the State Tax Commission to  
72 defray the cost of collection, shall be paid to the city clerk for  
73 and on behalf of the City of Columbia on or before the fifteenth  
74 day of the month following the month in which collected.

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

78           SECTION 3. Before the tax authorized by this act may be  
79 imposed, the governing authorities shall adopt a resolution  
80 declaring their intention to levy the tax, setting forth the  
81 amount of such tax and establishing the date on which this tax  
82 initially shall be levied and collected. Notice of the proposed  
83 tax levy shall be published once each week for at least three (3)  
84 consecutive weeks in a newspaper having a general circulation in  
85 the City of Columbia. The first publication of the notice shall  
86 be made not less than twenty-one (21) days before the date fixed  
87 in the resolution on which the governing authorities propose to  
88 levy the tax, and the last publication of the notice shall be made  
89 not more than seven (7) days before that date. If, within the  
90 time of giving notice, twenty percent (20%) or fifteen hundred  
91 (1,500) whichever is less, of the qualified electors of the City  
92 of Columbia, file a written petition against the levy of such tax,  
93 then the tax shall not be levied unless authorized by a majority  
94 of the qualified electors of the City of Columbia, voting at an  
95 election to be called and held for that purpose. At least thirty  
96 (30) days before the effective date of the tax provided in this

97 section, the governing authorities shall furnish to the State Tax  
98 Commission a certified copy of the resolution evidencing such tax.

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

110 SECTION 5. The governing authorities of the City of Columbia  
111 shall submit this act, immediately upon approval by the Governor,  
112 or upon approval by the Legislature subsequent to a veto, to the  
113 Attorney General of the United States or to the United States  
114 District Court for the District of Columbia in accordance with the  
115 provisions of the Voting Rights Act of 1965, as amended and  
116 extended.

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