

By: Representatives Weathersby, Rogers

To: Local and Private  
Legislation; Ways and Means

HOUSE BILL NO. 1632

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, TO  
3 EXTEND THE REPEAL DATE ON THE LAW THAT AUTHORIZES THE CITY OF  
4 RICHLAND TO IMPOSE A TAX UPON THE GROSS SALES OF BARS AND  
5 RESTAURANTS.

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

7 SECTION 1. Chapter 938, Local and Private Laws of 1998, as  
8 amended by Chapter 981, Local and Private Laws of 1999, is amended  
9 as follows:

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

14 (a) "Governing authorities" means the governing  
15 authorities of the City of Richland, Mississippi.

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

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

28           Section 2. (1) For the purpose of providing funds for the  
29 promotion of economic and community development in the City of  
30 Richland including the construction of a multipurpose building to  
31 be used for a community center, soccer complex and other purposes,  
32 the governing authorities of the City of Richland are authorized,  
33 in their discretion, to levy and collect from the following  
34 persons a tax, which shall be in addition to all of the taxes and  
35 assessments imposed. The tax shall be imposed on the following  
36 persons:

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

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

46           (2) Persons, firms or corporation liable for the levy  
47 imposed under subsection (1) of this section shall add the amount  
48 of the levy to the sales price of the products and services set  
49 out in subsection (1) of this section and shall collect, insofar  
50 as is practicable, the amount of the tax due by them from the  
51 person receiving the services or product at the time of payment  
52 therefor.

53           (3) Such tax shall be collected by and paid to the State Tax  
54 Commission on a form prescribed by the State Tax Commission in the  
55 manner that state sales taxes are computed, collected and paid;  
56 and full enforcement provisions and all other provisions of  
57 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
58 necessary to the implementation and administration of this act.

59           (4) The proceeds of such tax, less three percent (3%)  
60 thereof which shall be retained by the State Tax Commission to

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

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

67 Section 3. Before any tax authorized under this act may be  
68 imposed, the governing authorities shall adopt a resolution  
69 declaring its intention to levy the tax, setting forth the amount  
70 of such tax to be imposed, the date upon which such tax shall  
71 become effective and calling for a referendum to be held on the  
72 question. The date of the election shall be the first Tuesday  
73 after the first Monday in November 1998. Notice of such intention  
74 shall be published once each week for at least three (3)  
75 consecutive weeks in a newspaper published or having a general  
76 circulation in the county, with the first publication of such  
77 notice to be made not less than twenty-one (21) days before the  
78 date fixed in the resolution for the election and the last  
79 publication to be made not more than seven (7) days before the  
80 election. At the election, all qualified electors of the City of  
81 Richland may vote, and the ballots used in such election shall  
82 have printed thereon a brief statement of the amount and purposes  
83 of the proposed tax levy and the words "FOR THE ECONOMIC AND  
84 COMMUNITY DEVELOPMENT TAX" and, on a separate line, "AGAINST THE  
85 ECONOMIC AND COMMUNITY DEVELOPMENT TAX," and the voters shall vote  
86 by placing a cross (X) or check (✓) opposite their choice on the  
87 proposition. When the results of any such election shall have  
88 been canvassed by the election commission of the county and  
89 certified, the city may levy the tax beginning on the first day of  
90 January 1999, if a majority of the qualified electors who vote in  
91 the election vote in favor of the tax.

92 Section 4. Accounting for receipts and expenditures of the  
93 funds described in this act must be made separately from the

94 accounting of receipts and expenditures of the general fund and  
95 any other funds of the City of Richland. The records reflecting  
96 the receipts and expenditures of the funds prescribed in this act  
97 shall be audited annually by an independent certified public  
98 accountant, and the accountant shall make a written report of his  
99 audit to the governing authorities. The audit shall be made and  
100 completed as soon as practicable after the close of the fiscal  
101 year, and expenses of such audit shall be paid from the funds  
102 derived pursuant to this act.

103 Section 5. This act shall be repealed from and after the  
104 earlier of:

105 (a) December 31, 2025, or

106 (b) Not more than two (2) months following the time  
107 that:

108 (i) The multipurpose building authorized to be  
109 constructed by this act has been completed, and

110 (ii) Either all principal, interest, costs and  
111 other expenses for all bonds, notes or other borrowings to pay the  
112 cost of constructing such building have been paid and are  
113 completely satisfied, or there exists in any special account  
114 established to retire such bonds, notes or other borrowings, an  
115 amount on deposit which, together with any earnings on investments  
116 to accrue to the account, is equal to or greater than the amount  
117 necessary to pay such indebtedness.

118 Section 6. The governing authorities of the City of Richland  
119 shall submit this act, immediately upon approval by the Governor,  
120 or upon approval by the Legislature subsequent to a veto, to the  
121 Attorney General of the United States or to the United States  
122 District Court for the District of Columbia in accordance with the  
123 provisions of the Voting Rights Act of 1965, as amended and  
124 extended.

125           Section 7. This act shall take effect and be in force from  
126 and after the date it is effectuated under Section 5 of the Voting  
127 Rights Act of 1965, as amended and extended.

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