

By: Senator(s) Gordon

To: Finance

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; AND FOR RELATED
 13 PURPOSES.

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

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

17 31-31-3. As used in this chapter:

18 (a) "Department" means the Department of Finance and
 19 Administration.

20 (b) "Facility" means the Mississippi Telecommunication
 21 Conference and Training Center located in the City of Jackson,
 22 Mississippi.

23 (c) "Fund" means the Mississippi Telecommunication
 24 Conference and Training Center Fund.

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

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

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

34 31-31-5. (1) There is hereby created a commission to be
35 known as the "Mississippi Telecommunication Conference and
36 Training Center Commission" which shall consist of eleven (11)
37 members as follows:

38 (a) The Executive Director of the Department of
39 Economic and Community Development;

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

41 (c) The President of Jackson State University;

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

44 (e) The Executive Director of the Metro Jackson
45 Convention and Visitors Bureau;

46 (f) The Executive Director of the Institute for
47 Technology Development;

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

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

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

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

69 (4) The commission shall appoint a director who shall be
70 responsible for conducting the day to day business of the
71 commission.

72 (5) From and after July 1, 2007:

73 (a) The Mississippi Telecommunication Conference and
74 Training Center Commission shall be abolished;

75 (b) All records, property, funds and other assets and
76 personnel of the commission shall be transferred to the
77 department; and

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

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

82 31-31-7. The department shall have the following powers with
83 regard to the Mississippi Telecommunication Conference and
84 Training Center:

85 * * *

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

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

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

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

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

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

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

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

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

128 (j) To establish operational, accountability and
129 reporting guidelines for the facility; and

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

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

134 31-31-9. All monies and revenues collected * * * from fees,
135 rates and charges for the use of the facility shall be paid by the
136 department to the State Treasurer, to be deposited to the credit
137 of a special fund to be known as the "Mississippi
138 Telecommunication Conference and Training Center Fund;" however,
139 if the department leases the facility to a public or private
140 entity for the operation of a for-profit facility, all fees, rates
141 and charges for the use of the facility shall be utilized by the
142 entity to pay all expenses incident to the operation and upkeep of
143 the facility. Money in the fund at the end of a fiscal year shall
144 not lapse into the General Fund and interest earned on any amounts
145 deposited into the fund shall be credited to the special fund.
146 Except as otherwise provided in Section 31-31-11, all expenses
147 incident to the operation and upkeep of the facility shall be paid
148 out of the fund. The department is authorized to escalate, budget
149 and expend from the fund an amount not to exceed Two Million
150 Dollars (\$2,000,000.00) annually to pay costs incident to the
151 operation, maintenance and staffing of the facility as authorized
152 in Section 31-31-7.

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

155 31-31-11. (1) For the purpose of providing funds for the
156 payment of a certain portion of the debt service on any bonds
157 issued pursuant to this chapter and for the purpose of providing
158 funds for the maintenance of the facility and renovations,
159 improvements and additions to the facility, there is hereby
160 levied, assessed and shall be collected from every person engaging
161 in or doing business in the City of Jackson, Mississippi, as
162 specified herein, a tax which may be cited as an "occupancy tax,"

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

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

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

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

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

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

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

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

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

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

223 **SECTION 6.** This act shall take effect and be in force from
224 and after July 1, 2007.