

By: Senator(s) Thames, Pickering, Posey

To: Local and Private;  
Finance

SENATE BILL NO. 3203  
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 BAY SPRINGS, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS SALES OF  
3 RESTAURANTS IN AN AMOUNT NOT TO EXCEED 2% OF GROSS SALES OF  
4 BEVERAGES SOLD FOR ON-PREMISES CONSUMPTION AND PREPARED FOOD FOR  
5 THE PURPOSE OF PROVIDING FUNDS TO REDUCE THE INDEBTEDNESS INCURRED  
6 AND TO BE INCURRED BY THE CITY IN FUNDING THE PURCHASE OF LAND AND  
7 THE CONSTRUCTION OF A SPORTS COMPLEX CONSISTING OF BASEBALL  
8 FIELDS, SOCCER FIELDS, WALKING TRAILS AND OTHER ATHLETIC  
9 FACILITIES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** As used in this act, the following terms shall  
12 have the following meanings unless a different meaning is clearly  
13 indicated by the context in which they are used:

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

16 (b) "Restaurant" means all places where prepared food  
17 and beverages are sold for consumption, whether such food is  
18 consumed on the premises or not. "Restaurant" as defined herein  
19 does not include any school, hospital, convalescent or nursing  
20 home, or any restaurant-like facility operated by or in connection  
21 with a school, hospital, medical clinic, convalescent or nursing  
22 home providing food for students, patients, visitors and their  
23 families.

24 **SECTION 2.** (1) For the purpose of providing funds to reduce  
25 the indebtedness incurred and to be incurred by the City of Bay  
26 Springs in funding the purchase of land and the construction of a  
27 sports complex consisting of baseball fields, soccer fields,  
28 walking trails and other athletic facilities, the governing  
29 authorities are authorized, in their discretion, to levy and  
30 collect from the persons hereinafter specified a tax, which shall

31 be in addition to all of the taxes and assessments imposed. The  
32 tax shall be imposed upon every person, firm or corporation  
33 operating a restaurant or such other business, where prepared food  
34 or beverages are sold to the public in the City of Bay Springs,  
35 Mississippi, at a rate not to exceed two percent (2%) of the gross  
36 proceeds of the sales of beverages sold for on-premises  
37 consumption and prepared food.

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

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

51 (4) The proceeds of such tax, less three percent (3%)  
52 thereof which shall be retained by the State Tax Commission to  
53 defray the cost of collection, shall be paid to the governing  
54 authorities of the City of Bay Springs, Mississippi, on or before  
55 the fifteenth day of the month following the month in which  
56 collected.

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

61 **SECTION 3.** Before any tax authorized under this act may be  
62 imposed, the governing authorities shall adopt a resolution  
63 declaring their intention to levy the tax, setting forth the

64 amount of the tax to be imposed, the date upon which the tax shall  
65 become effective and calling for an election to be held on the  
66 question. The date of the election shall be fixed in the  
67 resolution. Notice of such intention and the election shall be  
68 published once each week for at least three (3) consecutive weeks  
69 in a newspaper published or having a general circulation in the  
70 City of Bay Springs, with the first publication of the notice to  
71 be made not less than twenty-one (21) days before the date fixed  
72 in the resolution for the election and the last publication to be  
73 made not more than seven (7) days before the election. At the  
74 election, all qualified electors of the City of Bay Springs may  
75 vote, and the ballots used in the election shall have printed  
76 thereon a brief statement of the amount and purposes of the  
77 proposed tax levy and the words "FOR THE TAX" and, on a separate  
78 line, "AGAINST THE TAX" and the voters shall vote by placing a  
79 cross (X) or check (✓) opposite their choice on the proposition.  
80 When the results of the election shall have been canvassed and  
81 certified, the city may levy the tax if sixty percent (60%) of the  
82 qualified electors who vote in the election vote in favor of the  
83 tax. At least thirty (30) days before the effective date of the  
84 tax provided in this section, the governing authorities shall  
85 furnish to the State Tax Commission a certified copy of the  
86 resolution evidencing the tax.

87       **SECTION 4.** Accounting for receipts and expenditures of the  
88 funds herein described shall be made separately from the  
89 accounting of receipts and expenditures of the general fund and  
90 any other funds of the City of Bay Springs, Mississippi. The  
91 records reflecting the receipts and expenditures of the funds  
92 prescribed herein shall be audited annually by an independent  
93 certified public accountant, and the accountant shall make a  
94 written report of his audit to the governing authorities. The  
95 audit shall be made and completed as soon as practicable after the

96 close of the fiscal year, and expenses of such audit shall be paid  
97 from the funds derived in accordance with this act.

98         **SECTION 5.** The provisions of this act shall be repealed from  
99 and after July 1, 2027.

100         **SECTION 6.** The governing authorities of the City of Bay  
101 Springs are directed to submit this act, immediately upon approval  
102 by the Governor, or upon approval by the Legislature subsequent to  
103 a veto, to the Attorney General of the United States or to the  
104 United States District Court for the District of Columbia in  
105 accordance with the provisions of the Voting Rights Act of 1965,  
106 as amended and extended.

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