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To: Ways and Means

HOUSE BILL NO. 857

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY,  
2 WITH THE CONSENT OF THE GOVERNING AUTHORITIES OF EACH MUNICIPALITY  
3 LOCATED THEREIN, TO LEVY A SPECIAL SALES TAX OF ONE PERCENT UPON  
4 ALL SALES AND SERVICES WITHIN THE COUNTY AND IN ANY MUNICIPALITY  
5 LOCATED THEREIN, WHICH SALES AND SERVICES ARE SUBJECT TO THE  
6 GENERAL RATE OF SALES TAX; TO PROVIDE FOR AN ELECTION ON THE  
7 QUESTION OF LEVYING SUCH TAX; TO REQUIRE THAT RESIDENTS OF THE  
8 COUNTY BE PROVIDED WITH NOTICE OF THE PROJECT OR PROJECTS FOR  
9 WHICH THE PROCEEDS OF THE SPECIAL SALES TAX WILL BE USED, THE COST  
10 OF SUCH PROJECT OR PROJECTS AND A STATEMENT THAT THE TAX, IF  
11 APPROVED AT AN ELECTION, WILL BE REPEALED NOT LATER THAN SEVEN  
12 YEARS AFTER THE DATE OF ITS IMPOSITION; TO PROVIDE THAT THE TAX  
13 SHALL BE COLLECTED BY THE STATE TAX COMMISSION; TO PROVIDE THAT  
14 THE TAX AUTHORIZED IN THIS ACT SHALL BE REPEALED NOT LATER THAN  
15 SEVEN YEARS AFTER THE DATE IT IS INITIALLY IMPOSED AND THAT AFTER  
16 THE REPEAL OF THE TAX, A COUNTY MAY NOT SUBSEQUENTLY LEVY ANOTHER  
17 SUCH TAX FOR AT LEAST THREE YEARS AFTER THE REPEAL OF THE PREVIOUS  
18 TAX; TO PROVIDE THAT IF ANY PROCEEDS OF THE TAX REMAIN AFTER  
19 COMPLETION OF THE PROJECT OR PROJECTS FOR WHICH THE PROCEEDS ARE  
20 USED, SUCH REMAINING TAX PROCEEDS SHALL BE USED TO REDUCE THE  
21 COUNTY AD VALOREM TAXES; TO AMEND SECTIONS 27-39-303 AND  
22 27-39-317, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS  
23 OF THIS ACT; AND FOR RELATED PURPOSES.

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

25 SECTION 1. (1) Subject to the provisions of subsection (2)  
26 of this section, the board of supervisors of any county may levy,  
27 assess and collect a special sales tax, in addition to all other  
28 taxes now imposed, at the rate of one percent (1%) upon all sales  
29 and services within the county and in any municipality located  
30 within the county, which sales and services are subject to the  
31 general state sales tax rate of seven percent (7%).

32           (2) (a) Before the tax authorized in subsection (1) of this  
33 section may be imposed, the board of supervisors of the county  
34 must adopt a resolution declaring the intention to levy the tax  
35 and providing that if the governing authorities of each  
36 municipality located in the county adopt a resolution supporting  
37 the proposed special sales tax, then a referendum will be held on  
38 the question of levying such tax. The resolution of the board of  
39 supervisors and the governing authorities must contain a detailed  
40 description of the project or projects for which the proceeds of  
41 the tax shall be used, the cost of such project or projects and a  
42 statement that the tax, if approved at an election, will be  
43 repealed not later than seven (7) years after the date of its  
44 imposition. If the requirements of this subsection (2) are met,  
45 then an election on the question of levy and assessment of such  
46 tax shall be called and held as herein provided. Notice of such  
47 election shall be signed by the clerk of the board of supervisors  
48 and shall be published once a week for at least three (3)  
49 consecutive weeks in at least one (1) newspaper published or  
50 having a general circulation in the county. The first publication  
51 of such notice shall be made not less than twenty-one (21) days  
52 before the date fixed for the election and the last publication  
53 shall be made not more than seven (7) days before such date.

54           (b) The election on the question of the levy of the tax  
55 authorized in this section shall be held, as far as is  
56 practicable, in the same manner as other elections are held in  
57 counties. At the election, all qualified electors of the county  
58 may vote, and the ballots used at such election shall have printed  
59 thereon a statement of the amount and purpose of the proposed tax  
60 levy including a description of the project or projects for which  
61 the proceeds of the tax shall be used and the cost of such project  
62 or projects, and the words "FOR THE SPECIAL SALES TAX," and

63 "AGAINST THE SPECIAL SALES TAX," and the voters shall vote by  
64 placing a cross (X) or check (U) opposite their choice on the  
65 proposition. When the results of the election on the question of  
66 the levy of the tax have been canvassed by the election  
67 commissioners of the county and certified by them to the board of  
68 supervisors, the county may levy the tax if a majority of the  
69 qualified electors who vote in the election vote in favor of the  
70 tax.

71 (3) (a) Persons liable for the tax imposed under this  
72 section shall add the amount of tax to the sales price or gross  
73 proceeds of sales, and in addition thereto, shall collect, insofar  
74 as practicable, the amount of the tax due by him from the person  
75 receiving the services at the time of payment therefor.

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

83 (c) The proceeds of the tax shall be paid to the board  
84 of supervisors of the county on or before the fifteenth day of the  
85 month following the month in which collected by the State Tax  
86 Commission.

87 (d) The proceeds of the tax shall not be considered by  
88 the county as general fund revenue and shall be placed into a  
89 separate special fund apart from the county general fund and any  
90 other funds of the county, and such special fund shall be

91 maintained and administered jointly in the name of the county and  
92 each municipality located in the county. Monies in such special  
93 fund shall be used solely for the purposes stated in the  
94 resolutions of the board of supervisors and governing authorities  
95 as described in subsection (2)(a) of this section.

96 (4) The tax levy authorized in this section shall be  
97 repealed not later than seven (7) years after the date it is  
98 initially imposed. After the repeal of the tax levy, a county may  
99 not subsequently levy another such tax for at least three (3)  
100 years after the repeal date of the previous tax.

101 (5) If any proceeds of the tax remain after completion of  
102 the project or projects for which the proceeds are used, then the  
103 remaining tax proceeds shall be used to reduce the ad valorem  
104 taxes levied by the county.

105 SECTION 2. Section 27-39-303, Mississippi Code of 1972, is  
106 amended as follows:

107 27-39-303. Subject to the provisions of this section, the  
108 board of supervisors of any county is hereby empowered to levy ad  
109 valorem taxes on taxable property in the respective counties in  
110 any one (1) year, as shown by the assessment roll containing  
111 assessments of property made as of January 1 of the year, and the  
112 assessment of motor vehicles as made according to the provisions  
113 of the Motor Vehicle Ad Valorem Tax Law of 1958 (Section 27-51-1  
114 et seq.) for all general county purposes, exclusive only of levies  
115 for roads and bridges and schools at the rate necessary to fund  
116 such purposes. The board of supervisors of any county levying the  
117 special sales tax authorized in Section 1 of House Bill No. \_\_\_\_\_,  
118 1999 Regular Session, shall use any excess proceeds of such tax to

119 reduce the ad valorem taxes levied by the county as provided in  
120 Section 1(5) of House Bill No. \_\_\_\_\_, 1999 Regular Session.

121 The board of supervisors of any county is further empowered  
122 to expend the proceeds of this levy for any purpose authorized for  
123 any other levy which the board of supervisors is authorized to  
124 make, excluding the levy for roads and bridges, and the board may  
125 authorize general fund expenditures for school purposes when  
126 necessary to meet the minimum local ad valorem tax effort required  
127 by Section 37-57-1, Mississippi Code of 1972.

128 The board of supervisors of any county is further empowered  
129 to distribute from the county general fund a portion of the  
130 county's share of payments made by the Tennessee Valley Authority  
131 to the state in lieu of taxes (a) to the school districts of said  
132 county and (b) for construction on the roads and bridges of said  
133 county in an amount which bears the same proportion to the total  
134 amount of the county's share as the millage for the school fund  
135 and road and bridge fund bears to the total millage levied by the  
136 county. In the event said in lieu payments are expended for  
137 capital improvements, said payments shall not be subject to the  
138 increase limitations specified in Section 27-39-321 or 37-57-107,  
139 Mississippi Code of 1972.

140 SECTION 3. Section 27-39-317, Mississippi Code of 1972, is  
141 amended as follows:

142 27-39-317. Subject to the provisions of the last paragraph  
143 of this section, the board of supervisors of each county shall, at  
144 its regular meeting in September of each year, levy the county ad  
145 valorem taxes for the fiscal year, and shall, by order, fix the  
146 tax rate, or levy, for the county, for the road districts, if any,

147 and for the school districts, if any, and for any other taxing  
148 districts; and the rates, or levies, for the county and for any  
149 district shall be expressed in mills or a decimal fraction of a  
150 mill. Said tax rates, or levies, shall determine the ad valorem  
151 taxes to be collected upon each dollar of valuation, upon the  
152 assessment rolls of the county, including the assessment of motor  
153 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of  
154 1958, Section 27-51-1 et seq., for county taxes; and upon each  
155 dollar of valuation for the respective districts, as shown upon  
156 the assessment rolls of the county, including the assessment of  
157 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law  
158 of 1958, Section 27-51-1 et seq.; except as to such values as  
159 shall be exempt, in whole or in part, from certain tax rates or  
160 levies. If the rate or levy for the county is an increase from  
161 the previous fiscal year, then the proposed rate or levy shall be  
162 advertised in accordance with Sections 27-39-203 and 27-39-205.  
163 If the board of supervisors of any county shall not levy the  
164 county taxes and the district taxes at its regular September  
165 meeting, the board shall levy the same on or before September 15  
166 at an adjourned or special meeting, or thereafter, provided,  
167 however, that if such levy be not made on or before the fifteenth  
168 day of September then the tax collector or State Tax Commission  
169 may issue road and bridge privilege tax license plates for motor  
170 vehicles as defined in the Motor Vehicle Ad Valorem Tax Law of  
171 1958, Section 27-51-1 et seq., without collecting or requiring  
172 proof of payment of county ad valorem taxes, and may continue to  
173 so issue such plates until such levy is duly certified to him, and  
174 for twenty-four (24) hours thereafter.

175           Notwithstanding the requirements of this section, in the  
176 event the State Tax Commission orders the county to make an  
177 adjustment to the tax roll pursuant to Section 27-35-113, the  
178 county shall have a period of thirty (30) days from the date of  
179 the commission's final determination to adjust the millage in  
180 order to collect the same dollar amount of taxes as originally  
181 levied by the board.

182           In making the levy of taxes, the board of supervisors shall  
183 specify, in its order, the levy for each purpose, as follows:

184                   (a) For general county purposes (current expense and  
185 maintenance taxes), as authorized by Section 27-39-303.

186                   (b) For roads and bridges, as authorized by Section  
187 27-39-305.

188                   (c) For schools, including the countywide minimum  
189 education program levy and the levy for each school district  
190 including special municipal separate school districts, but not  
191 including other municipal separate school districts, and for an  
192 agricultural high school, county high school or junior college  
193 (current expense and maintenance taxes), as authorized by Chapter  
194 57, Title 37, Mississippi Code of 1972, and any other applicable  
195 statute. The levy for schools shall apply to the assessed value  
196 of property in the respective school districts, including special  
197 municipal separate school districts, but not including other  
198 municipal separate school districts, and a distinct and separate  
199 levy shall be made for each school district, and the purpose for  
200 each levy shall be stated.

201                   (d) For road bonds and the interest thereon, separately  
202 for countywide bonds and for the bonds of each road district.

203           (e) For school bonds and the interest thereon,  
204 separately for countywide bonds and for the bonds of each school  
205 district.

206           (f) For countywide bonds, and the interest thereon,  
207 other than for road bonds and school bonds.

208           (g) For loans, notes or any other obligation, and the  
209 interest thereon, if permitted by the law.

210           (h) For any other purpose for which a levy is lawfully  
211 made.

212           The order shall state all of the purposes for which the  
213 general county levy is made, using the administrative items  
214 suggested by the State Department of Audit of Mississippi under  
215 the county budget law in its uniform system of accounts for  
216 counties, but the rate or levy for any item or purpose need not be  
217 shown; and if a countywide levy is made for any general or special  
218 purpose under the provisions of any law other than Section  
219 27-39-303, each such levy shall be separately stated.

220           During the month of February of each year, if the order or  
221 resolution of the board of trustees of any school district of said  
222 county or partly in said county, is filed with it requesting the  
223 levying of ad valorem taxes for the support and maintenance of  
224 such school district for the following fiscal year, then the board  
225 of supervisors of every such county in the state shall notify, in  
226 writing, within thirty (30) days, the county superintendent of  
227 education of such county, the levy or levies it intends to make  
228 for the support and maintenance of such school districts of such  
229 county at its regular meeting in September following, and the  
230 county superintendent of education and the trustees of all such



231 school districts shall be authorized to use such expressed  
232 intention of the board of supervisors in computing the support and  
233 maintenance budget or budgets of such school district or districts  
234 for the ensuing fiscal school year. The board of supervisors of  
235 any county levying the special sales tax authorized in Section 1  
236 of House Bill No. \_\_\_\_\_, 1999 Regular Session, shall use any excess  
237 proceeds of such tax to reduce the ad valorem taxes levied by the  
238 county as provided in Section 1(5) of House Bill No. \_\_\_\_\_, 1999  
239 Regular Session.

240 SECTION 4. The Attorney General of the State of Mississippi,  
241 shall submit this act, immediately upon approval by the Governor,  
242 or upon approval by the Legislature subsequent to a veto, to the  
243 Attorney General of the United States or to the United States  
244 District Court for the District of Columbia in accordance with the  
245 provisions of the Voting Rights Act of 1965, as amended and  
246 extended.

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