

By: Representative Brown

To: Ways and Means

HOUSE BILL NO. 1313

1 AN ACT TO CREATE AND ESTABLISH THE GOLDEN TRIANGLE REGIONAL
2 COMMUNICATION AUTHORITY; TO PLAN, IMPLEMENT, ACQUIRE, CONSTRUCT,
3 OPERATE AND MAINTAIN THE NECESSARY INFRASTRUCTURE TO MAINTAIN A
4 REGIONAL EMERGENCY COMMUNICATIONS NETWORK TO SERVE PUBLIC AGENCIES
5 OF THE AREA ENSURING COMPATIBILITY OF EQUIPMENT AND
6 INTERCONNECTIVITY IN TIMES OF EMERGENCIES; TO DEFINE CERTAIN
7 TERMS; TO PROVIDE THE POWERS AND DUTIES OF THE AUTHORITY; TO
8 PROVIDE FOR A BOARD OF COMMISSIONERS; TO PROVIDE FOR THE POWERS
9 AND DUTIES OF THE BOARD; TO AUTHORIZE THE ISSUANCE OF BONDS; TO
10 AUTHORIZE TEMPORARY BORROWING; TO PROVIDE FOR REFUNDING BONDS; TO
11 PROVIDE FOR THE TERMS AND CONDITIONS OF BONDS; TO PROVIDE TAX
12 EXEMPTIONS; TO SPECIFY POWERS AND DUTIES OF LOCAL UNITS OF
13 GOVERNMENT; TO AUTHORIZE CONTRACTING; TO PROVIDE THE POWER OF
14 EMINENT DOMAIN; TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF
15 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
16 PURPOSES.

17 WHEREAS, many changes are now occurring in the field of
18 telecommunications affecting the ability of local governmental
19 agencies to maintain and operate necessary modern communications
20 equipment for law enforcement, public safety, health and welfare,
21 and

22 WHEREAS, it is important that local governmental agencies,
23 law enforcement, emergency agencies, and public and co-operative
24 utilities have the ability and capability to communicate
25 efficiently and effectively using equipment of superior
26 performance and broad compatibility between users in times of
27 emergencies, natural disasters and other times of public needs,
28 and

29 WHEREAS, legislation is needed to provide for local
30 governments to develop an area wide communications network capable
31 of providing digital, fiber optic, coaxial and/or copper conductor
32 with necessary electricity, converter and other plants,
33 infrastructure and equipment necessary or appropriate to receive,

34 transmit, broadcast and communicate voice and data within the area
35 of the Golden Triangle Planning and Development District and among
36 the governmental agencies, departments, hospitals, utilities and
37 other entities which serve the public in times of emergencies;

38 NOW, THEREFORE,

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

40 SECTION 1. The purpose of this act is to authorize governing
41 bodies in the service area to create a regional authority to
42 provide for and meet the emergency communications needs of the
43 region with the establishment, implementation and operation of a
44 regional emergency communications system to provide communication
45 services to police, fire departments, local government agencies,
46 hospitals, public or co-operative utilities, airports, special
47 emergency services and other entities that benefit the public
48 safety and interest and to provide for the siting, acquisition,
49 construction and operation of a regional communications network.

50 SECTION 2. (1) The Golden Triangle Communications Authority
51 may hereinafter be created under authority of this act and in the
52 manner hereinafter provided. Those political subdivisions
53 eligible to become members of the authority are those political
54 subdivisions who are located, in whole or in part, within the
55 Golden Triangle Planning and Development District. Once created,
56 the authority shall be an agency of the state and a body politic
57 and corporate.

58 (2) Two (2) or more political subdivisions may, by
59 resolution of each, create a public body, corporate and politic,
60 to be known as a regional communication authority which shall be
61 authorized to exercise its functions upon the issuance by the
62 secretary of state of a certificate incorporation. The governing
63 body of each political subdivision that is a member of the
64 authority shall, pursuant to its resolution, appoint one (1)
65 person as a commissioner of the authority.

66 (3) The membership of the authority may be increased from
67 time to time to serve one (1) or more additional political
68 subdivision if each additional political subdivision and each of
69 the members then included in the regional authority and the
70 commissioners of the regional authority, respectively, adopt a

71 resolution consenting thereto.

72 (4) A regional authority may be decreased if each of the
73 members then included in the regional authority and the
74 commissioners of the regional authority consent to the decrease
75 and make provision for the withdrawal of any member. However, if
76 the regional authority has any obligations, bonds, or any other
77 indebtedness outstanding, no withdrawal shall be effected unless
78 the withdrawing member shall first pay an amount to defease or to
79 pay to the authority its pro rata share of any obligation or
80 indebtedness then outstanding.

81 SECTION 3. Once created as provided herein the authority
82 may:

83 (a) Study, evaluate and determine the communication
84 needs of the region and the requirements for the creation of a
85 regional communications network.

86 (b) Plan, acquire, purchase and/or construct, own,
87 operate and maintain, lease, in whole or in part, a
88 telecommunications system within the area composed of the
89 jurisdiction of the members of the authority and other entities
90 who may declare their intent to participate, and contract with the
91 authority comprised of:

92 (i) Fiberoptic, coaxial, and/or copper conductors
93 with necessary electronics, connections, and other plant and
94 equipment necessary or appropriate to receive, transmit, broadcast
95 and communicate void and data; and

96 (ii) Employ such other means or instruments of
97 communications as the governing authorities in their discretion
98 may select to accomplish.

99 (c) Plan and determine the best use of the
100 communication system for the receipt, transmission, broadcast, or
101 communication of voice and data for communications by and among,
102 from or to, law enforcement, emergency agencies, departments and
103 agencies of local government, and the public offices of other

104 governments, public entities, utilities, airports, hospitals,
105 education entities and other public service entities.

106 (d) Provide access to the communications system to one
107 or more public agencies, or other users or consumers of emergency
108 communications services, and to provide any lawful communications
109 service the governing authorities may deem appropriate.

110 SECTION 4. Whenever used in this act, the following words
111 and terms shall have the following respective meanings unless a
112 different meaning clearly appears from the context:

113 (a) "Board" means the board of directors of the
114 authority.

115 (b) "Bonds" means either revenue bonds, general
116 obligation bonds, bond anticipation notes, or other types of debt
117 instruments issued by the authority unless the reference to bonds
118 clearly indicates "revenue bonds," "general obligation bonds,"
119 "bond anticipate notes," or such other forms of debt instruments.

120 (c) "Service area" means that area composed of the
121 geographical area of the counties which are members of the Golden
122 Triangle Planning and Development District.

123 (d) "Facilities" mean any plant, structure, building,
124 improvement, land, or any other real or personal property of the
125 authority or used or useful in providing emergency communication
126 service under this act.

127 (e) "Governing body" means the elected or duly
128 appointed officials constituting the governing body of a
129 municipality or county.

130 (f) "Person" means any natural person, corporation,
131 association, public or co-operative utility, governmental unit,
132 public agency, political subdivision, or any other group acting as
133 a unit, and the plural as well as the singular.

134 (g) "Project" means any facility, to provide emergency
135 communication service, together with all real property required
136 for construction, maintenance and operation of the facility

137 together with all buildings and other supporting land and
138 facilities, structures or improvements of whatever kind required
139 or useful for construction, maintenance and operation of emergency
140 communication system.

141 (h) "Public agency" means:

142 (i) Any department, board, commission, institution
143 or other agency or instrumentality of the state;

144 (ii) Any city, town, county, political
145 subdivision, school district, public or cooperative utility or
146 other district created or existing under the laws of the state or
147 any public agency of any such city, town, county, political
148 subdivision or district;

149 (iii) Any department, commission, agency or
150 instrumentality of the United States of America; and

151 (iv) Any other state of the United States of
152 America which may be cooperating with respect to location of the
153 project within the state, or any agency thereof.

154 (v) Any public or private agency determined by the
155 governing body of the member and the board of the authority to
156 provide a necessary general public service to the population of
157 the services area.

158 (i) "Services area" means the area within the counties
159 that are members of the Golden Triangle Planning and Development
160 District.

161 SECTION 5. (1) All powers of the authority shall be vested
162 in a board of commissioners which will exercise all powers of the
163 authority. The board shall consist of an appointee of the
164 governing body of each member of the authority. Appointments
165 shall be for four (4) years and a plan for staggered terms shall
166 be determined by the initial board, such that as near as possible
167 only one-third (1/3) of the board shall have their term end each
168 year.

169 (a) After the initial term, the commissioner shall

170 serve term of four (4) years, and for such period thereafter until
171 a successor shall be duly appointed and qualified.

172 (b) Each member of the board shall be eligible for
173 reappointment. All vacancies shall be filled by appointment in
174 the same manner, provided that any person appointed to fill a
175 vacancy shall serve only for the unexpired term. Any commissioner
176 may be removed at any time prior to the expiration of the member's
177 term of office for misfeasance, malfeasance or willful neglect of
178 duty, as determined by the appointing political subdivision or a
179 majority of the board. Before assuming office, each commissioner
180 shall take and subscribe to the constitutional oath of office
181 before a chancery clerk, and a record of such oath shall be filed
182 with the Secretary of State. The board shall annually select a
183 chairman and vice chairman.

184 (2) The board may employ such personnel and appoint and
185 prescribe the duties of such officers as the board deems necessary
186 or advisable, including a general manager and a secretary of the
187 authority or the board may contract with a person, public or
188 private entity to serve as a system administrator. The system
189 administrator or the general manager shall have a minimum of five
190 (5) years' experience in management and communication. The
191 general manager may also serve as secretary and shall be a person
192 of good moral character and of proven ability as an administrator
193 with a minimum of five (5) years' experience in management and
194 communications. The general manager or systems administrator
195 shall administer, manage, and direct the affairs and business of
196 the authority, subject tot the policies, control, and direction of
197 the board. The general manager or system administrator and any
198 director not bonded in another capacity shall give bond executed
199 by a surety company or companies authorities to do business int he
200 respective states in the penal sum of no less than Fifty Thousand
201 Dollars (\$50,000.00), as determined by the board payable to the
202 authority conditioned upon the faithful performance of his duties

203 and the proper accounting for all funds. The board may require
204 any of its employees to be bonded. The cost of any bond required
205 by this section or by the board shall be paid from funds of the
206 authority. The secretary shall keep a record of the proceeding of
207 the authority and shall be custodian of all books, documents, and
208 papers filed with the authority, the minute book or journal, and
209 the official seal. The secretary may make copies of all minutes
210 and other records and documents of the authority and certify under
211 the seal of the authority that such copies are true and accurate
212 copies, and all persons dealing with the authority may rely upon
213 such certification.

214 (3) Regular meetings of the board shall be held as set forth
215 in its bylaws, rules or regulations. Additional meetings of the
216 board shall be held at the call of the chairman or general
217 manager, or system administrator, whenever any three (3) members
218 of the board so request.

219 (4) Members of the board shall not receive any compensation,
220 but may receive reimbursement for actual and necessary expenses
221 incurred or per diem in lieu thereof.

222 (5) The board shall prepare a budget for the authority for
223 each fiscal year at least sixty (60) days prior to the beginning
224 of each fiscal year, which shall be from October 1 to September 30
225 of each year.

226 SECTION 6. From and after the creation of the authority
227 shall be a public corporation, body politic with all the rights
228 and powers now or hereafter conferred as may be deemed necessary
229 to carry out the purposes of the act including the following:

230 (a) To maintain an office at a place or places within
231 either state.

232 (b) To sue and be sued in its own name.

233 (c) To adopt and use a corporate seal.

234 (d) To employ or contract with a general manager,
235 system administrator, architects, engineers, attorneys,

236 accountants, construction and financial experts and such other
237 advisors, managers, consultants and agents as may be necessary in
238 its judgment and to fix and pay their compensation.

239 (e) To make, adopt, enforce, amend, and repeal bylaws
240 and rules and regulations for the management of its business and
241 affairs for the use, maintenance, and operation of the authority,
242 any of the facilities and any other of its properties.

243 (f) To borrow money and to issue bonds, notes, and
244 other evidence of indebtedness for any of its purposes and to
245 provide for and secure the payment thereof and to provide for the
246 rights of the holders thereof.

247 (g) To invest any monies of the authority, including
248 proceeds from the sale of any bonds subject to any agreements with
249 bondholders, on such terms and in such manner as the authority
250 deems proper.

251 (h) To exercise any one or more of the powers, rights,
252 and privileges under this act either alone or jointly or in common
253 with one or more other public or private parties. In any such
254 exercise of such powers, right, and privileges jointly or in
255 common with others for the development, construction, operation,
256 and maintenance of facilities within the authority or the provider
257 of facility services within the service area. The authority may
258 enter into an agreement or agreements with respect to any such
259 facility with the other party or parties, public or private,
260 participating therein including development agreements, and
261 operating agreement. An agreement may contain such terms,
262 conditions, and provisions, consistent with his section, as the
263 parties thereto shall deem to be in their best interest,
264 including, but not limited to , provisions for the construction,
265 operation, and maintenance of such facilities by any one or more
266 party of the parties to such agreement.

267 (i) To provide the services of any facility or project
268 within the service area to any political subdivision, public

269 agency, department or utility with the service area and as
270 determined by the board any public service agency and/or private
271 nonprofit public service entity providing necessary public
272 services, provided however, the authority has obtained any
273 required governmental approval for such service.

274 (j) To make such applications and enter into such
275 contracts for financial assistance as may be appropriate under
276 applicable federal or state law.

277 (k) To apply for, accept and utilize grants, gifts,
278 donations, and other funds or aid from any source for any purpose
279 contemplated by this act, and to comply, subject to the provisions
280 of the act, with the terms and conditions thereof.

281 (l) To acquire by purchase, lease, gift, investment,
282 trade, exchange or in other manner, including eminent domain as
283 may be authorized under this act, or obtain options to acquire,
284 and to own, maintain, use, operate, and convey any and all
285 property of any kind, real, personal, or mixed or easement therein
286 or any interest or estate therein, within the service area
287 reasonably necessary for the project or any facility related to
288 the project.

289 (m) To make or cause to be made such examinations,
290 studies, and surveys as may be reasonably necessary to the
291 planning, design, construction and operation of the project.

292 (n) To enter into a development agreement with any
293 public agency or person for the development of the service area,
294 facility property, facility or any portion thereof upon such terms
295 as the parties might agree to carry out the purposes of this act.

296 (o) To enter into contracts with any person or public
297 agency including, but not limited to, in furtherance of any of the
298 purposes authorized by this act upon such consideration as the
299 authority and such person or public agency may agree. Any such
300 contract may extend over any period of time, notwithstanding any
301 rule of law to the contrary, may be upon such terms as the parties

302 thereto shall agree, and may provide that it shall continue in
303 effect until bonds specified therein, refunding bonds issued in
304 lieu of such bonds, and all other obligations specified therein
305 are paid or terminated. Any such contract shall be binding upon
306 the parties thereto according to its terms. Such contracts may
307 include an agreement to reimburse a party to such contract for any
308 assistance provided to the authority in the acquisition of real
309 property to the project or the development of any facility related
310 to the project.

311 (p) To establish and maintain reasonable rates and
312 charges for the use of any facility with the service area owned or
313 operated by the authority, or services provided by the authority
314 and from time to time to adjust such rates and to impose penalties
315 for failure to pay such rates and charges when due.

316 SECTION 7. The authority may adopt and promulgate all
317 reasonable rules and regulations regarding the operation of the
318 authority, its facilities, and services area, and the
319 specifications and standards relating to the construction,
320 operation, and maintenance of any facility, provided such are in
321 compliance with FCC regulations.

322 SECTION 8. (1) The authority is empowered and authorized,
323 from time to time, to issue bonds in such principal amounts as
324 shall be necessary to provide sufficient funds for achieving any
325 of its corporate purposes, including without limiting the
326 generality of the foregoing, the financing of the acquisition,
327 construction, improvement of facilities or any combination
328 thereof, the payment of interest on bonds of the authority,
329 establishment of reserves to secure such bonds, expenses incident
330 to the issuance of such bonds including bond insurance and to the
331 implementation of programs or projects, and any other capital
332 expenditures but not operating costs of the authority incident to
333 or necessary or convenient to carry out its corporate purposes and
334 powers.

335 (2) The authority may issue such types of bonds or notes as
336 it may determine, subject only to any agreement with the holders
337 of particular bonds, including bonds as to which the principal and
338 interest are payable exclusively from all or a portion of the
339 revenues derived from one or more facilities pursuant to the
340 contract entered into by public agencies, and other persons, or
341 any combination of any of the foregoing, or which may be secured
342 by a pledge or any grant, subsidy, or contribution from any public
343 agency or other persons, or a pledge of an income or revenues,
344 funds or monies of the authority from any source whatsoever.

345 (3) Bonds shall be authorized by a resolution or resolutions
346 of the board. Such bonds shall bear such date or dates, mature at
347 such time or times (either serially, term or a combination
348 thereof), bear interest at such rate or rates, be in such
349 denomination or denominations, be in such registered form, carry
350 such conversion or registration privileges, have such rank or
351 priority, be executed in such manner and by such officers, be
352 payable from such sources in such medium of payment at such place
353 or places within or without the state, provided that one (1) such
354 place shall be within the state, be subject to such terms of
355 redemption prior to maturity, all as may be provided by resolution
356 or resolutions of the compact.

357 (4) Any bonds of the authority may be sold at such price or
358 prices, at public or private sale, in such manner and at such
359 times as may be determined by the authority to be in the public
360 interest, and the authority may pay all expenses, premiums, fees
361 and commissions which it may deem necessary and advantageous in
362 connection with the issuance and sale thereof.

363 (5) Any pledge of earnings, revenues or other monies made by
364 the authority shall be valid and binding from the time the pledge
365 is made and the earnings, revenues or other monies so pledged and
366 thereafter received by the authority shall immediately be subject
367 to the lien of such pledge without any physical delivery thereof

368 or further act. The lien of any such pledge shall be valid and
369 binding as against all parties having claims of any kind in tort,
370 contract or otherwise against the authority irrespective or
371 whether such parties have notice thereof. Neither the resolution
372 nor any other instrument by which a pledge is created need to be
373 recorded.

374 (6) Neither the board members no any person executing the
375 bonds shall be personally liable on the bonds or be subject to any
376 personal liability or accountability by reason of the issuance
377 thereof.

378 (7) Whenever any bonds shall have been signed by the
379 officers designated by resolution of the authority to sign the
380 bonds who were in office at the time of such signing but who may
381 have ceased to be such officers prior to the sale and delivery of
382 such bonds, or who may not have been in office on the date such
383 bonds may bear, the manual or facsimile signatures of such
384 officers upon such bonds and the coupons appertaining thereto,
385 shall nevertheless be valid and sufficient for all purposes and
386 have the same effect as if the person so officially executing such
387 bonds had remained in office until the delivery of the same to the
388 purchaser or had been in office on the date such bonds may bear.

389 (8) The bonds issued by the authority shall be limited
390 obligations of such authority. The principal, interest and
391 redemption premium, if any, shall be payable solely out of the
392 moneys to be derived by the authority. Revenue bonds and interest
393 coupons issued under authority of this act shall never constitute
394 an indebtedness of the state or any county or municipality within
395 the meaning of any state constitutional provision or statutory
396 limitation and shall never constitute nor give rise to a pecuniary
397 liability of a county or municipality or the state, or a charge
398 against its general credit or taxing powers, and such fact shall
399 be plainly stated on the fact of each bond.

400 SECTION 9. (1) Pending the issuance of revenue bonds by the

401 authority, the board is hereby authorized to make temporary
402 borrowings not to exceed two (2) years in anticipation of the
403 issue of bonds in order to provide funds in such amounts as may,
404 from time to time, be deemed advisable prior to the issue of
405 bonds. To provide for such temporary borrowings, the authority
406 may enter into any purchase, loan or credit agreement, or
407 agreements or other agreement or agreements with any banks or
408 trust companies or other lending institutions, investment banking
409 firms or persons in the United States having power to enter into
410 the same.

411 (2) All temporary borrowings made under this section shall
412 be evidenced by notes of the authority which shall be issued, from
413 time to time, for such amounts, in such form and in such
414 denominations and subject to terms and conditions of sale and
415 issue, prepayment or redemption and maturity, rate or rates of
416 interest and time of payment of interest as the board shall
417 authorize and direct. Such authorization and direction may
418 provide for the subsequent issuance of replacement notes to
419 refund, upon issuance thereof, such notes, and may specify such
420 other terms and conditions with respect to the notes and
421 replacement notes thereby authorized for issuance as the board may
422 determine and direct.

423 SECTION 10. The authority may issue refunding bonds for the
424 purpose of paying any of its bonds at or prior to maturity or upon
425 acceleration or redemption. Refunding bonds may be issued at such
426 time prior to the maturity or redemption of the refunded bonds as
427 the authority deems to be in the public interest. The refunding
428 bonds may be issued in sufficient amounts to pay or provide the
429 principal of the bonds being refunded, together with any
430 redemption premium thereof, any interest accrued or to accrue to
431 the date of payment of such bonds, the expenses of issue of the
432 refunding bonds, the expenses of redeeming the bonds being
433 refunded, and such reserves for debt service or other capital or

434 current expenses from the proceeds of such refunding bonds as may
435 be required by the resolution, trust indenture or other security
436 instruments.

437 SECTION 11. The authority shall have power in the issuance
438 of its bonds to:

439 (a) Covenant to charge rates, fees and charges
440 sufficient to meet operating and maintenance expenses, renewals,
441 and replacements, principal and debt service on bonds, creation,
442 and maintenance of any reserves required by a bond resolution,
443 trust indenture or other security instrument and to provide for
444 any margins or coverages over and above debt service on the bonds
445 deemed desirable for the marketability of the bonds.

446 (b) Covenant as to the mortgage or pledge of or the
447 grant of a security interest in any real or personal property and
448 all or any part of the revenues from any facilities or any revenue
449 producing contract or contracts made by the compact with any
450 person to secure the payment of bonds, subject to such agreements
451 with the holders of bonds as may then exist.

452 (c) Make all other covenants and to do any and all such
453 acts and things as may be necessary or convenient or desirable in
454 order to secure its bonds, or in the absolute discretion of the
455 authority tend to make the bonds more marketable, notwithstanding
456 that such covenants, acts or things may not be enumerated herein;
457 it being the intention hereof to give the authority power to do
458 all things in the issuance of bonds and in the provisions for
459 security thereof which are not inconsistent with the constitution
460 of the state.

461 (d) Execute all instruments necessary or convenient in
462 the exercise of the powers herein granted in the performance of
463 covenants or duties, which may contain such covenants and
464 provisions, as any purchaser of the bonds of the authority may
465 reasonable require.

466 SECTION 12. (1) The exercise of the powers granted by this

467 act will be in all respects for the benefit of the people of the
468 states for their well-being and prosperity and for the improvement
469 of public safety and health, and authority shall not be required
470 to pay any tax or assessment on any property owned by the
471 authority or the authority upon the income therefrom.

472 (2) Any bonds issued by the authority under this act, their
473 transfer and the income therefrom shall at all time be free from
474 taxation by the state or any unit of local government or other
475 instrumentality of the state, except for inheritance and gift
476 taxes.

477 SECTION 13. For the purpose of attaining the objectives of
478 this act, any county, municipality or other unit of local
479 government, public corporation, agency or instrumentality of the
480 state, a county or municipality or person may, upon terms and with
481 or without consideration, as it may determine, do any or all of
482 the following:

483 (a) Lend, contribute or donate money or property to the
484 authority or perform services for the benefit thereof;

485 (b) Donate, sell, convey, transfer, lease, option or
486 grant upon such terms as the parties may agree, without the
487 necessity of authorization at any election of qualified voters,
488 any property of any kind; and

489 (c) Do any and all things, whether or not specifically
490 authorized in this section, not otherwise prohibited by law, that
491 are necessary or convenient to aid and cooperate with any
492 authority in attaining the objectives of the act.

493 SECTION 14. Contracts for acquisition, purchase,
494 construction and/or installation of a project shall be effected in
495 the manner prescribed by law for public contracts.

496 SECTION 15. For the purpose of aiding in the planning,
497 design, undertaking carrying out the project or any facility
498 related to the project, any public agency within the service area
499 is authorized and empowered upon such terms, with or without

500 consideration, as it may determine:

501 (a) To enter into agreements, which may extend over any
502 period, with the authority respecting action to be taken by such
503 public agency with respect to the acquisition, planning,
504 construction, improvement, operations, maintenance or funding of
505 emerging communications services or any facility for such purpose,
506 and which agreements may include:

507 (i) The appropriation or payment of funds to the
508 authority or to a trustee in amounts which shall be sufficient to
509 enable the authority to defray any designated portion or
510 percentage of the expenses of administering, planning, designing,
511 constructing, acquiring, improving, operating, and maintaining the
512 project or any facility related to the project, and

513 (ii) The furnishing of emergency communication
514 services in connection with the facilities of the authority.

515 SECTION 16. The authority is authorized to acquire property,
516 real, personal or mixed, within or without its territorial limits,
517 in fee simple or any lesser interest or estate, by purchase, gift,
518 devise or lease, on such terms and conditions as the board may
519 deem necessary or desirable, and by condemnation, all provided
520 that the board determines that the use or ownership of such
521 property is necessary in the furtherance of a designated lawful
522 purpose authorized under the provisions of this act, and
523 amendments thereto; easements or rights-of-way with or without
524 restrictions within the limits of the authority; to make purchase
525 money mortgages and deed trusts and other forms of encumbrance on
526 any property acquired by the authority and to purchase property
527 subject to purchase money mortgages or other encumbrances.

528 SECTION 17. The authority is authorized to exercise the
529 power of eminent domain for the particular purpose of the
530 acquisition of property and easements, designated by plan to
531 sufficiently accommodate the location of the specific facilities,
532 and such requirements related directly thereto pursuant to the

533 provisions of applicable state law. Provided, however, prior to
534 the exercise of this power the board of commissioners shall enter
535 on its minutes the determination of the need to use the power of
536 eminent domain for the acquisition of a part of the total acreage
537 involved, not to exceed twenty-five percent (25%), and the board
538 shall so specify in its minutes, which shall be the authority's
539 evidence of authority to use the power of eminent domain as above
540 specifically defined.

541 SECTION 18. Section 27-31-1, Mississippi Code of 1972, is
542 amended as follows:

543 27-31-1. The following shall be exempt from taxation:

544 (a) All cemeteries used exclusively for burial
545 purposes.

546 (b) All property, real or personal, belonging to the
547 State of Mississippi or any of its political subdivisions, except
548 property of a municipality not being used for a proper municipal
549 purpose and located outside the county or counties in which such
550 municipality is located. A proper municipal purpose within the
551 meaning of this section shall be any authorized governmental or
552 corporate function of a municipality.

553 (c) All property, real or personal, owned by units of
554 the Mississippi National Guard, or title to which is vested in
555 trustees for the benefit of any unit of the Mississippi National
556 Guard; provided such property is used exclusively for such unit,
557 or for public purposes, and not for profit.

558 (d) All property, real or personal, belonging to any
559 religious society, or ecclesiastical body, or any congregation
560 thereof, or to any charitable society, or to any historical or
561 patriotic association or society, or to any garden or pilgrimage
562 club or association and used exclusively for such society or
563 association and not for profit; not exceeding, however, the amount
564 of land which such association or society may own as provided in
565 Section 79-11-33. All property, real or personal, belonging to

566 any rural waterworks system or rural sewage disposal system
567 incorporated under the provisions of Section 79-11-1. All
568 property, real or personal, belonging to any college or
569 institution for the education of youths, used directly and
570 exclusively for such purposes, provided that no such college or
571 institution for the education of youths shall have exempt from
572 taxation more than six hundred forty (640) acres of land;
573 provided, however, this exemption shall not apply to commercial
574 schools and colleges or trade institutions or schools where the
575 profits of same inure to individuals, associations or
576 corporations. All property, real or personal, belonging to an
577 individual, institution or corporation and used for the operation
578 of a grammar school, junior high school, high school or military
579 school. All property, real or personal, owned and occupied by a
580 fraternal and benevolent organization, when used by such
581 organization, and from which no rentals or other profits accrue to
582 the organization, but any part rented or from which revenue is
583 received shall be taxed.

584 (e) All property, real or personal, held and occupied
585 by trustees of public schools, and school lands of the respective
586 townships for the use of public schools, and all property kept in
587 storage for the convenience and benefit of the State of
588 Mississippi in warehouses owned or leased by the State of
589 Mississippi, wherein said property is to be sold by the Alcoholic
590 Beverage Control Division of the State Tax Commission of the State
591 of Mississippi.

592 (f) All property, real or personal, whether belonging
593 to religious or charitable or benevolent organizations, which is
594 used for hospital purposes, and nurses' homes where a part
595 thereof, and which maintain one or more charity wards that are for
596 charity patients, and where all the income from said hospitals and
597 nurses' homes is used entirely for the purposes thereof and no
598 part of the same for profit.

599 (g) The wearing apparel of every person; and also
600 jewelry and watches kept by the owner for personal use to the
601 extent of One Hundred Dollars (\$100.00) in value for each owner.

602 (h) Provisions on hand for family consumption.

603 (i) All farm products grown in this state for a period
604 of two (2) years after they are harvested, when in the possession
605 of or the title to which is in the producer, except the tax of
606 one-fifth of one percent (1/5 of 1%) per pound on lint cotton now
607 levied by the Board of Commissioners of the Mississippi Levee
608 District; and lint cotton for five (5) years, and cottonseed,
609 soybeans, oats, rice and wheat for one (1) year regardless of
610 ownership.

611 (j) All guns and pistols kept by the owner for private
612 use.

613 (k) All poultry in the hands of the producer.

614 (l) Household furniture, including all articles kept in
615 the home by the owner for his own personal or family use; but this
616 shall not apply to hotels, rooming houses or rented or leased
617 apartments.

618 (m) All cattle and oxen.

619 (n) All sheep, goats and hogs.

620 (o) All horses, mules and asses.

621 (p) Farming tools, implements and machinery, when used
622 exclusively in the cultivation or harvesting of crops or timber.

623 (q) All property of agricultural and mechanical
624 associations and fairs used for promoting their objects, and where
625 no part of the proceeds is used for profit.

626 (r) The libraries of all persons.

627 (s) All pictures and works of art, not kept for or
628 offered for sale as merchandise.

629 (t) The tools of any mechanic necessary for carrying on
630 his trade.

631 (u) All state, county, municipal, levee, drainage and

632 all school bonds or other governmental obligations, and all bonds
633 and/or evidences of debts issued by any church or church
634 organization in this state, and all notes and evidences of
635 indebtedness which bear a rate of interest not greater than the
636 maximum rate per annum applicable under the law; and all money
637 loaned at a rate of interest not exceeding the maximum rate per
638 annum applicable under the law; and all stock in or bonds of
639 foreign corporations or associations shall be exempt from all ad
640 valorem taxes.

641 (v) All lands and other property situated or located
642 between the Mississippi River and the levee shall be exempt from
643 the payment of any and all road taxes levied or assessed under any
644 road laws of this state.

645 (w) Any and all money on deposit in either national
646 banks, state banks or trust companies, on open account, savings
647 account or time deposit.

648 (x) All wagons, carts, drays, carriages and other horse
649 drawn vehicles, kept for the use of the owner.

650 (y) (1) Boats, seines and fishing equipment used in
651 fishing and shrimping operations and in the taking or catching of
652 oysters.

653 (2) All towboats, tugboats and barges documented
654 under the laws of the United States, except watercraft of every
655 kind and character used in connection with gaming operations.

656 (z) All materials used in the construction and/or
657 conversion of vessels in this state; vessels while under
658 construction and/or conversion; vessels while in the possession of
659 the manufacturer, builder or converter, for a period of twelve
660 (12) months after completion of construction and/or conversion,
661 and as used herein the term "vessel" shall include ships, offshore
662 drilling equipment, dry docks, boats and barges, except watercraft
663 of every kind and character used in connection with gaming
664 operations.

665 (aa) Sixty-six and two-thirds percent (66-2/3%) of
666 nuclear fuel and reprocessed, recycled or residual nuclear fuel
667 by-products, fissionable or otherwise, used or to be used in
668 generation of electricity by persons defined as public utilities
669 in Section 77-3-3.

670 (bb) All growing nursery stock.

671 (cc) A semitrailer used in interstate commerce.

672 (dd) All property, real or personal, used exclusively
673 for the housing of and provision of services to elderly persons,
674 disabled persons, mentally impaired persons or as a nursing home,
675 which is owned, operated and managed by a not-for-profit
676 corporation, qualified under Section 501(c)(3) of the Internal
677 Revenue Code, whose membership or governing body is appointed or
678 confirmed by a religious society or ecclesiastical body or any
679 congregation thereof.

680 (ee) All vessels while in the hands of bona fide
681 dealers as merchandise and which are not being operated upon the
682 waters of this state shall be exempt from ad valorem taxes. As
683 used in this paragraph the terms "vessel" and "waters of this
684 state" shall have the meaning ascribed to such terms in Section
685 59-21-3.

686 (ff) All property owned by the authority established by
687 House Bill No. _____, 1999 Regular Session.

688 SECTION 19. This act shall take effect and be in force from
689 and after July 1, 1999.