

By: Senator(s) Gordon

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2641

1 AN ACT TO AMEND SECTIONS 31-31-3, 31-31-5, 31-31-7, 31-31-9  
2 AND 31-31-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
3 DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL ADMINISTER THE  
4 MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING CENTER; TO  
5 ABOLISH THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING  
6 COMMISSION AND TRANSFER ITS POWERS, DUTIES, RECORDS, PROPERTY,  
7 FUNDS AND OTHER ASSETS AND PERSONNEL TO THE DEPARTMENT OF FINANCE  
8 AND ADMINISTRATION; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND  
9 ADMINISTRATION TO ESCALATE, BUDGET AND EXPEND A CERTAIN AMOUNT  
10 FROM THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING  
11 CENTER FUND AND MISSISSIPPI TELECOMMUNICATIONS CONFERENCE AND  
12 TRAINING CENTER RESERVE FUND FOR CERTAIN PURPOSES; TO AUTHORIZE  
13 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND  
14 CONVEY THE MISSISSIPPI TELECOMMUNICATION CONFERENCE AND TRAINING  
15 CENTER TO THE CAPITAL CITY CONVENTION CENTER COMMISSION; AND FOR  
16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 31-31-3, Mississippi Code of 1972, is  
19 amended as follows:

20 31-31-3. As used in this chapter:

21 (a) "Department" means the Department of Finance and  
22 Administration.

23 (b) "Facility" means the Mississippi Telecommunication  
24 Conference and Training Center located in the City of Jackson,  
25 Mississippi.

26 (c) "Fund" means the Mississippi Telecommunication  
27 Conference and Training Center Fund.

28 (d) "Hotel" or "motel" means and includes a place of  
29 lodging that at any one time will accommodate transient guests on  
30 a daily or weekly basis and that is known to the trade as such.  
31 Such terms shall not include a place of lodging with ten (10) or  
32 less rental units.

33 (e) "Reserve fund" means the Mississippi  
34 Telecommunications Conference and Training Center Reserve Fund.

35           **SECTION 2.** Section 31-31-5, Mississippi Code of 1972, is  
36 amended as follows:

37           31-31-5. (1) There is hereby created a commission to be  
38 known as the "Mississippi Telecommunication Conference and  
39 Training Center Commission" which shall consist of eleven (11)  
40 members as follows:

41                   (a) The Executive Director of the Department of  
42 Economic and Community Development;

43                   (b) The Mayor of the City of Jackson;

44                   (c) The President of Jackson State University;

45                   (d) The Vice Chancellor for Health Affairs of the  
46 University of Mississippi Medical Center;

47                   (e) The Executive Director of the Metro Jackson  
48 Convention and Visitors Bureau;

49                   (f) The Executive Director of the Institute for  
50 Technology Development;

51                   (g) Three (3) members of the private sector appointed  
52 by the Governor, with the advice and consent of the Senate, to  
53 serve a term concurrent with that of the Governor; and

54                   (h) Two (2) members of the private sector appointed by  
55 the Lieutenant Governor, with the advise and consent of the  
56 Senate, to serve a term concurrent with that of the Lieutenant  
57 Governor.

58           (2) The members of the commission shall serve without  
59 compensation except that members shall be paid their actual and  
60 necessary expenses in connection with the performance of their  
61 duties as members of the commission including mileage, as  
62 authorized in Section 25-3-41 and each member who is not a state  
63 employee or a public official shall be paid a per diem as  
64 authorized in Section 25-3-69. Expenses, mileage and per diem  
65 allowance shall be paid out of the Mississippi Telecommunication  
66 Conference and Training Center Fund.

67 (3) The commission shall elect from its membership a  
68 chairman, who shall preside over meetings, and a vice chairman,  
69 who shall preside in the absence of the chairman. Four (4)  
70 members of the commission shall constitute a quorum for the  
71 transaction of any and all business of the commission.

72 (4) The commission shall appoint a director who shall be  
73 responsible for conducting the day to day business of the  
74 commission.

75 (5) From and after the effective date of this act:

76 (a) The Mississippi Telecommunication Conference and  
77 Training Center Commission shall be abolished;

78 (b) All records, property, funds and other assets and  
79 personnel of the commission shall be transferred to the  
80 department; and

81 (c) Any personal service, management or other contracts  
82 of like nature entered into by the commission shall be cancelled.

83 **SECTION 3.** Section 31-31-7, Mississippi Code of 1972, is  
84 amended as follows:

85 31-31-7. The department shall have the following powers with  
86 regard to the Mississippi Telecommunication Conference and  
87 Training Center:

88 \* \* \*

89 (a) To establish, construct, enlarge, improve,  
90 maintain, equip, operate and regulate the facility and other  
91 property incidental thereto, including any additional property or  
92 facilities considered by the department to promote the business,  
93 usage or economic viability of the facility;

94 (b) To grant to others the privilege to operate for  
95 profit concessions, leases and franchises, including but not  
96 limited to, the furnishing of food and banquet services,  
97 management services, and other services necessary to the operation  
98 of the facility and such concessions, leases and franchises shall  
99 be exclusive or limited;

100           (c) To lease the facility and its operation and  
101 management to any public or private entity and if the facility is  
102 leased to a public or private entity, the entity shall have the  
103 responsibility for maintenance, upkeep, security for the facility  
104 and shall be accountable for all facility furnishings and  
105 equipment;

106           (d) To determine fees, rates and charges for the use of  
107 the facility;

108           (e) To apply for and accept gifts, or grants of money  
109 or gifts, grants or loans of other property or other financial  
110 assistance from any source to carry out the purposes of this  
111 chapter;

112           (f) To borrow funds needed to carry out the purposes of  
113 this chapter; \* \* \* however, \* \* \* such debt may be secured only  
114 by the revenues generated by the facility, funds generated by the  
115 tax levied pursuant to Section 31-31-11 and the proceeds of any  
116 bonds issued pursuant to this chapter;

117           (g) To appoint, employ or engage such officers,  
118 employees, architects, engineers, attorneys, accountants,  
119 financial advisors, investment bankers and other advisors,  
120 consultants, and agents as may be necessary or appropriate to  
121 carry out the purposes of this chapter;

122           (h) To make, assume and enter into all contracts,  
123 leases and arrangements necessary or incidental to the exercise  
124 for its powers, including, but not limited to, contracts for  
125 management, operation or marketing of all or any part of the  
126 facility;

127           (i) To adopt, amend and repeal rules and regulations  
128 for the use, maintenance and operation of the facility and  
129 governing the conduct of persons and organizations using the  
130 facility and to enforce such rules and regulations; \* \* \*

131           (j) To establish operational, accountability and  
132 reporting guidelines for the facility; and

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

135           **SECTION 4.** Section 31-31-9, Mississippi Code of 1972, is  
136 amended as follows:

137           31-31-9. All monies and revenues collected \* \* \* from fees,  
138 rates and charges for the use of the facility shall be paid by the  
139 department to the State Treasurer, to be deposited to the credit  
140 of a special fund to be known as the "Mississippi  
141 Telecommunication Conference and Training Center Fund;" however,  
142 if the department leases the facility to a public or private  
143 entity for the operation of a for-profit facility, all fees, rates  
144 and charges for the use of the facility shall be utilized by the  
145 entity to pay all expenses incident to the operation and upkeep of  
146 the facility. Money in the fund at the end of a fiscal year shall  
147 not lapse into the General Fund and interest earned on any amounts  
148 deposited into the fund shall be credited to the special fund.  
149 Except as otherwise provided in Section 31-31-11, all expenses  
150 incident to the operation and upkeep of the facility shall be paid  
151 out of the fund. The department is authorized to escalate, budget  
152 and expend from the fund an amount not to exceed Two Million  
153 Dollars (\$2,000,000.00) annually to pay costs incident to the  
154 operation, maintenance and staffing of the facility as authorized  
155 in Section 31-31-7.

156           **SECTION 5.** Section 31-31-11, Mississippi Code of 1972, is  
157 amended as follows:

158           31-31-11. (1) For the purpose of providing funds for the  
159 payment of a certain portion of the debt service on any bonds  
160 issued pursuant to this chapter and for the purpose of providing  
161 funds for the maintenance of the facility and renovations,  
162 improvements and additions to the facility, there is hereby  
163 levied, assessed and shall be collected from every person engaging  
164 in or doing business in the City of Jackson, Mississippi, as  
165 specified herein, a tax which may be cited as an "occupancy tax,"

166 which shall be in addition to all other taxes now imposed. Such  
167 tax shall be upon each hotel and motel located within the City of  
168 Jackson in the amount of Seventy-five Cents (75¢) per day for each  
169 occupied room.

170 (2) Persons liable for the tax imposed herein shall add the  
171 amount of tax to the price of rooms, and in addition thereto shall  
172 collect, insofar as practicable, the amount of the tax due by him  
173 from the person receiving the services or goods at the time of  
174 payment therefor.

175 (3) Such tax shall be collected by and paid to the State Tax  
176 Commission on a form prescribed by the State Tax Commission, in  
177 the same manner that state sales taxes are collected and paid; and  
178 the full enforcement provisions and all other provisions of  
179 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as  
180 necessary to the implementation and administration of this  
181 chapter.

182 (4) The proceeds of such tax shall be deposited by the State  
183 Tax Commission into the reserve fund created pursuant to  
184 subsection (5) of this section on or before the fifteenth day of  
185 the month following the month in which collected by the State Tax  
186 Commission.

187 (5) There is hereby created in the State Treasury a special  
188 fund to be called the "Mississippi Telecommunication Conference  
189 and Training Facility Reserve Fund." Money in the reserve fund at  
190 the end of a fiscal year shall not lapse into the General Fund and  
191 interest earned on any amount deposited into the reserve fund  
192 shall be credited to the special fund. Money in the reserve fund  
193 shall be used to pay a portion of the debt service of the bonds  
194 issued pursuant to this chapter as specified in subsection (6) of  
195 this section \* \* \*. The department is authorized to escalate,  
196 budget and expend an amount not to exceed Seven Hundred Fifty  
197 Thousand Dollars (\$750,000.00) annually from the reserve fund for

198 the payment of a portion of debt service as provided for in  
199 subsection (6) of this section.

200 (6) The amount of the debt service that shall be paid  
201 annually from the reserve fund shall be the amount of the debt  
202 service on bonds attributable to forty percent (40%) of the cost  
203 of constructing the facility and the amount of the debt service on  
204 bonds attributable to all land acquisition costs. Amounts  
205 remaining in the reserve fund in any fiscal year after the  
206 payments required by this subsection for debt service, may be  
207 used \* \* \* to provide funds for the maintenance of the facility  
208 and renovations, improvements and additions to the facility.

209 (7) Before the taxes authorized by this chapter shall be  
210 imposed, the municipal governing authorities of the City of  
211 Jackson shall adopt a resolution declaring its intention to levy  
212 the tax, setting forth the amount of such tax and establishing the  
213 date on which this tax initially shall be levied and collected.  
214 This date shall be not less than the first day of the second month  
215 from the date of adoption of the resolution.

216 The resolution shall be published in a local newspaper at  
217 least twice during the period from the adoption of the resolution  
218 to the effective date of the taxation prescribed in this section,  
219 with the last publication being made no later than ten (10) days  
220 prior to the effective date of such taxation.

221 (8) The tax imposed pursuant to this section shall remain in  
222 force and effect until the City of Jackson shall by resolution  
223 rescind the tax; \* \* \* however, \* \* \* the tax imposed pursuant to  
224 this section shall not be rescinded if any bonds issued pursuant  
225 to this chapter remain outstanding.

226 **SECTION 6.** (1) The department may transfer and convey to  
227 the Capital City Convention Center Commission, as created in  
228 Chapter 1019, Local and Private Laws of 2004, all right, title and  
229 interest in certain real property located within the City of  
230 Jackson in Hinds County, Mississippi, and all personal property

231 located thereon, the real property being more particularly  
232 described as follows:

233 A tract of land containing 1.328 Acres (57,848 Sq. Ft.),  
234 more or less, located in Lots 34 and 35, West Jackson  
235 and in the 8.93 Acre Lot South according to the Official  
236 Map of the City of Jackson, prepared by Henry C. Daniel  
237 in 1875 and being more particularly described as  
238 follows, to wit:

239 BEGINNING at a punch mark in the concrete marking the  
240 intersection of the South right-of-way line of  
241 Pascagoula Street and the West right-of-way line of  
242 Farish Street, as now laid out and in use, said point  
243 also being the Northeast Corner of the aforesaid Lot 35;  
244 thence, following the aforesaid South line of Pascagoula  
245 Street, run South 80 degrees 38 minutes 37 seconds East  
246 for a distance of 50.70 feet to a punch mark in the  
247 concrete marking the intersection of the South  
248 right-of-way line of Pascagoula Street and the East  
249 right-of-way of Farish Street, as now laid out and in  
250 use, said point also being the Northwest corner of the  
251 aforesaid 8.93 Acre Lot 3 South; thence, continuing  
252 along the aforesaid South right-of-way line of  
253 Pascagoula Street, run South 80 degrees 38 minutes 37  
254 seconds East for a distance of 168.25 feet to an iron  
255 rod; thence, leaving the aforesaid South right-of-way  
256 line, run South 04 degrees 03 minutes 38 seconds West  
257 for a distance of 162.60 feet to an iron rod; thence run  
258 North 87 degrees 03 minutes 22 seconds West for a  
259 distance of 60.30 feet to an iron rod; thence run North  
260 87 degrees 53 minutes 25 seconds West for a distance of  
261 93.68 feet to a brass cap on the East right-of-way line  
262 of Farish Street; thence run North 87 degrees 53 minutes  
263 25 seconds West for a distance of 50.04 feet to a P.K.



264 nail in the concrete on the West right-of-way line of  
265 Farish Street; thence, following the aforesaid West  
266 right-of-way line of Farish Street, run North 00 degrees  
267 12 minutes 26 seconds East for a distance of 34.10 feet  
268 to a punch mark in the concrete; thence, leaving the  
269 aforesaid West right-of-way line, run North 89 degrees  
270 14 minutes 09 seconds West for a distance of 128.45 feet  
271 to a point; thence run North 00 degrees 57 minutes  
272 28 seconds East for a distance of 174.20 feet to a  
273 point on the South right-of-way line of Pascagoula  
274 Street; thence, following the South line of Pascagoula  
275 Street, run South 80 degrees 38 minutes 37 seconds East  
276 for a distance of 126.65 feet to the POINT OF BEGINNING.

277 This conveyance is subject to, and there is excepted  
278 from the warranty hereof, the following:

- 279 1. Any and all prior reservations or conveyances  
280 of oil, gas and other minerals in, on or under the  
281 Property; and
- 282 2. Any and all easements, rights-of-way,  
283 restrictive covenants or building restrictions of record  
284 pertaining to the Property.

285 This conveyance is also subject to the reservation by  
286 the City of Jackson, Mississippi (the "City") in that  
287 certain Ordinance Closing and Vacating a Portion of  
288 South Farish Street to Allow Construction of the  
289 Telecommunication Conference Center adopted by the City  
290 Council of the City on July 2, 2002, and recorded in  
291 Book 5657 at Page 500, of the following utility  
292 easements:

293 Utility Easement One: A utility easement forty feet in  
294 width, being twenty feet each side of the centerline to  
295 be described below, across a portion of Farish Street,  
296 South of Pascagoula Street, and across a portion of that

297 certain property as described in Deed Book 5360 at Page  
298 867 of the land records of Hinds County First Judicial  
299 District and said centerline being more particularly  
300 described as follows:  
301 COMMENCING at a punch mark in the concrete marking the  
302 intersection of the south right-of-way line of  
303 Pascagoula Street and the West right-of-way line of  
304 Farish Street, as now laid out in use, said point also  
305 being the Northeast corner of Lot 35 per the Official  
306 Map by Henry C. Daniel in 1875 of the City of Jackson;  
307 run thence South 82 degrees 38 minutes 37 seconds East  
308 following the aforesaid south right-of-way line of  
309 Pascagoula Street for a distance of 29.25 feet to the  
310 POINT OF BEGINNING of the following described  
311 centerline; thence leaving said south right-of-way line  
312 run thence South 00 degrees 38 minutes 35 seconds West  
313 for a distance of 75.85 feet; run thence South 46  
314 degrees 55 minutes 14 seconds East for a distance of  
315 38.79 feet; run thence South 00 degrees 12 minutes 42  
316 seconds East for a distance of 84.37 feet to a point on  
317 the South line of the aforesaid property described in  
318 Deed Book 5360 at Page 867 of the land records of Hinds  
319 County First Judicial District and the Point Of Terminus  
320 of the above centerline description.  
321 Bearings used in the above description are grid based on  
322 GPS observations from NGS monument Y-362.  
323 Utility Easement Two: A utility easement twenty feet in  
324 width, being ten feet each side of the centerline to be  
325 described below, across a portion of Farish Street,  
326 South of Pascagoula Street, and across a portion of that  
327 certain property as described in Deed Book 5360 at Page  
328 867 of the land records of Hinds County First Judicial

329 District and said centerline being more particularly  
330 described as follows:  
331 COMMENCING at a punch mark in the concrete marking the  
332 intersection of the south right-of-way line of  
333 Pascagoula Street and the West right-of-way line of  
334 Farish Street, as now laid out in use, said point also  
335 being the Northeast Corner of Lot 35 per the official  
336 Map by Henry C. Daniel in 1875 of the City of Jackson;  
337 run thence South 82 degrees 38 minutes 37 seconds East  
338 following the aforesaid south right-of-way line of  
339 Pascagoula Street for a distance of 29.25 feet to the  
340 POINT OF BEGINNING of the following described  
341 centerline; thence leaving said south right-of-way line  
342 run thence South 00 degrees 38 minutes 35 seconds West  
343 for a distance of 75.85 feet; run thence South 46  
344 degrees 55 minutes 14 seconds East for a distance of  
345 38.79 feet; run thence South 00 degrees 12 minutes 42  
346 seconds East for a distance of 84.37 feet to a point on  
347 the South line of the aforesaid property described in  
348 Deed Book 5360 at page 867 of the land records of Hinds  
349 County First Judicial District and the Point Of Terminus  
350 of the above centerline description.

351 Bearings used in the above description are grid based on  
352 GPS observations from NGS monument Y-362.

353 (2) The conveyance authorized in subsection (1) of this  
354 section may be made on such terms and conditions agreed upon by  
355 the Department of Finance and Administration and the Capital City  
356 Convention Center Commission.

357 **SECTION 7.** This act shall take effect and be in force from  
358 and after its passage.