4/3/19 4:41 P.M.

Chapter No. 942
19/HR26/R1354
EW / KTW

HOUSE BILL NO. 1742

Originated in House _____ Clerk

HOUSE BILL NO. 1742

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF WAYNESBORO, MISSISSIPPI, TO IMPOSE A SPECIAL TAX UPON THE GROSS PROCEEDS DERIVED FROM THE SALES OF BARS AND RESTAURANTS AS WELL AS UPON THE GROSS PROCEEDS DERIVED FROM THE SALES OF HOTELS, MOTELS AND BED-AND-BREAKFAST ROOM RENTALS; TO PROVIDE THAT SUCH SPECIAL TAX SHALL BE IN AN AMOUNT NOT TO EXCEED 1% FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM, PARKS AND RECREATION WITHIN THE CITY; TO PROVIDE FOR AN ELECTION ON WHETHER SUCH TAX MAY BE LEVIED; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in this act:

(a) "City" means the City of Waynesboro, Mississippi.

(b) "Governing authorities" means the governing authorities of the City of Waynesboro, Mississippi.

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

(d) "Hotel," "motel" or "bed-and-breakfast" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping

purposes to transient guests, where the establishment consists of six (6) or more guest rooms. The term "hotel," "motel" and "bed-and-breakfast" does not include any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

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

SECTION 2. (1) For the purpose of providing funds to promote tourism and improve parks and recreation within the City of Waynesboro, Mississippi, the governing authorities of the City of Waynesboro are authorized, in their discretion, to levy and collect from the following persons a tax, which shall be in addition to all of the taxes and assessments imposed. The tax shall be imposed on the following persons:

(a) A tax upon every person, firm or corporation operating a bar in the City of Waynesboro, at a rate not to exceed one percent (1%) of the gross proceeds of the sales of such bar;

(b) A tax upon every person, firm or corporation operating a restaurant in the City of Waynesboro, at a rate not to exceed one percent (1%) of the gross proceeds of the sales of beer and alcoholic beverages sold for consumption on the premises and all prepared foods of such restaurant; and

(c) A tax upon every person, firm or corporation operating a motel, hotel, or bed-and-breakfast in the City of Waynesboro, at a rate not to exceed one percent (1%) of the gross proceeds derived from room rentals of all such hotels, motels or bed-and-breakfasts in the city.

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

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

(4) The proceeds of such tax, less three percent (3%) thereof which shall be retained by the Department of Revenue to defray the cost of collection, shall be paid to the governing authorities of the City of Waynesboro, on or before the fifteenth day of the month in which collected.

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

SECTION 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of such tax to be imposed, the date upon which such tax shall become effective and calling for a referendum to be held on the question. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the city, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the City of Waynesboro may vote, and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX," and the voters shall vote by placing a cross (X) or check

(✓) opposite their choice on the proposition. When the results of any such referendum shall have been canvassed by the city election commission and certified, the city may levy the tax beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no city employee may promote the referendum during business hours.

SECTION 4. Persons, firms or corporations liable for the tax imposed under this act shall add the amount of the tax to the sales price and shall collect, insofar as practicable, the amount of tax due from the person receiving the services or products at the time of the payment therefor.

SECTION 5. Accounting for receipts and expenditures of the funds described in this act must be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Waynesboro. The records reflecting the receipts and expenditures of the funds prescribed in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of such audit shall be paid from the funds derived pursuant to this act.

SECTION 6. This act shall be repealed from and after July 1, 2023.

SECTION 7. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 20, 2019.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 26, 2019.

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

4/3/19 4:41pm