

By: Senator(s) Davis, Flowers

To: Local and Private;
FinanceCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3124

1 AN ACT TO AMEND CHAPTER 1001, LOCAL AND PRIVATE LAWS OF 1996,
2 AS AMENDED, TO AUTHORIZE THE DESOTO COUNTY CONVENTION AND VISITORS
3 BUREAU TO GO INTO EXECUTIVE SESSION TO DISCUSS EVENTS THAT MAY BE
4 HELD AT THE CIVIC CENTER IN DESOTO COUNTY, MISSISSIPPI, AND THE
5 CONTRACTUAL AGREEMENTS FOR SUCH EVENTS; TO AUTHORIZE THE DESOTO
6 COUNTY CONVENTION AND VISITORS BUREAU TO ACCEPT LOANS FROM ANY
7 SOURCE UPON SUCH TERMS AND CONDITIONS AS IT CONSIDERS APPROPRIATE;
8 TO AUTHORIZE THE BOARD OF SUPERVISORS OF DESOTO COUNTY TO MAKE
9 LOANS TO THE DESOTO COUNTY CONVENTION AND VISITORS BUREAU UPON
10 SUCH TERMS AND CONDITIONS AS THE BOARD AND THE BUREAU MAY AGREE;
11 TO AUTHORIZE THE DESOTO COUNTY CONVENTION AND VISITORS BUREAU TO
12 ENTER INTO AGREEMENTS TO REPAY TO DESOTO COUNTY ANY SUMS PROVIDED
13 TO THE BUREAU BY THE COUNTY PRIOR TO JANUARY 1, 2005, UPON SUCH
14 TERMS AND CONDITIONS AS THE BOARD OF SUPERVISORS OF DESOTO COUNTY
15 AND THE BUREAU MAY AGREE; TO REVISE THE REPEAL DATE OF THE TAX
16 IMPOSED BY THIS ACT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Chapter 1001, Local and Private Laws of 1996, as
19 amended by Chapter 967, Local and Private Laws of 1998, as amended
20 by Chapter 979, Local and Private Laws of 2001, is amended as
21 follows:

22 Section 1. The DeSoto County Convention and Visitors Bureau
23 consisting of seven (7) members shall be appointed, qualify and
24 take office within thirty (30) days after the effective date of
25 this act. The initial appointments to the bureau shall be for the
26 following terms: Five (5) members of the bureau shall be
27 appointed by the DeSoto County Board of Supervisors, with one (1)
28 member appointed by the District 1 supervisor for a term of two
29 (2) years, one (1) member appointed by the District 2 supervisor
30 for a term of three (3) years, one (1) member appointed by the
31 District 3 supervisor for a term of three (3) years, one (1)
32 member appointed by the District 4 supervisor for a term of four
33 (4) years, and one (1) member appointed by the District 5
34 supervisor for a term of four (4) years; in addition, the DeSoto

35 County Board of Supervisors shall appoint two (2) additional
36 members who are also members of the DeSoto County Economic
37 Development Council, with one (1) member appointed by the board of
38 supervisors for a term of two (2) years and one (1) member
39 appointed for a term of four (4) years. All succeeding
40 appointments shall be for a term of four (4) years from the date
41 of expiration of the initial appointment, and all members of such
42 bureau shall hold office for a term of four (4) years from and
43 after the date of the commencement of their terms of office for
44 which their appointment was made and until their successor or
45 successors shall be appointed and qualify.

46 Any member of the bureau may be disqualified and removed from
47 office for any one (1) of the following reasons:

- 48 (a) Conviction of a felony;
- 49 (b) Failure to attend three (3) consecutive meetings
50 without just cause.

51 If a member of the bureau is removed for one (1) of the above
52 reasons, the vacancy shall be filled in the manner prescribed in
53 this section.

54 Vacancies which occur shall be filled in the same manner as
55 the original appointments and shall be made for the unexpired
56 term.

57 Section 2. Before entering upon the duties of the office,
58 each appointed member of the DeSoto County Convention and Visitors
59 Bureau shall enter into and give bond to be approved by the
60 Secretary of State of the State of Mississippi in the sum of
61 Twenty-five Thousand Dollars (\$25,000.00) conditioned upon the
62 faithful performance of his duties. Such bond shall be payable to
63 the State of Mississippi; and in the event of a breach thereof,
64 suit may be brought by the State of Mississippi for the benefit of
65 the DeSoto County Convention and Visitors Bureau.

66 Section 3. When the members of the DeSoto County Convention
67 and Visitors Bureau shall have been appointed and qualified as set

68 forth herein, they shall meet at quarters provided for them by
69 DeSoto County after giving not less than ten (10) days' notice of
70 the time and place of such meeting by registered mail, postage
71 prepaid, directed to each appointed member of such bureau at his
72 regular address given to the Secretary of State at the time of his
73 qualification and posting bond. At such meeting a quorum shall be
74 four (4) members, and a majority of those members attending shall
75 elect a president and secretary, both of whom shall be members of
76 the bureau, and shall adopt such rules and regulations as may
77 govern the time and place for holding subsequent meetings, regular
78 and special, and other rules and regulations not inconsistent with
79 the provisions of this act.

80 The bureau is further authorized to employ personnel and to
81 obtain supplies, furnishings and other facilities and real
82 property necessary to administer the affairs and duties of the
83 bureau and to pay for same out of the revenue provided by this
84 act.

85 Notwithstanding the provisions of Section 25-41-7, the bureau
86 may go into executive session to discuss events that may be held
87 at the civic center and the contractual agreements for such
88 events.

89 Section 4. (1) (a) The DeSoto County Convention and
90 Visitors Bureau shall have jurisdiction and authority over all
91 matters relating to establishing, promoting and developing
92 convention business, tourism and related matters within DeSoto
93 County, Mississippi.

94 (b) The DeSoto County Convention and Visitors Bureau
95 shall have the authority to accept loans from any source upon such
96 terms and conditions as the bureau considers appropriate.

97 (c) The Board of Supervisors of DeSoto County shall
98 have the authority to make loans to the DeSoto County Convention
99 and Visitors Bureau upon such terms and conditions as the board
100 and the bureau may agree.

101 (d) The DeSoto County Convention and Visitors Bureau
102 may enter into agreements to repay to DeSoto County any sums
103 provided to the bureau by the county prior to January 1, 2005,
104 upon such terms and conditions as the Board of Supervisors of
105 DeSoto County and the bureau may agree.

106 (2) The bureau is authorized to employ an executive
107 director; purchase, lease or sell real property; own, furnish,
108 equip and operate any and all facilities and equipment necessary
109 or useful in the promotion of the convention business and tourism;
110 lease or sell the naming rights to the civic center in DeSoto
111 County, Mississippi, subject to the requirements of subsection (3)
112 of this section; and receive and expend, subject to the provisions
113 of this act, revenues from any source.

114 (3) In the leasing or selling of naming rights to the civic
115 center, the bureau is authorized to enter into contracts for the
116 use of a commercial, corporate, business or private enterprise
117 name on the building, literature, letterhead or other item, as
118 contracted for, of the civic center, provided that the use of the
119 civic center is limited to providing a place for conventions,
120 entertainment, athletic events and other civic events. Such a
121 contract shall be for a term that complies with law. In the
122 discretion of the bureau, the term of the contract may extend
123 beyond the terms of office of the members of the bureau. The
124 contract shall provide compensation to the bureau that, in its
125 determination, is fair and adequate consideration in exchange for
126 the benefits, name recognition, advertising, potential returns and
127 publicity to the private enterprise. Any such contract entered
128 into before the effective date of this act is hereby ratified and
129 affirmed. The bureau may negotiate and enter into such a contract
130 for naming rights, and all incidental rights associated therewith,
131 in the same method as is authorized by law for procuring a
132 contract for professional services. The provisions of this
133 section do not authorize contracts for naming rights for any

building other than the civic center, regardless of whether it is used for public meetings on occasion.

Section 5. (1) For the purpose of providing funds for the purpose of acquiring property for the construction of a civic center and the construction and the maintenance of such civic center to promote convention business and tourism, there is hereby levied, assessed and shall be collected from every person in DeSoto County engaging in or doing business as specified herein a tax which may be cited as a "convention tourist promotion tax," which shall be in addition to all other taxes now imposed, as hereinafter provided:

Such tax shall be an amount set by the board of supervisors but shall in no event exceed an amount equal to two percent (2%) of the gross proceeds of sales or gross income of restaurants and hotels and motels (including, but not limited to, sales of beer and alcoholic beverages).

The tax authorized in this section shall not apply to restaurants not selling alcoholic beverages under an on-premises retailer's permit issued by the State Tax Commission and whose gross proceeds of sales or gross income is less than One Hundred Thousand Dollars (\$100,000.00) per calendar year based upon sales or income for the preceding calendar year. For the purposes of calculating gross proceeds of sales or gross income, the sales or income of all establishments owned, operated or controlled by the same person, persons or corporations shall be aggregated.

(2) Before the taxes authorized by this section shall be imposed, the Board of Supervisors of DeSoto County shall enter upon its minutes a request for the levy of such tax from the DeSoto County Convention and Visitors Bureau and shall adopt a resolution declaring the intention to levy the tax, setting forth the amount of such tax and establishing that a referendum shall be held on the question of levying such tax during the next general election. Notice of such intention shall be published once a week

for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the county, with the first publication of such notice to be made not less than twenty-one (21) days prior to the date fixed in the resolution and the last publication to be made not more than seven (7) days prior to such date. At the election, all qualified electors of the county may vote, and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE CIVIC CENTER AND TOURISM TAX," and "AGAINST THE CIVIC CENTER AND TOURISM TAX," and the voters shall vote by placing a cross (X) or check (✓) opposite their choice on the proposition. When the results of any such election shall have been canvassed by the election commission of the county and certified, the county may levy the tax if a majority of the qualified electors who vote in the election vote in favor of the tax.

The proceeds of such taxes shall be placed into a separate fund apart from the county general fund and any other funds of the county, and shall be expended by the DeSoto County Convention and Visitors Bureau for the purposes of paying any start-up costs and operation costs of the DeSoto County Convention and Visitors Bureau and any indebtedness or lease payments or other obligations, including, but not limited to, refunding indebtedness, the county may incur for acquisition, construction and maintenance of a civic center for the purposes of promoting convention business and tourism.

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

(4) Such taxes shall be collected by and paid to the State Tax Commission on a form prescribed by the State Tax Commission,

in the same manner that state sales taxes are computed, collected and paid; and the full enforcement provisions and all other provisions of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

(5) The proceeds of such taxes shall be paid to the DeSoto County Convention and Visitors Bureau on or before the fifteenth day of the month following the month in which collected.

(6) The proceeds of the tax shall be used to retire the indebtedness incurred for the purposes authorized in this section and, to the extent not needed for debt service as payments become due, the proceeds of the tax may be used to fund start-up costs and operation costs of the DeSoto County Convention and Visitors Bureau.

(7) The tax levy authorized by this act shall be repealed two (2) years after any indebtedness, including, but not limited to, refunding indebtedness, incurred pursuant to this section is retired.

Section 6. As used in this act, the following words shall have the following meanings unless otherwise clearly indicated by the context in which used:

(a) "Hotel" or "motel" shall mean and include a place of lodging that at any one (1) time will accommodate six (6) or more transient guests (guests who are accommodated for less than seven (7) days) and which are known to the trade as such.

(b) "Restaurant" shall mean and include all places where prepared food is sold through the use of facilities to accommodate twenty-five (25) or more persons, and includes hotel and motel dining rooms. "Restaurant" shall also include a cafe, cafeteria, lunch stand, or any other place of business where prepared food is sold whether for consumption upon the premises or not.

232 Section 7. The Board of Supervisors of DeSoto County,
233 Mississippi, shall submit this act, immediately upon approval by
234 the Governor, or upon approval by the Legislature subsequent to a
235 veto, to the Attorney General of the United States or to the
236 United States District Court for the District of Columbia in
237 accordance with the provisions of the Voting Rights Act of 1965,
238 as amended and extended.

239 Section 8. This act shall take effect and be in force from
240 and after the date it is effectuated under Section 5 of the Voting
241 Rights Act of 1965, as amended and extended.

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