

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1794: City of Baldwin; authorize tax on hotels, motels, restaurants and convenience stores to promote tourism.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

12       **SECTION 1.** As used in this act, the following terms shall  
13 have the meanings ascribed to them in this section unless a  
14 different meaning is clearly indicated by the context in which  
15 they are used:

16           (a) "Governing authorities" means the governing  
17 authorities of the City of Baldwin, Mississippi.

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

26           (c) "Restaurant" or "convenience store" means all  
27 places where prepared food and beverages are sold for consumption,  
28 whether such food is consumed on the premises or not. The terms  
29 "restaurant" and "convenience store" do not include any school,  
30 hospital, convalescent or nursing home, or any restaurant-like  
31 facility operated by or in connection with a school, hospital,

32 medical clinic, convalescent or nursing home providing food for  
33 students, patients, visitors or their families.

34       **SECTION 2.** (1) For the purpose of providing funds to  
35 promote tourism and to encourage retired persons to remain in or  
36 relocate to the Baldwin area, the governing authorities are  
37 authorized, in their discretion, to levy and collect from the  
38 following persons a tax, which shall be in addition to all of the  
39 taxes and assessments imposed. The tax shall be on the following  
40 persons:

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

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

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

57       (3) The tax shall be collected by and paid to the State Tax  
58 Commission on a form prescribed by the State Tax Commission in the  
59 manner that state sales taxes are computed, collected and paid;  
60 and full enforcement provisions and all other provisions of  
61 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
62 necessary to the implementation and administration of this act.

63           (4) The proceeds of the tax, less three percent (3%) thereof  
64 which shall be retained by the State Tax Commission to defray the  
65 cost of collection, shall be paid to the governing authorities on  
66 or before the fifteenth day of the month following the month in  
67 which collected.

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

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

92           **SECTION 4.** Accounting for receipts and expenditures of the  
93 funds described in this act must be made separately from the  
94 accounting of receipts and expenditures of the general fund and

95 any other funds of the City of Baldwin. The records reflecting  
96 the receipts and expenditures of the funds prescribed in this act  
97 shall be audited annually by an independent certified public  
98 accountant, and the accountant shall make a written report of his  
99 audit to the governing authorities. The audit shall be made and  
100 completed as soon as practicable after the close of the fiscal  
101 year, and expenses of such audit shall be paid from the funds  
102 derived under this act.

103       **SECTION 5.** The provisions of this act shall be repealed from  
104 and after July 1, 2008.

105       **SECTION 6.** The governing authorities are directed to submit  
106 this act, immediately upon approval by the Governor, or upon  
107 approval by the Legislature subsequent to a veto, to the Attorney  
108 General of the United States or to the United States District  
109 Court for the District of Columbia in accordance with the  
110 provisions of the Voting Rights Act of 1965, as amended and  
111 extended.

112       **SECTION 7.** This act shall take effect and be in force from  
113 and after the date it is effectuated under Section 5 of the Voting  
114 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 BALDWIN, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF  
3 HOTELS AND MOTELS DERIVED FROM ROOM RENTALS AND UPON THE GROSS  
4 PROCEEDS OF SALES OF RESTAURANTS AND SALES OF PREPARED FOOD AT  
5 CONVENIENCE STORES; TO PROVIDE THAT THE TAX SHALL BE COLLECTED BY  
6 THE STATE TAX COMMISSION; TO PROVIDE THAT THE REVENUE RECEIVED BY  
7 THE CITY OF BALDWIN FROM THE TAX SHALL BE EXPENDED TO PROMOTE

8 TOURISM AND TO ENCOURAGE RETIRED PERSONS TO REMAIN IN OR RELOCATE  
9 TO THE BALDWIN AREA; TO PROVIDE FOR A PETITION ELECTION ON WHETHER  
10 THE TAX MAY BE LEVIED; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Willie J. Perkins, Sr.

X (SIGNED)  
Joey Fillingane

X (SIGNED)  
Percy W. Watson

CONFEREES FOR THE SENATE

X (SIGNED)  
Ralph H. Doxey

X (SIGNED)  
Jack Gordon

X (SIGNED)  
Thomas E. Robertson