

By: Representatives Smith (39th), Chism,
Ellis, Harrison

To: Local and Private
Legislation

HOUSE BILL NO. 687

1 AN ACT TO AMEND CHAPTER 870, LOCAL AND PRIVATE LAWS OF 1986,
2 AS LAST AMENDED BY CHAPTER 968, LOCAL AND PRIVATE LAWS OF 2000, TO
3 ELIMINATE THE REPEALER ON THE AUTHORITY OF THE GOVERNING
4 AUTHORITIES OF THE CITY OF COLUMBUS, MISSISSIPPI, AND THE BOARD OF
5 SUPERVISORS OF LOWNDES COUNTY, MISSISSIPPI, TO LEVY A SPECIAL
6 SALES TAX ON RETAIL SALES OF PREPARED FOOD, BEER AND ALCOHOLIC
7 BEVERAGES FOR THE PURPOSE OF PROVIDING FUNDS FOR THE
8 COLUMBUS-LOWNDES CONVENTION AND VISITOR'S BUREAU; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Chapter 870, Local and Private Laws of 1986, as
12 amended by Chapter 958, Local and Private Laws of 1997, as amended
13 by Chapter 968, Local and Private Laws of 2000, is amended as
14 follows:

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

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

19 (b) "County" means Lowndes County, Mississippi.

20 (c) "Governing authorities" means the Mayor and City
21 Council of the City of Columbus, Mississippi, and the Board of
22 Supervisors of Lowndes County, Mississippi.

23 (d) "Prepared food" means food prepared on the premises
24 of a restaurant.

25 (e) "Restaurant" means any place where prepared food is
26 sold whether for consumption upon the premises or not and which
27 has annual sales in excess of Three Hundred Twenty-five Thousand
28 Dollars (\$325,000.00).

29 (f) "University" means the Mississippi University for
30 Women.

31 Section 2. (1) The governing authorities are hereby
32 authorized to impose upon persons doing business within the city
33 and county a tax at the rate of two percent (2%) on the gross
34 receipts of restaurants derived from retail sales of prepared
35 food, beer and alcoholic beverages and on the gross proceeds of
36 sales of other businesses derived from retail sales of beer and
37 alcoholic beverages, excluding sales of alcoholic beverages upon
38 premises covered by a package retailer's permit and sales of beer
39 not for consumption on the premises. The governing authorities
40 shall distribute the avails of the tax in the manner provided in
41 this subsection (1). The proceeds of the tax shall be used to
42 provide funds to the university for the maintenance of buildings
43 and facilities at the university, to provide funds to the
44 Columbus-Lowndes Convention and Visitor's Bureau to promote
45 economic development and tourism in the city and the county
46 including, but not limited to, providing support for economic
47 development and tourism advertising, providing support for
48 business and industrial parks and providing support for tourist
49 attractions. The proceeds of the tax shall be distributed to each
50 entity in the following percentages for the following years:
51 beginning January 1, 2001, and for the 2001 calendar year,
52 sixty-two and one-half percent (62-1/2%) to the Columbus-Lowndes
53 Convention and Visitor's Bureau, and thirty-seven and one-half
54 percent (37-1/2%) to the university; beginning January 1, 2002,
55 and for the 2002 calendar year, seventy-five percent (75%) to the
56 Columbus-Lowndes Convention and Visitor's Bureau, and twenty-five
57 percent (25%) to the university; beginning January 1, 2003, and
58 for the 2003 calendar year, eighty-seven and one-half percent
59 (87-1/2%) to the Columbus-Lowndes Convention and Visitor's Bureau,
60 and twelve and one-half percent (12-1/2%) to the university; and
61 beginning January 1, 2004, and thereafter, all of the tax proceeds
62 shall be distributed to the Columbus-Lowndes Convention and
63 Visitor's Bureau.

64 (2) Before the tax authorized by this act may be imposed,
65 the governing authorities shall adopt resolutions declaring their
66 intention to levy the tax and establishing the amount of the tax
67 levy and the date on which this tax initially shall be levied and
68 collected. This date shall be the first day of a month. Notice
69 of the proposed tax levy shall be published once each week for at
70 least three (3) consecutive weeks in a newspaper published or
71 having a general circulation in such city and county. The first
72 publication of such notice shall be made not less than twenty-one
73 (21) days prior to the date fixed in the resolution at which the
74 governing authorities propose to levy such tax and the last
75 publication shall be made not more than seven (7) days prior to
76 such date. If, within the time of giving notice, twenty percent
77 (20%) or fifteen hundred (1500), whichever is less, of the
78 qualified electors of the county shall file a written petition
79 against the levy of such tax then such tax shall not be levied
80 unless authorized by a majority of the qualified electors of such
81 county voting at an election to be called and held for that
82 purpose. Prior to the effective date of the tax levy approved as
83 herein provided, the governing authorities shall furnish to the
84 Chairman of the State Tax Commission a certified copy of the
85 resolutions evidencing such tax levy. The provisions of this
86 section shall not be construed to authorize a levy by the
87 governing authorities of the county upon sales by persons within
88 the city.

89 (3) Persons, firms or corporations liable for the tax
90 imposed herein shall add the amount of tax to the sales price of
91 goods described in subsection (1) of this section and, in addition
92 thereto, shall collect, insofar as practicable, the amount of the
93 tax due by them from the person receiving the goods at the time of
94 payment therefor.

95 (4) The tax shall be collected by and paid to the State Tax
96 Commission on a form prescribed by the State Tax Commission, in

97 the same manner that state sales taxes are computed, collected and
98 paid; and the full enforcement provisions and all other provisions
99 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
100 necessary to the implementation and administration of this act.

101 (5) The proceeds of the tax, less three percent (3%) to be
102 retained by the State Tax Commission to defray the costs of
103 collections, shall be paid to the governing authorities, to be
104 placed into a special fund hereby created separate and apart from
105 any other city or county fund, on or before the fifteenth day of
106 the month following the month in which collected.

107 (6) The tax levied hereunder may be discontinued by an
108 action of either or both of the governing authorities adopting a
109 resolution to that effect. Such resolution shall be effective
110 beginning on the first day of a month designated in the resolution
111 and the tax levy shall not apply to sales made on and after said
112 date. A certified copy of the resolution shall be furnished to
113 the State Tax Commission at least seven (7) days prior to its
114 effective date.

115 * * *

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