

By: Representatives Flaggs, Masterson

To: Local and Private
Legislation

HOUSE BILL NO. 1640

1 AN ACT TO AMEND CHAPTER 521, LAWS OF 1972, AS AMENDED BY
2 CHAPTER 420, LAWS OF 1975, AS AMENDED BY CHAPTER 481, LAWS OF
3 1977, AS AMENDED BY CHAPTER 944, LOCAL AND PRIVATE LAWS OF 1990,
4 AS AMENDED BY CHAPTER 939, LOCAL AND PRIVATE LAWS OF 1991, AS
5 AMENDED BY CHAPTER 1012, LOCAL AND PRIVATE LAWS OF 1995, TO
6 AUTHORIZE THE CITY OF VICKSBURG TO PROVIDE MUNICIPAL EQUIPMENT
7 AND/OR MUNICIPAL EMPLOYEE SERVICES TO THE VICKSBURG WARREN
8 CONVENTION AND VISITORS BUREAU; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Chapter 521, Laws of 1972, as amended by Chapter
11 420, Laws of 1975, as amended by Chapter 481, Laws of 1977, as
12 amended by Chapter 944, Local and Private Laws of 1990, as amended
13 by Chapter 939, Local and Private Laws of 1991, as amended by
14 Chapter 1012, Local and Private Laws of 1995, is amended as
15 follows:

16 Section 1. From and after July 23, 1990, the Warren County
17 Tourist Promotion Commission is abolished, and there is created a
18 Vicksburg Warren Convention and Visitors Bureau to be composed of
19 eleven (11) members to be constituted and appointed as provided in
20 Section 2 hereof. For the purposes of this act and unless
21 otherwise required by the context, the word "bureau" shall mean
22 the Vicksburg Warren Convention and Visitors Bureau.

23 Section 2. The Vicksburg Warren Convention and Visitors
24 Bureau consisting of eleven (11) members shall be appointed,
25 qualify and take office within thirty (30) days of the enactment
26 of this act, and the initial appointments to said bureau shall be
27 for the following terms: Five (5) members of the bureau shall be
28 appointed by the Warren County Board of Supervisors, with one (1)
29 member appointed by the District 1 supervisor for a term of two
30 (2) years, one (1) member appointed by the District 2 supervisor

31 for a term of three (3) years, one (1) member appointed by the
32 District 3 supervisor for a term of three (3) years, one (1)
33 member appointed by the District 4 supervisor for a term of four
34 (4) years, and one (1) member appointed by the District 5
35 supervisor for a term of four (4) years, respectively; five (5)
36 members of the bureau shall be appointed by the Mayor and Board of
37 Aldermen of the City of Vicksburg with one (1) member appointed
38 for a term of two (2) years, two (2) members appointed for terms
39 of three (3) years and two (2) members appointed for terms of four
40 (4) years, respectively. The Warren County Board of Supervisors
41 and the Mayor and Board of Aldermen of the City of Vicksburg shall
42 jointly appoint one (1) member for a term of four (4) years. All
43 succeeding appointments shall be for a term of four (4) years from
44 the date of expiration of the initial appointment, and all members
45 of such bureau shall hold office for a term of four (4) years from
46 and after the date of the commencement of their terms of office
47 for which their appointment was made and until their successor or
48 successors shall be appointed and qualified. Members of the
49 Warren County Tourist Promotion Commission holding office on July
50 1, 1990, may be appointed to the newly constituted Vicksburg
51 Warren Convention and Visitors Bureau by the respective governing
52 authority.

53 Any member may be disqualified and removed from office for
54 any one (1) of the following reasons:

- 55 (1) Conviction of a felony;
56 (2) Failure to attend three (3) consecutive meetings without
57 just cause.

58 If a bureau member is removed for one (1) of the above
59 reasons, the vacancy shall be filled in the manner prescribed in
60 this section.

61 Vacancies which shall occur shall be filled in the same
62 manner as the original appointments and shall be made for the
63 unexpired term.

64 Section 3. Before entering upon the duties of the office,
65 each appointed member of the Vicksburg Warren Convention and
66 Visitors Bureau shall enter into and give bond to be approved by
67 the Secretary of State of the State of Mississippi in the sum of
68 Twenty-five Thousand Dollars (\$25,000.00) conditioned upon the
69 faithful performance of his duties. Such bond shall be payable to
70 the State of Mississippi, and in the event of a breach thereof,
71 suit may be brought by the State of Mississippi for the benefit of
72 the Vicksburg Warren Convention and Visitors Bureau.

73 Section 4. When the members of the Vicksburg Warren
74 Convention and Visitors Bureau shall have been appointed and
75 qualified as set forth herein, they shall meet at quarters
76 provided for them by Warren County or the City of Vicksburg after
77 giving not less than ten (10) days' notice of the time and place
78 of such meeting by registered mail, postage prepaid, directed to
79 each appointed member of such bureau at his regular address given
80 to the Secretary of State at the time of his qualification and
81 posting bond. At such meeting a quorum shall be seven (7)
82 members, and a majority of those members attending shall elect a
83 president and secretary, both of whom shall be members of said
84 bureau, and adopt such rules and regulations as may govern the
85 time and place for holding subsequent meetings, regular and
86 special, and other rules and regulations not inconsistent with the
87 provisions of this act.

88 The bureau is further authorized to employ personnel, obtain
89 supplies, furnishings and other facilities and real property
90 necessary to administer the affairs and duties of the bureau and
91 to pay for same out of the revenue provided by this act.

92 Section 5. (1) The Vicksburg Warren Convention and Visitors
93 Bureau shall have jurisdiction and authority over all matters
94 relating to establishing, promoting and developing convention
95 business, tourism and related matters within Warren County,
96 Mississippi.

97 (2) The bureau is authorized to employ an executive
98 director, purchase, lease or sell real property, own, furnish,
99 equip and operate any and all facilities and equipment necessary
100 or useful in the promotion of said convention business and tourism
101 and to receive and expend, subject to the provisions of this act,
102 revenues from any source.

103 (3) The Board of Supervisors of Warren County, with the
104 approval of the Vicksburg Warren Convention and Visitors Bureau,
105 is authorized and empowered to issue and sell negotiable bonds of
106 Warren County, Mississippi, in an amount not to exceed Five
107 Million Dollars (\$5,000,000.00) for the purpose of stimulating the
108 convention and tourism business within the county. In the event
109 such bonds are issued, the proceeds of the taxes levied under the
110 provisions of Section 6 of this act shall be pledged for the
111 repayment of such bonds. No resolution of intent to issue such
112 bonds shall be adopted by the board of supervisors unless
113 imposition of the sales tax provided for in Section 6(2) of this
114 act has been finally authorized.

115 (4) All bonds issued under the authority of subsection (3)
116 shall bear interest at such rate or rates not exceeding the rate
117 of interest authorized to be paid by counties on general
118 obligation bonds, shall be in such denomination or denominations,
119 shall mature not more than twenty-five (25) years from date, with
120 or without the right of redemption and with or without premium,
121 and shall be payable, both principal and interest, at such place
122 or places, all as the issuer of the bonds shall determine. All
123 such bonds shall be sold for not less than par value plus accrued
124 interest at public sale in the manner provided by Section
125 31-19-25, Mississippi Code of 1972. No less than one-fiftieth
126 (1/50) of the total issue shall mature during each year during the
127 first five (5) years of the life of such bonds, and not less than
128 one-twenty-fifth (1/25) of the total issue shall mature each year
129 during the succeeding period of ten (10) years of the life of such

130 bonds, and the remainder shall be divided into approximately equal
131 annual payments, with payment to be made each year for the
132 remaining life of such bonds. Such bonds shall be executed on
133 behalf of the issuer in the manner provided by law for general
134 obligation bonds.

135 No bond shall bear more than one (1) rate of interest; each
136 bond shall bear interest from its date to its stated maturity date
137 at the interest rate specified in the bid; all bonds of the same
138 maturity shall bear the same rate of interest from date to
139 maturity; all interest accruing on such bonds so issued shall be
140 payable semiannually or annually, except that the first interest
141 payment on any such bond may be for any period not exceeding one
142 (1) year.

143 The lowest interest rate specified for any bonds issued shall
144 not be less than seventy percent (70%) of the highest interest
145 rate specified for the same bond issue.

146 Each interest rate specified in any bid must be in multiples
147 of one-eighth of one percent (1/8 of 1%) or in multiples of
148 one-tenth of one percent (1/10 of 1%). Such bonds may be issued
149 and sold in one or more series.

150 (5) Before issuing any bonds under the provisions of
151 subsection (3), the Board of Supervisors of Warren County shall,
152 by resolution spread upon its minutes, declare its intention to
153 issue such bonds for the purposes authorized by this act and shall
154 state in such resolution the amount of bonds proposed to be issued
155 and shall likewise fix in such resolution the date upon which the
156 issuer proposes to direct the issuance of such bonds. Notice of
157 such intention shall be published once a week for at least three
158 (3) consecutive weeks in a newspaper published or having a general
159 circulation in the county, with the first publication of such
160 notice to be made not less than twenty-one (21) days prior to the
161 date fixed in the resolution declaring the intent to issue such
162 bonds and the last publication to be made not more than seven (7)

163 days prior to such date. If, on or before the date specified in
164 the resolution, twenty percent (20%) or fifteen hundred (1500),
165 whichever is less, of the qualified electors of Warren County
166 shall file a written protest against the issuance thereof, then an
167 election upon the issuance thereof shall be called and held as
168 hereby provided. If no such protest shall be filed, then the
169 board may issue such bonds without an election on the question of
170 their issuance at any time within a period of two (2) years after
171 the date specified in the resolution. If an election is required
172 by the protest of the appropriate number of qualified electors of
173 the county, then an election shall be held by the board under
174 applicable laws. Provided, however, that nothing in this act
175 shall prevent the board from calling an election, whether required
176 by twenty percent (20%) or fifteen hundred (1500), whichever is
177 less, of the qualified electors, in which event it shall not be
178 necessary to publish the resolution of intent above described.

179 (6) At such election, all qualified electors of the county
180 may vote, and the ballots used in such election shall have printed
181 thereon a brief statement of the amount and purposes of the
182 proposed bond issue and the words "FOR THE BOND ISSUE" and
183 "AGAINST THE BOND ISSUE," and the voters shall vote by placing a
184 cross (X) or check (V) opposite their choice on the proposition.

185 (7) When the results of any such election shall have been
186 canvassed by the election commission of the county and certified,
187 the board may issue the bonds if three-fifths (3/5) of the
188 qualified electors who vote in such election vote in favor of the
189 issuance of such bonds. If such bond issue shall be approved, the
190 board may issue such bonds within two (2) years from the date of
191 such election or within two (2) years after final favorable
192 determination of any litigation affecting the issuance of such
193 bonds, at such time or times and in such amount or amounts, not
194 exceeding that specified in the notice of the election, as shall
195 be deemed proper by the board.

196 (8) The bureau shall have the authority to obtain interim
197 financing upon such terms and conditions as may be agreed upon by
198 the bureau and the party advancing such interim funds or the
199 purchaser of the obligations evidencing such indebtedness;
200 provided, however, that the principal on any such loan shall be
201 repaid within a reasonable time and provided that the interest
202 rate on such interim financing shall not exceed that allowed in
203 Section 75-17-107, Mississippi Code of 1972. In borrowing money
204 under the provisions hereof, it shall not be necessary to publish
205 notice of intention so to do or to secure the consent of the
206 qualified electors, either by election or otherwise. Such
207 borrowing may be authorized by resolution of the bureau and may be
208 evidenced by a negotiable note or notes in such form as may be
209 prescribed in such resolution. The indebtedness incurred under
210 this section shall not be considered when computing any limitation
211 of indebtedness of the county established by law. Such borrowing,
212 whether or not evidenced by a negotiable note or notes, may be
213 placed or sold at public or private sales for such price and in
214 such manner and from time to time as may be determined by the
215 bureau, and the bureau may pay all expenses, premiums and
216 commissions which it may deem necessary or advantageous in
217 connection with the issuance thereof.

218 Section 6. (1) For the purpose of providing funds for the
219 promotion of convention business and tourism there is hereby
220 levied, assessed and shall be collected from every person in any
221 county located on the Mississippi River in which there is located
222 a national park and a national cemetery, engaging in or doing
223 business as specified herein, a tax which may be cited as a
224 "Convention-Tourist Promotion Tax" which shall be in addition to
225 all other taxes now imposed, as hereinafter provided:

226 Such tax shall be equal to one percent (1%) of the gross
227 proceeds of sales or gross income of restaurants, hotels and

228 motels, including but not limited to sales of beer and alcoholic
229 beverages.

230 Provided, however, the tax shall not apply to said
231 restaurants not selling alcoholic beverages under an on-premises
232 permit issued by the Alcoholic Beverage Control Commission and
233 whose gross proceeds of sales or gross income is less than One
234 Hundred Thousand Dollars (\$100,000.00) per calendar year based
235 upon sales or income for the preceding calendar year. For the
236 purposes of calculating gross proceeds of sales or gross income,
237 the sales or income of all establishments owned, operated or
238 controlled by the same person, persons or corporations shall be
239 aggregated.

240 (2) For the purpose of providing funds for the promotion of
241 convention business and tourism there may be imposed an additional
242 tax of not more than two percent (2%) of the gross proceeds of
243 sales or gross income of restaurants, hotels and motels located in
244 Warren County, Mississippi, including but not limited to sales of
245 beer and alcoholic beverages. Before the taxes authorized by this
246 subsection shall be imposed, the Board of Supervisors of Warren
247 County and the Board of Aldermen of Vicksburg, Mississippi, shall
248 enter upon its minutes a request for the levy of such tax from the
249 Vicksburg Warren Convention and Visitors Bureau, and shall adopt a
250 resolution declaring the intention to levy the tax, setting forth
251 the amount of such tax and establishing the date on which a
252 referendum shall be held on the question of levying such tax. This
253 date shall not be less than the first day of the second month from
254 the date of adoption of the resolution. Notice of such intention
255 shall be published once a week for at least three (3) consecutive
256 weeks in a newspaper published or having a general circulation in
257 the county, with the first publication of such notice to be made
258 not less than twenty-one (21) days prior to the date fixed in the
259 resolution and the last publication to be made not more than seven
260 (7) days prior to such date. At said election, all qualified

261 electors of the county may vote, and the ballots used in such
262 election shall have printed thereon a brief statement of the
263 amount and purposes of the proposed tax levy and the words "FOR
264 THE SALES TAX," and "AGAINST THE SALES TAX," and the voters shall
265 vote by placing a cross (X) or check (V) opposite their choice on
266 the proposition. When the results of any such election shall have
267 been canvassed by the election commission of the county and
268 certified, the county may levy the tax if a majority of the
269 qualified electors who vote in said election vote in favor of the
270 tax.

271 The proceeds of such taxes shall be paid into a special fund
272 for the purpose of retiring such indebtedness as may be incurred
273 under this act. Any funds in excess of that required to retire
274 said indebtedness shall be placed into a separate fund and may be
275 expended by the Vicksburg Warren Convention and Visitors Bureau
276 for the operation and maintenance of its facilities.

277 (3) For the purpose of providing funds for the promotion of
278 convention business and tourism there may be levied an ad valorem
279 tax of not more than two (2) mills on all the taxable property
280 located in Warren County, Mississippi. Before the taxes
281 authorized by this subsection shall be imposed, the Board of
282 Supervisors of Warren County shall enter upon its minutes a
283 request for the levy of such tax from the Vicksburg Warren
284 Convention and Visitors Bureau and shall adopt a resolution
285 declaring the intention to levy the tax, setting forth the amount
286 of such tax and establishing the date on which a referendum shall
287 be held on the question of levying such tax. This date shall not
288 be less than the first day of the second month from the date of
289 adoption of the resolution. Notice of such intention shall be
290 published once a week for at least three (3) consecutive weeks in
291 a newspaper published or having a general circulation in the
292 county, with the first publication of such notice to be made not
293 less than twenty-one (21) days prior to the date fixed in the

294 resolution and the last publication to be made not more than seven
295 (7) days prior to such date. At said election, all qualified
296 electors of the county may vote, and the ballots used in such
297 election shall have printed thereon a brief statement of the
298 amount and purposes of the proposed tax levy and the words "FOR
299 THE AD VALOREM TAX," and "AGAINST THE AD VALOREM TAX," and the
300 voters shall vote by placing a cross (X) or check (V) opposite
301 their choice on the proposition. When the results of any such
302 election shall have been canvassed by the election commission of
303 the county and certified, the county may levy the tax if a
304 majority of the qualified electors who vote in said election vote
305 in favor of the tax.

306 The avails of any tax levied pursuant to this subsection
307 shall be excluded from the ten percent (10%) increase limitation
308 imposed by Section 27-39-321, Mississippi Code of 1972. The
309 proceeds of such taxes shall be paid into a special fund for the
310 purpose of retiring such indebtedness as may be incurred under
311 this act. Any funds in excess of that required to retire said
312 indebtedness shall be placed into a separate fund and may be
313 expended by the Vicksburg Warren Convention and Visitors Bureau
314 for the operation and maintenance of its facilities.

315 (4) For the purpose of providing funds for the promotion of
316 convention business and tourism there may be imposed an additional
317 tax of not more than two percent (2%) of the gross proceeds of
318 sales or gross income of restaurants, hotels, motels and alcoholic
319 beverage package retailers located within the corporate boundaries
320 of the City of Vicksburg, Mississippi, including but not limited
321 to sales of beer and alcoholic beverages. Before the taxes
322 authorized by this subsection shall be imposed, the Board of
323 Aldermen of Vicksburg, Mississippi, shall adopt a resolution
324 declaring its intention to levy the tax and establishing the
325 amount of the tax levy and the date on which the tax initially
326 shall be levied and collected. This date shall be the first day

327 of a month. Notice of the proposed tax levy shall be published
328 once each week for at least three (3) consecutive weeks in a
329 newspaper published or having a general circulation in the City of
330 Vicksburg. The first publication of such notice shall be made not
331 less than twenty-one (21) days before the day fixed in the
332 resolution at which the Board of Aldermen proposes to levy such a
333 tax and the last publication shall be made not more than seven (7)
334 days before such date. If, within the time of giving notice,
335 twenty percent (20%) or fifteen hundred (1500), whichever is less,
336 of the qualified electors in the City of Vicksburg file a written
337 petition against the levy of such tax, then such tax shall not be
338 levied unless authorized by the vote of a majority of the
339 qualified electors in the city voting at an election to be called
340 and held for that purpose. At said election, all qualified
341 electors of the city may vote, and the ballots used in such
342 election shall have printed thereon a brief statement of the
343 amount and purposes of the proposed tax levy and the words "FOR
344 THE SALES TAX," and "AGAINST THE SALES TAX," and the voters shall
345 vote by placing a cross (X) or check (V) opposite their choice on
346 the proposition. When the results of any such election shall have
347 been canvassed by the election commission of the city and
348 certified, the Board of Aldermen may levy the tax if a majority of
349 the qualified electors who vote in said election vote in favor of
350 the tax. Before the effective date of the tax levy approved as
351 herein provided, the Board of Aldermen shall furnish to the
352 Chairman of the State Tax Commission a certified copy of the
353 resolution evidencing such a tax levy.

354 The proceeds of such taxes shall be paid into a special fund
355 for the purpose of retiring such indebtedness as may be incurred
356 under this act. Any funds in excess of that required to retire
357 said indebtedness shall be placed into a separate fund and may be
358 expended by the Vicksburg Warren Convention and Visitors Bureau
359 for the operation and maintenance of its facilities.

360 (5) Persons liable for the taxes imposed herein shall add
361 the amount of tax to the sales price or gross income, and in
362 addition thereto shall collect, insofar as practicable, the amount
363 of the tax due by him from the person receiving the services or
364 goods at the time of payment therefor.

365 (6) Such taxes shall be collected by and paid to the State
366 Tax Commission on a form prescribed by the State Tax Commission,
367 in the same manner that state sales taxes are computed, collected
368 and paid; and the full enforcement provisions and all other
369 provisions of Chapter 119, Laws of 1934, as amended, shall apply
370 as necessary to the implementation and administration of this act.

371 (7) The proceeds of such taxes, less three percent (3%) to
372 be retained by the State Tax Commission to defray the costs of
373 collection, shall be paid to the Vicksburg Warren Convention and
374 Visitors Bureau on or before the fifteenth day of the month
375 following the month in which collected.

376 Section 8. (1) For the purpose of promoting the convention
377 business and tourism, the governing authorities of the City of
378 Vicksburg, hereinafter "governing authorities," in their
379 discretion, may acquire real property for, and may construct,
380 equip, furnish, own and operate, a convention center complex or a
381 civic center complex, or both, and may incur the reasonable and
382 related expenses as necessary for architects, engineers and other
383 professionals to assist the city for the planning, development,
384 financing and operation of the convention center complex or civic
385 center complex, or both.

386 (2) To provide funds for the purposes set forth in
387 subsection (1) of this section, the governing authorities, in
388 their discretion, may impose an additional tax of not more than
389 two percent (2%) of the gross proceeds of sales or gross income of
390 hotels and motels located within the corporate boundaries of the
391 City of Vicksburg.

392 (3) Persons liable for the tax imposed under this section
393 shall add the amount of tax to the sale price or gross income and
394 shall collect, insofar as practicable, the amount of the tax due
395 by them from the person receiving the services or goods at the
396 time of payment therefor.

397 (4) The tax shall be collected by and paid to the State Tax
398 Commission on a form prescribed by the State Tax Commission, in
399 the same manner that state sales taxes are computed, collected and
400 paid; and the full enforcement provisions and all other provisions
401 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
402 necessary to the implementation and administration of this
403 section.

404 (5) The proceeds of the tax, less three percent (3%) to be
405 retained by the State Tax Commission to defray the costs of
406 collection, shall be paid to the governing authorities on or
407 before the fifteenth day of the month following the month in which
408 they were collected.

409 (6) The proceeds of the tax shall not be considered by the
410 city as general fund revenues but shall be dedicated solely for
411 the purposes set forth in this section.

412 (7) Before the tax authorized by this section shall be
413 imposed, the governing authorities shall adopt a resolution
414 declaring their intention to levy the tax and establishing the
415 amount of the tax levy and the date on which the tax initially
416 shall be levied and collected. This date shall be the first day
417 of a month. Notice of the proposed tax levy shall be published
418 once each week for at least three (3) consecutive weeks in a
419 newspaper published or having a general circulation in the City of
420 Vicksburg. The first publication of the notice shall be made not
421 less than twenty-one (21) days before the day fixed in the
422 resolution in which the governing authorities propose to levy the
423 tax, and the last publication shall be made not more than seven
424 (7) days before that date. If, within the time of giving notice,

425 twenty percent (20%) or fifteen hundred (1500), whichever is less,
426 of the qualified electors in the City of Vicksburg file a written
427 petition against the levy of the tax, then the tax shall not be
428 levied unless authorized by a majority of the qualified electors
429 in the city voting at an election to be called and held for that
430 purpose. At the election, all qualified electors of the city may
431 vote. The ballots used in the election shall have printed thereon
432 a brief statement of the amount and purposes of the proposed tax
433 levy and the words "FOR THE SALES TAX," and "AGAINST THE SALES
434 TAX." The voters shall vote by placing a cross (X) or check (V)
435 opposite their choice on the proposition. When the results of the
436 election have been canvassed by the election commission of the
437 city and certified, the governing authorities may levy the tax if
438 a majority of the qualified electors who vote in the election vote
439 in favor of the tax. Before the effective date of the tax levy
440 approved as herein provided, the governing authorities shall
441 furnish to the Chairman of the State Tax Commission a certified
442 copy of the resolution evidencing the tax levy.

443 (8) Accounting for receipts and expenditures of the funds
444 derived from the proceeds of the tax authorized by this section
445 shall be made separately from the accounting of receipts and
446 expenditures of the general fund and any other funds of the City
447 of Vicksburg. The records reflecting the receipts and
448 expenditures of these funds shall be audited annually by an
449 independent certified public accountant. The accountant shall
450 make a written report of his audit to the governing authorities as
451 soon as practicable after the close of the city's fiscal year, and
452 copies of the report of the audit shall be filed with the clerk of
453 the governing authorities. The expenses of this audit may be paid
454 from the funds derived from the tax authorized by this section.

455 (9) To defray the costs of the acquisition of real property
456 for, and the construction, equipping and furnishing of, a
457 convention center complex or a civic center complex, or both, the

458 governing authorities, in their discretion, may issue and sell
459 negotiable bonds of the City of Vicksburg. If such bonds are
460 issued, the proceeds of the tax authorized in subsection (2) of
461 this section may be pledged for the repayment of the bonds.

462 All bonds issued under this subsection shall bear interest at
463 a rate or rates not exceeding the rate of interest authorized to
464 be paid by municipalities on general obligation bonds and shall be
465 in such denomination or denominations, shall mature at such time
466 or times with or without the right of redemption and with or
467 without premium, and shall be payable, both principal and
468 interest, at such place or places, as determined by the issuer of
469 the bonds. The bonds shall be sold for not less than par value
470 plus accrued interest at public sale in the manner provided by
471 Section 31-19-25, Mississippi Code of 1972. The bonds shall be
472 executed on behalf of the issuer in the manner provided by law for
473 general obligation bonds.

474 No bond shall bear more than one (1) rate of interest. Each
475 bond shall bear interest from its date to its stated maturity date
476 at the interest rate specified in the bid. All bonds of the same
477 maturity shall bear the same rate of interest from date to
478 maturity. All interest accruing on the bonds issued shall be
479 payable semiannually or annually, except that the first interest
480 payment on any bond may be for any period not exceeding one (1)
481 year.

482 The bonds may be issued and sold in one or more series.

483 Before issuing any bonds under this subsection, the governing
484 authorities, by resolution spread upon their minutes, shall
485 declare their intention to issue the bonds for the purposes
486 authorized by this section. The governing authorities shall state
487 in the resolution the amount of bonds proposed to be issued and
488 the date upon which the issuer proposes to direct the issuance of
489 the bonds. Notice of the intention shall be published once a week
490 for at least three (3) consecutive weeks in a newspaper published

491 or having a general circulation in the city. The first
492 publication of the notice shall be made not less than twenty-one
493 (21) days before the date fixed in the resolution declaring the
494 intent to issue the bonds, and the last publication shall be made
495 not more than seven (7) days before that date. If, on or before
496 the date specified in the resolution, twenty percent (20%) or
497 fifteen hundred (1500), whichever is less, of the qualified
498 electors of the city file a written protest against the issuance
499 of the bonds, then an election upon the issuance shall be called
500 and held as provided in this section. If no protest is filed,
501 then the governing authorities may issue the bonds without an
502 election on the question of their issuance at any time within a
503 period of two (2) years after the date specified in the
504 resolution. If an election is required by the protest of the
505 appropriate number of qualified electors of the city, then an
506 election shall be held by the governing authorities under
507 applicable laws. Nothing in this section shall prevent the
508 governing authorities from calling an election, whether required
509 by twenty percent (20%) or fifteen hundred (1500), whichever is
510 less, of the qualified electors, in which event it shall not be
511 necessary to publish the resolution of intent described in this
512 subsection.

513 At the election, all qualified electors of the city may vote.
514 The ballots used in the election shall have printed thereon a
515 brief statement of the amount and purposes of the proposed bond
516 issue and the words "FOR THE BOND ISSUE" and "AGAINST THE BOND
517 ISSUE." The voters shall vote by placing a cross (X) or check (V)
518 opposite their choice on the proposition.

519 When the results of the election have been canvassed by the
520 election commission of the city and certified, the governing
521 authorities may issue the bonds if a majority of the qualified
522 electors who vote in the election vote in favor of the issuance of
523 the bonds. If the bond issue is approved, the governing

524 authorities may issue the bonds within two (2) years from the date
525 of the election or within two (2) years after final favorable
526 determination of any litigation affecting the issuance of the
527 bonds, at the time or times and in the amount or amounts, not
528 exceeding that specified in the notice of the election, as deemed
529 proper by the governing authorities.

530 The governing authorities, in their discretion, may obtain
531 interim financing upon such terms and conditions that are agreed
532 upon by the governing authorities and the party advancing the
533 interim funds or the purchaser of the obligations evidencing the
534 indebtedness; however, the principal on any loan shall be repaid
535 within a reasonable time, and the interest rate on the interim
536 financing shall not exceed that allowed in Section 75-17-107,
537 Mississippi Code of 1972. In borrowing money under this
538 subsection, it shall not be necessary to publish notice of an
539 intention to do so or to secure the consent of the qualified
540 electors, either by election or otherwise. The borrowing may be
541 authorized by resolution of the governing authorities and
542 evidenced by a negotiable note or notes in a form that may be
543 prescribed in the resolution. The indebtedness incurred under
544 this subsection shall not be considered when computing any
545 limitation of indebtedness of the city established by law. The
546 borrowing, whether or not evidenced by a negotiable note or notes,
547 may be placed or sold at public or private sales for the price and
548 in a manner, and from time to time, as may be determined by the
549 governing authorities. The governing authorities may pay all
550 expenses, premiums and commissions which they deem necessary or
551 advantageous in connection with the issuance thereof.

552 If the avails of the tax levied under this section are
553 pledged to pay the principal of and interest on bonds or notes
554 issued under this subsection, the governing authorities shall
555 determine when the taxes actually received, together with any
556 income actually realized from the investment of the taxes, are

557 sufficient to pay the principal of and interest on bonds or notes
558 then outstanding, as the bonds or notes and the interest thereon
559 mature and accrue to the final maturity date. The governing
560 authorities shall certify that fact to the Chairman of the State
561 Tax Commission, and the authority to levy the sales tax shall
562 stand repealed on the first day of the month immediately
563 succeeding the certification.

564 Section 9. As used in this act, the following words shall
565 have these meanings unless otherwise clearly indicated by the
566 context in which it is used:

567 (a) "Hotel" or "motel" shall mean and include a place
568 of lodging that at any one (1) time will accommodate six (6) or
569 more transient guests (guests who are accommodated for less than
570 seven (7) days) and are known to the trade as such.

571 (b) "Restaurant" shall mean and include all places
572 where prepared food is served through the use of facilities to
573 accommodate twenty-five (25) or more persons and includes hotel
574 and motel dining rooms.

575 "Restaurant" shall also include a cafe, cafeteria, lunch
576 stand or any other place of business where prepared food is sold
577 whether for consumption upon the premises or not.

578 Section 10. Notwithstanding any provision contained in this
579 act to the contrary, the combined total of all taxes which may be
580 assessed under this act shall not exceed three percent (3%) or, if
581 the statewide general sales tax is less than seven percent (7%),
582 ten percent (10%) when added to the statewide general sales tax,
583 whichever is greater.

584 Section 11. No member of the Legislature, elected official
585 or appointed official, or any partner or associate of any member
586 of the Legislature, elected official or appointed official, shall
587 derive any income from the issuance of any bonds or the
588 disposition of any property under this act contrary to the

589 provisions of Section 109, Mississippi Constitution of 1890, or
590 Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

591 Section 12. The governing authorities may, in their
592 discretion, provide municipal equipment and/or municipal employee
593 services to the bureau to assist the bureau in its affairs and
594 duties.

595 * * *

596 **SECTION 2.** This act shall take effect and be in force from
597 and after its passage.