

By: Representatives Robinson (63rd), Brown, Clarke, Banks, Calhoun, Coleman (65th), Evans, Flaggs, Fleming, Holloway, Middleton

To: Local and Private Legislation; Ways and Means

HOUSE BILL NO. 1832

1 AN ACT TO CREATE THE CAPITAL CITY CONVENTION CENTER  
2 COMMISSION; TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION; TO  
3 PROVIDE THAT THE COMMISSION SHALL HAVE JURISDICTION AND AUTHORITY  
4 OVER ALL MATTERS RELATING TO THE ESTABLISHMENT, DEVELOPMENT,  
5 CONSTRUCTION, FURNISHING, EQUIPPING, OPERATING AND PROMOTING OF A  
6 CONVENTION CENTER WITHIN THE CITY OF JACKSON; TO AUTHORIZE THE  
7 IMPOSITION OF A TAX ON THE GROSS PROCEEDS OF RESTAURANTS, HOTELS  
8 AND MOTELS AND ON EACH CAR RENTAL AGREEMENT ENTERED INTO BY MOTOR  
9 VEHICLE RENTAL BUSINESSES, FOR THE PURPOSE OF PROVIDING FUNDS FOR  
10 THE ACQUISITION, CONSTRUCTION, FURNISHING, EQUIPPING, ERECTION,  
11 OPERATION, MAINTENANCE AND PROMOTING OF A CONVENTION CENTER AND  
12 FOR THE PAYMENT OF ANY DEBT INCURRED FOR THE ACQUISITION,  
13 CONSTRUCTION, EQUIPPING AND FURNISHING OF A CONVENTION CENTER; TO  
14 AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON,  
15 MISSISSIPPI, TO INCUR DEBT FOR THE PURPOSE OF ACQUIRING,  
16 CONSTRUCTING, EQUIPPING AND FURNISHING OF A CONVENTION CENTER IN  
17 AN AMOUNT NOT TO EXCEED \$100,000,000.00; TO REQUIRE A REFERENDUM  
18 ON THE QUESTION OF THE IMPOSITION OF ANY TAX AUTHORIZED UNDER THIS  
19 ACT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** As used in this act, the following words shall  
22 have the meanings ascribed to them in this section unless  
23 otherwise clearly indicated by the context in which they are used:

24 (a) "Commission" means the Capital City Convention  
25 Center Commission.

26 (b) "Convention center" means the Capital City  
27 Convention Center and other related and ancillary facilities.

28 (c) "Council" means the City Council of the City of  
29 Jackson, Mississippi.

30 (d) "Hotel" or "motel" means and includes a place of  
31 lodging that at any one time will accommodate transient guests on  
32 a daily or weekly basis and that is known to the trade as such,  
33 and which is located within the city limits of Jackson,  
34 Mississippi. Such terms shall not include a place of lodging with  
35 ten (10) or less rental units.

36 (e) "Mayor" means the Mayor of the City of Jackson,  
37 Mississippi.

38 (f) "Motor vehicle rental business" means a person,  
39 firm or corporation engaged in or continuing in the business of  
40 renting motor vehicles under rental agreements with a term of not  
41 more than thirty (30) continuous days each, and which are located  
42 within the city limits of Jackson, Mississippi, including, but not  
43 limited to, businesses located at the Jackson International  
44 Airport.

45 (g) "Restaurant" means and includes all places where  
46 prepared food is sold and whose annual gross proceeds of sales or  
47 gross income for the preceding calendar year equals or exceeds One  
48 Hundred Thousand Dollars (\$100,000.00), and which are located  
49 within the city limits of Jackson, Mississippi. For the purpose  
50 of calculating gross proceeds of sales or gross income, the sales  
51 or income of all establishments owned, operated or controlled by  
52 the same person, persons or corporation shall be aggregated.

53 **SECTION 2.** (1) There is hereby created and established in  
54 the City of Jackson, Mississippi, the Capital City Convention  
55 Center.

56 (2) The commission shall be domiciled in the City of  
57 Jackson. It shall have the authority to promulgate and enact all  
58 rules and regulations necessary or advantageous to the purpose of  
59 the commission.

60 **SECTION 3.** (1) The commission shall be composed of seven  
61 (7) members appointed by the mayor, who shall be known as  
62 commissioners.

63 (a) One (1) of the commissioners shall be a  
64 representative of a tourism-related entity in Madison County, and  
65 one (1) of the commissioners shall be a representative of a  
66 tourism-related entity in Rankin County. The members appointed  
67 pursuant to this paragraph (a) shall be appointed for a term of  
68 five (5) years.

69           (b) The remainder of the commissioners shall be  
70 residents of the City of Jackson. One (1) shall be appointed for  
71 a term of one (1) year, one (1) shall be appointed for a term of  
72 two (2) years, one (1) shall be appointed for a term of three (3)  
73 years, one (1) shall be appointed for a term of four (4) years and  
74 one (1) shall be appointed for a term of five (5) years. All  
75 succeeding terms shall be for five (5) years.

76           (c) Any vacancy which occurs shall be filled in the  
77 same manner as the original appointment and shall be made for the  
78 unexpired term only. Each commissioner shall serve until his  
79 successor is appointed and qualifies.

80           (d) Of the seven (7) members, one (1) commissioner  
81 shall be a hotel/motel member representing hotel or motel  
82 properties and one (1) commissioner shall be a representative of  
83 the restaurant industry.

84           (e) The commissioners shall serve without compensation.

85           (2) Any commissioner may be disqualified and removed from  
86 office for either of the following reasons:

87           (a) Conviction of a felony; or

88           (b) Failure to attend three (3) consecutive meetings  
89 without just cause.

90           If a commissioner is removed for any of the above reasons,  
91 the vacancy shall be filled in the manner prescribed in this  
92 section and shall be made for the unexpired term.

93           (3) Before assuming the duties of office, each commissioner  
94 shall take the oath prescribed by law and shall enter into and  
95 give bond, to be approved by the Secretary of State of the State  
96 of Mississippi, in the sum of Twenty-five Thousand Dollars  
97 (\$25,000.00), conditioned upon the faithful performance of his  
98 duties. Such bond shall be payable to the State of Mississippi,  
99 and, in the event of a breach thereof, suit may be brought by the  
100 State of Mississippi for the benefit of the commission. The

101 premiums on such bonds shall be paid from the funds received by  
102 the commission under the provisions of this act.

103 (4) A quorum shall consist of four (4) members of the  
104 commission. The commission shall elect a chairman, vice chairman  
105 and secretary, all of whom shall be members of the commission, and  
106 shall adopt such rules and regulations as may govern the time and  
107 place for holding meetings, regular and special, and other rules  
108 and regulations to administer, operate and promote the convention  
109 center not inconsistent with the provisions of this act.

110 **SECTION 4.** The commission shall have jurisdiction and  
111 authority over all matters relating to the establishment,  
112 development, construction, furnishing, equipping, operating and  
113 promoting of a convention center within the City of Jackson,  
114 including the authority to enter into such contracts and  
115 agreements as may be necessary to carry out the intent of this  
116 act. The commission shall adhere to the provisions of the public  
117 purchasing laws, public works contracts laws and public bid laws  
118 as provided by the laws of the State of Mississippi.

119 The commission is authorized to contract for the  
120 construction, furnishing, equipping, operation and promotion of a  
121 convention center and to receive and expend, subject to the  
122 provisions of this act, revenues from any source.

123 **SECTION 5.** (1) For the purpose of providing funds for the  
124 acquisition, construction, furnishing, equipping, erection,  
125 operation, maintenance and promotion of a convention center and  
126 for the payment of any debt incurred for the acquisition,  
127 construction, equipping and furnishing of a convention center,  
128 there is hereby levied, assessed and shall be collected from every  
129 person engaging in or doing business in the City of Jackson in  
130 addition to all other taxes currently being levied, assessed and  
131 collected:

132 (a) A tax of one percent (1%) of the gross proceeds of  
133 sales of restaurants, including, but not limited to, sales of beer

134 and alcoholic beverages sold to be consumed on the premises;

135           (b) A tax of three percent (3%) of the gross proceeds  
136 of sales of hotels and motels, including, but not limited to,  
137 sales of beer and alcoholic beverages sold to be consumed on the  
138 premises.

139           (c) A tax of Two Dollars (\$2.00) on each motor vehicle  
140 rental agreement entered into by a motor vehicle rental business;  
141 however, this tax shall not apply to motor vehicles with a gross  
142 vehicle weight exceeding ten thousand pounds (10,000).

143           (2) Persons liable for the tax imposed herein shall add the  
144 amount of tax to the sales price or gross income and, in addition  
145 thereto, shall collect, insofar as practicable, the amount of the  
146 tax due by them from the person receiving the services or goods at  
147 the time of payment therefor.

148           (3) Such tax shall be collected by and paid to the State Tax  
149 Commission on a form prescribed by the State Tax Commission, in  
150 the same manner that state sales taxes are computed, collected and  
151 paid; and the full enforcement provisions of Chapter 65, Title 27,  
152 Mississippi Code of 1972, shall apply as necessary to the  
153 implementation and administration of this act.

154           (4) The proceeds of such tax shall be paid to the City of  
155 Jackson on or before the fifteenth day of the month following the  
156 month in which they were collected.

157           (5) The proceeds of the tax shall not be considered by the  
158 City of Jackson as general fund revenues and shall be placed into  
159 a special fund. Money in the special fund shall first be used to  
160 pay the debt service on any debt incurred by the city for the  
161 acquisition, construction, equipping and furnishing of a  
162 convention center. Amounts in the fund not necessary to pay debt  
163 service may be utilized by the commission solely for the purpose  
164 of operation, maintenance and promotion of a convention center.

165           **SECTION 6.** The governing authorities of the City of Jackson,  
166 Mississippi, are authorized to incur debt pursuant to any existing

167 law authorizing the issuance of bonds, notes or other evidences of  
168 debt, for the purpose of acquiring, constructing, equipping and  
169 furnishing of a convention center in an amount not to exceed One  
170 Hundred Million Dollars (\$100,000,000.00). In the event that the  
171 city elects to issue bonds pursuant to Section 21-33-301 et seq.,  
172 the bonds shall not be subject to the limitation on indebtedness  
173 imposed by Section 21-33-303, to the extent that the bonds are  
174 paid with the proceeds of the taxes authorized by this act.

175       **SECTION 7.** Before any tax authorized under this act may be  
176 imposed, the governing authorities of the City of Jackson shall  
177 adopt a resolution declaring its intention to levy the taxes,  
178 setting forth the amount of such tax to be imposed, the date upon  
179 which such taxes shall become effective and calling for a  
180 referendum to be held on the question. The date of the election  
181 shall be set in the resolution. Notice of such intention shall be  
182 published once each week for at least three (3) consecutive weeks  
183 in a newspaper published or having a general circulation in the  
184 county, with the first publication of such notice to be made not  
185 less than twenty-one (21) days before the date fixed in the  
186 resolution for the election and the last publication to be made  
187 not more than seven (7) days before the election. At the  
188 election, all qualified electors of the City of Jackson may vote,  
189 and the ballots used in such election shall have printed thereon a  
190 brief statement of the amount and purposes of the proposed tax  
191 levy and the words "FOR THE CONVENTION CENTER TAX" and, on a  
192 separate line, "AGAINST THE CONVENTION CENTER TAX", and the voters  
193 shall vote by placing a cross (X) or check (✓) opposite their  
194 choice on the proposition. When the results of any such election  
195 shall have been canvassed by the election commission and  
196 certified, the city may levy the taxes beginning on the first day  
197 of the second month following the election, if a majority of the  
198 qualified electors who vote in the election vote in favor of the  
199 tax. In the event that a majority of the qualified electors who

200 vote at the election vote for the convention center tax and the  
201 city elects to issue bonds pursuant to Section 21-33-301 et seq.,  
202 the city shall not be required to comply with the provisions of  
203 Section 21-33-307. At least thirty (30) days before the effective  
204 date of the taxes, the governing authorities of the City of  
205 Jackson shall furnish to the State Tax Commission a certified copy  
206 of the resolution evidencing the taxes.

207       **SECTION 8.** Accounting for receipts and expenditures of the  
208 funds described in this act must be made separately from the  
209 accounting of receipts and expenditures of the general fund and  
210 any other funds of the City of Jackson. The records reflecting  
211 the receipts and expenditures of the funds prescribed in this act  
212 shall be audited annually by an independent certified public  
213 accountant, and the accountant shall make a written report of his  
214 audit to the council and the commission. The audit shall be made  
215 and completed as soon as practicable after the close of the fiscal  
216 year, and expenses of such audit shall be paid from the funds  
217 derived pursuant to this act.

218       **SECTION 9.** The governing authorities of the City of Jackson  
219 shall submit this act, immediately upon approval by the Governor,  
220 or upon approval by the Legislature subsequent to a veto, to the  
221 Attorney General of the United States or to the United States  
222 District Court for the District of Columbia in accordance with the  
223 provisions of the Voting Rights Act of 1965, as amended and  
224 extended.

225       **SECTION 10.** This act shall take effect and be in force from  
226 and after the date it is effectuated under Section 5 of the Voting  
227 Rights Act of 1965, as amended and extended.