

By: Representatives Hale, Kinkade

To: Local and Private
Legislation

HOUSE BILL NO. 1471
(As Passed the House)

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 UNTIL JULY 1, 2022, ON THE LAW THAT
4 AUTHORIZES THE CITY OF SOUTHAVEN, MISSISSIPPI, TO IMPOSE A TAX
5 UPON THE GROSS PROCEEDS OF SALES OF BEVERAGES AND PREPARED FOOD AT
6 RESTAURANTS WITHIN THE CITY; TO PROVIDE FOR AN INDIRECT REFERENDUM
7 ON THE CONTINUATION OF THE LEVYING OF SUCH TAX; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Chapter 955, Local and Private Laws of 2011, as
11 amended by Chapter 918, Local and Private Laws of 2014, is amended
12 as follows:

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

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

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

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



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

29 Section 2. (1) For the purpose of providing funds to
30 promote tourism, parks and recreation, the governing authorities
31 are authorized, in their discretion, to levy and collect a tax
32 upon every person, firm or corporation operating a restaurant in
33 the city, at a rate not to exceed one percent (1%) of the gross
34 proceeds from the sales of beverages and prepared food at
35 restaurants.

36 (2) Persons, firms or corporations liable for the tax
37 imposed shall add the amount of tax to the sales price of goods
38 described in subsection (1) of this section and shall collect,
39 insofar as practicable, the amount of the tax due by them from the
40 person receiving the services or goods at the time of payment
41 thereof.

42 (3) The tax shall be collected and paid to the Department of
43 Revenue, on a form to be prescribed by the Department of Revenue
44 in the same manner that state sales taxes are computed, collected
45 and paid, and the full enforcement provisions and all other



46 provisions of the Mississippi Sales Tax Law (Chapter 65, Title 27,
47 Mississippi Code of 1972) shall apply as necessary to the
48 implementation and administration of this act.

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

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

57 Section 3. Before any tax authorized under this act may be
58 imposed, the governing authorities shall adopt a resolution
59 declaring their intention to levy the tax, setting forth the
60 amount of the tax to be imposed, the date upon which the tax shall
61 become effective and calling for an election to be held on the
62 question. The date of the election shall be fixed in the
63 resolution. Notice of such intention and the election shall be
64 published once each week for at least three (3) consecutive weeks
65 in a newspaper published or having a general circulation in the
66 City of Southaven, with the first publication of the notice to be
67 made not less than twenty-one (21) days before the date fixed in
68 the resolution for the election and the last publication to be
69 made not more than seven (7) days before the election. At the
70 election, all qualified electors of the City of Southaven may



71 vote, and the ballots used in the election shall have printed
72 thereon a brief statement of the amount and purposes of the
73 proposed tax levy and the words "FOR THE TAX" and, on a separate
74 line, "AGAINST THE TAX" and the voters shall vote by placing a
75 cross (X) or check (✓) opposite their choice on the proposition.
76 When the results of the election shall have been canvassed and
77 certified, the city may levy the tax if sixty percent (60%) of the
78 qualified electors who vote in the election vote in favor of the
79 tax. At least thirty (30) days before the effective date of the
80 tax provided in this section, the governing authorities shall
81 furnish to the Department of Revenue a certified copy of the
82 resolution evidencing the tax.

83 Section 4. Accounting for receipts and expenditures of the
84 funds herein described shall be made separately from the
85 accounting of receipts and expenditures of the general fund and
86 any other funds of the City of Southaven. The records reflecting
87 the receipts and expenditures of the funds prescribed in this act
88 shall be audited annually by an independent certified public
89 accountant, and the accountant shall make a written report of his
90 audit to the governing authorities. The audit shall be made and
91 completed as soon as practicable after the close of the fiscal
92 year, and expenses of the audit shall be paid from the funds
93 derived in accordance with this act.

94 Section 5. Before the tax authorized by this act may be
95 continued, as authorized under this House Bill No. 1471, 2018



96 Regular Session, the governing authorities shall adopt a
97 resolution declaring their intention to levy the tax, setting
98 forth the amount of such tax and establishing the date on which
99 the tax initially shall be levied and collected. Notice of the
100 proposed tax shall be published once each week for at least three
101 (3) consecutive weeks in a newspaper having a general circulation
102 in the City of Southaven. The first publication of the notice
103 shall be made not less than twenty-one (21) days before the date
104 fixed in the resolution on which the tax initially is to be levied
105 and collected, and the last publication of the notice shall be
106 made not more than seven (7) days before such date. If, within
107 the time of giving notice, twenty percent (20%) or one thousand
108 five hundred (1,500), whichever is less, of the qualified electors
109 of the City of Southaven, file a written petition against the levy
110 of such tax, then the tax shall not be levied unless authorized by
111 a sixty percent (60%) majority of the qualified electors of the
112 City of Southaven, voting at an election to be called and held for
113 that purpose. At least thirty (30) days before the effective date
114 of the tax, the governing authorities shall furnish to the
115 Department of Revenue a certified copy of the resolution
116 evidencing such tax.

117 Section 6. Collections of revenue made pursuant to this
118 chapter from and after July 1, 2017, and until the effective date
119 of House Bill No. 1471, 2018 Regular Session, are hereby ratified
120 and confirmed and the expenditures that may have been made by the



121 City of Southaven of such revenue that was paid to the city are
122 hereby ratified and confirmed. Any of such revenue paid to the
123 City of Southaven and held in escrow by the city may be expended
124 by the city for the purposes authorized in this chapter.

125 Section * * * 7. This act shall be repealed from and after
126 July 1, * * * 2022.

127 * * *

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

