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To: Local and Private
Legislation; Ways and
Means

HOUSE BILL NO. 1737

1 AN ACT TO AMEND CHAPTER 1013, LOCAL AND PRIVATE LAWS OF 1999,
2 TO REORGANIZE AND RECONSTITUTE THE HARRISON COUNTY TRANSPORTATION
3 COMMISSION OF HARRISON COUNTY, MISSISSIPPI, TO REDEFINE CERTAIN
4 POWERS AND DUTIES OF THE HARRISON COUNTY TRANSPORTATION COMMISSION
5 AND ITS COMMISSIONERS; TO AUTHORIZE THE HARRISON COUNTY
6 TRANSPORTATION COMMISSION TO ISSUE BONDS FOR THE PURPOSE OF
7 ACQUIRING, DESIGNING, CONSTRUCTING, EQUIPPING, FURNISHING,
8 REPAIRING, REMODELING OR IMPROVING ROADS, AIRPORTS, MASS TRANSIT,
9 RAILWAYS AND OTHER TRANSPORTATION SYSTEMS AND RELATED FACILITIES
10 AND IMPROVEMENTS AND ACQUIRING LAND FOR THE ROADS, AIRPORTS, MASS
11 TRANSIT, RAILWAYS AND OTHER FACILITIES AND IMPROVEMENTS; TO
12 AUTHORIZE THE GOVERNING BODY OF THE COUNTY UPON APPROVAL BY THE
13 ELECTORATE OF THE COUNTY TO LEVY UP TO A 1% TAX, TO BE KNOWN AS A
14 TRANSPORTATION IMPROVEMENT FEE, ON SALES AND SERVICES IN THE
15 COUNTY, EXCEPT FOR SALES OF GROCERIES AND MEDICINES, TO SECURE THE
16 PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE BONDS; TO
17 PROVIDE FOR THE TERMS OF THE BONDS; TO AUTHORIZE THE COMMISSION TO
18 ENTER INTO CONTRACTS WITH RESPECT TO ROADS, AIRPORTS, MASS
19 TRANSIT, RAILWAYS AND OTHER TRANSPORTATION SYSTEMS AND RELATED
20 FACILITIES AND IMPROVEMENTS; TO PROVIDE FOR THE TERMINATION OF THE
21 TAX; AND FOR RELATED PURPOSES.

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

23 SECTION 1. Chapter 1013, Local and Private Laws of 1999, is
24 amended as follows:

25 Section 1. Whenever used in this act, unless a different
26 meaning clearly appears in the context, the following * * * terms
27 shall be given the following * * * meanings * * *:

28 (a) "Airport" means the Gulfport-Biloxi Regional
29 Airport or ancillary facilities in Harrison County, Mississippi.

30 (b) "Board of supervisors" means the Board of
31 Supervisors of Harrison County, Mississippi.

32 (c) "Bonds" means notes, bonds and other obligations
33 authorized to be issued under this act.

34 (d) "County" means Harrison County, Mississippi.

35 (e) "Commission" means the Harrison County

36 Transportation Commission as created by this chapter and any
37 reorganization and reconstitution of the commission under any
38 subsequent law.

39 (f) "Commissioners" or "directors" means the persons
40 appointed to vote as members of the Board of Directors of the
41 Harrison County Transportation Commission.

42 (g) "Governing body" means the Board of Supervisors of
43 Harrison County, Mississippi.

44 (h) "Municipalities" means the City of Biloxi,
45 Mississippi, the City of Gulfport, Mississippi, the City of
46 D'Iberville, Mississippi, the City of Long Beach, Mississippi, and
47 the City of Pass Christian, Mississippi.

48 (i) "Project" means any one or more roads; bridges;
49 passenger railways; freight railways; multi-modal transportation
50 facilities; mass transit and other surface transportation
51 rights-of-way, improvements, equipment and facilities of all
52 kinds; parking facilities; airport improvements and ancillary
53 facilities; passenger terminals; and related personal and real
54 property, facilities and improvements, and the land on which such
55 facilities and improvements are located.

56 (j) "System" or "systems" means the combined
57 transportation systems of Harrison County.

58 (k) "Transit Authority" or "Coast Transit Authority"
59 means the Mississippi Coast Transportation Authority.

60 (l) "Transportation routes and facilities" means
61 all * * * transportation routes or any one or more transportation
62 project or projects and support facilities, for present and future
63 transportation needs of any kind, within the territorial
64 boundaries of Harrison County, Mississippi.

65 Section 2. There is hereby created and established the
66 Harrison County Transportation Commission. The commission shall
67 be deemed to be acting in all respects for the benefit of the
68 people of Harrison County in the performance of essential public

69 functions as it seeks to plan, promote and develop needed
70 transportation routes and facilities within Harrison County and
71 its municipalities.

72 * * *

73 Section 3. The commission shall be empowered, in accordance
74 with the provisions of this act, to promote the general
75 transportation needs of Harrison County and its citizens. In
76 addition to any other powers authorized by law or this act, the
77 commission shall have the following powers:

78 * * *

79 (a) To apply and contract for and accept any grants or
80 gifts or loans or appropriations of funds or property or financial
81 or other aid in any form from the United States or any
82 instrumentality thereof, or from the State of Mississippi or any
83 instrumentality thereof, or from any source, public or private and
84 to comply with and make agreements with respect to the terms and
85 conditions thereof, subject to any agreements with bondholders;

86 (b) To employ architects, engineers, attorneys,
87 financial advisors and such other consultants as it deems proper;
88 to fix and pay their compensation and appoint and retain such
89 officers, agents and employees as it deems proper; and to fix and
90 pay their compensation;

91 (c) To maintain an office or offices at such place or
92 places within the county as it may determine;

93 (d) To plan, develop, acquire, construct, reconstruct,
94 operate, own, manage, lease (as lessor or lessee), convey, sell or
95 otherwise dispose of, participate in, maintain, repair, extend or
96 improve one or more projects for one or more roads or other
97 transportation routes and facilities, whether or not such
98 projects, routes or facilities are or are to be owned by the
99 commission or whether or not such facilities are or are to be
100 owned by any other person;

101 (e) To acquire, own, hold, use, lease (as lessor or

102 lessee), convey, sell or otherwise dispose of, mortgage, pledge or
103 grant a security interest in any real or personal property,
104 contract commodity or service or interest therein;

105 (f) To make and enforce, and from time to time amend
106 and repeal, bylaws, rules and regulations for the management of
107 its business and affairs and for the use, maintenance and
108 operation of any of its roads or other facilities;

109 (g) To borrow money and to issue bonds for any of its
110 purposes, to provide for and secure the payment thereof, and to
111 provide for the rights of the holders thereof;

112 (h) To procure insurance against any loss in connection
113 with its property, other assets and business in such amounts and
114 from such insurers as it may deem necessary or desirable;

115 (i) To enter on any lands, waters or premises for the
116 purpose of making surveys, borings, soundings and examinations for
117 the purposes of the commission;

118 (j) To acquire in the name of the governing body, by
119 eminent domain proceedings, if authorized by resolution of the
120 governing body under Section 30 of this act, such property
121 designated by the commission to sufficiently accommodate the
122 location of roads or other transportation facilities pursuant to
123 the provisions of Chapter 27, Title 11, Mississippi Code of 1972;

124 (k) To do and perform any acts and things authorized by
125 this act under, through or by means of its officers, agents and
126 employees, or by contracts with any person; * * *

127 (l) To enter into any and all contracts, execute any
128 and all instruments and do and perform any and all acts or things
129 necessary, convenient or desirable for the purposes of the
130 commission or to carry out any power expressly granted by this
131 act;

132 (m) To make loans or grants to the Coast Transit
133 Authority, the Gulfport-Biloxi Regional Airport Authority, the
134 State Port at Gulfport, any municipal port commission, any

135 municipality within Harrison County, the Board of Supervisors of
136 Harrison County, and any other governmental entity for the purpose
137 of any project or projects for transportation routes and
138 facilities owned or operated by either of these authorities; and
139 (n) To enter into Interlocal Agreements pursuant to
140 Section 17-31-1 et seq., Mississippi Code of 1972 (Chapter 498,
141 Laws, 1974 as amended).

142 Section 4. The board of supervisors and the governing
143 authorities of the municipalities, in their discretion, by
144 resolution duly adopted and entered upon their respective minutes,
145 may:

146 (a) Contribute, out of any available funds, any amount
147 to support the work of the commission or to support any project or
148 projects of the commission. Such contributions may be paid
149 according to an agreed upon schedule approved by the commission,
150 the board of supervisors and the governing authorities of the
151 municipalities;

152 (b) Use equipment and personnel of the board of
153 supervisors and the governing authorities of the municipalities in
154 the support, promotion and development of the work and purpose of
155 the commission, as may be necessary or desirable.

156 Section 5. The commission, and all its powers and duties,
157 shall be vested in a fifteen-person board of directors, who shall
158 also be known as commissioners, which shall consist of the five
159 (5) members of the Harrison County Board of Supervisors; the mayor
160 of each of the five (5) municipalities; and five (5) members from
161 the city councils of the municipalities within Harrison County who
162 shall be the president of the city council from each city under
163 the mayor-council form of government and, from each city under
164 another form, shall be a councilman or alderman selected by the
165 members of the council or board of aldermen, respectively. * * *

166 Each director may appoint a voting delegate to represent him or
167 her, when absent, at a meeting or meetings of the board of

168 directors.

169 Section 6. The business and affairs of the commission shall
170 be managed by its board of directors and through its executive and
171 legislative committees. The directors in all cases shall act as a
172 board and speak through the board's written minutes. The act of
173 the majority of the board of directors of the commission present
174 at a meeting at which a quorum, composed of a majority of the
175 directors, is present shall be the act of the directors for all
176 matters except as follows:

177 (a) Executive committee. The executive committee shall
178 be composed of the five (5) mayors of the municipalities of
179 Harrison County and the President of the Harrison County Board of
180 Supervisors. The members of the committee shall select a chairman
181 to preside over the committee, who shall serve as cochairman of
182 the full board of directors. The executive committee shall be
183 responsible for overseeing the work of the executive director and
184 all employees, and shall have the authority to recommend the
185 hiring and removal of an executive director to the full board of
186 directors. The daily operation of the commission and its
187 executive director's staff and employees shall be subject to the
188 supervision and direction of the executive committee. All actions
189 of the executive committee shall be decided by a favorable vote of
190 four (4) members.

191 (b) Legislative committee. The legislative committee
192 shall be composed of the members of the board of directors who are
193 city councilmen and aldermen and all five (5) supervisors. The
194 legislative committee shall select a chairman to preside over the
195 committee and who shall serve as cochairman of the full board of
196 directors. The legislative committee shall be responsible for
197 making recommendations on all policy decisions involving requests
198 for legislation from the Mississippi Legislature, and contracts,
199 budgets, audits, rules and regulations of the commission. All
200 actions of the legislative committee shall require a vote of seven

201 (7) members. The legislative committee also shall approve all
202 expenditures before presentation to the full board of directors
203 for a vote, at which time all expenditures in excess of
204 Twenty-five Thousand Dollars (\$25,000.00) shall require two-thirds
205 (2/3) vote of all members of the board of directors. All
206 expenditures less than Twenty-five Thousand Dollars (\$25,000.00)
207 shall require a majority vote of all members of the board of
208 directors. The legislative committee shall maintain a docket of
209 claims, and approve them for presentation to the full board. All
210 actions of the legislative committee shall be decided by a
211 favorable vote of seven (7) members.

212 (c) Full board of directors. The executive and
213 legislative committees shall meet jointly as a full board of
214 directors at the regular and special meetings of the board, and
215 may take up matters within their jurisdictions on the agenda under
216 the reports of executive and legislative committees. The full
217 board may make recommendations at that time by forming into
218 committee session with all members of the board of directors being
219 allowed to participate in the discussion and deliberation of any
220 matters coming before either of the committees.

221 Section 7. The officers of the commission shall be the
222 chairman of the executive committee, the chairman of the
223 legislative committee, a secretary, a treasurer and an executive
224 director. The executive director and the secretary shall be
225 elected by a majority of the board of directors. Such other
226 officers and assistant officers as may be deemed necessary may be
227 elected or appointed by the board of directors of the commission.
228 The chairmen of the executive and legislative committees shall be
229 cochairmen of the full board of directors. The cochairmen shall
230 on alternate meetings serve as presiding officer of the meeting of
231 the full board of directors, beginning with the chairman of the
232 executive committee at the regular meeting in April of each year.

233 Section 8. The officers of the commission to be elected by

234 the board of directors shall be elected annually at the regular
235 meeting of the board of directors held in April of each year.
236 Each officer shall hold office until his successor shall have been
237 duly elected and shall have qualified, or until his death or until
238 he shall resign or shall have been removed in the manner
239 hereinafter provided. Any officer elected or appointed by the
240 board of directors may be removed by a two-thirds (2/3) majority
241 of the board of directors whenever in their judgment the best
242 interests of the commission would be served thereby. A vacancy in
243 any office because of death, resignation, removal,
244 disqualification or otherwise may be filled by the board of
245 directors for the unexpired portion of the term.

246 Section 9. The executive director shall be the principal
247 executive officer of the commission and, subject to the direction
248 of the executive committee of the commission, shall in general
249 supervise and direct all of the business and affairs of the
250 commission.

251 Section 10. The chairman of the executive committee also
252 shall be known as the chairman of the commission and may sign,
253 with the secretary or treasurer or any other proper officer of the
254 commission thereunto authorized by the board of directors, any
255 deeds, mortgages, bonds, contracts or other instruments which the
256 board of directors have authorized to be executed, except in cases
257 where the signing and execution thereof shall be expressly
258 delegated by the board of directors to the executive director or
259 to some other officer or agent of the commission, or shall be
260 required by law to be otherwise signed or executed; and in general
261 shall perform all duties incident to the office of executive
262 director in the absence, vacancy or incapacity of the executive
263 director, and such other duties as may be prescribed by the board
264 of directors from time to time.

265 Section 11. The chairman of the legislative committee shall
266 preside over meetings of the legislative committee.

267 Section 12. The Chancery Clerk of Harrison County shall be
268 the treasurer. He shall have charge and custody of and be
269 responsible for all funds and securities of the commission,
270 receive and give receipts for monies due and payable to the
271 commission from any source whatsoever, deposit all such monies in
272 the name of the commission in such banks, trust companies or other
273 depositories as shall be selected in accordance with these bylaws
274 and state law, and in general perform all of the duties incident
275 to the office of treasurer and such other duties as from time to
276 time may be assigned to him by the board of directors. All
277 commission funds shall be kept in an appropriate depository under
278 the supervision of the Chancery Clerk of Harrison County,
279 Mississippi, who shall cause a complete annual review of the books
280 of accounts of the commission and provide a copy of such review to
281 the board of supervisors and the governing authorities of the
282 municipalities of Harrison County, Mississippi.

283 Section 13. The salaries and employee benefits of the
284 executive director and other employees shall be fixed from time to
285 time by the board of directors, upon recommendation of two-thirds
286 (2/3) majority of the legislative committee.

287 Section 14. A two-thirds (2/3) majority of the board of
288 directors of the commission, upon recommendation of two-thirds
289 (2/3) majority of the legislative committee present and voting,
290 may authorize the chairman of the commission or the executive
291 director and secretary to enter into any contract or execute and
292 deliver any instrument in the name of and on behalf of the
293 commission, and such authority may be general or confined to
294 specific instances. No loans shall be contracted on behalf of the
295 commission and no evidences of indebtedness shall be issued in its
296 name unless authorized by a resolution adopted by two-thirds (2/3)
297 of the board of directors of the commission, upon recommendation
298 of the two-thirds (2/3) majority of the legislative committee
299 present and voting. Such authority may be general or confined to

300 specific instances. All checks, drafts or other orders for the
301 payment of money, notes or other evidences of indebtedness issued
302 in the name of the commission, shall be signed by the executive
303 director and treasurer of the commission and paid in such manner
304 as shall from time to time be determined by resolution of the
305 board of directors, upon recommendation of two-thirds (2/3)
306 majority of the legislative committee present and voting.

307 Section 15.

308 * * *

309 * * * The commission shall adopt a set of bylaws, which may
310 include such provisions that it deems appropriate, but shall
311 include provisions for the following:

312 (a) Procedures and times for its meetings, following
313 Roberts Rules of Order, and complying with the Open Meetings Law
314 of Mississippi, Section 25-41-1 et seq., Mississippi Code of 1972.

315 (b) Making a bimonthly written report to the board of
316 supervisors and the governing authorities of the municipalities as
317 to the current operational and financial status of the commission.

318 (c) Providing that all commission funds shall be kept
319 in an appropriate depository under the supervision of the Chancery
320 Clerk of Harrison County, Mississippi, who shall * * * cause a
321 complete annual review of the books and accounts of the commission
322 and provide a copy of such review to the Board of Supervisors and
323 the governing authorities of the municipalities of Harrison
324 County, Mississippi.

325 Section 16. (1) It is hereby determined and declared to be
326 in the best interest of the people of the county and the
327 surrounding area to provide an adequate public transportation
328 system in Harrison County. It is in the public interest that the
329 county's critical transportation needs be met and that the
330 transportation problems which exist in the county and surrounding
331 area be alleviated. The construction of one or more projects will
332 secure the maintenance and improvement of the living conditions of

333 the people of the Mississippi coastal area, the continuation of
334 industrial, commercial and economic opportunities in the area and
335 the enhancement of the health and welfare of the area's people, in
336 the years to come.

337 (2) The commission shall endeavor to alleviate the county's
338 transportation problems through cooperative efforts and agreements
339 for the benefit of communities in the county.

340 Section 17. (1) The commission is hereby authorized to
341 issue bonds of the commission, from time to time, to raise money
342 for the acquisition of property, the payment of engineering, legal
343 and other professional fees related to the acquisition of property
344 and the planning and design of projects and the supervision of
345 construction, and the construction of one or more projects and
346 payment of interest on bonds, establishment of reserves to secure
347 such bonds and payment of expenses incident to the issuance of
348 such bonds and to the implementation of such projects. The bonds
349 shall be general obligations of the commission, but shall not be
350 considered when computing any limitation of indebtedness of the
351 county or any municipality established by law.

352 (2) No funds collected by the commission from the
353 transportation improvement fee described in this act and no bond
354 funds authorized by this act shall pay for (a) general
355 administration of the commission, or (b) for maintenance of
356 projects. General administration of the commission and
357 maintenance of projects may be paid from funds loaned or granted
358 to the commission by Harrison County, the municipalities within
359 Harrison County, or any other federal, state or local governmental
360 agency or private entity. Projects owned by a governmental agency
361 other than the commission shall be maintained by such other
362 agency.

363 Section 18. Before any special sales tax known as the
364 transportation improvement fee is imposed under this act and
365 before any bonds are issued under this act, the electors of the

366 county shall have approved by a favorable vote of at least sixty
367 percent (60%) of qualified electors voting in an election the
368 imposition of the tax. Any bonds issued under this act, other
369 than refunding bonds, shall be issued in accordance with the
370 provisions of Article 5, Chapter 33, Title 21, Mississippi Code of
371 1972, except that if such provisions conflict with the provisions
372 of this act, the provisions of this act shall prevail. The full
373 faith, credit and resources of the commission shall be irrevocably
374 pledged for the payment of the principal of and interest on the
375 bonds.

376 Section 19. (1) Before any bonds shall be issued under this
377 act, the imposition of a special sales tax, which is hereby
378 authorized and shall be known as a transportation improvement fee
379 in Harrison County, shall have been approved at an election to be
380 held in the county in the manner now provided by law for the
381 holding of county elections. The special sales tax shall be in
382 addition to all other taxes now imposed, and shall be in an amount
383 of up to a total of one percent (1%) upon all sales and services,
384 except for sales of groceries and medicines, within the county
385 which are subject to the general rate of state sales tax. The
386 election shall be held after three (3) weeks' notice thereof by
387 publication of the proposition at least once a week for three (3)
388 consecutive weeks in some newspaper published in the county or
389 having a general circulation therein. The call for the election
390 shall be made by the Harrison County Board of Supervisors if
391 requested by a written recommendation adopted by the commission.
392 At the election, all qualified electors of the county may vote.
393 If sixty percent (60%) of the qualified electors of the county
394 voting in the election vote in favor of the proposition, then the
395 special sales tax may be imposed in accordance with this section
396 and Section 25 of this act. The amount of the sales tax to be
397 imposed, which may be less than the maximum amount authorized to
398 be imposed in this subsection, shall be determined by the

399 commission and described in the notice of such election.

400 (2) The imposition of the special sales tax known as the
401 transportation improvement fee and the authorization of the
402 issuance of bonds under this act may occur one or more times,
403 provided that each imposition of the tax and each issuance of
404 bonds is authorized by the favorable vote of sixty percent (60%)
405 of the qualified electors of the county voting in favor of the
406 proposition to impose the tax and to authorize bonds to be sold to
407 be funded by the tax. Further, each imposition by election of the
408 tax and each issuance of bonds thereunder shall comply with the
409 following conditions:

410 (a) The first referendum on the proposition for or
411 against the initial imposition of the special sales tax under this
412 act and the first bonds issued thereunder, if any, shall be for
413 the sole purpose of funding projects, as defined in paragraph (i)
414 of Section 1 of this act, to construct an East-West Transportation
415 Corridor for Harrison County, as defined by the commission in the
416 request for such election recommended by the commission to the
417 Board of Supervisors of Harrison County. The description of the
418 proposition for the election for the projects to construct an
419 East-West Transportation Corridor shall describe in detail the
420 total budget for the projects and shall describe in detail the
421 amount of the total budget to be funded by cash received directly
422 from collection of the special sales taxes imposed before issuing
423 bonds and the total amount of the budget to be funded by proceeds
424 of bonds sold, if any, under the authority of such election.

425 (b) No subsequent referendum to impose the tax and
426 authorize the issuance of bonds thereunder shall be recommended by
427 the commission for an election on any proposition until the taxes
428 collected and deposited to the special account provided for in the
429 act shall, for projects authorized in Section 19(2)(a) for the
430 East-West Transportation Corridor, be in an amount sufficient (i)
431 to pay for all remaining debts budgeted to be paid from cash

432 collected from the imposition of the tax the issuance of bonds,
433 (ii) to pay for all debt service of principal and interest due or
434 to be due on the bonds and (iii) to pay for and fully fund all
435 reserve funds and other surplus or special funds required by the
436 bond covenants, in order to secure the full and complete payment
437 of all obligations under the construction budget for such projects
438 and all obligations under such bonds before the call for any such
439 subsequent election on a proposition to impose the tax for the
440 purposes of any project or set of projects thereafter.

441 (c) On each occasion that the commission may recommend
442 to the board of supervisors to call an election as contemplated
443 under paragraph (b) of this subsection, the commission shall
444 describe the project or set of projects that constitute the
445 proposition to be put to an election, and, if the reimposition of
446 the tax is authorized by a favorable vote of sixty percent (60%)
447 of the qualified electors of the county voting in such election,
448 funds collected from the tax and the bonds authorized by such
449 election shall be used only for the projects described in the
450 proposition which was the subject of such election.

451 (3) The tax imposed under this section and Section 25 of
452 this act shall terminate and cease to be collected upon
453 certification to the State Tax Commission by the Treasurer of the
454 State of Mississippi that the taxes collected and deposited to the
455 special account for the East-West Transportation Corridor bonds
456 authorized in Section 19(2)(a) shall be in an amount sufficient to
457 pay for all remaining debt service of principal and interest due
458 or to be due on the bonds and to pay for and fully fund all
459 reserve funds and other surplus or special funds required by the
460 bond covenants, in order to secure the full and complete payment
461 of all obligations under the bonds. However, the tax may be
462 imposed again at anytime not later than two (2) years after the
463 date of such certification by the Treasurer of the State of
464 Mississippi, if it is imposed in accordance with subsections

465 (2)(b) and (2)(c) of this section. For any one or more
466 impositions of the tax subsequent to the initial imposition under
467 subsection (2)(a) of this section, the tax shall terminate and
468 cease to be collected after each such imposition upon
469 certification to the State Tax Commission by the Treasurer of the
470 State of Mississippi that the taxes collected and deposited to the
471 special account for such bonds shall be in an amount sufficient to
472 pay for all remaining debt service of principal and interest due
473 or to be due on the bonds and to pay for and fully fund all
474 reserve funds and other surplus or special funds required by the
475 bond covenants, in order to secure the full and complete payment
476 of all obligations under such bonds.

477 Section 20. Bonds issued under this act may be issued as
478 registered bonds under the provisions of Chapter 21, Title 31,
479 Mississippi Code of 1972, or in bearer form either as to principal
480 or interest or both, and may contain such covenants and
481 provisions, may be issued as term or serial bonds, in one or more
482 series, may be executed and delivered at any time, and from time
483 to time, may be in such form and denomination, may be of such
484 tenor, may be payable in such installments and at such time or
485 times, not exceeding twenty-five (25) years from their date, may
486 be payable at such place or places and evidenced in such manner,
487 may be callable with or without premium, may bear such rate or
488 rates of interest and may contain such other provisions not
489 inconsistent herewith, all as shall be provided in the proceedings
490 of the governing bodies whereunder the bonds shall be directed to
491 be issued. Bonds issued under this act may be sold either at
492 public sale in the manner provided by Section 31-19-25,
493 Mississippi Code of 1972, or at private sale, in the discretion of
494 the governing body.

495 Section 21. No bond issued under this act shall bear a
496 greater overall maximum interest rate to maturity than that
497 allowed in Section 75-17-101, Mississippi Code of 1972, and no

498 bond may bear more than one (1) rate of interest; each bond shall
499 bear interest from its date to its stated maturity date at the
500 interest rate specified in the bonds; all bonds of the same
501 maturity shall bear the same rate of interest from date to
502 maturity. All interest accruing on bonds issued under this act
503 shall be payable semiannually or annually, except that the first
504 interest payment for any bond may be for any period not exceeding
505 one (1) year. No interest payment shall be evidenced by more than
506 one (1) coupon and neither canceled nor supplemental coupons shall
507 be permitted. The lowest interest rate specified for any bonds
508 sold shall not be less than seventy percent (70%) of the highest
509 rate specified for the same bond issue.

510 Section 22. Bonds issued under this act shall be executed on
511 behalf of the commission by the manual or facsimile seal of the
512 commission affixed or imprinted thereon. At least one (1)
513 signature on each bond shall be a manual signature, whether of the
514 chairman of the commission, the executive director of the
515 commission, or authenticating agent. If the officers whose
516 signatures or countersignatures appear on the bonds or interest
517 coupons shall cease to be such officers before delivery of the
518 bonds, such signatures or countersignatures shall nevertheless be
519 valid and sufficient for all purposes the same as if they had
520 remained in the office until such delivery.

521 Section 23. Bonds issued under this act and all interest
522 coupons applicable thereto shall be construed to be negotiable
523 instruments, despite the fact that they are payable solely from a
524 specified source, and shall be securities within the meaning of
525 Article 8 of the Mississippi Uniform Commercial Code.

526 Section 24. (1) The principal proceeds received upon the
527 sale of the bonds shall be deposited with a qualified depository
528 of the county in a special fund in the name of the commission from
529 which there shall be first paid all expenses, premiums, fees and
530 commissions incurred by the commission and deemed necessary or

531 advantageous by the commission in connection with the
532 authorization, issuance, sale, validation and delivery of the
533 bonds.

534 (2) The balance of such proceeds shall be paid to the
535 commission and deposited with a qualified depository of the
536 commission. Such funds shall be held and disbursed for any one or
537 more projects authorized in the proposition which was the subject
538 of the election imposing the tax to fund such bonds and may be
539 used (a) for the project, (b) to pay interest on the bonds while
540 the project is being completed and for a maximum of six (6) months
541 after the estimated date of completion, (c) to pay engineering,
542 fiscal, trustee, printing, accounting, financial advisor,
543 construction manager, feasibility consultant and legal expenses,
544 and development expenses incurred in connection with such project,
545 and related structures and facilities, and the issuance of the
546 bonds, (d) to provide for the establishment of a reasonable
547 reserve fund for the payment of principal of and interest on the
548 bonds in the event of a deficiency in the revenues and receipts
549 available for such payments, if such fund is provided for in the
550 proceedings of the governing body in connection with the issuance
551 of bonds, (e) to pay the premium or premiums on any insurance or
552 any form of guarantee obtained from any source to assure the
553 prompt payment of principal and interest when due, (f) to pay
554 start-up costs of the project and related structures and
555 facilities while it is being established, erected, built,
556 constructed, replaced, remodeled, renovated, added to, equipped or
557 furnished and for a maximum of thirty-six (36) months after the
558 estimated date of completion, (g) to provide for the payment of
559 interim indebtedness incurred before the issuance of any bonds
560 under this act and used for the purposes set forth above, and (h)
561 costs related to any suits and proceedings in connection with the
562 project, including any costs of settlement thereof.

563 Section 25. (1) On or before the fifteenth day before the

564 imposition of the special sales tax known as the transportation
565 improvement fee authorized in Section 19 of this act, the
566 governing body shall give written notification to the Chairman of
567 the State Tax Commission of the date on which the special sales
568 tax will become effective.

569 (2) Such tax shall be collected in the same manner as the
570 state sales tax imposed by Chapter 65, Title 27, Mississippi Code
571 of 1972, and shall be accounted for separately from the amount of
572 sales tax collected for the state in the county. All provisions
573 of the State Sales Tax Law applicable to filing of such returns,
574 discounts to the taxpayer, remittances to the State Tax Commission
575 and retainage thereby of sums to defray the costs of collection,
576 collection enforcement, rights of taxpayers, recovery of improper
577 taxes, refunds of overpaid taxes or other provisions of said
578 chapter providing for imposition and collection of the sales tax
579 shall apply to the tax authorized by this act.

580 (3) On or before the fifteenth day of each month, the
581 revenue from the special sales tax collected under the provisions
582 of this section during the preceding month shall be paid and
583 distributed to the trustee provided in Section 27 of this act on
584 behalf of the commission, or if there be no bonds outstanding and
585 no trustee, then to the commission by payment to the Chancery
586 Clerk of Harrison County.

587 Section 26. (1) Bonds issued under this act may be refunded
588 at any time and from time to time by the commission pursuant to an
589 authorizing resolution of the commission, directing issuance of
590 refunding bonds in accordance with the Mississippi Bond
591 Refinancing Act, Section 31-27-1 et seq., Mississippi Code of
592 1972.

593 (2) The commission shall have authority to enter into an
594 investment agreement with a financial institution incorporated
595 under the laws of the United States or the laws of any state in
596 the United States providing assurances with respect to the return

597 on investment of funds received by the commission in connection
598 with the issuance of refunding bonds.

599 Section 27. (1) The bonds shall be secured by a trust
600 agreement by and between the commission and a corporate trustee,
601 which may be any trust company or bank incorporated under the laws
602 of the United States or the laws of any state in the United
603 States. Any such trust agreement shall pledge for the payment of
604 the principal of, redemption premium, if any, and interest on the
605 bonds, the proceeds of the special sales tax provided for in this
606 act and may provide for any other source of payment which may from
607 time to time be made available to pay debt service on the bonds,
608 including revenues of a project, subject to the provisions of
609 subsection (3) of this section. The avails of the special sales
610 tax shall be used solely for the payment of the principal of,
611 redemption premium, if any, and interest on the bonds, and for the
612 payment of expenses of issuance thereof or reserve funds therefor.

613 (2) Such trust agreement may provide for the creation and
614 maintenance of such reserve funds as the commission shall
615 determine are reasonable and proper, including such sinking fund
616 or funds as may be necessary to provide for the payment of the
617 principal of, redemption premium, if any, and interest on the
618 bonds, subject to the provisions of subsection (3) of this
619 section. Any such trust agreement or any resolution directing the
620 issuance of bonds may contain such provisions for protecting and
621 enforcing the rights and remedies of the registered owners thereof
622 as may be reasonable and proper and not in violation of law,
623 including the duties of the commission in relation to the
624 acquisition of property and the construction, improvement,
625 equipping, furnishing, maintenance, repair, operation and
626 insurance of any project and the custody, safeguarding and
627 application of all monies.

628 (3) Such trust agreement shall provide for the creation of a
629 fund which is separate and apart from any other fund authorized

630 under this section. The trustee shall deposit into such funds all
631 special sales tax revenues imposed and collected under this act.
632 The special sales tax revenues deposited into the funds shall be
633 invested in the manner provided by law for the investment of
634 public funds. Such special sales tax revenues, including interest
635 earned thereon, shall be used to pay the principal of and interest
636 on such bonds as they become due and payable on any payment date,
637 or if there be no such bonds, to pay the costs of any project.

638 (4) Any such trust agreement may set forth the rights and
639 remedies of the registered owners of the bonds and of the trustee,
640 and may restrict the individual right of action by such registered
641 owners as is customary in trust agreements or trust indentures
642 securing bonds and debentures of corporations. Further, any such
643 trust agreement may contain such provisions as the county may deem
644 reasonable and proper for the security of such registered owners
645 and may also contain provisions governing the issuance of bonds to
646 replace lost, stolen or mutilated bonds.

647 (5) Any such trust agreement may contain a provision that,
648 in the event of a default in the payment of the principal of,
649 redemption premium, if any, or the interest on the bonds issued in
650 accordance with or relating to, such agreement or in the
651 performance of any agreement contained in the proceedings, trust
652 agreement or instruments relating to such bonds, such payment and
653 performance may be enforced by mandamus or by the appointment of a
654 receiver in equity.

655 (6) All expenses incurred by the commission in carrying out
656 the provisions of any such trust agreement may be treated as a
657 part of the cost of the operation of the project.

658 (7) Any surplus funds received by the trustee after payment
659 in full of the principal of, redemption premium, if any, and
660 interest on the bonds, or provision therefor having been made,
661 shall be paid over to the commission and expended for any project.

662 Section 28. (1) Bonds issued under this act and the income

663 therefrom shall be exempt from all taxation in the State of
664 Mississippi, excepting inheritance and gift taxes.

665 (2) Bonds issued under this act shall be legal investments
666 for commercial banks, savings and loan associations and insurance
667 companies organized under the laws of this state.

668 Section 29. Bonds issued under this act shall be submitted
669 to validation as provided by Chapter 13, Title 31, Mississippi
670 Code of 1972, and to that end the chancery clerk shall be directed
671 to make up a transcript of all legal papers and proceedings
672 relating to the bonds and to certify and forward the same to the
673 State Bond Attorney for the institution of validation proceedings.

674 Section 30. (1) All projects shall be owned by the
675 commission or, in the discretion of the commission, by the Coast
676 Transit Authority, the Gulfport-Biloxi Regional Airport Authority,
677 the State Port at Gulfport, any municipal port commission, any
678 municipality in Harrison County, any public utility district in
679 Harrison County, the Board of Supervisors of Harrison County, or
680 any other governmental entity designated by the commission. The
681 commission is authorized to contract with any agency, department
682 or other office of government or any other governmental authority,
683 or any individual, partnership, corporation, port commission,
684 airport authority, public utility district, water management
685 district, county or municipality, and each of those entities are
686 authorized to contract with the commission for the acquisition,
687 construction, operation or maintenance of any project, and for the
688 providing of property, equipment or services by or to the
689 commission regarding the construction, funding or operation of any
690 project and to contract for the management of the project or any
691 part thereof by any individual, partnership or corporation or
692 governmental entity. The commission is further authorized to
693 sell, lease or otherwise convey any of the facilities or property
694 constituting a part of or pertaining to any project and to
695 contract with any of the above entities regarding such sale, lease

696 or conveyance. The authority to levy and collect the special
697 taxes provided for in this act shall not be adversely affected by
698 any such contract, agreement, sale, lease or conveyance.

699 (2) The commission is further authorized to lease any of the
700 facilities or property constituting a part of or pertaining to any
701 project and to contract with any of the above entities regarding
702 such lease. The authority to levy and collect the special tax
703 provided for in this act shall not be adversely affected by any
704 agreement entered into pursuant to this section.

705 Section 31. The commission shall pledge a sufficient portion
706 of its revenues received from the sale or lease of a project, to
707 the payment of principal of and interest on any bonds as the same
708 comes due to the extent the same is not paid with the proceeds of
709 the sales tax referenced in Section 19 of this act. The
710 proceedings of the commission in connection with the issuance of
711 bonds, pursuant to agreement with the commission, may provide for
712 the payment of a sufficient portion of such revenues to the
713 trustee provided for herein, and may contain such other provision
714 regarding the priority of such pledge as shall be contained
715 therein and in any agreements between the commission and any other
716 contracting party.

717 Section 32. This act, without reference to any other
718 statute, shall be deemed to be full and complete authority for the
719 issuance of bonds under this act, and shall be construed as an
720 additional and alternative method therefor, and none of the
721 present restrictions, requirements, conditions or limitations of
722 law applicable to the issuance or sale of bonds, notes or other
723 obligations by municipalities of this state shall apply to the
724 issuance and sale of bonds under this act, and no proceedings
725 shall be required herein. All other powers and authority provided
726 for or granted in this act, other than the levy of taxes
727 authorized under this act, may be exercised whether or not bonds
728 are issued pursuant to this act. All powers necessary to be

729 exercised in order to carry out the provisions of this act are
730 hereby conferred.

731 Section 33. No member of the Legislature, elected official
732 or appointed official, or any partner or associate of any member
733 of the Legislature, elected official or appointed official shall
734 derive any income from the issuance of any bonds under this act.

735 Section 34. The exercise of the powers granted by this act
736 will be in all respects for the benefit of the people of the
737 state, for their well-being and prosperity and for the improvement
738 of their social and economic conditions, and the commission shall
739 not be required to pay any tax or assessment on any property owned
740 by the commission under the provisions of this act or upon the
741 income therefrom; nor shall the commission be required to pay any
742 recording fee or transfer tax of any kind on account of
743 instruments recorded by it or on its behalf.

744 Section 35. The state hereby covenants with the holders of
745 any bonds of the commission that so long as the bonds are
746 outstanding and unpaid the state will not limit or alter the
747 rights and powers of the commission under this act to conduct the
748 activities referred to herein in any way pertinent to the
749 interests of the bondholders including, without limitation, the
750 commission's right to charge and collect rates, fees and charges
751 and to fulfill the terms of any covenants made with bondholders,
752 or in any other way impair the rights and remedies of the
753 bondholders, unless provision for full payment of such bonds, by
754 escrow or otherwise, has been made pursuant to the terms of the
755 bonds or the resolution, trust indenture or security instrument
756 securing the bonds.

757 Section 36. The commission shall cause an audit of its books
758 and accounts to be made at least once in each year by an
759 independent certified public accountant and the cost thereof may
760 be paid from any available monies of the commission.

761 Section 37. This act shall be deemed to provide an

762 additional, alternative and complete method for the doing of the
763 things authorized hereby and shall be deemed and construed to be
764 supplemental and additional to any powers conferred by other laws
765 on public agencies and not in derogation of any such powers now
766 existing, provided, that insofar as the provisions of this act are
767 inconsistent with the provisions of any other law, general,
768 special or local, now in existence or hereafter (unless with
769 specific reference to this act) adopted, the provisions of this
770 act shall be controlling.

771 Except as expressly provided in this act, the actions
772 contemplated hereby, other than the issuance and sale of bonds by
773 the commission and the levy of the sales tax provided for herein,
774 may be taken without the obtaining of any authorization, approval
775 or consent of the state or any political subdivision or any
776 department, division, commission, board, bureau, agency or
777 instrumentality of either thereof an without any other proceeding
778 or the fulfilling of any other condition or the happening of any
779 other thing, except as expressly provided in this act.

780 Section 38. If any clause, sentence, paragraph, section or
781 part of the provisions of this act shall be adjudged by any court
782 of competent jurisdiction to be invalid, such judgement shall not
783 affect, impair or invalidate the remainder thereof directly
784 involved in the controversy in which such judgement shall have
785 been rendered.

786 SECTION 2. This act shall take effect and be in force from
787 and after its passage.