

By: Senator(s) Parker, Blackwell, Massey

To: Local and Private

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2949

1 AN ACT TO AMEND CHAPTER 955, LOCAL AND PRIVATE LAWS OF 2011,
2 AS AMENDED BY CHAPTER 918, LOCAL AND PRIVATE LAWS OF 2014, TO
3 EXTEND THE REPEAL DATE ON THE LAW THAT AUTHORIZES THE CITY OF
4 SOUTHAVEN, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS PROCEEDS OF
5 SALES OF BEVERAGES AND PREPARED FOOD AT RESTAURANTS WITHIN THE
6 CITY; TO REQUIRE THAT WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF
7 THIS ACT THE GOVERNING AUTHORITIES OF THE CITY SHALL ADOPT A
8 RESOLUTION DECLARING THEIR INTENTION TO CONTINUE THE TAX AND
9 PUBLISH THE RESOLUTION IN A NEWSPAPER PUBLISHED IN THE COUNTY; TO
10 PROVIDE THAT IF 20% OR 1,500, WHICHEVER IS LESS, OF THE QUALIFIED
11 ELECTORS OF THE CITY FILE A PETITION PROTESTING THE TAX, THE
12 GOVERNING AUTHORITIES SHALL CALL AN ELECTION REGARDING THE
13 CONTINUANCE OF THE TAX; TO PROVIDE THAT IF A MAJORITY OF THE
14 QUALIFIED ELECTORS VOTING AT THE ELECTION VOTE AGAINST CONTINUING
15 THE TAX, THE TAX SHALL BE DISCONTINUED; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Chapter 955, Local and Private Laws of 2011, as
18 amended by Chapter 918, Local and Private Laws of 2014, is amended
19 as follows:

20 Section 1. As used in this act, the following terms shall
21 have the following meanings unless a different meaning is clearly
22 indicated by the context in which they are used:

23 (a) "City" means the City of Southaven, Mississippi.



24 (b) "Fiscal year" means the period from October 1 to
25 September 30 of each calendar year.

26 (c) "Governing authorities" means the Mayor and Board
27 of Aldermen of the City of Southaven, Mississippi.

28 (d) "Restaurant" means and includes all places where
29 prepared food is sold through the use of facilities to accommodate
30 twenty-five (25) or more persons and includes hotel and motel
31 dining rooms. The term "restaurant" does not include any school,
32 hospital, convalescent or nursing home, or any restaurant-like
33 facility operated by or in connection with a school, hospital,
34 medical clinic, convalescent or nursing home providing food for
35 students, patients, visitors or their families.

36 Section 2. (1) For the purpose of providing funds to
37 promote tourism, parks and recreation, the governing authorities
38 are authorized, in their discretion, to levy and collect a tax
39 upon every person, firm or corporation operating a restaurant in
40 the city, at a rate not to exceed one percent (1%) of the gross
41 proceeds from the sales of beverages and prepared food at
42 restaurants.

43 (2) Persons, firms or corporations liable for the tax
44 imposed shall add the amount of tax to the sales price of goods
45 described in subsection (1) of this section and shall collect,
46 insofar as practicable, the amount of the tax due by them from the
47 person receiving the services or goods at the time of payment
48 thereof.



49 (3) The tax shall be collected and paid to the Department of
50 Revenue, on a form to be prescribed by the Department of Revenue
51 in the same manner that state sales taxes are computed, collected
52 and paid, and the full enforcement provisions and all other
53 provisions of the Mississippi Sales Tax Law (Chapter 65, Title 27,
54 Mississippi Code of 1972) shall apply as necessary to the
55 implementation and administration of this act.

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

60 (5) The proceeds of the tax collected under this act shall
61 not be considered by the city as general fund revenues, but shall
62 be dedicated solely for the purpose of carrying out the purposes
63 described in this section.

64 Section 3. (1) Before any tax authorized under this act may
65 be imposed, the governing authorities shall adopt a resolution
66 declaring their intention to levy the tax, setting forth the
67 amount of the tax to be imposed, the date upon which the tax shall
68 become effective and calling for an election to be held on the
69 question. The date of the election shall be fixed in the
70 resolution. Notice of such intention and the election shall be
71 published once each week for at least three (3) consecutive weeks
72 in a newspaper published or having a general circulation in the
73 City of Southaven, with the first publication of the notice to be



74 made not less than twenty-one (21) days before the date fixed in
75 the resolution for the election and the last publication to be
76 made not more than seven (7) days before the election. At the
77 election, all qualified electors of the City of Southaven may
78 vote, and the ballots used in the election shall have printed
79 thereon a brief statement of the amount and purposes of the
80 proposed tax levy and the words "FOR THE TAX" and, on a separate
81 line, "AGAINST THE TAX" and the voters shall vote by placing a
82 cross (X) or check (✓) opposite their choice on the proposition.
83 When the results of the election shall have been canvassed and
84 certified, the city may levy the tax if sixty percent (60%) of the
85 qualified electors who vote in the election vote in favor of the
86 tax. At least thirty (30) days before the effective date of the
87 tax provided in this section, the governing authorities shall
88 furnish to the Department of Revenue a certified copy of the
89 resolution evidencing the tax.

90 (2) (a) Within sixty (60) days after the effective date of
91 Senate Bill No. 2949, 2017 Regular Session, the governing
92 authorities shall, by resolution spread upon its minutes, declare
93 the intention of the governing authorities to continue imposing
94 the tax authorized by this act. The resolution shall describe the
95 tax levy. The description shall include the tax rate, estimated
96 annual revenue collections and the purposes for which the proceeds
97 are used. The resolution shall be published once a week for at
98 least three (3) consecutive weeks in a newspaper published or



99 having a general circulation in the city, with the first
100 publication to be made within fourteen (14) days after the
101 governing authorities adopt the resolution declaring their
102 intention to continue the tax. If, on or before the date
103 specified in the resolution for filing a written protest, which
104 date shall be not less than forty-five (45) days and not more than
105 sixty (60) days after the governing authorities adopt the
106 resolution, twenty percent (20%) or one thousand five hundred
107 (1,500), whichever is less, of the qualified electors of the city
108 file a written protest against the imposition of the tax, then an
109 election on the question of continuing the tax shall be called by
110 the governing authorities. The election shall be conducted at the
111 next special election day, as defined in Section 23-15-833,
112 Mississippi Code of 1972, occurring more than sixty (60) days
113 after the date specified in the resolution for filing a written
114 protest. Notice of the election shall be published once each week
115 for at least three (3) consecutive weeks in a newspaper published
116 or having a general circulation in the City of Southaven, with the
117 first publication of the notice to be made not less than
118 twenty-one (21) days before the date fixed in the resolution for
119 the election and the last publication to be made not more than
120 seven (7) days before the election. At the election, all
121 qualified electors of the City of Southaven may vote, and the
122 ballots used in the election shall have printed thereon a brief
123 statement of the amount and purposes of the tax levy and the words



124 "FOR CONTINUING THE TAX" and, on a separate line, "AGAINST
125 CONTINUING THE TAX" and the voters shall vote by placing a cross
126 (X) or check (✓) opposite their choice on the proposition. When
127 the results of the election shall have been canvassed and
128 certified, the city may continue to levy the tax if a majority of
129 the qualified electors who vote in the election vote in favor of
130 continuing the tax. If a majority of the qualified electors who
131 vote in the election vote against continuing the tax, the tax
132 shall cease to be imposed on the first day of the month following
133 certification of the election results by the election
134 commissioners of the city to the governing authorities. The
135 governing authorities shall notify the Department of Revenue of
136 the date of the discontinuance of the tax and shall publish notice
137 of the discontinuance in a newspaper published or having a general
138 circulation in the city. If the election results in a tie vote,
139 another election shall be held fourteen (14) days from the date of
140 the original election.

141 (b) If the governing authorities do not adopt a
142 resolution as required in paragraph (a) of this subsection, the
143 levy of the tax shall cease on the first day of the month ninety
144 (90) days after the effective date of this act. The governing
145 authorities shall notify the Department of Revenue of the date of
146 the discontinuance of the tax and shall publish notice of the
147 discontinuance of the tax in a newspaper published or having a
148 general circulation in the municipality.



149 (c) If no protest is filed, then the governing
150 authorities shall state that fact in their minutes and may
151 continue the levy and assessment of the tax.

152 Section 4. Accounting for receipts and expenditures of the
153 funds herein described shall be made separately from the
154 accounting of receipts and expenditures of the general fund and
155 any other funds of the City of Southaven. The records reflecting
156 the receipts and expenditures of the funds prescribed in this act
157 shall be audited annually by an independent certified public
158 accountant, and the accountant shall make a written report of his
159 audit to the governing authorities. The audit shall be made and
160 completed as soon as practicable after the close of the fiscal
161 year, and expenses of the audit shall be paid from the funds
162 derived in accordance with this act.

163 Section 5. This act shall be repealed from and after July
164 1, * * * 2021.

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

