

By: Representative Chism (By Request)

To: Ways and Means; Banking and Financial Services

HOUSE BILL NO. 104

1 AN ACT TO BE KNOWN AS THE LEGAL TENDER ACT; TO PROVIDE THAT
2 CERTAIN GOLD AND SILVER COIN SHALL BE LEGAL TENDER; TO PROVIDE
3 THAT NO TAX LIABILITY SHALL RESULT FROM CERTAIN ACTIONS INVOLVING
4 LEGAL TENDER; TO PROVIDE THAT NO PERSON MAY COMPEL ANY OTHER
5 PERSON TO TENDER OR ACCEPT GOLD OR SILVER LEGAL TENDER; TO DIRECT
6 THE ATTORNEY GENERAL TO EMPLOY ALL REASONABLE MEASURES TO ENSURE
7 THE UNFETTERED CIRCULATION AND EQUAL PROTECTION OF GOLD AND SILVER
8 LEGAL TENDER; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act shall be known as the "Legal Tender
11 Act."

12 **SECTION 2.** As used in this act, the term "legal tender"
13 means an authorized medium of exchange for the payment of debts,
14 public charges, taxes and dues.

15 **SECTION 3.** Pursuant to the monetary authority expressly
16 reserved to the states in Article I, Section 10, Clause 1 of the
17 United States Constitution, the powers reserved to the states
18 under the Tenth Amendment to the United States Constitution, and
19 by virtue of the sovereign power of the State of Mississippi to
20 fulfill its essential functions of government, the following is
21 declared to be legal tender:

22 (a) Gold and silver coin at any time issued by the
23 United States government;

24 (b) Coin having at least ninety percent (90%) fine gold
25 or silver content, denominated on either face in the troy ounce or
26 multiples or fractions thereof, issued by the sovereign
27 governments of Australia, Austria, Canada, China, Mexico, New
28 Zealand, South Africa or the United Kingdom; and

29 (c) Any identifiable class of gold or silver coin or



30 bullion, having its precious metal content denominated on either
31 face in the troy ounce or pennyweight, or multiples or fractions
32 thereof, which the Treasurer of the State of Mississippi may by
33 administrative rule designate as suitable for the payment of
34 taxes.

35 **SECTION 4.** No tax liability shall result from:

36 (a) The holding of any type of legal tender in a
37 financial institution or otherwise;

38 (b) The exchange of one (1) form of legal tender for
39 any other; or

40 (c) The actual or imputed increase in the purchasing
41 power of one (1) form of legal tender as compared to another.

42 **SECTION 5.** No person may compel any other person to tender
43 or accept gold or silver legal tender, except for parties in
44 privity of contract who are entitled to specific performance in
45 the particular type of legal tender agreed upon by contract,
46 including any agreed upon discount or surcharge dependent upon the
47 particular medium of exchange or method of payment employed
48 between them.

49 **SECTION 6.** The Attorney General shall employ all reasonable
50 measures to ensure the full monetization, integrity, unfettered
51 circulation and equal protection of gold and silver legal tender.

52 **SECTION 7.** This act shall take effect and be in force from
53 and after July 1, 2012.

