

By: Senator(s) Dearing

To: Local and Private

## SENATE BILL NO. 3222

1 AN ACT TO AMEND CHAPTER 893, LOCAL AND PRIVATE LAWS OF 1973,  
2 AS LAST AMENDED BY CHAPTER 994, LOCAL AND PRIVATE LAWS OF 1998, TO  
3 EXPAND THE AUTHORITY OF THE NATCHEZ COUNTY CONVENTION PROMOTION  
4 COMMISSION TO PROMOTE AND MARKET TOURISM WITHIN ADAMS COUNTY; TO  
5 AUTHORIZE THE COMMISSION TO PLEDGE REVENUE IT RECEIVES UNDER THIS  
6 ACT AND TO SECURE AND PAY DEBT SERVICE FOR ANY GENERAL OBLIGATION  
7 OR OTHER DEBT INCURRED BY THE GOVERNING AUTHORITIES OF THE CITY OF  
8 NATCHEZ FOR THE PURPOSES OF THIS ACT; TO AUTHORIZE THE COMMISSION  
9 TO MAKE CERTAIN LEASE PAYMENTS; TO AUTHORIZE THE COMMISSION TO  
10 ENTER INTO CERTAIN ADMINISTRATIVE AGREEMENTS WITH THE CITY OF  
11 NATCHEZ; TO AUTHORIZE THE COMMISSION TO EMPLOY NECESSARY  
12 PERSONNEL; TO PROVIDE THAT A CERTAIN PORTION OF THE REVENUE FROM  
13 THE TAXES LEVIED UNDER THIS ACT SHALL BE PAID TO THE CITY OF  
14 NATCHEZ FOR THE PURPOSE OF CONSTRUCTING, EQUIPPING AND MAINTAINING  
15 A NEW CONVENTION CENTER; AND FOR RELATED PURPOSES.

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

17 SECTION 1. Chapter 893, Local and Private Laws of 1973, as  
18 amended by Chapter 849, Local and Private Laws of 1974, as amended  
19 by Chapter 420, Local and Private Laws of 1975, as amended by  
20 Chapter 941, Local and Private Laws of 1978, as amended by Chapter  
21 843, Local and Private Laws of 1989, as amended by Chapter 882,  
22 Local and Private Laws of 1990, as amended by Chapter 888, Local  
23 and Private Laws of 1992, as amended by Chapter 994, Local and  
24 Private Laws of 1998, is amended as follows:

25 Section 1. Natchez-Adams County Convention Promotion  
26 Commission. There is hereby created a Natchez-Adams County  
27 Convention Promotion Commission to be composed of six (6) members  
28 to be constituted and appointed as provided in Section 2 hereof.  
29 For the purposes of this act and unless otherwise required by the  
30 context, the word "commission" shall mean the Natchez-Adams County  
31 Convention Promotion Commission. From and after the effective  
32 date of House Bill No. 1883, 1998 Regular Session, the commission

33 shall be renamed the Natchez Convention Promotion Commission, and  
34 the term "commission" shall mean the Natchez Convention Promotion  
35 Commission.

36 Section 2. Terms of Office. There is hereby created the  
37 Natchez-Adams County Convention Promotion Commission to be  
38 appointed, qualify and take office within thirty (30) days of the  
39 effective date of this act. The initial appointments to said  
40 commission shall be as follows: Three (3) members of the  
41 commission shall be appointed by the Adams County Board of  
42 Supervisors and three (3) members of the commission shall be  
43 appointed by the Mayor and Board of Aldermen of the City of  
44 Natchez. All of these members of said commission shall serve at  
45 the discretion of their respective appointing boards. From and  
46 after the effective date of House Bill No. 1883, 1998 Regular  
47 Session, the Mayor and Board of Aldermen of the City of Natchez  
48 shall make all appointments to the commission, and such commission  
49 members shall serve at the discretion of the Mayor and Board of  
50 Aldermen of the City of Natchez. Vacancies which shall occur  
51 shall be filled in the same manner as the original appointments.  
52 Members of the Natchez-Adams County Convention Promotion  
53 Commission in place before the effective date of House Bill No.  
54 1883, 1998 Regular Session, shall serve as members of the  
55 commission until the appointment and qualification of new  
56 commission members pursuant to House Bill No. 1883, 1998 Regular  
57 Session.

58 Section 3. Qualification, oath and bond. Before entering  
59 upon the duties of the office, each appointed member of the  
60 commission shall enter into and give bond to be approved by the  
61 Secretary of State of the State of Mississippi in the sum of  
62 Twenty-five Thousand Dollars (\$25,000.00) conditioned upon the  
63 faithful performance of his duties. Such bond shall be payable to  
64 the State of Mississippi and in the event of a breach thereof,  
65 suit may be brought by the State of Mississippi for the benefit of  
66 the commission. The premiums on said bonds shall be paid from the  
67 funds received by the commission under the provisions of this act.

68 Section 4. Organization, meetings, minutes and office  
69 supplies. When the members of the commission shall have been

70 appointed and qualified as set forth herein, and not more than  
71 thirty (30) days thereafter, they shall hold an organizational  
72 meeting after giving not less than ten (10) days' notice of the  
73 time and place of such meeting. Such call notice shall be given  
74 by the Mayor of the City of Natchez. At such meeting a quorum  
75 shall be four (4) commissioners; a majority of those members  
76 attending shall elect a president and secretary, both of whom  
77 shall be members of said commission, and adopt such rules and  
78 regulations as may govern the time and place for holding  
79 subsequent meetings, regular and special, and other rules and  
80 regulations not inconsistent with the provisions of this act.

81 Section 5. (a) Powers. The commission shall have authority  
82 to establish, promote and develop a civic center or convention  
83 center within Adams County, Mississippi, and to promote and  
84 encourage conventions and visitors to come to Adams County. In  
85 this regard, the commission is empowered:

86 (1) To own, erect, construct, furnish, equip, and/or  
87 contract for and operate facilities such as a convention center,  
88 civic center, auditorium or visitors center.

89 (2) To own, lease or contract for any equipment and  
90 facilities or for services necessary for and useful in the  
91 promotion of conventions and tourism in Adams County.

92 (3) To receive and expend revenues from any source.

93 (4) To enter into contracts for the promotion and use  
94 of the civic center, auditorium and convention center, and for the  
95 staging, marketing and promotion of cultural, educational and  
96 other events within Adams County, Mississippi, including, but not  
97 limited to, touring and visitation of antebellum homes and other  
98 tourism attractions.

99 (5) To sell, convey, mortgage, pledge, lease, exchange,  
100 transfer and otherwise dispose of all or any part of its property  
101 and assets, subject to prior approval of the appointing  
102 authorities.

103           (6) To purchase, take, receive, lease or otherwise  
104 acquire, own, hold, improve, use and otherwise deal in real or  
105 personal property or any interest therein, wherever situated,  
106 according to the requirements of Chapter 7, Title 31, Mississippi  
107 Code of 1972, regarding public purchases.

108           (7) To take all actions necessary to comply with  
109 Chapter 46, Title 11, Mississippi Code of 1972.

110           (8) To pledge to one or more lending institutions the  
111 revenues derived from the tax levy authorized under Section 6 of  
112 this act as it existed before May 1, 1989, for such period of time  
113 as is necessary to repay any loan or loans incurred by the  
114 commission for the purpose of accomplishing the provisions of this  
115 act.

116           (9) To use or pledge the revenues derived from the tax  
117 levy authorized under the provisions of this act and to secure and  
118 pay debt service for any general obligation or other debt incurred  
119 by the governing authorities of the City of Natchez for the  
120 purpose of accomplishing the provisions of this act.

121           (10) To use or pledge the revenues derived from the tax  
122 levy authorized under the provisions of this act to secure and  
123 make lease payments under any lease and lease purchase agreements  
124 entered into by the governing authorities of the City of Natchez  
125 pursuant to the provisions of Sections 31-8-1 through 31-8-13,  
126 Mississippi Code of 1972, for the purpose of accomplishing the  
127 provisions of this act.

128           (11) To accept gifts, gratuities and donations and to  
129 enter into loan agreements with the City of Natchez, Mississippi.  
130 Such appropriation, gift, donation or loan shall be expended in  
131 the support and maintenance of the commission, and its functions  
132 and operations, or on such terms as provided in such gift or loan.

133           (12) To enter into contracts or agreements with the  
134 City of Natchez for the efficient and economical administration of  
135 the commission's operations, including, but not limited to,

136 personnel management, group health insurance, purchasing  
137 procedures, payroll, docket, maintenance of checking and savings  
138 accounts, assistance in budgeting, finance and related  
139 administrative functions generally carried on by the commission  
140 and by the City of Natchez.

141 (13) To employ or contract with engineers, architects,  
142 attorneys, accountants, consultants, real estate brokers and  
143 appraisers and such executive and administrative personnel as  
144 shall be reasonably necessary to carry out the duties and  
145 authority authorized by this act, with funds available for such  
146 purposes.

147 (b) The enumeration of any specific rights and powers  
148 contained in this section where followed by general powers shall  
149 not be construed in a restrictive sense, but shall be construed as  
150 broadly and comprehensively as possible to effectuate the purposes  
151 of this act.

152 (c) \* \* \* At least once a year the commission shall have  
153 prepared an audit by a certified public accountant.

154 Section 6. Levy of tax. For the purpose of providing funds  
155 for the promotion of conventions, use and maintenance of a new  
156 convention center, and attraction of visitors to Adams County,  
157 there is hereby levied and assessed against and shall be collected  
158 from every person, firm or corporation engaging in or doing  
159 business as specified herein an assessment which shall be in  
160 addition to all other taxes now imposed, as hereinafter provided:

161 (a) An assessment which shall be equal to three percent  
162 (3%) of the gross proceeds of sales from room rental of all motels  
163 and hotels doing business in Adams County, Mississippi. From and  
164 after the effective date of House Bill No. 1883, 1998 Regular  
165 Session, such assessment shall only be imposed on motels and  
166 hotels doing business in the City of Natchez, Mississippi.

167 (b) An assessment of one and one-half percent (1-1/2%)  
168 of the gross proceeds of the sales of restaurants, on-premises

169 Alcoholic Beverage Control permit holders, excluding those held by  
170 private clubs, organizations or associations, antique and  
171 secondhand shops and gift and souvenir shops, when the gross  
172 income of such businesses exceeds One Hundred Thousand Dollars  
173 (\$100,000.00) annually.

174 (c) Such tax shall be collected by and paid to the  
175 State Tax Commission on a form to be prescribed by the State Tax  
176 Commission in the same manner that state sales taxes are collected  
177 and paid; and the full enforcement provisions and all other  
178 provisions of Chapter 119, Laws of 1934, as amended, shall apply  
179 as necessary to the implementation and administration of this act.

180 The proceeds of such tax, as levied prior to May 1, 1989, shall  
181 be paid on a monthly basis to the commission on or before the  
182 fifteenth day of the month following the month in which collected.

183 (d) The levy authorized by this section as it existed  
184 before May 1, 1989, shall not be revoked or diminished until such  
185 time as any loan or loans incurred by the commission are fully  
186 paid out, both principal and interest.

187 (e) Before levying the additional assessments  
188 authorized by the amendments to paragraphs (a) and (b) of this  
189 section by House Bill No. 1469, 1989 Regular Session, the Board of  
190 Supervisors of Adams County and the governing authorities of the  
191 City of Natchez shall, by joint resolution spread upon their  
192 minutes, declare their intention to levy the additional  
193 assessments and shall state in such resolution the amount of such  
194 additional assessments. Notice of such intention shall be  
195 published by the Board of Supervisors of Adams County once a week  
196 for at least three (3) consecutive weeks in a newspaper published  
197 or having a general circulation in the county, with the first  
198 publication of such notice to be made not less than twenty-one  
199 (21) days prior to the date fixed in the resolution declaring the  
200 intent to levy such additional assessments and the last  
201 publication to be made not more than seven (7) days prior to such

202 date. If, on or before the date specified in the resolution,  
203 twenty percent (20%) or fifteen hundred (1500) whichever is less,  
204 of the qualified electors of Adams County shall file a written  
205 protest against the levying of such additional assessments, then  
206 an election thereon shall be called and held as hereby provided.  
207 If no such protest shall be filed, then the additional assessments  
208 may be levied without an election thereon at any time within a  
209 period of two (2) years after the date specified in the  
210 resolution. If an election is required by the protest of the  
211 appropriate number of qualified electors of the county, then an  
212 election shall be held under applicable laws. Provided, however,  
213 that nothing in this act shall prevent the board from calling an  
214 election, whether required by twenty percent (20%) or fifteen  
215 hundred (1500), whichever is less, of the qualified electors, in  
216 which event it shall not be necessary to publish the resolution of  
217 intent above described.

218 At any such election, all qualified electors of the county  
219 may vote, and the ballots used in such election shall have printed  
220 thereon a brief statement of the amount and purposes of the  
221 proposed additional assessments and the words "FOR THE ADDITIONAL  
222 ASSESSMENTS" and "AGAINST THE ADDITIONAL ASSESSMENTS," and the  
223 voters shall vote by placing a cross (X) or check (V) opposite  
224 their choice on the proposition.

225 When the results of any such election shall have been  
226 canvassed by the election commission of the county and certified,  
227 the Board of Supervisors of Adams County and the governing  
228 authorities of the City of Natchez may levy the additional  
229 assessments if a majority of the qualified electors who vote in  
230 such election vote in favor of the additional assessments.

231 (f) Through December 31, 1999, all of the revenue  
232 derived from the additional assessments authorized by the  
233 amendments to paragraphs (a) and (b) of this section by House Bill  
234 No. 1469, 1989 Regular Session, shall be set aside and earmarked

235 by the commission, and shall be paid on a quarterly basis equally  
236 to the City of Natchez and to Adams County, Mississippi, to be  
237 used for the acquisition of rights-of-way, and for the cost of  
238 providing and constructing infrastructure and other capital  
239 improvements, all as required of, or as needed by, the City of  
240 Natchez and Adams County in meeting their in-kind contributions  
241 and other costs in compliance with Public Law 100-479, which  
242 authorizes the establishment of the Natchez National Historical  
243 Park, and provisions of applicable National Park Service or other  
244 federal requirements for the Natchez National Historical Park and  
245 the Natchez Trace. From and after the effective date of House  
246 Bill No. 1883, 1998 Regular Session, all of the revenue from such  
247 additional assessments shall be set aside and earmarked by the  
248 commission, and shall be paid on a quarterly basis to the City of  
249 Natchez for use according to the provisions of this paragraph (f).

250 The City of Natchez shall assume all responsibility hereafter for  
251 the in-kind contributions of the City of Natchez and Adams County  
252 as well as other costs in compliance with Public Law 100-479, and  
253 Adams County will have no further responsibility or obligation  
254 therefor.

255 (g) From and after January 1, 2000, all of the revenue  
256 derived by the additional assessments authorized by the amendments  
257 to paragraphs (a) and (b) by House Bill No. 1469, 1989 Regular  
258 Session, shall be paid by the State Tax Commission on a monthly  
259 basis directly to the City of Natchez and shall be set aside and  
260 earmarked by the City of Natchez in a special account to be used  
261 for the sole and exclusive purpose of establishing, financing,  
262 planning, design, construction and equipping of a new convention  
263 center in the City of Natchez, Mississippi, including the  
264 acquisition of land and site preparation thereon. At such time as  
265 the indebtedness, including interest for said facility has been  
266 retired, then the additional assessments authorized by the  
267 amendments to paragraphs (a) and (b) by House Bill No. 1469, 1989



268 Regular Session, shall be paid by the State Tax Commission on a  
269 monthly basis directly to the City of Natchez to be used by the  
270 City of Natchez for the purpose of operation and maintenance of  
271 the new convention center facility.

272         Section 7. The revenue derived from the levy of room tax as  
273 set forth in Section 6 herein as it existed before May 1, 1989,  
274 shall be used only for the financing, construction, operation,  
275 maintenance and promotion of the use of a convention or civic  
276 center, the city auditorium and for the operations of the  
277 commission.

278         Section 8. In carrying out the purposes set out herein, the  
279 commission shall have no power to regulate or control any  
280 existing, privately owned and operated organizations or facilities  
281 presently engaged in tourism.

282         Section 9. Definition. "Hotel" or "motel" shall mean and  
283 include any place of lodging, including bed and breakfast  
284 operations, that will accommodate transient guests on a daily  
285 basis and are known to the trade as such.

286         SECTION 2. This act shall take effect and be in force from  
287 and after its passage.