

By: Representatives Hale, Goodin, Kinkade,
McCray, Tubb

To: Local and Private
Legislation

HOUSE BILL NO. 1561

1 AN ACT TO AMEND CHAPTER 955, LOCAL AND PRIVATE LAWS OF 2011,
2 AS LAST AMENDED BY CHAPTER 908, LOCAL AND PRIVATE LAWS OF 2018, TO
3 EXTEND THE REPEAL DATE UNTIL JULY 1, 2026, 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; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 955, Local and Private Laws of 2011, as
9 amended by Chapter 918, Local and Private Laws of 2014, as amended
10 by Chapter 908, Local and Private Laws of 2018, is amended as
11 follows:

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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



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

124 Section 7. This act shall be repealed from and after July
125 1, * * * 2026.

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

