

By: Senator(s) Chassaniol

To: Local and Private

SENATE BILL NO. 2521

1 AN ACT TO AMEND CHAPTER 906, LOCAL AND PRIVATE LAWS OF 2019,
2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW AUTHORIZING
3 THE GOVERNING AUTHORITIES OF THE TOWN OF CARROLLTON, MISSISSIPPI,
4 TO LEVY A TAX UPON THE GROSS PROCEEDS OF SALES OF RESTAURANTS FOR
5 THE PURPOSE OF PROVIDING FUNDS TO PROMOTE TOURISM AND PARKS AND
6 RECREATION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 906, Local and Private Laws of 2019, is
9 amended as follows:

10 Section 1. As used in this act, the following terms have the
11 meanings ascribed to them in this section unless the context
12 clearly indicates otherwise:

13 (a) "Governing authorities" means the Mayor and Board
14 of Aldermen of the Town of Carrollton, Mississippi.

15 (b) "Prepared food" means food prepared on the premises
16 of a restaurant.

17 (c) "Restaurant" means all places within the town where
18 prepared food and beverages are sold for consumption, whether such
19 food is consumed on the premises or not. The term "restaurant"
20 does not include any school; hospital; convalescent or nursing



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

25 (d) "Town" means the Town of Carrollton, Mississippi.

26 Section 2. (1) For the purpose of providing funds to
27 promote tourism and parks and recreation, the governing
28 authorities, in their discretion, may levy, assess and collect a
29 tax from persons, firms or corporations specified in this
30 subsection, a tax, which shall be in addition to all other taxes
31 or assessments imposed. The tax shall be imposed upon every
32 person, firm or corporation operating a restaurant in the town
33 where prepared food and drink are sold to the public, at a rate
34 not to exceed two percent (2%) of the gross proceeds of the sales
35 of such restaurant or business.

36 (2) Persons, firms, corporations or other entities liable
37 for the tax imposed under subsection (1) of this section shall add
38 the amount of the tax to the sales price of the food and beverages
39 and shall collect, insofar as practicable, the amount of the tax
40 due from the person purchasing the food or beverages at the time
41 of payment therefor.

42 Section 3. Before any tax authorized under this act may be
43 imposed, the governing authorities shall adopt a resolution
44 declaring their intention to levy the tax, setting forth the
45 amount of the tax to be imposed, the date upon which the tax shall



46 become effective and calling for an election to be held on the
47 question. The date of the election shall be fixed in the
48 resolution. Notice of the intention and the election shall be
49 published once each week for at least three (3) consecutive weeks
50 in a newspaper published or having a general circulation in the
51 town, with the first publication of the notice to be made not less
52 than twenty-one (21) days before the date fixed in the resolution
53 for the election and the last publication to be made not more than
54 seven (7) days before the election. At the election, all
55 qualified electors of the town may vote, and the ballots used in
56 the election shall have printed thereon a brief statement of the
57 amount and purposes of the proposed tax levy and the words "FOR
58 THE TAX" and, on a separate line, "AGAINST THE TAX" and the voters
59 shall vote by placing a cross (X) or check (✓) opposite their
60 choice on the proposition. When the results of the election shall
61 have been canvassed and certified, the town may levy the tax if
62 sixty percent (60%) of the qualified electors who vote in the
63 election vote in favor of the tax. At least thirty (30) days
64 before the effective date of the tax, the governing authorities
65 shall furnish to the Department of Revenue a certified copy of the
66 resolution evidencing the tax.

67 Section 4. (1) On or before the fifteenth day of the month
68 preceding the date on which the town will begin to levy the tax
69 authorized under Section 2 of this act, the governing authorities



70 shall give written notification to the Commissioner of Revenue of
71 the date on which the tax will become effective.

72 (2) The tax must be collected by and paid to the Department
73 of Revenue in the same manner that state sales taxes are computed,
74 collected and paid, and the full enforcement provisions and all
75 other provisions of Chapter 65, Title 27, Mississippi Code of
76 1972, will apply as necessary for the implementation of this act.

77 (3) Except for any amount retained by the Department of
78 Revenue under Section 27-3-58, Mississippi Code of 1972, the
79 revenue from the special tax collected under this act must be paid
80 to the town on or before the fifteenth day of the month following
81 the month in which collected.

82 (4) Accounting for receipts and expenditures of the revenue
83 from the tax shall be made separately from the accounting of
84 receipts and expenditures of the general fund and any other funds
85 of the town. The records reflecting the receipts and expenditures
86 of the revenue from the tax shall be audited annually by an
87 independent certified public accountant, and the accountant shall
88 make a written report of his audit to the board of supervisors.
89 The audit shall be made and completed as soon as practicable after
90 the close of the fiscal year, and expenses of the audit shall be
91 paid from the funds derived pursuant to this act.

92 (5) The proceeds of the tax may not be considered by the
93 town as general fund revenues but must be placed into a special
94 fund apart from the town general fund and any other funds and



95 expended by the town strictly for the purposes prescribed under
96 Section 2 of this act.

97 Section 5. This act shall be repealed from and after July
98 1, * * * 2027.

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

