

By: Senator(s) Gordon

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2641

1 AN ACT TO AMEND SECTIONS 31-31-3, 31-31-5, 31-31-7, 31-31-9
2 AND 31-31-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
3 DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL ADMINISTER THE
4 MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING CENTER; TO
5 ABOLISH THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING
6 COMMISSION AND TRANSFER ITS POWERS, DUTIES, RECORDS, PROPERTY,
7 FUNDS AND OTHER ASSETS AND PERSONNEL TO THE DEPARTMENT OF FINANCE
8 AND ADMINISTRATION; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
9 ADMINISTRATION TO ESCALATE, BUDGET AND EXPEND A CERTAIN AMOUNT
10 FROM THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING
11 CENTER FUND AND MISSISSIPPI TELECOMMUNICATIONS CONFERENCE AND
12 TRAINING CENTER RESERVE FUND FOR CERTAIN PURPOSES; TO AUTHORIZE
13 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND
14 CONVEY THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING
15 CENTER TO THE CAPITAL CITY CONVENTION CENTER COMMISSION; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 31-31-3, Mississippi Code of 1972, is
19 amended as follows:

20 31-31-3. As used in this chapter:

21 (a) "Department" means the Department of Finance and
22 Administration.

23 (b) "Facility" means the Mississippi Telecommunication
24 Conference and Training Center located in the City of Jackson,
25 Mississippi.

26 (c) "Fund" means the Mississippi Telecommunication
27 Conference and Training Center Fund.

28 (d) "Hotel" or "motel" means and includes a place of
29 lodging that at any one time will accommodate transient guests on
30 a daily or weekly basis and that is known to the trade as such.
31 Such terms shall not include a place of lodging with ten (10) or
32 less rental units.

33 (e) "Reserve fund" means the Mississippi
34 Telecommunications Conference and Training Center Reserve Fund.

35 **SECTION 2.** Section 31-31-5, Mississippi Code of 1972, is
36 amended as follows:

37 31-31-5. (1) There is hereby created a commission to be
38 known as the "Mississippi Telecommunication Conference and
39 Training Center Commission" which shall consist of eleven (11)
40 members as follows:

41 (a) The Executive Director of the Department of
42 Economic and Community Development;

43 (b) The Mayor of the City of Jackson;

44 (c) The President of Jackson State University;

45 (d) The Vice Chancellor for Health Affairs of the
46 University of Mississippi Medical Center;

47 (e) The Executive Director of the Metro Jackson
48 Convention and Visitors Bureau;

49 (f) The Executive Director of the Institute for
50 Technology Development;

51 (g) Three (3) members of the private sector appointed
52 by the Governor, with the advice and consent of the Senate, to
53 serve a term concurrent with that of the Governor; and

54 (h) Two (2) members of the private sector appointed by
55 the Lieutenant Governor, with the advise and consent of the
56 Senate, to serve a term concurrent with that of the Lieutenant
57 Governor.

58 (2) The members of the commission shall serve without
59 compensation except that members shall be paid their actual and
60 necessary expenses in connection with the performance of their
61 duties as members of the commission including mileage, as
62 authorized in Section 25-3-41 and each member who is not a state
63 employee or a public official shall be paid a per diem as
64 authorized in Section 25-3-69. Expenses, mileage and per diem
65 allowance shall be paid out of the Mississippi Telecommunication
66 Conference and Training Center Fund.

67 (3) The commission shall elect from its membership a
68 chairman, who shall preside over meetings, and a vice chairman,
69 who shall preside in the absence of the chairman. Four (4)
70 members of the commission shall constitute a quorum for the
71 transaction of any and all business of the commission.

72 (4) The commission shall appoint a director who shall be
73 responsible for conducting the day to day business of the
74 commission.

75 (5) From and after the effective date of this act:

76 (a) The Mississippi Telecommunication Conference and
77 Training Center Commission shall be abolished;

78 (b) All records, property, funds and other assets and
79 personnel of the commission shall be transferred to the
80 department; and

81 (c) Any personal service, management or other contracts
82 of like nature entered into by the commission shall be cancelled.

83 **SECTION 3.** Section 31-31-7, Mississippi Code of 1972, is
84 amended as follows:

85 31-31-7. The department shall have the following powers with
86 regard to the Mississippi Telecommunication Conference and
87 Training Center:

88 * * *

89 (a) To establish, construct, enlarge, improve,
90 maintain, equip, operate and regulate the facility and other
91 property incidental thereto, including any additional property or
92 facilities considered by the department to promote the business,
93 usage or economic viability of the facility;

94 (b) To grant to others the privilege to operate for
95 profit concessions, leases and franchises, including but not
96 limited to, the furnishing of food and banquet services,
97 management services, and other services necessary to the operation
98 of the facility and such concessions, leases and franchises shall
99 be exclusive or limited;

100 (c) To lease the facility and its operation and
101 management to any public or private entity and if the facility is
102 leased to a public or private entity, the entity shall have the
103 responsibility for maintenance, upkeep, security for the facility
104 and shall be accountable for all facility furnishings and
105 equipment;

106 (d) To determine fees, rates and charges for the use of
107 the facility;

108 (e) To apply for and accept gifts, or grants of money
109 or gifts, grants or loans of other property or other financial
110 assistance from any source to carry out the purposes of this
111 chapter;

112 (f) To borrow funds needed to carry out the purposes of
113 this chapter; * * * however, * * * such debt may be secured only
114 by the revenues generated by the facility, funds generated by the
115 tax levied pursuant to Section 31-31-11 and the proceeds of any
116 bonds issued pursuant to this chapter;

117 (g) To appoint, employ or engage such officers,
118 employees, architects, engineers, attorneys, accountants,
119 financial advisors, investment bankers and other advisors,
120 consultants, and agents as may be necessary or appropriate to
121 carry out the purposes of this chapter;

122 (h) To make, assume and enter into all contracts,
123 leases and arrangements necessary or incidental to the exercise
124 for its powers, including, but not limited to, contracts for
125 management, operation or marketing of all or any part of the
126 facility;

127 (i) To adopt, amend and repeal rules and regulations
128 for the use, maintenance and operation of the facility and
129 governing the conduct of persons and organizations using the
130 facility and to enforce such rules and regulations; * * *

131 (j) To establish operational, accountability and
132 reporting guidelines for the facility; and

133 (k) To do all things necessary or convenient to the
134 purposes of this chapter.

135 **SECTION 4.** Section 31-31-9, Mississippi Code of 1972, is
136 amended as follows:

137 31-31-9. All monies and revenues collected * * * from fees,
138 rates and charges for the use of the facility shall be paid by the
139 department to the State Treasurer, to be deposited to the credit
140 of a special fund to be known as the "Mississippi
141 Telecommunication Conference and Training Center Fund;" however,
142 if the department leases the facility to a public or private
143 entity for the operation of a for-profit facility, all fees, rates
144 and charges for the use of the facility shall be utilized by the
145 entity to pay all expenses incident to the operation and upkeep of
146 the facility. Money in the fund at the end of a fiscal year shall
147 not lapse into the General Fund and interest earned on any amounts
148 deposited into the fund shall be credited to the special fund.
149 Except as otherwise provided in Section 31-31-11, all expenses
150 incident to the operation and upkeep of the facility shall be paid
151 out of the fund. The department is authorized to escalate, budget
152 and expend from the fund an amount not to exceed Two Million
153 Dollars (\$2,000,000.00) annually to pay costs incident to the
154 operation, maintenance and staffing of the facility as authorized
155 in Section 31-31-7.

156 **SECTION 5.** Section 31-31-11, Mississippi Code of 1972, is
157 amended as follows:

158 31-31-11. (1) For the purpose of providing funds for the
159 payment of a certain portion of the debt service on any bonds
160 issued pursuant to this chapter and for the purpose of providing
161 funds for the maintenance of the facility and renovations,
162 improvements and additions to the facility, there is hereby
163 levied, assessed and shall be collected from every person engaging
164 in or doing business in the City of Jackson, Mississippi, as
165 specified herein, a tax which may be cited as an "occupancy tax,"

166 which shall be in addition to all other taxes now imposed. Such
167 tax shall be upon each hotel and motel located within the City of
168 Jackson in the amount of Seventy-five Cents (75¢) per day for each
169 occupied room.

170 (2) Persons liable for the tax imposed herein shall add the
171 amount of tax to the price of rooms, and in addition thereto shall
172 collect, insofar as practicable, the amount of the tax due by him
173 from the person receiving the services or goods at the time of
174 payment therefor.

175 (3) Such tax shall be collected by and paid to the State Tax
176 Commission on a form prescribed by the State Tax Commission, in
177 the same manner that state sales taxes are collected and paid; and
178 the full enforcement provisions and all other provisions of
179 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
180 necessary to the implementation and administration of this
181 chapter.

182 (4) The proceeds of such tax shall be deposited by the State
183 Tax Commission into the reserve fund created pursuant to
184 subsection (5) of this section on or before the fifteenth day of
185 the month following the month in which collected by the State Tax
186 Commission.

187 (5) There is hereby created in the State Treasury a special
188 fund to be called the "Mississippi Telecommunication Conference
189 and Training Facility Reserve Fund." Money in the reserve fund at
190 the end of a fiscal year shall not lapse into the General Fund and
191 interest earned on any amount deposited into the reserve fund
192 shall be credited to the special fund. Money in the reserve fund
193 shall be used to pay a portion of the debt service of the bonds
194 issued pursuant to this chapter as specified in subsection (6) of
195 this section * * *. The department is authorized to escalate,
196 budget and expend an amount not to exceed Seven Hundred Fifty
197 Thousand Dollars (\$750,000.00) annually from the reserve fund for

198 the payment of a portion of debt service as provided for in
199 subsection (6) of this section.

200 (6) The amount of the debt service that shall be paid
201 annually from the reserve fund shall be the amount of the debt
202 service on bonds attributable to forty percent (40%) of the cost
203 of constructing the facility and the amount of the debt service on
204 bonds attributable to all land acquisition costs. Amounts
205 remaining in the reserve fund in any fiscal year after the
206 payments required by this subsection for debt service, may be
207 used * * * to provide funds for the maintenance of the facility
208 and renovations, improvements and additions to the facility.

209 (7) Before the taxes authorized by this chapter shall be
210 imposed, the municipal governing authorities of the City of
211 Jackson shall adopt a resolution declaring its intention to levy
212 the tax, setting forth the amount of such tax and establishing the
213 date on which this tax initially shall be levied and collected.
214 This date shall be not less than the first day of the second month
215 from the date of adoption of the resolution.

216 The resolution shall be published in a local newspaper at
217 least twice during the period from the adoption of the resolution
218 to the effective date of the taxation prescribed in this section,
219 with the last publication being made no later than ten (10) days
220 prior to the effective date of such taxation.

221 (8) The tax imposed pursuant to this section shall remain in
222 force and effect until the City of Jackson shall by resolution
223 rescind the tax; * * * however, * * * the tax imposed pursuant to
224 this section shall not be rescinded if any bonds issued pursuant
225 to this chapter remain outstanding.

226 **SECTION 6.** (1) The department may transfer and convey to
227 the Capital City Convention Center Commission, as created in
228 Chapter 1019, Local and Private Laws of 2004, all right, title and
229 interest in certain real property located within the City of
230 Jackson in Hinds County, Mississippi, and all personal property

231 located thereon, the real property being more particularly
232 described as follows:

233 A tract of land containing 1.328 Acres (57,848 Sq. Ft.),
234 more or less, located in Lots 34 and 35, West Jackson
235 and in the 8.93 Acre Lot South according to the Official
236 Map of the City of Jackson, prepared by Henry C. Daniel
237 in 1875 and being more particularly described as
238 follows, to wit:

239 BEGINNING at a punch mark in the concrete marking the
240 intersection of the South right-of-way line of
241 Pascagoula Street and the West right-of-way line of
242 Farish Street, as now laid out and in use, said point
243 also being the Northeast Corner of the aforesaid Lot 35;
244 thence, following the aforesaid South line of Pascagoula
245 Street, run South 80 degrees 38 minutes 37 seconds East
246 for a distance of 50.70 feet to a punch mark in the
247 concrete marking the intersection of the South
248 right-of-way line of Pascagoula Street and the East
249 right-of-way of Farish Street, as now laid out and in
250 use, said point also being the Northwest corner of the
251 aforesaid 8.93 Acre Lot 3 South; thence, continuing
252 along the aforesaid South right-of-way line of
253 Pascagoula Street, run South 80 degrees 38 minutes 37
254 seconds East for a distance of 168.25 feet to an iron
255 rod; thence, leaving the aforesaid South right-of-way
256 line, run South 04 degrees 03 minutes 38 seconds West
257 for a distance of 162.60 feet to an iron rod; thence run
258 North 87 degrees 03 minutes 22 seconds West for a
259 distance of 60.30 feet to an iron rod; thence run North
260 87 degrees 53 minutes 25 seconds West for a distance of
261 93.68 feet to a brass cap on the East right-of-way line
262 of Farish Street; thence run North 87 degrees 53 minutes
263 25 seconds West for a distance of 50.04 feet to a P.K.

264 nail in the concrete on the West right-of-way line of
265 Farish Street; thence, following the aforesaid West
266 right-of-way line of Farish Street, run North 00 degrees
267 12 minutes 26 seconds East for a distance of 34.10 feet
268 to a punch mark in the concrete; thence, leaving the
269 aforesaid West right-of-way line, run North 89 degrees
270 14 minutes 09 seconds West for a distance of 128.45 feet
271 to a point; thence run North 00 degrees 57 minutes
272 28 seconds East for a distance of 174.20 feet to a
273 point on the South right-of-way line of Pascagoula
274 Street; thence, following the South line of Pascagoula
275 Street, run South 80 degrees 38 minutes 37 seconds East
276 for a distance of 126.65 feet to the POINT OF BEGINNING.

277 This conveyance is subject to, and there is excepted
278 from the warranty hereof, the following:

279 1. Any and all prior reservations or conveyances
280 of oil, gas and other minerals in, on or under the
281 Property; and

282 2. Any and all easements, rights-of-way,
283 restrictive covenants or building restrictions of record
284 pertaining to the Property.

285 This conveyance is also subject to the reservation by
286 the City of Jackson, Mississippi (the "City") in that
287 certain Ordinance Closing and Vacating a Portion of
288 South Farish Street to Allow Construction of the
289 Telecommunication Conference Center adopted by the City
290 Council of the City on July 2, 2002, and recorded in
291 Book 5657 at Page 500, of the following utility
292 easements:

293 Utility Easement One: A utility easement forty feet in
294 width, being twenty feet each side of the centerline to
295 be described below, across a portion of Farish Street,
296 South of Pascagoula Street, and across a portion of that

297 certain property as described in Deed Book 5360 at Page
298 867 of the land records of Hinds County First Judicial
299 District and said centerline being more particularly
300 described as follows:
301 COMMENCING at a punch mark in the concrete marking the
302 intersection of the south right-of-way line of
303 Pascagoula Street and the West right-of-way line of
304 Farish Street, as now laid out in use, said point also
305 being the Northeast corner of Lot 35 per the Official
306 Map by Henry C. Daniel in 1875 of the City of Jackson;
307 run thence South 82 degrees 38 minutes 37 seconds East
308 following the aforesaid south right-of-way line of
309 Pascagoula Street for a distance of 29.25 feet to the
310 POINT OF BEGINNING of the following described
311 centerline; thence leaving said south right-of-way line
312 run thence South 00 degrees 38 minutes 35 seconds West
313 for a distance of 75.85 feet; run thence South 46
314 degrees 55 minutes 14 seconds East for a distance of
315 38.79 feet; run thence South 00 degrees 12 minutes 42
316 seconds East for a distance of 84.37 feet to a point on
317 the South line of the aforesaid property described in
318 Deed Book 5360 at Page 867 of the land records of Hinds
319 County First Judicial District and the Point Of Terminus
320 of the above centerline description.
321 Bearings used in the above description are grid based on
322 GPS observations from NGS monument Y-362.
323 Utility Easement Two: A utility easement twenty feet in
324 width, being ten feet each side of the centerline to be
325 described below, across a portion of Farish Street,
326 South of Pascagoula Street, and across a portion of that
327 certain property as described in Deed Book 5360 at Page
328 867 of the land records of Hinds County First Judicial

329 District and said centerline being more particularly
330 described as follows:
331 COMMENCING at a punch mark in the concrete marking the
332 intersection of the south right-of-way line of
333 Pascagoula Street and the West right-of-way line of
334 Farish Street, as now laid out in use, said point also
335 being the Northeast Corner of Lot 35 per the official
336 Map by Henry C. Daniel in 1875 of the City of Jackson;
337 run thence South 82 degrees 38 minutes 37 seconds East
338 following the aforesaid south right-of-way line of
339 Pascagoula Street for a distance of 29.25 feet to the
340 POINT OF BEGINNING of the following described
341 centerline; thence leaving said south right-of-way line
342 run thence South 00 degrees 38 minutes 35 seconds West
343 for a distance of 75.85 feet; run thence South 46
344 degrees 55 minutes 14 seconds East for a distance of
345 38.79 feet; run thence South 00 degrees 12 minutes 42
346 seconds East for a distance of 84.37 feet to a point on
347 the South line of the aforesaid property described in
348 Deed Book 5360 at page 867 of the land records of Hinds
349 County First Judicial District and the Point Of Terminus
350 of the above centerline description.

351 Bearings used in the above description are grid based on
352 GPS observations from NGS monument Y-362.

353 (2) The conveyance authorized in subsection (1) of this
354 section may be made on such terms and conditions agreed upon by
355 the Department of Finance and Administration and the Capital City
356 Convention Center Commission.

357 **SECTION 7.** This act shall take effect and be in force from
358 and after its passage.