

By: Representatives Parker, Hamilton (109th) To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1769

1 AN ACT TO AUTHORIZE THE GEORGE COUNTY BOARD OF SUPERVISORS TO
2 ISSUE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING,
3 CONSTRUCTING, EQUIPPING, FURNISHING, OPERATING AND MAINTAINING A
4 COUNTY SPORTS AND RECREATION COMPLEX; TO PROVIDE FOR A TAX UPON
5 GROSS PROCEEDS OF SALES IN GEORGE COUNTY, WHICH SHALL BE EXPENDED
6 BY THE BOARD OF SUPERVISORS TO RETIRE THE BONDS; TO PROVIDE THAT
7 THE TAX SHALL BE COLLECTED BY THE STATE TAX COMMISSION AND PAID TO
8 GEORGE COUNTY; TO PROVIDE THAT THE BONDS SHALL NOT BE ISSUED AND
9 THE TAX SHALL NOT BE IMPOSED UNLESS APPROVED AT AN ELECTION HELD
10 IN THE COUNTY 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 George 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 Ten
15 Million Dollars (\$10,000,000.00) for the purpose of acquiring,
16 constructing, equipping, furnishing, operating and maintaining a
17 county sports and recreation complex, payment of interest on the
18 bonds, establishment of reserves to secure those bonds and payment
19 of expenses incident to the issuance of those bonds. The term
20 "bonds," as used in this act, means and includes bonds, refunding
21 bonds, notes or certificates of participation. The full faith and
22 credit of the county shall be irrevocably pledged for the payment
23 of the principal of and interest on the bonds. Bonds issued under
24 this act shall be subject to the provisions of Sections 19-9-19,
25 19-9-21 and 19-9-23, Mississippi Code of 1972.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 **SECTION 9.** The Board of Supervisors of George County shall
121 deposit the funds paid to it as authorized by Section 8(2) and (3)
122 of this act into a special fund in the county treasury. Monies in
123 the special fund shall be expended by the board of supervisors to
124 pay the principal of and interest on not more than Ten Million
125 Dollars (\$10,000,000.00) of general obligation bonds issued by the
126 county for the purpose of defraying the costs of acquiring,
127 constructing, equipping, furnishing, operating and maintaining a
128 county sports and recreation complex, as authorized by this act.

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

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

149 **SECTION 12.** The Board of Supervisors of George County, shall
150 submit this act, immediately upon approval by the Governor, or
151 upon approval by the Legislature subsequent to a veto, to the
152 Attorney General of the United States or to the United States
153 District Court for the District of Columbia in accordance with the
154 provisions of the Voting Rights Act of 1965, as amended and
155 extended.

156 **SECTION 13.** This act shall take effect and be in force from
157 and after the date it is effectuated under Section 5 of the Voting
158 Rights Act of 1965, as amended and extended.