HOUSE BILL NO. 1659

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF PETAL, MISSISSIPPI, TO IMPOSE A SPECIAL SALES TAX OF NOT MORE THAN 1% ON THE GROSS PROCEEDS OF ALL SALES OR THE GROSS INCOME OF BUSINESSES IN THE MUNICIPALITY DERIVED FROM ACTIVITIES TAXED AT THE RATE OF 7% OR MORE UNDER THE MISSISSIPPI SALES TAX LAW; TO PROVIDE THAT THE SPECIAL SALES TAX SHALL NOT BE LEVIED UNLESS AUTHORIZED BY AT LEAST THREE-FIFTHS OF THE VOTES CAST AT AN ELECTION CALLED AND HELD FOR SUCH PURPOSE; TO AUTHORIZE THE CITY OF PETAL, MISSISSIPPI, TO INCUR AN INDEBTEDNESS IN AN AMOUNT NOT GREATER THAN AN AMOUNT WHOSE DEBT SERVICE IS CAPABLE OF BEING FUNDED BY THE PROCEEDS OF THE SPECIAL SALES TAX; TO PROVIDE THAT THE SPECIAL SALES TAX REVENUE COLLECTED PURSUANT TO SUCH A TAX SHALL BE USED AND EXPENDED BY THE MUNICIPALITY ONLY TO FUND THE CONSTRUCTION OF CERTAIN TRANSPORTATION, RECREATION AND INFRASTRUCTURE PROJECTS AND/OR OTHER CAPITAL PROJECTS; TO PROVIDE FOR THE DISCONTINUANCE OF THE SPECIAL SALES TAX UPON COMPLETION OF THE FUNDING OF THE CONSTRUCTION FOR WHICH THE TAX WAS LEVIED; AND FOR RELATED PURPOSES.

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

SECTION 1. The governing authorities of the City of Petal, Mississippi, may impose upon all persons as a privilege for engaging or continuing in business or doing business within such municipality, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq., as provided hereinafter. The tax levied by this section shall apply to every person making sales, delivery or installations of tangible personal property or services within any municipality which has adopted the levy herein authorized but shall not apply to sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105,

SECTION 2. (1) The governing authorities of the City of Petal, Mississippi, shall specify in the resolution ordering the election required by subsection (2) of this section, the specific transportation, recreation and infrastructure projects or other capital projects, or both, that the revenue collected pursuant to the tax levy may be used and expended to construct.

(2) The tax levy authorized herein shall not be made unless authorized by at least three-fifths (3/5) of the votes cast at an election to be called and held for that purpose. Notice of such election shall be given, the election shall be held and the result thereof determined, as far as is practicable, in the same manner as other elections are held in the municipality. At such election, all qualified electors of the municipality may vote. The ballots used at such election shall have printed thereon a brief description of the sales tax, the amount of the sales tax levy, a description of the specific transportation, recreation and infrastructure projects or other capital projects, or both, that the tax revenue may be used and expended to construct and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX" and the voter shall vote by placing a cross (X) or check mark (✓) opposite his choice on the proposition. When the results of the election have been canvassed by the election commissioners of the municipality and certified by them to the governing authorities, it shall be the duty of such governing authorities to determine and adjudicate whether at least three-fifths (3/5) of the qualified electors who voted in such election voted in favor of the tax. If the election results in favor of the levy, the governing authorities shall adopt a resolution declaring the levy and collection of the tax provided in Sections 1 through 3 of this act and shall set the first day of the second month following the date of such adoption as the effective date of the tax levy. A

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certified copy of this resolution together with the result of the
election shall be furnished to the State Tax Commission not less
than thirty (30) days prior to the effective date of the levy.

SECTION 3. (1) The special sales tax authorized by Sections
1 through 3 of this act shall be collected by the State Tax
Commission, shall be accounted for separately from the amount of
sales tax collected for the state in the municipality and shall be
paid to the municipality in which collected. Payments to the City
of Petal, Mississippi, shall be made by the State Tax Commission
on or before the fifteenth day of the month following the month in
which the tax was collected.

(2) The proceeds of the special sales tax shall be placed
into a separate fund apart from the municipal general fund and any
other funds of the municipality, and shall be expended by the
municipality solely for the purpose of paying any indebtedness or
other obligation the municipality may incur for the
transportation, recreation and infrastructure project or other
capital projects, or both, specified in the resolution ordering
the election.

(3) All provisions of the Mississippi Sales Tax Law
applicable to filing of returns, discounts to the taxpayer,
remittances to the State Tax Commission, enforced collection,
rights of taxpayers, recovery of improper taxes, refunds of
overpaid taxes or other provisions of law providing for imposition
and collection of the state sales tax shall apply to the special
sales tax authorized by Sections 1 through 3 of this act, except
where there is a conflict, in which case the provisions of
Sections 1 through 3 of this act shall control. Any damages,
penalties or interest collected for the nonpayment of taxes
imposed hereunder, or for noncompliance with the provisions of
Sections 1 through 3 of this act, shall be paid to the
municipality in which such damages were collected on the same
basis and in the same manner as the tax proceeds. Any overpayment
of tax for any reason that has been disbursed to the municipality or any payment of the tax to any municipality in error may be adjusted by the State Tax Commission on any subsequent payment to the municipality involved pursuant to the provisions of the Mississippi Sales Tax Law. The State Tax Commission may, from time to time, make such rules and regulations not inconsistent with Sections 1 through 3 of this act as may be deemed necessary to carry out its provisions, and such rules and regulations shall have the full force and effect of law.

(4) The special sales tax shall be discontinued by the governing authorities of the City of Petal, Mississippi, on the first day of the month immediately succeeding the date any indebtedness incurred pursuant to this act, including interest, is retired, or in the event the municipality incurs no indebtedness, the first day of the month after all obligations for the construction of the transportation, recreation and infrastructure projects or other capital projects, or both, have been paid. Any amount remaining in the separate fund containing the proceeds of the special tax not necessary to retire the debt or pay any other obligations, shall be transferred to the municipal general fund.

SECTION 4. The governing authorities of the City of Petal, Mississippi, that levies a special sales tax pursuant to Sections 1 through 3 of this act may incur indebtedness of the municipality in an aggregate principal amount that is not in excess of an amount whose debt service is capable of being funded by the proceeds of the special sales tax levied pursuant to Sections 1 through 3 of this act. The indebtedness authorized by this section shall not be considered when computing any limitation of indebtedness of the municipality established by law.

SECTION 5. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States
ST: City of Petal; authorize to levy additional sales tax.

District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 6. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.