

By: Senator(s) Chassaniol

To: Local and Private;  
Finance

SENATE BILL NO. 3219

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE TOWN OF  
 2 VAIDEN, MISSISSIPPI, TO LEVY A 2% TAX UPON THE GROSS PROCEEDS OF  
 3 SALES OF RESTAURANTS TO PROVIDE FUNDS FOR THE PROMOTION OF TOURISM  
 4 AND PARKS AND RECREATION; TO AUTHORIZE THE GOVERNING AUTHORITIES  
 5 OF THE TOWN OF VAIDEN TO LEVY A 2% TAX UPON THE GROSS PROCEEDS  
 6 FROM ROOM RENTALS OF HOTELS AND MOTELS TO PROVIDE FUNDS FOR THE  
 7 PROMOTION OF TOURISM AND PARKS AND RECREATION; TO REQUIRE THAT THE  
 8 LEVY OF ANY TAX UNDER THIS ACT MAY BE IMPOSED ONLY IF APPROVED AT  
 9 AN ELECTION BY 60% OF THOSE VOTING; TO AUTHORIZE THE GOVERNING  
 10 AUTHORITIES OF THE TOWN OF VAIDEN TO LEVY A 2% TAX UPON THE GROSS  
 11 PROCEEDS FROM ROOM RENTALS OF HOTELS AND MOTELS TO PROVIDE FUNDS  
 12 FOR THE PROMOTION OF TOURISM AND PARKS AND RECREATION; TO REQUIRE  
 13 THAT THE LEVY OF THE ADDITIONAL TAX MAY BE IMPOSED ONLY IF  
 14 APPROVED AT AN ELECTION BY 60% OF THOSE VOTING; AND FOR RELATED  
 15 PURPOSES.

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

17 **SECTION 1.** As used in this act, the following terms have the  
 18 meanings ascribed to them in this section unless the context  
 19 clearly indicates otherwise:

20 (a) "Governing authorities" means the Mayor and Board  
 21 of Aldermen of the Town of Vaiden, Mississippi.

22 (b) "Prepared food" means food prepared on the premises  
 23 of a restaurant.



24 (c) "Restaurant" means all places within the town where  
25 prepared food and beverages are sold for consumption, whether such  
26 food is consumed on the premises or not. The term "restaurant"  
27 does not include any school, hospital, convalescent or nursing  
28 home, and restaurant-like facilities operated by or in connection  
29 with a school, hospital, medical clinic, convalescent or nursing  
30 home providing food for students, patients, visitors or their  
31 families.

32 (d) "Hotel" and "motel" has the meaning provided in  
33 Section 27-65-23.1, Mississippi Code of 1972.

34 **SECTION 2.** (1) For the purpose of providing funds to  
35 promote tourism and parks and recreation, the governing  
36 authorities, in their discretion, may levy, assess and collect a  
37 tax from persons, firms or corporations specified in this  
38 subsection, which shall be in addition to all other taxes or  
39 assessments imposed. The tax shall be imposed upon every person,  
40 firm or corporation operating a restaurant in the town where  
41 prepared food and drink is sold to the public, at a rate not to  
42 exceed two percent (2%) of the gross proceeds of the sales of such  
43 restaurant or business.

44 (2) For the purpose of providing funds to promote tourism  
45 and parks and recreation, the governing authorities, in their  
46 discretion, may levy, assess and collect a tax from persons, firms  
47 or corporations specified in this subsection, which shall be in  
48 addition to all other taxes and assessments imposed. The tax



49 shall be imposed upon every person, firm or corporation operating  
50 a hotel or motel in the county, at a rate not to exceed two  
51 percent (2%) of the gross proceeds from room rentals of all such  
52 hotels or motels, excluding charges for food, telephone, laundry,  
53 beverages and similar charges. The tax shall not be levied upon  
54 or collected from gross proceeds from room rentals for day  
55 meetings where the room does not serve as overnight sleeping  
56 accommodations.

57 (3) Persons, firms, corporations or other entities liable  
58 for any tax imposed under this section shall add the amount of the  
59 tax to the sales price of the food and beverages and shall  
60 collect, insofar as practicable, the amount of the tax due from  
61 the person purchasing the food or beverages at the time of payment  
62 therefor.

63 **SECTION 3.** Before any tax authorized under this act may be  
64 imposed, the governing authorities shall adopt a resolution  
65 declaring their intention to levy the tax, setting forth the  
66 amount of the tax to be imposed, the date upon which the tax shall  
67 become effective and calling for an election to be held on the  
68 question. The date of the election shall be fixed in the  
69 resolution. Notice of the intention and the election shall be  
70 published once each week for at least three (3) consecutive weeks  
71 in a newspaper published or having a general circulation in the  
72 town, with the first publication of the notice to be made not less  
73 than twenty-one (21) days before the date fixed in the resolution



74 for the election and the last publication to be made not more than  
75 seven (7) days before the election. At the election, all  
76 qualified electors of the town may vote, and the ballots used in  
77 the election shall have printed thereon a brief statement of the  
78 amount and purposes of the proposed tax levy and the words "FOR  
79 THE TAX" and, on a separate line, "AGAINST THE TAX" and the voters  
80 shall vote by placing a cross (X) or check (✓) opposite their  
81 choice on the proposition. When the results of the election have  
82 been canvassed and certified, the town may levy the tax if sixty  
83 percent (60%) of the qualified electors who vote in the election  
84 vote in favor of the tax. At least thirty (30) days before the  
85 effective date of the tax, the governing authorities shall furnish  
86 to the Department of Revenue a certified copy of the resolution  
87 evidencing the tax.

88       **SECTION 4.** (1) On or before the fifteenth day of the month  
89 preceding the date on which the town will begin to levy the tax  
90 authorized under Section 2 of this act, the governing authorities  
91 shall give written notification to the Commissioner of Revenue of  
92 the date on which the tax will become effective.

93       (2) The tax must be collected by and paid to the Department  
94 of Revenue in the same manner that state sales taxes are computed,  
95 collected and paid, and the full enforcement provisions and all  
96 other provisions of Title 27, Chapter 65, Mississippi Code of  
97 1972, will apply as necessary for the implementation of this act.



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

103           (4) The proceeds of the tax shall not be considered by the  
104 town as general fund revenues but shall be dedicated to and  
105 expended solely for the purposes of promoting tourism and parks  
106 and recreation within the town. Accounting for receipts and  
107 expenditures of the revenue from the tax shall be made separately  
108 from the accounting of receipts and expenditures of the general  
109 fund and any other funds of the town. The records reflecting the  
110 receipts and expenditures of the revenue from the tax shall be  
111 audited annually by an independent certified public accountant,  
112 and the accountant shall make a written report of his or her audit  
113 to the board of supervisors. The audit shall be made and  
114 completed as soon as practicable after the close of the fiscal  
115 year, and expenses of the audit shall be paid from the funds  
116 derived pursuant to this act.

117           (5) The proceeds of the tax may not be considered by the  
118 town as general fund revenues but must be placed into a special  
119 fund apart from the town general fund and any other funds and  
120 expended by the town strictly for the purposes prescribed under  
121 Section 2 of this act.



122           **SECTION 5.** Any tax authorized by this act may be  
123 discontinued by the adoption of a resolution by the governing  
124 authorities. The resolution shall be effective on the last day of  
125 the month, and a certified copy shall be furnished to the  
126 Commissioner of Revenue.

127           **SECTION 6.** This act shall replace Chapter 925, Local and  
128 Private Laws of 2018, which repealed on July 1, 2022.

129           **SECTION 7.** This act shall stand repealed from and after July  
130 1, 2028.

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

