

By: Senator(s) Pickering, King, Harvey,
Thames, Morgan, Carmichael, Moffatt, Walley,
Lee (47th), Burton, Robertson, Cuevas

To: County Affairs; Finance

SENATE BILL NO. 2755

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 51-15-121,
6 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE PAT HARRISON WATERWAY
7 DISTRICT TO ADVERTISE FOR BIDS ON ANY CONSTRUCTION PROJECT WHERE
8 THE AMOUNT OF THE CONTRACT EXCEEDS \$2,500.00; TO REPEAL SECTION
9 51-15-137, MISSISSIPPI CODE OF 1972, WHICH REQUIRES COUNTIES IN
10 THE PAT HARRISON WATERWAY DISTRICT TO PAY TO THE DISTRICT
11 DEPOSITORY A SUM NOT MORE THAN IS NECESSARY TO DEFRAY THE ANNUAL
12 PRINCIPAL AND INTEREST DUE ON OUTSTANDING INDEBTEDNESS OF THE
13 DISTRICT; AND FOR RELATED PURPOSES.

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

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

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

33 27-39-3 shall pay an amount not to exceed two-tenths (2/10) mill
34 of the total assessed valuation of the county to the Pat Harrison
35 Waterway District pursuant to this section and the assessed
36 valuation of that county shall not be considered when calculating
37 each county's pro rata share of the district's budget. Of the
38 amount paid by counties required to pay to the district an amount
39 not to exceed seven-eighths (7/8) mill, an amount equivalent to
40 the avails of one-eighth (1/8) mill shall be utilized to fund
41 flood control, water management and other similar projects as
42 requested by counties in the district. Of the amount paid by
43 counties required to pay to the district an amount not to exceed
44 two-tenths (2/10) mill, an amount equivalent to the avails of
45 one-tenth (1/10) mill shall be utilized to fund flood control,
46 water management and other similar projects as requested by
47 counties in the district. It shall be the duty of the Pat
48 Harrison Waterway District Board of Directors in the month of July
49 annually upon receipt of the total assessed valuation of the
50 member counties, certified by the Mississippi State Tax
51 Commission, to prepare a request to the board of supervisors of
52 member counties to levy a tax using the formula herein established
53 not to exceed the maximum number of mills authorized by this
54 section.

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

57 51-15-131. The board of directors of the district is hereby
58 authorized and empowered to borrow money or issue bonds of the
59 district for the purpose of paying the cost of acquiring, owning,
60 constructing, operating, repairing, and maintaining the projects
61 and works specified herein, including related facilities and
62 including all financing and financial advisory charges, interest
63 during construction, engineering, architectural, legal, and other
64 expenses incidental to and necessary for the foregoing or for the
65 carrying out of any power conferred by this article. The board of

66 directors is authorized and empowered to borrow money and issue
67 bonds at such times and in such amounts as shall be provided for
68 by resolution of the * * * board of directors, not to exceed the
69 limitation prescribed in Section 51-15-135. All such bonds so
70 issued by said district shall be secured solely by a pledge of the
71 net revenues which may now or hereafter come to the district, and
72 by the pledge of the avails of the * * * ad valorem tax levy
73 provided for in Section 51-15-129. Such bonds shall not
74 constitute general obligations of the State of Mississippi or of
75 the counties comprising said district, and such bonds shall not be
76 secured by a pledge of the full faith, credit, and resources of
77 the state or of the counties. Bonds of the district shall not be
78 included in computing any present or future debt limit of any
79 county in the district under any present or future law.

80 "Revenues" as used in this article shall mean all charges,
81 rentals, tolls, rates, gifts, grants, avails of tax levies,
82 monies, and all other funds coming into the possession of the
83 district by virtue of the provisions of this article, except the
84 proceeds from the sale of bonds issued hereunder. "Net revenues"
85 as used in this article shall mean the revenues after payments of
86 costs and expenses of operation and maintenance of the project and
87 related facilities.

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

90 51-15-133. All * * * bonds provided for by Section 51-15-131
91 shall be negotiable instruments within the meaning of the Uniform
92 Commercial Code of this state, shall be lithographed or engraved
93 and printed in two (2) or more colors to prevent counterfeiting,
94 shall be in denominations of not less than One Hundred Dollars
95 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), shall be
96 registered as issued, and shall be numbered in a regular series
97 from one (1) upward. Each * * * bond shall specify on its face
98 the purpose for which it was issued and the total amount

99 authorized to be issued, it shall be payable to bearer, and the
100 interest to accrue thereon shall be evidenced by proper coupons to
101 be attached thereto. The bonds shall not bear a greater overall
102 maximum interest rate to maturity than that allowed in Section
103 75-17-101. They shall mature annually in such amounts and at such
104 times as shall be provided by the resolution of the board of
105 directors. No bond shall have a longer maturity than forty (40)
106 years, and the first maturity date thereof shall be not more than
107 five (5) years from the date of such bonds. The denomination,
108 form and place or places of payment of the bonds shall be fixed in
109 the resolution of the board of directors of the district. The
110 bonds shall be signed by the president and the secretary of the
111 board with the seal of the district affixed thereto, but the
112 coupons may bear only the facsimile signatures of the president
113 and secretary. All interest accruing on such bonds so issued
114 shall be payable semiannually, except that the first interest
115 coupon attached to any * * * bond may be for a period not
116 exceeding one (1) year.

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

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

130 All the bonds as provided for herein shall be sold for not
131 less than par value plus accrued interest at public sale in the

132 manner provided by Section 31-19-25. No * * * sale shall be at a
133 price so low as to require the payment of interest on the money
134 received therefor at more than eleven percent (11%) per annum
135 computed with relation to the absolute maturity of the bonds, in
136 accordance with standard tables of bond values, excluding from
137 such computation the amount of any premium to be paid on
138 redemption of any bonds prior to maturity.

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

142 Notwithstanding the foregoing provisions of this section,
143 bonds referred to hereinabove may be issued pursuant to the
144 supplemental powers and authorizations conferred by the provisions
145 of the Registered Bond Act, being Sections 31-21-1 through
146 31-21-7.

147 **SECTION 4.** Section 51-15-121, Mississippi Code of 1972,
148 which requires the Pat Harrison Waterway District to advertise for
149 bids on any construction project where the amount of the contract
150 exceeds \$2,500.00, is repealed.

151 **SECTION 5.** Section 51-15-137, Mississippi Code of 1972,
152 which requires counties in the Pat Harrison Waterway District to
153 pay to the district depository a sum not more than is necessary to
154 defray the annual principal and interest due on outstanding
155 indebtedness of the district, is hereby repealed.

156 **SECTION 6.** This act shall take effect and be in force from
157 and after July 1, 2005.