

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 3029**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

19        SECTION 1. Any contiguous area situated within any county of  
20 the state located along the Mississippi Gulf Coast, and not being  
21 situated within the corporate boundaries of any existing  
22 municipality, and experiencing shoreline and beach erosion and  
23 other related problems, may become incorporated as a shoreline and  
24 beach preservation district in the manner set forth in the  
25 following sections. The purpose of the district shall be to  
26 provide for the planning, design, construction, operation,  
27 maintenance and improvement of shoreline and beach improvement  
28 projects, including habitat restoration projects.

29        SECTION 2. A petition for the incorporation of a shoreline  
30 and beach preservation district may be submitted to the board of  
31 supervisors of a county, referred to in this act as "board of  
32 supervisors," signed by not less than twenty-five (25) owners of  
33 real property residing within the boundaries of the proposed  
34 district. The petition shall include: (a) a statement of the  
35 necessity for the creation of the proposed district; (b) the  
36 proposed corporate name for the district; (c) the proposed  
37 boundaries of the district, which shall not include any property  
38 used for industrial purposes, unless the owner of that property  
39 submits a written request to the board of supervisors to be

40 included in the district; (d) an estimate of the cost of special  
41 improvement projects to be conducted and maintained by the  
42 district; however the estimate shall not serve as a limitation  
43 upon the financing of any project; (e) a statement of whether or  
44 not the board of supervisors of the county shall exercise the  
45 authority to levy the tax outlined in Section 14 of this act; and  
46 (f) a statement of whether or not the board of supervisors of the  
47 county shall exercise the authority to make assessments as  
48 outlined in Section 15 of this act. The petition shall be signed  
49 in person by the petitioners, with their respective residence  
50 addresses. The petition shall be accompanied by a sworn statement  
51 of the person or persons circulating the petition stating that the  
52 person or persons witnessed the signature of each petitioner, that  
53 each signature is the signature of the person it purports to be,  
54 and that, to the best of the person's or persons' knowledge, each  
55 petitioner was at the time of signing an owner of real property  
56 within and a resident of the proposed district.

57 SECTION 3. (1) Upon the filing of a petition, or upon the  
58 adoption of a resolution under Section 2(2) of this act, the board  
59 of supervisors shall fix a time and place for a public hearing  
60 upon the question of the public convenience and necessity of the  
61 incorporation of the proposed district. The date fixed for the  
62 hearing shall be not more than thirty (30) days after the filing  
63 of the petition. The time, date and location of the hearing, the  
64 proposed boundaries of the district, and the purpose of the  
65 hearing shall be set forth in a notice to be signed by the clerk  
66 of the board of supervisors. The notice shall be published in a  
67 newspaper having general circulation within the proposed district  
68 once a week for at least three (3) consecutive weeks before the  
69 date of the hearing. The first publication of the notice shall be  
70 made not less than twenty-one (21) days before the date of the  
71 hearing and the last publication shall be made not more than seven

72 (7) days before the date of the hearing.

73 (2) If, at the public hearing, the board of supervisors  
74 finds (a) that the public convenience and necessity require the  
75 creation of the district and (b) that the creation of the district  
76 is economically sound and desirable, then the board of supervisors  
77 shall adopt a resolution making those findings and declaring its  
78 intention to create the district on a date to be specified in the  
79 resolution. The resolution shall also designate the name of the  
80 proposed district, define its territorial limits which shall be  
81 fixed by the board of supervisors pursuant to the hearing, and  
82 state whether or not the board of supervisors shall levy the ad  
83 valorem tax authorized in Section 14 of this act and whether or  
84 not the board of supervisors proposes to make special assessments  
85 against benefited properties as outlined in Section 15 of this  
86 act.

87 SECTION 4. (1) A certified copy of the adopted resolution  
88 shall be published in a newspaper having a general circulation  
89 within the proposed district once a week for at least three (3)  
90 consecutive weeks before the date specified in the resolution as  
91 the date upon which the board of supervisors intends to create the  
92 district. The first publication of the notice shall be made not  
93 less than twenty-one (21) days before the date specified, and the  
94 last publication shall be made not more than seven (7) days before  
95 the date.

96 (2) If twenty percent (20%) or one hundred fifty (150),  
97 whichever is less, of the qualified electors of the county  
98 residing within the proposed district file a written petition with  
99 the board of supervisors on or before the date specified in the  
100 resolution under subsection 1 of this section protesting the  
101 creation of the district, the board of supervisors shall call an  
102 election on the question of the creation of the district. The  
103 election shall be held and conducted by the election commissioners

104 of the county, as far as is practicable in accordance with the  
105 general laws governing elections. The election commissioners  
106 shall determine which of the qualified electors of the county  
107 reside within the proposed district, and only those qualified  
108 electors as reside within the proposed district shall be entitled  
109 to vote in the election. Notice of the election setting forth the  
110 time, place or places, and purpose of the election shall be  
111 published by the clerk of the board of supervisors. The notice  
112 shall be published for the time and in the manner provided in  
113 Section 3 of this act for the publication of the resolution of  
114 intent. The ballot to be prepared for and used at the election  
115 shall be in substantially the following form:

116 "FOR CREATION OF \_\_\_\_\_ DISTRICT: (     ) )  
117 AGAINST CREATION OF \_\_\_\_\_ DISTRICT: (     )."

118 Voters shall vote by placing a cross mark (x) or check mark ( \_ )  
119 opposite their choice.

120 SECTION 5. If no petition requiring an election is filed or  
121 if three-fifths (3/5) of those voting in the election provided in  
122 Section 4 of this act vote in favor of the creation of the  
123 district, the board of supervisors shall adopt a resolution  
124 creating the district as described in the resolution of intent.

125 SECTION 6. If the board of supervisors initiates the  
126 creation of the district, all costs incident to the publication of  
127 the notices, the public hearing and election, the preparation of  
128 the resolution, and all other costs of meeting the requirements of  
129 this act shall be paid by the board of supervisors. If the  
130 creation of the district is initiated by petition, the board of  
131 supervisors may bear the costs of meeting the requirements of this  
132 act or may require the parties filing the petition to bear the  
133 costs. The board of supervisors may require the execution of a  
134 cost bond by the parties filing the petition. The bond shall be  
135 in an amount and with good sureties to guarantee the payment of

136 any costs.

137        SECTION 7. Any party having an interest in the subject  
138 matter and aggrieved or prejudiced by the findings and  
139 adjudication of the board of supervisors may appeal to the circuit  
140 court of the county in the manner provided by law for appeals from  
141 orders of the board of supervisors. However, if no appeal is  
142 taken within fifteen (15) days after the date of the adoption of  
143 the resolution creating the district, the creation of the district  
144 shall be final and shall not be subject to attack in any court  
145 after that time.

146        SECTION 8. Beginning on the date of the adoption of the  
147 resolution creating a district, the district shall be a public  
148 corporation in perpetuity under its corporate name and shall, in  
149 that name, be a body politic and corporate with power of perpetual  
150 succession.

151        SECTION 9. (1) The powers of a district shall be vested in  
152 and exercised by a board of commissioners consisting of five (5)  
153 members to be appointed by the board of supervisors from a list of  
154 at least fifteen (15) candidates submitted by the supervisor in  
155 whose district the shoreline and beach preservation district is  
156 located. If the shoreline and beach preservation district is  
157 located in more than one (1) supervisors district, the supervisors  
158 in whose districts the shoreline and beach preservation district  
159 is located shall submit a list of at least fifteen (15) candidates  
160 mutually agreed upon by such supervisors. The members of the  
161 board of commissioners shall be landowners or residents of the  
162 district and shall be at least twenty-five (25) years of age and  
163 of sound and disposing mind and judgement. Upon their initial  
164 appointment, one (1) of the commissioners shall be appointed for a  
165 term of one (1) year; one (1) for a term of two (2) years; one (1)  
166 for a term of three (3) years; one (1) for a term of four (4)  
167 years; and one (1) for a term of five (5) years. After expiration

168 of the initial appointments, each commissioner shall be appointed  
169 and shall hold office for a term of five (5) years. Any vacancy  
170 occurring on the board of commissioners shall be filled by the  
171 board of supervisors at any regular meeting of the board of  
172 supervisors in the same manner as original appointments are made.  
173 The board of supervisors may fill all unexpired terms of any  
174 commissioner.

175 Notwithstanding the appointive authority granted in this  
176 section to the board of supervisors, its legal and actual  
177 responsibilities, authority and function, subsequent to the  
178 creation of a district, shall be specifically limited to the  
179 appointive function and responsibilities outlined in Sections 11,  
180 14 and 15 of this act. The operation, management, abolition or  
181 dissolution of a district, and all other matters in connection  
182 therewith, shall be vested solely and only in the board of  
183 commissioners to the specific exclusion of the board of  
184 supervisors, and the abolition, dissolution or termination of a  
185 district shall be accomplished only by unanimous resolution of the  
186 board of commissioners.

187 (2) The board of commissioners shall organize by electing  
188 one of its members as chairman and another as vice-chairman. The  
189 chairman shall preside at all meetings of the board and act as the  
190 chief executive officer of the board and of the district. The  
191 vice-chairman shall act in the absence or disability of the  
192 chairman. The board also shall elect and fix the compensation of  
193 a secretary-treasurer who may or may not be a member of the board.  
194 The secretary-treasurer shall keep all minutes and records of the  
195 board and safely keep all funds of the district. The  
196 secretary-treasurer shall execute a bond, payable to the district,  
197 in a sum and with security as shall be fixed and approved by the  
198 board of commissioners.

199 (3) Each person appointed as a commissioner, before entering

200 upon the discharge of the duties of the office, shall execute a  
201 bond payable to the State of Mississippi in the penal sum of Ten  
202 Thousand Dollars (\$10,000.00) conditioned that the person will  
203 faithfully discharge the duties of the office. Each bond shall be  
204 approved by and filed with the clerk of the board of supervisors.

205 (4) Each commissioner shall take and subscribe to an oath of  
206 office prescribed in Section 268, Mississippi Constitution of  
207 1890, before the Chancery Clerk of the county in which the  
208 district is located, that the person will faithfully discharge the  
209 duties of the office of commissioner. The oath shall be filed  
210 with the Chancery Clerk and preserved with the official bond.

211 (5) A majority of the membership of the board of  
212 commissioners shall constitute a quorum. Except as otherwise  
213 required under this act, all official acts of the board of  
214 commissioners shall require a majority vote of the quorum.

215 (6) The board of commissioners may receive per diem  
216 compensation, if approved by the board of supervisors, in the same  
217 manner provided to officers of state boards, commissions and  
218 agencies in Section 25-3-69, Mississippi Code of 1972. However,  
219 the per diem compensation shall not exceed Two Hundred Dollars  
220 (\$200.00) per month and shall not entitle any member of the board  
221 of commissioners to receive or be eligible for any state employee  
222 group insurance, retirement or other fringe benefits.

223 SECTION 10. (1) Any district created under this act, acting  
224 by and through the board of commissioners of the district as its  
225 governing authority, shall have the following powers and duties:

226 (a) To sue and be sued;

227 (b) To adopt an official seal with which to attest the  
228 official acts and records of the board and district;

229 (c) To acquire by purchase, gift, devise and lease or  
230 any other mode of acquisition, other than by eminent domain, hold  
231 and dispose of real and personal property of every kind inside or

232 outside the district;

233 (d) To make and enter into contracts, conveyances,  
234 mortgages, deeds of trust, bonds, leases or contracts for  
235 financial advisory services;

236 (e) To incur debts, to borrow money, to issue  
237 negotiable special improvement bonds, and to provide for the  
238 rights of the holders of those bonds;

239 (f) To fix, maintain, collect and revise charges and  
240 assessments for services rendered by or through the district;

241 (g) To pledge all or any part of the revenues of the  
242 district to the payment of its obligations;

243 (h) To make any covenants in connection with the  
244 issuance of bonds or to secure the payment of bonds that a private  
245 business corporation can make under the general laws of the state;

246 (i) To use any right-of-way, public right-of-way,  
247 easement, or other similar property or property rights held by the  
248 state or any political subdivision of the state necessary or  
249 convenient in connection with any project conducted by the  
250 district; however, the governing body of the political subdivision  
251 must first consent to the use;

252 (j) To enter into agreements with state and federal  
253 agencies for loans, grants, grants-in-aid, and other forms of  
254 assistance including, but not limited to, participation in the  
255 sale and purchase of bonds;

256 (k) To be deemed to have the same status as counties  
257 and municipalities with respect to payment of sales taxes on  
258 purchases made by the district;

259 (l) To do all acts necessary, proper or convenient in  
260 the exercise of the powers granted under this act;

261 (m) To contract with the United States of America, or  
262 any agency of the United States of America, the State of  
263 Mississippi, or any political subdivision of the State of



264 Mississippi, or any agency, commission, authority, board or other  
265 entity thereof, or any municipality or municipalities, for any  
266 purpose under this act; and

267           (n) To contract with any person, partnership,  
268 corporation or other entity for the planning, design,  
269 construction, operation, maintenance or improvement of any project  
270 of the district, upon any terms, conditions and covenants as may  
271 be agreed upon by the contracting parties.

272           (2) Any district created under this act shall be vested with  
273 all the powers necessary and requisite for the accomplishment of  
274 the purpose for which the district is created. No enumeration of  
275 powers in this section shall be construed to impair or limit any  
276 general grant of power contained in this section nor to limit any  
277 grant to a power or powers of the same class or classes as those  
278 enumerated.

279           SECTION 11. The board of supervisors may, upon petition by  
280 the board of commissioners of the district, exercise the power of  
281 eminent domain on behalf of the district wherever and whenever  
282 public necessity and convenience so requires.

283           SECTION 12. (1) The district may issue negotiable special  
284 improvement bonds to provide funds for the purpose of planning,  
285 design, construction, operation, maintenance or improvement of any  
286 project of the district, including acquisition of land. The  
287 bonds shall be payable primarily from special assessments  
288 authorized in Section 15 of this act and, if provided in the  
289 proceedings authorizing the bonds, the avails of the ad valorem  
290 tax levy authorized in Section 14 of this act. In addition, if  
291 provided in the proceedings authorizing the bonds and agreed to by  
292 resolution of the board of supervisors authorizing the board of  
293 commissioners to make that pledge, the bonds shall also be payable  
294 from the avails of the ad valorem tax levy provided for in  
295 subsection (2) of this section, or from any combination of monies

296 from those special assessments and tax levies. The bonds may be  
297 issued without an election being held upon the question of their  
298 issuance and without the publication of any notice of intention to  
299 issue the bonds. The board of commissioners of the district shall  
300 issue bonds of the district by resolution spread upon the minutes  
301 of the board. The bonds shall contain covenants and provisions,  
302 be executed, bear interest at the rate or rates not to exceed  
303 fourteen percent (14%) per annum, be in denomination or  
304 denominations, be payable, both as to principal and interest, at  
305 the place or places, mature at the time or times not exceeding  
306 twenty-five (25) years from their date of issuance, as shall be  
307 determined by the board of commissioners and set forth in the  
308 resolution under which the bonds are issued. However, any bonds  
309 which are secured by a pledge of special assessments shall mature  
310 at the time or times not exceeding the time period over which the  
311 special assessments are payable, as determined by the board of  
312 commissioners under Section 15 of this act. Notwithstanding any  
313 provision of general law to the contrary, any bonds and interest  
314 coupons issued under this act shall possess all of the qualities  
315 of negotiable instruments, and the bonds, premium, if any, and  
316 interest thereon shall be exempt from all state, county, municipal  
317 and other taxation under the laws of the State of Mississippi.  
318 Any bonds issued under the authority of this act may be refunded  
319 in the manner provided in this act upon a finding by the board of  
320 commissioners that the refunding is in the public interest. Bonds  
321 for the improvement or extension of any structures or facilities  
322 of the district may be included with any refunding bonds. The  
323 bonds may be sold without the necessity of advertising for bids  
324 and may be sold by negotiated private sale and on any terms,  
325 conditions and covenants as may be agreed to by and between the  
326 issuing authority and the purchasers of the bonds. The total  
327 amount of bonds issued under this act shall not exceed One Million

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328 Dollars (\$1,000,000.00).

329 (2) If provided in the proceedings authorizing the issuance  
330 of the bonds and agreed to by resolution of the board of  
331 supervisors authorizing the board of commissioners of the district  
332 to make a pledge, then when there are insufficient revenues  
333 received from special assessments authorized under Section 15 of  
334 this act and the avails of the ad valorem tax levy authorized  
335 under Section 14 of this act, or from both together, according to  
336 the provisions made in the proceedings authorizing the issuance of  
337 the bonds, to meet the interest or principal payments, or both,  
338 when due on any bonds issued under this act (excluding for this  
339 purpose any amounts in a reserve fund for those bonds), then, upon  
340 certification of that fact by the board of commissioners of the  
341 district to the board of supervisors, the board of supervisors  
342 shall levy an ad valorem tax on all taxable property within the  
343 geographical limits of the district. The avails of the tax,  
344 together with any other monies available for that purpose, shall  
345 be sufficient to provide for the payment of the principal of and  
346 interest on the bonds as the principal and interest falls due. If  
347 provided in the proceedings for the issuance of the bonds, the  
348 avails of the tax may also be used to replenish any reserve fund  
349 established for the bonds.

350 SECTION 13. In addition to the purposes authorized by  
351 Section 12 of this act, any district created under this act may  
352 issue negotiable special improvement bonds of the district in the  
353 manner provided in Section 12, for any of the following purposes:

354 (a) To refund the outstanding bonds of the district  
355 upon a finding by the board of commissioners that the refunding is  
356 in the public interest;

357 (b) To improve or extend the structures or facilities  
358 of the district or to conduct projects of the district; and

359 (c) To enter into cooperative agreements with the state

360 or federal government, or both, to obtain financial assistance in  
361 the form of loans or grants as may be available from the state or  
362 federal government, or both (reference to the state or federal  
363 government as used in this section shall specifically include any  
364 agency thereof).

365 The district may make any covenants and do any acts and  
366 things as may be necessary, convenient and desirable to secure the  
367 bonds or make the bonds more marketable, notwithstanding that the  
368 covenants, acts or things may not be enumerated in this act or  
369 expressly authorized in this act. The board of commissioners, in  
370 issuing the negotiable special improvement bonds, shall have the  
371 power to do all things required or necessary in the issuance of  
372 those bonds and for their execution which are not inconsistent  
373 with the Mississippi Constitution of 1890.

374 SECTION 14. (1) Subject to the provisions of Section 16 of  
375 this act, the board of supervisors of the county in which a  
376 district exists, may, according to the terms of the resolution and  
377 upon receipt of a resolution of the board of commissioners adopted  
378 by a three-fifths (3/5) majority of that board requesting the  
379 funds, levy a special tax, not to exceed four (4) mills annually,  
380 on all taxable real property in the district. The avails of the  
381 tax shall be paid over to the board of commissioners of the  
382 district to be used either for the support of the district,  
383 planning, design, construction, operation, maintenance or  
384 improvement of projects of the district or for the retirement of  
385 any bonds issued by the district, or for any combination of those  
386 uses.

387 (2) The proceeds derived from two (2) mills of the levy  
388 authorized in this section shall be included in the ten percent  
389 (10%) increase limitation under Section 27-39-321, and the  
390 proceeds derived from any additional millage levied under this  
391 subsection in excess of two (2) mills shall be excluded from that

392 limitation for the first year of such additional levy and shall be  
393 included within that limitation in any year thereafter.

394 (3) Following the initial tax levy, the special tax levy  
395 under this subsection may be increased only when the board of  
396 supervisors, after receipt of the resolution of the board of  
397 commissioners requesting an increase and stating the proposed  
398 amount of the increase and the purposes for which the additional  
399 revenues shall be used, has determined the need for additional  
400 revenues, adopts a resolution declaring its intention to increase  
401 the levy and has held an election on the question of increasing  
402 the tax levy prescribed in this section. The notice calling for  
403 an election shall state the purposes for which the additional  
404 revenues shall be used and the amount of the tax levy to be  
405 imposed for those purposes. The tax levy may be increased only if  
406 the proposed increase is approved by a three-fifths (3/5) majority  
407 of those voting within the district. Only those qualified  
408 electors of the county which reside in the district may vote in  
409 the election. Subject to specific provisions of this paragraph to  
410 the contrary, the publication of notice and manner of holding the  
411 election within the district shall be as prescribed by law for the  
412 holding of elections for the issuance of bonds by the board of  
413 supervisors. The election shall be held only within the district.

414 SECTION 15. (1) In addition to the sources of funding  
415 provided for in Sections 1 through 14 of this act, the board of  
416 commissioners, if approved by the board of supervisors in the  
417 resolution creating the district, may levy and collect special  
418 assessments on certain property located in the district to provide  
419 funds for the purposes for which bonds may be issued under  
420 Sections 12 and 13 of this act. The board of commissioners may  
421 pledge the receipts from the special assessments to secure the  
422 payment of the principal of, premium, if any, and interest on any  
423 bonds authorized to be issued under this act. Special assessments

424 may be levied on the property within the boundaries of the  
425 district at the time the special assessments are levied. Any  
426 special assessments authorized under this section shall be levied  
427 and collected in the manner provided in Sections 21-41-1 through  
428 21-41-53, Mississippi Code of 1972. The board may secure bonds of  
429 the district solely from the receipts of special assessments, or  
430 may pledge such receipts in addition to the pledge of receipts  
431 from any tax levy authorized in this act, or from any combination  
432 of monies from the special assessments and tax levies. Bonds  
433 issued under Section 12 or Section 13 of this act shall be payable  
434 as to principal, premium, if any, and interest solely from the  
435 sources authorized in this act.

436       SECTION 16. Before any tax or assessment authorized under  
437 this act may be imposed, the board of commissioners of the  
438 district shall adopt a resolution requesting that the board of  
439 supervisors levy the tax or assessment, setting forth the amount  
440 of such tax or assessment to be imposed, the date upon which such  
441 tax or assessment shall become effective and calling for a  
442 referendum to be held on the question. The date of the election  
443 shall be the next county election occurring after the adoption of  
444 the resolution. Notice of such intention shall be published once  
445 each week for at least three (3) consecutive weeks in a newspaper  
446 published or having a general circulation in the county, with the  
447 first publication of such notice to be made not less than  
448 twenty-one (21) days before the date fixed in the resolution for  
449 the election and the last publication to be made not more than  
450 seven (7) days before the election. At the election, all  
451 qualified electors of the county residing in the district may  
452 vote, and the ballots used in such election shall have printed  
453 thereon a brief statement of the amount and purposes of the  
454 proposed tax levy or assessment and the words "FOR THE DISTRICT  
455 \_\_\_\_\_ TAX OR ASSESSMENT" and, on a separate line, "AGAINST THE

456 \_\_\_\_\_ DISTRICT TAX OR ASSESSMENT," and the voters shall vote  
457 by placing a cross (X) mark or check ( ) mark opposite their  
458 choice on the proposition. When the results of any such election  
459 shall have been canvassed by the county election commissioners and  
460 certified, the board of supervisors may levy the tax or  
461 assessment, if a majority of the qualified electors who vote in  
462 the election vote in favor of the tax.

463 SECTION 17. Any bonds secured by a pledge of the special  
464 assessments shall mature at any time or times, not exceeding  
465 twenty-five (25) years from the date of the bonds, and may be in  
466 fully registered form or in bearer form, as determined by the  
467 board of commissioners.

468 SECTION 18. All special assessments levied under this act  
469 shall be payable in equal annual installments over a period not to  
470 exceed excess of twenty-five (25) years, as determined by the  
471 board of commissioners, with interest from the date of the  
472 confirmation of the assessment at a rate, to be fixed by the board  
473 of commissioners, which will produce sufficient funds for the  
474 payment of all or a specified portion of the principal of and  
475 interest on the bonds as they mature and accrue and for fees and  
476 expenses for a paying agent or trustee, or both for the bonds.  
477 The amount to be paid through the special assessments may be  
478 limited by the board of commissioners to the amounts needed for  
479 the purposes specified in this section. Any property owner who  
480 shall not have taken an appeal from the assessment, upon failure  
481 to pay the assessment in full within thirty (30) days from the  
482 date of confirmation, shall be deemed to have elected to pay the  
483 assessment in installments as provided in this section, and shall  
484 be deemed to have admitted the legality of the assessment, and the  
485 right to contest the validity of the assessment shall be waived.  
486 The installments of the assessment shall be due and payable at the  
487 same time that the annual real property tax becomes due and

488 payable, commencing with the first county tax levy which is  
489 payable after the expiration of thirty (30) days from the date of  
490 confirmation of the assessment.

491         SECTION 19. The resolution declaring the intent of the board  
492 of commissioners to proceed with the special improvement projects  
493 of the district may direct that all of the expenses of the  
494 property, structures or facilities of the district, or the part of  
495 the expenses that the board of commissioners shall charge upon the  
496 property in the district shall be assessed according to the  
497 frontage rule or area rule, as outlined in this section. Bonds  
498 may be issued for one or more projects, and the area and method of  
499 assessment for each project shall be specified in the resolution  
500 declaring the intent of the board of commissioners of the district  
501 to proceed with that project. The resolution declaring the intent  
502 of the board of commissioners to proceed with any special  
503 improvement shall:

504                 (a) Define the properties in the area to be benefited  
505 by each improvement, with each improvement being designated as a  
506 project;

507                 (b) Fix the amount or percentage of the charge to be  
508 levied upon the property benefited;

509                 (c) Designate the minimum and maximum number of years  
510 between the date of issuance of the bonds and the maturity of  
511 those bonds;

512                 (d) Delineate the method of determining the amount of  
513 special assessments to be levied on each lot or parcel of land in  
514 the benefited area; and

515                 (e) Designate the minimum and maximum number of equal  
516 approximately equal annual installments that the board of  
517 commissioners may later allow for the payment of assessments with  
518 interest on those assessments.

519         If the board of commissioners determines that the front foot



520 rule is the most equitable method of distributing the cost among  
521 the properties, then the resolution shall direct that the cost to  
522 be assessed against each lot or parcel of land shall be determined  
523 by dividing the entire cost to be assessed by the total number of  
524 front feet of real property abutting upon the shoreline on which  
525 the project is located and which will be subject to the special  
526 assessment, and multiplying the quotient by the total number of  
527 front feet in any particular lot or parcel of land fronting in the  
528 beach on which the project is located. The result of this formula  
529 shall be assessed against each lot or parcel of land for the  
530 owner's part of the cost of the entire improvement to be paid  
531 through special assessments.

532         If the board of commissioners determines that the area rule  
533 is the most equitable method of distributing the cost among the  
534 properties, then the resolution shall direct that the cost to be  
535 assessed against each lot or parcel of land shall be determined by  
536 dividing the entire cost to be assessed by the total number of  
537 acres or square feet in the area being benefited and that is  
538 subject to the special assessment, and multiplying the quotient by  
539 the total number of acres or square feet in any particular lot or  
540 parcel of land. The result of this formula shall be assessed  
541 against each lot or parcel of land for the owner's part of the  
542 cost of the entire improvement to be paid through special  
543 assessments.

544         SECTION 20. If the owners of a majority of the front footage  
545 of the property to be assessed under the front foot rule, or if  
546 the owners of a majority of the area of the property to be  
547 assessed under the area rule, as described in Section 18 of this  
548 act, file a written protest objecting to the assessments  
549 authorized under this act, then the board of commissioners shall  
550 not proceed with the special assessment.

551         SECTION 21. The board of commissioners of any district

552 created under this act shall have the authority to enter into  
553 cooperative agreements with the state or federal government, or  
554 both, to obtain financial assistance in the form of loans or  
555 grants as may be available from the state or federal government,  
556 or both. The board of commissioners may execute and deliver at  
557 private sale notes or bonds as evidence of the indebtedness in the  
558 form and subject to the terms and conditions as may be imposed by  
559 the state or federal government, or both. The board of  
560 commissioners may pledge the income and revenues of the district,  
561 or the income and revenues from any part of the area embraced in  
562 the district, in payment thereof. The district to do all things  
563 necessary to secure the financial aid or cooperation of the state  
564 or federal government, or both, in the planning, design,  
565 construction, operation, maintenance or improvement of projects of  
566 the district.

567       SECTION 22. This act, without reference to any statute, is  
568 full and complete authority for the creation of the district and  
569 for the issuance of bonds. No proceedings shall be required for  
570 the creation of the district or for the issuance of bonds other  
571 than those provided for and required in this act. All necessary  
572 powers to be exercised by the board of supervisors and by the  
573 board of commissioners of the district in order to carry out this  
574 act are conferred under this section.

575       SECTION 23. Within ninety (90) days after the close of each  
576 fiscal year, the board of commissioners shall publish in a  
577 newspaper of general circulation in the county in which the  
578 district is located a sworn statement showing the financial  
579 condition of the district, including the revenues and expenses of  
580 the district for the fiscal year just ended. The statement shall  
581 also be furnished to the board of supervisors of the county in  
582 which the district lies.

583       SECTION 24. Any bonds issued under the provisions of this

584 act may be submitted for validation under the provisions of  
585 Chapter 13, Title 31, Mississippi Code of 1972.

586 SECTION 25. This act shall be liberally construed for the  
587 purposes herein set out, the powers hereby granted being  
588 additional, cumulative and supplemental to any power granted to a  
589 board of supervisors by any general or local and private act of  
590 the Legislature.

591 SECTION 26. If any provisions of this act shall be held to  
592 be invalid by any court of competent jurisdiction, the remainder  
593 of this act shall not be affected thereby.

594 SECTION 27. This act shall take effect and be in force from  
595 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE CREATION OF SHORELINE AND BEACH  
2 PRESERVATION DISTRICTS; TO PROVIDE FOR CREATION OF THE DISTRICT BY  
3 PETITION OF LANDOWNERS; TO REQUIRE PUBLICATION OF A NOTICE OF  
4 INTENT TO CREATE A DISTRICT AND TO REQUIRE A PUBLIC HEARING; TO  
5 PROVIDE FOR A REFERENDUM ON THE CREATION OF THE DISTRICT; TO  
6 AUTHORIZE THE PAYMENT OF COSTS FOR CREATION OF THE DISTRICT; TO  
7 PROVIDE FOR APPOINTMENT OF A BOARD OF COMMISSIONERS OF THE  
8 DISTRICT AND FOR THEIR TERMS OF OFFICE AND COMPENSATION; TO  
9 AUTHORIZE THE BOARD OF COMMISSIONERS TO EXERCISE CERTAIN POWERS  
10 AND DUTIES; TO AUTHORIZE THE DISTRICT TO ISSUE NEGOTIABLE SPECIAL  
11 IMPROVEMENT BONDS FOR PROJECTS; TO AUTHORIZE THE BOARD OF  
12 SUPERVISORS TO EXERCISE THE POWER OF EMINENT DOMAIN UPON REQUEST  
13 OF THE BOARD OF COMMISSIONERS; TO AUTHORIZE THE BOARD OF  
14 SUPERVISORS TO LEVY AN AD VALOREM TAX NOT TO EXCEED FOUR (4) MILLS  
15 ON TAXABLE REAL PROPERTY IN THE DISTRICT AND TO MAKE SPECIAL  
16 ASSESSMENTS ON PROPERTY IN THE DISTRICT; TO PROVIDE FOR THE  
17 CALCULATION OF ANY SPECIAL ASSESSMENTS; AND FOR RELATED PURPOSES.