

Senate Amendments to House Bill No. 1794

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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 any tax authorized under this act may be
72 imposed, the governing authorities shall adopt a resolution

73 declaring its intention to levy the taxes, setting forth the
74 amount of such tax to be imposed, the date upon which such taxes
75 shall become effective and calling for a referendum to be held on
76 the question. The date of the referendum shall be the date of the
77 next municipal general election. Notice of such intention shall
78 be published once each week for at least three (3) consecutive
79 weeks in a newspaper published or having a general circulation in
80 the county, with the first publication of such notice to be made
81 not less than twenty-one (21) days before the date fixed in the
82 resolution for the referendum and the last publication to be made
83 not more than seven (7) days before the referendum. At the
84 referendum, all qualified electors of the city may vote, and the
85 ballots used in such referendum shall have printed thereon a brief
86 statement of the amount and purposes of the proposed tax levy and
87 the words "FOR THE TAX" and, on a separate line, "AGAINST THE
88 TAX", and the voters shall vote by placing a cross (X) or check
89 (✓) opposite their choice on the proposition. When the results of
90 any such referendum shall have been canvassed by the election
91 commission and certified, the city may levy the taxes beginning on
92 the first day of the second month following the referendum, only
93 if at least sixty percent (60%) of the qualified electors who vote
94 in the election vote in favor of the tax. No public funds shall
95 be used for the purpose of promoting the adoption of the
96 referendum and no city employee may promote the referendum during
97 business hours. At least thirty (30) days before the effective
98 date of the taxes, the governing authorities shall furnish to the
99 State Tax Commission a certified copy of the resolution evidencing
100 the taxes.

101 **SECTION 4.** Accounting for receipts and expenditures of the
102 funds described in this act must be made separately from the
103 accounting of receipts and expenditures of the general fund and
104 any other funds of the City of Baldwin. The records reflecting
105 the receipts and expenditures of the funds prescribed in this act
106 shall be audited annually by an independent certified public
107 accountant, and the accountant shall make a written report of his

108 audit to the governing authorities. The audit shall be made and
109 completed as soon as practicable after the close of the fiscal
110 year, and expenses of such audit shall be paid from the funds
111 derived under this act.

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

114 **SECTION 6.** The governing authorities are directed to submit
115 this act, immediately upon approval by the Governor, or upon
116 approval by the Legislature subsequent to a veto, to the Attorney
117 General of the United States or to the United States District
118 Court for the District of Columbia in accordance with the
119 provisions of the Voting Rights Act of 1965, as amended and
120 extended.

121 **SECTION 7.** This act shall take effect and be in force from
122 and after the date it is effectuated under Section 5 of the Voting
123 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 REQUIRE A REFERENDUM ON WHETHER THE TAX
10 MAY BE LEVIED; AND FOR RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate