

By: Representative Ellzey

To: Ways and Means

HOUSE BILL NO. 224

1 AN ACT TO REPEAL SECTION 31-31-11, MISSISSIPPI CODE OF 1972,
2 WHICH AUTHORIZES THE LEVY OF AN OCCUPANCY TAX ON HOTELS AND MOTELS
3 IN THE CITY OF JACKSON, MISSISSIPPI, FOR THE PURPOSE OF PROVIDING
4 FUNDS FOR THE PAYMENT OF A CERTAIN PORTION OF THE DEBT SERVICE ON
5 BONDS ISSUED UNDER THE MISSISSIPPI TELECOMMUNICATION CONFERENCE
6 AND TRAINING CENTER ACT AND FOR THE PURPOSE OF PROVIDING FUNDS FOR
7 THE MAINTENANCE OF THE MISSISSIPPI TELECOMMUNICATION CONFERENCE
8 AND TRAINING CENTER AND RENOVATIONS, IMPROVEMENTS AND ADDITIONS TO
9 SUCH FACILITY; TO AMEND SECTIONS 31-31-7, 31-31-9 AND 31-31-15,
10 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
11 ACT; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER TO THE STATE
12 GENERAL FUND THE BALANCE OF MONEY IN THE MISSISSIPPI
13 TELECOMMUNICATION CONFERENCE AND TRAINING FACILITY RESERVE FUND
14 AND INTEREST EARNED ON ANY MONEY DEPOSITED INTO THE FUND; AND FOR
15 RELATED PURPOSES.

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

17 SECTION 1. Section 31-31-11, Mississippi Code of 1972, which
18 authorizes the levy of an occupancy tax on hotels and motels in
19 the City of Jackson, Mississippi, for the purpose of providing
20 funds for the payment of a certain portion of the debt service on
21 bonds issued under the Mississippi Telecommunication Conference
22 and Training Center Act and for the purpose of providing funds for
23 the maintenance of the Mississippi Telecommunication Conference
24 and Training Center and renovations, improvements and additions to
25 such facility, is repealed.

26 SECTION 2. Section 31-31-7, Mississippi Code of 1972, is
27 amended as follows:

28 31-31-7. The commission shall have the following powers:

29 (a) To sue and be sued in its own name;

30 (b) To maintain offices at such places as it may
31 designate;

32 (c) To establish, construct, enlarge, improve,

33 maintain, equip, operate and regulate the facility and other
34 property incidental thereto, including any additional property or
35 facilities considered by the commission to promote the business,
36 usage or economic viability of the facility;

37 (d) To grant to others the privilege to operate
38 for-profit concessions, leases and franchises, including but not
39 limited to, the furnishing of food and banquet services,
40 management services, and other services necessary to the operation
41 of the facility and such concessions, leases and franchises shall
42 be exclusive or limited;

43 (e) To determine fees, rates and charges for the use of
44 its facilities;

45 (f) To apply for and accept gifts, or grants of money
46 or gifts, grants or loans of other property or other financial
47 assistance from any source;

48 (g) To borrow funds needed to carry out the purposes of
49 this chapter; provided, however, that such debt may be secured
50 only by the revenues generated by the facility * * * and the
51 proceeds of any bonds issued pursuant to this chapter;

52 (h) To appoint, employ or engage such officers,
53 employees, architects, engineers, attorneys, accountants,
54 financial advisors, investment bankers and other advisors,
55 consultants, and agents as may be necessary or appropriate;

56 (i) To make, assume and enter into all contracts,
57 leases and arrangements necessary or incidental to the exercise
58 for its powers, including contracts for management, operation or
59 marketing of all or any part of its facilities;

60 (j) To adopt, amend and repeal rules and regulations
61 for the use, maintenance and operation of its facilities and
62 governing the conduct of persons and organizations using its
63 facilities and to enforce such rules and regulations; and

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

66 SECTION 3. Section 31-31-9, Mississippi Code of 1972, is
67 amended as follows:

68 31-31-9. All monies and revenues collected by the commission
69 from fees, rates and charges for the use of its facilities shall
70 be paid by the commission to the State Treasurer, to be deposited
71 to the credit of a special fund to be known as the "Mississippi
72 Telecommunication Conference and Training Center Fund." Money in
73 the fund at the end of a fiscal year shall not lapse into the
74 General Fund and interest earned on any amounts deposited into the
75 fund shall be credited to the special fund. * * * All expenses
76 incident to the operation and upkeep of the facility shall be paid
77 out of the fund.

78 SECTION 4. Section 31-31-15, Mississippi Code of 1972, is
79 amended as follows:

80 31-31-15. (1) Upon receipt of (a) a resolution from the
81 Mississippi Telecommunication Conference and Training Center
82 Commission stating that the commission is ready to proceed with
83 the planning and construction of a telecommunication conference
84 and training facility to be located in the City of Jackson,
85 Mississippi, * * * and (b) a determination by the Department of
86 Economic and Community Development that a business plan for the
87 operation of the facility that has been submitted to such
88 department by the Mississippi Telecommunication Conference and
89 Training Center Commission is feasible, the Department of Finance
90 and Administration, at one time or from time to time, may declare
91 by resolution the necessity for issuance of general obligation
92 bonds of the State of Mississippi to provide funds for
93 construction, equipping and furnishing a telecommunication
94 conference and training facility and for the purchase of land in
95 the City of Jackson, Mississippi, on which to construct such
96 facility.

97 (2) Upon the adoption of a resolution by the Department of
98 Finance and Administration, declaring the necessity for the

99 issuance of any part or all of the general obligation bonds
100 authorized by this section, the department shall deliver a
101 certified copy of its resolution or resolutions to the State Bond
102 Commission. Upon receipt of such resolution, the State Bond
103 Commission, in its discretion, may act as the issuing agent,
104 prescribe the form of the bonds, advertise for and accept bids,
105 issue and sell the bonds so authorized to be sold, and do any and
106 all other things necessary and advisable in connection with the
107 issuance and sale of such bonds.

108 (3) The amount of bonds issued under this chapter shall not
109 exceed Seventeen Million Five Hundred Thousand Dollars
110 (\$17,500,000.00).

111 SECTION 5. Within thirty (30) days after the effective date
112 of House Bill No. _____, 1999 Regular Session, the State Fiscal
113 Officer shall transfer to the State General Fund the balance of
114 money in the Mississippi Telecommunication Conference and Training
115 Facility Reserve Fund and interest earned on any money deposited
116 into the fund.

117 SECTION 6. Nothing in this act shall affect or defeat any
118 claim, assessment, appeal, suit, right or cause of action for
119 taxes due or accrued under the sales tax laws before the date on
120 which this act becomes effective, whether such claims,
121 assessments, appeals, suits or actions have been begun before the
122 date on which this act becomes effective or are begun thereafter;
123 and the provisions of the sales tax laws are expressly continued
124 in full force, effect and operation for the purpose of the
125 assessment, collection and enrollment of liens for any taxes due
126 or accrued and the execution of any warrant under such laws before
127 the date on which this act becomes effective, and for the
128 imposition of any penalties, forfeitures or claims for failure to
129 comply with such laws.

130 SECTION 7. This act shall take effect and be in force from
131 and after its passage.