

By: Representatives Calvert, Smith, Stamps

To: Municipalities

HOUSE BILL NO. 1159

1 AN ACT TO AMEND SECTIONS 51-15-103, 51-15-107, 51-15-109,
 2 51-15-113, 51-15-115 AND 51-15-117, MISSISSIPPI CODE OF 1972, TO
 3 AUTHORIZE MUNICIPALITIES LOCATED IN COUNTIES THAT ARE NOT MEMBERS
 4 OF THE PAT HARRISON WATERWAY DISTRICT TO JOIN THE DISTRICT; TO
 5 AMEND SECTION 51-15-118, TO AUTHORIZE THE GOVERNING AUTHORITIES OF
 6 A MEMBER MUNICIPALITY TO WITHDRAW THE MUNICIPALITY FROM THE
 7 DISTRICT; TO AMEND SECTIONS 51-15-119, 51-15-131, 51-15-133,
 8 51-15-136, 51-15-139 AND 51-15-158, MISSISSIPPI CODE OF 1972, TO
 9 CONFORM TO THE PROCEEDING SECTION; TO BRING FORWARD SECTIONS
 10 51-15-105 AND 51-15-129, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
 11 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 51-15-103, Mississippi Code of 1972, is
 14 amended as follows:

15 51-15-103. The Pat Harrison Waterway Commission may
 16 hereafter be organized in this state under the provisions of this
 17 article, in the manner hereafter provided for. This water
 18 management district shall be an agency of the state and a body
 19 politic and corporate, and may be composed and is composed of the
 20 following counties, to-wit: Clarke, Covington, Forrest, George,
 21 Greene, Jackson, Jasper, Jones, Lamar, Lauderdale, Newton, Perry,
 22 Smith, Stone, and Wayne. In addition, a municipality located in a



23 county that is not a member of the district may join the district
24 as provided in this chapter.

25 **SECTION 2.** Section 51-15-107, Mississippi Code of 1972, is
26 amended as follows:

27 51-15-107. The Pat Harrison Waterway Commission, acting
28 through its members who favor bringing the counties they represent
29 into the Pat Harrison Waterway District, or other counties having
30 Pascagoula River, Leaf River, Chickasawhay River, or Tallahala
31 Creek tributaries, shall petition the Chancery Court of Forrest
32 County, Mississippi, to organize and establish the Pat Harrison
33 Waterway District and shall set forth in the petition:

34 (* * *a) The counties to be included in the Pat
35 Harrison Waterway District. Each member of the Pat Harrison
36 Waterway Commission, as created by virtue of Sections 51-15-1
37 through 51-15-9, and any county through which the Pascagoula,
38 Leaf, and Chickasawhay Rivers and Tallahala Creek run, or other
39 counties having tributaries to such streams or which border on
40 said streams, may be included in the district.

41 (* * *b) The necessity and desirability for the
42 developments and construction of suitable facilities.

43 (* * *c) A general description of the purposes of the
44 contemplated works, and a general description of the plan.

45 The petition shall be filed with as many copies as there are
46 parties defendant.



47 The Board of Water Commissioners of the State of Mississippi
48 shall be made a party defendant, and the chancery clerk shall
49 furnish the Board of Water Commissioners with a copy of the
50 petition with attached exhibits. Each county named in the
51 petition shall be joined as a party defendant by service of
52 process on the president of the board of supervisors thereof, and
53 the chancery clerk shall furnish a copy of the petition to each
54 such president. Whenever any municipality having a population
55 according to the most recent federal decennial census of ten
56 thousand (10,000) or more is included in such proposed district,
57 such municipality shall be made a party defendant.

58 From and after July 1, 2023, any municipality located in a
59 county that is not a member of the district may, by resolution
60 spread on its minutes, request that the Pat Harrison Waterway
61 Commission petition the Chancery Court of Forrest County,
62 Mississippi, to modify its decree organizing the district to
63 include the municipality as a member of the district. The Board
64 of Water Commissioners of the State of Mississippi shall be made a
65 party defendant, and the chancery clerk shall furnish the Board of
66 Water Commissioners with a copy of the petition with attached
67 exhibits. The municipality applying for membership shall not be
68 made a party defendant.

69 It shall not be necessary that any landowners in the counties
70 or municipalities to be included in * * * the proposed district be
71 named in the petition, or be made parties defendant. The



72 chancellor of the Chancery Court of Forrest County, Mississippi,
73 shall have jurisdiction of the entire waterway district for the
74 purposes of this article. Such jurisdiction may be exercised by
75 the chancellor in term time or in vacation, as provided in this
76 article.

77 **SECTION 3.** Section 51-15-109, Mississippi Code of 1972, is
78 amended as follows:

79 51-15-109. The Board of Water Commissioners shall file a
80 written answer to the petition within thirty (30) days after such
81 service. After the filing of the answer of the Board of Water
82 Commissioners, and upon motion of the petitioners, the chancellor
83 shall enter an order fixing the date for a hearing of the cause on
84 the original petition, the exhibits, the answer of the Board of
85 Water Commissioners, and any other answers filed or other
86 pleadings. The chancery clerk shall give notice of such hearing
87 to all persons interested by posting notices thereof at the door
88 of the courthouse of the county or counties in which the district
89 is situated and in at least ten (10) public places in said
90 proposed district, and also by publishing said notice at least
91 once a week for three (3) consecutive weeks in a newspaper
92 published in each of the counties or municipalities proposed to be
93 included in such waterway district. If there is no newspaper
94 published in any such county or municipality, then it shall be
95 sufficient to publish said notice in a newspaper having a general
96 circulation in such county or municipality. Such notice shall be



97 addressed to the property owners and qualified electors of such
98 proposed district and all other persons interested, shall state
99 when and in what court said petition was and is filed, shall state
100 the counties and municipalities included in such district, and
101 shall command all such persons to appear before the Chancery
102 Court, or the chancellor in vacation, at the Chancery Court
103 building of Forrest County upon the date fixed by the chancellor
104 to show cause, if any they can, why the proposed waterway district
105 should not be organized and established as prayed for in said
106 petition. The date for such hearing shall not be less than
107 twenty-one (21) days nor more than forty (40) days after the last
108 publication of such notice. It shall be sufficient in describing
109 the lands to be included in the waterway district to name the
110 counties and municipalities to be included therein in the
111 publication or notice hereinbefore mentioned.

112 If the court or chancellor finds that the notice or
113 publication was not given as provided for in this article, it
114 shall not thereby lose jurisdiction, but the court or chancellor
115 shall order due publication or notice to be given and shall
116 continue the hearing until such publication or notice shall be
117 properly given; and the court or chancellor shall thereupon
118 proceed as though publication or notice had been properly given in
119 the first instance.

120 On or after July 1, 2023, the procedures of this section
121 shall apply to a petition filed under Section 51-15-107 to modify



122 the decree organizing the district to include a municipality as a
123 member of the district.

124 **SECTION 4.** Section 51-15-113, Mississippi Code of 1972, is
125 amended as follows:

126 51-15-113. If the court or chancellor thereof finds that the
127 proposed waterway district should be organized, a decree shall be
128 so entered by the court which shall become final unless an
129 election is called as hereinafter provided. A notice as provided
130 by the decree of the court creating such district shall be
131 published once each week for at least three consecutive weeks in
132 at least one newspaper having general circulation or published in
133 each county and municipality of the district as specified in such
134 decree, stating that the decree shall become final forty-five (45)
135 days after its entry unless twenty percent (20%) of the qualified
136 electors of any county or * * * municipality shall petition the
137 court for an election on the question of the inclusion of such
138 county or municipality in the district. If there be no newspaper
139 published in any such county or municipality, then it shall be
140 sufficient to publish such notice in a newspaper having general
141 circulation in said county or municipality and, in addition, to
142 post a copy of such notice for at least twenty-one (21) days next
143 preceding the decree becoming final at three (3) public places in
144 such county or municipality. The first publication of such notice
145 shall be made in each county or municipality within ten (10) days
146 after entry of said decree. In the event such petition is filed



147 by twenty percent (20%) of the qualified electors of any county or
148 municipality, an election shall be held in such county or
149 municipality as hereinafter provided. The election shall be held
150 not less than twenty-one (21) nor more than forty-five (45) days
151 from the final date of such order, whereby the qualified electors
152 within such county or municipality may determine if such county or
153 municipality shall be a part of such proposed district. The
154 election shall be called by the board of supervisors of the
155 county, or by the governing authorities of the municipality, and
156 notice of the election shall be given by publishing a substantial
157 copy of the order of the board of supervisors or the municipal
158 governing authorities providing for the election once a week for
159 at least three (3) consecutive weeks, in at least one (1)
160 newspaper published in each county or municipality in which an
161 election is to be held. The first publication of such notice
162 shall be made not less than twenty-one (21) days prior to the date
163 fixed for such election. If no newspaper is published in any such
164 county or municipality, then such notice shall be given by
165 publishing the same for the required time in some newspaper having
166 a general circulation in such county or municipality and, in
167 addition, by posting a copy of such notice for at least twenty-one
168 (21) days next preceding such election at three (3) public places
169 in such county or municipality.

170 On or after July 1, 2023, the procedures of this section
171 shall apply to a petition filed under Section 51-15-107 to modify



172 the decree organizing the district to include a municipality as a
173 member of the district.

174 **SECTION 5.** Section 51-15-115, Mississippi Code of 1972, is
175 amended as follows:

176 51-15-115. Such election shall be held, as far as is
177 practicable, in the same manner as other elections are held in
178 counties or municipalities. At such election, all qualified
179 electors of such counties or municipalities may vote and the
180 ballots used at such election shall have printed thereon the words
181 "FOR BEING INCLUDED IN THE PAT HARRISON WATERWAY DISTRICT" and
182 "AGAINST BEING INCLUDED IN THE PAT HARRISON WATERWAY DISTRICT,"
183 and the voter shall vote by placing a cross (x) or check (✓) mark
184 opposite his choice on the proposition. In any particular county
185 or municipality, should a majority of the qualified electors
186 voting in such election in said county or municipality vote in
187 favor of the creation of the Pat Harrison Waterway District, or in
188 favor of the inclusion of the county or municipality in the
189 district, then that county or municipality shall become a part of
190 the waterway district. The Chancery Court of Forrest County or
191 the chancellor thereof in vacation shall thereupon enter a final
192 order including such county or municipality in the district. In
193 any particular county or municipality, should a majority of the
194 qualified electors voting in such election in such county or
195 municipality vote against being included in the Pat Harrison
196 Waterway District, then that county or municipality shall not



197 become a part of the waterway district and the said decree shall
198 be modified accordingly.

199 On or after July 1, 2023, the procedures of this section
200 shall apply to a petition filed under Section 51-15-107 to modify
201 the decree organizing the district to include a municipality as a
202 member of the district.

203 **SECTION 6.** Section 51-15-117, Mississippi Code of 1972, is
204 amended as follows:

205 51-15-117. Any person interested in or aggrieved by the
206 final order of the court or the chancellor, creating the waterway
207 district or dismissing the petition or admitting a county or
208 municipality to the district, and who was a party to the
209 proceedings in the Chancery Court may prosecute an appeal
210 therefrom within ten days from the date of such decree by
211 furnishing an appeal bond in the sum of Five Hundred Dollars
212 (\$500.00) with two (2) good and sufficient sureties, conditioned
213 to pay all costs of the appeal in the event the decree is
214 affirmed. Such appeal bond shall be subject to the approval of
215 the chancery clerk. When the transcript of the record of the case
216 shall be filed in the Office of the Supreme Court, the appellee
217 having been summoned to appear and answer the appeal, ten (10)
218 days after service of the summons on appellee or his attorney the
219 court shall consider such case as entitled to be heard. Any party
220 to any proceedings in any court involving any of the provisions of



221 this article may waive any time for filing pleadings so as to
222 obtain an earlier hearing.

223 Any appeal from such order or decree of the Chancery Court or
224 chancellor shall be a preference case in the Supreme Court and
225 shall be tried at the earliest moment convenient with said court.

226 On or after July 1, 2023, the procedures of this section
227 shall apply to a petition filed under Section 51-15-107 to modify
228 the decree organizing the district to include a municipality as a
229 member of the district.

230 **SECTION 7.** Section 51-15-118, Mississippi Code of 1972, is
231 amended as follows:

232 51-15-118. * * * The board of supervisors of any county that
233 is included in the Pat Harrison Waterway District, or the
234 governing authorities of any municipality not located in a member
235 county but that joined the district by petition, may elect to
236 withdraw such county or municipality from the district. The
237 withdrawing county or municipality shall be responsible for paying
238 its portion of any district bonds, contractual obligations, and
239 any other indebtedness and liabilities of the district that are
240 outstanding on the date of such county's or municipality's
241 withdrawal from the district. The withdrawing county's or
242 municipality's portion of such liabilities, obligations and
243 indebtedness shall be determined through an independent audit
244 conducted by a certified public accountant. The board of
245 supervisors of the withdrawing county, or the governing



246 authorities of the withdrawing municipality, shall provide the sum
247 that is required by this section either by appropriation from any
248 available funds of the county or by levy. Such board of
249 supervisors or municipal governing authorities may borrow funds as
250 needed to satisfy the withdrawing county's or municipality's
251 portion of the liabilities, obligations and indebtedness of the
252 district as required herein.

253 **SECTION 8.** Section 51-15-119, Mississippi Code of 1972, is
254 amended as follows:

255 51-15-119. (1) The Pat Harrison Waterway District through
256 its board of directors is hereby empowered:

257 (a) To develop in conjunction with the United States
258 Army Corps of Engineers, United States Secretary of Agriculture,
259 or with the head of any other federal or state agency as may be
260 involved, plans for public works of improvement to make navigable
261 or for the prevention of flood water damage, or the conservation,
262 development, recreation, utilization and disposal of water,
263 including the impoundment, diversion, flowage and distribution of
264 waters for beneficial use as defined in Article 1 of this chapter,
265 and in connection with the Oktibbeha River Basin project as
266 authorized under Public Law 874, 87th Congress, October 23, 1962,
267 and substantially in accordance with the recommendation of the
268 Chief of Engineers in House Document 549 of the 87th Congress.

269 (b) To impound overflow water and the surface water of
270 any streams in the Pat Harrison Waterway District or its



271 tributaries within the project area, within or without the
272 district, at the place or places and in the amount as may be
273 approved by the Office of Land and Water Resources of the State of
274 Mississippi, by the construction of a dam or dams, reservoir or
275 reservoirs, work or works, plants and any other necessary or
276 useful related facilities contemplated and described as a part of
277 the project within and without the district, to control, store,
278 and preserve these waters, and to use, distribute, and sell them,
279 to construct or otherwise acquire within the project area all
280 works, plants or other facilities necessary or useful to the
281 project for processing the water and transporting it to cities and
282 other facilities necessary or useful to the project for the
283 purpose of processing the water and transporting it to cities and
284 other facilities for domestic, municipal, commercial, industrial,
285 agricultural and manufacturing purposes, and is hereby given the
286 power to control open channels for water delivery purposes and
287 water transportation.

288 (c) To acquire and develop any other available water
289 necessary or useful to the project and to construct, acquire, and
290 develop all facilities within the project area deemed necessary or
291 useful with respect thereto.

292 (d) To forest and reforest and to aid in the foresting
293 and reforesting of the project area, and to prevent and aid in the
294 prevention of soil erosion and flood within the area; to control,
295 store and preserve within the boundaries of the project area the



296 waters of any streams in the area, for irrigation of lands and for
297 prevention of water pollution.

298 (e) To acquire by condemnation all property of any
299 kind, real, personal or mixed, or any interest therein, within or
300 without the boundaries of the district, necessary for the project
301 and the exercise of the powers, rights, privileges and functions
302 conferred upon the district by this article, according to the
303 procedure provided by law for the condemnation of lands or other
304 property taken for rights-of-way or other purposes by railroad,
305 telephone or telegraph companies and according to the provisions
306 of Section 29-1-1. For the purposes of this article the right of
307 eminent domain of the district shall be superior and dominant to
308 the right of eminent domain of railroad, telegraph, telephone,
309 gas, power and other companies or corporations and shall be
310 sufficient to enable the acquisition of county roads, state
311 highways or other public property in the project area, and the
312 acquisition or relocation of this property in the project area.
313 The cost of right-of-way purchases, rerouting and elevating all
314 other county-maintained roads affected by construction shall be
315 borne by the water management district, and new construction shall
316 be of equal quality as in roads existing as of June 1, 1962. The
317 county in which such work is done may assist in these costs if the
318 board of supervisors desires.

319 The amount and character of interest in land, other property
320 and easements to be acquired shall be determined by the board of



321 directors, and their determination shall be conclusive and shall
322 not be subject to attack in the absence of manifold abuse of
323 discretion or fraud on the part of such board in making this
324 determination. However * * *:

325 (i) In acquiring lands, either by negotiation or
326 condemnation, the district shall not acquire minerals or royalties
327 within the project area; sand and gravel shall not be considered
328 as minerals within the meaning of this section; and

329 (ii) No person or persons owning the drilling
330 rights or the right to share in production shall be prevented from
331 exploring, developing or producing oil or gas with necessary
332 rights-of-way for ingress and egress, pipelines and other means of
333 transporting these products by reason of the inclusion of the
334 lands or mineral interests within the project area, whether below
335 or above the water line, but any activities shall be under
336 reasonable regulations by the board of directors that will
337 adequately protect the project; and

338 (iii) In drilling and developing, these persons
339 are hereby vested with a right to have mineral interests
340 integrated and their lands developed in the drilling unit or units
341 that the State Oil and Gas Board shall establish after due
342 consideration of the rights of all owners to be included in the
343 drilling unit.

344 Moreover, when any site or plot of land is to be rented,
345 leased or sold to any person, firm or corporation for the purpose



346 of operating recreational facilities thereon for profit, the board
347 shall, by resolution, specify the terms and conditions of the
348 sale, rental or lease, and shall advertise for public bids
349 thereon. When these bids are received, they shall be publicly
350 opened by the board, and the board shall thereupon determine the
351 highest and best bid submitted and shall immediately notify the
352 former owner of the site or plot of the amount, terms and
353 conditions of the highest and best bid. The former owner of the
354 site or plot shall have the exclusive right at his option, for a
355 period of thirty (30) days after written notice is received by the
356 land owner of the determination of the highest and best bid by the
357 board, to rent, lease or purchase the site or plot of land by
358 meeting the highest and best bid and by complying with all terms
359 and conditions of renting, leasing or sale as specified by the
360 board. However, the board shall not in any event rent, lease or
361 sell to any former owner more land than was taken from the former
362 owner for the construction of the project, or one-quarter (1/4)
363 mile of shore line, whichever is lesser. If this option is not
364 exercised by the former owner within a period of thirty (30) days,
365 the board shall accept the highest and best bid submitted.

366 Any bona fide, resident householder actually living or
367 maintaining a residence on land taken by the district by
368 condemnation shall have the right to repurchase his former land
369 from the board of directors for a price not exceeding the price



370 paid for his land, plus any permanent improvements and plus the
371 cost of condemnation.

372 (f) To require the necessary relocation of roads and
373 highways, railroad, telephone and telegraph lines and properties,
374 electric power lines, pipelines, and mains and facilities in the
375 project area, or to require the anchoring or other protection of
376 any of these, provided due compensation is first paid the owners
377 thereof or agreement is had with the owners regarding the payment
378 of the cost of relocation. Further, the district is hereby
379 authorized to acquire easements or rights-of-way in or outside of
380 the project area for the relocation of roads, highways, railroad,
381 telephone and telegraph lines and properties, electric power
382 lines, pipelines, and mains and facilities, and to convey them to
383 the owners thereof in connection with the relocation as a part of
384 the construction of the project. However, the directors of the
385 district shall not close any public access road to the project
386 existing prior to the construction of the reservoir unless the
387 board of supervisors of the county in which the road is located
388 agrees.

389 (g) To overflow and inundate any public lands and
390 public property, including sixteenth section lands and in lieu
391 lands, within the project area.

392 (h) To construct, extend, improve, maintain and
393 reconstruct, to cause to be constructed, extended, improved,
394 maintained and reconstructed, and to use and operate all



395 facilities of any kind within the project area necessary or
396 convenient to the project and to the exercise of powers, rights,
397 privileges and functions.

398 (i) To sue and be sued in its corporate name.

399 (j) To adopt, use and alter a corporate seal.

400 (k) To make bylaws for the management and regulation of
401 its affairs.

402 (l) To employ engineers, attorneys, who may or may not
403 be a director, and all necessary agents and employees to properly
404 finance, construct, operate and maintain the projects and the
405 plants, and to pay reasonable compensation for these services; for
406 all services in connection with the issuance of bonds as provided
407 in this article, the attorney's fee shall not exceed one percent
408 (1%) of the principal amount of these bonds. For any other
409 services, only reasonable compensation shall be paid for those
410 services. The board shall have the right to employ a general
411 manager or executive director, who shall, at the discretion of the
412 board, have the power to employ and discharge employees. Without
413 limiting the generality of the foregoing, it may employ fiscal
414 agents or advisors in connection with its financing program and in
415 connection with the issuance of its bonds.

416 (m) To make contracts and to execute instruments
417 necessary or convenient to the exercise of the powers, rights,
418 privileges and functions conferred upon it by this article.



419 (n) To make or cause to be made surveys and engineering
420 investigations relating to the project, or related projects, for
421 the information of the district to facilitate the accomplishment
422 of the purposes for which it is created.

423 (o) To apply for and accept grants from the United
424 States of America or from any corporation or agency created or
425 designated by the United States of America, and to ratify and
426 accept applications heretofore or hereafter made by voluntary
427 associations to these agencies for grants to construct, maintain
428 or operate any project or projects which hereafter may be
429 undertaken or contemplated by the district.

430 (p) To do all other acts or things necessary,
431 requisite, or convenient to the exercising of the powers, rights,
432 privileges or functions conferred upon it by this article or any
433 other law.

434 (q) To make such contracts in the issuance of bonds
435 that may be necessary to ensure the marketability thereof.

436 (r) To enter into contracts with municipalities,
437 corporations, districts, public agencies, political subdivisions
438 of any kind, and others for any services, facilities or
439 commodities that the project may provide. The district is also
440 authorized to contract with any municipality, corporation or
441 public agency for the rental, leasing, purchase or operation of
442 the water production, water filtration or purification, water
443 supply and distributing facilities of the municipality,



444 corporation or public agency upon consideration as the district
445 and entity may agree. Any contract may be upon any terms and for
446 any time as the parties may agree, and it may provide that it
447 shall continue in effect until bonds specified therein and
448 refunding bonds issued in lieu of these bonds and all obligations
449 are paid. Any contract with any political subdivision shall be
450 binding upon the political subdivisions according to its terms,
451 and the municipalities or other political subdivisions shall have
452 the power to enter into these contracts as in the discretion of
453 the governing authorities thereof would be to the best interest of
454 the people of the municipality or other political subdivisions.
455 These contracts may include within the discretion of the governing
456 authorities a pledge of the full faith and credit of the political
457 subdivisions for the performance thereof.

458 (s) To fix and collect charges and rates for any
459 services, facilities or commodities furnished by it in connection
460 with the project, and to impose penalties for failure to pay these
461 charges and rates when due.

462 (t) To operate and maintain within the project area,
463 with the consent of the governing body of any city or town located
464 within the district, any works, plants or facilities of any city
465 deemed necessary or convenient to the accomplishment of the
466 purposes for which the district is created.

467 (u) Subject to the provisions of this article, from
468 time to time to lease, sell or otherwise lawfully dispose of



469 property of any kind, real, personal or mixed, or any interest
470 therein within the project area or acquired outside the project
471 area as authorized in this article, for the purpose of furthering
472 the business of the district.

473 (v) When, in the opinion of the board of directors as
474 shown by resolution duly passed, it shall not be necessary to the
475 carrying on of the business of the district that the district own
476 any lands acquired, the board shall advertise the lands for sale
477 to the highest and best bidder for cash, and shall receive and
478 publicly open the bids thereon. The board shall, by resolution,
479 determine the highest and best bid submitted for the land and
480 shall thereupon notify the former owner, his/her heirs or
481 devisees, by registered mail of the land to be sold and the
482 highest and best bid received therefor, and the former owner, or
483 his/her heirs or devisees, shall have the exclusive right at
484 his/her or their option for a period of thirty (30) days in which
485 to meet such highest and best bid and to purchase such property.

486 (w) To prevent or aid in the prevention of damage to
487 person or property from the waters of the Pascagoula River or any
488 of its tributaries.

489 (x) To acquire by purchase, lease, gift or in any other
490 manner (otherwise than by condemnation) and to maintain, use and
491 operate all property of any kind, real, personal or mixed, or any
492 interest therein within the project area, within or without the
493 boundaries of the district, necessary for the project and



494 convenient to the exercise of the powers, rights, privileges and
495 functions conferred upon the district by this article.

496 (y) In the purchase of or in the entering into of all
497 lease purchase agreements for supplies, equipment, heavy equipment
498 and the like, the directors shall in all instances comply with the
499 provisions of law pertaining to public purchases by public bids on
500 these supplies and equipment.

501 (z) To designate employees as peace officers with the
502 power to make arrests for violations of regulations of the
503 district. The officers are authorized to carry weapons and to
504 enforce the laws of the state within the confines of district
505 parks and property. Any employee so designated is required to
506 obtain and maintain certification pursuant to Section 45-6-1 et
507 seq.

508 (aa) To contract with persons, who are certified
509 according to the minimum standards established by the Board on Law
510 Enforcement Officer Standards and Training under Section 45-6-1 et
511 seq., to serve as peace officers with the power to make arrests
512 for violations of regulations of the district. Such officers are
513 authorized to carry weapons and to enforce the laws of the state
514 within the confines of district parks and property. All persons
515 with which the district has contracted under this paragraph (aa)
516 shall be independent contractors and shall not be considered as
517 employees under Chapter 46 * * *, Title 11, Mississippi Code of
518 1972.



519 (bb) To: (* * *i) receive and expend funds that are
520 made available to it under the provisions of the federal American
521 Recovery and Reinvestment Act of 2009 (ARRA), and/or from any
522 other source, to construct a lake and related structures and
523 facilities in George County, Mississippi, if the funds received by
524 the district may be used for that purpose; (* * *ii) obtain any
525 information and research regarding construction of the lake and
526 related structures and facilities from the Department of Wildlife,
527 Fisheries and Parks; and (* * *iii) to receive and expend any
528 funds made available to the district from the Department of
529 Wildlife, Fisheries and Parks for the construction of the lake and
530 related structures and facilities.

531 (2) The board of directors shall annually prepare a
532 five-year plan containing a prioritized list detailing the
533 purposes, goals and projected costs of projects which it intends
534 to implement or is in the process of implementing and shall file
535 such plans with the clerk of the board of supervisors of each
536 member county, and with the clerk of each member municipality, on
537 or before July 15 of each year.

538 (3) The board of directors shall, after completion of the
539 annual audit of the district and upon receipt of the written
540 report thereon, file a copy of such audit with the clerk of the
541 board of supervisors of each member county, and with the clerk of
542 each member municipality.



543 **SECTION 9.** Section 51-15-131, Mississippi Code of 1972, is
544 amended as follows:

545 51-15-131. The board of directors of the district is hereby
546 authorized and empowered to borrow money or issue bonds of the
547 district for the purpose of paying the cost of acquiring, owning,
548 constructing, operating, repairing, and maintaining the projects
549 and works specified herein, including related facilities and
550 including all financing and financial advisory charges, interest
551 during construction, engineering, architectural, legal, and other
552 expenses incidental to and necessary for the foregoing or for the
553 carrying out of any power conferred by this article. The board of
554 directors is authorized and empowered to borrow money and issue
555 bonds at such times and in such amounts as shall be provided for
556 by resolution of the board of directors, not to exceed the
557 limitation prescribed in Section 51-15-135. All such bonds so
558 issued by said district shall be secured solely by a pledge of the
559 net revenues which may now or hereafter come to the district, and
560 by the pledge of the avails of the ad valorem tax levy provided
561 for in Section 51-15-129. Such bonds shall not constitute general
562 obligations of the State of Mississippi or of the counties or
563 municipalities comprising said district, and such bonds shall not
564 be secured by a pledge of the full faith, credit, and resources of
565 the state or of the counties or municipalities. Bonds of the
566 district shall not be included in computing any present or future
567 debt limit of any county or municipality in the district under any



568 present or future law. "Revenues" as used in this article shall
569 mean all charges, rentals, tolls, rates, gifts, grants, avails of
570 tax levies, monies, and all other funds coming into the possession
571 of the district by virtue of the provisions of this article,
572 except the proceeds from the sale of bonds issued hereunder. "Net
573 revenues" as used in this article shall mean the revenues after
574 payments of costs and expenses of operation and maintenance of the
575 project and related facilities.

576 **SECTION 10.** Section 51-15-133, Mississippi Code of 1972, is
577 amended as follows:

578 51-15-133. All bonds provided for by Section 51-15-131 shall
579 be negotiable instruments within the meaning of the Uniform
580 Commercial Code of this state, shall be lithographed or engraved
581 and printed in two (2) or more colors to prevent counterfeiting,
582 shall be in denominations of not less than One Hundred Dollars
583 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), shall be
584 registered as issued, and shall be numbered in a regular series
585 from one (1) upward. Each bond shall specify on its face the
586 purpose for which it was issued and the total amount authorized to
587 be issued, it shall be payable to bearer, and the interest to
588 accrue thereon shall be evidenced by proper coupons to be attached
589 thereto. The bonds shall not bear a greater overall maximum
590 interest rate to maturity than that allowed in Section 75-17-101.
591 They shall mature annually in such amounts and at such times as
592 shall be provided by the resolution of the board of directors. No



593 bond shall have a longer maturity than forty (40) years, and the
594 first maturity date thereof shall be not more than five (5) years
595 from the date of such bonds. The denomination, form and place or
596 places of payment of the bonds shall be fixed in the resolution of
597 the board of directors of the district. The bonds shall be signed
598 by the president and the secretary of the board with the seal of
599 the district affixed thereto, but the coupons may bear only the
600 facsimile signatures of the president and secretary. All interest
601 accruing on such bonds so issued shall be payable semiannually,
602 except that the first interest coupon attached to any bond may be
603 for a period not exceeding one (1) year.

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

609 All such bonds shall contain in substance a statement to the
610 effect that they are secured solely by a pledge of the net
611 revenues of the district, including the avails of the ad valorem
612 tax levy provided for in Section 51-15-129, and that they do not
613 constitute general obligations of the State of Mississippi or of
614 the counties or municipalities comprising the district, and are
615 not secured by a pledge of the full faith, credit and resources of
616 the state or of the counties or municipalities.



617 All the bonds as provided for herein shall be sold for not
618 less than par value plus accrued interest at public sale in the
619 manner provided by Section 31-19-25. No sale shall be at a price
620 so low as to require the payment of interest on the money received
621 therefor at more than eleven percent (11%) per annum computed with
622 relation to the absolute maturity of the bonds, in accordance with
623 standard tables of bond values, excluding from such computation
624 the amount of any premium to be paid on redemption of any bonds
625 prior to maturity.

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

629 Notwithstanding the foregoing provisions of this section,
630 bonds referred to hereinabove may be issued pursuant to the
631 supplemental powers and authorizations conferred by the provisions
632 of the Registered Bond Act, being Sections 31-21-1 through
633 31-21-7.

634 **SECTION 11.** Section 51-15-136, Mississippi Code of 1972, is
635 amended as follows:

636 51-15-136. From and after April 6, 1995, the board of
637 directors shall not borrow money or issue bonds of the district
638 unless sixty percent (60%) of the entire membership of the board
639 of directors votes in favor of such action after thirty (30) days'
640 written notice to the chancery clerks and presidents of the boards
641 of supervisors of the member counties, as well as to the municipal



642 clerks and governing authorities of the member municipalities, of
643 the date upon which such vote will be taken. Further, the board
644 shall not borrow money or issue bonds of the district from April
645 6, 1995, through February 1, 1996.

646 **SECTION 12.** Section 51-15-139, Mississippi Code of 1972, is
647 amended as follows:

648 51-15-139. All bonds issued pursuant to this article shall
649 be validated as now provided by law of Sections 31-13-1 through
650 31-13-11, Mississippi Code of 1972. The services of the state's
651 bond attorney may be employed in the preparation of such bond
652 resolutions, forms, or proceedings as may be necessary, for which
653 he shall be paid a reasonable fee. Such validation proceedings
654 shall be instituted in the Chancery Court of the county in which
655 the principal office of the district is located, but notice of
656 such validation proceedings shall be published at least two (2)
657 times in a newspaper of general circulation and published in each
658 of the counties and municipalities comprising the Pat Harrison
659 Waterway District, the first publication of which in each case
660 shall be made at least ten (10) days preceding the date set for
661 the validation.

662 **SECTION 13.** Section 51-15-158, Mississippi Code of 1972, is
663 amended as follows:

664 51-15-158. (1) On or before the fifteenth day of July of
665 each year, the board of directors of the district shall prepare
666 and file with the clerk of the board of supervisors of each member



667 county, and with the clerk of each member municipality, at least
668 two (2) copies of a budget of estimated expenditures for the
669 support, maintenance and operation of the district for the fiscal
670 year commencing on July 1 of the succeeding year. Such budget
671 shall be prepared on forms prescribed and provided by the State
672 Auditor and shall contain such information as the State Auditor
673 may require.

674 (2) The board of directors of the district shall notify both
675 the chancery clerk and the president of the board of supervisors
676 of each member county, as well as the clerk of each member
677 municipality, in writing of the date and time when any legislative
678 committee will hold any hearing or vote relating to the budget of
679 the district or any other matter affecting the district. Such
680 notice shall be served both within ten (10) days of the directors'
681 learning of the date and time of any such action and not less than
682 five (5) days prior to such scheduled action.

683 **SECTION 14.** Section 51-15-105, Mississippi Code of 1972, is
684 brought forward as follows:

685 51-15-105. (1) All powers of the district shall be
686 exercised by a board of directors to be composed of the following:

687 (a) [Repealed]

688 (b) From and after January 9, 1996, the Governor shall
689 appoint three (3) members of the Board of Directors of the Pat
690 Harrison Waterway District from the district at large. No more
691 than one (1) appointment may be made by the Governor from any one



692 (1) county in the district. All initial appointments made
693 pursuant to this paragraph shall be made no later than February 1,
694 1996, and no person appointed under this paragraph shall be an
695 elected official or a county employee. All appointments made
696 pursuant to this paragraph shall be for terms of four (4) years
697 each or until a successor is appointed and qualifies.

698 (c) From and after January 9, 1996, the board of
699 supervisors of each county in the Pat Harrison Waterway District
700 shall have an appointment to the board of directors of the
701 district as follows: the boards of supervisors of the counties of
702 Clarke, Covington and Forrest shall each appoint a member from
703 their respective counties for an initial term of one (1) year; the
704 boards of supervisors of the counties of George, Greene, Jackson
705 and Jasper shall each appoint a member from their respective
706 counties for an initial term of two (2) years; the boards of
707 supervisors of the counties of Jones, Lamar, Lauderdale and Newton
708 shall each appoint a member from their respective counties for an
709 initial term of three (3) years; and the boards of supervisors of
710 the counties of Perry, Smith, Stone and Wayne shall each appoint a
711 member from their respective counties for an initial term of four
712 (4) years. All initial appointments made pursuant to this
713 paragraph shall be made no later than February 1, 1996, and no
714 person appointed under this paragraph shall be an elected official
715 or a county employee. All appointments made pursuant to this
716 paragraph after the initial appointments shall be for terms of



717 four (4) years each or until a successor is appointed and
718 qualifies.

719 (d) The directors appointed pursuant to paragraphs (b)
720 and (c) of this subsection shall not discontinue any litigation
721 pending on January 9, 1996, with respect to monetary payments owed
722 to the district by any member county, and such directors shall
723 pursue such litigation to a conclusion.

724 (2) Each director shall take and subscribe to the general
725 oath of office required by Section 268 of the Constitution of the
726 State of Mississippi before a chancery clerk, that he will
727 faithfully discharge the duties of the office, which oath shall be
728 filed with the clerk and by him preserved.

729 (3) Each director shall receive a per diem in the amount
730 established in Section 25-3-69, Mississippi Code of 1972, for
731 attending each day's meeting of the board and for each day spent
732 in attending to the necessary business of the district and, in
733 addition, he may receive reimbursement for actual and necessary
734 expenses thus incurred, upon express authorization of the board.

735 (4) The board of directors shall annually elect from its
736 number a president and a vice president of the district, and such
737 other officers as in the judgment of the board are necessary. The
738 president shall be the chief executive officer of the district and
739 the presiding officer of the board, and shall have the same right
740 to vote as any other director. The vice president shall perform
741 all duties and exercise all powers conferred by this article upon



742 the president when the president is absent or fails or declines to
743 act, except the president's right to vote. The board shall also
744 appoint a secretary and a treasurer, who may or may not be members
745 of the board, and it may combine those offices. Except as
746 otherwise provided for in this subsection, the treasurer shall
747 give bond in the sum of not less than Fifty Thousand Dollars
748 (\$50,000.00) as set by the board of directors, and each director
749 may be required to give bond in the sum of not less than Ten
750 Thousand Dollars (\$10,000.00) with sureties qualified to do
751 business in this state, and the premium on such bonds shall be an
752 expense of the district. The condition of each bond shall be that
753 the treasurer or director will faithfully perform all duties of
754 his office and account for all money or other assets which shall
755 come into his custody as treasurer or director of the district.
756 In lieu of the bonds required by this subsection, the board may
757 authorize that the district purchase an equivalent amount of
758 errors and omissions insurance for the treasurer and directors.

759 (5) Each director shall meet with the board of supervisors
760 of the county from which he is appointed at least twice a year at
761 reasonable times established by the board of supervisors.

762 **SECTION 15.** Section 51-15-129, Mississippi Code of 1972, is
763 brought forward as follows:

764 51-15-129. In each county of the State of Mississippi which
765 is a part of the Pat Harrison Waterway District, so long as funds
766 are found to be necessary for the operation of the district by



767 annual legislative approval of the district budget, the tax
768 collector of such county shall pay into the depository selected by
769 the water district for such purpose an amount to be determined as
770 follows: each county shall pay a pro rata share (not to exceed
771 the avails of one (1) mill through September 30, 1997, and not to
772 exceed the avails of three-fourths (3/4) mill through September
773 30, 2005, and not to exceed seven-eighths (7/8) mill thereafter)
774 of the annual district budget based on the proportion that the
775 most recent total assessed valuation of the county bears to the
776 most recent aggregate total assessed valuation of all the counties
777 which comprise the district; provided, however, that any county
778 bordering on the Gulf of Mexico which by action of the board of
779 supervisors has created and authorized a port authority and which
780 has been paying into the port authority the avails of a two-mill
781 levy that was established under Section 27-39-3 shall pay an
782 amount not to exceed one-tenth (1/10) mill through September 30,
783 2005, and not to exceed two-tenths (2/10) mill thereafter, of the
784 total assessed valuation of the county to the Pat Harrison
785 Waterway District pursuant to this section and the assessed
786 valuation of that county shall not be considered when calculating
787 each county's pro rata share of the district's budget. Of the
788 amount paid by counties required to pay to the district an amount
789 not to exceed seven-eighths (7/8) mill, an amount equivalent to
790 the avails of one-eighth (1/8) mill shall be utilized to fund
791 flood control, water management and other similar projects as



792 requested by counties in the district. Of the amount paid by
793 counties required to pay to the district an amount not to exceed
794 two-tenths (2/10) mill, an amount equivalent to the avails of
795 one-tenth (1/10) mill shall be utilized to fund flood control,
796 water management and other similar projects as requested by
797 counties in the district. It shall be the duty of the Pat
798 Harrison Waterway District Board of Directors in the month of
799 November annually upon receipt of the total assessed valuation of
800 the member counties, certified by the Department of Revenue, to
801 prepare a request to the board of supervisors of member counties
802 to levy a tax using the formula herein established not to exceed
803 the maximum number of mills authorized by this section. Member
804 counties shall remit their share of the district budget no later
805 than March 1 of each year.

806 **SECTION 16.** This act shall take effect and be in force from
807 and after July 1, 2023.

