

By: Representatives Flaggs, Masterson

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1649

1 AN ACT TO AUTHORIZE THE CITY OF VICKSBURG, MISSISSIPPI, TO
2 INCUR INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$16,000,000.00 FOR
3 THE PURPOSE OF CONSTRUCTING AND/OR IMPROVING A FACILITY AND
4 NECESSARY INFRASTRUCTURE FOR A TOURIST ORIENTED ENTERPRISE; TO
5 REQUIRE THE CITY OF VICKSBURG TO IMPOSE A 2% SALES TAX ON ALL
6 RETAIL SALES AT TOURIST ORIENTED ENTERPRISES LOCATED IN THE CITY
7 PRIOR TO INCURRING SUCH DEBT; TO REQUIRE THE REVENUE COLLECTED
8 FROM SUCH SALES TAX TO BE USED TO PAY FOR THE COSTS INCURRED IN
9 CONSTRUCTING AND/OR IMPROVING SUCH FACILITIES OR NECESSARY
10 INFRASTRUCTURE AND OTHER COSTS RELATED TO THE DEVELOPMENT OF THE
11 TOURISM ORIENTED ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, LAND
12 ACQUISITION, SITE PREPARATION, ENGINEERING FEES, ARCHITECTURAL
13 FEES AND DEVELOPER'S FEES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Whenever used in this act, unless a different
16 meaning clearly appears in the context, the following terms shall
17 be given the following meanings:

18 (a) "City" means the City of Vicksburg, Mississippi.

19 (b) "Governing authorities" means the Board of Mayor
20 and Aldermen of the City of Vicksburg, Mississippi.

21 (c) "Tourism oriented enterprise" means a retail
22 business:

23 (i) With a minimum capital investment, public or
24 private, of Seventeen Million Five Hundred Thousand Dollars
25 (\$17,500,000.00) for land acquisition, site preparation,
26 infrastructure improvements, building construction, engineering
27 and architectural fees, developer's fees and other related costs
28 associated with the retail business;

29 (ii) Which will consist of a building of not less
30 than one hundred thousand (100,000) square feet; and

31 (iii) Which will promote, improve and enhance
32 tourism and will attract out-of-state visitors to the retail



33 business and there is no other retail business operating under the
34 same trade name or franchise name within one hundred twenty-five
35 (125) miles of the corporate limits of the City of Vicksburg,
36 Mississippi.

37 **SECTION 2.** (1) The governing authorities may incur
38 indebtedness of the city in the aggregate principal amount not to
39 exceed Sixteen Million Dollars (\$16,000,000.00) for the purpose of
40 constructing and/or improving a facility for a tourism oriented
41 enterprise in the City of Vicksburg and infrastructure related to
42 such facility, and other costs related to the development of the
43 tourism oriented enterprise, including, but not limited to, land
44 acquisition, site preparation, engineering fees, architectural
45 fees and developer's fees. The indebtedness shall not be
46 considered when computing any limitation of indebtedness of the
47 city established by law. The city may use the proceeds of the
48 special tax levied pursuant to Section 3 of this act without
49 incurring debt; however, the amount of any proceeds so used shall
50 be deducted from the aggregate principal indebtedness authorized
51 to be incurred under this section. In no event may the total of
52 the aggregate amount of debt incurred by the city and the amount
53 of the proceeds used by the city without incurring debt exceed
54 Sixteen Million Dollars (\$16,000,000.00).

55 (2) The City of Vicksburg may own the land, the facility for
56 such tourism oriented enterprise and any improvements thereto and
57 lease such land, facility and improvements to a tourism oriented
58 enterprise for an amount that is negotiated between the city and
59 the tourism oriented enterprise.

60 **SECTION 3.** (1) Before any indebtedness may be incurred by
61 the city pursuant to this act, the governing authorities shall
62 levy and collect a tax, which shall be in addition to all of the
63 taxes and assessments imposed. The tax shall be upon every
64 person, firm or corporation operating tourism oriented enterprise
65 in the City of Vicksburg, at a rate not to exceed two percent (2%)



66 of the gross proceeds of the sales of such tourism oriented
67 enterprise.

68 (2) Before the tax authorized by this section may be
69 imposed, the governing authorities shall adopt a resolution
70 declaring its intention to levy the tax and establishing the
71 amount of the tax and the date on which the tax initially shall be
72 levied and collected. The date shall be the first day of a month
73 but not less than forty-five (45) days from the date of adoption
74 of the resolution. Notice of the proposed tax levy shall be
75 published once each week for at least three (3) consecutive weeks
76 in a newspaper having a general circulation in the city. The
77 first publication of notice shall be made not less than twenty-one
78 (21) days before the date fixed in the resolution on which the
79 governing authorities propose to levy such tax, and the last
80 publication shall be made not more than seven (7) days before such
81 date. If, within the time of giving notice, twenty percent (20%)
82 or fifteen hundred (1500), whichever is less, of the qualified
83 electors of the city file a written petition against the levy of
84 such tax, then such tax shall not be levied unless authorized by a
85 majority of the qualified electors of such city voting at an
86 election to be called and held for that purpose.

87 (3) At least thirty (30) days before the effective date of
88 the tax, the governing authorities shall furnish to the State Tax
89 Commission a certified copy of the resolution evidencing such tax.

90 **SECTION 4.** (1) On or before the fifteenth day before the
91 imposition of the special sales tax authorized in Section 3 of
92 this act, the governing authorities shall give written
93 notification to the Chairman of the State Tax Commission of the
94 date on which the tax will become effective.

95 (2) Such tax shall be collected in the same manner as the
96 state sales tax imposed by Chapter 65, Title 27, Mississippi Code
97 of 1972, and shall be accounted for separately from the amount of
98 sales tax collected for the state in the city. All provisions of



99 the Mississippi Sales Tax Law applicable to filing of such
100 returns, discounts to the taxpayer, remittances to the State Tax
101 Commission and retainage thereby of sums to defray the costs of
102 collection, collection enforcement, rights of taxpayers, recovery
103 of improper taxes, refunds of overpaid taxes or other provisions
104 of said chapter providing for imposition and collection of the
105 sales tax shall apply to the tax authorized by this act.

106 (3) On or before the fifteenth day of each month, the
107 revenue from the tax collected under the provisions of this
108 section during the preceding month shall be paid to the city.

109 (4) The proceeds of such taxes and any other revenue owed to
110 the city which is generated by the tourism oriented enterprise
111 shall be placed into a separate fund apart from the municipal
112 general fund and any other funds of the city, and shall be
113 expended by the city solely for the purposes of paying any
114 indebtedness or other obligations the city may incur for the
115 purposes authorized in this act.

116 (5) Persons liable for the taxes imposed herein shall add
117 the amount of tax to the sales price or gross income, and in
118 addition thereto shall collect, insofar as practicable, the amount
119 of the tax due by him from the person receiving the services or
120 goods at the time of payment therefor.

121 (6) The tax shall stand repealed on the first day of the
122 month immediately succeeding the date the indebtedness incurred
123 pursuant to this act, including interest, is retired, or in the
124 event the city incurs no indebtedness, the first day of the month
125 after the total amount of the revenue collected from the special
126 sales tax reaches Sixteen Million Dollars (\$16,000,000.00). Any
127 amount remaining in the separate fund containing the proceeds of
128 the special tax not necessary to retire such debt, including
129 interest, shall be transferred to the municipal general fund.

130 **SECTION 5.** This act shall be deemed to be full and complete
131 authority for the exercise of the powers granted, but this act



132 shall not be deemed to repeal or to be in derogation of any
133 existing law of this state.

134 **SECTION 6.** The governing authorities of the City of
135 Vicksburg shall submit this act, immediately upon approval by the
136 Governor, or upon approval by the Legislature subsequent to a
137 veto, to the Attorney General of the United States or to the
138 United States District Court for the District of Columbia in
139 accordance with the provisions of the Voting Rights Act of 1965,
140 as amended and extended.

141 **SECTION 7.** This act shall take effect and be in force from
142 and after the date it is effectuated under Section 5 of the Voting
143 Rights Act of 1965, as amended and extended.

