

By: Representative Turner

To: Local and Private
Legislation

HOUSE BILL NO. 653
(As Passed the House)

1 AN ACT TO AMEND CHAPTER 1017, LOCAL AND PRIVATE LAWS OF 2004,
2 AS LAST AMENDED BY CHAPTER 918, LOCAL AND PRIVATE LAWS OF 2015, TO
3 EXTEND THE REPEAL DATE ON THE AUTHORITY OF THE GOVERNING
4 AUTHORITIES OF THE CITY OF BALDWIN TO LEVY A TAX UPON THE GROSS
5 PROCEEDS OF HOTELS AND MOTELS DERIVED FROM ROOM RENTALS AND UPON
6 THE GROSS PROCEEDS OF SALES OF RESTAURANTS AND SALES OF PREPARED
7 FOOD AT CONVENIENCE STORES, WHICH SHALL BE USED TO PROMOTE TOURISM
8 AND TO ENCOURAGE RETIRED PERSONS TO REMAIN IN OR RELOCATE TO THE
9 BALDWIN AREA; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Chapter 1017, Local and Private Laws of 2004, as
12 amended by Chapter 921, Local and Private Laws of 2008, as amended
13 by Chapter 911, Local and Private Laws of 2012, as amended by
14 Chapter 918, Local and Private Laws of 2015, is amended as
15 follows:

16 Section 1. As used in this act, the following terms shall
17 have the meanings ascribed to them in this section unless a
18 different meaning is clearly indicated by the context in which
19 they are used:

20 (a) "City" means the City of Baldwin, Mississippi.



21 (b) "Governing authorities" means the governing
22 authorities of the City of Baldwin, Mississippi.

23 (c) "Hotel" or "motel" means any establishment engaged
24 in the business of furnishing or providing six (6) or more rooms
25 intended or designed for dwelling, lodging or sleeping purposes to
26 transient guests. The term "hotel" or "motel" does not include
27 any hospital, convalescent or nursing home or sanitarium, or any
28 hotel-like facility operated by or in connection with a hospital
29 or medical clinic providing rooms exclusively for patients and
30 their families.

31 (d) "Restaurant" or "convenience store" means all
32 places where prepared food and beverages are sold for consumption,
33 whether such food is consumed on the premises or not. The terms
34 "restaurant" and "convenience store" do not include any school,
35 hospital, convalescent or nursing home, or any restaurant-like
36 facility operated by or in connection with a school, hospital,
37 medical clinic, convalescent or nursing home providing food for
38 students, patients, visitors or their families.

39 Section 2. (1) For the purpose of providing funds to
40 promote tourism and to encourage retired persons to remain in or
41 relocate to the Baldwin area, the governing authorities are
42 authorized, in their discretion, to levy and collect from the
43 following persons a tax, which shall be in addition to all of the
44 taxes and assessments imposed. The tax shall be on the following
45 persons:



46 (a) A tax upon every person, firm or corporation
47 operating a hotel or motel in the City of Baldwin, at a rate not
48 to exceed two percent (2%) of the gross proceeds derived from room
49 rentals; and

50 (b) A tax upon every person, firm or corporation
51 operating a restaurant or convenience store in the City of
52 Baldwin, where prepared food and drink is sold to the public, at a
53 rate not to exceed two percent (2%) of the gross proceeds of the
54 sales of such restaurant or the sales of prepared food at a
55 convenience store.

56 (2) Persons, firms or corporations liable for the levy
57 imposed under subsection (1) of this section shall add the amount
58 of the levy to the sales price of the rooms and products set out
59 in subsection (1) of this section and shall collect, insofar as is
60 practicable, the amount of the tax due by them from the person
61 receiving the services or product at the time of payment therefor.

62 (3) The tax shall be collected by and paid to the Department
63 of Revenue on a form prescribed by the Department of Revenue in
64 the manner that state sales taxes are computed, collected and
65 paid; and full enforcement provisions and all other provisions of
66 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
67 necessary to the implementation and administration of this act.

68 (4) The proceeds of the tax, less three percent (3%) thereof
69 which shall be retained by the Department of Revenue to defray the
70 cost of collection, shall be paid to the governing authorities on



71 or before the fifteenth day of the month following the month in
72 which collected.

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

76 Section 3. (1) Before the tax authorized by this act may be
77 imposed, the governing authorities shall adopt a resolution
78 declaring their intention to levy the tax, setting forth the
79 amount of such tax and establishing the date on which the tax
80 initially shall be levied and collected. Notice of the proposed
81 tax shall be published once each week for at least three (3)
82 consecutive weeks in a newspaper having a general circulation in
83 the City of Baldwin. The first publication of the notice shall be
84 made not less than twenty-one (21) days before the date fixed in
85 the resolution on which the tax initially is to be levied and
86 collected, and the last publication of the notice shall be made
87 not more than seven (7) days before such date. If, within the
88 time of giving notice, twenty percent (20%) or fifteen hundred
89 (1500), whichever is less, of the qualified electors of the City
90 of Baldwin, file a written petition against the levy of such tax,
91 then the tax shall not be levied unless authorized by a sixty
92 percent (60%) majority of the qualified electors of the City of
93 Baldwin, voting at an election to be called and held for that
94 purpose. At least thirty (30) days before the effective date of



95 the tax, the governing authorities shall furnish to the Department
96 of Revenue a certified copy of the resolution evidencing such tax.

97 (2) If the tax levied under this chapter was imposed without
98 a vote of the electorate, the governing authorities shall, within
99 sixty (60) days after the effective date of Senate Bill No. 2241,
100 2012 Regular Session, by resolution spread upon its minutes,
101 declare the intention of the governing authorities to continue
102 imposing the tax and describe the tax levy including the tax rate,
103 annual revenue collections and the purposes for which the proceeds
104 are used. The resolution shall be published once a week for at
105 least three (3) consecutive weeks in a newspaper published or
106 having a general circulation in the municipality, with the first
107 publication to be made within fourteen (14) days after the
108 governing authorities adopt the resolution declaring their
109 intention to continue the tax. If, on or before the date
110 specified in the resolution for filing a written protest, which
111 date shall be not less than forty-five (45) days and not more than
112 sixty (60) days after the governing authorities adopt the
113 resolution, twenty percent (20%) or fifteen hundred (1500),
114 whichever is less, of the qualified electors of the municipality
115 file a written protest against the imposition of the tax, then an
116 election upon the levy and assessment of the tax shall be called
117 and held as in the manner provided for in subsection (1) of this
118 section, with the election to be conducted at the next special
119 election day as such is defined by Section 23-15-833, Mississippi



120 Code of 1972, occurring more than sixty (60) days after the date
121 specified in the resolution for filing a written protest. If the
122 requisite number of qualified electors vote against the imposition
123 of the tax, the tax shall cease to be imposed on the first day of
124 the month following certification of the election results by the
125 election commissioners of the municipality to the governing
126 authorities. The governing authorities shall notify the
127 Department of Revenue of the date of the discontinuance of the tax
128 and shall publish sufficient notice thereof in a newspaper
129 published or having a general circulation in the municipality. If
130 no protest is filed, then the governing authorities shall state
131 that fact in their minutes and may continue the levy and
132 assessment of the tax.

133 This subsection (2) shall not apply if the revenue from the
134 tax authorized by this chapter has been contractually pledged for
135 the payment of debt incurred prior to the effective date of Senate
136 Bill No. 2241, 2012 Regular Session, until such time as the debt
137 is satisfied. Once the debt has been satisfied, the governing
138 authorities, shall within sixty (60) days, adopt a resolution
139 declaring the intention of the governing authorities to continue
140 the tax which shall initiate the procedure described in subsection
141 (1) of this section.

142 Section 4. Accounting for receipts and expenditures of the
143 funds described in this act must be made separately from the
144 accounting of receipts and expenditures of the general fund and



145 any other funds of the City of Baldwin. The records reflecting
146 the receipts and expenditures of the funds prescribed in this act
147 shall be audited annually by an independent certified public
148 accountant, and the accountant shall make a written report of his
149 audit to the governing authorities. The audit shall be made and
150 completed as soon as practicable after the close of the fiscal
151 year, and expenses of such audit shall be paid from the funds
152 derived under this act.

153 Section 5. Any collections of revenue, made under this
154 chapter from and after July 1, 2018, and until the effective date
155 of House Bill No. 653, 2019 Regular Session, are hereby ratified
156 and confirmed and the expenditures that may have been made by the
157 city of such revenue that was paid to the city are hereby ratified
158 and confirmed. Any of such revenue, if applicable, paid to the
159 city may be expended by the city for the purposes authorized in
160 this chapter.

161 Section * * * 6. The provisions of this act shall be
162 repealed from and after July 1, * * * 2023.

163 **SECTION 2.** This act shall retroactively take effect and be
164 in force from and after July 1, 2018.

