

By: Representative Reeves

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1470

1 AN ACT TO AMEND CHAPTER 1019, LOCAL AND PRIVATE LAWS OF 2004,
2 TO ABOLISH THE CAPITAL CITY CONVENTION CENTER COMMISSION AND
3 TRANSFER ITS POWERS AND DUTIES TO THE MISSISSIPPI
4 TELECOMMUNICATION CONFERENCE AND TRAINING CENTER AND CAPITAL CITY
5 CONVENTION CENTER COMMISSION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Chapter 1019, Local and Private Laws of 2004, is
8 amended as follows:

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

12 (a) "Commission" means the Capital City Convention
13 Center Commission.

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

16 (c) "Caterer" means an entity that sells food/beverages
17 and/or other products to or at the convention center or has the
18 franchise rights to provide food/beverages and/or other products
19 at the convention center.

20 (d) "Governor" means the Governor of the State of
21 Mississippi.

22 (e) "Hotel" or "motel" means and includes a place of
23 lodging that at any one time will accommodate transient guests on
24 a daily or weekly basis and that is known to the trade as such,
25 and which is located within the city limits of Jackson,
26 Mississippi.

27 (f) "Mayor" means the Mayor of the City of Jackson,
28 Mississippi.

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

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

40 (2) The commission shall be domiciled in the City of
41 Jackson. It shall have the authority to promulgate and enact all
42 rules and regulations necessary or advantageous to the purpose of
43 the commission.

44 (3) From and after the passage of House Bill No. , 2006
45 Regular Session, the commission shall be abolished and the powers
46 and duties of the commission shall be transferred to the
47 Mississippi Telecommunication Conference and Training Center and
48 Capital City Convention Center Commission created pursuant to
49 Section 31-31-5. All records, property, funds and other assets
50 and personnel of the commission shall be transferred to the
51 Mississippi Telecommunication Conference and Training Center and
52 Capital City Convention Center Commission.

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

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

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

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

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

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

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

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

93 (4) The commissioners shall serve without compensation.

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

96 (a) Conviction of a felony in any state court or in
97 federal court; or

98 (b) Failure to attend three (3) consecutive meetings
99 without just cause.

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

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

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

119 Section 4. (1) The commission shall have jurisdiction and
120 authority over all matters relating to the establishment,
121 development, construction, furnishing, equipping, operating and
122 promoting of a convention center within the City of Jackson to be
123 connected to the Mississippi Telecommunication Conference and
124 Training Center located in the City of Jackson, including the
125 authority to enter into such contracts and agreements as may be
126 necessary to carry out the intent of this act. The commission

127 shall adhere to the provisions of the public purchasing laws,
128 public works contracts laws and public bid laws as provided by the
129 laws of the State of Mississippi.

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

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

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

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

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

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

156 (3) The tax shall be collected by and paid to the State Tax
157 Commission on a form prescribed by the State Tax Commission, in
158 the same manner that state sales taxes are computed, collected and
159 paid; and the full enforcement provisions of Chapter 65, Title 27,

160 Mississippi Code of 1972, shall apply as necessary to the
161 implementation and administration of this act.

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

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

172 (a) First, to pay debt service on debt incurred
173 pursuant to this act;

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

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

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

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

192 bonds are paid with the proceeds of the taxes authorized by this
193 act.

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

225 of promoting the adoption of the referendum. No city employee,
226 other than a city elected official, may promote the referendum
227 during working hours. At least thirty (30) days before the
228 effective date of the taxes, the governing authorities of the City
229 of Jackson shall furnish to the State Tax Commission a certified
230 copy of the resolution evidencing the taxes.

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

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

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

257 Section 10. The governing authorities of the City of Jackson
258 shall submit this act, immediately upon approval by the Governor,
259 or upon approval by the Legislature subsequent to a veto, to the
260 Attorney General of the United States or to the United States
261 District Court for the District of Columbia in accordance with the
262 provisions of the Voting Rights Act of 1965, as amended and
263 extended.

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

267 **SECTION 2.** This act shall take effect and be in force from
268 and after July 1, 2006.