

By: Representative DeLano

To: County Affairs

HOUSE BILL NO. 1203

1 AN ACT TO AMEND SECTION 55-24-3, MISSISSIPPI CODE OF 1972, TO  
 2 REVISE THE MEMBERSHIP AND TERMS OF THE MISSISSIPPI COAST COLISEUM  
 3 COMMISSION; TO AMEND SECTION 55-24-7, MISSISSIPPI CODE OF 1972, TO  
 4 CONFORM TO THE PRECEDING SECTION; TO AMEND SECTIONS 55-24-9 AND  
 5 55-24-17, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND  
 6 DUTIES OF THE MISSISSIPPI COAST COLISEUM COMMISSION AND REQUIRE  
 7 THAT CERTAIN ACTIONS BE APPROVED BY THE HARRISON COUNTY BOARD OF  
 8 SUPERVISORS; TO TRANSFER ADMINISTRATION AND MANAGEMENT OF THE  
 9 COLISEUM TRUST FUND TO THE HARRISON COUNTY BOARD OF SUPERVISORS TO  
 10 BE USED EXCLUSIVELY FOR CAPITAL IMPROVEMENTS TO THE COLISEUM; TO  
 11 AMEND SECTION 27-104-27, MISSISSIPPI CODE OF 1972, TO EXCLUDE THE  
 12 COLISEUM TRUST FUND FROM THOSE FUNDS THAT REQUIRE A STATE  
 13 APPROPRIATION; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 55-24-3, Mississippi Code of 1972, is  
 16 amended as follows:

17 55-24-3. (1) The Mississippi Coast Coliseum Commission  
 18 \* \* \* shall consist of seven (7) members, who shall be appointed,  
 19 qualify and take office within thirty (30) days of \* \* \* January  
 20 1, 2017. Five (5) commissioners shall be appointed by the  
 21 Harrison County Board of Supervisors, with each member of the  
 22 board to appoint one (1) person to the commission, who shall be a  
 23 resident of Harrison County. Each commissioner shall serve at the



24 will and pleasure of the board of supervisors and removed by a  
25 majority vote of the board of supervisors. The term of each  
26 commissioner shall run concurrently with the member of the board  
27 of supervisors who appointed him or her, unless such commissioner  
28 is otherwise replaced or removed by a majority vote of the board  
29 of supervisors. Two (2) members \* \* \*, one (1) from each judicial  
30 district in Harrison County, shall be appointed by \* \* \* consensus  
31 of the elected mayors of the municipalities from that judicial  
32 district within Harrison County, who shall serve at the will and  
33 pleasure of such mayors and whose terms shall run concurrently  
34 with the term of office of such mayors elected at a general  
35 municipal election, unless such commissioners are replaced or  
36 removed by such mayors. \* \* \* From and after \* \* \* January 1,  
37 2017, the Executive Director of the \* \* \* Mississippi Gulf Coast  
38 Region Convention and Visitors Bureau shall be an ex officio  
39 nonvoting member of the commission.

40 (2) In addition to the fact that each commissioner serves at  
41 the will and pleasure of the appointing elected official(s), as  
42 described in subsection (1) of this section, any member may be  
43 disqualified and removed from office for any one (1) of the  
44 following reasons:

45 (a) Conviction of a felony;

46 (b) Failure to attend three (3) consecutive meetings  
47 without just cause.



48 (3) If a commission member is removed for one (1) of the  
49 above reasons, the vacancy shall be filled in the manner  
50 prescribed in this section.

51 (4) Vacancies which shall occur shall be filled in the same  
52 manner as the original appointments and shall be made for the  
53 unexpired term unless the person is otherwise removed, as provided  
54 in subsection (1) of this section. \* \* \*

55 (5) \* \* \* In making appointments to the commission, the  
56 appointing authorities should consider persons who are community  
57 leaders and/or are representative of fields such as the  
58 hotel/motel business, large business, small business, the food and  
59 beverage industry and large facility operation or commercial real  
60 estate.

61 **SECTION 2.** Section 55-24-7, Mississippi Code of 1972, is  
62 amended as follows:

63 55-24-7. \* \* \* After the members of the Mississippi Coast  
64 Coliseum Commission \* \* \* have been appointed and qualified as set  
65 forth \* \* \* in Section 55-24-3 et seq., they shall meet, on or  
66 before February 16, 2017, at quarters provided for them by  
67 Harrison County after giving not less than ten (10) days' notice  
68 of the time and place of such meeting by registered mail, postage  
69 prepaid \* \* \* and electronic mail directed to each appointed  
70 member of such commission \* \* \* as provided to the Secretary of  
71 State at the time of his qualification, and posting bond. At such  
72 meeting a quorum shall be \* \* \* four (4) commissioners, and a



73 majority of those members attending shall elect a president and  
74 secretary, both of whom shall be members of said commission, and  
75 adopt such rules and regulations as may govern the time and place  
76 for holding subsequent meetings, regular and special, and other  
77 rules and regulations not inconsistent with the provisions of this  
78 chapter.

79 The commission is further authorized to obtain office  
80 equipment, supplies, furniture, furnishings, equipment, and other  
81 facilities necessary to administer the affairs and duties of the  
82 commission.

83 \* \* \*

84 **SECTION 3.** Section 55-24-9, Mississippi Code of 1972, is  
85 amended as follows:

86 55-24-9. The Mississippi Coast Coliseum Commission, a  
87 political subdivision of the State of Mississippi, shall have  
88 jurisdiction and authority over \* \* \* matters relating to \* \* \*  
89 promoting, developing, \* \* \* maintaining and operating a  
90 multipurpose coliseum and related facilities within Harrison  
91 County, Mississippi, subject to the requirements of the Land  
92 Development Ordinances of the City of Biloxi. Multipurpose  
93 coliseum and related facilities shall include a multipurpose  
94 coliseum or arena facility, a convention center and \* \* \* facility  
95 grounds. Such commission is authorized to acquire lands by  
96 purchase, gift or the exercise of eminent domain as provided by  
97 Section 11-27-1 et seq., above or below mean high-water mark



98 subject to the approval of the Harrison County Board of  
99 Supervisors. The acquisition of lands below mean high-water mark  
100 by the commission for the purposes authorized herein are declared  
101 to be in all respects for the benefit of the people of the State  
102 of Mississippi, a public purpose, and an essential governmental  
103 function in the exercise of the powers conferred upon them by said  
104 act.

105 Said commission, acting on behalf of the State of  
106 Mississippi, shall have the right to reclaim submerged lands for  
107 the purpose of constructing a multipurpose coliseum and related  
108 facilities \* \* \*, and to acquire in its name on behalf of the  
109 state any estate or property right therein or in other land  
110 necessary to the purpose of this chapter by purchase, gift, deed  
111 or other transfer, subject to the approval of the Harrison County  
112 Board of Supervisors. Title to all oil, gas and other minerals  
113 in, on or under any lands, title to which is held by the State of  
114 Mississippi on August 8, 1968, shall be reserved unto the State of  
115 Mississippi, and all income derived from the sale or lease of such  
116 minerals shall inure to the benefit of the State of Mississippi  
117 for such purposes as the Legislature may direct. Provided, that  
118 prior to utilization of lands in which title vests in the State of  
119 Mississippi, a description of such land shall be submitted to the  
120 Department of Finance and Administration and said utilization  
121 shall not be commenced until or unless approval of such



122 utilization is given by the Department of Finance and  
123 Administration.

124 The commission is authorized to own, furnish, equip and  
125 operate said multipurpose coliseum and \* \* \* facilities and  
126 equipment necessary or useful in the operation of said  
127 multipurpose coliseum \* \* \* and related facilities; to receive and  
128 expend, subject to the provisions of this chapter and the approval  
129 of the commission's annual budget by the Harrison County Board of  
130 Supervisors, revenues from any source, including the operation of  
131 the said multipurpose coliseum and related facilities \* \* \*; and  
132 to do all other things necessary to carry out the purposes of this  
133 chapter. \* \* \*

134 The commission is authorized and directed to adopt uniform  
135 rules and regulations regarding the granting of contracts that are  
136 less than one hundred eighty (180) days for franchises, licenses  
137 or leases, or the granting of contracts that are less than one  
138 hundred eighty (180) days for the use, operation and maintenance  
139 of the premises, and to publish the same for three (3) consecutive  
140 weeks in a newspaper having a general circulation in the county  
141 and fixing a time and place not more than ten (10) days after the  
142 last publication to receive and hear objections to such rules and  
143 regulations. The commission shall also publish such information  
144 on commission and county websites during the same time period as  
145 the newspaper publication. In addition, a copy of such rules and  
146 regulations or any revisions or amendments thereto shall be filed



147 with the Clerk of the Harrison County Board of Supervisors \* \* \*.  
148 The commission may revise or amend such rules and regulations but  
149 such revisions shall be uniform and shall not be adopted unless  
150 the commission shall publish the proposed change \* \* \* and hold a  
151 public hearing as required by this section.

152 Before \* \* \* any contract that is more than one hundred  
153 eighty (180) days for franchise, license or lease may be granted,  
154 the commission shall \* \* \* notify the Harrison County Board of  
155 Supervisors and publish its intent to grant such franchise,  
156 license or lease contract and the conditions upon which same shall  
157 be granted. Such publication shall be made for three (3)  
158 consecutive weeks in a newspaper having a general circulation in  
159 Harrison County. Such publication shall also be made on the  
160 commission and county websites during the same time period as the  
161 newspaper publication. All bids received shall be sealed, and  
162 shall be opened at a date, time and place set forth in the  
163 publications, which date shall not be less than five (5) days nor  
164 more than ten (10) days after the last day of such publications.

165 Unless the commission shall find that the successful bidder  
166 cannot demonstrate financial responsibility to comply with the  
167 terms and conditions of the franchise, license or lease, or cannot  
168 perform the services required thereunder, it shall, subject to the  
169 limitations set forth under this chapter, \* \* \* recommend the  
170 granting of said franchise, license or lease to the bidder whose



171 proposal shall be in the best financial interest of the  
172 commission. \* \* \*

173 \* \* \*

174 Any person aggrieved by any action of the commission may  
175 appeal to the Circuit Court of Harrison County in the manner  
176 provided for appeals from orders of the board of supervisors.

177 The commission is granted the power to sue and be sued in its  
178 own name, and the commission is hereby authorized to take  
179 liability insurance on the operation of said facilities in an  
180 amount equal to the extent of its liability for claims or causes  
181 of action arising from acts or omissions as provided in Section  
182 11-46-15, Mississippi Code of 1972; provided, however, that  
183 immunity from suit is only waived to the extent of such liability  
184 insurance carried, and a judgment creditor shall have recourse  
185 only to the proceeds or right to proceeds of such liability  
186 insurance. No attempt shall be made in the trial of any case to  
187 suggest the existence of any insurance which covers in whole or in  
188 part any judgment or award rendered in favor of a claimant, but if  
189 the verdict rendered by the jury exceeds the limit of applicable  
190 insurance, the court on motion shall reduce the amount of said  
191 judgment to a sum equal to the applicable limit stated in the  
192 insurance policy.

193 The commission shall prepare an annual budget specifically  
194 describing the proposed receipt and expenditure of all funds from  
195 any source whatsoever, and such budget shall be approved by the





196 Harrison County Board of Supervisors. If the commission desires  
197 to take any action associated with the receipt or expenditure of  
198 funds which deviates from the annual budget, such individual  
199 action shall be subject to the approval of the Harrison County  
200 Board of Supervisors.

201 The commission is granted the power to invest funds credited  
202 to the Mississippi Coast Coliseum Commission Operating Fund \* \* \*,  
203 the commission is vested with authority to designate depositories  
204 of its funds, and to deposit said funds in interest-bearing  
205 accounts. Provided, however, all funds in excess of ninety (90)  
206 days' operating expenses, to the extent practicable, shall be  
207 invested in Treasury bills or in interest-bearing accounts or  
208 approved securities to include, but not limited to, U.S. Treasury  
209 bills and U.S. Treasury notes and bonds, federal agency securities  
210 or mortgage-backed securities guaranteed as to repayment of  
211 principal by said government or an agency of said government,  
212 certificates of deposit fully covered by insurance administered by  
213 the Federal Deposit Insurance Corporation or covered by pledged  
214 securities, repurchase agreements and short-term money market  
215 funds invested in United States Government and United States  
216 Government agencies.

217 The commission is authorized to contract with any agency of  
218 the United States or the State of Mississippi for a loan or grant,  
219 subject to the approval of the Harrison County Board of  
220 Supervisors and to give such agency any assurances of compliance



221 with federal or state laws which are not in conflict with the laws  
222 of the State of Mississippi. It is the intent and purpose of this  
223 chapter that the Coliseum Commission cooperate with agencies  
224 administering the National Seashore Act of 1970.

225 Whenever any real or personal property belonging to the  
226 commission shall cease to be used or needed for the commission's  
227 purposes, the commission may recommend to the Harrison County  
228 Board of Supervisors that it sell, exchange or lease the property  
229 on such terms as the commission may \* \* \* propose. No lease of  
230 surplus real property may exceed a term of ninety-nine (99) years.  
231 The deed of conveyance in such transactions shall be executed in  
232 the name of the commission by \* \* \* the Harrison County Board of  
233 Supervisors pursuant to \* \* \* order issued on the minutes of \* \* \*  
234 its meetings. In any sale, exchange or lease of real property,  
235 the commission shall retain all mineral rights that it owns,  
236 together with the right of ingress and egress to remove same.  
237 Before any sale, exchange or lease is made, the commissioners  
238 shall publish at least once each week for three (3) consecutive  
239 weeks, in a public newspaper of Harrison County, Mississippi, and  
240 on the commission and county websites the intention to sell,  
241 exchange or lease, as the case may be, the real or personal  
242 property and to accept sealed competitive bids for the sale,  
243 exchange or lease. The commissioners shall thereafter accept bids  
244 for the sale, exchange or lease, and \* \* \* the property shall be  
245 sold, exchanged or leased to the highest and best bidder in the



246 manner provided by law. However, whenever the commissioners shall  
247 find and determine, by resolution duly and lawfully adopted and  
248 spread upon its minutes: (a) that any commission-owned real  
249 property is no longer needed for commission purposes and is not to  
250 be used in the operation of a multipurpose coliseum and related  
251 facilities, (b) that the sale, exchange or lease of such property  
252 in the manner otherwise provided for herein is \* \* \* necessary or  
253 desirable for the financial welfare of a multipurpose coliseum and  
254 related facilities, and (c) that the use of such property for the  
255 purpose for which it is to be sold, exchanged or leased will  
256 promote and foster the development and improvement of the  
257 multipurpose coliseum and \* \* \* related facilities, the  
258 commissioners \* \* \* may recommend to the Harrison County Board of  
259 Supervisors that it sell, exchange or lease the property without  
260 having to advertise for and accept competitive bids. In any case  
261 in which the commission proposes to sell or exchange real property  
262 under the provisions of this section without advertising for and  
263 accepting competitive bids, the Harrison County Board of  
264 Supervisors must approve such proposal, and consideration for the  
265 sale or exchange of the real property shall be not less than the  
266 average of the fair market price for the property as determined by  
267 three (3) professional property appraisers selected by the  
268 commission and approved by the purchaser or devisee and the  
269 Harrison County Board of Supervisors. Appraisal fees shall be  
270 shared equally by the commission and the purchaser or devisee.



271 The enumeration of any specific rights and powers contained  
272 herein or elsewhere in this chapter where followed by general  
273 powers shall not be construed in the restrictive sense but rather  
274 in as broad and comprehensive sense as possible to effectuate the  
275 purposes and intent of this chapter.

276 **SECTION 4.** Section 55-24-17, Mississippi Code of 1972, is  
277 amended as follows:

278 55-24-17. (1) The proceeds from the tax authorized under  
279 the provisions of Sections 1 and 2 of Chapter 863, Local and  
280 Private Laws of 1987, shall be paid to the Mississippi Coast  
281 Coliseum and Convention Trust Fund. The fund shall be used for  
282 the operational, maintenance, replacement and capital expenses of  
283 the Mississippi Coast Coliseum and Convention Center, as  
284 hereinafter provided and managed as provided in subsection (2) of  
285 this section. \* \* \* Amounts on deposit in the fund shall be  
286 invested in interest-bearing accounts or approved securities to  
287 include, but not limited to, U.S. Treasury bills and U.S. Treasury  
288 notes and bonds, federal agency securities or federal  
289 mortgage-backed securities guaranteed as to repayment of principal  
290 by the federal government or an agency of the federal government,  
291 certificates of deposits fully covered by insurance administered  
292 by the Federal Deposit Insurance Corporation or covered by pledge  
293 securities, repurchase agreements and short-term money market  
294 funds invested in U.S. Government and U.S. Government agencies.  
295 All interest income earned on the fund shall be paid \* \* \* into



296 the Mississippi Coast Coliseum Commission Operating Fund. The  
297 principal amount deposited into the fund from the proceeds of the  
298 special taxes authorized by Chapter 863, Laws of 1987 shall not be  
299 withdrawn from the trust for any purpose whatsoever except as  
300 provided for in subsection (2) of this section. The interest  
301 earned on the fund may also be used for debt service for capital  
302 improvements or expansion or for payment of expenses for  
303 operations, maintenance and replacement of capital improvements.

304 (2) From and after March 1, 2017, the \* \* \* Mississippi  
305 Coast Coliseum and Convention Trust Fund shall be administered by  
306 the Harrison County Board of Supervisors, and the Harrison County  
307 Board of Supervisors may expend monies in the fund upon  
308 recommendation of the commission, without state appropriation, for  
309 the purpose of repairs, restorations, debt service expense and  
310 capital improvements to the Mississippi Coast Coliseum \* \* \* and  
311 Convention Center. The Harrison County Board of Supervisors shall  
312 not expend more than Two Million Dollars (\$2,000,000.00) from the  
313 Mississippi Coast Coliseum Trust Fund, without approval of such  
314 expenditures by the Legislature.

315 **SECTION 5.** Section 27-104-27, Mississippi Code of 1972, is  
316 amended as follows:

317 27-104-27. Notwithstanding anything in Sections 27-103-101  
318 through 27-103-139 and 27-104-1 through 27-104-29 contained, the  
319 same shall not be construed to apply to any agency supported  
320 wholly by funds granted or allotted under any Act of Congress.



321 The State Auditor of Public Accounts and after July 1, 1986, the  
322 State Fiscal Officer shall determine which special fund accounts  
323 in the State Treasury require an appropriation act and request an  
324 appropriation for such special fund accounts. For all other  
325 special fund accounts, the State Auditor of Public Accounts, or  
326 the State Fiscal Officer after July 1, 1986, shall certify that  
327 such accounts do not require an appropriation. The Legislative  
328 Budget Office shall recommend an appropriation for each special  
329 fund account existing in the State Treasury so certified as  
330 requiring an appropriation, unless exempted as hereinafter  
331 provided. In the event the Legislative Budget Committee and the  
332 State Fiscal Officer find that any state agency should not be  
333 included under the provisions of Sections 27-103-101 through  
334 27-103-139 and 27-104-1 through 27-104-29, then the said committee  
335 and officer may, in their discretion, exempt said state agency  
336 from the provisions thereof. Sections 27-103-101 through  
337 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds  
338 collected and disbursed by a state agency created and existing  
339 under the provisions of Sections 73-3-101 through 73-3-169.  
340 Sections 27-103-101 through 27-103-139 and 27-104-1 through  
341 27-104-29 shall not apply to funds deposited into the special fund  
342 created pursuant to Section 45-9-101, the special fund created  
343 pursuant to Section 69-37-39, the special fund created pursuant to  
344 Section 1 of Chapter 521, Laws of 1999, the special fund created  
345 pursuant to Section 31-17-127, the special fund created pursuant



346 to Section 65-1-110 \* \* \*, the special fund created pursuant to  
347 Section 27-7-22.31, or the special fund created pursuant to  
348 Sections 1 and 2 of Chapter 863, Local and Private Laws of 1987.

349 The State Fiscal Officer shall not promulgate or attempt to  
350 enforce any rule, order or regulation which is not in accordance  
351 with the provisions of a legally executed trust indenture  
352 agreement, nor shall Sections 27-103-101 through 27-103-139 and  
353 27-104-1 through 27-104-29 be construed to apply to funds  
354 collected and disbursed by a state agency under Sections 65-33-45  
355 and 65-33-47.

356 **SECTION 6.** This act shall take effect and be in force from  
357 and after January 1, 2017.

