

By: Senator(s) Harden, Frazier, Horhn

To: Local and Private;
Finance

SENATE BILL NO. 3201

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 AND ON EACH CAR RENTAL AGREEMENT ENTERED INTO BY MOTOR
9 VEHICLE RENTAL BUSINESSES, FOR THE PURPOSE OF PROVIDING FUNDS FOR
10 THE ACQUISITION, CONSTRUCTION, FURNISHING, EQUIPPING, ERECTION,
11 OPERATION, MAINTENANCE AND PROMOTING OF A CONVENTION CENTER AND
12 FOR THE PAYMENT OF ANY DEBT INCURRED FOR THE ACQUISITION,
13 CONSTRUCTION, EQUIPPING AND FURNISHING OF A CONVENTION CENTER; TO
14 AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON,
15 MISSISSIPPI, TO INCUR DEBT FOR THE PURPOSE OF ACQUIRING,
16 CONSTRUCTING, EQUIPPING AND FURNISHING OF A CONVENTION CENTER IN
17 AN AMOUNT NOT TO EXCEED \$100,000,000.00; TO REQUIRE A REFERENDUM
18 ON THE QUESTION OF THE IMPOSITION OF ANY TAX AUTHORIZED UNDER THIS
19 ACT; AND FOR RELATED PURPOSES.

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

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

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

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

28 (c) "Council" means the City Council of the City of
29 Jackson, Mississippi.

30 (d) "Hotel" or "motel" means and includes a place of
31 lodging that at any one time will accommodate transient guests on
32 a daily or weekly basis and that is known to the trade as such,
33 and which is located within the city limits of Jackson,
34 Mississippi. Such terms shall not include a place of lodging with
35 ten (10) or less rental units.

36 (e) "Mayor" means the Mayor of the City of Jackson,
37 Mississippi.

38 (f) "Motor vehicle rental business" means a person,
39 firm or corporation engaged in or continuing in the business of
40 renting motor vehicles under rental agreements with a term of not
41 more than thirty (30) continuous days each, and which are located
42 within the city limits of Jackson, Mississippi, including, but not
43 limited to, businesses located at the Jackson International
44 Airport.

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

53 **SECTION 2.** (1) There is hereby created and established in
54 the City of Jackson, Mississippi, the Capital City Convention
55 Center.

56 (2) The commission shall be domiciled in the City of
57 Jackson. It shall have the authority to promulgate and enact all
58 rules and regulations necessary or advantageous to the purpose of
59 the commission.

60 **SECTION 3.** (1) The commission shall be composed of seven
61 (7) members appointed by the mayor, who shall be known as
62 commissioners.

63 (a) One (1) of the commissioners shall be a
64 representative of a tourism-related entity in Madison County, and
65 one (1) of the commissioners shall be a representative of a
66 tourism-related entity in Rankin County. The members appointed
67 pursuant to this paragraph (a) shall be appointed for a term of
68 five (5) years.

69 (b) The remainder of the commissioners shall be
70 residents of the City of Jackson. One (1) shall be appointed for
71 a term of one (1) year, one (1) shall be appointed for a term of
72 two (2) years, one (1) shall be appointed for a term of three (3)
73 years, one (1) shall be appointed for a term of four (4) years and
74 one (1) shall be appointed for a term of five (5) years. All
75 succeeding terms shall be for five (5) years.

76 (c) Any vacancy which occurs shall be filled in the
77 same manner as the original appointment and shall be made for the
78 unexpired term only. Each commissioner shall serve until his
79 successor is appointed and qualifies.

80 (d) Of the seven (7) members, one (1) commissioner
81 shall be a hotel/motel member representing hotel or motel
82 properties and one (1) commissioner shall be a representative of
83 the restaurant industry.

84 (e) The commissioners shall serve without compensation.

85 (2) Any commissioner may be disqualified and removed from
86 office for either of the following reasons:

87 (a) Conviction of a felony; or

88 (b) Failure to attend three (3) consecutive meetings
89 without just cause.

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

93 (3) Before assuming the duties of office, each commissioner
94 shall take the oath prescribed by law and shall enter into and
95 give bond, to be approved by the Secretary of State of the State
96 of Mississippi, in the sum of Twenty-five Thousand Dollars
97 (\$25,000.00), conditioned upon the faithful performance of his
98 duties. Such bond shall be payable to the State of Mississippi,
99 and, in the event of a breach thereof, suit may be brought by the
100 State of Mississippi for the benefit of the commission. The

101 premiums on such bonds shall be paid from the funds received by
102 the commission under the provisions of this act.

103 (4) A quorum shall consist of four (4) members of the
104 commission. The commission shall elect a chairman, vice chairman
105 and secretary, all of whom shall be members of the commission, and
106 shall adopt such rules and regulations as may govern the time and
107 place for holding meetings, regular and special, and other rules
108 and regulations to administer, operate and promote the convention
109 center not inconsistent with the provisions of this act.

110 **SECTION 4.** The commission shall have jurisdiction and
111 authority over all matters relating to the establishment,
112 development, construction, furnishing, equipping, operating and
113 promoting of a convention center within the City of Jackson,
114 including the authority to enter into such contracts and
115 agreements as may be necessary to carry out the intent of this
116 act. The commission shall adhere to the provisions of the public
117 purchasing laws, public works contracts laws and public bid laws
118 as provided by the laws of the State of Mississippi.

119 The commission is authorized to contract for the
120 construction, furnishing, equipping, operation and promotion of a
121 convention center and to receive and expend, subject to the
122 provisions of this act, revenues from any source.

123 **SECTION 5.** (1) For the purpose of providing funds for the
124 acquisition, construction, furnishing, equipping, erection,
125 operation, maintenance and promotion of a convention center and
126 for the payment of any debt incurred for the acquisition,
127 construction, equipping and furnishing of a convention center,
128 there is hereby levied, assessed and shall be collected from every
129 person engaging in or doing business in the City of Jackson in
130 addition to all other taxes currently being levied, assessed and
131 collected:

132 (a) A tax of one percent (1%) of the gross proceeds of
133 sales of restaurants, including, but not limited to, sales of beer

134 and alcoholic beverages sold to be consumed on the premises;

135 (b) A tax of three percent (3%) of the gross proceeds
136 of sales of hotels and motels, including, but not limited to,
137 sales of beer and alcoholic beverages sold to be consumed on the
138 premises.

139 (c) A tax of Two Dollars (\$2.00) on each motor vehicle
140 rental agreement entered into by a motor vehicle rental business;
141 however, this tax shall not apply to motor vehicles with a gross
142 vehicle weight exceeding ten thousand pounds (10,000).

143 (2) Persons liable for the tax imposed herein shall add the
144 amount of tax to the sales price or gross income and, in addition
145 thereto, shall collect, insofar as practicable, the amount of the
146 tax due by them from the person receiving the services or goods at
147 the time of payment therefor.

148 (3) Such tax shall be collected by and paid to the State Tax
149 Commission on a form prescribed by the State Tax Commission, in
150 the same manner that state sales taxes are computed, collected and
151 paid; and the full enforcement provisions of Chapter 65, Title 27,
152 Mississippi Code of 1972, shall apply as necessary to the
153 implementation and administration of this act.

154 (4) The proceeds of such tax shall be paid to the City of
155 Jackson on or before the fifteenth day of the month following the
156 month in which they were collected.

157 (5) The proceeds of the tax shall not be considered by the
158 City of Jackson as general fund revenues and shall be placed into
159 a special fund. Money in the special fund shall first be used to
160 pay the debt service on any debt incurred by the city for the
161 acquisition, construction, equipping and furnishing of a
162 convention center. Amounts in the fund not necessary to pay debt
163 service may be utilized by the commission solely for the purpose
164 of operation, maintenance and promotion of a convention center.

165 **SECTION 6.** The governing authorities of the City of Jackson,
166 Mississippi, are authorized to incur debt pursuant to any existing

167 law authorizing the issuance of bonds, notes or other evidences of
168 debt, for the purpose of acquiring, constructing, equipping and
169 furnishing of a convention center in an amount not to exceed One
170 Hundred Million Dollars (\$100,000,000.00). In the event that the
171 city elects to issue bonds pursuant to Section 21-33-301 et seq.,
172 the bonds shall not be subject to the limitation on indebtedness
173 imposed by Section 21-33-303, to the extent that the bonds are
174 paid with the proceeds of the taxes authorized by this act.

175 **SECTION 7.** Before any tax authorized under this act may be
176 imposed, the governing authorities of the City of Jackson shall
177 adopt a resolution declaring its intention to levy the taxes,
178 setting forth the amount of such tax to be imposed, the date upon
179 which such taxes shall become effective and calling for a
180 referendum to be held on the question. The date of the election
181 shall be set in the resolution. Notice of such intention shall be
182 published once each week for at least three (3) consecutive weeks
183 in a newspaper published or having a general circulation in the
184 county, with the first publication of such notice to be made not
185 less than twenty-one (21) days before the date fixed in the
186 resolution for the election and the last publication to be made
187 not more than seven (7) days before the election. At the
188 election, all qualified electors of the City of Jackson may vote,
189 and the ballots used in such election shall have printed thereon a
190 brief statement of the amount and purposes of the proposed tax
191 levy and the words "FOR THE CONVENTION CENTER TAX" and, on a
192 separate line, "AGAINST THE CONVENTION CENTER TAX", and the voters
193 shall vote by placing a cross (X) or check (✓) opposite their
194 choice on the proposition. When the results of any such election
195 shall have been canvassed by the election commission and
196 certified, the city may levy the taxes beginning on the first day
197 of the second month following the election, if a majority of the
198 qualified electors who vote in the election vote in favor of the
199 tax. In the event that a majority of the qualified electors who

200 vote at the election vote for the convention center tax and the
201 city elects to issue bonds pursuant to Section 21-33-301 et seq.,
202 the city shall not be required to comply with the provisions of
203 Section 21-33-307. At least thirty (30) days before the effective
204 date of the taxes, the governing authorities of the City of
205 Jackson shall furnish to the State Tax Commission a certified copy
206 of the resolution evidencing the taxes.

207 **SECTION 8.** Accounting for receipts and expenditures of the
208 funds described in this act must be made separately from the
209 accounting of receipts and expenditures of the general fund and
210 any other funds of the City of Jackson. The records reflecting
211 the receipts and expenditures of the funds prescribed in this act
212 shall be audited annually by an independent certified public
213 accountant, and the accountant shall make a written report of his
214 audit to the council and the commission. The audit shall be made
215 and completed as soon as practicable after the close of the fiscal
216 year, and expenses of such audit shall be paid from the funds
217 derived pursuant to this act.

218 **SECTION 9.** The governing authorities of the City of Jackson
219 shall submit this act, immediately upon approval by the Governor,
220 or upon approval by the Legislature subsequent to a veto, to the
221 Attorney General of the United States or to the United States
222 District Court for the District of Columbia in accordance with the
223 provisions of the Voting Rights Act of 1965, as amended and
224 extended.

225 **SECTION 10.** This act shall take effect and be in force from
226 and after the date it is effectuated under Section 5 of the Voting
227 Rights Act of 1965, as amended and extended.