

By: Representatives Robinson (63rd), Brown, Clarke, Banks, Calhoun, Coleman (65th), Evans, Flaggs, Fleming, Holloway, Middleton, Smith (27th)

To: Local and Private Legislation; Ways and Means

HOUSE BILL NO. 1832
(As Sent to Governor)

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 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE ACQUISITION,
9 CONSTRUCTION, FURNISHING, EQUIPPING, ERECTION, OPERATION,
10 MAINTENANCE AND PROMOTING OF A CONVENTION CENTER AND FOR THE
11 PAYMENT OF ANY DEBT INCURRED FOR THE ACQUISITION, CONSTRUCTION,
12 EQUIPPING AND FURNISHING OF A CONVENTION CENTER; TO AUTHORIZE THE
13 GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI, TO
14 INCUR DEBT FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING
15 AND FURNISHING OF A CONVENTION CENTER IN AN AMOUNT NOT TO EXCEED
16 \$65,000,000.00; TO REQUIRE A REFERENDUM ON THE QUESTION OF THE
17 IMPOSITION OF ANY TAX AUTHORIZED UNDER THIS ACT; AND FOR RELATED
18 PURPOSES.

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

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

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

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

27 (c) "Caterer" means an entity that sells food/beverages
28 and/or other products to or at the convention center or has the
29 franchise rights to provide food/beverages and/or other products
30 at the convention center.

31 (d) "Governor" means the Governor of the State of
32 Mississippi.

33 (e) "Hotel" or "motel" means and includes a place of
34 lodging that at any one time will accommodate transient guests on
35 a daily or weekly basis and that is known to the trade as such,

36 and which is located within the city limits of Jackson,
37 Mississippi.

38 (f) "Mayor" means the Mayor of the City of Jackson,
39 Mississippi.

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

48 **SECTION 2.** (1) There is hereby created and established in
49 the City of Jackson, Mississippi, a convention center to be named
50 the "Capital City Convention Center."

51 (2) The commission shall be domiciled in the City of
52 Jackson. It shall have the authority to promulgate and enact all
53 rules and regulations necessary or advantageous to the purpose of
54 the commission.

55 **SECTION 3.** (1) The commission shall be composed of nine (9)
56 members who shall be known as commissioners appointed as follows:

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

63 (b) Two (2) restaurant members representing restaurants
64 located within the city limits of Jackson appointed by the mayor,
65 from a list of four (4) nominees submitted by the Jackson Chapter
66 of the Mississippi Restaurant Association, for initial terms of
67 two (2) and four (4) years, respectively.

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

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

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

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

89 (3) The mayor shall designate a chairman of the commission
90 from among the membership of the commission. The vice chairman
91 and secretary shall be elected by the commission from among the
92 membership of the commission for a term of two (2) years. The
93 vice chairman and secretary may be reelected, and the chairman may
94 be reappointed.

95 (4) The commissioners shall serve without compensation.

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

98 (a) Conviction of a felony in any state court or in
99 federal court; or

100 (b) Failure to attend three (3) consecutive meetings
101 without just cause.

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

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

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

121 **SECTION 4.** (1) The commission shall have jurisdiction and
122 authority over all matters relating to the establishment,
123 development, construction, furnishing, equipping, operating and
124 promoting of a convention center within the City of Jackson to be
125 connected to the Mississippi Telecommunication Conference and
126 Training Center located in the City of Jackson, including the
127 authority to enter into such contracts and agreements as may be
128 necessary to carry out the intent of this act. The commission
129 shall adhere to the provisions of the public purchasing laws,
130 public works contracts laws and public bid laws as provided by the
131 laws of the State of Mississippi.

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

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

145 (a) A tax of one percent (1%) of the gross proceeds of
146 sales of restaurants and of sales of food and beverages in the
147 hotels and motels, including, but not limited to, sales of beer
148 and alcoholic beverages sold to be consumed on the premises;

149 (b) A tax of three percent (3%) of the gross proceeds
150 of sales of hotel and motel rooms and lodging;

151 (c) A tax of three percent (3%) of the gross proceeds
152 of sales at the convention center by caterers.

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

158 (3) The tax shall be collected by and paid to the State Tax
159 Commission on a form prescribed by the State Tax Commission, in
160 the same manner that state sales taxes are computed, collected and
161 paid; and the full enforcement provisions of Chapter 65, Title 27,
162 Mississippi Code of 1972, shall apply as necessary to the
163 implementation and administration of this act.

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

167 (5) The proceeds of the tax shall not be considered by the
168 City of Jackson as general fund revenues and shall be placed into
169 a special fund. Money in the special fund shall first be used to
170 pay the debt service on any debt incurred by the city for the
171 acquisition, construction, equipping and furnishing the convention
172 center. The proceeds of the tax shall be used by the commission
173 for the following purposes in the priority set forth:

174 (a) First, to pay debt service on debt incurred
175 pursuant to this act;

176 (b) Second, to fund a trust fund to pay any deficit
177 that may occur with respect to the operation of the convention
178 center, not to exceed the amount of Five Hundred Thousand Dollars
179 (\$500,000.00) per year; and

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

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

185 **SECTION 6.** The governing authorities of the City of Jackson,
186 Mississippi, are authorized to incur debt under any existing law
187 authorizing the issuance of bonds, notes or other evidences of
188 debt, for the purpose of acquiring, constructing, equipping and
189 furnishing of a convention center in an amount not to exceed
190 Sixty-five Million Dollars (\$65,000,000.00). In the event that
191 the city elects to issue bonds pursuant to Section 21-33-301 et
192 seq., the bonds shall not be subject to the limitation on
193 indebtedness imposed by Section 21-33-303, to the extent that the
194 bonds are paid with the proceeds of the taxes authorized by this
195 act.

196 **SECTION 7.** (1) Before any tax authorized under this act may
197 be imposed, the governing authorities of the City of Jackson shall
198 adopt a resolution declaring its intention to levy the taxes,
199 setting forth the amount of such tax to be imposed, the date upon
200 which such taxes shall become effective and calling for a
201 referendum to be held on the question. The referendum shall be
202 held on the first Tuesday after the first Monday in November 2004.
203 Notice of such intention shall be published once each week for at
204 least three (3) consecutive weeks in a newspaper published or
205 having a general circulation in the county, with the first
206 publication of such notice to be made not less than twenty-one
207 (21) days before the date fixed in the resolution for the
208 referendum and the last publication to be made not more than seven
209 (7) days before the referendum. At the referendum, all qualified
210 electors of the City of Jackson may vote, and the ballots used in
211 such referendum shall have printed thereon a brief statement of
212 the amount and purposes of the proposed tax levy and the words
213 "FOR THE TAX TO FUND THE CAPITAL CITY CONVENTION CENTER" and, on a
214 separate line, "AGAINST THE TAX TO FUND THE CAPITAL CITY
215 CONVENTION CENTER", and the voters shall vote by placing a cross
216 (X) or check (✓) opposite their choice on the proposition. When
217 the results of any such referendum shall have been canvassed by
218 the election commission and certified, the city may levy the taxes
219 beginning on the first day of the second month following the
220 referendum, only if at least sixty percent (60%) of the qualified
221 electors who vote in the election vote in favor of the tax. In
222 the event that sixty percent (60%) of the qualified electors who
223 vote at the referendum vote for the convention center tax and the
224 city elects to issue bonds pursuant to Section 21-33-301 et seq.,
225 the city shall not be required to comply with the provisions of
226 Section 21-33-307. No public funds shall be used for the purpose
227 of promoting the adoption of the referendum. No city employee,
228 other than a city elected official, may promote the referendum

229 during working hours. At least thirty (30) days before the
230 effective date of the taxes, the governing authorities of the City
231 of Jackson shall furnish to the State Tax Commission a certified
232 copy of the resolution evidencing the taxes.

233 (2) If a referendum has been held under the provisions of
234 subsection (1) of this section, and the authority of the city to
235 impose the convention center taxes has been denied by the electors
236 of the city, a subsequent referendum on the issue may be held on
237 the first Tuesday after the first Monday in November 2006. If a
238 second referendum is held, and the authority to impose the
239 convention center taxes has been denied again by the electors of
240 the city, no further referendum may be held.

241 **SECTION 8.** Accounting for receipts and expenditures of the
242 funds described in this act must be made separately from the
243 accounting of receipts and expenditures of the general fund and
244 any other funds of the City of Jackson. The records reflecting
245 the receipts and expenditures of the funds prescribed in this act
246 shall be audited annually by an independent certified public
247 accountant, and the accountant shall make a written report of his
248 audit to the council and the commission. The audit shall be made
249 and completed as soon as practicable after the close of the fiscal
250 year, and expenses of such audit shall be paid from the funds
251 derived pursuant to this act.

252 **SECTION 9.** The provisions of this act shall be repealed in
253 the event that two (2) referenda on the question of imposing
254 convention center taxes have been denied by the electors of the
255 city. If this event occurs, the Clerk of the City of Jackson
256 shall notify the Chairmen of the Local and Private Committees of
257 the House of Representatives and Senate of the Mississippi State
258 Legislature.

259 **SECTION 10.** The governing authorities of the City of Jackson
260 shall submit this act, immediately upon approval by the Governor,
261 or upon approval by the Legislature subsequent to a veto, to the

262 Attorney General of the United States or to the United States
263 District Court for the District of Columbia in accordance with the
264 provisions of the Voting Rights Act of 1965, as amended and
265 extended.

266 **SECTION 11.** This act shall take effect and be in force from
267 and after the date it is effectuated under Section 5 of the Voting
268 Rights Act of 1965, as amended and extended.