

By: Representatives Parker, Dedeaux

To: Ways and Means

HOUSE BILL NO. 749

1 AN ACT TO AMEND SECTION 51-15-129, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM AMOUNT THAT COUNTIES IN THE PAT HARRISON
3 WATERWAY DISTRICT MAY BE REQUIRED TO PAY FOR OPERATION OF THE
4 DISTRICT; TO AMEND SECTIONS 51-15-131 AND 51-15-133, MISSISSIPPI
5 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 51-15-137,
6 MISSISSIPPI CODE OF 1972, WHICH REQUIRES COUNTIES IN THE PAT
7 HARRISON WATERWAY DISTRICT TO PAY TO THE DISTRICT DEPOSITORY A SUM
8 NOT MORE THAN IS NECESSARY TO DEFRAY THE ANNUAL PRINCIPAL AND
9 INTEREST DUE ON OUTSTANDING INDEBTEDNESS OF THE DISTRICT; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 51-15-129, Mississippi Code of 1972, is
13 amended as follows:

14 51-15-129. * * * In each county of the State of Mississippi
15 which is a part of the Pat Harrison Waterway District, so long as
16 funds are found to be necessary for the operation of the district
17 by annual legislative approval of the district budget, the tax
18 collector of such county shall pay into the depository selected by
19 the water district for such purpose an amount to be determined as
20 follows: each county shall pay a pro rata share * * * not to
21 exceed three-fourths (3/4) mill through September 30, 2005, and
22 not to exceed seven-eighths (7/8) mill thereafter of the annual
23 district budget * * * based on the proportion that the most recent
24 total assessed valuation of the county bears to the most recent
25 aggregate total assessed valuation of all the counties which
26 comprise the district; provided, however, that any county
27 bordering on the Gulf of Mexico which by action of the board of
28 supervisors has created and authorized a port authority and which
29 has been paying into the port authority the avails of a two-mill
30 levy that was established under Section 27-39-3 shall pay an
31 amount not to exceed one-tenth (1/10) mill of the total assessed

32 valuation of the county to the Pat Harrison Waterway District
33 pursuant to this section and the assessed valuation of that county
34 shall not be considered when calculating each county's pro rata
35 share of the district's budget. Of the amount paid by counties
36 required to pay to the district an amount not to exceed
37 seven-eighths (7/8) mill, an amount equivalent to the avails of
38 one-eighth (1/8) mill shall be utilized to fund flood control,
39 water management and other similar projects as requested by
40 counties in the district. It shall be the duty of the Pat
41 Harrison Waterway District Board of Directors in the month of July
42 annually upon receipt of the total assessed valuation of the
43 member counties, certified by the Mississippi State Tax
44 Commission, to prepare a request to the board of supervisors of
45 member counties to levy a tax using the formula herein established
46 not to exceed the maximum number of mills authorized by this
47 section.

48 **SECTION 2.** Section 51-15-131, Mississippi Code of 1972, is
49 amended as follows:

50 51-15-131. The board of directors of the district is hereby
51 authorized and empowered to borrow money or issue bonds of the
52 district for the purpose of paying the cost of acquiring, owning,
53 constructing, operating, repairing, and maintaining the projects
54 and works specified herein, including related facilities and
55 including all financing and financial advisory charges, interest
56 during construction, engineering, architectural, legal, and other
57 expenses incidental to and necessary for the foregoing or for the
58 carrying out of any power conferred by this article. The board of
59 directors is authorized and empowered to borrow money and issue
60 bonds at such times and in such amounts as shall be provided for
61 by resolution of the * * * board of directors, not to exceed the
62 limitation prescribed in Section 51-15-135. All such bonds so
63 issued by said district shall be secured solely by a pledge of the
64 net revenues which may now or hereafter come to the district, and

65 by the pledge of the avails of the * * * ad valorem tax levy
66 provided for in Section 51-15-129. Such bonds shall not
67 constitute general obligations of the State of Mississippi or of
68 the counties comprising said district, and such bonds shall not be
69 secured by a pledge of the full faith, credit, and resources of
70 the state or of the counties. Bonds of the district shall not be
71 included in computing any present or future debt limit of any
72 county in the district under any present or future law.

73 "Revenues" as used in this article shall mean all charges,
74 rentals, tolls, rates, gifts, grants, avails of tax levies,
75 monies, and all other funds coming into the possession of the
76 district by virtue of the provisions of this article, except the
77 proceeds from the sale of bonds issued hereunder. "Net revenues"
78 as used in this article shall mean the revenues after payments of
79 costs and expenses of operation and maintenance of the project and
80 related facilities.

81 **SECTION 3.** Section 51-15-133, Mississippi Code of 1972, is
82 amended as follows:

83 51-15-133. All * * * bonds provided for by Section 51-15-131
84 shall be negotiable instruments within the meaning of the Uniform
85 Commercial Code of this state, shall be lithographed or engraved
86 and printed in two (2) or more colors to prevent counterfeiting,
87 shall be in denominations of not less than One Hundred Dollars
88 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), shall be
89 registered as issued, and shall be numbered in a regular series
90 from one (1) upward. Each * * * bond shall specify on its face
91 the purpose for which it was issued and the total amount
92 authorized to be issued, it shall be payable to bearer, and the
93 interest to accrue thereon shall be evidenced by proper coupons to
94 be attached thereto. The bonds shall not bear a greater overall
95 maximum interest rate to maturity than that allowed in Section
96 75-17-101. They shall mature annually in such amounts and at such
97 times as shall be provided by the resolution of the board of

98 directors. No bond shall have a longer maturity than forty (40)
99 years, and the first maturity date thereof shall be not more than
100 five (5) years from the date of such bonds. The denomination,
101 form and place or places of payment of the bonds shall be fixed in
102 the resolution of the board of directors of the district. The
103 bonds shall be signed by the president and the secretary of the
104 board with the seal of the district affixed thereto, but the
105 coupons may bear only the facsimile signatures of the president
106 and secretary. All interest accruing on such bonds so issued
107 shall be payable semiannually, except that the first interest
108 coupon attached to any * * * bond may be for a period not
109 exceeding one (1) year.

110 The bonds may be called in, paid and redeemed in inverse
111 numerical order on any interest date prior to maturity, upon not
112 less than thirty (30) days' notice to the paying agent or agents
113 designated in the bonds, and at such premium as may be designated
114 in such bonds.

115 All such bonds shall contain in substance a statement to the
116 effect that they are secured solely by a pledge of the net
117 revenues of the district, including the avails of the * * * ad
118 valorem tax levy provided for in Section 51-15-129, and that they
119 do not constitute general obligations of the State of Mississippi
120 or of the counties comprising the district, and are not secured by
121 a pledge of the full faith, credit and resources of the state or
122 of the counties.

123 All the bonds as provided for herein shall be sold for not
124 less than par value plus accrued interest at public sale in the
125 manner provided by Section 31-19-25. No * * * sale shall be at a
126 price so low as to require the payment of interest on the money
127 received therefor at more than eleven percent (11%) per annum
128 computed with relation to the absolute maturity of the bonds, in
129 accordance with standard tables of bond values, excluding from

130 such computation the amount of any premium to be paid on
131 redemption of any bonds prior to maturity.

132 This article shall be full and complete authority for the
133 issuance of the bonds provided for herein, and no restriction or
134 limitation otherwise prescribed by law shall apply herein.

135 Notwithstanding the foregoing provisions of this section,
136 bonds referred to hereinabove may be issued pursuant to the
137 supplemental powers and authorizations conferred by the provisions
138 of the Registered Bond Act, being Sections 31-21-1 through
139 31-21-7.

140 **SECTION 4.** Section 51-15-137, Mississippi Code of 1972,
141 which requires counties in the Pat Harrison Waterway District to
142 pay to the district depository a sum not more than is necessary to
143 defray the annual principal and interest due on outstanding
144 indebtedness of the district, is hereby repealed.

145 **SECTION 5.** This act shall take effect and be in force from
146 and after July 1, 2005.