

By: Senator(s) Dearing

To: Local and Private

SENATE BILL NO. 3222
(As Passed the Senate)

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.