

By: Representative Howell

To: Transportation

HOUSE BILL NO. 1362

1 AN ACT TO AMEND SECTION 19-29-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE COMMISSIONERS OF A REGIONAL RAILROAD AUTHORITY TO
3 APPOINT AN EXECUTIVE COMMITTEE; TO PROVIDE THAT SUCH COMMITTEE,
4 WHEN SO APPOINTED, MAY EXERCISE ANY POWER OR PERFORM ANY DUTY THAT
5 IS NOT INCONSISTENT WITH OR IN EXCESS OF THE POWERS AND DUTIES
6 AUTHORIZED TO BE PERFORMED BY THE COMMISSIONERS OF THE REGIONAL
7 RAILROAD AUTHORITY; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 19-29-9, Mississippi Code of 1972, is
10 amended as follows:

11 19-29-9. (1) Two (2) or more counties in which there are
12 located railroad properties and facilities of a railroad, or in
13 which such properties and facilities previously existed, but were
14 abandoned after February 5, 1976, may, by resolution of each,
15 create a public body, corporate and politic, to be known as a
16 regional railroad authority which shall be authorized to exercise
17 its functions upon the issuance by the Secretary of State of a
18 certificate of incorporation. The board of supervisors of each
19 county joining in such regional authority shall, pursuant to the
20 resolution organizing such authority, appoint five (5) residents
21 of the county as commissioners of the authority and, as soon
22 thereafter as practicable, the governing authorities of any
23 municipality in such county, through which such railroads run,
24 shall appoint a commissioner of the authority.

25 If the regional authority consists of an even number of
26 commissioners, an additional commissioner shall be appointed by
27 the Governor from within the geographic boundaries of the regional
28 authority.

29 (2) A regional railroad authority may be increased from time
30 to time to serve one or more additional counties if each
31 additional county and each of the counties then included in the
32 regional authority and the commissioners of the regional
33 authority, respectively, adopt a resolution consenting thereto.
34 If a county railroad authority for any county seeking to be
35 included in the regional authority is then in existence, the
36 commissioners of the county authority shall consent to the
37 inclusion of the county in the regional authority, and if the
38 county authority has any bonds outstanding, unless fifty-one
39 percent (51%) or more of the holders of the bonds consent, in
40 writing, to the inclusion of the county in the regional authority,
41 no such inclusion shall be effected. Upon the inclusion of any
42 county in the regional authority, all rights, contracts,
43 obligations and property, real and personal, of the county
44 authority shall be in the name of and vest in the regional
45 authority.

46 (3) A regional railroad authority may be decreased if each
47 of the counties then included in the regional authority and the
48 commissioners of the regional authority consent to the decrease
49 and make provision for the retention or disposition of its assets
50 and liabilities; however, if the regional authority has any bonds
51 outstanding, no decrease shall be effected unless seventy-five
52 percent (75%) or more of the holders of the bonds consent thereto
53 in writing.

54 (4) A county shall not adopt any resolution authorized by
55 this section without a public hearing thereon. Notice thereof
56 shall be given at least ten (10) days prior thereto in a newspaper
57 published in the county, or if there is no newspaper published
58 therein, then in a newspaper having general circulation in the
59 county.

60 (5) All commissioners of a regional railroad authority
61 appointed by municipalities shall be appointed for terms of five

62 (5) years each. Commissioners who are initially appointed by a
63 board of supervisors shall be designated to serve terms of one
64 (1), two (2), three (3), four (4) and five (5) years,
65 respectively; thereafter, each such term shall be five (5) years.
66 A vacancy occurring otherwise than by expiration of term shall be
67 filled for the unexpired term in the same manner as the original
68 appointments.

69 (6) A regional railroad authority, in its discretion, by
70 resolution duly adopted and entered upon its minutes, may appoint
71 an executive committee from among its membership. The executive
72 committee shall consist of such number and shall be appointed in
73 such manner so as to fairly represent the counties and
74 municipalities served by the regional authority. The members of
75 the executive committee shall serve for such terms as designated
76 by the regional authority and may be removed from the committee
77 before expiration of their terms in accordance with such procedure
78 as the regional authority may adopt. The executive committee,
79 when so appointed, may be authorized by the regional authority to
80 exercise such powers and perform such duties, with or without the
81 prior approval of the regional authority, as the regional
82 authority deems appropriate; however, the executive committee may
83 not exercise any power or perform any duty that is inconsistent
84 with or in excess of the powers and duties authorized to be
85 performed under the provisions of this chapter by the
86 commissioners of the regional authority.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2007.