

By: Representatives Chaney, Johnson,
Middleton

To: Municipalities;
County Affairs

HOUSE BILL NO. 687
(As Passed the House)

1 AN ACT TO AMEND SECTION 19-29-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A MUNICIPALITY AND A COUNTY TO CREATE AND DISSOLVE A
3 RAILROAD AUTHORITY; TO AMEND SECTION 19-29-18, MISSISSIPPI CODE OF
4 1972, TO REQUIRE THE APPROVAL OF CERTAIN GOVERNING AUTHORITIES
5 BEFORE LEVYING TAXES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 19-29-7, Mississippi Code of 1972, is
8 amended as follows:

9 19-29-7. (1) Any county in which there is located existing
10 railroad properties and facilities or in which railroad properties
11 and facilities previously existed, but were abandoned after
12 February 5, 1976, may, by resolution, create a public body
13 corporate and politic, to be known as a county railroad authority,
14 which shall be authorized to exercise its functions upon the
15 appointment and qualifications of the first commissioners thereof.
16 Upon the adoption of a resolution creating a county railroad
17 authority, the board of supervisors of the county shall, pursuant
18 to the resolution, appoint five (5) persons as commissioners of
19 the authority. The commissioners who are first appointed shall be
20 designated to serve the terms of one (1), two (2), three (3), four
21 (4) and five (5) years respectively. Thereafter, each
22 commissioner shall be appointed for a term of five (5) years,
23 except that vacancies occurring otherwise than by the expiration
24 of term shall be filled for the unexpired term in the same manner
25 as the original appointments. A county shall not adopt a
26 resolution authorized by this section without a public hearing
27 thereon. Notice thereof shall be given at least ten (10) days

28 prior thereto in a newspaper published in the county, or if there
29 is no newspaper published therein, then in a newspaper having
30 general circulation in the county.

31 (2) Any county and a municipality within a county may create
32 a railroad authority under this section by resolution adopted by
33 the respective governing authorities. The authority shall be
34 governed by five (5) commissioners. The board of supervisors
35 shall appoint two (2) persons as commissioners of the authority.
36 The governing authorities of the municipality shall appoint two
37 (2) persons as commissioners of the authority. One (1)
38 commissioner shall be appointed by the municipality and the county
39 on a rotating basis with the municipality making the first
40 appointment. The terms of the commissioners shall be the same as
41 those provided in subsection (1) with the term designation to be
42 determined by the majority vote of the governing authorities of
43 the municipality and of the county. The municipality and the
44 county may dissolve the authority by a majority vote of both
45 governing authorities.

46 SECTION 2. Section 19-29-18, Mississippi Code of 1972, is
47 amended as follows:

48 19-29-18. (1) The governing body of a county railroad
49 authority or regional railroad authority, as the case may be, may
50 file a petition with the board of supervisors of any county
51 included in the railroad authority, specifying for each such
52 county, the rate of the ad valorem tax, not to exceed two (2)
53 mills, to be levied by such county on the taxable property
54 therein, for acquisition and maintenance of railroad properties
55 and facilities, and to defray operating expenses of the railroad
56 authority and any other expenses authorized to be incurred by the
57 railroad authority. Prior to levying the tax specified by the
58 railroad authority, the board of supervisors of each such county
59 shall publish notice of its intention to levy same. The notice
60 shall be published once each week for three (3) weeks in some
61 newspaper having a general circulation in the county, but not less
62 than twenty-one (21) days, nor more than sixty (60) days,
63 intervening between the time of the first notice and the meeting
64 at which said board proposes to levy the tax. If, within the time

65 of giving notice, twenty percent (20%) or one thousand five
66 hundred (1,500) of the qualified electors of the county, whichever
67 is less, shall file a written protest against the levy of the tax,
68 then the tax shall not be levied unless authorized by three-fifths
69 (3/5) of the qualified electors of such county, voting at an
70 election to be called and held for that purpose. If the tax levy
71 fails to be authorized at an election held in a county included in
72 the regional authority, then such tax levy shall not be made in
73 any of the counties included in such regional authority.

74 (2) The avails of the ad valorem tax levied under authority
75 of this section shall be paid by the county board of supervisors
76 to the governing body of the railroad authority to be used as
77 herein authorized.

78 (3) For any fiscal year after the initial levy of the tax,
79 the board of supervisors levying same shall levy such tax at a
80 millage rate which will produce an amount of revenue which
81 approximates, but does not exceed, the amount of revenue produced
82 from the levy for the preceding fiscal year. The county board of
83 supervisors shall not increase the millage rate for the purposes
84 authorized herein unless notice thereof is published and an
85 election held, if required, in the manner set forth in subsection
86 (1) of this section.

87 (4) Each railroad authority shall be subject to examination
88 by the State Auditor.

89 (5) The tax levy authorized in this section shall not be
90 included in the ten percent (10%) limitation on increases under
91 Sections 27-39-320 or 27-39-321.

92 (6) The tax levy authorized in this section shall not be
93 reimbursable under the provisions of the Homestead Exemption Law.

94 (7) A railroad authority created under Section 19-29-7(2)
95 must receive the approval of the governing authorities of the
96 municipality and the county creating such authority before levying
97 any tax under this section.

98 SECTION 3. This act shall take effect and be in force from
99 and after July 1, 1999.