

By: Representatives Bell (65th), Banks,
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To: Local and Private
Legislation

HOUSE BILL NO. 1754

1 AN ACT TO AMEND CHAPTER 1019, LOCAL AND PRIVATE LAWS OF 2004,
2 TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON,
3 MISSISSIPPI, TO LEVY AN ADDITIONAL TAX IN AN AMOUNT NOT TO EXCEED
4 ONE PERCENT ON HOTELS AND MOTELS FOR THE PURPOSE OF PROVIDING
5 ADDITIONAL FUNDING TO SUPPORT THE JACKSON CONVENTION CENTER; TO
6 REQUIRE THAT THE LEVY OF THE ADDITIONAL TAX MAY BE IMPOSED ONLY IF
7 APPROVED AT AN ELECTION BY 60% OF THOSE VOTING; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** An act to amend Chapter 1019, Laws of 2004, is
11 amended as follows:

12 Section 1. As used in this act, the following words shall
13 have the meanings ascribed to them in this section unless
14 otherwise clearly indicated by the context in which they are used:

15 (a) "Commission" means the Capital City Convention
16 Center Commission.

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

19 (c) "Caterer" means an entity that sells food/beverages
20 and/or other products to or at the convention center or has the



21 franchise rights to provide food/beverages and/or other products
22 at the convention center.

23 (d) "Governing authorities" means the governing
24 authorities of the City of Jackson, Mississippi.

25 (* * *e) "Governor" means the Governor of the State of
26 Mississippi.

27 (* * *f) "Hotel" or "motel" means and includes a place
28 of lodging that at any one time will accommodate transient guests
29 on a daily or weekly basis and that is known to the trade as such,
30 and which is located within the city limits of Jackson,
31 Mississippi.

32 (* * *g) "Mayor" means the Mayor of the City of
33 Jackson, Mississippi.

34 (* * *h) "Restaurant" means and includes all places
35 where prepared food is sold and whose annual gross proceeds of
36 sales or gross income for the preceding calendar year equals or
37 exceeds One Hundred Thousand Dollars (\$100,000.00), and which are
38 located within the city limits of Jackson, Mississippi. For the
39 purpose of calculating gross proceeds of sales or gross income,
40 the sales or income of all establishments owned, operated or
41 controlled by the same person, persons or corporation shall be
42 aggregated.

43 Section 2. (1) There is hereby created and established in
44 the City of Jackson, Mississippi, a convention center to be named
45 the "Capital City Convention Center."



46 (2) The commission shall be domiciled in the City of
47 Jackson. It shall have the authority to promulgate and enact all
48 rules and regulations necessary or advantageous to the purpose of
49 the commission.

50 Section 3. (1) The commission shall be composed of nine (9)
51 members who shall be known as commissioners appointed as follows:

52 (a) Two (2) hotel/motel members representing hotel or
53 motel properties located within the city limits of Jackson,
54 Mississippi, appointed by the mayor, from a list of four (4)
55 nominees submitted by the Central Mississippi Chapter of
56 Mississippi Lodging Association, for initial terms of one (1) and
57 three (3) years, respectively.

58 (b) Two (2) restaurant members representing restaurants
59 located within the city limits of Jackson appointed by the mayor,
60 from a list of four (4) nominees submitted by the Jackson Chapter
61 of the Mississippi Restaurant Association, for initial terms of
62 two (2) and four (4) years, respectively.

63 (c) Two (2) members representing the business community
64 in the City of Jackson appointed by the mayor, from a list of four
65 (4) nominees submitted by the Metro Jackson Chamber of Commerce
66 for initial terms of one (1) and five (5) years respectively. The
67 members appointed pursuant to this paragraph shall be persons who
68 represent businesses located within the city limits of Jackson,
69 Mississippi.



70 (d) Two (2) members shall be appointed at large by the
71 mayor for initial terms of two (2) and three (3) years
72 respectively. All appointments made by the mayor pursuant to this
73 paragraph shall be residents of the City of Jackson.

74 (e) One (1) member shall be appointed at large by the
75 Governor for an initial term of four (4) years. All appointments
76 made by the Governor pursuant to this paragraph shall be residents
77 of the City of Jackson.

78 (2) The terms of all appointments made subsequent to the
79 initial appointment shall be made for five (5) years. Any vacancy
80 which may occur shall be filled in the same manner as the original
81 appointment and shall be made for the unexpired term. Each member
82 of the commission shall serve until his successor is appointed and
83 qualified.

84 (3) The mayor shall designate a chairman of the commission
85 from among the membership of the commission. The vice chairman
86 and secretary shall be elected by the commission from among the
87 membership of the commission for a term of two (2) years. The
88 vice chairman and secretary may be reelected, and the chairman may
89 be reappointed.

90 (4) The commissioners shall serve without compensation.

91 (5) Any commissioner shall be disqualified and shall be
92 removed from office for either of the following reasons:

93 (a) Conviction of a felony in any state court or in
94 federal court; or



95 (b) Failure to attend three (3) consecutive meetings
96 without just cause.

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

100 (6) Before assuming the duties of office, each commissioner
101 shall take the oath prescribed by law and shall enter into and
102 give bond, to be approved by the Secretary of State of the State
103 of Mississippi, in the sum of Twenty-five Thousand Dollars
104 (\$25,000.00), conditioned upon the faithful performance of his
105 duties. Such bond shall be payable to the State of Mississippi,
106 and, in the event of a breach thereof, suit may be brought by the
107 State of Mississippi for the benefit of the commission. The
108 premiums on such bonds shall be paid from the funds received by
109 the commission under the provisions of this act.

110 (7) A quorum shall consist of five (5) members of the
111 commission. The commission shall adopt such rules and regulations
112 as may govern the time and place for holding meetings, regular and
113 special, and other rules and regulations to administer, operate
114 and promote the convention center not inconsistent with the
115 provisions of this act.

116 Section 4. (1) The commission shall have jurisdiction and
117 authority over all matters relating to the establishment,
118 development, construction, furnishing, equipping, operating and
119 promoting of a convention center within the City of Jackson to be



120 connected to the Mississippi Telecommunication Conference and
121 Training Center located in the City of Jackson, including the
122 authority to enter into such contracts and agreements as may be
123 necessary to carry out the intent of this act. The commission
124 shall adhere to the provisions of the public purchasing laws,
125 public works contracts laws and public bid laws as provided by the
126 laws of the State of Mississippi.

127 (2) The commission is authorized to contract for the
128 construction, furnishing, equipping, operation and promotion of a
129 convention center and to receive and expend, subject to the
130 provisions of this act, revenues from any source.

131 Section 5. (1) (a) For the purpose of providing funds for
132 the acquisition, construction, furnishing, equipping, erection,
133 operation, maintenance and promotion of a convention center and
134 for the payment of any debt incurred for the acquisition,
135 construction, equipping and furnishing of a convention center,
136 there is hereby levied and assessed and shall be collected from
137 every person engaging in or doing business in the City of Jackson,
138 in addition to all other taxes currently being levied, assessed
139 and collected:

140 (* * *i) A tax of one percent (1%) of the gross
141 proceeds of sales of restaurants and of sales of food and
142 beverages in the hotels and motels, including, but not limited to,
143 sales of beer and alcoholic beverages sold to be consumed on the
144 premises;



145 (* * *ii) A tax of three percent (3%) of the
146 gross proceeds of sales of hotel and motel rooms and lodging;

147 (* * *iii) A tax of three percent (3%) of the
148 gross proceeds of sales at the convention center by caterers.

149 (b) (i) For the purpose of providing funds for the
150 acquisition, construction, furnishing, equipping, erection,
151 operation, maintenance and promotion of a convention center and
152 for the payment of any debt incurred for the acquisition,
153 construction, equipping and furnishing of a convention center,
154 the governing authorities are authorized to levy upon every
155 person, firm or corporation operating a hotel or motel in the city
156 an additional tax, in an amount not to exceed one percent (1%) of
157 the gross proceeds of sales of hotel and motel rooms and lodging.
158 The tax shall be in addition to all other taxes now imposed.

159 (ii) Before the additional tax authorized under
160 this paragraph (b) may be imposed, the governing authorities shall
161 adopt a resolution declaring their intention to levy the tax,
162 setting forth the amount of the tax to be imposed, the date upon
163 which the tax shall become effective and calling for an election
164 to be held on the question. The date of the election shall be
165 fixed in the resolution. Notice of such intention and the
166 election shall be published once each week for at least three (3)
167 consecutive weeks in a newspaper published or having a general
168 circulation in the city, with the first publication of the notice
169 to be made not less than twenty-one (21) days before the date



170 fixed in the resolution for the election and the last publication
171 to be made not more than seven (7) days before the election. At
172 the election, all qualified electors of the city may vote, and the
173 ballots used in the election shall have printed thereon a brief
174 statement of the amount and purposes of the proposed tax levy and
175 the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX"
176 and the voters shall vote by placing a cross (X) or check (✓)
177 opposite their choice on the proposition. When the results of the
178 election shall have been canvassed and certified, the city may
179 levy the additional tax if sixty percent (60%) of the qualified
180 electors who vote in the election vote in favor of the tax. At
181 least thirty (30) days before the effective date of the additional
182 tax, the governing authorities shall furnish to the Department of
183 Revenue a certified copy of the resolution evidencing the tax.

184 (2) Persons liable for the taxes imposed in this section
185 shall add the amount of tax to the sales price or gross income
186 and, in addition thereto, shall collect, insofar as practicable,
187 the amount of the tax due by them from the person receiving the
188 services or goods at the time of payment therefor.

189 (3) The tax shall be collected by and paid to the * * *
190 Department of Revenue on a form prescribed by the * * * Department
191 of Revenue, in the same manner that state sales taxes are
192 computed, collected and paid; and the full enforcement provisions
193 of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
194 necessary to the implementation and administration of this act.



195 (4) The proceeds of the tax shall be paid to the City of
196 Jackson on or before the fifteenth day of the month following the
197 month in which they were collected.

198 (5) The proceeds of the tax shall not be considered by the
199 City of Jackson as general fund revenues and shall be placed into
200 a special fund. Money in the special fund shall first be used to
201 pay the debt service on any debt incurred by the city for the
202 acquisition, construction, equipping and furnishing the convention
203 center. The proceeds of the tax shall be used by the commission
204 for the following purposes in the priority set forth:

205 (a) First, to pay debt service on debt incurred
206 pursuant to this act;

207 (b) Second, to fund a trust fund to pay any deficit
208 that may occur with respect to the operation of the convention
209 center, not to exceed the amount of Five Hundred Thousand Dollars
210 (\$500,000.00) per year; and

211 (c) The remainder shall be used for the operation,
212 maintenance and promotion of the convention center.

213 (6) The provisions of this section shall be repealed upon
214 the payment in full of any debt incurred pursuant to the
215 provisions of Section 6 of this act.

216 Section 6. The governing authorities of the City of Jackson,
217 Mississippi, are authorized to incur debt under any existing law
218 authorizing the issuance of bonds, notes or other evidences of
219 debt, for the purpose of acquiring, constructing, equipping and



220 furnishing of a convention center in an amount not to exceed
221 Sixty-five Million Dollars (\$65,000,000.00). In the event that
222 the city elects to issue bonds pursuant to Section 21-33-301 et
223 seq., the bonds shall not be subject to the limitation on
224 indebtedness imposed by Section 21-33-303, to the extent that the
225 bonds are paid with the proceeds of the taxes authorized by this
226 act.

227 Section 7. (1) Before any tax authorized under this act may
228 be imposed, the governing authorities of the City of Jackson shall
229 adopt a resolution declaring its intention to levy the taxes,
230 setting forth the amount of such tax to be imposed, the date upon
231 which such taxes shall become effective and calling for a
232 referendum to be held on the question. The referendum shall be
233 held on the first Tuesday after the first Monday in November 2004.
234 Notice of such intention shall be published once each week for at
235 least three (3) consecutive weeks in a newspaper published or
236 having a general circulation in the county, with the first
237 publication of such notice to be made not less than twenty-one
238 (21) days before the date fixed in the resolution for the
239 referendum and the last publication to be made not more than seven
240 (7) days before the referendum. At the referendum, all qualified
241 electors of the City of Jackson may vote, and the ballots used in
242 such referendum shall have printed thereon a brief statement of
243 the amount and purposes of the proposed tax levy and the words
244 "FOR THE TAX TO FUND THE CAPITAL CITY CONVENTION CENTER" and, on a



245 separate line, "AGAINST THE TAX TO FUND THE CAPITAL CITY
246 CONVENTION CENTER", and the voters shall vote by placing a cross
247 (X) or check (✓) opposite their choice on the proposition. When
248 the results of any such referendum shall have been canvassed by
249 the election commission and certified, the city may levy the taxes
250 beginning on the first day of the second month following the
251 referendum, only if at least sixty percent (60%) of the qualified
252 electors who vote in the election vote in favor of the tax. In
253 the event that sixty percent (60%) of the qualified electors who
254 vote at the referendum vote for the convention center tax and the
255 city elects to issue bonds pursuant to Section 21-33-301 et seq.,
256 the city shall not be required to comply with the provisions of
257 Section 21-33-307. No public funds shall be used for the purpose
258 of promoting the adoption of the referendum. No city employee,
259 other than a city elected official, may promote the referendum
260 during working hours. At least thirty (30) days before the
261 effective date of the taxes, the governing authorities of the City
262 of Jackson shall furnish to the State Tax Commission a certified
263 copy of the resolution evidencing the taxes.

264 (2) If a referendum has been held under the provisions of
265 subsection (1) of this section, and the authority of the city to
266 impose the convention center taxes has been denied by the electors
267 of the city, a subsequent referendum on the issue may be held on
268 the first Tuesday after the first Monday in November 2006. If a
269 second referendum is held, and the authority to impose the



270 convention center taxes has been denied again by the electors of
271 the city, no further referendum may be held.

272 Section 8. Accounting for receipts and expenditures of the
273 funds described in this act must be made separately from the
274 accounting of receipts and expenditures of the general fund and
275 any other funds of the City of Jackson. The records reflecting
276 the receipts and expenditures of the funds prescribed in this act
277 shall be audited annually by an independent certified public
278 accountant, and the accountant shall make a written report of his
279 audit to the council and the commission. The audit shall be made
280 and completed as soon as practicable after the close of the fiscal
281 year, and expenses of such audit shall be paid from the funds
282 derived pursuant to this act.

283 Section 9. The provisions of this act shall be repealed in
284 the event that two (2) referenda on the question of imposing
285 convention center taxes have been denied by the electors of the
286 city. If this event occurs, the Clerk of the City of Jackson
287 shall notify the Chairmen of the Local and Private Committees of
288 the House of Representatives and Senate of the Mississippi State
289 Legislature.

290 * * *

291 **SECTION 2.** This act shall take effect and be in force from
292 and after its passage.

