

By: Representative West

To: Ways and Means

HOUSE BILL NO. 1696

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11 APPROVED AT AN ELECTION, WILL BE REPEALED NOT LATER THAN SEVEN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14 THE TAX AUTHORIZED IN THIS ACT SHALL BE REPEALED NOT LATER THAN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 (✓) 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 section.

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 2002 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. _____, 2002 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. _____, 2002 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. _____, 2002
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.

