

4/14/15

4:29 P.M.

Chapter No. 938  
15/SS01/R1040CS  
aj 1/6/12

***SENATE BILL NO. 2904***

Originated in Senate



Secretary

SENATE BILL NO. 2904

AN ACT TO AMEND CHAPTER 923, LOCAL AND PRIVATE LAWS OF 2013, TO EXTEND UNTIL JULY 1, 2018, THE REPEAL DATE ON THE LAW THAT AUTHORIZES THE GOVERNING AUTHORITIES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM THE SALE OF PREPARED FOODS BY RESTAURANTS IN THE CITY AND PROVIDES THAT THE CITY MAY UTILIZE THE REVENUE FROM THE TAX TO IMPLEMENT A COMPREHENSIVE PARKS AND RECREATION MASTER PLAN ADOPTED BY THE CITY; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Chapter 923, Local and Private Laws of 2013, is amended as follows:

Section 1. As used in this act:

- (a) "City" means the City of Pascagoula, Mississippi.
- (b) "Governing authorities" means the governing authorities of the City of Pascagoula, Mississippi.
- (c) "Master plan" means the Comprehensive Parks and Recreation Master Plan adopted by the governing authorities on October 16, 2012.
- (d) "Prepared food" means food prepared on the premises of a restaurant.

(e) "Restaurant" means all places, including hotel and motel dining rooms, cafeterias, cafes, lunch stands, grocery and convenience stands where prepared food and beverages are sold for consumption, whether such food is consumed on the premises or not. The term does not include any school, hospital, convalescent or nursing home, or any 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.

Section 2. For the purpose of providing funds for the implementation of the master plan, the governing authorities may levy and collect from every person, firm or corporation operating a restaurant in the city a tax, which shall be in addition to all other taxes and assessments imposed, which shall not exceed two percent (2%) of the gross proceeds derived from the sale of prepared food by all restaurants in the city.

Section 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their intention to levy the tax, setting forth the amount of the tax to be imposed, the date upon which the tax shall become effective and calling for a referendum to be held on the question. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in Jackson County, 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, and the ballots used in the referendum shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX", and the voters shall vote by placing a cross (x) or check (✓) opposite their choice on the proposition. When the results of any such referendum shall have been canvassed by the election commission and certified, the city may levy the tax beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no city employee may promote the referendum during business hours.

Section 4. (1) Persons, firms or corporations liable for the tax imposed under this act shall add the amount of the tax to the sales price and shall collect, insofar as is practicable, the amount of the tax due from the person receiving the services or products at the time of the payment therefor.

(2) 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 Commissioner of Revenue of the date on which the tax shall become effective.

(3) Such tax shall be collected by and paid to the Mississippi Department of Revenue on a form prescribed by the department, 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, shall apply as necessary to the implementation and administration of this act.

(4) Except for any amount retained by the Department of Revenue under Section 27-3-58, the revenue from the tax shall be paid to the city on or before the fifteenth day of the month in which collected.

(5) The proceeds of the tax shall not be considered by the City of Pascagoula as general fund revenues but shall be dedicated to and expended solely for the purposes specified in this section.

Section 5. Accounting for receipts and expenditures of the funds described in this act shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the city. 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

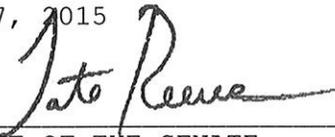
expenses of the audit shall be paid from the funds derived pursuant to this act.

Section 6. This act shall be repealed from and after July 1, \* \* \* 2018.

\* \* \*

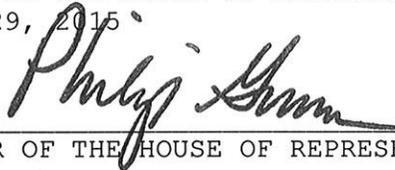
**SECTION 2.** This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE  
March 27, 2015



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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 29, 2015



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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



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GOVERNOR

4/14/15  
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