

By: Senator(s) Chassaniol

To: Local and Private

SENATE BILL NO. 3158

1 AN ACT TO AMEND CHAPTER 952, LOCAL AND PRIVATE LAWS OF 2016,
2 AS AMENDED BY CHAPTER 907, LOCAL AND PRIVATE LAWS OF 2020, TO
3 EXTEND THE REPEAL DATE FROM JULY 1, 2024, TO JULY 1, 2028, ON THE
4 LAW THAT AUTHORIZES THE CITY OF WINONA TO IMPOSE A TAX UPON THE
5 GROSS PROCEEDS OF THE SALES OF RESTAURANTS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Chapter 952, Local and Private Laws of 2016, as
9 amended by Chapter 907, Local and Private Laws of 2020, is amended
10 as follows:

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

14 (a) "City" means the City of Winona, Mississippi.

15 (b) "Governing authorities" means the governing
16 authorities of the City of Winona, Mississippi.

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

19 (d) "Restaurant" means all places within the corporate
20 limits of the city where prepared food and beverages are sold for



21 consumption, whether such food is consumed on the premises or not.
22 The term "restaurant" does not include any school; hospital;
23 convalescent or nursing home; and restaurant-like facility
24 operated by or in connection with a school, hospital, medical
25 clinic, convalescent or nursing home providing food for students,
26 patients, visitors or their families.

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

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

44 Section 3. Before any tax authorized under this act may be
45 imposed, the governing authorities shall adopt a resolution



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

69 Section 4. (1) On or before the fifteenth day of the month
70 preceding the date on which the city will begin to levy the tax



71 authorized under Section 2 of this act, the governing authorities
72 shall give written notification to the Commissioner of Revenue of
73 the date on which the tax will become effective.

74 (2) The tax must be collected by and paid to the Department
75 of Revenue in the same manner that state sales taxes are computed,
76 collected and paid, and the full enforcement provisions and all
77 other provisions of Chapter 65, Title 27, Mississippi Code of
78 1972, will apply as necessary for the implementation of this act.

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

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

94 (5) The proceeds of the tax may not be considered by the
95 city as general fund revenues but must be placed into a special



96 fund apart from the city general fund and any other funds and
97 expended by the city strictly for the purposes prescribed under
98 Section 2 of this act.

99 Section 5. This act shall be repealed from and after July
100 1, * * * 2028.

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

