

By: Representative Johnson

To: Ways and Means

HOUSE BILL NO. 209

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO
2 IMPOSE A SALES TAX OF NOT MORE THAN 1% ON THE GROSS PROCEEDS OF
3 ALL SALES IN THE COUNTY DERIVED FROM ACTIVITIES TAXED AT THE RATE
4 OF 7% OR MORE UNDER THE MISSISSIPPI SALES TAX LAW; TO PROVIDE THAT
5 THE COUNTY SALES TAX SHALL NOT BE LEVIED UNLESS AUTHORIZED BY A
6 MAJORITY OF THE VOTERS OF THE COUNTY VOTING AT AN ELECTION ON THE
7 QUESTION OF IMPOSING SUCH TAX; TO PROVIDE THAT THE REVENUE
8 COLLECTED FROM THE SALES TAX AUTHORIZED BY THIS ACT SHALL BE
9 DISTRIBUTED TO THE COUNTY AND THE MUNICIPALITIES WITHIN SUCH
10 COUNTY; TO PROVIDE METHODS TO DISCONTINUE SUCH SALES TAX; AND FOR
11 RELATED PURPOSES.

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

13 SECTION 1. (1) Subject to the provisions of subsection (2)
14 of this section, the board of supervisors of any county may levy,
15 assess and collect a special sales tax, in addition to all other
16 taxes now imposed, at a rate of not more than one percent (1%) of
17 the gross proceeds of sales derived from all sales and services
18 within the county and in any municipality located within the
19 county, which sales and services are taxed at the rate of seven
20 percent (7%) or more under Section 27-65-1 et seq.

21 (2) (a) Before the tax authorized by this act may be
22 imposed, the board of supervisors shall adopt a resolution
23 declaring its intention to levy the tax, setting forth the amount
24 of such tax and calling for an election to be held on the question
25 of the levy of the tax. Notice of such intention shall be
26 published once each week for at least three (3) consecutive weeks
27 in a newspaper published in the county. The first publication of
28 such notice shall be made not less than twenty-one (21) days
29 before the date fixed in the resolution for the election and the
30 last publication shall be made not more than seven (7) days before

31 such date. If no newspaper is published in such county, then the
32 notice shall be given by publishing the notice for the required
33 time in some newspaper having a general circulation in such county
34 and, in addition, by posting a copy of the notice for at least
35 twenty-one (21) days next preceding the election at three (3)
36 public places in such county. The election on the question of the
37 levy of the tax shall be held, as far as is practicable, in the
38 same manner as other elections are held in counties. At the
39 election, all qualified electors of the county may vote. The
40 ballots used at such election shall have printed thereon a brief
41 description of the sales tax and the amount of the sales tax levy
42 and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL
43 SALES TAX," and the voter shall vote by placing a cross (X) or
44 check mark (V) opposite his choice on the proposition. When the
45 results of the election on the question of the levy of the tax
46 have been canvassed by the election commissioners of the county
47 and certified by them to the board of supervisors, the county may
48 levy the tax if a majority of the qualified electors who voted in
49 the election voted in favor of the tax. If a majority of the
50 qualified electors who voted in the election voted in favor of the
51 tax, the board of supervisors shall adopt a resolution declaring
52 the levy and collection of the tax and shall set the first day of
53 the second month following the date of such election as the
54 effective date of the tax levy. The board of supervisors shall
55 furnish a certified copy of such resolution together with the
56 result of the election to the State Tax Commission not less than
57 thirty (30) days before the effective date of the tax. Any county
58 having held an election to adopt the tax with a resulting negative
59 vote may not hold another election on such proposition within one
60 (1) year from the date of the last election.

61 (b) The tax authorized by this act may not be levied by
62 any county that levies an additional sales tax under local and
63 private law, unless the local and private tax is discontinued.
64 Any county levying the tax authorized by this act may not levy the
65 tax inside a municipality located within the county if such
66 municipality levies an additional sales tax under local and
67 private law, unless the local and private tax is discontinued.

68 Any municipality levying an additional sales tax under local and
69 private law, and which does not discontinue such tax, shall not be
70 eligible to receive any revenue derived from the sales tax levied
71 by a county under this act.

72 (3) Persons, firms or corporations liable for the tax
73 imposed under subsection (1) of this section shall add the amount
74 of the tax to the sales price and shall collect, insofar as is
75 practicable, the amount of the tax due by him from the person
76 receiving the services or product at the time of payment therefor.

77 (4) Such tax shall be collected by and paid to the State Tax
78 Commission on a form prescribed by the State Tax Commission in the
79 same manner that state sales taxes are computed, collected and
80 paid; and the full enforcement provisions and all other provisions
81 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
82 necessary to the implementation and administration of this act.

83 (5) The proceeds of such tax shall be allocated to the
84 county in which collected and shall be distributed by the State
85 Tax Commission as follows: Each eligible municipality within the
86 county shall receive the sales tax collected in the proportion
87 that the population of each municipality bears to the total
88 population of the county according to the latest federal decennial
89 census, and the remainder of such sales tax collected shall be
90 paid to the county. Payments to the counties and municipalities
91 shall be made by the State Tax Commission on or before the
92 fifteenth day of the month following the month in which the tax
93 was collected. Such payments may be used and expended by the
94 counties and municipalities for any purpose for which they are
95 authorized by law to expend funds.

96 (6) The board of supervisors of any county may discontinue
97 the collection of the sales tax authorized by this act by adopting
98 a resolution to that effect. Such tax levy shall be discontinued
99 on the first day of a month designated in the resolution, and the
100 tax levy shall not apply to sales made on and after that date.

101 The board of supervisors shall furnish a certified copy of such
102 resolution to the State Tax Commission at least thirty (30) days
103 before its effective date.

104 (7) If, more than one (1) year after the imposition of the
105 sales tax authorized by this act, ten percent (10%) of the
106 qualified electors of the county or fifteen hundred (1500),
107 whichever is less, shall file a written petition requesting the
108 discontinuance of the levy of such tax, then an election on the
109 question of the discontinuance of the tax shall be called and held
110 as provided in this subsection (7). The board of supervisors of
111 the county shall call such election not less than forty-five (45)
112 days nor more than sixty (60) days after the filing of the
113 petition. Notice of such election shall be signed by the clerk of
114 the board of supervisors and shall be published once a week for at
115 least three (3) consecutive weeks in a newspaper published in such
116 county. The first publication of such notice shall be made not
117 less than twenty-one (21) days before the date fixed for the
118 election, and the last publication shall be made not more than
119 seven (7) days before such date. If no newspaper is published in
120 such county, then the notice shall be given by publishing the
121 notice for the required time in some newspaper having a general
122 circulation in such county and, in addition, by posting a copy of
123 the notice for at least twenty-one (21) days next preceding the
124 election at three (3) public places in such county. The election
125 shall be held, as far as is practicable, in the same manner as
126 other elections are held in counties. At the election, all
127 qualified electors of the county may vote. The ballots used at
128 such election shall have printed thereon a brief description of
129 the sales tax and the amount of the sales tax levy and the words
130 "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX," and
131 the voter shall vote by placing a cross (X) or check mark (V)
132 opposite his choice on the proposition. When the results of the
133 election have been canvassed by the election commissioners of the

134 county and certified by them to the board of supervisors, the
135 county shall discontinue the tax if a majority of the qualified
136 electors who voted in the election voted against the tax. If a
137 majority of the qualified electors who voted in the election voted
138 against the tax, the board of supervisors shall adopt a resolution
139 declaring the discontinuance of the tax and shall set the first
140 day of the second month following the date of such election as the
141 effective date of the discontinuance of the tax. The board of
142 supervisors shall furnish a certified copy of such resolution
143 together with the result of the election to the State Tax
144 Commission not less than thirty (30) days before the effective
145 date of the discontinuance of the tax. If an election held
146 pursuant to this subsection (7) does not result in the
147 discontinuance of such sales tax, then another election pursuant
148 to this subsection (7) may not be held within one (1) year of the
149 date of such election.

150 SECTION 2. The Attorney General of the State of Mississippi,
151 shall submit this act, immediately upon approval by the Governor,
152 or upon approval by the Legislature subsequent to a veto, to the
153 Attorney General of the United States or to the United States
154 District Court for the District of Columbia in accordance with the
155 provisions of the Voting Rights Act of 1965, as amended and
156 extended.

157 SECTION 3. This act shall take effect and be in force from
158 and after the date it is effectuated under Section 5 of the Voting
159 Rights Act of 1965, as amended and extended.

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