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To: Local and Private;
Finance

SENATE BILL NO. 3305

1 AN ACT TO AMEND SENATE BILL NO. 3246, CHAPTER 1013, LOCAL AND
2 PRIVATE LAWS OF THE REGULAR SESSION OF 1999, TO REORGANIZE AND
3 RECONSTITUTE THE HARRISON COUNTY TRANSPORTATION COMMISSION OF
4 HARRISON COUNTY, MISSISSIPPI, TO REDEFINE CERTAIN POWERS AND
5 DUTIES OF THE HARRISON COUNTY TRANSPORTATION COMMISSION AND ITS
6 COMMISSIONERS; TO AUTHORIZE THE HARRISON COUNTY TRANSPORTATION
7 COMMISSION TO ISSUE BONDS FOR THE PURPOSE OF ACQUIRING, DESIGNING,
8 CONSTRUCTING, EQUIPPING, FURNISHING, REPAIRING, REMODELING OR
9 IMPROVING ROADS, AIRPORTS, MASS TRANSIT, RAILWAYS AND OTHER
10 TRANSPORTATION SYSTEMS AND RELATED FACILITIES AND IMPROVEMENTS AND
11 ACQUIRING LAND FOR THE ROADS, AIRPORTS, MASS TRANSIT, RAILWAYS AND
12 OTHER FACILITIES AND IMPROVEMENTS; TO AUTHORIZE THE GOVERNING BODY
13 OF THE COUNTY UPON APPROVAL BY THE ELECTORATE OF THE COUNTY TO
14 LEVY UP TO A 1% TAX, TO BE KNOWN AS A "TRANSPORTATION IMPROVEMENT
15 FEE" ON SALES AND SERVICES IN THE COUNTY, EXCEPT FOR SALES OF
16 GROCERIES AND MEDICINES, TO SECURE THE PAYMENT OF THE PRINCIPAL OF
17 AND THE INTEREST ON THE BONDS; TO PROVIDE FOR THE TERMS OF THE
18 BONDS; TO AUTHORIZE THE COMMISSION TO ENTER INTO CONTRACTS WITH
19 RESPECT TO ROADS, AIRPORTS, MASS TRANSIT, RAILWAYS AND OTHER
20 TRANSPORTATION SYSTEMS AND RELATED FACILITIES AND IMPROVEMENTS; TO
21 PROVIDE FOR THE TERMINATION OF THE TAX; AND FOR RELATED PURPOSES.

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

23 SECTION 1. Senate Bill No. 3246, Chapter 1013, Local and
24 Private Laws of the Regular Session of 1999, is amended as
25 follows:

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

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

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

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

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

36 (e) "Commission" means the Harrison County
37 Transportation Commission as created by Senate Bill No. 3246, 1999
38 Regular Session, and any amendments thereto, and any
39 reorganization and reconstitution of the commission under any
40 subsequent law.

41 (f) "Commissioners" or "directors" shall mean the
42 persons appointed to vote as members of the Board of Directors of
43 the Harrison County Transportation Commission.

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

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

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

58 (j) "System" or "systems" means the combined
59 transportation systems of Harrison County.

60 (k) "Transit Authority" or "Coast Transit Authority"
61 shall mean the Mississippi Coast Transportation Authority.

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

67 Section 2. There is hereby created and established the
68 Harrison County Transportation Commission. The commission shall

69 be deemed to be acting in all respects for the benefit of the
70 people of Harrison County in the performance of essential public
71 functions as it seeks to plan, promote and develop needed
72 transportation routes and facilities within Harrison County and
73 its municipalities.

74 * * *

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

80 * * *

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

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

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

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

102 owned by any other person;

103 (e) To acquire, own, hold, use, lease (as lessor or
104 lessee), convey, sell or otherwise dispose of, mortgage, pledge or
105 grant a security interest in any real or personal property,
106 contract commodity or service or interest therein;

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

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

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

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

120 (j) To be exempted from the Mississippi Agency Review
121 Law of 1978, as amended; and

122 (k) To acquire in the name of the governing body, by
123 eminent domain proceedings, if authorized by resolution of the
124 governing body pursuant to Section 30 of this act, such property
125 designated by the commission to sufficiently accommodate the
126 location of roads or other transportation facilities pursuant to
127 provisions of Chapter 27, Title II, Mississippi Code of 1972.

128 (l) To do and perform any acts and things authorized by
129 this act under, through or by means of its officers, agents and
130 employees, or by contracts with any person; * * *

131 (m) To enter into any and all contracts, execute any
132 and all instruments and do and perform any and all acts or things
133 necessary, convenient or desirable for the purposes of the
134 commission or to carry out any power expressly granted by this

135 act;

136 (n) To make loans or grants to the Coast Transit
137 Authority, the Gulfport-Biloxi Regional Airport Authority, the
138 State Port at Gulfport, any municipal port commission, any
139 municipality within Harrison County, the Board of Supervisors of
140 Harrison County, and any other governmental entity for the purpose
141 of any project or projects for transportation routes and
142 facilities owned or operated by either of these authorities; and

143 (o) To enter into Interlocal Agreements pursuant to
144 Section 17-31-1 et seq., Mississippi Code of 1972 (Chapter 498,
145 Laws, 1974 as amended).

146 Section 4. The board of supervisors and the municipalities,
147 in their discretion, by resolution duly adopted and entered upon
148 their respective minutes, may:

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

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

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

168 director may appoint a voting delegate to represent him or her,
169 when absent, at a meeting or meetings of the board of directors.

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

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

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

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

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

222 (d) All meetings of the board of directors of the
223 commission and each of its standing committees, the executive
224 committee and the legislative committee shall comply with the Open
225 Meetings Law of Mississippi, Section 25-41-1 et seq., Mississippi
226 Code of 1972.

227 Section 7. The officers of the commission shall be the
228 chairman of the executive committee, the chairman of the
229 legislative committee, a secretary, a treasurer and an executive
230 director. The executive director and the secretary shall be
231 elected by a majority of the board of directors. Such other
232 officers and assistant officers as may be deemed necessary may be
233 elected or appointed by the board of directors of the commission.

234 The chairmen of the executive and legislative committees shall be
235 co-chairmen of the full board of directors. The co-chairmen shall
236 on alternate meetings serve as presiding officer of the meeting of
237 the full board of directors, beginning with the chairman of the
238 executive committee at the regular meeting in April of each year.

239 Section 8. The officers of the commission to be elected by
240 the board of directors shall be elected annually at the regular
241 meeting of the board of directors held in April of each year.
242 Each officer shall hold office until his successor shall have been
243 duly elected and shall have qualified or until his death or until
244 he shall resign or shall have been removed in the manner
245 hereinafter provided. Any officer elected or appointed by the
246 board of directors may be removed by a two-thirds (2/3) majority
247 of the board of directors whenever in their judgment the best
248 interests of the commission would be served thereby. A vacancy in
249 any office because of death, resignation, removal,
250 disqualification or otherwise may be filled by the board of
251 directors for the unexpired portion of the term.

252 Section 9. The executive director shall be the principal
253 executive officer of the commission and, subject to the direction
254 of the executive committee of the commission, shall in general
255 supervise and direct all of the business and affairs of the
256 commission.

257 Section 10. The chairman of the executive committee shall
258 also be known as the chairman of the commission and may sign, with
259 the secretary or treasurer or any other proper officer of the
260 commission thereunto authorized by the board of directors, any
261 deeds, mortgages, bonds, contracts or other instruments which the
262 board of directors have authorized to be executed, except in cases
263 where the signing and execution thereof shall be expressly
264 delegated by the board of directors to the executive director or
265 to some other officer or agent of the commission, or shall be
266 required by law to be otherwise signed or executed; and in general

267 shall perform all duties incident to the office of executive
268 director in the absence, vacancy or incapacity of the executive
269 director, and such other duties as may be prescribed by the board
270 of directors from time to time.

271 Section 11. The chairman of the legislative committee shall
272 preside over meetings of the legislative committee.

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

289 Section 13. The salaries and employee benefits of the
290 executive director and other employees shall be fixed from time to
291 time by the board of directors, upon recommendation of two-thirds
292 (2/3) majority of the legislative committee.

293 Section 14. A two-thirds (2/3) majority of the board of
294 directors of the commission, upon recommendation of two-thirds
295 (2/3) majority of the legislative committee present and voting,
296 may authorize the chairman of the commission or the executive
297 director and secretary to enter into any contract or execute and
298 deliver any instrument in the name of and on behalf of the
299 commission, and such authority may be general or confined to

300 specific instances. No loans shall be contracted on behalf of the
301 commission and no evidences of indebtedness shall be issued in its
302 name unless authorized by a resolution adopted by two-thirds (2/3)
303 of the board of directors of the commission, upon recommendation
304 of the two-thirds (2/3) majority of the legislative committee
305 present and voting. Such authority may be general or confined to
306 specific instances. All checks, drafts or other orders for the
307 payment of money, notes or other evidences of indebtedness issued
308 in the name of the commission, shall be signed by the executive
309 director and treasurer of the commission and paid in such manner
310 as shall from time to time be determined by resolution of the
311 board of directors, upon recommendation of two-thirds (2/3)
312 majority of the legislative committee present and voting.

313 Section 15.

314 * * *

315 The commission shall adopt a set of bylaws, which may include
316 such provisions that it deems appropriate, but shall include
317 provisions for the following:

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

321 (b) The commission shall make a bimonthly written
322 report to the board of supervisors and the governing authorities
323 of the municipalities as to the current operational and financial
324 status of the commission.

325 (c) Provide that all commission funds shall be kept in
326 an appropriate depository under the supervision of the Chancery
327 Clerk of Harrison County, Mississippi, who shall, annually, cause
328 a complete review of the books and accounts of the commission and
329 provide a copy of such review to the Board of Supervisors and the
330 governing authorities of the municipalities of Harrison County,
331 Mississippi.

332 Section 16. (1) It is hereby determined and declared to be

333 in the best interest of the people of the county and the
334 surrounding area to provide an adequate public transportation
335 system in Harrison County. It is in the public interest that the
336 county's critical transportation needs be met and that the
337 transportation problems which exist in the county and surrounding
338 area be alleviated. The construction of one or more projects will
339 secure the maintenance and improvement of the living conditions of
340 the people of the Mississippi coastal area, the continuation of
341 industrial, commercial and economic opportunities in the area and
342 the enhancement of the health and welfare of the area's people, in
343 the years to come.

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

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

359 (2) No funds collected by the commission from the
360 Transportation Improvement Fee described in this act and no bond
361 funds authorized by this act shall pay for (a) general
362 administration of the commission, or (b) for maintenance of
363 projects. General administration of the commission and
364 maintenance of projects may be paid from funds loaned or granted
365 to the commission by Harrison County, the municipalities within

366 Harrison County, or any other federal, state or local governmental
367 agency or private entity. Projects owned by a governmental agency
368 other than the commission shall be maintained by such other
369 agency.

370 Section 18. Before any sales tax known as the Transportation
371 Improvement Fee is imposed pursuant to this act and before any
372 bonds are issued pursuant to this act (a) the electors of the
373 county shall have approved by a favorable vote of at least sixty
374 percent (60%) of qualified electors voting in an election the
375 imposition of a special sales tax known as the Transportation
376 Improvement Fee provided for in Section 19 of this act. Any bonds
377 issued pursuant to this act, other than refunding bonds, shall be
378 issued in accordance with the provisions of Title 21, Chapter 33,
379 Article 5, Mississippi Code of 1972, except that if such
380 provisions conflict with the provisions of this act, the
381 provisions of this act shall prevail. The full faith, credit and
382 resources of the commission shall be irrevocably pledged for the
383 payment of the principal of and interest on the bonds.

384 Section 19. (1) Before any bonds shall be issued pursuant
385 to this act, the imposition of a special sales tax, which is
386 hereby authorized and shall be known as a Transportation
387 Improvement Fee in Harrison County, in addition to all other taxes
388 now imposed, at the rate of up to a total of one percent (1%) upon
389 all sales and services, except for sales of groceries and
390 medicines, within the county which are subject to the general rate
391 of state sales tax, shall have been approved at an election to be
392 held in the county in the manner now provided by law for the
393 holding of county elections, upon at least three (3) weeks' notice
394 thereof by publication of the proposition at least once a week for
395 three (3) consecutive weeks in some newspaper published in the
396 county or having a general circulation therein. The call for such
397 an election shall be made by the Harrison County Board of
398 Supervisors if requested by a written recommendation adopted by

399 the commission. At such election, all qualified electors of the
400 county may vote. If sixty percent (60%) of the qualified electors
401 of the county voting in the election vote in favor of the
402 proposition, then the special sales tax may be imposed in
403 accordance with this section and Section 25 of this act. The
404 amount of the sales tax to be imposed, which may be less than one
405 percent (1%), shall be determined by the commission and described
406 in the notice of such election.

407 (2) The imposition of the sales tax known as the
408 Transportation Improvement Fee and the authorization of the
409 issuance of bonds thereunder according to this act may occur one
410 or more times, provided that each imposition of the sales tax
411 known as the Transportation Improvement Fee and each issuance of
412 bonds thereunder is authorized by the favorable vote of sixty
413 percent (60%) of the qualified electors of the county voting in
414 favor of the proposition to impose the Transportation Improvement
415 Fee and to authorize bonds to be sold to be funded by the
416 Transportation Improvement Fee, and provided further, that each
417 imposition by election for the imposition of the Transportation
418 Improvement Fee and each issuance of bonds thereunder complies
419 with the following conditions:

420 (a) The first referendum to put to a vote the
421 proposition for or against the initial imposition of the
422 Transportation Improvement Fee under this act and the first bonds
423 issued thereunder, if any, shall be for the sole purpose of
424 funding projects, as defined in Section 1(i) of this act, to
425 construct an East-West Transportation Corridor for Harrison
426 County, as defined by the commission in the request for such
427 election recommended by the commission to the Board of Supervisors
428 of Harrison County; the definition of the proposition for the
429 election for the projects to construct an East-West Transportation
430 Corridor shall describe in detail the total budget for the
431 projects and shall describe in detail the amount of the total

432 budget to be funded by cash received directly from collection of
433 the taxes imposed by the Transportation Improvement Fee prior to
434 issuing bonds and the total amount of the budget to be funded by
435 proceeds of bonds sold, if any, under the authority of such
436 election;

437 (b) No subsequent referendum to impose the
438 Transportation Improvement Fee and authorize the issuance of bonds
439 thereunder shall be recommended by the commission for an election
440 on any proposition until the taxes collected and deposited to the
441 special account provided for in the act shall for projects
442 authorized in Section 19(2)(a) for the East-West Transportation
443 Corridor, shall be in an amount sufficient to pay for all
444 remaining debts budgeted to be paid from cash collected from the
445 Transportation Improvement Fee prior to the issuance of bond and
446 to pay for all debt service of principal and interest due or to be
447 due on the bonds and to pay for and fully fund all reserve funds
448 and other surplus or special funds required by the bond covenants,
449 in order to secure the full and complete payment of all
450 obligations under the construction budget for such projects and
451 all obligations under such bonds prior to the call for any such
452 subsequent election on any proposition to impose the
453 Transportation Improvement Fee for the purposes of any project or
454 set of projects thereafter; and

455 (c) On each occasion that the commission may recommend
456 to the board of supervisors to call such an election as
457 contemplated under paragraph (b) of this section, the commission
458 shall describe the project or set of projects that constitute the
459 proposition to be put to an election, and, if the re-imposition of
460 the Transportation Improvement Fee is authorized by a favorable
461 vote of sixty percent (60%) of the qualified electors of the
462 county voting in such election, funds collected from such
463 Transportation Improvement Fee and the bonds authorized by such
464 election shall be used only for the projects described in the

465 proposition which was the subject of such election.

466 (3) The Transportation Improvement Fee imposed under this
467 section and Section 25 of this act shall terminate and cease to be
468 collected upon certification to the State Tax Commission by the
469 Treasurer of the State of Mississippi that the taxes collected and
470 deposited to the special account for the bonds authorized in
471 Section 19(2)(a), the East-West Transportation Corridor Bonds,
472 shall be in an amount sufficient to pay for all remaining debt
473 service of principal and interest due or to be due on the bonds
474 and to pay for and fully fund all reserve funds and other surplus
475 or special funds required by the bond covenants, in order to
476 secure the full and complete payment of all obligations under the
477 bonds; provided, however, the Transportation Improvement Fee may
478 be imposed again at anytime not later than two (2) years after the
479 date of such certification by the Treasurer of the State of
480 Mississippi, if it is imposed by an election pursuant to
481 subsections (2)(b) and (2)(c) of this section. For any one or
482 more impositions of the Transportation Improvement Fee subsequent
483 to the initial imposition under subsection (2)(a) of this section,
484 the Transportation Improvement Fee shall terminate and cease to be
485 collected after each such imposition upon certification to the
486 State Tax Commission by the Treasurer of the State of Mississippi
487 that the taxes collected and deposited to the special account for
488 such bonds shall be in an amount sufficient to pay for all
489 remaining debt service of principal and interest due or to be due
490 on the bonds and to pay for and fully fund all reserve funds and
491 other surplus or special funds required by the bond covenants, in
492 order to secure the full and complete payment of all obligations
493 under such bonds.

494 Section 20. Bonds issued under this act may be issued as
495 registered bonds pursuant to the provisions of Title 31, Chapter
496 21, Mississippi Code of 1972, or in bearer form either as to
497 principal or interest or both, and may contain such covenants and

498 provisions, may be issued as term or serial bonds, in one or more
499 series, may be executed and delivered at any time, and from time
500 to time, may be in such form and denomination, may be of such
501 tenor, may be payable in such installments and at such time or
502 times, not exceeding twenty-five (25) years from their date, may
503 be payable at such place or places and evidenced in such manner,
504 may be callable with or without premium, may bear such rate or
505 rates of interest and may contain such other provisions not
506 inconsistent herewith, all as shall be provided in the proceedings
507 of the governing body whereunder the bonds shall be directed to be
508 issued. Bonds issued under this act may be sold either at public
509 sale in the manner provided by Section 31-19-25, Mississippi Code
510 of 1972, or at private sale, in the discretion of the governing
511 body.

512 Section 21. No bond issued under this act shall bear a
513 greater overall maximum interest rate to maturity than that
514 allowed in Section 75-17-101, Mississippi Code of 1972, and no
515 bond may bear more than one (1) rate of interest; each bond shall
516 bear interest from its date to its stated maturity date at the
517 interest rate specified in the bonds; all bonds of the same
518 maturity shall bear the same rate of interest from date to
519 maturity. All interest accruing on bonds issued under this act
520 shall be payable semiannually or annually, except that the first
521 interest payment for any bond may be for any period not exceeding
522 one (1) year. No interest payment shall be evidenced by more than
523 one (1) coupon and neither canceled nor supplemental coupons shall
524 be permitted. The lowest interest rate specified for any bonds
525 sold shall not be less than seventy percent (70%) of the highest
526 rate specified for the same bond issue.

527 Section 22. Bonds issued under this act shall be executed on
528 behalf of the commission by the manual or facsimile seal of the
529 commission affixed or imprinted thereon. At least one (1)
530 signature on each bond shall be a manual signature, whether of the

531 chairman of the commission, the executive director of the
532 commission, or authenticating agent. If the officers whose
533 signatures or countersignatures appear on the bonds or interest
534 coupons shall cease to be such officers before delivery of the
535 bonds, such signatures or countersignatures shall nevertheless be
536 valid and sufficient for all purposes the same as if they had
537 remained in the office until such delivery.

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

543 Section 24. (1) The principal proceeds received upon the
544 sale of the bonds shall be deposited with a qualified depository
545 of the county in a special fund in the name of the commission from
546 which there shall be first paid all expenses, premiums, fees and
547 commissions incurred by the commission and deemed necessary or
548 advantageous by the commission in connection with the
549 authorization, issuance, sale, validation and delivery of the
550 bonds.

551 (2) The balance of such proceeds shall be paid to the
552 commission and deposited with a qualified depository of the
553 commission. Such funds shall be held and disbursed for any one or
554 more projects authorized in the proposition which was the subject
555 of the election imposing the Transportation Improvement Fee to
556 fund such bonds and may be used (a) for the project, (b) to pay
557 interest on the bonds while the project is being completed and for
558 a maximum of six (6) months after the estimated date of
559 completion, (c) to pay engineering, fiscal, trustee, printing,
560 accounting, financial advisor, construction manager, feasibility
561 consultant and legal expenses, and development expenses incurred
562 in connection with such project, and related structures and
563 facilities, and the issuance of the bonds, (d) to provide for the

564 establishment of a reasonable reserve fund for the payment of
565 principal of and interest on the bonds in the event of a
566 deficiency in the revenues and receipts available for such
567 payments, if such fund is provided for in the proceedings of the
568 governing body in connection with the issuance of bonds, (e) to
569 pay the premium or premiums on any insurance or any form of
570 guarantee obtained from any source to assure the prompt payment of
571 principal and interest when due, (f) to pay start-up costs of the
572 project and related structures and facilities while it is being
573 established, erected, built, constructed, replaced, remodeled,
574 renovated, added to, equipped or furnished and for a maximum of
575 thirty-six (36) months after the estimated date of completion, (g)
576 to provide for the payment of interim indebtedness incurred prior
577 to the issuance of any bonds under this act and used for the
578 purposes set forth above, and (h) costs related to any suits and
579 proceedings in connection with the project, including any costs of
580 settlement thereof.

581 Section 25. (1) On or before the fifteenth day prior to the
582 imposition of the special sales tax known as the Transportation
583 Improvement Fee authorized in Section 19 of this act, the
584 governing body shall give written notification to the Chairman of
585 the State Tax Commission of the date on which the special sales
586 tax will become effective.

587 (2) Such tax shall be collected in the same manner as the
588 state sales tax imposed by Title 27, Chapter 65, Mississippi Code
589 of 1972, and shall be accounted for separately from the amount of
590 sales tax collected for the state in the county. All provisions
591 of the State Sales Tax Law applicable to filing of such returns,
592 discounts to the taxpayer, remittances to the State Tax Commission
593 and retainage thereby of sums to defray the costs of collection,
594 collection enforcement, rights of taxpayers, recovery of improper
595 taxes, refunds of overpaid taxes or other provisions of said
596 chapter providing for imposition and collection of the sales tax

597 shall apply to the tax authorized by this act.

598 (3) On or before the fifteenth day of each month, the
599 revenue from the special sales tax collected under the provisions
600 of this section during the preceding month shall be paid and
601 distributed to the trustee provided in Section 27 of this act on
602 behalf of the commission, or if there be no bonds outstanding and
603 no trustee, then to the commission by payment to the Chancery
604 Clerk of Harrison County.

605 Section 26. (1) Bonds issued under this act may be refunded
606 at any time and from time to time by the commission pursuant to an
607 authorizing resolution of the commission, directing issuance of
608 refunding bonds in accordance with the "Mississippi Bond
609 Refinancing Act," Section 31-27-1 et seq., Mississippi Code of
610 1972.

611 (2) The commission shall have authority to enter into an
612 investment agreement with a financial institution incorporated
613 under the laws of the United States or the laws of any state in
614 the United States providing assurances with respect to the return
615 on investment of funds received by the commission in connection
616 with the issuance of refunding bonds.

617 Section 27. (1) The bonds shall be secured by a trust
618 agreement by and between the commission and a corporate trustee,
619 which may be any trust company or bank incorporated under the laws
620 of the United States or the laws of any state in the United
621 States. Any such trust agreement shall pledge for the payment of
622 the principal of, redemption premium, if any, and interest on the
623 bonds, the proceeds of the special sales tax provided for in this
624 act and may provide for any other source of payment which may from
625 time to time be made available to pay debt service on the bonds,
626 including revenues of a project, subject to the provisions of
627 subsection (3) of this section. The avails of the special sales
628 tax shall be used solely for the payment of the principal of,
629 redemption premium, if any, and interest on the bonds, and for the

630 payment of expenses of issuance thereof or reserve funds therefor.

631 (2) Such trust agreement may provide for the creation and
632 maintenance of such reserve funds as the commission shall
633 determine are reasonable and proper, including such sinking fund
634 or funds as may be necessary to provide for the payment of the
635 principal of, redemption premium, if any, and interest on the
636 bonds, subject to the provisions of subsection (3) of this
637 section. Any such trust agreement or any resolution directing the
638 issuance of bonds may contain such provisions for protecting and
639 enforcing the rights and remedies of the registered owners thereof
640 as may be reasonable and proper and not in violation of law,
641 including the duties of the commission in relation to the
642 acquisition of property and the construction, improvement,
643 equipping, furnishing, maintenance, repair, operation and
644 insurance of any project and the custody, safeguarding and
645 application of all monies.

646 (3) Such trust agreement shall provide for the creation of a
647 fund which is separate and apart from any other fund authorized
648 under this section. The trustee shall deposit into such funds all
649 special sales tax revenues imposed and collected under this act.
650 The special sales tax revenues deposited into the funds shall be
651 invested in the manner provided by law for the investment of
652 public funds. Such special sales tax revenues, including interest
653 earned thereon, shall be used to pay the principal of and interest
654 on such bonds as they become due and payable on any payment date,
655 or if there be no such bonds, to pay the costs of any project.

656 (4) Any such trust agreement may set forth the rights and
657 remedies of the registered owners of the bonds and of the trustee,
658 and may restrict the individual right of action by such registered
659 owners as is customary in trust agreements or trust indentures
660 securing bonds and debentures of corporations. Further, any such
661 trust agreement may contain such provisions as the county may deem
662 reasonable and proper for the security of such registered owners

663 and may also contain provisions governing the issuance of bonds to
664 replace lost, stolen or mutilated bonds.

665 (5) Any such trust agreement may contain a provision that,
666 in the event of a default in the payment of the principal of,
667 redemption premium, if any, or the interest on the bonds issued in
668 accordance with or relating to, such agreement or in the
669 performance of any agreement contained in the proceedings, trust
670 agreement or instruments relating to such bonds, such payment and
671 performance may be enforced by mandamus or by the appointment of a
672 receiver in equity.

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

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

680 Section 28. (1) Bonds issued under this act and the income
681 therefrom shall be exempt from all taxation in the State of
682 Mississippi, excepting inheritance and gift taxes.

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

686 Section 29. Bonds issued under this act shall be submitted
687 to validation as provided by Title 31, Chapter 13, Mississippi
688 Code of 1972, and to that end the chancery clerk shall be directed
689 to make up a transcript of all legal papers and proceedings
690 relating to the bonds and to certify and forward the same to the
691 state's bond attorney for the institution of validation
692 proceedings.

693 Section 30. (1) All projects shall be owned by the
694 commission or, in the discretion of the commission, by the Coast
695 Transit Authority, the Gulfport-Biloxi Regional Airport Authority,

696 the State Port at Gulfport, any municipal port commission, any
697 municipality in Harrison County, any public utility district in
698 Harrison County, the Board of Supervisors of Harrison County, or
699 any other governmental entity designated by the commission. The
700 commission is authorized to contract with any agency, department
701 or other office of government or any other governmental authority,
702 or any individual, partnership, corporation, port commission,
703 airport authority, public utility district, water management
704 district, county or municipality, and each of those entities are
705 authorized to contract with the commission for the acquisition,
706 construction, operation or maintenance of any project, and for the
707 providing of property, equipment or services by or to the
708 commission regarding the construction, funding or operation of any
709 project and to contract for the management of the project or any
710 part thereof by any individual, partnership or corporation or
711 governmental entity. The commission is further authorized to
712 sell, lease or otherwise convey any of the facilities or property
713 constituting a part of or pertaining to any project and to
714 contract with any of the above entities regarding such sale, lease
715 or conveyance. The authority to levy and collect the special
716 taxes provided for in this act shall not be adversely affected by
717 any such contract, agreement, sale, lease or conveyance.

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

724 Section 31. The commission shall pledge a sufficient portion
725 of its revenues received from the sale or lease of a project, to
726 the payment of principal of and interest on any bonds as the same
727 comes due to the extent the same is not paid with the proceeds of
728 the sales tax referenced in Section 19 herein. The proceedings of

729 the commission in connection with the issuance of bonds, pursuant
730 to agreement with the commission, may provide for the payment of a
731 sufficient portion of such revenues to the trustee provided for
732 herein, and may contain such other provision regarding the
733 priority of such pledge as shall be contained therein and in any
734 agreements between the commission and any other contracting party.

735 Section 32. This act, without reference to any other
736 statute, shall be deemed to be full and complete authority for the
737 issuance of bonds under this act, and shall be construed as an
738 additional and alternative method therefor, and none of the
739 present restrictions, requirements, conditions or limitations of
740 law applicable to the issuance or sale of bonds, notes or other
741 obligations by municipalities of this state shall apply to the
742 issuance and sale of bonds under this act, and no proceedings
743 shall be required herein. All other powers and authority provided
744 for or granted in this act, other than the levy of taxes
745 authorized under this act, may be exercised whether or not bonds
746 are issued pursuant to this act. All powers necessary to be
747 exercised in order to carry out the provisions of this act are
748 hereby conferred.

749 Section 33. No member of the Legislature, elected official
750 or appointed official, or any partner or associate of any member
751 of the Legislature, elected official or appointed official shall
752 derive any income from the issuance of any bonds under this act.

753 Section 34. The exercise of the powers granted by this act
754 will be in all respects for the benefit of the people of the
755 state, for their well-being and prosperity and for the improvement
756 of their social and economic conditions, and the commission shall
757 not be required to pay any tax or assessment on any property owned
758 by the commission under the provisions of this act or upon the
759 income therefrom; nor shall the commission be required to pay any
760 recording fee or transfer tax of any kind on account of
761 instruments recorded by it or on its behalf.

762 Section 35. The state hereby covenants with the holders of
763 any bonds of the commission that so long as the bonds are
764 outstanding and unpaid the state will not limit or alter the
765 rights and powers of the commission under this act to conduct the
766 activities referred to herein in any way pertinent to the
767 interests of the bondholders including, without limitation, the
768 commission's right to charge and collect rates, fees and charges
769 and to fulfill the terms of any covenants made with bondholders,
770 or in any other way impair the rights and remedies of the
771 bondholders, unless provision for full payment of such bonds, by
772 escrow or otherwise, has been made pursuant to the terms of the
773 bonds or the resolution, trust indenture or security instrument
774 securing the bonds.

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

779 Section 37. This act shall be deemed to provide an
780 additional, alternative and complete method for the doing of the
781 things authorized hereby and shall be deemed and construed to be
782 supplemental and additional to any powers conferred by other laws
783 on public agencies and not in derogation of any such powers now
784 existing, provided, that insofar as the provisions of this act are
785 inconsistent with the provisions of any other law, general,
786 special or local, now in existence or hereafter (unless with
787 specific reference to this act) adopted, the provisions of this
788 act shall be controlling.

789 Except as expressly provided in this act, the actions
790 contemplated hereby, other than the issuance and sale of bonds by
791 the commission and the levy of the sales tax provided for herein,
792 may be taken without the obtaining of any authorization, approval
793 or consent of the state or any political subdivision or any
794 department, division, commission, board, bureau, agency or

795 instrumentality of either thereof an without any other proceeding
796 or the fulfilling of any other condition or the happening of any
797 other thing, except as expressly provided in this act.

798 Section 38. If any clause, sentence, paragraph, section or
799 part of the provisions of this act shall be adjudged by any court
800 of competent jurisdiction to be invalid, such judgement shall not
801 affect, impair or invalidate the remainder thereof directly
802 involved in the controversy in which such judgement shall have
803 been rendered.

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