

By: Representatives Bounds, Nicholson,
Malone

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1740

1 AN ACT TO AUTHORIZE THE NESHOPA COUNTY BOARD OF SUPERVISORS
2 TO ISSUE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF CONSTRUCTING,
3 EXPANDING, RENOVATING AND IMPROVING THE NESHOPA COUNTY HOSPITAL
4 AND NURSING HOME; TO PROVIDE FOR A TAX UPON GROSS PROCEEDS OF
5 SALES IN NESHOPA COUNTY, WHICH SHALL BE EXPENDED BY THE BOARD OF
6 SUPERVISORS TO RETIRE THE BONDS; TO PROVIDE THAT THE TAX SHALL BE
7 COLLECTED BY THE STATE TAX COMMISSION AND PAID TO NESHOPA COUNTY;
8 TO PROVIDE THAT THE BONDS SHALL NOT BE ISSUED AND THE TAX SHALL
9 NOT BE IMPOSED UNLESS APPROVED AT AN ELECTION HELD IN THE COUNTY
10 ON THAT QUESTION; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** The Board of Supervisors of Neshoba County is
13 authorized to issue from time to time general obligation bonds of
14 the county in an aggregate principal amount not to exceed Twenty
15 Million Dollars (\$20,000,000.00) for the purpose of acquiring,
16 constructing, repairing, equipping, remodeling, enlarging,
17 expanding or improving the Neshoba County Hospital and Nursing
18 Home, payment of interest on the bonds, establishment of reserves
19 to secure those bonds and payment of expenses incident to the
20 issuance of those bonds. The term "bonds," as used in this act,
21 means and includes bonds, refunding bonds, notes or certificates
22 of participation. The full faith and credit of the county shall
23 be irrevocably pledged for the payment of the principal of and
24 interest on the bonds. Bonds issued under this act shall be
25 subject to the provisions of Sections 19-9-19, 19-9-21 and
26 19-9-23, Mississippi Code of 1972.

27 **SECTION 2.** Before the board of supervisors issues any bonds
28 authorized under this act, except refunding bonds, and the tax
29 authorized by this act is imposed, the issuance of the bonds and
30 the imposition of the tax must be approved at an election held in
31 the county by at least sixty percent (60%) of the electors voting

32 in the election on the question of the issuance of the bonds and
33 the imposition of the tax. The election shall be held in the
34 manner now provided by law for the holding of special county
35 elections, upon at least three (3) weeks' notice thereof by
36 publication of the proposition at least once a week for three (3)
37 consecutive weeks in some newspaper published in the county or
38 having general circulation in the county.

39 **SECTION 3.** Bonds issued under this act shall not be deemed
40 indebtedness for purposes of determining any statutory or
41 constitutional limitation on indebtedness.

42 **SECTION 4.** Bonds issued under this act shall be submitted
43 for validation under Section 31-13-1 et seq., Mississippi Code of
44 1972.

45 **SECTION 5.** Bonds issued under this act may be refunded at
46 any time and from time to time by the county under an authorizing
47 resolution of the board of supervisors, directing the issuance of
48 refunding bonds in accordance with the Mississippi Bond
49 Refinancing Act, Section 31-27-1 et seq., Mississippi Code of
50 1972, or as otherwise authorized by law.

51 **SECTION 6.** In the manner provided by this act and only upon
52 the issuance of bonds provided for in Section 1 of this act, there
53 shall be levied, assessed and collected from every person, firm,
54 corporation or other entity engaged in the sale of property or
55 services as those terms are defined in Section 27-65-1 et seq.,
56 Mississippi Code of 1972, in Neshoba County, Mississippi, a sales
57 tax equal to seventy-five one hundredths of one percent (0.75%) of
58 the gross proceeds of sales within Neshoba County that are subject
59 to the payment of sales tax as set forth in Section 27-65-1 et
60 seq., Mississippi Code of 1972. Persons, firms, corporations or
61 other entities liable for the tax imposed in this section shall
62 add the additional tax to the cost of each sales transaction and,
63 so far as practicable, collect the amount of the tax due from the

64 person receiving the goods or services at the time of payment
65 thereof.

66 **SECTION 7.** The tax authorized by Section 6 of this act shall
67 not apply to the following:

68 (a) Retail sales of farm tractors when made to farmers
69 for agricultural purposes;

70 (b) Tangible personal property to electric power
71 associations for use in the ordinary and necessary operation of
72 their generating or distribution systems;

73 (c) Sales of manufacturing machinery or manufacturing
74 machine parts when made to a manufacturer or custom processor for
75 plant use only when the machinery and machine parts will be used
76 exclusively and directly within this state in manufacturing a
77 commodity for sale, rental or processing for a fee;

78 (d) Sales of materials for use in track and track
79 structures to a railroad whose rates are fixed by the Mississippi
80 Public Service Commission;

81 (e) The sales of machinery, machinery parts and/or
82 equipment to an operator or lessee of publicly owned port
83 facilities as set forth in Chapter 9, Title 59, Mississippi Code
84 of 1972, when that machinery, machine parts and/or equipment is to
85 be located on and used exclusively and directly in the operation
86 of that publicly owned port facilities;

87 (f) The sales of automobiles and light trucks (ten
88 thousand (10,000) pounds or less);

89 (g) The sales of trucks (greater than ten thousand
90 (10,000) pounds), aircraft, farm implements, logging equipment,
91 pulpwood equipment, tree farming equipment, poultry equipment,
92 semitrailers and mobile homes;

93 (h) Construction contracts that are subject to the
94 sales tax set forth in Section 27-65-21, Mississippi Code of 1972;

95 (i) Retail sales of limestone, sand, gravel, dirt,
96 coal, lignite and other mineral products or natural resources
97 except oil, natural gas, salt and forest products;

98 (j) Sales at wholesale of sand, gravel, dirt, clay and
99 limestone;

100 (k) The sales to public utilities as set forth in
101 Section 27-65-19, Mississippi Code of 1972;

102 (l) The sales of motor vehicles by individuals as set
103 forth in Section 27-65-201, Mississippi Code of 1972.

104 **SECTION 8.** (1) The tax authorized by this act shall be paid
105 to the State Tax Commission, or its successor, on a form to be
106 prescribed by the commission, in the same manner that state sales
107 taxes are compiled, collected and paid; and the full enforcement
108 provisions of all other provisions of the Mississippi Sales Tax
109 Law shall apply as necessary to the implementation and
110 administration of this act.

111 (2) The State Treasurer shall pay all of those funds to the
112 Board of Supervisors of Neshoba County, and those funds may be
113 used for the purposes authorized by this act.

114 (3) On or before the fifteenth day of the month following
115 the month in which collected, the proceeds of the tax shall be
116 paid by the commission to the Board of Supervisors of Neshoba
117 County for the expenditure as authorized in this act.

118 (4) The tax shall be levied, assessed and collected until
119 any and all bonds issued under this act have been paid in full,
120 and upon occurrence of same, the tax shall be discontinued.

121 **SECTION 9.** The Board of Supervisors of Neshoba County shall
122 deposit the funds paid to it as authorized by Section 8(2) and (3)
123 of this act into a special fund in the county treasury. Monies in
124 the special fund shall be expended by the board of supervisors to
125 pay the principal of and interest on not more than Twenty Million
126 Dollars (\$20,000,000.00) of general obligation bonds issued by the
127 county for the purpose of defraying the costs of acquiring,

128 constructing, repairing, equipping, remodeling, enlarging,
129 expanding or improving the Neshoba County Hospital and Nursing
130 Home, as authorized by this act.

131 **SECTION 10.** The avails of the tax provided for in this act
132 shall be used solely for the payment of the principal of,
133 redemption premium, if any, and interest on the bonds, and for the
134 payment of expenses of issuance thereof, or reserve funds
135 therefor. To the extent that the proceeds of the special sales
136 tax and any other amounts that may from time to time be available
137 for the payment of the principal of, redemption premium, if any,
138 and interest on the bonds, including any available revenues of the
139 project, are not sufficient for those purposes, the board of
140 supervisors shall levy a special ad valorem tax upon all the
141 taxable property within the county, which shall be sufficient,
142 together with other monies available for that purpose, to provide
143 for the payment of the principal of, redemption premium, if any,
144 and interest on those bonds according to the terms thereof.

145 **SECTION 11.** This act shall be liberally construed for the
146 purposes set forth in this act, the power granted by this act
147 shall be deemed to be full and complete authority for the issuance
148 of bonds under this act, and shall be construed as additional,
149 cumulative and supplemental to any power granted to Neshoba County
150 by any general or local private act of the Legislature.

151 **SECTION 12.** This act shall take effect and be in force from
152 and after its passage.