

By: Senator(s) Blount

To: Local and Private;
Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2152

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 BYRAM, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED
3 FROM THE SALES OF RESTAURANTS; TO PROVIDE THAT SUCH TAX SHALL BE
4 IN AN AMOUNT NOT TO EXCEED 2% FOR THE PURPOSE OF PROVIDING FUNDS
5 TO PROMOTE, CONSTRUCT, FINANCE, OPERATE, EQUIP, LEASE AND MAINTAIN
6 NEW AND EXISTING PARKS AND RECREATION FACILITIES AND EQUIPMENT
7 WITHIN THE CITY; TO PROVIDE FOR A REFERENDUM ON WHETHER SUCH TAX
8 MAY BE LEVIED; TO PROVIDE FOR THE ISSUANCE AND REPAYMENT OF DEBT
9 RELATED TO PARKS AND RECREATION WITHIN THE CITY FROM THE PROCEEDS
10 OF THE TAX; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** As used in this act:

13 (a) "City" means the City of Byram, Mississippi.

14 (b) "Governing authorities" means the governing
15 authorities of the City of Byram, Mississippi.

16 (c) "Prepared food" means food prepared on the premises
17 of a restaurant.

18 (d) "Restaurant" means all places where prepared food
19 and beverages, including beer and alcoholic beverages, are sold
20 for consumption, whether such food is consumed on the premises or
21 not. The term "restaurant" does not include any school, hospital,
22 medical clinic, convalescent or nursing home, or any



23 restaurant-like facility operated by or in connection with a
24 school, hospital, medical clinic, convalescent or nursing home
25 providing food for students, patients, visitors or their families.

26 **SECTION 2.** (1) For the purpose of providing funds to
27 promote, construct, finance, operate, equip, lease and maintain
28 new and existing parks and recreation facilities and equipment in
29 the City of Byram, Mississippi, the governing authorities of the
30 City of Byram are authorized, in their discretion, to levy and
31 collect a tax from every person, firm or corporation operating a
32 restaurant in the City of Byram, at a rate not to exceed two
33 percent (2%) of the gross proceeds of the sales of all prepared
34 food and beverages, including beer and alcoholic beverages, of
35 such restaurant, which shall be in addition to all of the taxes
36 and assessments imposed.

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

44 (3) The proceeds of such tax, less three percent (3%)
45 thereof which shall be retained by the Department of Revenue to
46 defray the cost of collection, shall be paid to the governing



47 authorities of the City of Byram, on or before the fifteenth day
48 of the month in which collected.

49 (4) The proceeds of such tax shall not be considered by the
50 City of Byram 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 levied, the governing authorities shall adopt a resolution
54 declaring its intention to levy the tax, setting forth the amount
55 of such tax to be imposed, the date upon which such tax shall
56 become effective and calling for a referendum to be held on the
57 question. Notice of such intention shall be published once each
58 week for at least three (3) consecutive weeks in a newspaper
59 published or having a general circulation in the city, with the
60 first publication of such notice to be made not less than
61 twenty-one (21) days before the date fixed in the resolution for
62 the election and the last publication to be made not more than
63 seven (7) days before the referendum. At the referendum, all
64 qualified electors of the City of Byram may vote, and the ballots
65 used in such election shall have printed thereon a brief statement
66 of the amount and purposes of the proposed tax levy and the words
67 "FOR THE TAX" and, on a separate line, "AGAINST THE TAX," and the
68 voters shall vote by placing a cross (X) or check (✓) opposite
69 their choice on the proposition. When the results of any such
70 referendum shall have been canvassed by the city election
71 commission and certified, the city may levy the tax beginning on



72 the first day of the second month following the referendum, only
73 if at least sixty percent (60%) of the qualified electors who vote
74 in the election vote in favor of the tax. No public funds shall
75 be used for the purpose of promoting the adoption of the
76 referendum and no city employee may promote the referendum during
77 business hours.

78 **SECTION 4.** Persons, firms or corporations liable for the tax
79 imposed under this act shall add the amount of the tax to the
80 sales price and shall collect, insofar as practicable, the amount
81 of tax due from the person receiving the services or products at
82 the time of the payment therefor.

83 **SECTION 5.** Accounting for receipts and expenditures of the
84 funds described in this act must be made separately from the
85 accounting of receipts and expenditures of the general fund and
86 any other funds of the City of Byram. The records reflecting the
87 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 such audit shall be paid from the funds
93 derived pursuant to this act.

94 **SECTION 6.** (1) For the purpose of providing funds to
95 promote, construct, finance, operate, equip, lease and maintain
96 new and existing parks and recreation facilities and equipment



97 within the city, the governing authorities are authorized to issue
98 bonds or occur other indebtedness in an aggregate principal amount
99 that is not in excess of the amount for which debt service is
100 capable of being paid by the tax levied pursuant to this act.

101 (2) Except as otherwise provided in this section, bonds
102 issued pursuant to this section shall be issued in accordance with
103 the provisions of Sections 21-33-301 through 21-33-329 and
104 Sections 31-25-1 through 31-25-107 or as allowed by other
105 applicable state law. Bonds authorized to be issued pursuant to
106 this section shall not be included in the limitation on
107 indebtedness imposed in Section 21-33-301 or any other limitation
108 on indebtedness of the city. Bonds issued pursuant to the
109 provisions of this section and interest income therefrom shall be
110 exempt from all taxation by the State of Mississippi.

111 **SECTION 7.** This act shall be repealed from and after July 1,
112 2033.

113 **SECTION 8.** This act shall take effect and be in force from
114 and after its passage.

