

By: Representative Baria

To: Local and Private
Legislation

HOUSE BILL NO. 1683

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 BAY ST. LOUIS, MISSISSIPPI, TO IMPOSE A TAX UPON THE GROSS SALES
3 OF BARS AND RESTAURANTS IN AN AMOUNT NOT TO EXCEED 2% FOR THE
4 PURPOSE OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM, PARKS AND
5 RECREATION WITHIN THE CITY; TO PROVIDE FOR AN ELECTION ON WHETHER
6 THE TAX MAY BE LEVIED; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** As used in this act:

9 (a) "City" means the City of Bay St. Louis,
10 Mississippi.

11 (b) "Governing authorities" means the governing
12 authorities of the City of Bay St. Louis, Mississippi.

13 (c) "Bar" means all places, required by law to possess
14 an on-premises Alcoholic Beverage Control permit, where beer
15 and/or alcoholic beverages are sold for consumption on the
16 premises.

17 (d) "Restaurant" means all places where prepared food
18 and beverages, including beer and alcoholic beverages, are sold
19 for consumption, whether such food is consumed on the premises or
20 not. The term "restaurant" does not include any school, hospital,



21 convalescent or nursing home, or any restaurant-like facility
22 operated by or in connection with a school, hospital, medical
23 clinic, convalescent or nursing home providing food for students,
24 patients, visitors or their families.

25 (e) "Facilities" means tourism and parks and recreation
26 and other related and ancillary facilities.

27 **SECTION 2.** (1) For the purpose of providing funds to
28 promote tourism and improve parks and recreation within the City
29 of Bay St. Louis, Mississippi, the governing authorities of the
30 City of Bay St. Louis are authorized, in their discretion, to levy
31 and collect from the following persons a tax, which shall be in
32 addition to all of the taxes and assessments imposed. The tax
33 shall be imposed on the following persons:

34 (a) A tax upon every person, firm or corporation
35 operating a bar in the City of Bay St. Louis, at a rate not to
36 exceed two percent (2%) of the gross proceeds of the sales of such
37 bar; and

38 (b) A tax upon every person, firm or corporation
39 operating a restaurant in the City of Bay St. Louis, at a rate not
40 to exceed two percent (2%) of the gross proceeds of the sales of
41 beer and alcoholic beverages sold for consumption on the premises
42 and all prepared foods of such restaurant.

43 (2) Persons, firms or corporations liable for the levy
44 imposed under subsection (1) of this section shall add the amount
45 of the levy to the sales price of the products and services set



46 out in subsection (1) of this section and shall collect, insofar
47 as is practicable, the amount of the tax due by them from the
48 person receiving the services or product at the time of payment
49 therefor.

50 (3) Such tax shall be collected by and paid to the
51 Department of Revenue on a form prescribed by the Department of
52 Revenue in the manner that state sales taxes are computed,
53 collected and paid; and full enforcement provisions and all other
54 provisions of Chapter 65, Title 27, Mississippi Code of 1972,
55 shall apply as necessary to the implementation and administration
56 of this act.

57 (4) The proceeds of such tax, less three percent (3%)
58 thereof which shall be retained by the Department of Revenue to
59 defray the cost of collection, shall be paid to the governing
60 authorities of the City of Bay St. Louis, on or before the
61 fifteenth day of the month in which collected.

62 (5) The proceeds of such tax shall not be considered by the
63 City of Bay St. Louis as general fund revenues but shall be
64 dedicated to and expended solely for the purposes specified in
65 this section.

66 **SECTION 3.** Before any tax authorized under this act may be
67 imposed, the governing authorities shall adopt a resolution
68 declaring its intention to levy the tax, setting forth the amount
69 of such tax to be imposed, the date upon which such tax shall
70 become effective and calling for a referendum to be held on the



71 question. Notice of such intention shall be published once each
72 week for at least three (3) consecutive weeks in a newspaper
73 published or having a general circulation in Hancock County, with
74 the first publication of such notice to be made not less than
75 twenty-one (21) days before the date fixed in the resolution for
76 the election and the last publication to be made not more than
77 seven (7) days before the referendum. At the referendum, all
78 qualified electors of the City of Bay St. Louis may vote, and the
79 ballots used in such election shall have printed thereon a brief
80 statement of the amount and purposes of the proposed tax levy and
81 the words "FOR THE TAX" and, on a separate line, "AGAINST THE
82 TAX," and the voters shall vote by placing a cross (X) or check
83 (✓) opposite their choice on the proposition. When the results
84 of any such referendum shall have been canvassed by the city
85 election commission and certified, the city may levy the tax
86 beginning on the first day of the second month following the
87 referendum, only if at least sixty percent (60%) of the qualified
88 electors who vote in the election vote in favor of the tax. No
89 public funds shall be used for the purpose of promoting the
90 adoption of the referendum and no city employee may promote the
91 referendum during business hours.

92 **SECTION 4.** Persons, firms or corporations liable for the tax
93 imposed under this act shall add the amount of the tax to the
94 sales price and shall collect, insofar as practicable, the amount



95 of tax due from the person receiving the services or products at
96 the time of the payment therefor.

97 **SECTION 5.** Accounting for receipts and expenditures of the
98 funds described in this act must be made separately from the
99 accounting of receipts and expenditures of the general fund and
100 any other funds of the City of Bay St. Louis. The records
101 reflecting the receipts and expenditures of the funds prescribed
102 in this act shall be audited annually by an independent certified
103 public accountant, and the accountant shall make a written report
104 of his audit to the governing authorities. The audit shall be
105 made and completed as soon as practicable after the close of the
106 fiscal year, and expenses of such audit shall be paid from the
107 funds derived pursuant to this act.

108 **SECTION 6.** This act shall be repealed from and after July 1,
109 2023.

110 **SECTION 7.** This act shall take effect and be in force from
111 and after its passage.

