

By: Representative Reynolds

To: Local and Private
Legislation

HOUSE BILL NO. 1441

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE TOWN OF
2 OAKLAND, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF THE
3 SALES OF RESTAURANTS AND SALES OF PREPARED FOOD AT CONVENIENCE
4 STORES, WHICH SHALL BE USED TO PROMOTE TOURISM, PARKS AND
5 RECREATION WITHIN THE TOWN; TO PROVIDE FOR AN ELECTION ON THE
6 QUESTION OF IMPLEMENTING THE TAX; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** As used in this act, the following terms shall
9 have the meanings ascribed to them in this section unless a
10 different meaning is clearly indicated by the context in which
11 they are used:

12 (a) "Governing authorities" means the governing
13 authorities of the Town of Oakland, Mississippi.

14 (b) "Restaurant" or "convenience store" means all
15 places where prepared food and beverages are sold for consumption,
16 whether such food is consumed on the premises or not. The terms
17 "restaurant" and "convenience store" do not include any school,
18 hospital, convalescent or nursing home, or any restaurant-like
19 facility operated by or in connection with a school, hospital,



20 medical clinic, convalescent or nursing home providing food for
21 students, patients, visitors or their families.

22 (c) "Town" means the Town of Oakland, Mississippi.

23 **SECTION 2.** (1) For the purpose of providing funds to
24 promote tourism, parks and recreation within the town, the
25 governing authorities are authorized, in their discretion, to levy
26 and collect a tax, which shall be in addition to all of the taxes
27 and assessments imposed. The tax shall be on every person, firm
28 or corporation operating a restaurant, where prepared food and
29 drink is sold to the public, at a rate not to exceed two percent
30 (2%) of the gross proceeds of the sales of a restaurant or the
31 sales of prepared food at a convenience store.

32 (2) Persons, firms and corporations liable for the levy
33 imposed under subsection (1) of this section shall add the amount
34 of the levy to the sales price of the prepared food and drink at
35 restaurants or the sales price of the prepared food at
36 convenience stores and shall collect the amount of the tax due
37 from the person receiving such prepared food and drink.

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



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

49 (5) The proceeds of the tax shall not be considered by the
50 Town of Oakland as general fund revenues but shall be dedicated to
51 and expended solely for the purposes specified in this section.

52 **SECTION 3.** Before any tax authorized under this act may be
53 imposed, the governing authorities shall adopt a resolution
54 declaring their intention to levy the tax, setting forth the
55 amount of the tax to be imposed, the date upon which the tax shall
56 become effective and calling for an election to be held on the
57 question, and the date of the election shall be fixed in the
58 resolution. Notice of such intention and the election shall be
59 published once each week for at least three (3) consecutive weeks
60 in a newspaper published or having a general circulation in the
61 Town of Oakland, with the first publication of the notice to be
62 made not less than twenty-one (21) days before the date fixed in
63 the resolution for the election and the last publication to be
64 made not more than seven (7) days before the election. At the
65 election, all qualified electors of the Town of Oakland may vote,
66 and the ballots used in the election shall have printed thereon a
67 brief statement of the amount and purposes of the proposed tax
68 levy and the words "FOR THE TAX" and, on a separate line, "AGAINST



69 THE TAX" and the voters shall vote by placing a cross (X) or check
70 (✓) opposite their choice on the proposition. When the results
71 of the election shall have been canvassed and certified, the town
72 may levy the tax if sixty percent (60%) of the qualified electors
73 who vote in the election vote in favor of the tax. At least
74 thirty (30) days before the effective date of the tax provided in
75 this section, the governing authorities shall furnish to the
76 Department of Revenue a certified copy of the resolution
77 evidencing the tax.

78 **SECTION 4.** Accounting for receipts and expenditures of the
79 revenue from the tax shall be made separately from the accounting
80 of receipts and expenditures of the general fund and any other
81 funds of the town. The records reflecting the receipts and
82 expenditures of these funds prescribed in this act shall be
83 audited annually by an independent certified accountant, and the
84 accountant shall make a written report of his or her audit to the
85 governing authorities. The audit shall be made and completed as
86 soon as practicable after the close of the fiscal year, and
87 expenses of the audit shall be paid from the funds derived
88 pursuant to this act.

89 **SECTION 5.** This act shall be repealed from and after July 1,
90 2026.

91 **SECTION 6.** This act shall take effect and be in force from
92 and after its passage.

