

By: Senator(s) Kirby

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3028

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 PEARL, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF SALES
3 OF RESTAURANTS IN A CERTAIN AREA WITHIN THE CITY OF PEARL TO BE
4 KNOWN AS THE WEST PEARL RESTAURANT TAX DISTRICT; TO DEFINE THE
5 WEST PEARL RESTAURANT TAX DISTRICT; TO PROVIDE THAT SUCH TAX SHALL
6 BE COLLECTED BY THE STATE TAX COMMISSION; TO PROVIDE PURPOSES FOR
7 WHICH THE REVENUE RECEIVED BY THE CITY OF PEARL FROM SUCH TAX MAY
8 BE UTILIZED; AND FOR RELATED PURPOSES.

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

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 Mayor and Board
15 of Aldermen of the City of Pearl, Mississippi.

16 (b) "Restaurant" means all places, including hotel and
17 motel dining rooms, cafeterias, cafes, lunch stands, grocery and
18 convenience stores, where prepared food and beverages are sold for
19 consumption, whether such food is consumed on the premises or not.
20 The term "restaurant" does not include any school, hospital,
21 convalescent or nursing home, or any restaurant-like facility
22 operated by or in connection with a school, hospital, medical
23 clinic, convalescent or nursing home providing food for students,
24 patients, visitors or their families.

25 (c) "Prepared food" means food prepared on the premises
26 of a restaurant.

27 (d) "West Pearl Restaurant Tax District" means the
28 following described area located in the City of Pearl, Rankin
29 County, Mississippi:

30 Begin at a point marking the Common Corners of
31 Sections 19, 20, 29 and 30, in Township 5 North,
32 Range 2 East, Rankin County, Mississippi, and then
33 proceed North along the Eastern Boundary Line of
34 Section 19, Township 5 North, Range 2 East, Rankin
35 County, Mississippi, and continuing North along the
36 Eastern Boundary Line of Section 18, Township 5
37 North, Range 2 East, Rankin County, Mississippi,
38 until said line intersects with the Southern
39 Boundary line of the Right-of-Way of Old Brandon
40 Road, and then proceed Southwesterly along the
41 Southern Boundary line of the Right-of-Way of Old
42 Brandon Road until said line intersects with the
43 East Right-of-Way line of Valentour Road, then
44 proceed Northerly along the East Right-of-Way line
45 of Valentour Road until it intersects the South
46 Right-of-Way line of United States Highway 80, then
47 proceed Westerly along the South Right-of-Way line
48 of United States Highway 80 until it intersects the
49 Western Boundary Line of the Corporate Limits of
50 the City of Pearl, Mississippi, then proceed
51 Southeasterly along the Corporate Boundary until it
52 intersects with the East Right-of-Way Line of
53 United States Highway 49 and the South Right-of-Way
54 line of the Railroad (currently known as the Kansas
55 City Southern Railroad) then proceed Easterly along
56 said Railroad Right-of-Way until reaching the
57 Eastern Boundary Line of Section 30, Township 5
58 North, Range 2 East, Rankin County, Mississippi,
59 then proceed North along said Section line to the
60 Point of Beginning of the Area described herein.

61 **SECTION 2.** (1) For the purpose of providing funds to meet
62 obligations incurred in inducing a professional baseball team to

63 locate in the City of Pearl, to improve infrastructure in the West
64 Pearl Restaurant Tax District and to promote tourism, economic and
65 community development and recreation in the City of Pearl, the
66 governing authorities are authorized, in their discretion, to levy
67 and collect a tax upon every person, firm or corporation operating
68 a restaurant in the West Pearl Restaurant Tax District, where
69 prepared food and drink is sold to the public, at a rate not to
70 exceed two percent (2%) of the gross proceeds of the sales of such
71 restaurant.

72 (2) Persons, firms or corporations liable for the levy
73 imposed under subsection (1) of this section shall add the amount
74 of the levy to the sales price of the products set out in
75 subsection (1) of this section and shall collect, insofar as is
76 practicable, the amount of the tax due by them from the person
77 receiving the product at the time of payment therefor.

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

84 (4) The proceeds of such tax, less three percent (3%)
85 thereof which shall be retained by the State Tax Commission to
86 defray the cost of collection, shall be paid to the governing
87 authorities, on or before the fifteenth day of the month in which
88 collected.

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

92 **SECTION 3.** Before any tax authorized under this act may be
93 imposed, the governing authorities shall adopt a resolution
94 declaring their intention to levy the tax, setting forth the
95 amount of the tax to be imposed, the date upon which the tax shall

96 become effective and calling for an election to be held on the
97 question. The date of the election shall be fixed in the
98 resolution. Notice of such intention shall be published once each
99 week for at least three (3) consecutive weeks in a newspaper
100 published or having a general circulation in the City of Pearl,
101 with the first publication of such notice to be made not less than
102 twenty-one (21) days before the date fixed in the resolution for
103 the election, and the last publication to be made not more than
104 seven (7) days before the election. At the election, all
105 qualified electors of the City of Pearl may vote, and the ballots
106 used in such election shall have printed thereon a brief statement
107 of the amount and purposes of the proposed tax levy and the words
108 "FOR THE TAX" and, on a separate line, "AGAINST THE TAX" and the
109 voters shall vote by placing a cross (X) or check (✓) opposite
110 their choice on the proposition. When the results of the election
111 shall have been canvassed and certified, the city may levy the tax
112 if sixty percent (60%) of the qualified electors who vote in the
113 election vote in favor of the tax. At least thirty (30) days
114 before the effective date of the tax provided in this section, the
115 governing authorities shall furnish to the State Tax Commission a
116 certified copy of the resolution evidencing such tax.

117 **SECTION 4.** Accounting for receipts and expenditures of the
118 funds described in this act must be made separately from the
119 accounting of receipts and expenditures of the general fund and
120 any other funds of the City of Pearl. The records reflecting the
121 receipts and expenditures of the funds prescribed in this act
122 shall be audited annually by an independent certified public
123 accountant, and the accountant shall make a written report of his
124 audit to the governing authorities. The audit shall be made and
125 completed as soon as practicable after the close of the fiscal
126 year, and expenses of such audit shall be paid from the funds
127 derived pursuant to this act.

128 **SECTION 5.** The governing authorities are directed to submit
129 this act, immediately upon approval by the Governor, or upon
130 approval by the Legislature subsequent to a veto, to the Attorney
131 General of the United States or to the United States District
132 Court for the District of Columbia in accordance with the
133 provisions of the Voting Rights Act of 1965, as amended and
134 extended.

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