

By: Senator(s) Parker, Blackwell

To: Local and Private

SENATE BILL NO. 2512

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  
123 expended 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.

