MISSISSIPPI LEGISLATURE REGULAR SESSION 2026

By: Representative Yancey

To: Local and Private Legislation

HOUSE BILL NO. 1599

AN ACT TO AMEND CHAPTER 946, LOCAL AND PRIVATE LAWS OF 2011, AS AMENDED BY CHAPTER 922, LOCAL AND PRIVATE LAWS OF 2014, AS AMENDED BY CHAPTER 941, LOCAL AND PRIVATE LAWS OF 2016, AS AMENDED BY CHAPTER 935, LOCAL AND PRIVATE LAWS OF 2018, AS AMENDED BY CHAPTER 909, LOCAL AND PRIVATE LAWS OF 2023, TO EXTEND THE DATE OF REPEAL FROM JULY 1, 2028, TO JULY 1, 2032, ON THE LAW THAT AUTHORIZES THE CITY OF BRANDON, MISSISSIPPI, TO IMPOSE A TAX UPON THE SALE OF PREPARED FOOD AND BEVERAGES IN RESTAURANTS AND BARS WITHIN THE CITY; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 946, Local and Private Laws of 2011, as amended by Chapter 922, Local and Private Laws of 2014, as amended by Chapter 941, Local and Private Laws of 2016, as amended by Chapter 935, Local and Private Laws of 2018, as amended by Chapter 909, Local and Private Laws of 2023, is amended as follows:

Section 1. Whenever used in this act, unless a different meaning clearly appears in the context, the following terms shall have the following meanings:

(a) "Bar" means any bar, tavern or lounge where alcoholic beverages are sold for consumption on the premises.

(b) "City" means the City of Brandon, Mississippi.

(c) "Governing authority" means the Mayor and Board of Aldermen of the City of Brandon, Mississippi.

(d) "Prepared food" means food prepared on the premises of a restaurant or bar for retail sale.

(e) "Restaurant" means all places within the corporate limits of the city where prepared food and beverages are sold for consumption, whether such food is consumed on the premises or not. The term "restaurant" does not include any: school; hospital; convalescent or nursing home; restaurant-like facility operated by or in connection with a school, hospital, medical clinic, convalescent or nursing home providing food for students, patients, visitors or their families; or convenience store or service station where the sale of prepared food constitutes less than fifty percent (50%) of the gross sales.

Section 2. The governing authority may impose upon persons doing business within the municipality a tax at the rate of two percent (2%) on the gross proceeds of sales of restaurants and bars derived from retail sales of prepared food and beverages. The proceeds of the tax shall be used to promote tourism, parks and recreation. The tax shall be in addition to all other taxes now imposed.

Section 3. Before any tax authorized under Section 2 of this act may be imposed, the governing authorities must adopt a resolution declaring their intention to levy the tax and setting forth the amount of the tax and the date upon which the tax shall

become effective. The resolution also must call for a referendum to be held on the question and establishing the date of the referendum. Notice of the governing authority's intention must be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the city, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the referendum and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the city may vote. The ballots used in the referendum must have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE FOOD AND BEVERAGE TAX TO FUND THE PROMOTION OF TOURISM, PARKS AND RECREATION" and, on a separate line, "AGAINST THE FOOD AND BEVERAGE TAX TO FUND THE PROMOTION OF TOURISM, PARKS AND RECREATION." The voters shall vote by placing a cross (X) or check (✓) opposite their choice on the proposition. After the results of the referendum have been canvassed by the election commission and certified, if at least sixty percent (60%) of the qualified electors who voted in the election voted in favor of the tax, the city may levy the tax beginning on the first day of the second month following the referendum. Public funds may not be used for the purpose of promoting the adoption of the referendum, and employees of the city, other than elected public officials, may not promote the referendum during business hours.

Section 4. (1) On or before the fifteenth day of the month preceding the date on which the city will begin to levy the tax authorized under Section 2 of this act, the governing authorities shall give written notification to the Chairman of the Department of Revenue of the date on which the tax will become effective.

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

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

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

Section 5. The tax levied under Section 2 of this act may be discontinued by an action of the governing authority adopting a resolution to that effect. The resolution shall be effective beginning on the first day of the month designated in the resolution and the tax levy shall not apply to sales made on and

after that date. A certified copy of the resolution shall be furnished to the Department of Revenue at least seven (7) days before its effective date.

Section 6. Accounting for receipts and expenditures of the funds herein described shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Brandon. The records reflecting the receipts and expenditures of the funds prescribed in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of the audit shall be paid from the funds derived in accordance with this act.

Section 7. The provisions of this act shall be repealed from and after July 1, *** * *** 2032.

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