

By: Representatives Anderson (122nd),  
Fondren

To: Marine Resources

HOUSE BILL NO. 1659

1 AN ACT TO AMEND SECTION 29-1-107, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE A LEASE FROM THE STATE THROUGH THE SECRETARY OF STATE  
3 FOR ANY USE OF THE PUBLIC TRUST TIDELANDS FOR ANY USE BY A GAMING  
4 OPERATION; TO CLARIFY THAT A GAMING USE IS SEPARATE FROM  
5 COMMERCIAL USE; TO CLARIFY THAT THE PUBLIC TRUST TIDELANDS LEASE  
6 NEEDED TO MOVE ON SHORE AND PAY THE STATUTORY ASSESSMENT IS A  
7 LEASE WITH THE STATE OR THE STATE PORT AT GULFPORT FOR A GAMING  
8 OPERATION; TO AMEND SECTION 29-15-1, MISSISSIPPI CODE OF 1972, TO  
9 PROVIDE CERTAIN DEFINITIONS; TO CREATE NEW SECTION 29-15-1.1,  
10 MISSISSIPPI CODE OF 1972, TO PROVIDE THE LEGISLATIVE INTENT  
11 REGARDING THE STATE CONTROL OF THE PUBLIC TRUST TIDELANDS; TO  
12 CREATE NEW SECTION 29-15-2, MISSISSIPPI CODE OF 1972, TO PROVIDE  
13 THAT MANAGEMENT AND ADMINISTRATIVE CONTROL AND AUTHORITY OF THE  
14 PUBLIC TRUST TIDELANDS SHALL BE GIVEN TO THE SECRETARY OF STATE;  
15 TO PROVIDE THAT A PUBLIC TRUST TIDELANDS LEASE WITH THE STATE  
16 THROUGH THE SECRETARY OF STATE IS REQUIRED FOR USE OF THE PUBLIC  
17 TRUST TIDELANDS, INCLUDING THOSE BY STATE AGENCIES AND POLITICAL  
18 SUBDIVISIONS; TO PROVIDE THAT THE USE OF PUBLIC TRUST TIDELANDS  
19 FOR ANY GAMING PURPOSE REQUIRES A PUBLIC TRUST TIDELANDS LEASE  
20 FROM THE STATE; TO AMEND SECTION 29-15-3, MISSISSIPPI CODE OF  
21 1972, TO CONFORM; TO AMEND SECTION 29-15-5, MISSISSIPPI CODE OF  
22 1972, TO PROVIDE THAT ALL EXISTING AND PROPOSED USES OF OR  
23 PROJECTS ON PUBLIC TRUST TIDELANDS BY ANY COMMERCIAL ACTIVITY  
24 SHALL REQUIRE A PUBLIC TRUST TIDELANDS LEASE FROM THE STATE  
25 THROUGH THE SECRETARY OF STATE; TO AMEND SECTION 29-15-9,  
26 MISSISSIPPI CODE OF 1972, TO ALLOW ADMINISTRATIVE COSTS LEGAL FEES  
27 AND LOST AD VALOREM TAXES, WITH LEGISLATIVE APPROVAL, TO BE PAID  
28 OUT OF THE PUBLIC TRUST TIDELANDS FUND; TO AMEND SECTION 29-15-10,  
29 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 29-15-13,  
30 MISSISSIPPI CODE OF 1972, TO CLARIFY THE NEED FOR A PUBLIC TRUST  
31 TIDELANDS LEASE EVEN IF PUBLIC USE OR PROJECT IS EXEMPT FROM  
32 RENTAL OR LEASE FEES; TO AMEND SECTION 59-15-1, MISSISSIPPI CODE  
33 OF 1972, TO CLARIFY THE STATE LEGISLATIVE INTENT THAT USE OF THE  
34 TIDELANDS FOR MUNICIPAL HARBORS REQUIRES A PUBLIC TRUST TIDELANDS



35 LEASE WITH THE STATE THROUGH THE SECRETARY OF STATE; TO BRING  
36 FORWARD SECTIONS 21-17-1, 57-7-1, 97-33-1, 59-7-405 AND 7-11-11,  
37 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
38 TO BRING FORWARD SECTIONS 29-15-7, 29-15-11, 29-15-15, 29-15-17,  
39 29-15-19, 29-15-21 AND 29-15-23, MISSISSIPPI CODE OF 1972, WHICH  
40 PROVIDE FOR THE PUBLIC TRUST TIDELANDS, FOR THE PURPOSE OF  
41 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 59-15-3, 59-15-5,  
42 59-15-7, 59-15-9, 59-15-11, 59-15-13, 59-15-15, 59-15-17 AND  
43 59-15-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR SMALL CRAFT  
44 HARBORS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD  
45 SECTIONS 59-7-1, 59-7-3, 59-7-5, 59-7-7, 59-7-9, 59-7-11, 59-7-13,  
46 59-7-15, 59-7-17, 59-7-19, 59-7-21, 59-7-101, 59-7-103, 59-7-105,  
47 59-7-107, 59-7-109, 59-7-111, 59-7-113, 59-7-115, 59-7-117,  
48 59-7-119, 59-7-121, 59-7-123, 59-7-125, 59-7-127, 59-7-129,  
49 59-7-131, 59-7-201, 59-7-203, 59-7-205, 59-7-207, 59-7-209,  
50 59-7-211, 59-7-213, 59-7-301, 59-7-303, 59-7-305, 59-7-307,  
51 59-7-309, 59-7-311, 59-7-313, 59-7-315, 59-7-317, 59-7-319,  
52 59-7-321, 59-7-323, 59-7-401, 59-7-403, 59-7-407, 59-7-408,  
53 59-7-409, 59-7-411, 59-7-413, 59-7-415, 59-7-417, 59-7-419,  
54 59-7-421, 59-7-423, 59-7-425, 59-7-427, 59-7-429, 59-7-451,  
55 59-7-453, 59-7-455, 59-7-501, 59-7-503, 59-7-505, 59-7-507,  
56 59-7-509, 59-7-511, 59-7-513, 59-7-515, 59-7-517 AND 59-7-519,  
57 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR COUNTY AND MUNICIPAL  
58 HARBORS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD  
59 SECTIONS 65-33-1, 65-33-3, 65-33-5, 65-33-7, 65-33-9, 65-33-11,  
60 65-33-13, 65-33-15, 65-33-17, 65-33-19, 65-33-21, 65-33-23,  
61 65-33-25, 65-33-27, 65-33-29, 65-33-31, 65-33-33, 65-33-35,  
62 65-33-37, 65-33-39, 65-33-41, 65-33-43, 65-33-45, 65-33-47,  
63 65-33-49, 65-33-51, 65-33-53, 65-33-55, 65-33-57, 65-33-59,  
64 65-33-61, 65-33-63, 65-33-65, 65-33-67, 65-33-69 AND 65-33-71,  
65 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR SEA WALLS, FOR THE  
66 PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS  
67 29-1-105, 53-3-41, 53-3-75, 55-7-13, 55-7-15, 55-7-21, 55-24-9,  
68 59-3-1, 59-5-11, 59-9-19, 59-17-13, 61-3-15, 79-21-53, 27-31-39,  
69 29-7-3, 39-7-3, 39-7-9, 49-15-301, 49-15-304, 49-17-711, 49-27-4,  
70 49-27-5, 49-27-71, 57-15-5, 59-1-17, 59-9-21 AND 59-9-67,  
71 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
72 AND FOR RELATED PURPOSES.

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

74 **SECTION 1.** Section 29-1-107, Mississippi Code of 1972, is  
75 amended as follows:

76 29-1-107. (1) The Secretary of State with the approval of  
77 the Governor shall, as far as practicable, rent or lease all lands  
78 belonging to the state, except as otherwise provided by law for a



79 period of not exceeding one (1) year, and account for the rents  
80 therefrom in the same manner as money received from the sale of  
81 state lands, provided that no state land shall be rented or leased  
82 to individuals, corporations, partnerships, or association of  
83 persons for hunting or fishing purposes. Property belonging to  
84 the state in municipalities, even though it may have been  
85 subdivided into lots, blocks, divisions, or otherwise escheated or  
86 was sold to the state by such description, may likewise be leased  
87 or rented by the Secretary of State under the terms provided above  
88 for other state lands, and the rents accounted for in the same  
89 manner. The state shall have all the liens, rights and remedies  
90 accorded to landlords in Sections 89-7-1 through 89-7-125; said  
91 leases and rental contracts shall automatically terminate on the  
92 date provided in said leases or contracts. A person possessing a  
93 gaming license under the Mississippi Gaming Control Act or who  
94 wishes to seek a gaming license under the Mississippi Gaming  
95 Control Act and who further uses or wishes to use public trust  
96 tidelands as part of its proposed gaming project shall be required  
97 to obtain a tidelands lease from the Secretary of State  
98 notwithstanding any statute, law or other provision providing  
99 other authority to municipalities and counties to use the public  
100 trust tidelands and such lease may be conditioned upon the  
101 licensee obtaining such other necessary and required approvals.

102 (2) (a) The Secretary of State, with the approval of the  
103 Governor, may rent or lease surface lands, tidelands or submerged



104 lands owned or controlled by the State of Mississippi lying in or  
105 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
106 emptying therein, for a period not exceeding forty (40) years for  
107 rental payable to the state annually. However, the term of any  
108 lease of state public trust tidelands to a person possessing a  
109 license under the Mississippi Gaming Control Act shall be governed  
110 by the provisions of subsection (4) of this section.

111 (b) The lessee under such agreement may construct such  
112 necessary items for marking channels, docking, wharfing, mooring  
113 or fleeting vessels which shall be in aid of navigation and not  
114 obstructions thereto.

115 (c) A lessee of record may be given the option to renew  
116 for an additional period not to exceed twenty-five (25) years;  
117 however, the term of a renewal for a lease of state public trust  
118 tidelands to a person possessing a gaming license under the  
119 Mississippi Gaming Control Act shall be governed by the provisions  
120 of subsection (4) of this section. The holder of a lease of  
121 Public Trust Tidelands, at the expiration thereof, shall have a  
122 prior right, exclusive of all other persons, to re-lease as may be  
123 agreed upon between the holder of the lease and the Secretary of  
124 State.

125 (d) Leases shall provide for review and rent  
126 adjustments at each fifth anniversary tied either to the All Urban  
127 Consumer Price Index-All Items (CPI) or to an appraisal which  
128 deducts the value of any improvements by the lessee which



129 substantially enhance the value of the land. In the case where  
130 the initial rental was based on the value set by the ad valorem  
131 tax rolls, then the rent review and adjustment clause shall be  
132 likewise based on the value set by such tax rolls. In the event  
133 that the lessor and lessee cannot agree on a rental amount, the  
134 lease may be cancelled at the option of the lessor. The lessee  
135 shall, within thirty (30) days after execution of a sublease or  
136 assignment, file a copy thereof, including the total consideration  
137 therefor, with the Secretary of State. This paragraph shall not  
138 apply to a lease of state public trust tidelands or submerged  
139 lands to a person possessing a gaming license under the  
140 Mississippi Gaming Control Act who operates a gaming establishment  
141 on such tidelands or submerged lands or to a person who wishes to  
142 seek a gaming license under the Mississippi Gaming Control Act and  
143 to use public trust tidelands or submerged lands as part of its  
144 proposed gaming project.

145 (3) Provided, however, the current occupants of public trust  
146 tidelands that were developed after the determinable mean  
147 high-water line nearest the effective date of the Coastal Wetlands  
148 Protection Law shall pay an annual rental based on the fair market  
149 value as determined by the assessed valuation of the property.  
150 The holder of a lease of Public Trust Tidelands, at the expiration  
151 thereof, shall have a prior right, exclusive of all other persons,  
152 to re-lease as may be agreed upon between the holder of the lease  
153 and the Secretary of State.



154           (4)   (a)   This section shall apply to any person possessing a  
155   license under the Mississippi Gaming Control Act or who wishes to  
156   seek a license under the Mississippi Gaming Control Act and who  
157   operates or proposes to operate a gaming establishment in any of  
158   the three (3) most southern counties of the state. Any gaming  
159   licensee or proposed licensee shall be required to obtain a lease  
160   from the Secretary of State to use any state public trust  
161   tidelands notwithstanding any statute, law or other provision  
162   providing other authority to municipalities and counties to use  
163   the public trust tidelands. To locate onshore and qualify to pay  
164   the in-lieu tidelands assessment, a gaming operation must have or  
165   show that it would have been able to receive a lease of public  
166   trust tidelands from the State of Mississippi through the  
167   Secretary of State for a gaming operation.

168           (b)   The following shall apply to all leases of state  
169   public trust tidelands executed by such a licensee:

170                   (i)   Every lease executed after August 29, 2005,  
171   shall be for a period of thirty (30) years for rental payable to  
172   the state annually.

173                   (ii)   By operation of this section, any lease  
174   executed before August 29, 2005, may, at the option of the lessee,  
175   either remain at the term stated in the original execution of the  
176   lease or be converted to a thirty-year term lease, beginning on  
177   such date after August 29, 2005, that the lessee either resumes or  
178   begins permanent gaming activities as approved by the Mississippi



179 Gaming Commission, and the lessee shall be required to comply with  
180 all other provisions of the lease. Should the lessee choose to  
181 operate in a structure that is not on state public trust tidelands  
182 and that is on property contiguous to state public trust tidelands  
183 leased by the State of Mississippi to the lessee, the lessee shall  
184 be required to comply with all other provisions of the lease with  
185 the State of Mississippi and shall be exempt from the assessment  
186 provided for in paragraph (c) of this subsection. Easements for  
187 and rights-of-way for public streets and highways shall not be  
188 construed to interrupt the contiguous nature of a parcel of  
189 property. In the event that a lessee does not elect either to  
190 remain bound by the original term of the lease with the State of  
191 Mississippi or to convert the lease to a thirty-year term, the  
192 Secretary of State may lease the state public trust tidelands that  
193 are the subject of the lease to any other person or entity.

194 (iii) Leases shall provide for review and rent  
195 adjustments at each annual anniversary tied to the All Urban  
196 Consumer Price Index-All Items (CPI). In the case of the renewal  
197 of a lease after the expiration of the original thirty-year term  
198 under this subsection, each renewal shall be for a term of thirty  
199 (30) years. The base rate to which the CPI shall apply for  
200 purposes of executing the subsequent lease shall be negotiated by  
201 the lessee with the Secretary of State.

202 (c) (i) Except as otherwise provided in this  
203 paragraph, any person possessing a license under the Mississippi



204 Gaming Control Act who does not for a gaming site lease public  
205 trust tidelands from the \* \* \* State of Mississippi by and through  
206 the Secretary of State or a state port, and who operates a gaming  
207 establishment in any of the three (3) most southern counties of  
208 the state, shall pay an annual in-lieu tidelands assessment to the  
209 Public Trust Tidelands Assessments Fund (hereinafter referred to  
210 as "fund") created in Section 29-15-10, in the amount and manner  
211 provided for in this paragraph.

212 For calendar year 2006, the annual in-lieu tidelands  
213 assessment paid by the licensee to the fund shall be:

214 1. Four Hundred Thousand Dollars  
215 (\$400,000.00), if the capital investment in the part of the  
216 structure in which licensed gaming activities are conducted is  
217 Fifty Million Dollars (\$50,000,000.00) or less.

218 2. Four Hundred Fifty Thousand Dollars  
219 (\$450,000.00), if the capital investment in the part of the  
220 structure in which licensed gaming activities are conducted is  
221 equal to or more than Fifty Million Dollars (\$50,000,000.00) but  
222 less than Sixty Million Dollars (\$60,000,000.00).

223 3. Five Hundred Thousand Dollars  
224 (\$500,000.00), if the capital investment in the part of the  
225 structure in which licensed gaming activities are conducted is  
226 equal to or more than Sixty Million Dollars (\$60,000,000.00) but  
227 less than Seventy-five Million Dollars (\$75,000,000.00).





228                   4.   Six Hundred Thousand Dollars  
229   (\$600,000.00), if the capital investment in the part of the  
230   structure in which licensed gaming activities are conducted is  
231   equal to or more than Seventy-five Million Dollars  
232   (\$75,000,000.00) but less than One Hundred Million Dollars  
233   (\$100,000,000.00).

234                   5.   Seven Hundred Thousand Dollars  
235   (\$700,000.00), if the capital investment in the part of the  
236   structure in which licensed gaming activities are conducted is  
237   equal to or more than One Hundred Million Dollars  
238   (\$100,000,000.00) but less than One Hundred Twenty-five Million  
239   Dollars (\$125,000,000.00).

240                   6.   Seven Hundred Fifty Thousand Dollars  
241   (\$750,000.00), if the capital investment in the part of the  
242   structure in which licensed gaming activities are conducted is  
243   equal to or more than One Hundred Twenty-five Million Dollars  
244   (\$125,000,000.00).

245           For each calendar year thereafter, the Secretary of State  
246   shall review and adjust the value of the capital investment and  
247   the annual in-lieu tidelands assessment due. Such review and  
248   adjustment shall be tied to the CPI.

249                   (ii) This paragraph shall not apply to a gaming  
250   licensee if the licensee conducts gaming in a structure that is  
251   located on property that is leased from the Mississippi State Port  
252   at Gulfport or any political subdivision of the state, or to a



253 licensee who conducts gaming in a structure that is located on  
254 property that is leased to the licensee jointly by the State of  
255 Mississippi and the City of Biloxi; however, with regard to  
256 property owned by a political subdivision of the state, this  
257 exception shall only apply to property owned by the political  
258 subdivision on August 29, 2005, if legal gaming could have been  
259 conducted on such property on that date.

260 (iii) This paragraph shall not apply to a gaming  
261 licensee if the licensee conducts gaming in a structure that is  
262 located on property that is not leased from the State of  
263 Mississippi and/or a political subdivision of the State of  
264 Mississippi and is not on state public trust tidelands before  
265 August 29, 2005, and shall not apply to a gaming license if the  
266 licensee or former licensee conducted gaming on \* \* \* contiguous  
267 property through a lease with the State Port at Gulfport before  
268 August 29, 2005.

269 **SECTION 2.** Section 29-15-1, Mississippi Code of 1972, is  
270 amended as follows:

271 29-15-1. (a) "Commission" means the Mississippi Advisory  
272 Commission on Marine Resources.

273 (b) "Local tidal datum" means the datum established for a  
274 specific tide station through the use of tidal observations made  
275 at that station.

276 (c) "Mean high water" means the arithmetic mean of all the  
277 high waters occurring in a particular nineteen-year tidal epoch



278 period; or for a shorter period of time after corrections are  
279 applied to the short term observations to reduce these values to  
280 the equivalent nineteen-year value.

281 (d) "Mean high water line" means the intersection of the  
282 tidal datum plane of mean high water with the shore.

283 (e) "Mean high water survey" means a survey of the  
284 intersection of the shoreline with the tidal datum plane of mean  
285 high water using local tidal datums and surveying methodologies  
286 approved by the commission. Methodologies shall include but not  
287 be limited to the "staking method," "the topographic method" and  
288 "tide coordinated aerial photography."

289 (f) "National map accuracy standards" means a set of  
290 guidelines published by the Office of Management and Budget of the  
291 United States to which maps produced by the United States  
292 government adhere.

293 (g) "Submerged lands" means lands which remain covered by  
294 waters, where the tides ebb and flow, at ordinary low tides.

295 (h) "Tidelands" means those lands which are daily covered  
296 and uncovered by water by the action of the tides, up to the mean  
297 high water line \* \* \* .

298 (i) "Department" means the Mississippi Department of Marine  
299 Resources.

300 (j) "Fastlands" means tidelands and submerged lands  
301 waterward of the historic natural mean high water line but



302 artificially filled such that the area waterward of that line is  
303 above mean high water.

304 (k) "Public Trust Tidelands" means those surface lands,  
305 tidelands, and submerged lands owned by the state and held in  
306 trust for the citizens of the State of Mississippi.

307 (l) "Surface lands" means the same as fastlands.

308 **SECTION 3.** The following shall be codified as Section  
309 29-15-1.1, Mississippi Code of 1972:

310 29-15-1.1. (1) The Legislature passed the Tidelands Act of  
311 1989, codified at Sections 29-1-107 and 29-15-1 et seq., to  
312 provide stability and certainty to the land titles of riparian and  
313 littoral property owners. The Legislature now finds certainty and  
314 stability of the state ownership of Public Trust Tidelands in  
315 trust for all the citizens of the state and the designation of the  
316 Secretary of State as the trustee agent to act in the best  
317 interest of the state in the control, management, administration  
318 and leasing of the Public Trust Tidelands are essential for the  
319 economical and consistent use of the Public Trust Tidelands for  
320 the benefit of all the citizens of the state. Due to a number of  
321 disputes causing harm and expense to the management of the  
322 state-held Public Trust Tidelands, legislative action is required  
323 to provide for the effective and consistent state control and  
324 management of the Public Trust Tidelands to ensure their  
325 sustainability and enjoyment for current and future generations of  
326 state citizens.



327 (2) The Legislature recognizes it serves the best interest  
328 of all citizens of the state, for whom the state holds title to  
329 the Public Trust Tidelands. To balance their preservation and  
330 economic development interests, the Legislature believes the  
331 citizens of our state are best served when Public Trust Tidelands  
332 are controlled, managed, administered, and leased by one (1)  
333 trustee agent acting for the entire state. The Legislature hereby  
334 confirms the state's ownership of the Public Trust Tidelands for  
335 the enjoyment and benefit of its citizens, and that the Secretary  
336 of State, as the Land Commissioner of the State of Mississippi,  
337 should be and is acknowledged as the trustee agent of the state  
338 for the control, management, administration, and leasing of the  
339 Public Trust Tidelands. Further, by confirming the Secretary of  
340 State as the only trustee agent of the Public Trust Tidelands, the  
341 legislature has faith in the Secretary's ability to deal justly  
342 and fairly with all municipalities and counties along the  
343 Mississippi Gulf Coast.

344 **SECTION 4.** The following shall be codified as Section  
345 29-15-2, Mississippi Code of 1972:

346 29-15-2. (1) It is declared that the state held tidelands  
347 subject to the public trust and the boundary between trust lands  
348 and other lands are shown on the Final Public Trust Tidelands Map  
349 and Public Trust Submerged Land Maps, Final December 1994, created  
350 and published pursuant to Section 29-15-7, as modified by any  
351 boundary agreements or court orders.



352 (2) Absent clear, specific and expressed legislative intent  
353 to sever fee simple title of a specific parcel of Public Trust  
354 Tidelands from the state in favor of a specific state agency or  
355 political subdivision, fee simple title remains in the state.

356 (3) It is declared to be the public policy of this state  
357 that all management and administrative control and authority of  
358 all state held Public Trust Tidelands is vested solely in the  
359 Secretary of State as the Land Commissioner and trustee of the  
360 Public Trust Tidelands.

361 (4) Absent clear, specific and expressed legislative intent  
362 to grant management and administrative control and authority,  
363 including leasing authority, of a specific area of Public Trust  
364 Tidelands to a specific state agency or political subdivision, the  
365 Secretary of State is not divested of management and  
366 administrative control and authority, and leasing authority.

367 (5) (a) All proposed uses of Public Trust Tidelands by any  
368 entity, including a private party or a federal, state or local  
369 government, requires review of and approval by the Secretary of  
370 State as the Land Commissioner and trustee of the Public Trust  
371 Tidelands to confirm such use is consistent with the public trust  
372 for which the land are held for the benefit of all citizens of the  
373 state and the public policy as expressed by the Legislature.

374 (b) Any entity, including a private party or a federal,  
375 state or local government agency or authority, shall submit plans  
376 to the Secretary of State concerning use of the Public Trust



377 Tidelands for review and approval, and if necessary, a Public  
378 Trust Tidelands lease, before any activity on the Public Trust  
379 Tidelands.

380 (c) All state agencies, consistent with the legislative  
381 intent of Section 29-15-3 and Section 57-15-6, shall coordinate  
382 with the Secretary of State concerning activities on the Public  
383 Trust Tidelands, and receive approval before conducting or  
384 authorizing activities on the Public Trust Tidelands.

385 (6) (a) All existing and proposed uses of or projects on  
386 Public Trust Tidelands by any commercial activity shall require a  
387 Public Trust Tidelands lease from the state through the Secretary  
388 of State as trustee of the Public Trust Tidelands and shall be  
389 subject to annual rent pursuant to Section 29-1-107.

390 (b) All existing and proposed public uses of or  
391 projects on Public Trust Tidelands by any federal, state or local  
392 governmental entity and which serve a higher public purpose of  
393 promoting the conservation, reclamation and preservation of the  
394 tidelands and submerged lands; public use for boating, boat  
395 launches, piers, small craft harbors and marinas; fishing,  
396 recreation or navigation; or the enhancement of public access to  
397 such lands shall require a Public Trust Tidelands lease from the  
398 state through the Secretary of State as trustee of the Public  
399 Trust Tidelands pursuant to Section 29-1-107 (2) but shall be  
400 exempt from any use, lease, or rental fees pursuant to Section  
401 29-15-13.



402 (7) All uses of Public Trust Tidelands for any gaming  
403 purpose or purpose related to a gaming operation shall require a  
404 Public Trust Tidelands lease from the state through the Secretary  
405 of State as trustee of the Public Trust Tidelands and shall be  
406 subject to annual rent pursuant to Section 29-1-107.

407 (8) All previous or prior statutory provisions which affect  
408 the Public Trust Tidelands shall be construed and interpreted  
409 subject to and consistent with the provisions contained in this  
410 statute.

411 **SECTION 5.** Section 29-15-3, Mississippi Code of 1972, is  
412 amended as follows:

413 29-15-3. (1) It is declared to be the public policy of this  
414 state to favor the preservation of the natural state of the  
415 state's public trust tidelands and their ecosystems and to prevent  
416 the despoliation and destruction of them, except where a specific  
417 alteration of specific public trust tidelands would serve a higher  
418 public interest in compliance with the public purposes of the  
419 public trust in which such tidelands are held.

420 (2) It is hereby declared to be a higher public purpose of  
421 this state and the public tidelands trust to resolve the  
422 uncertainty and disputes which have arisen as to the location of  
423 the boundary between the state's public trust tidelands and the  
424 upland property and to confirm the mean high water boundary line  
425 as determined by the Mississippi Supreme Court, the laws of this  
426 state and this chapter.





427       (3) Absent clear and specific intent by the Legislature to  
428 sever fee simple ownership or to grant management and  
429 administrative control and authority, to include but not limited  
430 to leasing authority, of a specific area of Public Trust Tidelands  
431 to a specific state agency or political subdivision, then fee  
432 simple title, management and administrative control and authority,  
433 and leasing authority to and of the Public Trust Tidelands is in  
434 the State of Mississippi.

435       (4) It is hereby declared that Public Trust Tidelands held  
436 by the state will to be managed and administered by the Secretary  
437 of State as the Land Commissioner and Trustee of the Public Trust  
438 Tidelands.

439       **SECTION 6.** Section 29-15-5, Mississippi Code of 1972, is  
440 amended as follows:

441       29-15-5. (1) Tidelands and submerged lands are held by the  
442 state in trust for use of all the people, and are so held in their  
443 character as the beds and shores of the sea and its tidally  
444 affected arms and tributaries for the purposes defined by common  
445 law and statutory law. Littoral and riparian property owners have  
446 common law and statutory rights under the Coastal Wetlands  
447 Protection Law which extend into the waters and beyond the low  
448 tide line, and the state's responsibilities as trustee extends to  
449 such owners as well as to the other members of the public.

450       (2) Residential property owners shall not be required to  
451 obtain a public trust tidelands lease from the state for



452 exercising their common law and statutory littoral and riparian  
453 rights attached to residential property.

454 (3) All existing and proposed uses of or projects on Public  
455 Trust Tidelands by any commercial activity shall require a Public  
456 Trust Tidelands lease from the state through the Secretary of  
457 State as Trustee of the Public Trust Tidelands and shall be  
458 subject to annual rent pursuant to Section 29-1-107.

459 (4) All existing or proposed public uses of or projects on  
460 any federal, state or local governmental entity, including  
461 counties and municipalities, which serve a higher public purpose  
462 of promoting the conservation, reclamation, preservation of the  
463 tidelands and submerged lands, public use for boating, boat  
464 launches, piers, small craft harbors and marinas, fishing,  
465 recreation or navigation, or the enhancement of public access to  
466 such lands shall require a lease of state Public Trust Tidelands  
467 from the state through the Secretary of State as trustee of the  
468 Public Trust Tidelands pursuant to Section 29-1-107(2).

469 **SECTION 7.** Section 29-15-9, Mississippi Code of 1972, is  
470 amended as follows:

471 29-15-9. (1) There is created in the State Treasury a  
472 special fund to be known as the "Public Trust Tidelands Fund."  
473 The fund shall be administered by the Secretary of State as  
474 trustee.

475 (2) Any funds derived from lease rentals of tidelands and  
476 submerged lands, except those funds derived from mineral leases,



477 or funds previously specifically designated to be applied to other  
478 agencies, shall be transferred to the special fund. \* \* \* Subject  
479 to legislative authorization, funds derived from lease  
480 rentals \* \* \* shall be used to cover the administrative cost,  
481 including legal expenses, incurred by the Secretary of State in  
482 administering the Public Trust Tidelands. Any remaining funds  
483 derived from lease rentals shall then be disbursed pro rata to the  
484 local taxing authorities for the replacement of lost ad valorem  
485 taxes, if any. Then, any remaining funds shall be disbursed to  
486 the \* \* \* Department of Marine Resources for new and extra  
487 programs of tidelands management, such as conservation,  
488 reclamation, preservation, acquisition, education or the  
489 enhancement of public access to the public trust tidelands or  
490 public improvement projects as they relate to those lands.

491 (3) Any funds that are appropriated as separate line items  
492 in an appropriation bill for tideland programs or projects  
493 authorized under this section for political subdivisions or other  
494 agencies shall be disbursed as provided in this subsection.

495 (a) The Department of Marine Resources shall make  
496 progress payments in installments based on the work completed and  
497 material used in the performance of a tidelands project only after  
498 receiving written verification from the political subdivision or  
499 agency. The political subdivision or agency shall submit  
500 verification of the work completed or materials in such detail and  
501 form that the department may require.



502 (b) The Department of Marine Resources shall make funds  
503 available for the purpose of using such funds as a match or  
504 leverage for federal or other funds that are available for the  
505 designated tidelands project.

506 **SECTION 8.** Section 29-15-10, Mississippi Code of 1972, is  
507 amended as follows:

508 29-15-10. (1) There is created in the State Treasury a  
509 special fund to be known as the "Public Trust Tidelands  
510 Assessments Fund." The purpose of the fund is to ensure that  
511 monies derived from the public trust tidelands assessments shall  
512 be used for the benefit of preserving and protecting the tidelands  
513 and submerged lands found within the three (3) most southern  
514 counties of the state. One (1) specific purpose of the fund is to  
515 ensure that the annual payment made by the state for the purchase  
516 of Deer Island shall continue uninterrupted until the purchase  
517 transaction is completed. The fund shall be administered by the  
518 Secretary of State, as trustee. None of the funds that are in the  
519 special fund or that are required to be deposited into the special  
520 fund shall be transferred, diverted or in any other manner  
521 expended or used for any purpose other than those purposes  
522 specified in this section.

523 (2) (a) Any funds derived from assessments made pursuant to  
524 Section 29-1-107(4) (c) shall be deposited into the special fund.

525 (b) Funds paid pursuant to paragraph (a) of this  
526 subsection may be appropriated by the Legislature in an amount



527 necessary to cover the administrative cost incurred by the  
528 Mississippi Advisory Commission on Marine Resources. Any  
529 remaining funds shall be disbursed \* \* \* to the \* \* \* Department of  
530 Marine Resources for new and extra programs of tidelands  
531 management, such as conservation, reclamation, preservation,  
532 acquisition, education or the enhancement of public access to the  
533 public trust tidelands or public improvement projects as they  
534 relate to those lands.

535 (3) Any funds that are appropriated as separate line items  
536 in an appropriation bill for tideland programs or projects  
537 authorized under this section for political subdivisions or other  
538 agencies shall be disbursed as provided in this subsection.

539 (a) The Department of Marine Resources shall make  
540 progress payments in installments based on the work completed and  
541 material used in the performance of a tidelands project only after  
542 receiving written verification from the political subdivision or  
543 agency. The political subdivision or agency shall submit  
544 verification of the work completed or materials in such detail and  
545 form that the department may require.

546 (b) The Department of Marine Resources shall make funds  
547 available for the purpose of using such funds as a match or  
548 leverage for federal or other funds that are available for the  
549 designated tidelands project.

550 **SECTION 9.** Section 29-15-13, Mississippi Code of 1972, is  
551 amended as follows:



552           29-15-13. All existing or proposed public projects of any  
553 federal, state or local governmental entity, including counties  
554 and municipalities, which serve a higher public purpose of  
555 promoting the conservation, reclamation, preservation of the  
556 tidelands and submerged lands, public use for boating, boat  
557 launches, piers, small craft harbors and marinas, fishing,  
558 recreation or navigation, or the enhancement of public access to  
559 such lands shall require a lease of Public Trust Tidelands from  
560 the Secretary of State but shall be exempt from any use, lease or  
561 rental fees.

562           **SECTION 10.** Section 59-15-1, Mississippi Code of 1972, is  
563 amended as follows:

564           59-15-1. The authorities of any city in this state which has  
565 a population of ten thousand (10,000) or more, according to the  
566 last official government census, and the authorities of any  
567 municipality bordering on the Mississippi Sound or Gulf of Mexico  
568 are hereby given the authority to acquire by purchase, deed,  
569 donation, gift, grant, \* \* \* lease, dedication, or otherwise, and  
570 if state-owned Public Trust Tidelands by lease subject to Sections  
571 29-1-107(2) and 29-15-13, such land, harbor sites or water  
572 frontage for the purpose of establishing, developing, promoting,  
573 maintaining, and operating harbors for small water crafts and  
574 recreational parks connected therewith within its territorial  
575 limits, or both, and shall have the power to acquire, purchase,  
576 install, rent, lease, mortgage, incumber, construct, own, hold,



577 maintain, equip, use, control and operate recreational parks and  
578 harbors for small water craft. Any such existing use of state  
579 Public Trust Tidelands shall require a Public Trust Tidelands  
580 lease from the State of Mississippi by and through the Secretary  
581 of State. Any use of state Public Trust Tidelands for gaming as  
582 contemplated by Section 27-1-107(4) shall require a direct lease  
583 of the Public Trust Tidelands from the State of Mississippi by and  
584 through the Secretary of State and such lease may be conditioned  
585 upon the licensee obtaining such other necessary and required  
586 approvals.

587       **SECTION 11.** Section 21-17-1, Mississippi Code of 1972, is  
588 brought forward as follows:

589       21-17-1. (1) Every municipality of this state shall be a  
590 municipal corporation and shall have power to sue and be sued; to  
591 purchase and hold real estate, either within or without the  
592 corporate limits, for all proper municipal purposes, including  
593 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
594 waterworks, electric lights, sewers and other proper municipal  
595 purposes; to purchase and hold personal property for all proper  
596 municipal purposes; to sell or dispose of personal property or  
597 real property owned by it consistent with Section 17-25-25; to  
598 acquire equipment and machinery by lease-purchase agreement and to  
599 pay interest thereon, if contracted, when needed for proper  
600 municipal purposes; and to sell and convey any real property owned  
601 by it, and make such order respecting the same as may be deemed



602 conducive to the best interest of the municipality, and exercise  
603 jurisdiction over the same.

604 (2) (a) In case any of the real property belonging to a  
605 municipality shall cease to be used for municipal purposes, the  
606 governing authority of the municipality may sell, convey or lease  
607 the same on such terms as the municipal authority may elect. In  
608 case of a sale on a credit, the municipality shall charge  
609 appropriate interest as contracted and shall have a lien on the  
610 same for the purchase money, as against all persons, until paid  
611 and may enforce the lien as in such cases provided by law. The  
612 deed of conveyance in such cases shall be executed in the name of  
613 the municipality by the governing authority of the municipality  
614 pursuant to an order entered on the minutes. In any sale or  
615 conveyance of real property, the municipality shall retain all  
616 mineral rights that it owns, together with the right of ingress  
617 and egress to remove same. Except as otherwise provided in this  
618 section, before any such lease, deed or conveyance is executed,  
619 the governing authority of the municipality shall publish at least  
620 once each week for three (3) consecutive weeks, in a public  
621 newspaper of the municipality in which the real property is  
622 located, or if no newspaper be published as such, then in a  
623 newspaper having general circulation therein, the intention to  
624 lease or sell, as the case may be, the municipally owned real  
625 property and to accept sealed competitive bids for the leasing or  
626 sale. The governing authority of the municipality shall





627 thereafter accept bids for the lease or sale and shall award the  
628 lease or sale to the highest bidder in the manner provided by law.  
629 However, whenever the governing authority of the municipality  
630 shall find and determine, by resolution duly and lawfully adopted  
631 and spread upon its minutes (i) that any municipally owned real  
632 property is no longer needed for municipal or related purposes and  
633 is not to be used in the operation of the municipality, (ii) that  
634 the sale of such property in the manner otherwise provided by law  
635 is not necessary or desirable for the financial welfare of the  
636 municipality, and (iii) that the use of such property for the  
637 purpose for which it is to be sold, conveyed or leased will  
638 promote and foster the development and improvement of the  
639 community in which it is located and the civic, social,  
640 educational, cultural, moral, economic or industrial welfare  
641 thereof, the governing authority of the municipality shall be  
642 authorized and empowered, in its discretion, to sell, convey or  
643 lease same for any of the purposes set forth herein without having  
644 to advertise for and accept competitive bids.

645 (b) In any case in which a municipality proposes to  
646 sell, convey or lease real property under the provisions of this  
647 subsection (2) without advertising for and accepting competitive  
648 bids, the governing authority may sell, convey or lease the  
649 property as follows:

650 (i) Consideration for the purchase, conveyance or  
651 lease of the property shall be not less than the average of the



652 fair market price for such property as determined by at least two  
653 (2) professional property appraisers selected by the municipality  
654 and approved by the purchaser or lessee. Appraisal fees shall be  
655 shared equally by the municipality and the purchaser or lessee;

656 (ii) The governing authority of a municipality may  
657 contract for the professional services of a Mississippi licensed  
658 real estate broker to assist the municipality in the marketing and  
659 sale or lease of the property, and may provide the broker  
660 reasonable compensation for services rendered to be paid from the  
661 sale or lease proceeds. The reasonable compensation shall not  
662 exceed the usual and customary compensation for similar services  
663 within the municipality; or

664 (iii) The governing authority of a municipality  
665 may lease property of less than one thousand five hundred (1,500)  
666 square feet to any person or legal entity by having two (2)  
667 appraisals establish the fair market value of the lease, and on  
668 such other terms and conditions as the parties may agree, such  
669 lease being lawfully adopted and spread upon its official minutes.

670 (3) Whenever the governing authority of the municipality  
671 shall find and determine by resolution duly and lawfully adopted  
672 and spread upon the minutes that municipally owned real property  
673 is not used for municipal purposes and therefore surplus as set  
674 forth in subsection (2) of this section:

675 (a) (i) Except as otherwise provided in subparagraph  
676 (ii) of this paragraph (a), the governing authority may donate



677 such lands to a bona fide not-for-profit civic or eleemosynary  
678 corporation organized and existing under the laws of the State of  
679 Mississippi and granted tax-exempt status by the Internal Revenue  
680 Service and may donate such lands and necessary funds related  
681 thereto to the public school district in which the land is  
682 situated for the purposes set forth herein. Any deed or  
683 conveyance executed pursuant hereto shall contain a clause of  
684 reverter providing that the bona fide not-for-profit corporation  
685 or public school district may hold title to such lands only so  
686 long as they are continued to be used for the civic, social,  
687 educational, cultural, moral, economic or industrial welfare of  
688 the community, and that title shall revert to the municipality in  
689 the event of the cessation of such use for a period of two (2)  
690 years. In any such deed or conveyance, the municipality shall  
691 retain all mineral rights that it owns, together with the right of  
692 ingress and egress to remove same;

693 (ii) If the governing authority of a municipality  
694 with a total population of greater than forty thousand (40,000)  
695 but not more than forty-two thousand five hundred (42,500)  
696 according to the 2010 federal decennial census, donates real  
697 property to a bona fide not-for-profit civic or eleemosynary  
698 corporation and such civic or eleemosynary corporation commits Two  
699 Million Dollars (\$2,000,000.00) to renovate or make capital  
700 improvements to the property by an agreement between a certain  
701 state institution of higher learning and the civic or eleemosynary



702 corporation, then the clause of reverter required by this  
703 paragraph shall provide that title of such real property shall  
704 revert 1. to the bona fide not-for-profit civic or eleemosynary  
705 corporation, if a certain state institution of higher learning  
706 ceases to use the property for the purposes required by this  
707 paragraph (a) for donated lands, or 2. to the municipality, if a  
708 certain state institution of higher learning ceases to use the  
709 property for the purposes required by this paragraph (a) and the  
710 not-for-profit civic or eleemosynary corporation or its successor  
711 ceases to exist;

712 (b) (i) The governing authority may donate such lands  
713 to a bona fide not-for-profit corporation (such as Habitat for  
714 Humanity) which is primarily engaged in the construction of  
715 housing for persons who otherwise can afford to live only in  
716 substandard housing. In any such deed or conveyance, the  
717 municipality shall retain all mineral rights that it owns,  
718 together with the right of ingress and egress to remove same;

719 (ii) In the event the governing authority does not  
720 wish to donate title to such lands to the bona fide not-for-profit  
721 civic or eleemosynary corporation, but wishes to retain title to  
722 the lands, the governing authority may lease the lands to a bona  
723 fide not-for-profit corporation described in paragraph (a) or this  
724 paragraph (b) for less than fair market value;

725 (c) The governing authority may donate any municipally  
726 owned lot measuring twenty-five (25) feet or less along the



727 frontage line as follows: the governing authority may cause the  
728 lot to be divided in half along a line running generally  
729 perpendicular to the frontage line and may convey each one-half  
730 (1/2) of that lot to the owners of the parcels laterally adjoining  
731 the municipally owned lot. All costs associated with a conveyance  
732 under this paragraph (c) shall be paid by the person or entity to  
733 whom the conveyance is made. In any such deed or instrument of  
734 conveyance, the municipality shall retain all mineral rights that  
735 it owns, together with the right of ingress and egress to remove  
736 same;

737 (d) Nothing contained in this subsection (3) shall be  
738 construed to prohibit, restrict or to prescribe conditions with  
739 regard to the authority granted under Section 17-25-3.

740 (4) Every municipality shall also be authorized and  
741 empowered to loan to private persons or entities, whether  
742 organized for profit or nonprofit, funds received from the United  
743 States Department of Housing and Urban Development (HUD) under an  
744 urban development action grant or a community development block  
745 grant under the Housing and Community Development Act of 1974  
746 (Public Law 93-383), as amended, and to charge interest thereon if  
747 contracted, provided that no such loan shall include any funds  
748 from any revenues other than the funds from the United States  
749 Department of Housing and Urban Development; to make all contracts  
750 and do all other acts in relation to the property and affairs of  
751 the municipality necessary to the exercise of its governmental,



752 corporate and administrative powers; and to exercise such other or  
753 further powers as are otherwise conferred by law.

754 (5) (a) The governing authority of any municipality may  
755 establish an employer-assisted housing program to provide funds to  
756 eligible employees to be used toward the purchase of a home. This  
757 assistance may be applied toward the down payment, closing costs  
758 or any other fees or costs associated with the purchase of a home.  
759 The housing assistance may be in the form of a grant, forgivable  
760 loan or repayable loan. The governing authority of a municipality  
761 may contract with one or more public or private entities to  
762 provide assistance in implementing and administering the program  
763 and shall adopt rules and regulations regarding the eligibility of  
764 a municipality for the program and for the implementation and  
765 administration of the program. However, no general funds of a  
766 municipality may be used for a grant or loan under the program.

767 (b) Participation in the program established under this  
768 subsection (5) shall be available to any eligible municipal  
769 employee as determined by the governing authority of the  
770 municipality. Any person who receives financial assistance under  
771 the program must purchase a house and reside within certain  
772 geographic boundaries as determined by the governing authority of  
773 the municipality.

774 (c) If the assistance authorized under this subsection  
775 (5) is structured as a forgivable loan, the participating employee  
776 must remain as an employee of the municipality for an agreed upon



777 period of time, as determined by the rules and regulations adopted  
778 by the governing authority of the municipality, in order to have  
779 the loan forgiven. The forgiveness structure, amount of  
780 assistance and repayment terms shall be determined by the  
781 governing authority of the municipality.

782 (6) The governing authority of any municipality may contract  
783 with a private attorney or private collection agent or agency to  
784 collect any type of delinquent payment owed to the municipality,  
785 including, but not limited to, past-due fees, fines and other  
786 assessments, or with the district attorney of the circuit court  
787 district in which the municipality is located to collect any  
788 delinquent fees, fines and other assessments. Any such contract  
789 debt may provide for payment contingent upon successful collection  
790 efforts or payment based upon a percentage of the delinquent  
791 amount collected; however, the entire amount of all delinquent  
792 payments collected shall be remitted to the municipality and shall  
793 not be reduced by any collection costs or fees. Any private  
794 attorney or private collection agent or agency contracting with  
795 the municipality under the provisions of this subsection shall  
796 give bond or other surety payable to the municipality in such  
797 amount as the governing authority of the municipality deems  
798 sufficient. Any private attorney with whom the municipality  
799 contracts under the provisions of this subsection must be a member  
800 in good standing of The Mississippi Bar. Any private collection  
801 agent or agency with whom the municipality contracts under the



802 provisions of this subsection must meet all licensing requirements  
803 for doing business in the State of Mississippi. Neither the  
804 municipality nor any officer or employee of the municipality shall  
805 be liable, civilly or criminally, for any wrongful or unlawful act  
806 or omission of any person or business with whom the municipality  
807 has contracted under the provisions of this subsection. The  
808 Mississippi Department of Audit shall establish rules and  
809 regulations for use by municipalities in contracting with persons  
810 or businesses under the provisions of this subsection. If a  
811 municipality uses its own employees to collect any type of  
812 delinquent payment owed to the municipality, then from and after  
813 July 1, 2000, the municipality may charge an additional fee for  
814 collection of the delinquent payment provided the payment has been  
815 delinquent for ninety (90) days. The collection fee may not  
816 exceed twenty-five percent (25%) of the delinquent payment if the  
817 collection is made within this state and may not exceed fifty  
818 percent (50%) of the delinquent payment if the collection is made  
819 outside this state. In conducting collection of delinquent  
820 payments, the municipality may utilize credit cards or electronic  
821 fund transfers. The municipality may pay any service fees for the  
822 use of such methods of collection from the collection fee, but not  
823 from the delinquent payment. There shall be due to the  
824 municipality from any person whose delinquent payment is collected  
825 under a contract executed as provided in this subsection an  
826 amount, in addition to the delinquent payment, of not to exceed





827 twenty-five percent (25%) of the delinquent payment for  
828 collections made within this state, and not to exceed fifty  
829 percent (50%) of the delinquent payment for collections made  
830 outside of this state.

831 (7) In addition to such authority as is otherwise granted  
832 under this section, the governing authority of any municipality  
833 may expend funds necessary to maintain and repair, and to purchase  
834 liability insurance, tags and decals for, any personal property  
835 acquired under the Federal Excess Personal Property Program that  
836 is used by the local volunteer fire department.

837 (8) In addition to the authority to expend matching funds  
838 under Section 21-19-65, the governing authority of any  
839 municipality, in its discretion, may expend municipal funds to  
840 match any state, federal or private funding for any program  
841 administered by the State of Mississippi, the United States  
842 government or any nonprofit organization that is exempt under 26  
843 USCS Section 501(c) (3) from paying federal income tax.

844 (9) The governing authority of any municipality that owns  
845 and operates a gas distribution system, as defined in Section  
846 21-27-11(b), and the governing authority of any public natural gas  
847 district are authorized to contract for the purchase of the supply  
848 of natural gas for a term of up to ten (10) years with any public  
849 nonprofit corporation which is organized under the laws of this  
850 state or any other state.



851           (10) The governing authority of any municipality may perform  
852 and exercise any duty, responsibility or function, may enter into  
853 agreements and contracts, may provide and deliver any services or  
854 assistance, and may receive, expend and administer any grants,  
855 gifts, matching funds, loans or other monies, in accordance with  
856 and as may be authorized by any federal law, rule or regulation  
857 creating, establishing or providing for any program, activity or  
858 service. The provisions of this subsection shall not be construed  
859 as authorizing any municipality or the governing authority of such  
860 municipality to perform any function or activity that is  
861 specifically prohibited under the laws of this state or as  
862 granting any authority in addition to or in conflict with the  
863 provisions of any federal law, rule or regulation.

864           (11) (a) In addition to such authority as is otherwise  
865 granted under this section, the governing authority of a  
866 municipality, in its discretion, may sell, lease, donate or  
867 otherwise convey property to any person or legal entity without  
868 public notice, without having to advertise for and accept  
869 competitive bids and without appraisal, with or without  
870 consideration, and on such terms and conditions as the parties may  
871 agree if the governing authority finds and determines, by  
872 resolution duly and lawfully adopted and spread upon its official  
873 minutes:

874                           (i) The subject property is real property acquired  
875 by the municipality:



876                           1. By reason of a tax sale;

877                           2. Because the property was abandoned or

878 blighted; or

879                           3. In a proceeding to satisfy a municipal

880 lien against the property;

881                           (ii) The subject property is blighted and is

882 located in a blighted area;

883                           (iii) The subject property is not needed for

884 governmental or related purposes and is not to be used in the

885 operation of the municipality;

886                           (iv) That the sale of the property in the manner

887 otherwise provided by law is not necessary or desirable for the

888 financial welfare of the municipality; and

889                           (v) That the use of the property for the purpose

890 for which it is to be conveyed will promote and foster the

891 development and improvement of the community in which it is

892 located or the civic, social, educational, cultural, moral,

893 economic or industrial welfare thereof; the purpose for which the

894 property is conveyed shall be stated.

895                           (b) Any deed or instrument of conveyance executed

896 pursuant to the authority granted under this subsection shall

897 contain a clause of reverter providing that title to the property

898 will revert to the municipality if the person or entity to whom

899 the property is conveyed does not fulfill the purpose for which



900 the property was conveyed and satisfy all conditions imposed on  
901 the conveyance within two (2) years of the date of the conveyance.

902 (c) In any such deed or instrument of conveyance, the  
903 municipality shall retain all mineral rights that it owns,  
904 together with the right of ingress and egress to remove same.

905 (12) The governing authority of any municipality may enter  
906 into agreements and contracts with any housing authority, as  
907 defined in Section 43-33-1, to provide extra police protection in  
908 exchange for the payment of compensation or a fee to the  
909 municipality.

910 (13) The governing authority of any municipality may  
911 reimburse the cost of an insured's deductible for an automobile  
912 insurance coverage claim if the claim has been paid for damages to  
913 the insured's property arising from the negligence of a duly  
914 authorized officer, agent, servant, attorney or employee of the  
915 municipality in the performance of his or her official duties, and  
916 the officer, agent, servant, attorney or employee owning or  
917 operating the motor vehicle is protected by immunity under the  
918 Mississippi Tort Claims Act, Section 11-46-1 et seq.

919 (14) The powers conferred by this section shall be in  
920 addition and supplemental to the powers conferred by any other  
921 law, and nothing contained in this section shall be construed to  
922 prohibit, or to prescribe conditions concerning, any practice or  
923 practices authorized under any other law.



924           **SECTION 12.** Section 57-7-1, Mississippi Code of 1972, is  
925 brought forward as follows:

926           57-7-1. In the event that any municipality, county,  
927 supervisors district, municipal airport authority, regional  
928 airport authority or other governmental subdivision shall have  
929 surplus airport land or other lands which are not needed for  
930 airport purposes or for other governmental purposes, then such  
931 property so designated and described may be set aside and improved  
932 for industrial and commercial purposes and the same may thereafter  
933 be operated or the same may be leased or sold upon such terms and  
934 conditions as a municipality, county, municipal airport authority,  
935 regional airport authority or governmental subdivision shall  
936 prescribe.

937           In order to provide for the improvement of such property for  
938 industrial and commercial purposes, the municipality or other  
939 authority shall be authorized to provide all necessary utilities  
940 therefor and to lay out, construct and/or improve and hard-surface  
941 roadways, streets, driveways and access roads, railroads and spur  
942 tracks, and provide for the grading, drainage, sewer, lights and  
943 water, and all other necessary or proper utilities as may be  
944 necessary or proper to make such land desirable or useful as a  
945 site or sites for industrial and commercial enterprises. The cost  
946 and expense of such improvements to said real estate shall be paid  
947 for from funds made available from the lease or sale of such lands  
948 to the extent such funds are available.



949           **SECTION 13.** Section 97-33-1, Mississippi Code of 1972, is  
950 brought forward as follows:

951           97-33-1. Except as otherwise provided in Section 97-33-8, if  
952 any person shall encourage, promote or play at any game, play or  
953 amusement, other than a fight or fighting match between dogs, for  
954 money or other valuable thing, or shall wager or bet, promote or  
955 encourage the wagering or betting of any money or other valuable  
956 things, upon any game, play, amusement, cockfight, Indian ball  
957 play or duel, other than a fight or fighting match between dogs,  
958 or upon the result of any election, event or contingency whatever,  
959 upon conviction thereof, he shall be fined in a sum not more than  
960 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
961 immediately paid, shall be imprisoned for any period not more than  
962 ninety (90) days. However, this section shall not apply to  
963 betting, gaming or wagering:

964           (a) On a cruise vessel as defined in Section 27-109-1  
965 whenever such vessel is in the waters within the State of  
966 Mississippi, which lie adjacent to the State of Mississippi south  
967 of the three (3) most southern counties in the State of  
968 Mississippi, including the Mississippi Sound, St. Louis Bay,  
969 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
970 of the county in which the port is located have not voted to  
971 prohibit such betting, gaming or wagering on cruise vessels as  
972 provided in Section 19-3-79;



973           (b) In a structure located, in whole or in part, on  
974 shore in any of the three (3) most southern counties in the State  
975 of Mississippi in which the registered voters of the county have  
976 voted to allow such betting, gaming or wagering on cruise vessels  
977 as provided in Section 19-3-79, if:

978           (i) The structure is owned, leased or controlled  
979 by a person possessing a gaming license, as defined in Section  
980 75-76-5, to conduct legal gaming on a cruise vessel under  
981 paragraph (a) of this section;

982           (ii) The part of the structure in which licensed  
983 gaming activities are conducted is located entirely in an area  
984 which is located no more than eight hundred (800) feet from the  
985 mean high-water line (as defined in Section 29-15-1) of the waters  
986 within the State of Mississippi, which lie adjacent to the State  
987 of Mississippi south of the three (3) most southern counties in  
988 the State of Mississippi, including the Mississippi Sound, St.  
989 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
990 Harrison County only, no farther north than the southern boundary  
991 of the right-of-way for U.S. Highway 90, whichever is greater; and

992           (iii) In the case of a structure that is located  
993 in whole or part on shore, the part of the structure in which  
994 licensed gaming activities are conducted shall lie adjacent to  
995 state waters south of the three (3) most southern counties in the  
996 State of Mississippi, including the Mississippi Sound, St. Louis  
997 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the



998 structure is located consists of a parcel of real property,  
999 easements and rights-of-way for public streets and highways shall  
1000 not be construed to interrupt the contiguous nature of the parcel,  
1001 nor shall the footage contained within the easements and  
1002 rights-of-way be counted in the calculation of the distances  
1003 specified in subparagraph (ii);

1004 (c) On a vessel as defined in Section 27-109-1 whenever  
1005 such vessel is on the Mississippi River or navigable waters within  
1006 any county bordering on the Mississippi River, and in which the  
1007 registered voters of the county in which the port is located have  
1008 not voted to prohibit such betting, gaming or wagering on vessels  
1009 as provided in Section 19-3-79; or

1010 (d) That is legal under the laws of the State of  
1011 Mississippi.

1012 **SECTION 14.** Section 59-7-405, Mississippi Code of 1972, is  
1013 brought forward as follows:

1014 59-7-405. (1) (a) The governing authorities of any  
1015 municipality in which there is situated and located, in whole or  
1016 in part, a port or harbor through which commerce flows, and having  
1017 not less than eight (8) industries engaged in the seafood  
1018 industry, which maintains a channel and/or harbor to a depth of  
1019 not less than eight (8) feet, may engage in, either directly or  
1020 through the commission hereinafter provided and designated, and  
1021 such other agencies as hereafter may be provided by law, works of  
1022 internal improvement, or promoting, developing, constructing,





1023 maintaining and operating harbors or seaports within the state and  
1024 its jurisdiction, and either directly or through the commission  
1025 hereinafter provided for, with the power and authority to acquire,  
1026 purchase, install, rent, lease, mortgage and/or otherwise  
1027 encumber, to construct, own, hold, maintain, equip, use, control  
1028 and operate at seaports or harbors, wharves, piers, docks,  
1029 warehouses, cold storage facilities, water and rail terminals,  
1030 airplane landing fields and strips, and other structures and  
1031 facilities, needful for the convenient use of the same in the aid  
1032 of commerce and navigation, and including the dredging of channels  
1033 and approaches to the facilities, and being authorized to fill in  
1034 and reclaim bottomlands where incidental and necessary to the  
1035 foregoing development.

1036 (b) A municipality, which is operating a port through a  
1037 port commission under this section, may dissolve the port  
1038 commission as provided in Section 59-7-408 and directly operate  
1039 and maintain the port as provided under this article.

1040 (2) The municipal authorities or commission, in connection  
1041 with the exercise of the foregoing works of improvement and  
1042 development, may as an adjunct to any such work of improvement or  
1043 development to erect or construct such bridges, causeways or  
1044 structures as may be required for access to and from the harbors  
1045 or facilities provided as aforesaid by the municipal authorities  
1046 or the commission, and including any necessary bridge or causeway  
1047 or combination of the same, connecting with any island or islands



1048 lying within three (3) leagues of the main shoreline of the  
1049 Mississippi Sound or the Gulf of Mexico, and whether the same be  
1050 within or without the limits of the municipality concerned.

1051 (3) The municipal authorities or commission may procure, by  
1052 gift, grant, purchase, or by the exercise of eminent domain, and  
1053 for the public purposes and uses herein provided for, such land or  
1054 interest therein as may be required for the purposes of this  
1055 article, and regardless of whether the land be within or without  
1056 the limits of the municipality involved.

1057 (4) The municipal authorities or commission, in the exercise  
1058 of the powers granted hereunder, may provide any of the aforesaid  
1059 facilities alone or in collaboration and in conjunction with any  
1060 other public bodies, entities or commissions, as may now or  
1061 hereafter be established by law.

1062 (5) The municipal authorities or commission may provide,  
1063 among other harbor facilities, small craft and pleasure craft  
1064 harbors and facilities needed therefor, including park and  
1065 recreational facilities as an adjunct thereto, and in order to  
1066 develop and promote tourist and recreational trade in the port.

1067 (6) The municipal authorities or commission have the power  
1068 and authority to carry out the provisions of this article, to  
1069 employ engineers, attorneys, and such employees as may be  
1070 necessary in carrying out the provisions of this article, from  
1071 time to time, and for the purpose of operating the facilities



1072 herein provided for, and may prescribe reasonable compensation in  
1073 connection with such employment.

1074         **SECTION 15.** Section 7-11-11, Mississippi Code of 1972, is  
1075 brought forward as follows:

1076             7-11-11. The Secretary of State shall have charge of the  
1077 swamp and the overflowed lands and indemnity lands in lieu  
1078 thereof, the internal improvement lands, the lands forfeited to  
1079 the state for nonpayment of taxes after the time allowed by law  
1080 for redemption shall have expired, and of all other public lands  
1081 belonging to or under the control of the state. The regulation,  
1082 sale and disposition of all such lands shall be made through the  
1083 Secretary of State's office.

1084             The Secretary of State shall sign all conveyances and leases  
1085 of any and all state-owned lands and shall record same in a book  
1086 kept in his office for such purposes.

1087         **SECTION 16.** Section 29-15-7, Mississippi Code of 1972, is  
1088 brought forward as follows:

1089             29-15-7. (1) The Secretary of State, in cooperation with  
1090 other state agencies, shall prepare a Preliminary Map of Public  
1091 Trust Tidelands. The preliminary map shall depict the boundary as  
1092 the current mean high water line where shoreline is undeveloped  
1093 and in developed areas or where there have been encroachments,  
1094 such maps shall depict the boundary as the determinable mean high  
1095 water line nearest the effective date of the Coastal Wetlands  
1096 Protection Act.



1097           (2) The state recognizes that the boundary of the public  
1098 trust tidelands is ambulatory and that the natural inland  
1099 expansion of tide waters over land not previously subject to the  
1100 ebb and flow of the tide increases the land subject to the public  
1101 trust, while natural accretion, the gradual and imperceptible  
1102 accumulation of land by natural causes, and natural reliction, the  
1103 increase of land by permanent withdrawal or retrocession of tidal  
1104 waters by natural causes, diminish the land subject to the public  
1105 trust and increase the property owned by the contiguous upland  
1106 owner. Likewise, the state recognizes the common law doctrine as  
1107 it pertains to such tidelands, submerged lands and riparian and  
1108 littoral rights and declares such to be the law of this state.

1109           (3) The preliminary map shall be transmitted to each of the  
1110 chancery clerks of the coastal counties, and each chancery clerk  
1111 shall post such map in a public place in his office. The  
1112 Secretary of State shall also cause to be published in a newspaper  
1113 of general circulation within each coastal county a notice  
1114 announcing that a copy of the Preliminary Map of Public Trust  
1115 Tidelands is available for public inspection at the office of the  
1116 chancery clerk of that county, and shall post a similar notice in  
1117 at least three (3) public places in each coastal county in this  
1118 state. The preliminary map shall also be open to public  
1119 inspection at the office of the Secretary of State.

1120           (4) The Secretary of State shall allow sixty (60) days after  
1121 publication of the preliminary map for submission of comments



1122 and/or additional documentation and may, at his discretion, revise  
1123 the map accordingly. Within twenty (20) days of the completion of  
1124 the period for submission of comments, the Secretary of State  
1125 shall have incorporated any revisions to the Preliminary Map of  
1126 Public Trust Tidelands and certify its final adoption. The  
1127 certified map as finally adopted shall be published as provided  
1128 hereinabove. The final certified map shall be duly recorded in  
1129 the land records of the chancery clerks office in Hancock,  
1130 Harrison and Jackson Counties. Upon recordation, the certified  
1131 map shall be final to those properties not subject to the trust.  
1132 The Secretary of State shall issue to all consenting property  
1133 owners a certificate stating that the described property does not  
1134 lie within the boundary of the public trust tidelands and is not  
1135 subject to the trust. The Secretary of State shall duly file such  
1136 certificates with the proper chancery clerks office for  
1137 recordation. In addition, the certified map shall be placed in  
1138 the Secretary of State's permanent register which shall be open to  
1139 public inspection. Within one hundred twenty (120) days of final  
1140 adoption of the certified map, the Secretary of State shall  
1141 determine those property owners whose lands are subject of the  
1142 public trust and are in violation of such trust. The Secretary of  
1143 State shall notify all such owners by certified mail and shall  
1144 include an explanation of the procedure available to the occupant  
1145 to resolve any dispute with respect to this map. The notice shall  
1146 also inform occupants that after three (3) years the boundary as



1147 set forth in the certified map shall become final unless the  
1148 occupant has submitted a contrary claim to the office of the  
1149 Secretary of State. Such property owner shall have six (6) months  
1150 to negotiate and settle differences with the Secretary of State.  
1151 The Secretary of State may allow extensions at his discretion. A  
1152 boundary determination shall be final upon agreement of the  
1153 Secretary of State and the owner and an instrument setting forth  
1154 the boundary agreement shall be duly executed and recorded in the  
1155 chancery court where the property is located. Any such boundary  
1156 agreement shall be binding on the state and other parties thereto.

1157 (5) If any dispute as to the location of the boundary of the  
1158 public trust cannot be negotiated and settled between the affected  
1159 property owners and the Secretary of State within six (6) months  
1160 after notice by the state of its claim, either the state or a  
1161 person claiming an interest in the property may apply to the  
1162 chancery court of the county in which the property is located for  
1163 a resolution of the dispute and a determination of the location of  
1164 the boundary. All persons having an interest in the property  
1165 subject to the dispute shall be made a party to such proceeding.  
1166 In any such action, the state shall have the burden of proof by a  
1167 preponderance of evidence that any such land is subject to the  
1168 trust.

1169 (6) Nothing in this section is intended to preclude any  
1170 party from pursuing remedies otherwise available at law, including  
1171 but not limited to those provided in Sections 11-17-1 et seq.,



1172 except that if no action is taken by the occupant within three (3)  
1173 years of receipt of notice as described above, the boundary as  
1174 determined by the certified map shall become final.

1175         **SECTION 17.** Section 29-15-11, Mississippi Code of 1972, is  
1176 brought forward as follows:

1177             29-15-11. Upon the proper authorized leasing of any state  
1178 public trust tidelands, or submerged lands, the lessee shall be  
1179 responsible for any county or municipal tax levy upon the  
1180 leasehold interest.

1181         **SECTION 18.** Section 29-15-15, Mississippi Code of 1972, is  
1182 brought forward as follows:

1183             29-15-15. The Legislature hereby declares that accurate maps  
1184 of coastal areas are required for many public purposes, and a  
1185 state public trust tidelands mapping program establishing uniform  
1186 standards and procedures is declared to be in the public interest.

1187         **SECTION 19.** Section 29-15-17, Mississippi Code of 1972, is  
1188 brought forward as follows:

1189             29-15-17. (1) After the preparation and publication of the  
1190 certified preliminary map, as finally adopted and provided for in  
1191 Section 29-15-7, the commission is authorized and directed to  
1192 conduct a comprehensive program of public trust tidelands boundary  
1193 mapping with the object of providing accurate surveys of such  
1194 lands of the state.



1195           (2) In addition to other such powers as may be specifically  
1196 delegated to it, the commission is authorized to perform the  
1197 following functions:

1198           (a) To coordinate the efforts of all public and private  
1199 agencies and organizations engaged in the making of tidal surveys  
1200 and maps of the coastal areas of this state, with the object of  
1201 avoiding unnecessary duplication and overlapping;

1202           (b) To serve as a coordinating state agency for any  
1203 program of tidal surveying and mapping conducted by the federal  
1204 government;

1205           (c) To assist any court, tribunal, administrative  
1206 agency or political subdivision, and to make available to them  
1207 information regarding tidal surveying and coastal boundary  
1208 determinations;

1209           (d) To contract with federal, state or local agencies  
1210 or with private parties for the performance of any surveys,  
1211 studies, investigations or mapping activities, for preparation and  
1212 publication of the results thereof, or for other authorized  
1213 functions relating to the objectives of this part;

1214           (e) To develop permanent records of tidal surveys and  
1215 maps of the state's coastal areas;

1216           (f) To develop uniform specifications and regulations  
1217 for tidal surveying and mapping coastal areas of the state;

1218           (g) To collect and preserve appropriate survey data  
1219 from coastal areas; and





1220 (h) To act as a public repository for copies of coastal  
1221 area maps and to establish a library of such maps and charts.

1222 **SECTION 20.** Section 29-15-19, Mississippi Code of 1972, is  
1223 brought forward as follows:

1224 29-15-19. All maps produced under this program shall conform  
1225 at least to minimal national map accuracy standards.

1226 **SECTION 21.** Section 29-15-21, Mississippi Code of 1972, is  
1227 brought forward as follows:

1228 29-15-21. The establishment of local tidal datums and the  
1229 determination of the location of the mean high water line or the  
1230 mean low water line, whether by federal, state or local agencies  
1231 or private parties, shall be made in accordance with the standards  
1232 and procedures set forth in this chapter, and in accordance with  
1233 supplementary regulations promulgated by the commission.

1234 **SECTION 22.** Section 29-15-23, Mississippi Code of 1972, is  
1235 brought forward as follows:

1236 29-15-23. (1) The establishment of local tidal datums and  
1237 the determination of the location of the mean high water line or  
1238 the mean low water line shall be performed by qualified personnel  
1239 licensed by the Board of Professional Land Surveyors or by  
1240 representatives of the United States Government when approved by  
1241 the commission.

1242 (2) The location of the mean high water line or the mean low  
1243 water line shall be determined by methods which are approved by  
1244 the commission for the area concerned.



1245           **SECTION 23.** Section 59-15-3, Mississippi Code of 1972, is  
1246 brought forward as follows:

1247           59-15-3. All improvements and facilities constructed  
1248 pursuant to this chapter shall be maintained and operated under  
1249 the control of the city authorities. The city authorities of such  
1250 city, or cities, shall, subject to and in accordance with any  
1251 agreement, or agreements, as may be made by any such city with the  
1252 purchaser, or purchasers, of bonds or other obligations issued  
1253 pursuant to this chapter, prescribe, levy and collect all rent,  
1254 fees, tolls, revenues, privileges, commissions, and other charges  
1255 in connection with the operation, use and occupancy of the  
1256 aforesaid improvements and facilities, and shall pay over all net  
1257 revenues derived from the operation of said improvements and  
1258 facilities to any trustee or successor thereto designated as  
1259 hereinafter in this chapter provided. The net revenues shall be  
1260 deemed to be such as may be defined in any agreement, or  
1261 agreements, entered into between any such city, and the purchaser,  
1262 or purchasers, of any bonds or other obligations issued pursuant  
1263 to this chapter. The authorities of any such city, or cities,  
1264 shall make a financial report to the said trustee annually of the  
1265 operation of the aforesaid improvements and facilities.

1266           **SECTION 24.** Section 59-15-5, Mississippi Code of 1972, is  
1267 brought forward as follows:

1268           59-15-5. In connection with the issuance of bonds or other  
1269 obligations by any municipality pursuant to this chapter or in



1270 order to secure the payment of said bonds or other obligations,  
1271 such municipality shall have power:

1272 (a) To accept grants from the United States of America,  
1273 the President of the United States, or such agencies,  
1274 instrumentalities or corporations as may be designated or created  
1275 to make grants or loans (hereinafter termed "federal agency")  
1276 pursuant to any act of the Congress of the United States providing  
1277 for the construction of useful public works for or in aid of work,  
1278 development authorized by this chapter.

1279 (b) To make such contracts and execute such instruments  
1280 containing such provisions, covenants and conditions as in the  
1281 discretion of the authorities of any such municipalities may be  
1282 necessary, proper or advisable for the purpose of obtaining or  
1283 securing grants, loans, or other financial assistance from any  
1284 federal agency pursuant to any act of Congress of the United  
1285 States, to make such further, different or additional contracts  
1286 and execute all instruments necessary or convenient in or for the  
1287 furtherance of any work, development or improvement, including but  
1288 not limited to all property real and personal appurtenant thereto  
1289 or connected therewith and the existing work, development or  
1290 improvement, if any, to which the work, development or improvement  
1291 authorized by this chapter is an extension, addition, betterment  
1292 or embellishment (hereinafter termed "work, development or  
1293 improvement"), to carry out and perform the terms and conditions  
1294 of any such contract or instrument.



1295           (c) To pledge all or any part of the fees, rents,  
1296 tolls, revenues or other charges received or receivable by such  
1297 municipality from any work, development or improvement to which  
1298 its right then exists or the right to which may thereafter come  
1299 into existence.

1300           (d) To covenant against the pledging of all or any part  
1301 of the fees, rents, tolls, revenues or other charges received or  
1302 receivable by such municipality from any work, development or  
1303 improvement to which its right then exists or the right to which  
1304 may thereafter come into existence so long as any of the bonds or  
1305 other obligations issued under the provisions of this chapter  
1306 remain unpaid.

1307           (e) To covenant against the incumbering of all or any  
1308 part of any work, development or improvement or against permitting  
1309 or suffering any lien thereon so long as any of the bonds or other  
1310 obligations issued under the provisions of this chapter remain  
1311 unpaid.

1312           (f) To covenant as to what other or additional debt may  
1313 be incurred by such municipality.

1314           (g) To provide for the preparation, specifications,  
1315 terms, form, registration, extension, execution and authentication  
1316 of any bonds or other obligations issued pursuant to this chapter.

1317           (h) To provide for the replacement of lost, destroyed  
1318 or mutilated bonds or other obligations issued pursuant to this  
1319 chapter.



1320 (i) To covenant as to the fees, rents, revenues,  
1321 concessions or tolls to be charged, the amount to be raised each  
1322 year or other period of time and as to the use and disbursement to  
1323 be made thereof.

1324 (j) To covenant to set aside or to pay over reserves  
1325 and sinking funds and as to the disposal thereof.

1326 (k) To redeem prior to maturity, with or without  
1327 premium, bonds or other obligations issued pursuant to this  
1328 chapter and to covenant for their prior redemption and to provide  
1329 the terms and conditions thereof.

1330 (l) To covenant against extending the time for the  
1331 payment of the interest on or principal of the bonds or other  
1332 obligations issued pursuant to this chapter directly or indirectly  
1333 by any means or in any manner.

1334 (m) To covenant as to books of account of such  
1335 municipality and as to the inspection and audit thereof and as to  
1336 the accounting methods.

1337 (n) To covenant as to the rights, liabilities, powers  
1338 and duties arising upon the breach by such municipality of any  
1339 covenant, condition or obligation assumed pursuant to this  
1340 chapter.

1341 (o) To make such covenants and do any and all such acts  
1342 and things as may be necessary, convenient or desirable in order  
1343 to secure any bonds or other obligations issued pursuant to this  
1344 chapter or in the absolute discretion of the authorities of such



1345 municipality in order to make such bonds or other obligations more  
1346 marketable, notwithstanding that such covenants, acts, or things  
1347 may not be enumerated herein or expressly authorized herein; it  
1348 being the intention hereby to give the authorities of any  
1349 municipality issuing bonds or other obligations pursuant to this  
1350 chapter the power to do all things in the issuance of said bonds  
1351 or other obligations and for their execution that may not be  
1352 inconsistent with the constitution of the State of Mississippi.

1353       **SECTION 25.** Section 59-15-7, Mississippi Code of 1972, is  
1354 brought forward as follows:

1355       59-15-7. Any city as is described in Section 59-15-1, is  
1356 hereby given authority, upon the adoption of a resolution to such  
1357 effect, to issue bonds or other obligations for any or all of the  
1358 purposes as in this chapter herein provided; but such bonds or  
1359 other obligations shall not be issued unless and until the  
1360 governing authorities of the municipality are first authorized and  
1361 requested so to do by a petition signed by not less than  
1362 seventy-five per cent of the qualified electors of the  
1363 municipality, or until authorized so to do by two-thirds of the  
1364 qualified electors of the municipality who vote in an election  
1365 called for that purpose. Said petition, or the ballot used in  
1366 such election, as the case may be, shall disclose the purposes for  
1367 which said funds are sought, and all funds derived thereunder  
1368 shall be kept in a separate account by the municipality and shall  
1369 be used solely for the purposes set forth in said petition, or



1370 upon the aforesaid ballot, as the case may be. The books of  
1371 accounts and other sources of information pertaining to duties  
1372 under the provisions of this chapter of any such city shall be and  
1373 remain at all times open to inspection and subject to audit by the  
1374 holder or holders of any bonds or other obligations issued  
1375 pursuant to this chapter.

1376         **SECTION 26.** Section 59-15-9, Mississippi Code of 1972, is  
1377 brought forward as follows:

1378         59-15-9. The bonds or other obligations issued by any  
1379 municipality of the State of Mississippi pursuant to the  
1380 provisions of this chapter shall be secured as to payment as  
1381 hereinafter in this chapter provided, and in addition thereto  
1382 shall be secured as to payment by the full faith and credit of the  
1383 municipality issuing the same, and the governing authorities of  
1384 such municipality shall annually levy a tax on all the taxable  
1385 property of such municipality sufficient to produce an amount,  
1386 which, when added to the net revenues hereinafter in this chapter  
1387 authorized to be pledged for the payment thereof, will be  
1388 sufficient to pay all interest and principal of such bonds which  
1389 may mature during such annual period. Such bonds or other  
1390 obligations so issued, being additionally secured as to payment as  
1391 hereinafter in this chapter provided, shall not be construed as a  
1392 debt within the meaning of any statutory limitation as to the  
1393 amount of which may be incurred by any such municipality.



1394           **SECTION 27.** Section 59-15-11, Mississippi Code of 1972, is  
1395 brought forward as follows:

1396           59-15-11. The power to issue bonds or other obligations  
1397 authorized by Sections 59-15-1 through 59-15-9, shall be vested  
1398 in, and may be exercised from time to time by, the governing body  
1399 of any municipality described in said sections. Such bonds or  
1400 other obligations shall be authorized by resolution of the  
1401 governing body of any such municipality and shall bear such date  
1402 or dates, mature at such time or times, not exceeding twenty-five  
1403 years from their respective dates, bear interest at such rate or  
1404 rates, not exceeding four per centum per annum, be in such  
1405 denomination, be in such form, either coupon or registered, carry  
1406 such registration privileges, be executed in such manner, be  
1407 payable in such medium of payment, at such place or places, and be  
1408 subject to such terms of prior redemption, with or without premium  
1409 as such resolution or resolutions may provide. Such bonds or other  
1410 obligations may be sold at public or private sale for such price  
1411 or prices as the governing body of such municipality shall  
1412 determine, provided that the interest cost to maturity of the  
1413 money received from any issue of said bonds or other obligations  
1414 shall not exceed four per centum per annum. Such bonds or other  
1415 obligations may be issued by any municipality described in  
1416 Sections 59-15-1 through 59-15-9 in a principal amount not  
1417 exceeding in the aggregate One Hundred Thousand Dollars  
1418 (\$100,000.00), for any purpose or purposes authorized by said





1419 sections. Such municipality shall have power out of any funds  
1420 available to purchase any bonds or other obligations issued by it  
1421 pursuant to this chapter, and all bonds or other obligations so  
1422 purchased shall be canceled and no bonds or other obligations  
1423 shall be issued in lieu thereof. In anticipation of the issuance  
1424 of the definitive bonds authorized by this chapter, any such  
1425 municipality may issue interim certificates. Such interim  
1426 certificates shall be in such form, contain such terms, conditions  
1427 or provisions, bear such date or dates, and evidence such  
1428 agreement or agreements relating to their discharge by payment or  
1429 by the delivery of the definitive bonds, as such municipality by  
1430 resolution of its governing body may determine. Any bonds,  
1431 interim certificates or other obligations issued pursuant to this  
1432 chapter shall be fully negotiable within the meaning and for all  
1433 the purposes of the Mississippi Uniform Commercial Code.

1434       **SECTION 28.** Section 59-15-13, Mississippi Code of 1972, is  
1435 brought forward as follows:

1436       59-15-13. The proceeds from the sale of any bonds or other  
1437 obligations issued pursuant to this chapter shall be placed to the  
1438 credit of the municipality issuing such bonds in a bank or banks  
1439 which are members of the Federal Reserve System and may be  
1440 withdrawn therefrom in accordance with any agreement or agreements  
1441 entered into between such municipality and the purchaser or  
1442 purchasers of such bonds or other obligations and shall be used  
1443 for no other purpose than the purpose or purposes set forth in the



1444 original resolution of the governing body of such municipality.  
1445 Any officer or other person diverting or assisting to divert any  
1446 such funds to any other purpose or purposes than the purpose or  
1447 purposes originally set forth in said resolution of the governing  
1448 body of such municipality shall be guilty of a felony and  
1449 punishable accordingly, and shall be liable both personally and on  
1450 official bond for such diversion. Nothing in this chapter shall  
1451 be construed as a guarantee on the part of such city to pay the  
1452 principal of or interest on any bonds or other obligations issued  
1453 pursuant to this chapter.

1454         **SECTION 29.** Section 59-15-15, Mississippi Code of 1972, is  
1455 brought forward as follows:

1456         59-15-15. Any municipality issuing bonds or other  
1457 obligations pursuant to this chapter by resolution or resolutions  
1458 duly adopted, is hereby given authority to execute and deliver a  
1459 mortgage or deed of trust on any or all lands, properties,  
1460 improvements and facilities, the acquisition, construction,  
1461 maintenance or operation of which are provided for by this  
1462 chapter. Such resolution or resolutions of such municipality shall  
1463 prescribe the provisions, covenants and conditions of any such  
1464 mortgage or deed of trust. Such provisions, covenants and  
1465 conditions, if not self-executing, may be enforced by appropriate  
1466 proceedings, either in law or in equity.

1467         **SECTION 30.** Section 59-15-17, Mississippi Code of 1972, is  
1468 brought forward as follows:



1469           59-15-17. Bonds or other obligations issued pursuant to this  
1470 chapter and any interest thereon or income therefrom shall be  
1471 exempt from all taxation, except gift, transfer or inheritance  
1472 taxes, in so far as may be within the power of the State of  
1473 Mississippi so to provide.

1474           **SECTION 31.** Section 59-15-19, Mississippi Code of 1972, is  
1475 brought forward as follows:

1476           59-15-19. Any municipality issuing bonds or other  
1477 obligations pursuant to this chapter shall, so long as any such  
1478 bonds or other obligations remain outstanding and unpaid, by  
1479 resolution or resolutions duly adopted, authorize and appoint a  
1480 trustee, satisfactory to the purchaser or purchasers of any bonds  
1481 or other obligations issued pursuant to this chapter, or any  
1482 successor thereto, with the following powers and duties:

1483           (a) Such trustee so appointed, or any successor  
1484 thereto, shall receive and receipt for all money paid or to be  
1485 paid to it in accordance with Section 59-15-3, constituting the  
1486 net revenues derived from the operation of the improvements and  
1487 facilities authorized by this chapter;

1488           (b) Such trustee so appointed, or any successor  
1489 thereto, shall deposit all money received or to be received, in a  
1490 special account or accounts in a bank or banks which are members  
1491 of the Federal Reserve System, with such provisions for security  
1492 therefor as may be incorporated in any agreement or agreements



1493 entered into between any such municipality and the purchaser or  
1494 purchasers of any such bonds or other obligations;

1495 (c) Such trustee so appointed, or any successor  
1496 thereto, shall use and apply all such money so received to the  
1497 payment of principal of and interest on any bonds or other  
1498 obligations issued by any municipality pursuant to this chapter,  
1499 as the same become due, and shall use and apply any surplus  
1500 remaining after such payment or payments for the prior redemption,  
1501 with or without premium, of bonds or other obligations issued by  
1502 any municipality pursuant to this chapter, or in accordance with  
1503 the provisions of any agreement or agreements as may be made  
1504 between any municipality issuing bonds or other obligations  
1505 pursuant to this chapter and the purchaser or purchasers of such  
1506 bonds or other obligations;

1507 (d) Such trustee so appointed, or any successor  
1508 thereto, shall have and be vested with all rights, powers and  
1509 duties, in addition to the foregoing, as may be provided for in  
1510 any agreement or agreements between any municipality issuing bonds  
1511 or other obligations pursuant to this chapter and the purchaser or  
1512 purchasers of such bonds or other obligations;

1513 (e) Such trustee so appointed, or any successor  
1514 thereto, shall by an instrument in writing, accept such trust and  
1515 shall file such written acceptance of such trust with the clerk of  
1516 the municipality so appointing such trustee;



1517 (f) If such trustee so appointed, or any successor  
1518 thereto, shall die, fail, neglect or refuse to perform any of the  
1519 duties herein imposed or that may be imposed by reason of any of  
1520 the provisions of any agreement or agreements as aforesaid, such  
1521 trustee, or any successor thereto, shall, on the written request  
1522 of the holder or holders of twenty per centum or more in aggregate  
1523 principal amount of bonds or other obligations issued pursuant to  
1524 this chapter then outstanding and unpaid, be removed, by  
1525 resolution duly adopted by the municipality by which such trustee,  
1526 or any successor thereto, was appointed; and in such event, it  
1527 shall be the duty of any such trustee so removed to effectuate a  
1528 valid transfer of all money then in the possession or under the  
1529 control of such trustee so removed to a duly appointed successor,  
1530 and a failure on the part of such trustee so removed to do so  
1531 shall constitute an embezzlement of such money and shall be  
1532 punishable accordingly;

1533 (g) In the event any such trustee so appointed, or any  
1534 successor thereto, shall die or be removed as hereinabove  
1535 provided, it shall be the duty of any such municipality  
1536 immediately by resolution duly adopted to appoint a trustee, as  
1537 successor thereto, who is satisfactory to said holder or holders  
1538 of twenty per centum or more in aggregate principal amount of  
1539 bonds or other obligations issued pursuant to this chapter then  
1540 outstanding and unpaid.



1541           **SECTION 32.** Section 59-7-1, Mississippi Code of 1972, is  
1542 brought forward as follows:

1543           59-7-1. In all counties in the State of Mississippi in which  
1544 there is located a harbor or port of entry where commodities are  
1545 exported to foreign nations, and where there is maintained a  
1546 channel and/or harbor or port to a depth of not less than twenty  
1547 feet, the tax collector of said county shall pay into the county  
1548 depository, the amount of two mills of all ad valorem taxes due by  
1549 said county to the State of Mississippi which is collected by the  
1550 tax collector of said county or which may be collected by any  
1551 other lawful taxing agency of such county and state for such  
1552 county.

1553           **SECTION 33.** Section 59-7-3, Mississippi Code of 1972, is  
1554 brought forward as follows:

1555           59-7-3. The board of supervisors of the county or counties  
1556 designated in section 59-7-1 shall place all money so retained and  
1557 collected in the county depository in the county to the credit of  
1558 a fund which shall be known as a port fund, and such fund so  
1559 deposited shall be used only for the maintenance, construction,  
1560 promotion, advertising and general advancement of the port of  
1561 entry so located in said county, and the fund shall be expended by  
1562 the board of supervisors of the county for the maintenance,  
1563 construction, promotion, advertisement, and general advancement of  
1564 any port or ports of entry in said county or counties and the  
1565 payment of any outstanding bonds and interest thereon heretofore



1566 or hereafter issued for port purposes by any municipality in which  
1567 said port or ports are located as hereinafter provided.

1568 **SECTION 34.** Section 59-7-5, Mississippi Code of 1972, is  
1569 brought forward as follows:

1570 59-7-5. The authorities of any municipality in which there  
1571 is situated and located, in whole or in part, a port of entry  
1572 through which commodities are imported and exported to foreign  
1573 nations, which maintains a channel and/or harbor to a depth of not  
1574 less than twenty feet, are hereby given the authority to engage  
1575 in, through the agency hereinafter provided and designated and  
1576 such other agencies as hereinafter may be provided by law, work of  
1577 internal improvement, or promoting, developing, constructing,  
1578 maintaining, and operating harbors or seaports within the state  
1579 and its jurisdiction, acting through the commission hereinafter  
1580 provided for, shall have the power to acquire, purchase, install,  
1581 lease, construct, own, hold, maintain, equip, use, control and  
1582 operate at seaports, wharves, piers, docks, quays, grain  
1583 elevators, cotton compresses, warehouses and other water and rail  
1584 terminals and other structures, and facilities needful for the  
1585 convenient use of the same in the aid of commerce including the  
1586 dredging of approaches thereto, provided that such work on  
1587 improvements and facilities shall always be and remain under the  
1588 management and control of said municipality through the governing  
1589 agency hereinafter provided and designated, or other such  
1590 governing agency or agencies as hereinafter may be provided by



1591 law. The entire cost of the said municipality of engaging in such  
1592 work or development shall not exceed the sum of One Million  
1593 Dollars (\$1,000,000.00).

1594 **SECTION 35.** Section 59-7-7, Mississippi Code of 1972, is  
1595 brought forward as follows:

1596 59-7-7. All improvements, constructed by and under the  
1597 provisions of this article, shall be operated under the control of  
1598 a port commission as provided in Chapter 1 of this title. All  
1599 revenue created or collected from the use of said docks, harbors  
1600 and facilities of whatsoever nature shall be paid into the city  
1601 treasury of said port of entry to be used exclusively for the  
1602 advancement, development and advertising of said port in  
1603 whatsoever method or manner said port commissioners shall see fit,  
1604 and all revenue provided for in this article, either by levy or  
1605 collection from said docks and harbor facilities may be paid to  
1606 the retirement of any bonds heretofore issued or hereafter issued  
1607 by any such municipality for wharf construction or other port  
1608 purposes, regardless of the time of issuance of such bonds. Said  
1609 port commissioners of said port of entry shall make an annual  
1610 report to the Governor of the State of Mississippi, to the State  
1611 Legislature, to the board of supervisors, and to the municipal  
1612 governing authorities.

1613 **SECTION 36.** Section 59-7-9, Mississippi Code of 1972, is  
1614 brought forward as follows:





1615           59-7-9. All monies accruing by virtue of this article,  
1616 either through revenues, tariffs, or bonds, or through other  
1617 sources, shall be expended at the direction of the port commission  
1618 appointed for any port of entry, as designated herein, and any  
1619 bond issue hereunder by any municipality, coming under the  
1620 provisions of this article, shall be exclusive of any and all  
1621 other bonds issued by said municipality, and the same shall not be  
1622 limited as now provided by law.

1623           **SECTION 37.** Section 59-7-11, Mississippi Code of 1972, is  
1624 brought forward as follows:

1625           59-7-11. The authorities of any municipality in which there  
1626 is situated and located in whole or in part a port of entry  
1627 through which commodities are imported or exported are hereby  
1628 given authority to issue bonds or other obligations to construct  
1629 all needful improvement or improvements in harbors within their  
1630 corporate limits, and including the deepening of any part of said  
1631 harbor or extending, enlarging and adding to the same by dredging  
1632 of any part of said harbor or extending inland, to acquire,  
1633 construct, repair and improve public wharves and docks of said  
1634 municipality in connection with said harbor; to own, construct,  
1635 lease and maintain sheds, warehouses, elevators, compresses and  
1636 other works of public improvement, including roadways or rail  
1637 trackage necessary or useful for such port, harbor and/or docks  
1638 and wharf purposes.



1639           **SECTION 38.** Section 59-7-13, Mississippi Code of 1972, is  
1640 brought forward as follows:

1641           59-7-13. All of the bonds issued pursuant to the authority  
1642 set forth in Section 59-7-11 shall be lithographed or engraved,  
1643 and printed in two (2) or more colors, to prevent counterfeiting,  
1644 and shall be in sums not less than One Hundred Dollars (\$100.00)  
1645 nor more than One Thousand Dollars (\$1,000.00) each, and shall be  
1646 registered as issued, be numbered in a regular series from one (1)  
1647 upward, be signed by the mayor and countersigned by the clerk who  
1648 shall impress the municipal seal upon each bond as it is issued;  
1649 and every bond shall specify on its face the purpose for which it  
1650 was issued; and the total amount authorized to be issued and each  
1651 shall be payable to bearer. All such monies above referred to, as  
1652 retained by the boards of supervisors, shall first be appropriated  
1653 by the boards of supervisors for the payment of interest and  
1654 sinking fund for any and all bonds issued by the municipality for  
1655 port purposes and the balance, if any, shall be expended by the  
1656 boards of supervisors by and under the direction and advice of the  
1657 port commission of said municipality. However, in case there is  
1658 not sufficient money to pay the interest and sinking funds on said  
1659 bonds, the corporate authorities of municipalities issuing said  
1660 bonds shall levy annually a special levy to be used exclusively in  
1661 paying the interest on each bond and bonds maturing within the  
1662 year providing a sinking fund for the redemption of the bonds  
1663 issued. However, such tax levy shall not be made by



1664 municipalities to pay bonds, nor the interest thereon, issued  
1665 under Article 7 of this chapter.

1666         Notwithstanding the foregoing provisions of this section,  
1667 bonds referred to hereinabove may be issued pursuant to the  
1668 supplemental powers and authorizations conferred by the provisions  
1669 of the Registered Bond Act, being Sections 31-21-1 through  
1670 31-21-7.

1671         **SECTION 39.** Section 59-7-15, Mississippi Code of 1972, is  
1672 brought forward as follows:

1673         59-7-15. Before issuing the bonds authorized by Section  
1674 59-7-11, the corporate authorities shall by resolution spread upon  
1675 the minutes, declare their intention of issuing said bonds, fixing  
1676 in said resolution the maximum amount thereof, and the purpose for  
1677 which they are issued and where an election is required shall fix  
1678 in such resolution a date upon which an election shall be held in  
1679 said municipality, of which not less than three (3) weeks' notice  
1680 shall be given by the clerk by a notice published in a newspaper  
1681 published in said municipality once a week for three (3) weeks  
1682 preceding said election at three (3) public places in said  
1683 municipality. Such election shall be held as far as practicable,  
1684 as other elections are held in municipalities.

1685         **SECTION 40.** Section 59-7-17, Mississippi Code of 1972, is  
1686 brought forward as follows:

1687         59-7-17. At an election required by Section 59-7-15, all  
1688 qualified electors of said municipality may vote, and the ballots



1689 used shall have printed thereon a brief statement of the amount  
1690 and purpose of the proposed bond issue and the words, "For the  
1691 bond issue," and the words, "Against the bond issue," and the  
1692 voter shall vote by placing a cross (X) opposite his choice of the  
1693 proposition. In cities of less than twelve thousand inhabitants,  
1694 when the amount to be issued is not more than Thirty Thousand  
1695 Dollars the corporate authorities shall publish the resolution in  
1696 some newspaper published in the county for three full consecutive  
1697 weeks as herein provided, declaring their intention to issue said  
1698 bonds, giving the day and date upon which said bonds are to be  
1699 issued and if twenty percent of the qualified electors of the  
1700 municipality file a written protest against the issuance of said  
1701 bonds, on or before said date, then an election shall be had as  
1702 herein provided, and if no protest shall be filed, said bonds  
1703 shall be issued without an election.

1704       **SECTION 41.** Section 59-7-19, Mississippi Code of 1972, is  
1705 brought forward as follows:

1706       59-7-19. Should the election provided for in Sections  
1707 59-7-15 and 59-7-17 result in favor of the issuance of the bonds,  
1708 the corporate authorities may issue said bonds, either in whole or  
1709 in part within one (1) year after the date of such election or  
1710 within one (1) year after final favorable determination of any  
1711 litigation affecting such bonds, as may be deemed best, and should  
1712 the bonds be issued by the municipalities without an election  
1713 therefor as provided. All bonds shall mature annually, with all



1714 maturities not longer than twenty (20) years, with not less than  
1715 one-fiftieth (1/50) of the total issue to mature each year during  
1716 the first five (5) years of the life of said bonds, and not less  
1717 than one-twenty-fifth (1/25) of the said total issue to mature  
1718 annually during the succeeding ten-year period of the life of said  
1719 bonds, and the remainder to be divided into approximately equal  
1720 payments, one (1) payment to mature during each year of the  
1721 remaining life of the bonds. Said bonds shall not bear a greater  
1722 rate of interest than that allowed in Section 75-17-101,  
1723 Mississippi Code of 1972, payable semiannually, the denomination  
1724 and form and place of payment to be fixed in the ordinance of the  
1725 corporate authorities issuing said bonds, and they shall be  
1726 prepared and signed by the mayor and clerk of said municipality  
1727 with the seal of the municipality affixed thereto, but the coupons  
1728 may only bear a facsimile signature of such mayor and clerk. Such  
1729 bonds, when issued, shall constitute a lien on all the taxable  
1730 property in such municipality and county and the corporate  
1731 authorities shall annually levy a special tax on all such property  
1732 sufficient to pay the principal and interest of such bonds as the  
1733 same falls due, if there not be sufficient funds provided herein.

1734       **SECTION 42.** Section 59-7-21, Mississippi Code of 1972, is  
1735 brought forward as follows:

1736       59-7-21. The proceeds of any bonds issued under the  
1737 authority of this article shall be placed in the municipal  
1738 treasury or depository, if there be one, as a special fund and



1739 shall be used for no other purpose than the purpose set forth in  
1740 the original resolution of the corporate authorities of such  
1741 municipality, and any officer diverting or assisting to divert any  
1742 such funds to any other purpose than the purpose originally set  
1743 forth in said resolution of the corporate authorities of said  
1744 municipality shall be guilty of a misdemeanor and punishable  
1745 accordingly, and shall be liable both personally and on his  
1746 official bond for such diversion. Nothing in this article shall  
1747 be construed as a guarantee on the part of the State of  
1748 Mississippi to pay the interest or principal on any bonds issued  
1749 under this article.

1750         **SECTION 43.** Section 59-7-101, Mississippi Code of 1972, is  
1751 brought forward as follows:

1752         59-7-101. This article is supplementary and in addition to  
1753 Article 1 of this chapter, and shall not apply to any county or  
1754 counties of the state already receiving two mills of the state ad  
1755 valorem taxes for port or harbor purposes.

1756         **SECTION 44.** Section 59-7-103, Mississippi Code of 1972, is  
1757 brought forward as follows:

1758         59-7-103. (1) In order to provide for the improvement,  
1759 promotion, development, construction, maintenance and operation of  
1760 harbors or ports in counties having or hereafter providing harbors  
1761 or ports where wharf or terminal or other facilities exist for the  
1762 handling of inbound or outbound waterborne cargo moving in  
1763 interstate or foreign commerce and where there is maintained a



1764 channel, harbor or port with a depth of not less than nine (9)  
1765 feet, there shall be and there is hereby created in each such  
1766 county electing to exercise the provisions of this article a  
1767 special fund to be known as the "Port Fund," into which payments  
1768 shall be made as follows:

1769 (a) The tax collector of each such county electing to  
1770 come under this article shall deduct from all state ad valorem  
1771 taxes collected by him a sum equal to the avails of a levy of two  
1772 (2) mills on the dollar of the assessed valuation of taxable  
1773 property within such county upon which state ad valorem taxes are  
1774 levied and collected. The amount so deducted shall be set aside  
1775 by the tax collector and shall by him be paid into the said port  
1776 fund of such county. Such payments shall be continued as long as  
1777 there remains unpaid and outstanding any bonded indebtedness  
1778 created by the board of supervisors of such county as hereinafter  
1779 provided.

1780 (b) The board of supervisors of each such county  
1781 electing to exercise the provisions of this article shall pay or  
1782 cause to be paid into the aforesaid port fund a sum equal to  
1783 one-fourth (1/4) of the sum paid into said fund under subsection  
1784 (a) above and such payments shall be continued as long as there  
1785 remains unpaid and outstanding any bonded indebtedness created by  
1786 such board of supervisors as hereinafter provided. Any such board  
1787 of supervisors shall provide the sum herein required either by  
1788 appropriation from any available funds of the county or by the



1789 levy, in addition to all other county taxes, of a tax of not more  
1790 than two (2) mills on the dollar of the assessed valuation of  
1791 taxable property within such county upon which taxes for the  
1792 general county fund are levied and collected. In case of a  
1793 special tax levy as herein authorized, the tax collector of each  
1794 such county shall set aside the avails of such levy and shall pay  
1795 the same directly into the port fund of such county.

1796 (c) The port commission hereinafter provided for shall  
1797 pay into the port fund all of the revenues of whatsoever nature  
1798 which may be derived from or through the use of the harbor, port,  
1799 wharf or terminal facilities under its jurisdiction as hereinafter  
1800 provided.

1801 (2) In order to come within the provisions of this article,  
1802 the board of supervisors of any such county shall, by appropriate  
1803 resolution spread upon its minutes, declare its intention so to do  
1804 and shall annually provide for the necessary matching county  
1805 funds. A certified copy of such resolution shall be filed with  
1806 the tax collector of such county and shall constitute his  
1807 authority to set aside the taxes hereinabove referred to and to  
1808 pay the same into the aforesaid port fund.

1809 Provided further, that any county in the State of Mississippi  
1810 through which a river or other stream flows, and which stream is  
1811 classed as navigable and maintained as such by any agency of the  
1812 federal government, and wherein harbors, wharves, ports, terminals  
1813 or other facilities exist or are proposed or established hereafter





1814 for the handling of inbound or outbound waterborne cargo moving in  
1815 interstate or foreign commerce, and where there is maintained a  
1816 channel, harbor or port of such depth necessary for said purposes,  
1817 then in such event such county may come under the provisions of  
1818 this article if and when its application to come under the  
1819 provisions of this article is approved by the Mississippi Board of  
1820 Economic Development, which board shall adjudicate and determine  
1821 the feasibility of said project so applied for and whether or not  
1822 it is economically feasible. Certified copies of the order of  
1823 said board shall be filed with the Auditor of Public Accounts and  
1824 the tax collector of such county affected.

1825         **SECTION 45.** Section 59-7-105, Mississippi Code of 1972, is  
1826 brought forward as follows:

1827         59-7-105. To provide additional or supplemental funds for  
1828 the aforesaid purposes, and in connection therewith to acquire and  
1829 develop water, air and rail terminals, rail lines, and such other  
1830 structures, facilities, lands, property or rights therein needful  
1831 for the convenient use of the same in the aid of commerce, and  
1832 land for industrial operations, including the establishment and  
1833 development of industrial parks, as provided in Section 59-9-17  
1834 and related sections, the board of supervisors of any such county  
1835 may issue bonds of such county in an amount not exceeding the  
1836 principal sum of Eleven Million Dollars (\$11,000,000.00). No  
1837 county shall issue bonds under the provisions of this article  
1838 which will result in outstanding bonded indebtedness incurred



1839 under the provisions of this article in excess of Eight Million  
1840 Dollars (\$8,000,000.00) unless and until the question of the  
1841 issuance of such bonds shall have been submitted to and approved  
1842 by a majority of the qualified electors of the county voting in an  
1843 election called and held for the purpose of considering whether or  
1844 not such bonds should be issued. The first Six Million Dollars  
1845 (\$6,000,000.00) in aggregate original principal amount of bonds  
1846 issued under authority of this article shall not be included in  
1847 computing any present or future debt limit of such county under  
1848 any present or future law.

1849       **SECTION 46.** Section 59-7-107, Mississippi Code of 1972, is  
1850 brought forward as follows:

1851       59-7-107. All bonds authorized by Section 59-7-105 shall be  
1852 negotiable instruments within the meaning of the Mississippi  
1853 Uniform Commercial Code, shall be lithographed or engraved, and  
1854 printed in two (2) or more colors, to prevent counterfeiting,  
1855 shall be registered as issued, shall be numbered in a regular  
1856 series from one (1) upward, and each bond shall specify on its  
1857 face the purpose for which it was issued and the total amount  
1858 authorized to be issued, shall be payable to bearer, and the  
1859 interest to accrue thereon shall be evidenced by proper coupons to  
1860 be attached thereto. Such bonds shall be executed by the manual  
1861 or facsimile signature of the president of the board of  
1862 supervisors, or the vice president in the absence or disability of  
1863 the president, and countersigned by the manual or facsimile



1864 signature of the clerk thereof, with the official seal of the  
1865 county affixed thereto. At least one (1) signature on each bond  
1866 shall be a manual signature, as specified in the issuing  
1867 resolution. The coupons may bear only the facsimile signatures of  
1868 such president, or vice president and clerk. All such bonds shall  
1869 be sold at public sale as provided by law, and no such bonds shall  
1870 be issued and sold for less than par and accrued interest, and not  
1871 more than one (1) series of interest coupons shall be attached to  
1872 any such bonds. All interest accruing on such bonds shall be  
1873 payable semiannually, except that the first interest coupon  
1874 attached to any such bond may represent interest for any period  
1875 not exceeding one (1) year.

1876 Notwithstanding the foregoing provisions of this section,  
1877 bonds referred to hereinabove may be issued pursuant to the  
1878 supplemental powers and authorizations conferred by the provisions  
1879 of the Registered Bond Act, being Sections 31-21-1 through  
1880 31-21-7.

1881 **SECTION 47.** Section 59-7-109, Mississippi Code of 1972, is  
1882 brought forward as follows:

1883 59-7-109. All bonds authorized by Section 59-7-105 shall  
1884 mature annually, with all maturities not longer than twenty (20)  
1885 years, with not less than one-fiftieth (1/50) of the total issue  
1886 to mature each year during the first five (5) years of the life of  
1887 such bonds, not less than one-twenty-fifth (1/25) of the total  
1888 issue to mature each year during the succeeding ten-year period of



1889 the life of such bonds, and the remainder to be divided into  
1890 approximately equal annual payments, one (1) payment to mature  
1891 each year for the remaining life of such bonds. Such bonds shall  
1892 not bear a greater overall maximum interest rate to maturity than  
1893 that allowed in Section 75-17-101, Mississippi Code of 1972. The  
1894 denomination, form and place or places of payment of such bonds  
1895 shall be fixed in the resolution or order of the board of  
1896 supervisors issuing such bonds.

1897 No interest payment shall be evidenced by more than one (1)  
1898 coupon, and neither cancelled nor supplemental coupons shall be  
1899 permitted. The lowest interest rate specified for any bonds  
1900 issued shall not be less than sixty percent (60%) of the highest  
1901 interest rate specified for the same bond issue. The interest  
1902 rate of any one (1) interest coupon shall not exceed the maximum  
1903 interest rate allowed on such bonds.

1904 Each interest rate specified in any bid must be in multiples  
1905 of one-eighth of one percent (1/8 of 1%) or in multiples of  
1906 one-tenth of one percent (1/10 of 1%), and a zero rate of interest  
1907 cannot be named.

1908 **SECTION 48.** Section 59-7-111, Mississippi Code of 1972, is  
1909 brought forward as follows:

1910 59-7-111. The board of supervisors of any county which shall  
1911 have issued bonds under the provisions of this article shall,  
1912 unless there be sufficient funds otherwise available therefor in  
1913 the port bonds interest and sinking fund, annually levy a special



1914 tax upon all of the taxable property within such county at a rate  
1915 which shall be sufficient to provide for the payment of the  
1916 principal of and the interest on such bonds according to the terms  
1917 thereof. All taxes thus collected shall be credited to a special  
1918 fund in the county treasury of such county to be known and  
1919 designated as the "port bonds interest and sinking fund," and all  
1920 sums credited to said fund shall be used to pay such bonds as they  
1921 mature and the interest thereon as it accrues, and for no other  
1922 purpose. It shall be the mandatory duty of such board of  
1923 supervisors to transfer funds from said port fund to the port  
1924 bonds interest and sinking fund in amounts sufficient to pay  
1925 maturing principal and accruing interest on bonds issued  
1926 hereunder, if balances standing to the credit of said port fund  
1927 are sufficient for that purpose. To the extent that funds are  
1928 thus made available for the payment of such bonds and the interest  
1929 thereon, the special tax levy hereinabove provided for may be  
1930 correspondingly reduced. The said bonds nevertheless shall be  
1931 general obligations of the county issuing the same, and the full  
1932 faith, credit and resources of such county shall be pledged to the  
1933 payment thereof and the interest thereon.

1934       **SECTION 49.** Section 59-7-113, Mississippi Code of 1972, is  
1935 brought forward as follows:

1936       59-7-113. Before issuing any bonds for any of the purposes  
1937 herein enumerated, the board of supervisors shall adopt a  
1938 resolution declaring its intention so to do, stating the amount of



1939 bonds proposed to be issued and the purpose for which the bonds  
1940 are to be issued, and the date upon which the board proposes to  
1941 direct the issuance of such bonds. Such resolution shall be  
1942 published once a week for at least three (3) consecutive weeks in  
1943 at least one (1) newspaper published in such county. The first  
1944 publication of such resolution shall be made not less than  
1945 twenty-one (21) days prior to the date fixed in such resolution  
1946 for the issuance of the bonds, and the last publication shall be  
1947 made not more than seven (7) days prior to such date. If no  
1948 newspaper be published in such county, then such notice shall be  
1949 given by publishing the resolution for the required time in some  
1950 newspaper having a general circulation in such county and, in  
1951 addition, by posting a copy of such resolution for at least  
1952 twenty-one (21) days next preceding the date fixed therein at  
1953 three (3) public places in such county. If twenty percent (20%)  
1954 of the qualified electors of the county shall file a written  
1955 protest against the issuance of such bonds on or before the date  
1956 specified in such resolution, then an election on the question of  
1957 the issuance of such bonds shall be called and held as is herein  
1958 provided. If no such protest be filed, then such bonds may be  
1959 issued without an election on the question of the issuance  
1960 thereof, at any time within a period of two (2) years after the  
1961 date specified in the above-mentioned resolution. However, the  
1962 board of supervisors, in its discretion, may nevertheless call an  
1963 election on such question, in which event it shall not be



1964 necessary to publish the resolution declaring its intention to  
1965 issue such bonds as herein provided.

1966           **SECTION 50.** Section 59-7-115, Mississippi Code of 1972, is  
1967 brought forward as follows:

1968           59-7-115. Where an election is to be called, as provided in  
1969 Section 59-7-113, notice of such election shall be signed by the  
1970 clerk of the board of supervisors and shall be published once a  
1971 week for at least three (3) consecutive weeks, in at least one (1)  
1972 newspaper published in such county. The first publication of such  
1973 notice shall be made not less than twenty-one (21) days prior to  
1974 the date fixed for such election and the last publication shall be  
1975 made not more than seven (7) days prior to such date. If no  
1976 newspaper is published in such county, then such notice shall be  
1977 given by publishing the same for the required time in some  
1978 newspaper having a general circulation in such county, and, in  
1979 addition, by posting a copy of such notice for at least twenty-one  
1980 (21) days next preceding such election at three (3) public places  
1981 in such county.

1982           **SECTION 51.** Section 59-7-117, Mississippi Code of 1972, is  
1983 brought forward as follows:

1984           59-7-117. The election provided for in Sections 59-7-113 and  
1985 59-7-115 shall be held, as far as is practicable, in the same  
1986 manner as other elections are held in counties. At such election,  
1987 all qualified electors of such county may vote, and the ballots  
1988 used at such election shall have printed thereon a brief statement



1989 of the amount and purpose of the proposed bond issue and the words  
1990 "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter  
1991 shall vote by placing a cross (x) or check mark (✓) opposite his  
1992 choice on the proposition.

1993           **SECTION 52.** Section 59-7-119, Mississippi Code of 1972, is  
1994 brought forward as follows:

1995           59-7-119. When the results of the election on the question  
1996 of the issuance of bonds under the provisions of this article  
1997 shall have been canvassed by the election commissioners of such  
1998 county and certified by them to the board of supervisors of such  
1999 county, it shall be the duty of such board of supervisors to  
2000 determine and adjudicate whether or not three-fifths (3/5ths) of  
2001 the qualified electors who voted in such election voted in favor  
2002 of the issuance of such bonds and, unless three-fifths (3/5ths) of  
2003 the qualified electors who voted in such election shall have voted  
2004 in favor of the issuance of such bonds, then such bonds shall not  
2005 be issued. Should three-fifths (3/5ths) of the qualified electors  
2006 who vote in such election vote in favor of the issuance of such  
2007 bonds, then the board of supervisors of the county may issue such  
2008 bonds, either in whole or in part, within two years from the date  
2009 of such election, or within two years after the final favorable  
2010 termination of any litigation affecting the issuance of such  
2011 bonds, as such board shall deem best.

2012           **SECTION 53.** Section 59-7-121, Mississippi Code of 1972, is  
2013 brought forward as follows:





2014           59-7-121. The proceeds of any bonds issued by any county  
2015 pursuant to the provisions of this article shall be placed in the  
2016 county treasury or depository, if there be one, in a special fund  
2017 and shall be expended by the board of supervisors of such county  
2018 for the purpose or purposes for which the bonds were authorized to  
2019 be issued, and for no other. If the board of supervisors of any  
2020 such county or any member thereof or any other officer shall  
2021 willfully divert or aid or assist in diverting any such fund, or  
2022 any part thereof, to any purpose other than that for which such  
2023 bonds were authorized to be issued, such person shall be guilty of  
2024 a felony and, upon conviction, shall be punished by imprisonment  
2025 in the State Penitentiary for a term not exceeding five (5) years  
2026 and, in addition, shall be liable personally on his official bond  
2027 for the amount so diverted. Any member of such board of  
2028 supervisors may escape the penalty herein provided for by having  
2029 his vote recorded in the negative on any illegal diversion of the  
2030 proceeds of such bonds.

2031           **SECTION 54.** Section 59-7-123, Mississippi Code of 1972, is  
2032 brought forward as follows:

2033           59-7-123. Whenever a balance shall remain in the proceeds of  
2034 any bond issue after the purpose for which such bonds were issued  
2035 shall have been accomplished, such balance shall forthwith be  
2036 transferred to the port bonds interest and sinking fund  
2037 hereinabove provided for.



2038           **SECTION 55.** Section 59-7-125, Mississippi Code of 1972, is  
2039 brought forward as follows:

2040           59-7-125. (1) All improvements constructed by the board of  
2041 supervisors under the provisions of this article shall be operated  
2042 and maintained by a port commission composed of five (5) residents  
2043 of such county who shall be qualified electors therein. Such  
2044 commission shall have jurisdiction over the port, terminals,  
2045 harbors and passes leading thereto, and all vessels, boats and  
2046 wharves, common carriers, and public utilities therein, using the  
2047 same, within their respective counties. Such port commission  
2048 shall be appointed as follows: one (1) member shall be appointed  
2049 by the Governor, two (2) shall be appointed by the board of  
2050 supervisors of the county, and two (2) shall be appointed by the  
2051 governing body of the municipality which is the county seat of  
2052 such county in such cases where the county seat of such county is  
2053 situate on or adjacent to such port facilities, otherwise, four  
2054 (4) members shall be appointed by the board of supervisors. A  
2055 county and a municipality may by joint resolution dissolve a port  
2056 commission created under this section which is governed by a  
2057 commission with two (2) commissioners appointed by each. The  
2058 joint resolution must provide that the municipality relinquishes  
2059 its duties and obligations related to the port, and that the  
2060 county assumes all duties and obligations related to the port.  
2061 Any commission so dissolved shall be reconstituted to consist of  
2062 five (5) members, one (1) member appointed from each supervisor



2063 district. The board of supervisors shall provide for staggered  
2064 terms in its order providing for the appointment of the  
2065 reconstituted port commission. Before entering upon the duties of  
2066 the office, each of such commissioners shall take and subscribe to  
2067 the oath of office required by Section 268 of the Constitution of  
2068 the State of Mississippi, and shall give bond, to be approved by  
2069 the board of supervisors, in the sum of Five Thousand Dollars  
2070 (\$5,000.00), conditioned upon the faithful performance of their  
2071 duties. Such bond shall be made payable to the county and in case  
2072 of breach thereof, suit may be brought on the relation of the  
2073 county for the benefit of such port commission. Such  
2074 commissioners shall hold office for a term of four (4) years from  
2075 the date of their appointment and qualification and until their  
2076 successor or successors shall be appointed and qualified as set  
2077 out herein. Three (3) members of the port commission shall be  
2078 necessary to constitute a quorum for the conducting of business.

2079 (2) The members of the board of supervisors shall be ex  
2080 officio members of the port commission, but no bond shall be  
2081 required of them in such capacity; provided, however, the members  
2082 of the board of supervisors shall be nonvoting members of the port  
2083 commission and shall not be included or counted for the  
2084 determination of a quorum for conducting of business by the port  
2085 commission unless and until the board of supervisors of a  
2086 particular county, by order entered on its minutes, expressly  
2087 provides that the members of the board of supervisors shall be



2088 voting members of the port commission and the number of members  
2089 required for a quorum to conduct business of the port commission,  
2090 but in no event shall the number required for a quorum to conduct  
2091 business of the port commission be less than three (3).

2092 (3) All actions heretofore taken by the various port  
2093 commissions at which at least three (3) members were present and  
2094 which would otherwise have been legal actions except for the  
2095 absence of a legal quorum being present and voting are hereby  
2096 ratified, confirmed and approved.

2097 **SECTION 56.** Section 59-7-127, Mississippi Code of 1972, is  
2098 brought forward as follows:

2099 59-7-127. When such port commissioners provided for in  
2100 Section 59-7-125 shall have been appointed and shall have been  
2101 qualified as set out herein, they shall meet at the regular  
2102 meeting place of the board of supervisors of such county, after  
2103 giving at least five (5) days' notice of the time and place of  
2104 such meeting by publication in a newspaper published at the county  
2105 seat of such county. At such meeting they shall elect a president  
2106 and a secretary who shall be members of the commission, and adopt  
2107 such rules as may govern the time and place for holding meetings,  
2108 regular and special, not inconsistent with the provisions of this  
2109 article.

2110 **SECTION 57.** Section 59-7-129, Mississippi Code of 1972, is  
2111 brought forward as follows:



2112 59-7-129. The duties and powers of such port commission  
2113 provided for in Section 59-7-125 shall be the same as those which  
2114 are set forth and prescribed in Sections 59-1-9 and 59-1-27,  
2115 except that the salary of the port director shall be subject to  
2116 the approval of the board of supervisors.

2117 **SECTION 58.** Section 59-7-131, Mississippi Code of 1972, is  
2118 brought forward as follows:

2119 59-7-131. It shall be the duty of such port commission, from  
2120 time to time, to make recommendations to the board of supervisors  
2121 of such county concerning expenditures to be made for the  
2122 improvement, promotion, development, construction, maintenance and  
2123 operation of the harbor and port facilities of such county, and  
2124 shall annually submit to such board of supervisors a proposed  
2125 budget for the operation and maintenance of such harbor and port  
2126 facilities, which recommendations and budget shall be subject to  
2127 approval of the board of supervisors. Except as provided in  
2128 Section 59-7-111, the port fund shall be subject to expenditure by  
2129 the port commission.

2130 The port commission may recommend to the Legislative Budget  
2131 Office, the State Fiscal Management Board, and the county board of  
2132 supervisors that certain excess funds in the port fund be  
2133 transferred to any industrial development authority within the  
2134 county. Upon approval by the State Fiscal Management Board and  
2135 the county board of supervisors, the port commission may transfer  
2136 such excess funds, or any portion thereof which may be designated



2137 by the State Fiscal Management Board and county board of  
2138 supervisors, as provided herein.

2139         The port commission in any county bordering the Mississippi  
2140 River and having a population of more than fifty-one thousand  
2141 (51,000) but less than fifty-two thousand (52,000) according to  
2142 the 1980 federal census may recommend to the board of supervisors  
2143 the expenditure of excess funds in the port fund for the  
2144 acquisition of lands in the county to be used for industrial  
2145 development purposes. Upon the aquisition of such lands, excess  
2146 funds in the port fund may also be expended to provide necessary  
2147 utilities and other improvements the board of supervisors deems  
2148 necessary and requisite for industrial development. Any lands  
2149 acquired hereunder shall be titled in the name of the county.

2150         For the purposes of this section, the term "excess funds"  
2151 means monies determined to be in excess of those necessary to fund  
2152 the budget for the fiscal year.

2153         **SECTION 59.** Section 59-7-201, Mississippi Code of 1972, is  
2154 brought forward as follows:

2155         59-7-201. This article shall be applicable to all counties  
2156 electing to come under the terms and provisions of Article 3 of  
2157 this chapter and in which a flood control project has been  
2158 authorized or may be authorized by the federal government which  
2159 either directly or indirectly involves, or has the result of  
2160 creating, a potential industrial area or the protection of such an  
2161 area. This article is supplementary to said Article 3 of this



2162 chapter, and all other laws of this state concerning ports and  
2163 harbors and shall not be construed by way of limitation on any of  
2164 the powers or authority heretofore granted, but the authority  
2165 conferred herein is in addition and cumulative thereto.

2166         **SECTION 60.** Section 59-7-203, Mississippi Code of 1972, is  
2167 brought forward as follows:

2168         59-7-203. Where any county in connection with any such flood  
2169 control project has given or may give assurances of local  
2170 cooperation required by the federal authorities, as authorized by  
2171 law, the board of supervisors of such county shall have the added  
2172 power and authority, if necessary or desirable for the fulfillment  
2173 of such assurances, to acquire all lands and easements and  
2174 rights-of-way, and the fee title to such lands where advisable,  
2175 either by purchase or by condemnation and, if by condemnation,  
2176 according to the existing statutes applicable to the acquisition  
2177 by counties of property for public use.

2178         Where any county of the state which operates any such project  
2179 has been required to give its assurances by the federal  
2180 authorities or other agency of the government of the United States  
2181 of local cooperation and participation in any such project by  
2182 agreeing to pay any part of the construction costs of such project  
2183 or projects, then the board of supervisors of such county shall  
2184 have the added power and authority, if necessary and desirable for  
2185 the fulfillment of such assurances, to sign agreements with such  
2186 federal authorities or other agency of the government of the



2187 United States whereby such participating county agrees to pay its  
2188 part of the cost of such construction or any fractional part  
2189 thereof, including interest of not more than three percent (3%)  
2190 per annum, and provided further that said assurances shall be due  
2191 and payable within the primary term of forty years from the time  
2192 such assurances are given.

2193 **SECTION 61.** Section 59-7-205, Mississippi Code of 1972, is  
2194 brought forward as follows:

2195 59-7-205. (1) In any county where a port commission has  
2196 been established or may be established and where the board of  
2197 supervisors of said county directs that said commission undertake,  
2198 on behalf of such county, jurisdiction over and duties in  
2199 connection with the fulfillment of the assurances of local  
2200 cooperation and handling of the harbor project upon which  
2201 construction may be done by the federal government, as  
2202 contemplated by Section 59-7-201, and where either all or over  
2203 half of the lands and properties involved in said project are  
2204 beyond the confines of any municipality lying within said county,  
2205 then the board of supervisors of said county shall appoint four  
2206 (4) members of said port commission in accordance with the terms  
2207 and provisions of Section 59-7-125, and, where such port  
2208 commission has been established or may be established in such  
2209 instance, then said port commission shall undertake and perform  
2210 the duties assigned to it by said board, as hereby authorized, and  
2211 said commissions shall, in addition, manage and control all port





2212 facilities which may be authorized and constructed by virtue of  
2213 the terms and provisions of Article 3 of this chapter, and all  
2214 appurtenant and physical properties connected therewith, both real  
2215 and personal, and shall provide for the regular inspection,  
2216 repair, maintenance and improvement of said port facilities. Said  
2217 port commission, in the performance of its duties, may make any  
2218 contract and authorize any purchases from any funds on hand in the  
2219 port fund of any such county, which said contracts and purchases  
2220 shall be made in accordance with Section 31-7-1 et seq. Said  
2221 contracts and purchases shall include all contracts and purchases  
2222 incidental to or necessary for the proper establishment,  
2223 insurance, maintenance, repair, improvement and operation of said  
2224 port facilities, including, if indicated for their protection,  
2225 workmen's compensation insurance for the benefit of any employees  
2226 of said port commission.

2227       Any such port commission is further authorized and empowered,  
2228 in its discretion, to own and operate any or all dock, terminal,  
2229 warehouse or railroad facilities which may by it be deemed  
2230 necessary or desirable to promote the development of any port or  
2231 industrial facilities under its control or supervision and to such  
2232 end such port commission is authorized and empowered to acquire by  
2233 purchase, construction or lease any buildings, structure or  
2234 equipment, to employ any personnel or technical assistance, to  
2235 enter into any contracts with any persons, firms or corporations,  
2236 and to establish, charge and collect any tariffs, rates or other



2237 charges in connection therewith, as may be deemed necessary or  
2238 advisable to accomplish such purposes. Said port commission is  
2239 likewise authorized and empowered to operate such dock, terminal,  
2240 warehouse or railroad facilities through agents or lessees by such  
2241 contractual or lease agreements as may be entered into by said  
2242 port commission upon such terms and conditions as said commission  
2243 may deem proper. The authority granted hereby shall extend only  
2244 to the lands under the control and supervision of said port  
2245 commission.

2246 (2) The powers and authority granted by this section are  
2247 supplemental to all other powers and authority granted to said  
2248 port commission and the same shall in nowise be construed to limit  
2249 any such powers and authority heretofore granted.

2250 **SECTION 62.** Section 59-7-207, Mississippi Code of 1972, is  
2251 brought forward as follows:

2252 59-7-207. The commission referred to in Section 59-7-205 may  
2253 establish and operate said port facilities on such plan as it may  
2254 determine upon, including the right to employ, or delegate to the  
2255 port director the employment of such engineering and legal  
2256 assistants and such subordinate personnel as the commission may  
2257 deem necessary, to provide for the wages and compensation of the  
2258 port director and all other employees; and, in their discretion,  
2259 to require that the port director and such other subordinate  
2260 personnel as may be deemed necessary and desirable post a bond  
2261 written by a surety company or companies authorized to do business



2262 in the State of Mississippi in such amount as the commission may  
2263 designate, conditioned on the faithful discharge of all of their  
2264 duties as such employees, the premiums on such bonds to be paid  
2265 from said port fund in the discretion of the commission.

2266         **SECTION 63.** Section 59-7-209, Mississippi Code of 1972, is  
2267 brought forward as follows:

2268         59-7-209. The board of supervisors of any such county  
2269 described in Section 59-7-201 may prescribe such further duties,  
2270 powers and rights of such commission as may be within the  
2271 authority of such board to delegate and provide for the reasonable  
2272 compensation, if any, of the chairman and members of the  
2273 commission, and shall provide that the acts of such commissioners  
2274 shall regularly, and not less than quarterly or more than monthly,  
2275 be reported to said board and be subject to its approval and  
2276 concurrence by order spread upon the minutes of said board  
2277 generally approving such reports and minutes. The obligations  
2278 incurred and the expenditures authorized to be made by said  
2279 commission shall in the manner herein set forth be subject to the  
2280 approval of the board of supervisors of said county; and when and  
2281 should the board decline to grant its approval of any act of said  
2282 commission, it shall signify its reason for withholding that  
2283 approval on the minutes of said board. All expenditures so  
2284 authorized and provided for shall be made upon special port  
2285 commission warrants to be countersigned by the clerk of said  
2286 board. There shall be no personal obligation or liability on the



2287 part of any member of said commission except for a wilful wrong,  
2288 nor shall there be any general obligation or liability on said  
2289 county other than from the revenues derived from the operation of  
2290 said port and revenues allocated by law to the aforesaid port fund  
2291 of said county, except for the obligation of a condemnation award  
2292 or for any such obligation which may be provided for in any trust  
2293 indenture or resolution under which bonds are issued under the  
2294 terms and provisions of Article 3 of this chapter.

2295         **SECTION 64.** Section 59-7-211, Mississippi Code of 1972, is  
2296 brought forward as follows:

2297         59-7-211. In all such counties, described in Section  
2298 59-7-201, upon and with the approval of the board of supervisors,  
2299 the port commission shall have the power and authority to sell or  
2300 lease any lands or easements acquired by any such county in  
2301 conjunction with the establishment and construction of any port or  
2302 harbor under the jurisdiction of said commission for the purposes  
2303 of industrial development, but the terms and provisions of any  
2304 such sales or lease shall include limitations as to the use of  
2305 such lands and easements for industrial activities integrated to  
2306 water transportation in accordance with the terms and provisions  
2307 of such assurances of local cooperation as may have been given by  
2308 virtue of Section 51-35-15 or Section 51-35-17, Mississippi Code  
2309 of 1972, and the provisions of this article. Furthermore, said  
2310 port commission, upon and with the approval of the board of  
2311 supervisors, shall have the power and is hereby authorized, in its



2312 discretion, to sell and convey to the United States of America,  
2313 without any limitations whatsoever, by general or special warranty  
2314 deed or other acceptable form or conveyance, the full title to any  
2315 lands acquired or held by any such county in connection with the  
2316 establishment and development of any harbor or port project under  
2317 the jurisdiction of said commission in exchange for the title to  
2318 lands of the United States of America deemed useful for or needed  
2319 by any county in connection with the establishment, enlargement,  
2320 development, construction or maintenance of any port or harbor  
2321 project under the jurisdiction of said commission, or for such  
2322 other consideration as said commission and said board find to be  
2323 adequate and sufficient. Said port commission, upon and with the  
2324 approval of the board of supervisors of the county, is further  
2325 hereby authorized to donate and/or sell and convey, without any  
2326 limitations, upon such terms and conditions as may be deemed  
2327 proper by the said commission and said board of supervisors, to  
2328 the United States of America any of the lands needed by the United  
2329 States of America for navigation and/or flood control purposes, or  
2330 in fulfillment of any authorized assurances which have been given  
2331 or which may be given by said county to the United States of  
2332 America, or for the purpose of the display of the Gunboat Cairo.

2333       **SECTION 65.** Section 59-7-213, Mississippi Code of 1972, is  
2334 brought forward as follows:

2335       59-7-213. The port commission shall keep regular minutes of  
2336 all its official actions and shall provide for an adequate



2337 bookkeeping system and regular audits and keep or cause to be kept  
2338 full and correct records of the finances of said port commission  
2339 and shall, from said port funds, provide for, and pay to the clerk  
2340 of said board fees and sums as are found to be proper and  
2341 reasonable for the extra duties and work hereby imposed upon him.  
2342 All such minutes, books and records shall be kept in the office of  
2343 the chancery clerk of the county in which the port is located or  
2344 in such other place as the board of supervisors may designate by  
2345 order spread upon their minutes to the end that such minutes,  
2346 books and records shall, under reasonable conditions, be available  
2347 at all times to the public for inspection.

2348         **SECTION 66.** Section 59-7-301, Mississippi Code of 1972, is  
2349 brought forward as follows:

2350         59-7-301. This article, as to the subject matters hereof,  
2351 shall supersede all other laws, general, special or local,  
2352 including charters of municipalities. Any municipality issuing  
2353 bonds or other obligations pursuant to this article shall have no  
2354 power thereafter to issue bonds or other obligations pursuant to  
2355 the provisions of Article 1 of this chapter, unless and until all  
2356 bonds or other obligations issued pursuant to this article, and  
2357 interest thereon, have been fully paid and discharged.

2358         **SECTION 67.** Section 59-7-303, Mississippi Code of 1972, is  
2359 brought forward as follows:

2360         59-7-303. An ad valorem tax of two mills on each one dollar  
2361 of the total assessed valuation of all the taxable property in



2362 each county or counties in the State of Mississippi, in which  
2363 there is located a harbor or port of entry where commodities are  
2364 exported to foreign nations, and where there is maintained a  
2365 channel and/or harbor or port to a depth of not less than twenty  
2366 feet, be, and the same is hereby, levied on all said taxable  
2367 property, in or for each year in which the principal of or  
2368 interest on any bonds or other obligations issued by any  
2369 municipality pursuant to this article becomes due. The receipts  
2370 from said two-mill tax shall be withheld by the tax collector of  
2371 said county, and/or by any other tax collecting agency authorized  
2372 by law for the collection of said taxes, from receipts from state  
2373 ad valorem taxes now in effect or which may be hereafter levied,  
2374 so long as the state ad valorem taxes shall be not less than the  
2375 two-mill tax herein levied. However, if no state ad valorem taxes  
2376 equal to or greater than the said two-mill tax herein levied is  
2377 now or shall be hereafter levied, then and in that event, the said  
2378 two-mill tax herein levied shall continue to be levied and  
2379 collected as herein provided in each such county or counties in or  
2380 for each year in which the principal of or interest on any bonds  
2381 or other obligations issued by any municipality pursuant to this  
2382 article becomes due. The tax collector, and/or any other tax  
2383 collecting agency authorized by law for the collection of said  
2384 taxes, shall pay over all moneys collected or to be collected as  
2385 receipts from said two-mill tax to any trustee or successor  
2386 thereto established as hereinafter in this article provided, and



2387 in the event that there is no such trustee, then said tax  
2388 collector, and/or any other tax collecting agency authorized by  
2389 law for collection of said taxes, shall pay over all such moneys  
2390 into the county depository of each such county to the credit of a  
2391 fund which shall be known as a port fund. Any such moneys so paid  
2392 into the county depository of each such county to the credit of  
2393 said port fund may be expended at the direction of the port  
2394 commission, appointed for any port of entry as designated in  
2395 Chapter 1 of this title. But in no county within the terms of  
2396 this article shall there be withheld from the state treasury under  
2397 the provisions of this article and Article 1 of this chapter, for  
2398 any one year an amount in excess of the receipts from said  
2399 two-mill tax. The provisions of this article shall be deemed to  
2400 be a contract with the holders of any bonds or other obligations  
2401 issued pursuant to this article.

2402       **SECTION 68.** Section 59-7-305, Mississippi Code of 1972, is  
2403 brought forward as follows:

2404       59-7-305. The authorities of any municipality in which there  
2405 is situated and located, in whole or in part, a port of entry  
2406 through which commodities are imported and exported to foreign  
2407 nations, which maintains a channel and/or harbor to a depth of not  
2408 less than twenty feet, are hereby given the authority to engage  
2409 in, either directly or through the commission hereinafter provided  
2410 and designated and such other agencies as hereafter may be  
2411 provided by law, work of internal improvement, or promoting,





2412 developing, constructing, maintaining, and operating harbors or  
2413 seaports within the state and its jurisdiction, and either  
2414 directly or through the commission hereinafter provided for, shall  
2415 have the power to acquire, purchase, install, rent, lease,  
2416 mortgage, and/or otherwise encumber, to construct, own, hold,  
2417 maintain, equip, use, control and operate at seaports, wharves,  
2418 piers, docks, quays, grain elevators, cotton compresses,  
2419 warehouses, floating dry docks, graving docks, marine railways,  
2420 tugboats, cold storage facilities and other water and rail  
2421 terminals and other structures, and facilities needful for the  
2422 convenient use of the same in the aid of commerce including the  
2423 dredging of approaches thereto.

2424         **SECTION 69.** Section 59-7-307, Mississippi Code of 1972, is  
2425 brought forward as follows:

2426         59-7-307. All improvements and facilities constructed  
2427 pursuant to Article 1 of this chapter, and/or constructed pursuant  
2428 to this article, shall be maintained and operated under the  
2429 control of the port commission as provided in Chapter 1 of this  
2430 title. The said port commission shall, subject to and in  
2431 accordance with any agreement or agreements as may be made by any  
2432 such municipality with the purchaser or purchasers of bonds or  
2433 other obligations issued pursuant to this article, prescribe, levy  
2434 and collect all rents, fees, tolls, revenues, and/or other charges  
2435 in connection with the use and occupancy of the aforesaid  
2436 improvements and facilities, and shall pay over all net revenues



2437 derived from the operation of said improvements and facilities to  
2438 any trustee, or successor thereto, established as hereinafter in  
2439 this article provided. Net revenues shall be deemed to be such as  
2440 may be defined in any agreement or agreements entered into between  
2441 any such municipality and the purchaser or purchasers of any bonds  
2442 or other obligations issued pursuant to this article. The said  
2443 port commission shall make an annual report to the Governor of the  
2444 State of Mississippi, to the municipality having such port of  
2445 entry, and to the State Legislature.

2446       **SECTION 70.** Section 59-7-309, Mississippi Code of 1972, is  
2447 brought forward as follows:

2448       59-7-309. Any municipality, in which there is situated and  
2449 located in whole or in part a port of entry through which  
2450 commodities are imported or exported as aforesaid, is hereby given  
2451 authority, upon the adoption of a resolution to such effect, to  
2452 issue bonds or other obligations for any or all of the purposes as  
2453 provided in this article. The books of account and other sources  
2454 of information pertaining to duties under the provisions of this  
2455 article, of any port commission, municipality and/or county  
2456 affected by this article, shall be and remain at all times open to  
2457 inspection and subject to audit by the holder or holders of any  
2458 bonds or other obligations issued pursuant to this article.

2459       **SECTION 71.** Section 59-7-311, Mississippi Code of 1972, is  
2460 brought forward as follows:



2461           59-7-311. The power to issue bonds or other obligations  
2462 authorized by this article and Section 59-5-31, shall be vested in  
2463 and may be exercised from time to time by the governing bodies of  
2464 any municipality or county so authorized in such laws.

2465           Such revenue bonds may be issued without an election upon the  
2466 adoption of a resolution of the board of supervisors of such  
2467 county, declaring its intention to issue such bonds, and shall not  
2468 be subject to any limitation as to amount, and shall not be  
2469 included or computed in the statutory limitation of indebtedness  
2470 of any such county. Such bonds shall bear date or dates, be in  
2471 such denomination or denominations, bear interest at such rate or  
2472 rates, be payable at such place or places within or without the  
2473 State of Mississippi, shall mature at such time or times and upon  
2474 such terms, with or without premium, shall bear such registration  
2475 privileges, and shall be substantially in such form, all as shall  
2476 be determined by resolution of the board of supervisors of such  
2477 county. Such bonds shall mature in annual installments beginning  
2478 not more than five (5) years from date thereof and extending not  
2479 more than thirty-five (35) years from date thereof. Such bonds  
2480 shall be signed by the president of the board of supervisors of  
2481 such county, and the official seal of the county shall be affixed  
2482 thereto, attested by the clerk of the board of supervisors of such  
2483 county. The interest coupons to be attached to such bonds may be  
2484 executed by the facsimile signatures of said officers. Whenever  
2485 any such bonds shall have been signed by the officials herein



2486 designated to sign the bonds who were in office at the time of  
2487 such signing but who may have ceased to be such officers prior to  
2488 the sale and delivery of such bonds, or who may not have been in  
2489 office on the date such bonds may bear, the signatures of such  
2490 officers upon such bonds and coupons shall nevertheless be valid  
2491 and sufficient for all purposes and have the same effect as if the  
2492 person so officially signing such bonds had remained in office  
2493 until the delivery of the same to the purchaser or had been in  
2494 office on the date such bonds may bear.

2495 All bonds and interest coupons issued under the provisions of  
2496 this article shall have and are hereby declared to have all the  
2497 qualities and incidents of negotiable instruments under the  
2498 Mississippi Uniform Commercial Code. Such bonds and income  
2499 therefrom shall be exempt from all taxation within the State of  
2500 Mississippi.

2501 The board of supervisors of such county shall sell such bonds  
2502 in such manner and for such price as it may determine to be for  
2503 the best interest of said county, but no such sale shall be made  
2504 at a price less than par plus accrued interest to date of delivery  
2505 of the bonds to the purchaser. Notice of the sale of any such  
2506 bonds shall be published at least one time not less than ten (10)  
2507 days prior to the date of sale and shall be published in a  
2508 newspaper published in and having general circulation within the  
2509 county.



2510           The proceeds of such bonds shall be paid into a special fund  
2511 or funds in banks qualified to act as depositories for such  
2512 county. The proceeds of such bonds shall be solely for the  
2513 purposes for which they were issued, and the redeeming of any  
2514 outstanding bonds, and shall be disbursed upon the order of the  
2515 board of supervisors of such county, with such restrictions, if  
2516 any, as the resolution authorizing the issuance of the bonds may  
2517 provide. If the proceeds of such bonds, by error of calculation  
2518 or otherwise, shall be less than the cost of the purpose for which  
2519 they were issued, and the redeeming of any outstanding bonds,  
2520 unless otherwise provided in the resolution authorizing the  
2521 issuance of such bonds, additional bonds may in like manner be  
2522 issued to provide the amount of such deficit which, unless  
2523 otherwise provided in the resolution authorizing the issuance of  
2524 bonds, shall be deemed to be of the same issue and shall be  
2525 entitled to payment from the same fund without preference or  
2526 priority of the bonds first issued for the same purpose. If the  
2527 proceeds of the bonds of any issue shall exceed the amount  
2528 required for the purpose for which the bonds were issued, the  
2529 surplus shall be paid into the fund established for the payment of  
2530 the principal of and the interest on such bonds.

2531           Such bonds may be issued without any other proceedings or the  
2532 happening of any other conditions or things than those  
2533 proceedings, conditions, and things which are specified or  
2534 required by this article. The bonds authorized under the



2535 authority of this article may, in the discretion of the board of  
2536 supervisors of such county, be validated in the chancery court of  
2537 such county in the manner and with the force and effect provided  
2538 by Sections 31-13-1 through 31-13-11, Mississippi Code of 1972,  
2539 for the validation of county, municipal, school district, and  
2540 other bonds.

2541 The revenue bonds issued under the provisions of this section  
2542 shall be payable solely out of the revenues to accrue from the  
2543 operation of such project, development, improvement or utility  
2544 systems, and the full faith and credit of the county shall not be  
2545 pledged therefor, nor shall any ad valorem tax be levied therefor.

2546 **SECTION 72.** Section 59-7-313, Mississippi Code of 1972, is  
2547 brought forward as follows:

2548 59-7-313. The proceeds from the sale of any bonds or other  
2549 obligations issued pursuant to this article shall be placed to the  
2550 credit of such municipality in a bank or banks which are members  
2551 of the Federal Deposit Insurance Corporation and may be withdrawn  
2552 therefrom in accordance with any agreement or agreements entered  
2553 into between such municipality and the purchaser or purchasers of  
2554 such bonds or other obligations and in accordance with the laws  
2555 regulating the disbursement of municipal funds and shall be used  
2556 for no other purpose than the purpose or purposes set forth in the  
2557 original resolution of the governing body of such municipality.  
2558 Any officer or other person diverting or assisting to divert any  
2559 such funds to any other purpose or purposes than the purpose or



2560 purposes originally set forth in said resolution of the governing  
2561 body of said municipality shall be guilty of a felony and  
2562 punishable accordingly, and shall be liable both personally and on  
2563 official bonds for such diversion. Nothing in this article shall  
2564 be construed as a guarantee on the part of the State of  
2565 Mississippi to pay the principal of or interest on any bonds or  
2566 other obligations issued pursuant to this article.

2567         **SECTION 73.** Section 59-7-315, Mississippi Code of 1972, is  
2568 brought forward as follows:

2569         59-7-315. Any municipality issuing bonds or other  
2570 obligations pursuant to this article by resolution or resolutions  
2571 duly adopted, is hereby given authority to execute and deliver a  
2572 mortgage or deed of trust, in such form, with such validity and  
2573 with such remedies as at present authorized under the laws of the  
2574 State of Mississippi, on any or all properties, improvements and  
2575 facilities, the acquisition, construction, maintenance and/or  
2576 operation of which are provided for by this article. Such  
2577 resolution or resolutions of said municipality shall prescribe the  
2578 provisions, covenants and conditions of any such mortgage or deed  
2579 of trust. Such provisions, covenants and conditions, if not  
2580 self-executing, may be enforced by appropriate proceedings, either  
2581 in law or in equity.

2582         **SECTION 74.** Section 59-7-317, Mississippi Code of 1972, is  
2583 brought forward as follows:



2584           59-7-317. The bonds or other obligations issued by any  
2585 municipality of the State of Mississippi pursuant to this article  
2586 shall not constitute a debt within the meaning of any statutory  
2587 limitation as to the amount of debt which may be incurred by any  
2588 such municipality, nor shall such bonds or other obligations be  
2589 payable out of any funds other than the revenue collected or  
2590 collectible from the use of said docks, harbors and facilities of  
2591 whatsoever nature, and out of the receipts from the said two-mill  
2592 ad valorem tax, in accordance with the provisions of Section  
2593 59-7-303.

2594           **SECTION 75.** Section 59-7-319, Mississippi Code of 1972, is  
2595 brought forward as follows:

2596           59-7-319. Bonds or other obligations issued pursuant to this  
2597 article and any interest thereon or income therefrom shall be  
2598 exempt from all taxation, except gift, transfer and inheritance  
2599 taxes, in so far as may be within the power of the State of  
2600 Mississippi so to provide.

2601           **SECTION 76.** Section 59-7-321, Mississippi Code of 1972, is  
2602 brought forward as follows:

2603           59-7-321. In connection with the issuance of bonds or other  
2604 obligations by any municipality pursuant to this article, or in  
2605 order to secure the payment of said bonds or other obligations,  
2606 such municipality shall have power:

2607           (a) To accept grants from the United States of America,  
2608 the president of the United States, the federal emergency





2609 administrator of public works, or such other agencies,  
2610 instrumentalities or corporations as may be designated or created  
2611 to make grants or loans (hereinafter termed "federal agency")  
2612 pursuant to the national industrial recovery act and any further  
2613 act of the congress of the United States providing for the  
2614 construction of useful public works (hereinafter termed "national  
2615 industrial recovery act"), for or in aid of work, development or  
2616 improvement authorized by this article.

2617           (b) To make such contracts and execute such instruments  
2618 containing such provisions, covenants and conditions as in the  
2619 discretion of the authorities of any such municipalities may be  
2620 necessary, proper or advisable for the purpose of obtaining or  
2621 securing grants, loans, or other financial assistance from any  
2622 federal agency pursuant to the national industrial recovery act;  
2623 to make such further, different or additional contracts and  
2624 execute all instruments necessary or convenient in or for the  
2625 furtherance of any work, development or improvement, including but  
2626 not limited to all property real and personal appurtenant thereto  
2627 or connected therewith and the existing work, development or  
2628 improvement, if any, to which the work, development or improvement  
2629 authorized by this article is an extension, addition, betterment  
2630 or embellishment (hereinafter termed "work, development or  
2631 improvement"), to carry out and perform the terms and conditions  
2632 of any such contract or instrument.



2633           (c) To pledge all or any part of the fees, rents,  
2634 tolls, revenues or other charges received or receivable by such  
2635 municipality and/or port commission from any work, development or  
2636 improvement to which its right then exists or the right to which  
2637 may thereafter come into existence.

2638           (d) To covenant against the pledging of all or any part  
2639 of the fees, rents, tolls, revenues or other charges received or  
2640 receivable by such municipality and/or port commission from any  
2641 work, development or improvement to which its right then exists or  
2642 the right to which may thereafter come into existence.

2643           (e) To covenant against the encumbering of all or any  
2644 part of any work, development or improvement or against permitting  
2645 or suffering any lien thereon.

2646           (f) To covenant as to what other or additional debt may  
2647 be incurred by such municipality.

2648           (g) To provide for the preparation, specifications,  
2649 terms, form, registration, extension, execution and authentication  
2650 of any bonds or other obligations, issued pursuant to this  
2651 article.

2652           (h) To provide for the replacement of lost, destroyed  
2653 or mutilated bonds or other obligations issued pursuant to this  
2654 article.

2655           (i) To covenant as to the fees, rents, revenues or  
2656 tolls to be charged, the amount to be raised each year or other



2657 period of time and as to the use and disbursement to be made  
2658 thereof.

2659 (j) To covenant to set aside or to pay over reserves  
2660 and sinking funds and as to the disposal thereof.

2661 (k) To redeem prior to maturity, with or without  
2662 premium, bonds or other obligations issued pursuant to this  
2663 article and to covenant for their prior redemption and to provide  
2664 the terms and conditions thereof.

2665 (l) To covenant against extending the time for the  
2666 payment of the interest on or principal of the bonds or other  
2667 obligations issued pursuant to this article directly or indirectly  
2668 by any means or in any manner.

2669 (m) To covenant as to books of account of such  
2670 municipality and as to the inspection and audit thereof and as to  
2671 the accounting methods.

2672 (n) To covenant as to the rights, liabilities, powers  
2673 and duties arising upon the breach by such municipality of any  
2674 covenant, condition or obligation assumed pursuant to this  
2675 article.

2676 (o) To make such covenants and do any and all such acts  
2677 and things as may be necessary, convenient or desirable in order  
2678 to secure any bonds or other obligations issued pursuant to this  
2679 article, or in the absolute discretion of the authorities of such  
2680 municipality in order to make such bonds or other obligations more  
2681 marketable, notwithstanding that such covenants, acts, or things



2682 may not be enumerated herein or expressly authorized herein; it  
2683 being the intention hereby to give the authorities of any  
2684 municipality issuing bonds or other obligations pursuant to this  
2685 article the power to do all things in the issuance of said bonds  
2686 or other obligations and for their execution that may not be  
2687 inconsistent with the constitution of the State of Mississippi.

2688         **SECTION 77.** Section 59-7-323, Mississippi Code of 1972, is  
2689 brought forward as follows:

2690             59-7-323. Any municipality issuing bonds or other  
2691 obligations pursuant to this article shall, so long as any such  
2692 bonds or other obligations remain outstanding and unpaid, by  
2693 resolution or resolutions duly adopted, authorize and appoint a  
2694 trustee, satisfactory to the purchaser or purchasers of any bonds  
2695 or other obligations issued pursuant to this article or any  
2696 successor thereto, with the following powers and duties:

2697             (a) Such trustee so appointed, or any successor  
2698 thereto, shall receive and receipt for all monies collected or to  
2699 be collected as receipts from the aforesaid two-mill tax by the  
2700 aforesaid tax collector, and/or any other tax collecting agency  
2701 authorized by law for the collection of said taxes, as provided  
2702 for in Section 59-7-303;

2703             (b) Such trustee so appointed, or any successor  
2704 thereto, shall receive and receipt for all monies paid or to be  
2705 paid to it in accordance with Section 59-7-307, constituting the



2706 net revenues derived from the operation of the improvements and  
2707 facilities authorized by this article;

2708 (c) Such trustee so appointed, or any successor  
2709 thereto, shall deposit all monies received or to be received, in a  
2710 special account or accounts in a bank or banks which are members  
2711 of the Federal Deposit Insurance Corporation, with such provisions  
2712 for security therefor as may be incorporated in any agreement or  
2713 agreements entered into between any such municipality and the  
2714 purchaser or purchasers of any such bonds or other obligations;

2715 (d) Such trustee so appointed, or any successor  
2716 thereto, shall use and apply all such monies so received to the  
2717 payment of principal of and interest on any bonds or other  
2718 obligations issued by any municipality pursuant to this article,  
2719 as the same become due, and shall use and apply any surplus  
2720 remaining after such payment or payments for the prior redemption,  
2721 with or without premium, of bonds or other obligations issued by  
2722 any municipality pursuant to this article, or in accordance with  
2723 the provisions of any agreement or agreements as may be made  
2724 between any municipality issuing bonds or other obligations  
2725 pursuant to this article and the purchaser or purchasers of such  
2726 bonds or other obligations;

2727 (e) Such trustee so appointed, or any successor  
2728 thereto, shall have and be vested with all rights, powers and  
2729 duties, in addition to the foregoing, as may be provided for in  
2730 any agreement or agreements between any municipality issuing bonds



2731 or other obligations pursuant to this article and the purchaser or  
2732 purchasers of such bonds, or other obligations;

2733 (f) Such trustee so appointed, or any successor  
2734 thereto, shall by an instrument in writing, accept such trust and  
2735 shall file such written acceptance of such trust with the clerk of  
2736 the municipality so appointing such trustee;

2737 (g) If such trustee so appointed, or any successor  
2738 thereto, shall fail, neglect or refuse to perform any of the  
2739 duties herein imposed or that may be imposed by reason of any of  
2740 the provisions of any agreement or agreements as aforesaid, such  
2741 trustee, or any successor thereto, shall, on the written request  
2742 of twenty per centum or more in aggregate principal amount of the  
2743 holder or holders of bonds or other obligations issued pursuant to  
2744 this article, be removed, by resolution duly adopted by the  
2745 municipality by which such trustee, or any successor thereto, was  
2746 appointed; and in such event, it shall be the duty of any such  
2747 trustee so removed to effectuate a valid transfer of all monies  
2748 then in the possession or under the control of such trustee so  
2749 removed to a duly appointed successor, and a failure on the part  
2750 of such trustee so removed to do so shall constitute an  
2751 embezzlement of such monies and shall be punishable accordingly;

2752 (h) In the event any such trustee so appointed, or any  
2753 successor thereto, shall be removed as hereinabove provided, it  
2754 shall be the duty of any municipality, which shall have removed  
2755 any such trustee, immediately by resolution duly adopted to



2756 appoint a trustee, as successor thereto, who is satisfactory to  
2757 said holder or holders of twenty per centum or more in aggregate  
2758 principal amount of bonds or other obligations issued pursuant to  
2759 this article.

2760         **SECTION 78.** Section 59-7-401, Mississippi Code of 1972, is  
2761 brought forward as follows:

2762             59-7-401. Nothing in this article shall be construed as  
2763 repealing or altering any existing laws now on the statute books  
2764 affecting any ports or port laws, and this article is to be  
2765 considered supplementary, and any word, sentence or paragraph in  
2766 this article that may be in conflict with the provisions of any  
2767 other law shall not affect any such law. The constitutionality of  
2768 this article shall not affect any existing law now on the statute,  
2769 nor shall the constitutionality of any law now on the statutes be  
2770 questioned with this article.

2771         **SECTION 79.** Section 59-7-403, Mississippi Code of 1972, is  
2772 brought forward as follows:

2773             59-7-403. An ad valorem tax of one mill on each one dollar  
2774 of the total assessed valuation of all the taxable property in  
2775 each county or counties in the State of Mississippi, in which  
2776 there is located a port or harbor where there is maintained a  
2777 channel to a depth of not less than eight feet, is hereby levied  
2778 on all taxable property, in or for each year in which the  
2779 principal of or interest on any bonds or other obligations issued  
2780 by any municipality pursuant to this article becomes due. The



2781 receipts from said one mill tax shall be withheld by the tax  
2782 collector of said county, and/or by any other tax collecting  
2783 agency authorized by law for the collection of said taxes, from  
2784 receipts from state ad valorem taxes now in effect or which may be  
2785 hereafter levied, so long as said state ad valorem taxes shall be  
2786 not less than the said one mill tax herein levied. However, if no  
2787 state ad valorem taxes equal to or greater than the said one mill  
2788 tax herein levied is now or shall be hereafter levied, then and in  
2789 that event, the said one mill tax herein levied shall continue to  
2790 be levied and collected as herein provided in each such county or  
2791 counties in or for each year in which the principal of or interest  
2792 on any bonds or other obligations issued by any municipality  
2793 pursuant to this article becomes due. The said tax collector,  
2794 and/or any other tax collecting agency authorized by law for the  
2795 collection of said taxes, shall pay over all moneys collected or  
2796 to be collected as receipts from the one mill tax to any trustee  
2797 or successor thereto established as hereinafter provided in  
2798 Section 59-7-429, and in the event that there is no such trustee,  
2799 then said tax collector, and/or any other tax collecting agency  
2800 authorized by law for collection of said taxes, shall pay over all  
2801 such moneys into the county depository of each such county to the  
2802 credit of a fund which shall be known as a port fund. Any such  
2803 moneys so paid into the county depository of each such county to  
2804 the credit of said port fund may be expended at the direction of  
2805 the port commission, appointed for any port or harbor through





2806 which commerce flows and having not less than eight industries  
2807 engaged in the seafood industry. The provisions of this article  
2808 shall be deemed to be a contract with the holders of any bonds or  
2809 other obligations issued pursuant to this article.

2810         **SECTION 80.** Section 59-7-407, Mississippi Code of 1972, is  
2811 brought forward as follows:

2812         59-7-407. A port commission created under this article shall  
2813 consist of six (6) members who shall be qualified electors of the  
2814 municipality operating under this article, and shall be appointed  
2815 as follows: two (2) shall be appointed by the Governor, two (2)  
2816 shall be appointed by the governing authorities of the  
2817 municipality, and two (2) shall be appointed by the board of  
2818 supervisors of the county. The commission shall have jurisdiction  
2819 over the port, terminals, harbors and passes leading thereto, and  
2820 all vessels, boats and wharves, common carriers and public  
2821 utilities using the port. Commissioners shall be paid the uniform  
2822 per diem compensation authorized in Section 25-3-69 for the  
2823 discharge of official duties at meetings called in accordance with  
2824 Section 59-7-409.

2825         In the first instance, the two (2) commissioners appointed by  
2826 the Governor shall be appointed for terms of five (5) and four (4)  
2827 years, respectively, from the date of appointment; one (1) member  
2828 appointed by the board of supervisors shall be appointed for a  
2829 term of three (3) years from the date of appointment, and the  
2830 members appointed by the governing authorities of the municipality



2831 shall be appointed for terms of two (2) and one (1) years,  
2832 respectively, from the date of appointment. The additional member  
2833 appointed by the board of supervisors shall be appointed to a term  
2834 of five (5) years. After the first appointments, thereafter each  
2835 member appointed shall be appointed for a term of five (5) years.

2836 The commission shall, upon appointment, organize as provided  
2837 in Section 59-7-409.

2838 A port commission created under this article may be dissolved  
2839 by the governing authorities of the municipality as provided under  
2840 Section 59-7-408.

2841 **SECTION 81.** Section 59-7-408, Mississippi Code of 1972, is  
2842 brought forward as follows:

2843 59-7-408. (1) The governing authorities of a municipality  
2844 may dissolve a port commission created under this article by  
2845 adopting a resolution in which they determine that the dissolution  
2846 of the port commission is in the best interest of the citizens of  
2847 the municipality and authorizing the municipality to assume the  
2848 powers and duties of the port commission.

2849 (2) After the adoption of the dissolution resolution, the  
2850 port commission shall enter into an agreement with the  
2851 municipality which shall provide for:

2852 (a) the transfer of all powers, duties, and  
2853 responsibilities of the port commission to the municipality;

2854 (b) the transfer of all property and assets, real and  
2855 personal, of the port commission to the municipality;



2856 (c) the assignment of all contracts, leases, agreements  
2857 and revenue generated by the port commission to the municipality;

2858 (d) the assumption by the municipality of all just  
2859 claims and obligations of the port commission associated with the  
2860 operation and maintenance of the port facilities; and

2861 (e) any other provisions necessary for the  
2862 implementation of the dissolution.

2863 (3) All tax levies and assessments used for existing bonded  
2864 indebtedness shall continue until such indebtedness is paid.

2865 **SECTION 82.** Section 59-7-409, Mississippi Code of 1972, is  
2866 brought forward as follows:

2867 59-7-409. The port commission established by Section  
2868 59-7-407 shall meet at a regular place to be designated by the  
2869 port commission for organization as a port commission, after  
2870 giving at least ten (10) days' notice of the time and place of the  
2871 meeting by publication in a newspaper published in the city, and  
2872 they shall elect a president and secretary who shall be members of  
2873 the commission. The president shall be elected annually and shall  
2874 vote only in cases of a tie vote.

2875 **SECTION 83.** Section 59-7-411, Mississippi Code of 1972, is  
2876 brought forward as follows:

2877 59-7-411. It shall be the duty of the commission to keep a  
2878 minute book in which shall be recorded all of their acts, orders,  
2879 rules and regulations. It shall be the duty of said commission to  
2880 adopt rules and regulations not inconsistent with law to govern



2881 their official acts. It shall be the duty of said commission to  
2882 make and publish all needful rules and regulations to govern the  
2883 harbor, docks, and passes within its jurisdiction, and to fix  
2884 tariffs, fees, fines, penalties and forfeitures for the violations  
2885 of the rules and regulations of said commission, and said  
2886 commission shall have the power to fix and determine all port and  
2887 terminal charges, and it may enforce the collection thereof  
2888 through any court of competent jurisdiction in this state. This  
2889 section shall not apply to public utilities nor to railroad  
2890 terminal charges covered by or carried in approved tariffs  
2891 authorized by Interstate Commerce Commission nor to lawful  
2892 railroad operation and activities.

2893 It shall be the duty of said commission to employ such help,  
2894 including a port director, secretary, and such other help as will  
2895 be necessary to carry on the business and work of such commission,  
2896 and it will be the duty of said port commissioners to see that all  
2897 port employees, such as harbormaster, pilots, and any and all  
2898 other necessary employees for the operation of said port, perform  
2899 any and all such duties as required for the operation of said  
2900 port, at salaries to be determined by said port commission.

2901 **SECTION 84.** Section 59-7-413, Mississippi Code of 1972, is  
2902 brought forward as follows:

2903 59-7-413. All improvements and facilities constructed  
2904 pursuant to this article shall be maintained and operated under  
2905 the control of the port commission as provided by this article.



2906 The port commission shall, subject to and in accordance with any  
2907 agreement or agreements as may be made by any such municipality  
2908 with the purchaser or purchasers of bonds or other obligations  
2909 issued pursuant to this article, prescribe, levy and collect all  
2910 rents, fees, tolls, revenues and/or other charges in connection  
2911 with the use and occupancy of the aforesaid improvements and  
2912 facilities, and shall pay over all net revenues derived from the  
2913 operation of said improvements and facilities to any trustee, or  
2914 successor thereto, established as hereinafter provided in Section  
2915 59-7-429. The net revenues shall be deemed to be such as may be  
2916 defined in any agreement or agreements entered into between any  
2917 such municipality and the purchaser or purchasers of any bonds or  
2918 other obligations issued pursuant to this article. The port  
2919 commission shall make an annual report to the Governor of the  
2920 State of Mississippi, to the municipality having such port or  
2921 harbor, and to the State Legislature.

2922       **SECTION 85.** Section 59-7-415, Mississippi Code of 1972, is  
2923 brought forward as follows:

2924       59-7-415. Any municipality, in which there is situated and  
2925 located in whole or in part a port or harbor through which  
2926 commerce flows and having not less than eight industries engaged  
2927 in the seafood industry as aforesaid, is hereby given authority,  
2928 upon the adoption of a resolution to such effect, to issue bonds  
2929 or other obligations for any or all of the purposes as provided in  
2930 this article. The books of account and other sources of



2931 information pertaining to duties under the provisions of this  
2932 article, or any port commission, municipality and/or county  
2933 affected by this article, shall be and remain at all times open to  
2934 inspection and subject to audit by the holder or holders of any  
2935 bonds or other obligations issued pursuant to this article.

2936         **SECTION 86.** Section 59-7-417, Mississippi Code of 1972, is  
2937 brought forward as follows:

2938         59-7-417. The power to issue bonds or other obligations  
2939 authorized by Section 59-7-415 shall be vested in, and may be  
2940 exercised from time to time by the governing body of any such  
2941 municipality described in said section. Such bonds or other  
2942 obligations shall be authorized by resolution of the governing  
2943 body of any such municipality and shall bear such date or dates,  
2944 mature at such time or times, not exceeding twenty (20) years from  
2945 their respective dates, be in such denomination, be in such form,  
2946 either coupon or registered, carry such registration privileges,  
2947 be executed in such a manner, be payable in such medium of  
2948 payment, at such place or places, and be subject to such terms of  
2949 prior redemption, with or without premium, as such resolution or  
2950 resolutions may provide. Such bonds shall not bear a greater  
2951 overall maximum interest rate to maturity than that allowed in  
2952 Section 75-17-103. No bond shall bear more than one (1) rate of  
2953 interest; each bond shall bear interest from its date to its  
2954 stated maturity date at the interest rate specified in the bid;  
2955 all bonds of the same maturity shall bear the same rate of



2956 interest from date to maturity; all interest accruing on such  
2957 bonds so issued shall be payable semiannually or annually, except  
2958 that the first interest coupon attached to any such bond may be  
2959 for any period not exceeding one (1) year.

2960 No interest payment shall be evidenced by more than one (1)  
2961 coupon and neither cancelled nor supplemental coupons shall be  
2962 permitted. The lowest interest rate specified for any bonds  
2963 issued shall not be less than seventy percent (70%) of the highest  
2964 interest rate specified for the same bond issue. The interest  
2965 rate of any one (1) interest coupon shall not exceed the maximum  
2966 interest rate on such bonds.

2967 Each interest rate specified in any bid must be in multiples  
2968 of one-eighth of one percent (1/8 of 1%) or in multiples of  
2969 one-tenth of one percent (1/10 of 1%). Such bonds shall be  
2970 executed by the manual or facsimile signature of the mayor and  
2971 clerk of such municipality, with the seal of the municipality  
2972 affixed thereto. At least one (1) signature on each bond shall be  
2973 a manual signature, as specified in the resolution. The coupons  
2974 may bear only the facsimile signatures of such mayor and clerk.  
2975 Such bonds or other obligations may be sold at public or private  
2976 sale for such price or prices as the governing body of such  
2977 municipality shall determine, but in no case to exceed the rate of  
2978 interest hereinbefore provided. No bonds shall be issued and sold  
2979 under the provisions of this article for less than par and accrued  
2980 interest.



2981           Such bonds or other obligations may be issued by any  
2982 municipality described in Section 59-7-415 in a principal amount  
2983 not exceeding Seven Million Five Hundred Thousand Dollars  
2984 (\$7,500,000.00) outstanding at any one time for any purpose or  
2985 purposes authorized by Section 59-7-405. Such municipality shall  
2986 have power, out of any funds available, to purchase any bonds or  
2987 other obligations issued by it pursuant to this article, and all  
2988 bonds or other obligations so purchased shall be cancelled, and no  
2989 bonds or other obligations shall be issued in lieu thereof. In  
2990 anticipation of the issuance of the definitive bonds authorized by  
2991 this article, any such municipality may issue interim  
2992 certificates. Such interim certificates shall be in such form,  
2993 contain such terms, conditions or provisions, bear such date or  
2994 dates, and evidence such agreement or agreements, relating to  
2995 their discharge by payment or by the delivery of the definitive  
2996 bonds, as such municipality, by resolution of its governing body,  
2997 may determine. Any bonds, interim certificates or other  
2998 obligations issued pursuant to this article shall be fully  
2999 negotiable within the meaning and for all the purposes of the  
3000 Mississippi Uniform Commercial Code, and may be validated as  
3001 provided by statute.

3002           **SECTION 87.** Section 59-7-419, Mississippi Code of 1972, is  
3003 brought forward as follows:

3004           59-7-419. The proceeds from the sale of any bonds or other  
3005 obligations issued pursuant to this article shall be placed to the





3006 credit of such municipality in a bank or banks, which are members  
3007 of the federal deposit insurance corporation and may be withdrawn  
3008 therefrom in accordance with any agreement or agreements entered  
3009 into between such municipality and the purchaser or purchasers of  
3010 such bonds or other obligations and shall be used for no other  
3011 purpose than the purpose of such municipality. Any officer or  
3012 other person diverting or assisting to divert any such funds to  
3013 any other purpose or purposes than the purpose or purposes  
3014 originally set forth in said resolution of the governing body of  
3015 said municipality shall be guilty of a felony and punishable  
3016 accordingly, and shall be liable both personally and on official  
3017 bonds for such diversion.

3018 Nothing in this article shall be construed as a guarantee on  
3019 the part of the State of Mississippi to pay the principal or  
3020 interest on any bonds or other obligations issued pursuant to this  
3021 article.

3022 **SECTION 88.** Section 59-7-421, Mississippi Code of 1972, is  
3023 brought forward as follows:

3024 59-7-421. Any municipality issuing bonds or other  
3025 obligations pursuant to this article by resolution or resolutions  
3026 duly adopted, is hereby given authority to execute and deliver a  
3027 mortgage or deed of trust, in such form, with such validity and  
3028 with such remedies as at present authorized under the laws of the  
3029 State of Mississippi, on any or all properties, improvements and  
3030 facilities, the acquisition, construction, maintenance and/or



3031 operation of which are provided for by this article. Such  
3032 resolution or resolutions of said municipality shall prescribe the  
3033 provisions, covenants and conditions of any such mortgage or deed  
3034 of trust. Such provisions, covenants and conditions, if not  
3035 self-executing, may be enforced by appropriate proceedings, either  
3036 in law or in equity.

3037 **SECTION 89.** Section 59-7-423, Mississippi Code of 1972, is  
3038 brought forward as follows:

3039 59-7-423. The bonds or other obligations issued by any  
3040 municipality of the State of Mississippi pursuant to this article  
3041 shall not constitute a debt within the meaning of any statutory  
3042 limitation as to the amount of debt which may be incurred by any  
3043 such municipality, nor shall such bonds or other obligations be  
3044 payable out of any funds other than the revenue collected or  
3045 collectible from the use of said docks, harbors and facilities of  
3046 whatsoever nature, and out of the receipts the said one mill ad  
3047 valorem tax, in accordance with the provisions of Section  
3048 59-7-403.

3049 **SECTION 90.** Section 59-7-425, Mississippi Code of 1972, is  
3050 brought forward as follows:

3051 59-7-425. Bonds or other obligations issued pursuant to this  
3052 article and any interest thereon or income therefrom shall be  
3053 exempt from all taxation, except gift, transfer and inheritance  
3054 taxes, in so far as may be within the power of the State of  
3055 Mississippi so to provide.



3056           **SECTION 91.** Section 59-7-427, Mississippi Code of 1972, is  
3057 brought forward as follows:

3058           59-7-427. In connection with the issuance of bonds or other  
3059 obligations by any municipality pursuant to this article, or in  
3060 order to secure the payment of said bonds or other obligations,  
3061 such municipality shall have power:

3062           (a) To accept grants from the United States of America,  
3063 the president of the United States, the federal emergency  
3064 administrator of public works, or such other agencies,  
3065 instrumentalities or corporations as may be designated or created  
3066 to make grants or loans (hereinafter termed "federal agency")  
3067 pursuant to the national industry recovery act and any further act  
3068 of the congress of the United States providing for the  
3069 construction of useful public works (hereinafter termed "national  
3070 industrial recovery act"), for or in aid of work, development or  
3071 improvement authorized by this article.

3072           (b) To make such contracts and execute such instruments  
3073 containing such provisions, covenants and conditions as in the  
3074 discretion of the authorities of any such municipalities may be  
3075 necessary, proper or advisable for the purpose of obtaining or  
3076 securing grants, loans, or other financial assistance from any  
3077 federal agency pursuant to the national industrial recovery act;  
3078 to make such further, different or additional contracts and  
3079 execute all instruments necessary or convenient in or for the  
3080 furtherance of any work, development or improvement, including but



3081 not limited to all property, real and personal, appurtenant  
3082 thereto or connected therewith and the existing work, development  
3083 or improvement, if any, to which the work, development or  
3084 improvement authorized by this article is an extension, addition,  
3085 betterment or embellishment (hereinafter termed "work, development  
3086 or improvement") to carry out and perform the terms and conditions  
3087 of any such contract or instrument.

3088 (c) To pledge all or any part of the fees, rents,  
3089 tolls, revenues or other charges received or receivable by such  
3090 municipality and/or port commission from any work, development or  
3091 improvement to which its right then exists or the right to which  
3092 may thereafter come into existence.

3093 (d) To covenant against the pledging of all or any part  
3094 of the fees, rents, tolls, revenues or other charges received or  
3095 receivable by such municipality and/or port commission from any  
3096 work, development or improvement to which its right then exists or  
3097 the right to which may thereafter come into existence.

3098 (e) To covenant against the encumbering of all or any  
3099 part of any work, development or improvement or against permitting  
3100 or suffering any lien thereon.

3101 (f) To covenant as to what other or additional debt may  
3102 be incurred by such municipality.

3103 (g) To provide for the preparation, specifications,  
3104 terms, form, registration, extension, execution and authentication



3105 of any bonds or other obligations, issued pursuant to this  
3106 article.

3107 (h) To provide for the replacement of lost, destroyed  
3108 or mutilated bonds or other obligations issued pursuant to this  
3109 article.

3110 (i) To covenant as to the fees, rents, revenues or  
3111 tolls to be charged, the amount to be raised each year or other  
3112 period of time and as to the use and disbursement to be made  
3113 thereof.

3114 (j) To covenant to set aside or to pay over reserves  
3115 and sinking funds and as to the disposal thereof.

3116 (k) To redeem prior to maturity, with or without  
3117 premium, bonds or other obligations issued pursuant to this  
3118 article and to covenant for their prior redemption and to provide  
3119 the terms and conditions thereof.

3120 (l) To covenant against extending the time for the  
3121 payment of the interest on or principal of the bonds or other  
3122 obligations issued pursuant to this article directly or indirectly  
3123 by any means or in any manner.

3124 (m) To covenant as to books of account of such  
3125 municipality and as to the inspection and audit thereof and as to  
3126 the accounting methods.

3127 (n) To covenant as to the rights, liabilities, powers  
3128 and duties arising upon the breach by such municipality of any



3129 covenant, condition or obligation assumed pursuant to this  
3130 article.

3131 (o) To make such covenants and do any and all such acts  
3132 and things as may be necessary, convenient or desirable in order  
3133 to secure any bonds or other obligations issued pursuant to this  
3134 article, or in the absolute discretion of the authorities of such  
3135 municipality in order to make such bonds or other obligations more  
3136 marketable, notwithstanding that such covenants, acts, or things  
3137 may not be enumerated herein or expressly authorized herein; it  
3138 being the intention hereby to give the authorities of any  
3139 municipality issuing bonds or other obligations pursuant to this  
3140 article the power to do all things in the issuance of said bonds  
3141 or other obligations and for their execution that may not be  
3142 inconsistent with the constitution of the State of Mississippi.

3143 **SECTION 92.** Section 59-7-429, Mississippi Code of 1972, is  
3144 brought forward as follows:

3145 59-7-429. Any municipality issuing bonds or other  
3146 obligations pursuant to this article shall, so long as any such  
3147 bonds or other obligations remain outstanding and unpaid, by  
3148 resolution or resolutions duly adopted, authorize and appoint a  
3149 trustee, satisfactory to the purchaser or purchasers of any bonds  
3150 or other obligations issued pursuant to this article, or any  
3151 successor thereto, with the following powers and duties:

3152 (a) Such trustee so appointed, or any successor  
3153 thereto, shall receive and receipt for all moneys collected or to



3154 be collected as receipts from the aforesaid two-mill tax by the  
3155 aforesaid tax collector, and/or any other tax collecting agency  
3156 authorized by law for the collection of said taxes, as provided  
3157 for in Section 59-7-403;

3158 (b) Such trustee so appointed, or any successor  
3159 thereto, shall receive and receipt for all moneys paid or to be  
3160 paid to it in accordance with Section 59-7-407, constituting the  
3161 net revenues derived from the operation of the improvements and  
3162 facilities authorized by this article;

3163 (c) Such trustee so appointed, or any successor  
3164 thereto, shall deposit all moneys received or to be received, in a  
3165 special account or accounts in a bank or banks which are members  
3166 of the federal deposit insurance corporation, with such provisions  
3167 for security therefor as may be incorporated in any agreement or  
3168 agreements entered into between any such municipality and the  
3169 purchaser or purchasers of any such bonds or other obligations;

3170 (d) Such trustee so appointed, or any successor  
3171 thereto, shall use and apply all such moneys so received to the  
3172 payment of principal of and interest on any bonds or other  
3173 obligations issued by any municipality pursuant to this article,  
3174 as the same becomes due, and shall use and apply any surplus  
3175 remaining after such payment or payments for the prior redemption,  
3176 with or without premium, of bonds or other obligations issued by  
3177 any municipality pursuant to this article, or in accordance with  
3178 the provisions of any agreement or agreements as may be made



3179 between any municipality issuing bonds or other obligations  
3180 pursuant to this article and the purchaser or purchasers of such  
3181 bonds or other obligations;

3182 (e) Such trustee so appointed, or any successor  
3183 thereto, shall have and be vested with all rights, powers and  
3184 duties, in addition to the foregoing, as may be provided for in  
3185 any agreement or agreements between any municipality issuing bonds  
3186 or other obligations pursuant to this article and the purchaser or  
3187 purchasers of such bonds or other obligations;

3188 (f) Such trustee so appointed, or any successor  
3189 thereto, shall by an instrument in writing, accept such trust and  
3190 shall file such written acceptance of such trust with the clerk of  
3191 the municipality so appointing such trustee;

3192 (g) If such trustee so appointed, or any successor  
3193 thereto, shall fail, neglect or refuse to perform any of the  
3194 duties herein imposed or that may be imposed by reason of any of  
3195 the provisions of any agreement or agreements as aforesaid, such  
3196 trustee, or any successor thereto, shall, on the written request  
3197 of twenty per centum or more in aggregate principal amount of the  
3198 holder or holders of bonds or other obligations issued pursuant to  
3199 this article, be removed, by resolution duly adopted by the  
3200 municipality by which such trustee, or any successor thereto, was  
3201 appointed; and in such event, it shall be the duty of any such  
3202 trustee so removed to effectuate a valid transfer of all moneys  
3203 then in the possession or under the control of such trustee so





3204 removed to a duly appointed successor, and a failure on the part  
3205 of such trustee so removed to do so shall constitute an  
3206 embezzlement of such moneys and shall be punishable accordingly;

3207 (h) In the event any such trustee so appointed, or any  
3208 successor thereto, shall be removed as hereinabove provided, it  
3209 shall be the duty of any municipality which shall have removed any  
3210 such trustee, immediately by resolution duly adopted to appoint a  
3211 trustee as successor thereto, who is satisfactory to said holder  
3212 or holders of twenty per centum or more in aggregate principal  
3213 amount of bonds or other obligations issued pursuant to this  
3214 article.

3215 **SECTION 93.** Section 59-7-451, Mississippi Code of 1972, is  
3216 brought forward as follows:

3217 59-7-451. Any county in the State of Mississippi bordering  
3218 on the Mississippi River which has not heretofore created a county  
3219 port authority or county port commission is hereby authorized, in  
3220 the discretion of the board of supervisors of such county, as  
3221 evidenced by a resolution adopted by such board of supervisors, to  
3222 create a county port commission.

3223 **SECTION 94.** Section 59-7-453, Mississippi Code of 1972, is  
3224 brought forward as follows:

3225 59-7-453. Such county port commission shall consist of seven  
3226 (7) members to be appointed by the board of supervisors, one (1)  
3227 of whom shall represent each of the supervisors districts of the  
3228 county and shall be a resident of such supervisor's district, and



3229 two (2) members shall be appointed from the county at large and be  
3230 residents of the county. The two (2) at-large members shall be  
3231 designated as post 1 and post 2. The initial terms of office of  
3232 the members representing the supervisors districts shall expire as  
3233 follows: District 1, July 1, 1974; District 2, July 1, 1975;  
3234 District 3, July 1, 1976; District 4, July 1, 1977; District 5,  
3235 July 1, 1978. The at-large members' terms shall expire as  
3236 follows: post 1 shall expire July 1, 1979, and post 2 shall expire  
3237 July 1, 1981. All succeeding terms shall be for terms of five (5)  
3238 years. Any vacancy occurring therein shall be filled for the  
3239 unexpired term by appointment of the board of supervisors. Where  
3240 such port commission has been established or may be established as  
3241 herein provided, the said port commission shall undertake and  
3242 perform the duties assigned to it by the board of supervisors, and  
3243 said commission shall manage and control all port facilities which  
3244 may be authorized and constructed by virtue of the terms and  
3245 provisions of Sections 59-7-101 through 59-7-131, 59-7-201 through  
3246 59-7-213, and 59-7-501 through 59-7-519, and all appurtenant and  
3247 physical properties connected therewith, both real and personal,  
3248 and shall provide for the regular inspection, repair, maintenance  
3249 and improvement of said port facilities as provided therein.

3250 In addition to the authority granted herein, and  
3251 notwithstanding the provisions of any other law to the contrary,  
3252 the commission may, subject to the approval of the board of  
3253 supervisors, purchase any existing railroad or railroad



3254 facilities, within or without such county, which it deems  
3255 necessary for the development of its port facilities.

3256 In addition to any other authority to borrow funds for the  
3257 purposes of this chapter, the board of supervisors may borrow  
3258 funds from any agency of the United States government on such  
3259 terms as the board determines to be in the best interest of the  
3260 county.

3261 Any railroad or railroad facilities purchased under the  
3262 provisions of this section may be operated by the county or others  
3263 on behalf of the county, or may be leased to others by the county.  
3264 The commission may establish, charge and collect any tariffs,  
3265 rates or other charges in connection therewith as may be necessary  
3266 or advisable to accomplish the purposes of this section.

3267 **SECTION 95.** Section 59-7-455, Mississippi Code of 1972, is  
3268 brought forward as follows:

3269 59-7-455. The duties and authority conferred in Sections  
3270 59-7-101 through 59-7-131, through 59-7-201 through 59-7-211,  
3271 59-7-501 through 59-7-519, and Sections 27-39-3 through 27-39-13,  
3272 Mississippi Code of 1972, shall apply to any county coming within  
3273 the provisions of this article commencing on the date of the  
3274 adoption of the aforesaid resolution by the board of supervisors  
3275 of said county; provided, however, that the members of such port  
3276 commission shall be appointed by the method and for the terms as  
3277 herein provided. In addition to the authority granted herein, the  
3278 board of supervisors may, in its discretion, expend funds from any



3279 available source, including the county general fund and federal  
3280 revenue sharing funds, to carry out the purposes of this article.

3281 **SECTION 96.** Section 59-7-501, Mississippi Code of 1972, is  
3282 brought forward as follows:

3283 59-7-501. The board of supervisors of any county which has  
3284 elected or hereafter may elect to establish a port commission  
3285 under the provisions of Article 3 of this chapter, and which  
3286 desires to improve its port and harbor facilities by the  
3287 construction, maintenance and operation of any revenue-producing  
3288 port and/or harbor facility or facilities may issue revenue bonds  
3289 of such county to provide funds for such purpose.

3290 **SECTION 97.** Section 59-7-503, Mississippi Code of 1972, is  
3291 brought forward as follows:

3292 59-7-503. Revenue bonds authorized by Section 59-7-501 may  
3293 be issued without an election thereon upon the adoption of a  
3294 resolution by the board of supervisors of such county upon the  
3295 request and recommendation of the port commission of such county.  
3296 Such revenue bonds shall not be subject to any limitation as to  
3297 amount and shall not be included in computing the statutory  
3298 limitation of indebtedness of such county under any present or  
3299 future law. Such bonds shall bear date or dates, shall be of such  
3300 denomination or denominations, shall be payable at such place or  
3301 places within or without the State of Mississippi, shall mature at  
3302 such time or times and upon such terms and may be made redeemable  
3303 prior to maturity with or without premium, shall bear such



3304 registration privileges and shall be in substantially such form as  
3305 shall be determined by resolution of the board of supervisors of  
3306 such county. Such bonds shall mature in annual installments  
3307 beginning not more than five (5) years from the date thereof and  
3308 extending not more than twenty-five (25) years from the date  
3309 thereof. Such bonds shall be signed by the president of the board  
3310 of supervisors of such county and the official seal of the county  
3311 shall be affixed thereto, attested by the clerk of the board of  
3312 supervisors of such county. The interest coupons to be attached  
3313 to such bonds may be executed by the facsimile signatures of such  
3314 officers. Whenever such bonds shall have been signed by the  
3315 officials designated to sign the same who were in office at the  
3316 time of such signing but who may have ceased to be such officers  
3317 prior to the date of the sale and delivery of such bonds, or who  
3318 may not have been in office on the date such bonds may bear, the  
3319 signatures of such officers upon such bonds and coupons shall  
3320 nevertheless be valid and sufficient for all purposes and have the  
3321 same effect as if the person so officially signing such bonds had  
3322 remained in office until the delivery of the same to the purchaser  
3323 or had been in office on the date such bonds may bear.

3324       **SECTION 98.** Section 59-7-505, Mississippi Code of 1972, is  
3325 brought forward as follows:

3326       59-7-505. All bonds shall bear interest at such rate or  
3327 rates as may be determined by resolution of the board of  
3328 supervisors of the county issuing them, not to exceed an overall



3329 maximum interest rate to maturity than that allowed in Section  
3330 75-17-103, Mississippi Code of 1972. No bond shall bear more than  
3331 one (1) rate of interest; each bond shall bear interest from its  
3332 date to its stated maturity date at the interest rate specified in  
3333 the bid; all bonds of the same maturity shall bear the same rate  
3334 of interest from date to maturity; all interest accruing on such  
3335 bonds so issued shall be payable semiannually or annually, except  
3336 that the first interest coupon attached to any such bond may be  
3337 for any period not exceeding one (1) year.

3338 No interest payment shall be evidenced by more than one (1)  
3339 coupon and neither cancelled nor supplemental coupons shall be  
3340 permitted; the lowest interest rate specified for any bonds issued  
3341 shall not be less than sixty percent (60%) of the highest interest  
3342 rate specified for the same bond issue. The interest rate of any  
3343 one (1) interest coupon shall not exceed the maximum interest rate  
3344 allowed on such bonds.

3345 Each interest rate specified in any bid must be in multiples  
3346 of one-eighth of one percent (1/8 of 1%) or in multiples of  
3347 one-tenth of one percent (1/10 of 1%), and a zero rate of interest  
3348 cannot be named.

3349 **SECTION 99.** Section 59-7-507, Mississippi Code of 1972, is  
3350 brought forward as follows:

3351 59-7-507. All bonds and interest coupons issued under the  
3352 provisions of this article shall have and hereby are declared to  
3353 have all the qualities and incidents of negotiable instruments



3354 under the Uniform Commercial Code of the State of Mississippi.  
3355 Such bonds and the income therefrom shall be exempt from all  
3356 taxation within the State of Mississippi.

3357 **SECTION 100.** Section 59-7-509, Mississippi Code of 1972, is  
3358 brought forward as follows:

3359 59-7-509. The board of supervisors of any county issuing  
3360 bonds under the provisions of this article shall sell such bonds  
3361 on sealed bids at not less than par plus accrued interest to date  
3362 of delivery of the bonds to the purchaser, and in the manner  
3363 provided in Section 31-19-25, Mississippi Code of 1972.

3364 **SECTION 101.** Section 59-7-511, Mississippi Code of 1972, is  
3365 brought forward as follows:

3366 59-7-511. The proceeds of the revenue bonds shall be paid  
3367 into a special fund designated as the "special project port  
3368 improvement fund" in a bank or banks qualified as depositories for  
3369 the county issuing bonds under the provisions of this article, and  
3370 such proceeds shall be used solely for the purposes for which such  
3371 bonds were issued, except as hereinafter provided, and shall be  
3372 disbursed upon order of the board of supervisors of such county  
3373 with such restrictions, if any, as the resolution authorizing the  
3374 issuance of the bonds may provide. If the proceeds of such bonds,  
3375 by error of calculation or otherwise, shall be less than the cost  
3376 of the project for which such bonds were issued, and the redeeming  
3377 of any outstanding bonds, unless otherwise provided in the  
3378 resolution authorizing the issuance of such bonds, additional



3379 bonds may in like manner be issued to provide the amount of such  
3380 deficit which, unless otherwise provided in the resolution  
3381 authorizing the issuance of such bonds, shall be deemed to be of  
3382 the same issue and shall be entitled to payment from the same  
3383 funds without preference or priority of the bonds first issued for  
3384 the same purpose. If the proceeds of the bonds of any issue shall  
3385 exceed the amount required for the project for which the bonds  
3386 were issued, such surplus shall be paid into the fund established  
3387 for the payment of the principal of and interest on such bonds.

3388         **SECTION 102.** Section 59-7-513, Mississippi Code of 1972, is  
3389 brought forward as follows:

3390             59-7-513. The revenue bonds authorized to be issued by the  
3391 provisions of this article may be issued without any other  
3392 proceedings or the happening of any other conditions or things  
3393 than those specified or required by this article. In the  
3394 discretion of the board of supervisors of such county the bonds  
3395 authorized and issued hereunder may be submitted to validation in  
3396 the chancery court of such county in the manner and with the force  
3397 and effect now or hereafter provided by Sections 31-13-1 through  
3398 31-13-11, Mississippi Code of 1972, for the validation of county,  
3399 municipal, school district and other bonds.

3400         **SECTION 103.** Section 59-7-515, Mississippi Code of 1972, is  
3401 brought forward as follows:

3402             59-7-515. The revenue bonds issued under the provisions of  
3403 this article shall be payable, both principal and interest, solely





3404 out of the revenues to accrue from the operation of the facilities  
3405 provided through the special project for which such bonds are  
3406 issued, and the full faith and credit of the county shall not be  
3407 pledged therefor, nor shall any ad valorem tax be levied for the  
3408 payment of such bonds or the interest thereon, and such facts  
3409 shall be recited on the face of the bonds.

3410       **SECTION 104.** Section 59-7-517, Mississippi Code of 1972, is  
3411 brought forward as follows:

3412       59-7-517. Any county issuing revenue bonds under the  
3413 provisions of this article is hereby authorized by contract or  
3414 otherwise to provide for the operation and maintenance of  
3415 facilities provided through the special project for which such  
3416 bonds are issued and to establish the rates, fees and charges to  
3417 be paid by users of such port and/or harbor facilities and shall  
3418 provide for a revision of such rates, fees and charges from time  
3419 to time as may be necessary to assure the sufficiency of funds to  
3420 meet the covenants and pledges made in the resolution pursuant to  
3421 which such bonds were issued.

3422       **SECTION 105.** Section 59-7-519, Mississippi Code of 1972, is  
3423 brought forward as follows:

3424       59-7-519. All revenues of every kind and character derived  
3425 from the operation of the facilities of any special project  
3426 authorized by the provisions of this article shall be paid into  
3427 the port fund of such county and into a special account in said  
3428 fund to be designated as the "special project revenue fund" and



3429 the resolution of the board of supervisors directing the issuance  
3430 of such bonds shall require that such revenues shall be allocated  
3431 to and shall be pledged for the following purposes:

3432 (a) An operation and maintenance fund out of which  
3433 there shall be paid the usual and necessary expenses for the  
3434 operation and maintenance of the project facilities;

3435 (b) A renewal and replacement fund sufficient to assure  
3436 that the project facilities, including equipment, shall be kept in  
3437 good repair and working order;

3438 (c) A bond and interest fund which shall be sufficient  
3439 to provide for the payment of the principal of and the interest on  
3440 the bonds as they mature and accrue, including a reasonable sum  
3441 for the creation of a bond reserve fund to assure the payment of  
3442 such bonds and the interest therein in the event that sufficient  
3443 funds therefor are not otherwise available; and

3444 (d) A contingent fund to provide for unforeseen  
3445 contingencies arising in the operation of the project facilities.  
3446 Any surplus funds remaining after making the foregoing allocations  
3447 shall be dealt with as may be directed by the resolution of the  
3448 board of supervisors whereunder such bonds are issued, for the  
3449 repayment of advances received from any source, for the payment of  
3450 any maturities of principal and interest of such bonds, for the  
3451 improvement of the port and/or harbor facilities for which such  
3452 bonds were issued, or for the retirement of the outstanding bonds  
3453 according to their terms.



3454           **SECTION 106.** Section 65-33-1, Mississippi Code of 1972, is  
3455 brought forward as follows:

3456           65-33-1. When any public road, street or highway shall  
3457 extend along the beach or shore of any body of tidewater, and such  
3458 road, street, or highway, or any part thereof shall be exposed or  
3459 subject to, or in danger of, damage by water driven against the  
3460 shore by storms, the boards of supervisors shall have the power,  
3461 and it is hereby made their duty, to erect and maintain all  
3462 necessary seawalls, breakwaters, bulkheads, shore stabilization  
3463 structures, causeways, bridges, breakwaters, or other necessary  
3464 structures or improvements connecting the beach or shore of any  
3465 such bodies of water with islands or other land areas located  
3466 offshore or connecting therewith, pumped-in sand or earth fills,  
3467 sloping beaches, topping, road surfacing, road protection  
3468 pavements, aprons, or other necessary devices to protect and  
3469 preserve such roads, streets, and highways, or to increase the  
3470 strength or stability of any existing road protection structures  
3471 by hard surface aprons or other road protection devices or  
3472 structures, and for that purpose and for the purpose of  
3473 constructing or improving such highway, may issue the bonds of the  
3474 county therefor.

3475           **SECTION 107.** Section 65-33-3, Mississippi Code of 1972, is  
3476 brought forward as follows:

3477           65-33-3. The words "sea wall," as used in this chapter,  
3478 shall be held to include filling behind the sea wall, culverts,



3479 sluiceways, flood gates, and any other construction work found  
3480 necessary for the protection of the water front from storms,  
3481 caving banks, overflow, and other like dangers.

3482       The terms "roads, streets, avenues, and highways" as herein  
3483 used shall include all such roads, streets, avenues, and highways  
3484 as may form any part of any highway extending along such body of  
3485 water through or across such county, or any other existing or  
3486 contemplated public road, street, avenue, or highway connected  
3487 therewith, extending to or along the side of a harbor or to a boat  
3488 landing or dock, which, in the discretion of the board of  
3489 supervisors of such county, is in need of the protection provided  
3490 in this chapter, whether the same is under the jurisdiction of the  
3491 national government, the state, the county, or of any  
3492 municipality.

3493       **SECTION 108.** Section 65-33-5, Mississippi Code of 1972, is  
3494 brought forward as follows:

3495       65-33-5. Prior to the issuance of any bonds hereunder, and  
3496 precedent to the inauguration of this program, the following steps  
3497 shall be taken:

3498           (a) Any such board of supervisors is authorized to  
3499 employ competent engineers or technical assistants to make  
3500 necessary preliminary plans and specifications and estimates of  
3501 cost of the construction of any causeways or bridges or other  
3502 structures in connection with any proposed project or projects  
3503 which the board may deem necessary and proper. After said



3504 preliminary plans, specifications and estimates of cost have been  
3505 approved by said board, the same shall be filed in the office of  
3506 the chancery clerk of such county;

3507 (b) Such board of supervisors shall obtain approval by  
3508 the proper United States governmental authorities of the building  
3509 of the proposed project, or projects, with regard to questions of  
3510 navigation.

3511 **SECTION 109.** Section 65-33-7, Mississippi Code of 1972, is  
3512 brought forward as follows:

3513 65-33-7. Such bonds shall be in the denomination of One  
3514 Thousand Dollars (\$1,000.00) each and shall mature annually, with  
3515 all maturities not longer than twenty-five (25) years, with not  
3516 less than one-fiftieth (1/50) of the total issue to mature each  
3517 year during the first five (5) years of the life of such bonds,  
3518 not less than one-twenty-fifth (1/25) of the total issue to mature  
3519 each year during the succeeding ten-year period of the life of  
3520 such bonds, and the remainder to be divided into approximately  
3521 equal annual payments, one (1) payment to mature each year for the  
3522 remaining life of such bonds. Such bonds shall not bear a greater  
3523 rate of interest than the maximum amount specified in Section  
3524 75-17-103 per annum, and the denomination, form, and place or  
3525 places of payment of such bonds shall be fixed in the resolution  
3526 or order of the board of supervisors issuing such bonds. Such  
3527 bonds shall be signed by the president of the board of supervisors  
3528 and countersigned by the clerk thereof, with the official seal of



3529 the county affixed thereto, but the coupons may bear only the  
3530 facsimile signatures of such president and clerk. No bonds shall  
3531 be issued and sold under the provisions of Sections 65-33-1  
3532 through 65-33-15 for less than par and accrued interest, and not  
3533 more than one (1) series of interest coupons shall be attached to  
3534 any bonds issued under the provisions of said sections; but all  
3535 interest accruing on such bonds so issued shall be payable  
3536 semiannually, except that the first interest coupon attached to  
3537 any such bond may be for any period not exceeding one (1) year.  
3538 Such bonds shall be payable at such place or places as may be  
3539 designated therein by said board, shall be fully negotiable, and  
3540 shall be sold pursuant to advertised public sale at not less than  
3541 par and accrued interest. Such bonds shall not be subject to  
3542 other restrictions, limitations or provisions of the general laws  
3543 governing the issuance and sale of bonds by the board of  
3544 supervisors, and the board of supervisors may sell said bonds at  
3545 any time within three (3) years after the sale has been approved  
3546 in an election held for that purpose herein required, or three (3)  
3547 years after the successful termination of any litigation affecting  
3548 the same, or three (3) years after the acquisition of all lands in  
3549 the areas to be developed as hereinafter provided, but not later;  
3550 however, in no event shall the amount borrowed by any such county  
3551 after May 4, 1954, exceed the amount of Twelve Million Dollars  
3552 (\$12,000,000.00) under the provisions of this section.



3553           Before any bonds shall be issued under the cited sections,  
3554 the board of supervisors shall adopt a resolution reciting its  
3555 intention to issue such bonds and stating the amount of bonds  
3556 proposed to be issued, and shall give notice of election, to be  
3557 published once each week for at least three (3) consecutive weeks  
3558 in at least one (1) newspaper published in such county, in  
3559 accordance with the provisions of Section 19-9-13, except that  
3560 such election shall be mandatory.

3561           Such election shall be held, as far as practicable, in the  
3562 same manner as other elections are held in counties. At such  
3563 election, all qualified electors of such county may vote, and the  
3564 ballots used at such election shall have printed thereon a brief  
3565 statement of the amount and purpose of the proposed bond issue and  
3566 the words "For the Bond Issue" and "Against the Bond Issue," and  
3567 the voter shall vote by placing a cross (X) or check mark (V)  
3568 opposite his choice on the proposition.

3569           When the results of the election on the question of the  
3570 issuance of such bonds shall have been canvassed by the election  
3571 commissioners of such county and certified by them to the board of  
3572 supervisors of such county, it shall be the duty of such board of  
3573 supervisors to determine and adjudicate whether or not  
3574 three-fifths (3/5) of the qualified electors who voted in such  
3575 election voted in favor of the issuance of such bonds; and, unless  
3576 three-fifths (3/5) of the qualified electors who voted in such



3577 election shall have voted in favor of the issuance of such bonds,  
3578 then such bonds shall not be issued.

3579         **SECTION 110.** Section 65-33-9, Mississippi Code of 1972, is  
3580 brought forward as follows:

3581         65-33-9. In addition to the bonds authorized under Section  
3582 65-33-7, said board shall have the authority, and it is hereby  
3583 authorized, to issue and sell callable mortgage and revenue bonds  
3584 in an amount not exceeding four million dollars (\$4,000,000.00) to  
3585 provide additional funds, if found by the board to be necessary  
3586 for the purposes of Sections 65-33-1 through 65-33-15, which  
3587 mortgage and revenue bonds shall be secured by a mortgage  
3588 indenture on any land acquired by the board under the authority of  
3589 said sections and, in the discretion of the board, by tolls to be  
3590 fixed and collected by the board for the use of any such bridge or  
3591 bridges, causeway or causeways, or other structure, and by any  
3592 other revenue derived from any source under said sections.

3593         Such bonds shall be in the denomination of one thousand  
3594 dollars (\$1,000.00) each, all shall mature within twenty-five  
3595 years from the date of issuance, with such dates of maturity not  
3596 to exceed twenty-five years as may be fixed in the resolution  
3597 authorizing their issuance, shall bear interest not to exceed six  
3598 per cent (6%) per annum to accrue and be payable semiannually, and  
3599 shall be executed and sold in the manner authorized for the  
3600 execution and sale of bonds, as provided in Section 65-33-7.





3601 To secure the payment of such mortgage and revenue bonds and  
3602 to fix the rights of the holders thereof, said board may execute a  
3603 trust indenture constituting a mortgage lien upon any of the lands  
3604 acquired under the provisions of Sections 65-33-1 through  
3605 65-33-15, and which indenture may, in the discretion of the board,  
3606 pledge and assign any revenues and tolls which the board may fix  
3607 and collect for the use of any bridge or bridges, causeway or  
3608 causeways, or other structure financed under the provisions of  
3609 said sections. Said indenture shall contain such provisions and  
3610 conditions as the board may find necessary or proper, shall  
3611 include provisions for insurance of such bridges or causeways  
3612 against such hazards as the board may deem proper and necessary,  
3613 and shall fix the terms and conditions for calling said mortgage  
3614 and revenue bonds for prepayment before their maturities.

3615 **SECTION 111.** Section 65-33-11, Mississippi Code of 1972, is  
3616 brought forward as follows:

3617 65-33-11. In event any such bonds be authorized by said  
3618 election for the purpose of building or constructing any causeway  
3619 or bridge to any island or islands, then and in that event, and  
3620 before any of said bonds shall be sold or delivered, the said  
3621 board shall take necessary steps to acquire title to all of the  
3622 land on such island or islands, susceptible of private ownership,  
3623 not belonging to the United States government or the State of  
3624 Mississippi (exclusive of any historic fort or fortress belonging  
3625 to a patriotic association with not exceeding five acres of land



3626 surrounding the same); or for binding option or other enforceable  
3627 legal right to acquire the same at a price satisfactory to the  
3628 said board. However, no land shall be purchased from any private  
3629 owner who has acquired title to said land during the last 12  
3630 months at a price in excess of the cost to the person acquiring  
3631 same except by condemnation in a court at law.

3632 After the bond election has carried and after options have  
3633 been obtained and other provisions enforceable at law satisfactory  
3634 to said board of supervisors have been made for the acquisition of  
3635 the land as hereinabove provided, it shall be the duty of the  
3636 board of supervisors to employ a suitable engineer or engineers to  
3637 make final plans, specifications, and estimates of cost of  
3638 construction of the additional and supplementary protection for  
3639 public roads and highways and the building and construction of any  
3640 causeways, bridges, or other projects authorized by Sections  
3641 65-33-1 through 65-33-15. Upon adoption of such plans and  
3642 specifications and approval thereof by such board, or upon such  
3643 adoption and approval of any revision thereof which may be made  
3644 from time to time, said board of supervisors may proceed to sell  
3645 and deliver said bonds, or so much thereof as may be necessary,  
3646 and proceed to enter into necessary contracts to the lowest and  
3647 best bidder, after advertising therefor in the manner by statute  
3648 provided, and do all other things necessary toward the  
3649 accomplishment of the work contemplated by such plans and  
3650 specifications and to acquire in the name of such county such



3651 property or rights in property as may be necessary for the  
3652 construction and execution of such plans and specifications and in  
3653 compliance with the provisions of said sections relative to the  
3654 acquisition of title to land on any island or islands. Said board  
3655 of supervisors shall have the right to acquire by purchase, gift,  
3656 or eminent domain any land or lands deemed necessary for roads,  
3657 roadways, parks, recreation projects, seashore parks, or other  
3658 public grounds approved by such board; no lands so acquired by  
3659 eminent domain by said board for such public purposes shall be  
3660 sold. Other lands on such island or islands so acquired by such  
3661 board may be subdivided into lots, blocks, and building sites and  
3662 sold, either at public auction, or prices may be placed upon  
3663 individual lots and placed on sale to the public at such prices  
3664 and under such terms and conditions as may be fixed by said board.

3665 **SECTION 112.** Section 65-33-13, Mississippi Code of 1972, is  
3666 brought forward as follows:

3667 65-33-13. It shall be the duty of such board to exercise a  
3668 continuing supervision over all public lands, works, and road  
3669 protection. All bonds issued under the provisions of Section  
3670 65-33-7 and all obligations and expenses necessarily incurred in  
3671 connection there with shall be paid out of the funds made  
3672 available for road protection purposes under this chapter.

3673 Any attorneys' fees paid in connection with or in  
3674 consideration of the issuance of any bonds under the terms of



3675 Sections 65-33-1 through 65-33-15, shall not exceed one half of  
3676 one per cent of (½ of 1%) the total amount of each bond issue.

3677 The cost of the maintenance of any such causeway or  
3678 causeways, bridge or bridges, road and roads shall be defrayed out  
3679 of funds provided under Section 65-33-47, or general county fund,  
3680 or from tolls or revenues derived from any bridge or bridges,  
3681 causeway or causeways, or facilities provided for herein. Said  
3682 county shall insure the causeway or causeways, bridge or bridges,  
3683 against such perils as the board may deem proper, such insurance  
3684 to be written by an insurance company or companies authorized to  
3685 do business in the State of Mississippi, and the premiums therefor  
3686 shall be payable out of funds provided under this chapter.

3687 **SECTION 113.** Section 65-33-15, Mississippi Code of 1972, is  
3688 brought forward as follows:

3689 65-33-15. Except as herein to the contrary provided, such  
3690 counties, acting by and through their respective boards of  
3691 supervisors in the performance of the powers and duties hereunder  
3692 granted and provided, shall have and may exercise all powers and  
3693 rights, including but not limited to the right of eminent domain  
3694 heretofore granted by and under this chapter.

3695 The provisions of Sections 65-33-1 through 65-33-15 are  
3696 additional and supplemental to all other powers heretofore or  
3697 hereafter granted to counties, and no county shall be deemed to be  
3698 required to issue bonds under the provisions hereof. Unless and  
3699 until a county shall have issued bonds under the provisions



3700 hereof, such county shall not be obligated by any of the  
3701 provisions of said sections, and may avail itself of any law now  
3702 or hereafter enacted and which may contain other and different  
3703 provisions concerning the application of the revenues herein  
3704 referred to.

3705         **SECTION 114.** Section 65-33-17, Mississippi Code of 1972, is  
3706 brought forward as follows:

3707         65-33-17. The board of supervisors of any county in the  
3708 State of Mississippi bordering on the Mississippi Sound or Gulf of  
3709 Mexico, having an assessed valuation of less than five million  
3710 (\$5,000,000.00) dollars according to the last completed  
3711 assessment, and maintaining a seawall or road protection structure  
3712 under this chapter, is hereby authorized, in its discretion, and  
3713 subject to complying with the provisions of Sections 65-33-17  
3714 through 65-33-21, to borrow funds not to exceed two hundred  
3715 thousand (\$200,000.00) dollars at a rate of interest not exceeding  
3716 six (6%) per cent per annum, in addition to such sums as may have  
3717 heretofore been borrowed, for the purpose of constructing,  
3718 repairing and maintaining such seawall or road protection  
3719 structure and/or the public roads of such county, and in its  
3720 discretion, to expend such funds or any part thereof in  
3721 conjunction with contributions and allotments of funds, materials  
3722 or labor for the works progress administration or other  
3723 governmental department for the aforesaid improvements, or any of  
3724 them.



3725           **SECTION 115.** Section 65-33-19, Mississippi Code of 1972, is  
3726 brought forward as follows:

3727           65-33-19. The board of supervisors of any such county may,  
3728 in its discretion, issue and sell the bonds of such county in an  
3729 amount not exceeding Two Hundred Thousand Dollars (\$200,000.00) to  
3730 provide funds for the purposes enumerated in Section 65-33-17.  
3731 However, such bonds shall not be issued until notice of intention  
3732 to issue and sell the same shall have been made by publishing such  
3733 notice in two (2) weekly issues of some newspaper having a general  
3734 circulation in the county. If, within fifteen (15) days after the  
3735 first publication of such notice twenty-five percent (25%) of the  
3736 qualified electors of the county petition the board of supervisors  
3737 for an election to determine whether or not such bonds shall be  
3738 issued, an election shall be ordered by said board of supervisors  
3739 in which all of the qualified electors of the county shall be  
3740 eligible to participate. If at such election a majority of those  
3741 voting vote in favor of the issuance of such bonds the same shall  
3742 be issued as provided by statute. In event a majority of the  
3743 qualified electors voting vote against the issuance of such bonds  
3744 the same shall not be issued and no further effort shall be made  
3745 to issue bonds under Sections 65-33-17 through 65-33-21 by such  
3746 board for a period of six (6) months after such election. If no  
3747 such petition be filed with the clerk of such board of supervisors  
3748 within fifteen (15) days after the first publication of such  
3749 notice, the board of supervisors shall proceed forthwith to issue



3750 and sell such bonds without an election and without further  
3751 notice.

3752           **SECTION 116.** Section 65-33-21, Mississippi Code of 1972, is  
3753 brought forward as follows:

3754           65-33-21. Bonds issued under the provisions of Sections  
3755 65-33-17 through 65-33-21 shall be full faith and credit  
3756 obligations of the county for which the same are issued, shall  
3757 mature so as to be paid within twenty years from their date of  
3758 issuance, and shall be paid out of the funds collected under this  
3759 chapter. All bonds, notes and certificates of indebtedness  
3760 heretofore issued by such county for seawall and road protection  
3761 purposes maturing each year and the interest thereon however,  
3762 shall be first provided for and paid out of said funds. The bonds  
3763 authorized to be issued under Sections 65-33-17 through 65-33-21  
3764 shall not be subject to other limitations, restrictions or  
3765 provisions of the general laws or laws which may be enacted at the  
3766 Regular 1940 Session of the Mississippi Legislature governing the  
3767 borrowing of money, amounts of indebtedness, budget and election,  
3768 and shall be payable, both as to principal and interest, from the  
3769 same sources of revenue and taxes made available for the payment  
3770 of road protection bonds under the provisions of this chapter.

3771           **SECTION 117.** Section 65-33-23, Mississippi Code of 1972, is  
3772 brought forward as follows:

3773           65-33-23. For the purpose of this chapter the several boards  
3774 of supervisors are hereby clothed with the power and authority,



3775 and it is made their duty, to exercise the right of eminent domain  
3776 in order to procure the right of way for such roads, streets,  
3777 highways, sea walls, breakwaters, bulkheads, sloping beach, and  
3778 such other devices as may be adopted for the protection of such  
3779 highways. They shall have the power to pass all necessary  
3780 ordinances for the preservation and protection of any such road,  
3781 sea wall, sloping beach, or other device constructed hereunder,  
3782 and the violation of such ordinances shall constitute, and be  
3783 punished as, a misdemeanor.

3784         **SECTION 118.** Section 65-33-25, Mississippi Code of 1972, is  
3785 brought forward as follows:

3786         65-33-25. The several boards of supervisors shall have the  
3787 power and authority, for the purpose of constructing, maintaining,  
3788 and repairing any such sea wall, sloping beach, or other  
3789 protection, to purchase, maintain, and operate one or more  
3790 dredges, together with all necessary machinery, tools, and  
3791 implements for the operation thereof, to employ necessary  
3792 engineers and laborers to operate the same, and to insure such sea  
3793 wall, sloping beach, or other protection against loss by  
3794 hurricanes, tide water, cyclone, tornado, and risks of all kinds;  
3795 and the board may pay for the same out of any funds available  
3796 collected and paid into the treasury by virtue of this chapter.

3797         **SECTION 119.** Section 65-33-27, Mississippi Code of 1972, is  
3798 brought forward as follows:





3799           65-33-27. Whenever it may be necessary to protect any  
3800 highway hereunder, the board of supervisors by an order on its  
3801 minutes shall so declare and shall certify the same to the  
3802 governor of the state, who shall thereupon appoint five suitable  
3803 freeholders of the county to constitute, and be known as, the road  
3804 protection commission of such county, and who shall decide and  
3805 recommend the kind and character of protection necessary, to be  
3806 approved by the board of supervisors. When such commission shall  
3807 have been appointed and shall have organized, said commission  
3808 shall select and employ a suitable engineer, to be approved by the  
3809 board of supervisors, to make a survey, plans, specifications, and  
3810 estimates of costs of construction under the direction of the said  
3811 road protection commission, to be approved by the board of  
3812 supervisors. When so approved, the board of supervisors may  
3813 proceed to issue bonds of the county therefor, and the road  
3814 protection commission shall thereupon advertise for bids and let a  
3815 contract or contracts therefor. Such contracts shall be submitted  
3816 to and approved by the board of supervisors, all contracts under  
3817 this section to be executed by the board of supervisors. The road  
3818 protection commission and the board of supervisors are authorized  
3819 and empowered to do all things and to make all expenditures  
3820 necessary to carry out the purposes hereof.

3821           **SECTION 120.** Section 65-33-29, Mississippi Code of 1972, is  
3822 brought forward as follows:



3823           65-33-29. The road protection commission shall organize by  
3824 the election of a chairman, and they shall serve without  
3825 compensation except actual expenses, which shall be allowed by the  
3826 board of supervisors and paid out of the general county fund or  
3827 the road fund, as the board of supervisors may elect. Three  
3828 members shall constitute a quorum to transact business, and all  
3829 meetings shall be held at the courthouse. Their tenure of office  
3830 shall be four years or until the work for which bonds are issued  
3831 is completed and accepted, if less than four years. The clerk of  
3832 the board of supervisors shall be ex-officio clerk of the road  
3833 protection commission, shall attend all meetings, and shall  
3834 preserve a record of all proceedings of said commission.

3835           **SECTION 121.** Section 65-33-31, Mississippi Code of 1972, is  
3836 brought forward as follows:

3837           65-33-31. Whenever it shall become necessary to construct,  
3838 widen, or protect any highway under the provisions hereof, the  
3839 road protection commission shall make publication for thirty (30)  
3840 days in some newspaper published in the county wherein such  
3841 improvements are made, setting forth the commencement and  
3842 termination, with a general outline of the nature and extent  
3843 thereof. When any owner of land or other person shall claim  
3844 compensation for land taken for such purpose, or for damage  
3845 sustained by the construction, widening, improvement, or  
3846 protection of such road or highway, he shall petition the board of  
3847 supervisors in writing within thirty (30) days after the



3848 expiration of the time provided for such publication, setting  
3849 forth the nature and character of the damages claimed. Thereupon  
3850 the board shall, on five (5) days' notice to petitioner, go on the  
3851 premises and assess the damages sustained by him. The finding of  
3852 the board shall be in writing, signed by the members agreeing to  
3853 it, and must be entered on the minutes at the next meeting; but if  
3854 the damages sustained and claimed be less than the cost of  
3855 assessing, the board may allow the same without inquiry.

3856         **SECTION 122.** Section 65-33-33, Mississippi Code of 1972, is  
3857 brought forward as follows:

3858         65-33-33. All proceedings of the board of supervisors and  
3859 the road protection commission in widening, improving, or  
3860 protecting any such highway and assessing damages therefor may be  
3861 reviewed by the circuit court in respect to any matter of law  
3862 arising on the face of the proceeding. On the question of  
3863 damages, the case may be tried anew and the damages may be  
3864 assessed by a jury if the owner of the land so desires. The board  
3865 of supervisors shall grant appeals for that purpose when prayed  
3866 for, on appellant giving bond for cost in such penalty as the  
3867 board may require, not exceeding \$200.00, payable to the county.

3868         **SECTION 123.** Section 65-33-35, Mississippi Code of 1972, is  
3869 brought forward as follows:

3870         65-33-35. All expenses incurred prior to the issuance and  
3871 sale of bonds as hereinabove provided may be paid out of the  
3872 general county fund or such other fund as the board of supervisors



3873 may select. The fund out of which such expense is paid shall be  
3874 reimbursed out of the proceeds of such bond issue when the bonds  
3875 are issued and sold.

3876 **SECTION 124.** Section 65-33-37, Mississippi Code of 1972, is  
3877 brought forward as follows:

3878 65-33-37. The board of supervisors may agree with any  
3879 municipality or sea wall district that the county be assessed for  
3880 its pro rata share of the construction and maintenance of sea  
3881 walls. The assessment shall be paid each year by the county for  
3882 whatever period agreed upon by the board of supervisors and the  
3883 sea wall district or municipality.

3884 Where any municipality has issued bonds and constructed road  
3885 protection, such as is contemplated by this chapter, which  
3886 protection is, or shall become, a part of the general scheme to  
3887 protect roads, streets, or highways from tidewater in said county,  
3888 the board of supervisors may use the funds derived under Sections  
3889 65-33-47 and 65-33-49 for the payment and retirement of said  
3890 bonds, or for such portion thereof as the board may deem equitable  
3891 and just, and to refund upon an equitable and just basis to  
3892 municipal property owners who have paid direct special improvement  
3893 taxes to municipalities for sea wall or road protection, which sea  
3894 wall or road protection is or shall become a part of the general  
3895 road system of the county; and said payments may be made in yearly  
3896 installments.



3897           **SECTION 125.** Section 65-33-39, Mississippi Code of 1972, is  
3898 brought forward as follows:

3899           65-33-39. When any county of this state has adopted or will  
3900 adopt any sea wall or part of a sea wall constructed prior to  
3901 October 31, 1931, by a municipality as a part of its general  
3902 system as provided by Section 65-33-37, and where said county has  
3903 been unable to take care of or pay the maturing bonds and interest  
3904 of said municipality from the gasoline tax as provided by said  
3905 section, the said county may borrow funds necessary to pay  
3906 outstanding maturing bonds and interest of the municipality issued  
3907 for said sea wall, or walls. The said county may borrow said  
3908 funds either upon certificates of indebtedness, notes, or bonds,  
3909 as in its judgment it may see fit. Said obligation or bonds shall  
3910 not be for a period longer than ten years and at a rate of  
3911 interest not exceeding six per cent. Said obligations or bonds  
3912 shall not be considered as included in any limitation now fixed by  
3913 law upon the indebtedness of any county, and said obligations or  
3914 bonds may be issued without notice and without an election on the  
3915 question of the issuance of same. The said obligation or bonds  
3916 issued hereunder shall be general obligations of the county and  
3917 payable out of the gasoline tax when available, as provided in the  
3918 cited section, and the general sea wall road protection laws. In  
3919 the event of the failure of sufficient funds from the said  
3920 gasoline tax, the county shall levy a special tax to pay said  
3921 bonds. The board of supervisors issuing bonds hereunder may



3922 provide that the first obligations or bonds mature as long as  
3923 three years from the date of their issuance, but all interest  
3924 shall be paid semiannually. In the event of the failure to  
3925 collect sufficient gasoline tax to pay said bonds or obligations  
3926 authorized hereunder, the board of supervisors of the county are  
3927 authorized to levy ad valorem taxes to pay same as other sea wall  
3928 or road protection bonds.

3929 **SECTION 126.** Section 65-33-41, Mississippi Code of 1972, is  
3930 brought forward as follows:

3931 65-33-41. The board of supervisors of any county may, in its  
3932 discretion, levy a special tax for sea wall purposes, not to  
3933 exceed five mills, may issue bonds therefor, or may pay for its  
3934 pro rata share out of the funds of the county.

3935 **SECTION 127.** Section 65-33-43, Mississippi Code of 1972, is  
3936 brought forward as follows:

3937 65-33-43. In all counties where the bonds of the county are  
3938 or have been issued under this chapter or any previous statutes of  
3939 a similar character, the boards of supervisors may levy and  
3940 collect a privilege tax on each person resident in such county  
3941 driving an automobile or other motor vehicle on any of the public  
3942 streets or highways of the county, not exceeding two dollars. The  
3943 amount of said tax may be varied in case more than one member of a  
3944 family pays such tax, the funds arising therefrom to be applied in  
3945 the same manner as funds arising under Sections 65-33-45 through  
3946 65-33-49 are applied. The boards of supervisors shall have the



3947 power, and it shall be the duty of such boards, to levy annually  
3948 on all the taxable property in such counties, and to collect a  
3949 special tax sufficient to cover any deficiency, if such deficiency  
3950 occur, in the amount necessary to meet annually such interest and  
3951 sinking fund.

3952         **SECTION 128.** Section 65-33-45, Mississippi Code of 1972, is  
3953 brought forward as follows:

3954         65-33-45. Where any county issues or has heretofore issued  
3955 its bonds under this chapter or any previous statutes of a similar  
3956 character for protection of any highway, there shall be paid into  
3957 the treasury of such county fifty percent (50%) of any license  
3958 taxes which would otherwise be paid into the State Highway Fund  
3959 collected by the state in such county on motor vehicles or drivers  
3960 thereof, and fifty percent (50%) of any excise taxes levied and  
3961 collected in such county by the state on gasoline which would  
3962 otherwise be paid into the State Treasury to the credit of the  
3963 State Highway Fund, to meet the interest and annual sinking fund  
3964 on such bonds. Such funds shall be applied toward the liquidation  
3965 of the interest and sinking fund accruing annually on such bonds,  
3966 the other fifty percent (50%) to go into the State Treasury to the  
3967 credit of the State Highway Commission, and, if such taxes in any  
3968 year should be insufficient to cover such interest and sinking  
3969 fund, the deficiency therein shall be supplied out of any other  
3970 such funds collected by the state in such county and allotted by  
3971 law to such county for road purposes. Nothing herein shall be



3972 construed as a guarantee on the part of the state to pay the  
3973 interest or principal on any bonds issued hereunder.

3974 This section shall not apply to the tax collected from  
3975 registration fees and the sale of automobile tags.

3976 Of the surplus of such funds so paid into the treasuries of  
3977 Harrison and Jackson Counties, the portions thereof hereinafter  
3978 designated, to the extent necessary under the limitations  
3979 hereinafter stated, shall be paid by Harrison and Jackson Counties  
3980 to the State Highway Commission and shall be applied by said  
3981 commission on the annual payments of principal of and interest on  
3982 bonds to be issued by the State Bond Commission in an amount not  
3983 to exceed Seven Million Dollars (\$7,000,000.00), for the  
3984 construction, by the State Highway Commission, of a four-lane  
3985 highway bridge across the Bay of Biloxi, to form a part of United  
3986 States Highway No. 90, to the extent that two thirds of the total  
3987 cost of principal and interest on such bonds shall be paid out of  
3988 such surplus funds of Harrison County, and one third out of such  
3989 surplus funds of Jackson County.

3990 For the purpose of this section, such "surplus funds of  
3991 Harrison County" shall be construed to be the amount paid to  
3992 Harrison County under this section not pledged to the payment of  
3993 principal and interest of bonds issued under this chapter, or any  
3994 previous statutes of a similar character for the protection of any  
3995 highway, and presently outstanding. "Surplus funds of Jackson  
3996 County" shall be construed to be the amount paid to Jackson County





3997 under this section not pledged to the payment of principal and  
3998 interest of bonds issued under this chapter, or any previous  
3999 statutes of a similar character for the protection of any highway,  
4000 and presently outstanding, and remaining after payment of  
4001 principal and interest on bonds now issued or authorized by an  
4002 election by Jackson County in connection with its Bayou Casotte  
4003 development project under the authority of Senate Bill No. 1265,  
4004 Extraordinary Session of 1954, as amended by Senate Bill No. 1624  
4005 enacted at the Regular 1958 Session of the Mississippi  
4006 Legislature.

4007         Annually, to the extent necessary to meet the annual  
4008 requirements for the payment of principal of and interest on said  
4009 bonds, Harrison County shall pay to the State Highway Commission  
4010 not exceeding two thirds of its aforesaid annual surplus, as  
4011 hereinabove defined; and, to the extent necessary and available,  
4012 Jackson County shall annually pay to the State Highway Commission  
4013 from such surplus funds an amount not exceeding one third of the  
4014 annual requirements for bonds issued by the State Bond Commission,  
4015 and such amounts as may be necessary to satisfy any deficiency in  
4016 preceding annual payments required to be made under the provisions  
4017 hereof.

4018         Surplus funds remaining to both Harrison and Jackson  
4019 Counties, after making the payments above directed, may be  
4020 pledged, used, and expended in whole or part for the payment of  
4021 the principal of and interest on bonds issued and to be issued



4022 under the authority of Sections 59-9-1 through 59-9-83; however,  
4023 unless and until so pledged all or any part of such surplus now or  
4024 hereafter accumulated may be transferred by the board of  
4025 supervisors to a fund designated the county port fund and shall be  
4026 subject to expenditure by the county port authority or county  
4027 development commission for the purposes and objects authorized by  
4028 said sections. All expenditures made by the county port authority  
4029 or county development commission shall be audited by the county  
4030 auditor, who shall annually report such expenditures to the board  
4031 of supervisors.

4032         **SECTION 129.** Section 65-33-47, Mississippi Code of 1972, is  
4033 brought forward as follows:

4034         65-33-47. Where any county issues or has heretofore issued  
4035 the bonds of the county under this chapter or any previous  
4036 statutes of a similar character, an excise tax of not exceeding  
4037 three cents per gallon, in addition to any such tax levied and  
4038 collected by the state in such counties, for the distribution of  
4039 gasoline, may be collected by such counties. Such collection  
4040 shall be made at the time and in the manner provided for the  
4041 collection of the gasoline tax generally and shall be remitted by  
4042 the auditor of the county at the same time as is remitted the  
4043 amount due to the county out of the regular gasoline tax. The  
4044 additional funds so derived shall be applied first towards any  
4045 deficiency in the amount collected by the state and paid to such  
4046 county which may be necessary for the liquidation of the interest



4047 accruing on, and to provide a sinking fund for the retirement of,  
4048 such bonds issued by municipalities for road protection and  
4049 refunds as hereinbefore provided. Any overplus or parts thereof  
4050 may be used in the construction of road protection pavements or  
4051 hard surfaced aprons to any existing road protection heretofore  
4052 constructed, or to increase the strength or stability of any such  
4053 existing road protection, or in the construction of additional  
4054 road protection, or in the repair and maintenance of existing road  
4055 protection, or road protection hereafter constructed, as the board  
4056 of supervisors may elect. The taxes hereinabove provided for,  
4057 upon the faith of which bonds may be issued, shall be levied and  
4058 collected annually in an amount estimated to be equal to the  
4059 interest and sinking fund on said bonds and shall not, until said  
4060 bonds with interest thereon shall have been paid, be lowered  
4061 beyond that amount which is estimated to be necessary to produce  
4062 annually a sum sufficient to pay interest and provide a sinking  
4063 fund, requirements on such bond issue or issues, provided such tax  
4064 shall not exceed such reasonable sum as may be legally levied and  
4065 collected; said tax and sinking fund may be used by the board of  
4066 supervisors to retire bonds issued by municipalities for road  
4067 protection purposes and refunds as hereinbefore provided.

4068 Any such county may exempt from the payment of the additional  
4069 tax levied on the distribution of gasoline, any and all gasoline  
4070 which may be consumed by boats engaged in fishing, by boats in  
4071 commerce between the states or in necessary duties as



4072 instrumentalities of the United States government, gasoline  
4073 purchased for agricultural purposes or domestic purposes, as was  
4074 defined by Section 12, Chapter 264, Laws of 1946. Such exemption  
4075 shall be contained in the order of such board of supervisors  
4076 levying the tax on such gasoline and, when such exemption is  
4077 granted in such order, then no additional tax shall be required  
4078 from the person distributing gasoline direct to consumers using  
4079 same in operating boats for fishing, in commerce, or as  
4080 instrumentalities of the United States government. When a  
4081 distributor is entitled to the said exemption, he shall, when  
4082 reporting and remitting to the auditor for the regular gasoline  
4083 tax, report also in detail with respect to the distributions  
4084 exempted from said additional tax in the same manner as is  
4085 required in the section on exemptions and allowances in the  
4086 chapter on gasoline taxes.

4087         **SECTION 130.** Section 65-33-49, Mississippi Code of 1972, is  
4088 brought forward as follows:

4089         65-33-49. In those counties operating under this chapter,  
4090 the board of supervisors may borrow funds not in excess of Three  
4091 Hundred Fifty Thousand Dollars (\$350,000.00) at a rate of interest  
4092 not exceeding six percent. per annum, in addition to such sums as  
4093 may have heretofore been borrowed, for the purpose of extending,  
4094 constructing, repairing, or maintaining the road protection of the  
4095 county or to protect by sea wall or road protection any street,  
4096 highway, road, or avenue connected therewith extending to or along



4097 the side of a harbor or to a boat landing or dock, which, in the  
4098 judgment of the board of supervisors of such county, should be so  
4099 protected either for an existing or a contemplated road, street,  
4100 highway, or avenue. Such board of supervisors shall have  
4101 authority to acquire by purchase or otherwise a dredge boat and  
4102 use and operate the same for the purpose of pumping a sand beach  
4103 adjacent to such sea wall or road protection structure, and to pay  
4104 for same out of any funds provided under this section or any funds  
4105 collected under Section 65-33-47. The funds or amount borrowed  
4106 for the purpose provided for in this section shall be paid within  
4107 a period of ten years from the date borrowed, and shall be paid  
4108 out of the funds collected under this chapter. All bonds, notes,  
4109 or certificates of indebtedness maturing each year and the  
4110 interest thereon, however, shall be first provided for and paid  
4111 out of said funds. The loans authorized herein shall not be  
4112 subject to other limitations, restrictions, or provisions of the  
4113 general laws governing the borrowing of money, amounts of  
4114 indebtedness, budget, and election; and said loans may be made by  
4115 the board of supervisors of such county either by issuance of  
4116 county bonds, notes, or certificates of indebtedness which shall  
4117 be full faith and credit obligations of the county issuing the  
4118 same and shall be payable, both as to principal and interest, from  
4119 the same sources of revenue and taxes made available for the  
4120 payment of road protection bonds under the provisions of this  
4121 chapter. The money herein authorized to be borrowed may be



4122 borrowed by such board of supervisors from any person, firm,  
4123 corporation, governmental lending agency, or from any sinking  
4124 funds of such county, provided that if the money be borrowed from  
4125 any sinking fund, it shall be repaid before the sinking fund from  
4126 which it is borrowed, when supplemented by funds paid into same,  
4127 is needed. Before the board of supervisors shall borrow money  
4128 under this section, it shall spread on its minutes an order  
4129 reciting such intention and shall thereafter publish a copy of  
4130 such order, in two weekly issues of some newspaper having a  
4131 general circulation in the county. If, within fifteen days after  
4132 the first publication of a copy of such order, twenty-five percent  
4133 of the qualified electors of the county petition the board of  
4134 supervisors for an election to determine whether or not the  
4135 adoption of such order should be annulled, such election shall be  
4136 ordered by such board of supervisors. If at such election a  
4137 majority of those voting vote in favor of the adoption of such  
4138 order, the same shall be valid and effective; but if a majority  
4139 shall vote against such order, it shall be annulled and shall be  
4140 ineffective, and no further effort shall be made to borrow funds  
4141 under this section by such board for a period of six months from  
4142 the date of such election. If no such petition be presented  
4143 within fifteen days after the first publication of a copy of such  
4144 order, such order shall be valid and effective. The amount  
4145 authorized to be borrowed under this section may be borrowed at  
4146 any time and in any amount, but the total borrowed shall not



4147 exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) in  
4148 addition to such sums as may heretofore have been borrowed for the  
4149 purposes herein enumerated, or either of them.

4150           **SECTION 131.** Section 65-33-51, Mississippi Code of 1972, is  
4151 brought forward as follows:

4152           65-33-51. (1) In any county maintaining a seawall or road  
4153 protection structure under the provisions of this chapter, the  
4154 board of supervisors may borrow funds not in excess of One Million  
4155 Five Hundred Thousand Dollars (\$1,500,000.00), at a rate of  
4156 interest not exceeding four percent per annum, in addition to such  
4157 sums as have heretofore been borrowed for the purpose of  
4158 constructing, repairing, strengthening or maintaining the road  
4159 protection structure or seawall of the county. Such board of  
4160 supervisors shall have the authority to acquire by purchase or  
4161 otherwise a dredge boat and to use and operate it for the purpose  
4162 of pumping a sand beach adjacent to such seawall or road  
4163 protection structure or for the maintenance thereof, and to pay  
4164 for same out of any funds provided under this section. The funds  
4165 or amount borrowed for the purposes provided for in this section  
4166 shall be repaid within a period of fifteen years from the date  
4167 borrowed, and shall be paid out of the funds collected under this  
4168 chapter. All bonds, notes, or certificates of indebtedness  
4169 maturing each year and the interest thereon, however, shall be  
4170 first provided for and paid out of said funds. The loans  
4171 authorized herein shall not be subject to other limitations,



4172 restrictions, or provisions of the general laws governing the  
4173 borrowing of money, amounts of indebtedness, budget, and election;  
4174 and said loans may be made by the board of supervisors of such  
4175 county either by issuance of county bonds, notes, or certificates  
4176 of indebtedness which shall be full faith and credit obligations  
4177 of the county issuing same and shall be payable, both as to  
4178 principal and interest, from the same sources of revenue and taxes  
4179 made available for the payment of road protection bonds under the  
4180 provisions of this chapter. The money herein authorized to be  
4181 borrowed by such board of supervisors may be borrowed from any  
4182 person, firm, corporation, governmental lending agency, or from  
4183 any sinking funds of such county; if the money be borrowed from  
4184 any sinking fund, it shall be repaid before the sinking fund from  
4185 which it is borrowed, when supplemented by funds paid into same,  
4186 is needed. Before the board of supervisors shall borrow money  
4187 under this section, it shall spread on its minutes an order  
4188 reciting such intention, and shall thereafter publish a copy of  
4189 such order in three weekly issues of some newspaper having a  
4190 general circulation in the county. If, within fifteen days after  
4191 the first publication of a copy of such order, fifteen percent of  
4192 the qualified electors of the county shall file with such board of  
4193 supervisors a petition in writing requesting an election on the  
4194 question of borrowing money in the amount and for the purpose as  
4195 set forth in such order, then such money shall not be borrowed  
4196 unless authorized by a majority of the qualified voters of such





4197 county voting in an election to be ordered by such board of  
4198 supervisors for that purpose. Notice of such election shall be  
4199 given and such election shall be held and conducted as provided by  
4200 law in connection with elections for the submission of bond issues  
4201 in such county. If such proposition shall fail to receive such  
4202 majority vote at such election, then no further proceedings for  
4203 the borrowing of such money shall be had or taken within a period  
4204 of six months from and after the date of such election. If,  
4205 however, no such petition shall be so filed, or if at such  
4206 election such petition shall be assented to by a majority vote,  
4207 then such board of supervisors shall be authorized to borrow such  
4208 money in the amount and for the purpose as set forth in such order  
4209 as published. The amount authorized to be borrowed under this  
4210 section may be borrowed at any time and in any amount, but the  
4211 total borrowed shall not exceed One Million Five Hundred Thousand  
4212 Dollars (\$1,500,000.00) in addition to such sums as may heretofore  
4213 have been borrowed for the purposes herein enumerated, or either  
4214 of them.

4215 (2) The board of supervisors is hereby given full power and  
4216 authority to meet and do and grant any request of the United  
4217 States Beach Erosion Board of the United States Army Engineers by  
4218 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,  
4219 and to assure either or both the following:

4220 (a) Assure maintenance of the seawall and drainage  
4221 facilities, and of the beach by artificial replenishment, during



4222 the useful life of these works, as may be required to serve their  
4223 intended purpose;

4224 (b) Provide, at the county's own expense, all necessary  
4225 land, easements, and rights of way;

4226 (c) To hold and save the United States free from all  
4227 claims for damages that may arise either before, during, or after  
4228 prosecution of the work;

4229 (d) To prevent, by ordinance, any water pollution that  
4230 would endanger the health of the bathers;

4231 (e) To assume perpetual ownership of any beach  
4232 construction and its administration for public use only, and that  
4233 the board of supervisors is given full power and authority to do  
4234 any and all things necessary in and about the repair and  
4235 reconstruction, or construction or maintenance of the seawall and  
4236 sloping beach adjacent thereto; and it is given such power to  
4237 cooperate with the requirements of the United States government to  
4238 receive any grant or grants of money from Congress or to  
4239 contribute any grant or grants to the United States Army Engineers  
4240 in and about this construction and maintenance and it is further  
4241 given full power and authority to employ engineers, lawyers, or  
4242 any other professional or technical help in and about the  
4243 completion of this project. In the event the county engineer is  
4244 selected to do any or all of said work, the board of supervisors  
4245 is hereby authorized to pay and allow him such reasonable fees or



4246 salary which, in its opinion, is necessary, just, and commensurate  
4247 to the work done by him.

4248 It is further given full power and authority to let, by  
4249 competitive bids, any contract for the repair of said wall, or for  
4250 the installation and drainage, and for the construction of any  
4251 additional section of wall, together with any artificial beach  
4252 adjacent to said wall; or it may, in its discretion, negotiate a  
4253 contract for any and all construction or any part thereof for the  
4254 construction, repair, reconstruction, or additions thereto; or it  
4255 may do any or all of said work under the direction of the county  
4256 engineer or engineers employed by it and for which purpose it may  
4257 employ all necessary labor and equipment and purchase necessary  
4258 materials.

4259 The intent and purpose of this section is to give unto the  
4260 respective boards of supervisors the full power and authority to  
4261 carry out all the provisions herein, and to act independently,  
4262 jointly, or severally with the United States government by and  
4263 under Public Law 727, 79th Congress.

4264 (3) The provisions of this section shall not apply to any  
4265 county with an assessed valuation of less than \$10,000,000.00.

4266 **SECTION 132.** Section 65-33-53, Mississippi Code of 1972, is  
4267 brought forward as follows:

4268 65-33-53. (1) In any county maintaining a seawall or road  
4269 protection structure under the provisions of this chapter, the  
4270 board of supervisors may borrow funds not in excess of Five



4271 Hundred Thousand Dollars (\$500,000.00) in addition to the One  
4272 Million Five Hundred Thousand Dollars (\$1,500,000.00) authorized  
4273 under Section 65-33-51, at the rate of interest not exceeding four  
4274 percent per annum, in addition to such sums as have heretofore  
4275 been borrowed for the purpose of constructing, repairing,  
4276 strengthening, or maintaining the road protection structure or  
4277 seawall of the county, including the raising of the roadbed as  
4278 recommended and approved by the Mississippi State Highway  
4279 Commission, and to construct retaining walls for such raised  
4280 roadbeds and to pump by hydraulic fill, or otherwise, a sand beach  
4281 adjacent to such retaining wall or seawall structure. Such board  
4282 of supervisors shall have the authority to acquire by purchase or  
4283 otherwise a dredge boat and to use and operate it for the purpose  
4284 of pumping a sand beach adjacent to such seawall or road  
4285 protection structure or for the maintenance thereof; however, said  
4286 board of supervisors shall not pay for same out of any funds  
4287 provided under this section. The funds or amount borrowed for the  
4288 purposes provided in this section shall be repaid within a period  
4289 of fifteen years from the date borrowed, and shall be paid out of  
4290 the funds collected under this chapter. All bonds, notes, or  
4291 certificates of indebtedness maturing each year and the interest  
4292 thereon, however, shall be first provided for and paid out of said  
4293 funds. The loans authorized herein shall not be subject to other  
4294 limitations, restrictions, or provisions of the general laws  
4295 governing the borrowing of money, amounts of indebtedness, budget,



4296 and election, and said loans may be made by the board of  
4297 supervisors of such county either by issuance of county bonds,  
4298 notes, or certificates of indebtedness which shall be full faith  
4299 and credit obligations of the county issuing same and shall be  
4300 payable, both as to principal and interest, from the same sources  
4301 of revenue and taxes made available for the payment of road  
4302 protection bonds under the provisions of this chapter, which  
4303 sources of revenue and taxes are irrevocably pledged toward the  
4304 repayment of any monies borrowed or any bonds issued under the  
4305 provisions of this section. The money herein authorized to be  
4306 borrowed by such board of supervisors may be borrowed from any  
4307 person, firm, corporation, governmental lending agency, or from  
4308 any sinking funds of such county; if the money borrowed from any  
4309 sinking fund, it shall be repaid before the sinking fund from  
4310 which it is borrowed, when supplemented by funds paid into same,  
4311 is needed. Before the board of supervisors shall borrow money  
4312 under this section, it shall spread on its minutes an order  
4313 reciting such intention and shall thereafter publish a copy of  
4314 such order in three weekly issues of some newspaper having a  
4315 general circulation in the county. If, within fifteen days after  
4316 the first publication of a copy of such order, fifteen percent of  
4317 the qualified electors of the county shall file with such board of  
4318 supervisors a petition in writing requesting an election on the  
4319 question of borrowing money in the amount and for the purpose as  
4320 set forth in such order, then such money shall not be borrowed



4321 unless authorized by a majority of the qualified voters of such  
4322 county voting in an election to be ordered by such board of  
4323 supervisors for that purpose. Notice of such election shall be  
4324 given and such election shall be held and conducted as provided by  
4325 law in connection with elections for the submission of bond issues  
4326 in such county. If such proposition shall fail to receive such  
4327 majority vote at such election, then no further proceedings for  
4328 the borrowing of such money shall be had or taken within a period  
4329 of six months from and after the date of such election. If,  
4330 however, no such petition shall be so filed, or if at such  
4331 election such petition shall be assented to by a majority vote,  
4332 then such board of supervisors shall be authorized to borrow such  
4333 money in the amount and for the purpose as set forth in such order  
4334 as published. The amount authorized to be borrowed under this  
4335 section may be borrowed at any time and in any amount, but the  
4336 total borrowed shall not exceed Five Hundred Thousand Dollars  
4337 (\$500,000.00) in addition to such sums as may heretofore have been  
4338 borrowed for the purposes herein enumerated, or either of them,  
4339 and especially in addition to any sums that may have heretofore  
4340 been borrowed or in addition to any bonds that may have heretofore  
4341 been issued under authority of Section 65-33-51. Any attorneys'  
4342 fees paid for the issuance of said bonds shall be paid out of the  
4343 general fund of said county.

4344 (2) The board of supervisors is hereby given full power and  
4345 authority to meet and do and grant any request of the United



4346 States Beach Erosion Board of the United States Army Engineers by  
4347 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,  
4348 and to assure either or both the following:

4349 (a) Assure maintenance of the seawall and drainage  
4350 facilities, and of the beach by artificial replenishment, during  
4351 the useful life of these works, as may be required to serve their  
4352 intended purpose;

4353 (b) Provide, at the county's own expense, all necessary  
4354 land, easements, and rights of way;

4355 (c) To hold and save the United States free from all  
4356 claims for damages that may arise either before, during, or after  
4357 prosecution of the work;

4358 (d) To prevent, by ordinance, any water pollution that  
4359 would endanger the health of the bathers;

4360 (e) To assume perpetual ownership of any beach  
4361 construction and its administration for public use only, and that  
4362 the board of supervisors is given full power and authority to do  
4363 any and all things necessary in and about the repair and  
4364 reconstruction, or construction or maintenance of the seawall and  
4365 sloping beach adjacent thereto, built under the authority of this  
4366 section, and it is given such power to cooperate with the  
4367 requirements of the United States government to receive any grant  
4368 or grants of money from Congress or to contribute any grant or  
4369 grants to the United States Army Engineers in and about this  
4370 construction and maintenance, and it is further given full power



4371 and authority to employ engineers, lawyers, or any other  
4372 professional or technical help in and about the completion of this  
4373 project. In the event the county engineer is selected to do any  
4374 or all of said work, the board of supervisors is hereby authorized  
4375 to pay and allow him such reasonable fees or salary which, in its  
4376 opinion, is necessary, just, and commensurate to work done by him.

4377 It is further given full power and authority to let, by  
4378 competitive bids, any contract for the repair of said wall, or for  
4379 the installation and drainage, and for the construction of any  
4380 additional section of wall, together with any artificial beach  
4381 adjacent to said wall, and for the raising of any roadbeds and the  
4382 construction of any such retaining wall.

4383 The intent and purpose of this section is to give unto the  
4384 respective boards the full power and authority to carry out all  
4385 the provisions herein, and to act independently, jointly, or  
4386 severally with the United States government by and under Public  
4387 Law 727, 79th Congress.

4388 (3) The provisions of this section shall not apply to any  
4389 county with an assessed valuation of less than Ten Million Dollars  
4390 (\$10,000,000.00).

4391 **SECTION 133.** Section 65-33-55, Mississippi Code of 1972, is  
4392 brought forward as follows:

4393 65-33-55. (1) In any county maintaining a sea wall or road  
4394 protection structure under provisions of this chapter and having  
4395 an assessed valuation of five million dollars or less, the board





4396 of supervisors may borrow funds not in excess of Four Hundred  
4397 Thousand Dollars (\$400,000.00), at a rate of interest not  
4398 exceeding five per cent per annum, in addition to such sums as  
4399 have heretofore been borrowed for the purpose of constructing,  
4400 repairing, strengthening, or maintaining the road protection  
4401 structure or sea wall of the county. Such board of supervisors  
4402 shall have the authority to own a dredge boat and to use and  
4403 operate it for the purpose of pumping a sand beach adjacent to  
4404 such sea wall or road protection structure or for the maintenance  
4405 thereof, and to pay for same out of any funds provided under this  
4406 section. The funds or amount borrowed for the purposes provided in  
4407 this section shall be repaid within a period of twenty years from  
4408 the date borrowed, and shall be paid out of the funds collected  
4409 under this chapter. All bonds, notes, or certificates of  
4410 indebtedness maturing each year and the interest thereon, however,  
4411 shall be first provided for and paid out of said funds. The loans  
4412 authorized herein shall not be subject to other limitations,  
4413 restrictions, or provisions of the general laws governing the  
4414 borrowing of money, amounts of indebtedness, budget, and election;  
4415 and said loans may be made by the board of supervisors of such  
4416 county either by issuance of county bond, notes, or certificates  
4417 of indebtedness which shall be full faith and credit obligations  
4418 of the county issuing same and shall be payable, both as to  
4419 principal and interest, from the same sources of revenue and taxes  
4420 made available for the payment of road protection bonds under the



4421 provisions of this chapter. The money herein authorized to be  
4422 borrowed by such board of supervisors may be borrowed from any  
4423 person, firm, corporation, governmental lending agency, or from  
4424 any sinking funds of such county; if the money be borrowed from  
4425 any sinking fund, it shall be repaid before the sinking fund from  
4426 which it is borrowed, when supplemented by funds paid into same,  
4427 is needed. Before the board of supervisors shall borrow money  
4428 under this section, it shall spread on its minutes an order  
4429 reciting such intention, and shall call an election and submit the  
4430 question of issuing bonds under this section to the qualified  
4431 voters of such county in accordance with the present laws of  
4432 issuing bonds. If a majority of the qualified electors voting in  
4433 said election vote to issue said bonds, then the board of  
4434 supervisors shall proceed to issue so much or such parts of said  
4435 bonds not to exceed Four Hundred Thousand Dollars (\$400,000.00).

4436 (2) The board of supervisors is given full power and  
4437 authority to do any and all things necessary in its opinion to  
4438 obtain funds from the United States government by and under Public  
4439 Law 727, 79th Congress, Chapter 960, 2nd Session, or under any  
4440 other law, and in and about the solicitation and preparation of  
4441 any application; and it may do any and all things necessary in the  
4442 promotion of obtaining relief under this act of congress for such  
4443 county, and it is further given authority to assure the United  
4444 States government, the United States beach erosion board, and the  
4445 United States army engineers the following:



4446 (1) Assure maintenance of the sea wall and drainage  
4447 facilities, and of the beach by artificial replenishment, during  
4448 the useful life of these works, as may be required to serve their  
4449 intended purpose;

4450 (2) Provide, at the county's own expense, all necessary  
4451 land, easements, and rights of way;

4452 (3) To hold and save the United States free from all  
4453 claims for damages that may arise either before, during, or after  
4454 prosecution of the work;

4455 (4) To prevent, by ordinance, any water pollution that  
4456 would endanger the health of the bathers;

4457 (5) To assume perpetual ownership of any beach  
4458 construction and its administration for public use only.  
4459 The intent and purpose of this section is to give unto the  
4460 respective boards of supervisors the full power and authority to  
4461 carry out all of the provisions herein, and to act independently,  
4462 jointly, or severally with the United States government by and  
4463 under Public Law 727, 79th Congress, or other laws.

4464 **SECTION 134.** Section 65-33-57, Mississippi Code of 1972, is  
4465 brought forward as follows:

4466 65-33-57. In any county wherein a seawall or road protection  
4467 structure is maintained under the provisions of this chapter,  
4468 which has invested surplus funds belonging to a road protection  
4469 bond and interest sinking fund in the purchase of any notes,  
4470 certificates of indebtedness, bonds, or other interest bearing



4471 obligations issued under the authority of Section 65-33-49, or  
4472 refunding bonds issued or authorized to be issued in lieu thereof,  
4473 and such notes, bonds, certificates of indebtedness, or refunding  
4474 bonds are now held by such county for the use and benefit of such  
4475 fund, and the board of supervisors of such county finds, by order  
4476 spread upon its minutes, that the needs of such sinking fund  
4477 demands it, or that it is to the best interest of the county to  
4478 reduce such obligations so held to cash, such board of supervisors  
4479 may authorize to be issued and issue and sell new road protection  
4480 bonds in the aggregate amount of such notes, bonds, or  
4481 certificates of indebtedness so held and authorized for the  
4482 purpose of providing funds with which to take up, redeem, and  
4483 cancel such obligations now held in such sinking fund. Upon the  
4484 issuance of such road protection bonds, the said bonds, notes,  
4485 certificates of indebtedness, and refunding bonds issued under  
4486 authority of said section shall be cancelled.

4487       **SECTION 135.** Section 65-33-59, Mississippi Code of 1972, is  
4488 brought forward as follows:

4489       65-33-59. Bonds issued under the authority of Sections  
4490 65-33-57 and 65-33-59 shall be full faith and credit obligations  
4491 of the county issuing the same; shall mature within fifteen years  
4492 of their date of issuance in such annual maturities and  
4493 denominations as the board of supervisors may direct; shall bear  
4494 interest at a rate not to exceed five and one half per centum per  
4495 annum, payable semiannually; may be issued without notice or an



4496 election therefor; and shall not be subject to any limitation  
4497 relative to amount of bonded debt. Such bonds and the interest  
4498 thereon shall be payable both as to principal and interest from  
4499 the same sources of revenue and taxes made available for the  
4500 payment of road protection bonds under the provisions of this  
4501 chapter. Nothing herein contained shall be construed to affect  
4502 any of the provisions of House Bill No. 287 [ch. 130] as enacted  
4503 at the Regular 1938 Session of the Mississippi Legislature.

4504         **SECTION 136.** Section 65-33-61, Mississippi Code of 1972, is  
4505 brought forward as follows:

4506         65-33-61. The board of supervisors of any county operating  
4507 under the provisions of this chapter is hereby authorized to  
4508 refund any bonded indebtedness of such county now outstanding,  
4509 payable from the sources of revenue provided by this chapter, and  
4510 to issue refunding bonds of such county, which shall be secured by  
4511 and payable from the same sources of revenue as the bonds refunded  
4512 thereby. The said refunding bonds may be issued by the board of  
4513 supervisors of such county only after the question of the issue of  
4514 said refunding bonds shall have been submitted to the qualified  
4515 electors of such county at an election to be held for that purpose  
4516 in said county, and only after the said issue has been authorized  
4517 by a vote of three fifths of the qualified electors voting in an  
4518 election to be ordered by the board of supervisors for that  
4519 purpose, whenever any such board of supervisors shall find it  
4520 necessary or advisable or in the best interest of such county so



4521 to do. Such refunding bonds may be issued only to redeem  
4522 outstanding bonds at maturity, or on any date upon which  
4523 outstanding bonds may be redeemable, or upon the voluntary  
4524 surrender of outstanding bonds by the owners thereof. Such  
4525 refunding bonds may be sold for not less than par and accrued  
4526 interest, or may be exchanged for bonds to be refunded thereby;  
4527 however, the issue of such refunding bonds shall be accomplished  
4528 in such manner as to avoid payment by the county of interest on  
4529 the refunding bonds and on the bonds refunded thereby for the same  
4530 period of time.

4531         **SECTION 137.** Section 65-33-63, Mississippi Code of 1972, is  
4532 brought forward as follows:

4533         65-33-63. Such refunding bonds shall bear such rate or rates  
4534 of interest as may be determined by the board of supervisors, not  
4535 exceeding, however, three and one-half per centum per annum,  
4536 payable semiannually; shall be in such denomination or  
4537 denominations and form as may be determined by the board of  
4538 supervisors; shall be executed on behalf of the county by the  
4539 president of the board of supervisors, countersigned by the clerk  
4540 of such board; and the interest to accrue on such bonds shall be  
4541 represented by coupons to be attached thereto, which may be  
4542 executed by the facsimile signatures of such officers. Such  
4543 refunding bonds shall mature in such amount or amounts and at such  
4544 time or times, not exceeding twenty-five years from date thereof,  
4545 as may be specified by the board of supervisors. All such



4546 refunding bonds and interest thereon shall be payable at the  
4547 office of the state treasurer of the State of Mississippi in the  
4548 city of Jackson, Mississippi, and a certified copy of the  
4549 proceedings authorizing the issuance of such refunding bonds shall  
4550 be filed in said office. The bonds issued under the provisions of  
4551 Sections 65-33-61 through 65-33-71 shall in no way be construed as  
4552 state obligations or state bonds.

4553         **SECTION 138.** Section 65-33-65, Mississippi Code of 1972, is  
4554 brought forward as follows:

4555         65-33-65. The fact of the issuance and delivery of refunding  
4556 bonds hereunder shall be certified by the clerk of the board of  
4557 supervisors to the state Treasurer, who shall immediately register  
4558 such bonds in a suitable bond register. Thereafter, the revenues  
4559 and taxes which would otherwise be paid into the county treasury  
4560 of such county for the payment of road protection and seawall  
4561 bonds and interest thereon under the provisions of Section  
4562 65-33-45, shall be paid by the official collecting such taxes into  
4563 the state treasury on a proper receive warrant of the state  
4564 auditor to the credit of such county in a special fund to be  
4565 designated "interest and sinking fund for road protection and  
4566 seawall bonds of \_\_\_\_\_ County, Mississippi," which fund shall be  
4567 held and shall be applied by the state treasurer in the payment of  
4568 interest accruing on such refunding bonds and the principal  
4569 thereof at maturity, according to law. In the event that less than  
4570 all of outstanding bonds payable under the provisions of this



4571 chapter shall be refunded as herein provided, then and in that  
4572 event there shall be paid into the state treasury, for the credit  
4573 of the aforesaid interest and sinking fund, only the proportion of  
4574 the revenues and taxes as the amount of refunding bonds issued and  
4575 outstanding bears to the total amount of outstanding bonds payable  
4576 from the revenues herein referred to.

4577         **SECTION 139.** Section 65-33-67, Mississippi Code of 1972, is  
4578 brought forward as follows:

4579         65-33-67. The board of supervisors of any county issuing  
4580 refunding bonds under the provisions of Sections 65-33-61 through  
4581 65-33-65, shall levy an annual tax of not less than five mills on  
4582 each dollar of the assessed valuation of taxable property within  
4583 such county for the purpose of providing funds sufficient to pay  
4584 such bonds at maturity and interest thereon as it accrues. The  
4585 said tax shall be levied and collected as other county taxes are  
4586 levied and collected, and the proceeds thereof shall be remitted  
4587 by the county tax collector to the State Treasury at the time when  
4588 state taxes are required by law to be so remitted. The State  
4589 Treasurer shall credit the amount to the interest and sinking fund  
4590 referred to in Section 65-33-65. On or before October 1st in each  
4591 year, the State Treasurer shall certify to the board of  
4592 supervisors of each such county the amount standing to the credit  
4593 of such interest and sinking fund as of September 15th, of that  
4594 year, and if such amount shall be sufficient (1) to pay all  
4595 principal of and interest on such bonds then due and owing and (2)





4596 all principal of and interest on such refunding bonds maturing and  
4597 accruing during the period of twelve months running from said  
4598 September 15th, then and in that event such board of supervisors  
4599 may reduce the aforesaid taxes or omit the same for the ensuing  
4600 year, as such board may determine. All funds paid into the State  
4601 Treasury hereunder shall remain in the State Treasury for the  
4602 payment of principal and interest on such refunding bonds until  
4603 all the principal and interest on such refunding bonds shall have  
4604 been fully paid.

4605         **SECTION 140.** Section 65-33-69, Mississippi Code of 1972, is  
4606 brought forward as follows:

4607         65-33-69. The board of supervisors shall pay all lawful fees  
4608 of the chancery clerk and its attorney now prescribed by law,  
4609 which fees are incidental to the execution of said refunding  
4610 bonds, and may also pay all expenses in connection with the  
4611 validation of said refunding bonds and procuring the opinion as to  
4612 the validity thereof from some expert bond attorney, other than  
4613 the state bond attorney, of national reputation. However, in  
4614 cases where the bonds to be refunded are not due or redeemable  
4615 prior to maturity, such board in procuring the surrender of such  
4616 outstanding bonds may expend not exceeding an additional two and  
4617 one-half percent (2 ½%) of the principal amount of refunding bonds  
4618 actually issued and delivered, but in no event shall any part of  
4619 the said two and one-half percent (2 ½%) be used in the payment of  
4620 attorney's fees. All such fees and compensation shall be paid out



4621 of the interest and sinking fund applicable to the bonds to be  
4622 refunded, if the amount credited to such fund be adequate  
4623 therefor. Otherwise, such fees and compensation shall be paid out  
4624 of the proceeds of a special annual tax to be levied for that  
4625 purpose by the board of supervisors upon all taxable property  
4626 within such county. All expenses as authorized by Sections  
4627 65-33-61 through 65-33-71 in effectuating the exchange of said  
4628 bonds and the actual expense of the state treasurer in paying  
4629 principal and interest on said bonds shall be paid by the board of  
4630 supervisors of the county.

4631       **SECTION 141.** Section 65-33-71, Mississippi Code of 1972, is  
4632 brought forward as follows:

4633       65-33-71. The provisions of Sections 65-33-61 through  
4634 65-33-71, without reference to any other statute, shall be deemed  
4635 full and complete authority for the issuance of refunding bonds as  
4636 therein provided; and all powers necessary to be exercised by the  
4637 board of supervisors of such counties, in order to carry out the  
4638 provisions of said sections, are hereby conferred.

4639       **SECTION 142.** Section 29-1-105, Mississippi Code of 1972, is  
4640 brought forward as follows:

4641       29-1-105. The right to construct or use any such pipe line  
4642 in, on, under, or across land which is submerged or wherever the  
4643 tide may ebb and flow shall be subject to the following:

4644           (a) The paramount right of the United States to control  
4645 commerce and navigation; and



4646 (b) The right of the public to make free use of the  
4647 waters; and

4648 (c) The restrictions and prohibitions contained in  
4649 Section 81 of the Mississippi Constitution of 1890.

4650 **SECTION 143.** Section 53-3-41, Mississippi Code of 1972, is  
4651 brought forward as follows:

4652 53-3-41. (1) For the purposes of this section, the  
4653 following terms shall have the meanings ascribed herein:

4654 (a) "Oil and gas production" means any oil, natural  
4655 gas, condensate of either, natural gas liquids, other gaseous,  
4656 liquid or dissolved hydrocarbons, sulfur or helium, or other  
4657 substance produced as a by-product or adjunct to their production,  
4658 or any combination of these, which is severed, extracted or  
4659 produced from the ground, the seabed or other submerged lands  
4660 within the jurisdiction of the State of Mississippi. Any such  
4661 substance, including recoverable or recovered natural gas liquids,  
4662 which is transported to or in a natural gas pipeline or natural  
4663 gas gathering system, or otherwise transported or sold for use as  
4664 natural gas, or is transported or sold for the extraction of  
4665 helium or natural gas liquids is gas production. Any such  
4666 substance which is transported or sold to persons and for purposes  
4667 not included in the foregoing natural gas definition is oil  
4668 production.

4669 (b) "Interest owner" means a person owning an entire or  
4670 fractional interest of any kind or nature in oil or gas production



4671 at the time of severance, or a person who has an express, implied  
4672 or constructive right to receive a monetary payment determined by  
4673 the value of oil or gas production or by the amount of production.

4674 (c) "Royalty owner" means any person who possesses an  
4675 interest in the production, but who is not an owner as defined in  
4676 Section 53-1-3(g).

4677 (d) "Disbursing agent" shall mean that person who,  
4678 pursuant to an oil and gas lease, operating agreement, purchase  
4679 contract, or otherwise, assumes the responsibility of paying  
4680 royalty proceeds derived from a well's oil and gas production to  
4681 the royalty owner or owners legally entitled thereto. A first  
4682 purchaser shall not be deemed to be the disbursing agent unless  
4683 the first purchaser expressly assumes such responsibility in the  
4684 purchase contract.

4685 (e) "First purchaser" means the first person who  
4686 purchases oil or gas production from the interest owners after the  
4687 production is severed and may include the operator if the operator  
4688 acts as a purchaser of production attributable to other interest  
4689 owners.

4690 (f) An "operator" is a person engaged in the business  
4691 of severing oil or gas production from the ground, whether for  
4692 himself alone, for other persons alone or for himself and others.

4693 (2) Whenever a disbursing agent has not disbursed the  
4694 royalty proceeds derived from the well's production to the royalty  
4695 owner within one hundred twenty (120) days following the date of



4696 first sale of oil or gas in the event the disbursing agent is a  
4697 first purchaser of oil or gas, or within one hundred twenty (120)  
4698 days following the date the disbursing agent receives the proceeds  
4699 from such production if the disbursing agent is not the first  
4700 purchaser, such royalty owner shall have a lien to secure the  
4701 payment of the royalty proceeds. The lien shall attach to the  
4702 proceeds from such production received by the disbursing agent  
4703 attributable to the royalty owner's interest.

4704 (3) The lien provided by this section shall be effective  
4705 against a third party only from the time a financing statement  
4706 evidencing such lien is filed in the same manner as financing  
4707 statements evidencing security interests in minerals are filed in  
4708 accordance with the provisions of Section 75-9-501.

4709 (4) The lien provided by this section shall expire one (1)  
4710 year after it becomes effective against a third party, unless  
4711 judicial proceedings have been commenced to assert it or unless  
4712 insolvency proceedings have been commenced by or against the  
4713 disbursing agent, in which event the lien shall remain effective  
4714 until termination of the insolvency proceedings or until  
4715 expiration of the one-year period, whichever occurs later.

4716 (5) Whenever there is a conflict between a lien under this  
4717 section and a security interest under Title 75, Chapter 9, the  
4718 lien or security interest first to be filed has priority. Liens  
4719 provided for in this section shall have priorities among  
4720 themselves according to priority in time of filing of such liens.



4721           (6) The filing required by this section shall be a financing  
4722 statement as provided for in Section 75-9-310 and shall be subject  
4723 to the provisions of Part 5 of Article 9 of the Uniform Commercial  
4724 Code, except that in order for the filing to be sufficient, it  
4725 shall not be necessary for the debtor to sign the financing  
4726 statement, and the filing shall be effective for a period of only  
4727 one (1) year from the date of filing.

4728           (7) This section does not impair an operator's right to set  
4729 off or withhold funds from other interest owners as security for  
4730 or in satisfaction of any debt or security interest. This section  
4731 does not impair a disbursing agent's right to withhold funds in  
4732 the event a question is raised concerning the title or ownership  
4733 of, or right to sell, the oil or gas production. In case of a  
4734 dispute between interest owners, a good-faith tender by the  
4735 disbursing agent of funds to the person the interest owners shall  
4736 agree on, or to a court of competent jurisdiction in the event of  
4737 litigation or bankruptcy, shall operate as a tender of the funds  
4738 to both.

4739           (8) Nothing in this section shall be construed to enlarge or  
4740 diminish the rights and obligations provided to or imposed on  
4741 interest owners, royalty owners, disbursing agents, first  
4742 purchasers, or operators by contract or otherwise by law. The  
4743 sole purpose of this section is to provide royalty owners a lien  
4744 under the conditions provided herein.



4745           **SECTION 144.** Section 53-3-75, Mississippi Code of 1972, is  
4746 brought forward as follows:

4747           53-3-75. The right to construct, operate and maintain any  
4748 facility as described in Section 53-3-71 in, on, under or across  
4749 land which is submerged or wherever the tide may ebb and flow  
4750 shall be subject to the following:

4751           (a) The paramount right of the United States to control  
4752 commerce and navigation;

4753           (b) The right of the public to make free use of the  
4754 waters; and

4755           (c) The restrictions and prohibitions contained in  
4756 Section 81 of the Mississippi Constitution of 1890, as same may be  
4757 amended.

4758           **SECTION 145.** Section 55-7-13, Mississippi Code of 1972, is  
4759 brought forward as follows:

4760           55-7-13. The bridge and park commission shall have the  
4761 power, among others, in the case of the municipal agency, to  
4762 acquire for park, recreational, harbor development and other  
4763 similar purposes, by the exercise of eminent domain or otherwise,  
4764 and by gift, grant or purchase, for any purpose of this chapter,  
4765 an island or islands, in whole or in part, situated in the Gulf of  
4766 Mexico or in the Mississippi Sound, and lying within three leagues  
4767 of the nearest point of the corporate limits of the municipality  
4768 involved; and, in the case of the county agency, to acquire for  
4769 park, recreational, harbor development and other similar purposes



4770 by the exercise of eminent domain or otherwise, and by gift, grant  
4771 or purchase, for any purpose of this chapter, an island or  
4772 islands, in whole or in part, situated in the Gulf of Mexico or in  
4773 the Mississippi Sound, and lying within the boundaries of the  
4774 county involved.

4775 Said commission shall have the power to acquire, by eminent  
4776 domain, gift, grant or purchase, such portion or portions of such  
4777 island or islands as it may find to be needed for use in  
4778 developing and financing the public improvements set forth in this  
4779 chapter. Prior to the acquisition of any such real estate, the  
4780 commission shall, by resolution spread upon its minutes, find,  
4781 determine and adjudicate that the property to be so acquired is  
4782 needed to aid in the financing of the improvements under this  
4783 chapter.

4784 Any such commission which has acquired an island or islands,  
4785 in whole or in part, adjacent to any submerged lands belonging to  
4786 the State of Mississippi may purchase from the State of  
4787 Mississippi a sufficient amount of such submerged lands to be  
4788 reclaimed and added to such island or islands to be used, and  
4789 developed for the purposes provided in this chapter. The state  
4790 land commissioner, with the approval of the attorney general and  
4791 the governor, is hereby authorized and empowered to sell and  
4792 convey such submerged lands to such commission and to issue the  
4793 state's patent thereto. Said commission shall have the power to  
4794 dredge, fill in and reclaim submerged lands adjacent to any such





4795 island or islands and to develop and utilize the same for any of  
4796 the purposes set forth in this chapter, including the financing of  
4797 the authorized public improvements. However, no normal or natural  
4798 channel shall be obstructed so as to interfere with the normal  
4799 navigation therein, it being the purpose and intention of this  
4800 chapter to authorize the use and development of shallow bottoms  
4801 and shoal waters in the areas herein set out for the purpose of  
4802 filling and reclaiming same for the purposes herein set forth and  
4803 where said bottoms are not susceptible to reasonable navigation at  
4804 all times as a practical matter.

4805       **SECTION 146.** Section 55-7-15, Mississippi Code of 1972, is  
4806 brought forward as follows:

4807       55-7-15. The bridge and park commission which has acquired  
4808 submerged lands, and before such lands have been reclaimed, shall  
4809 bring its suit in the chancery court of the county in which such  
4810 lands lie, against the state and all the world for confirmation of  
4811 the commission's title to such submerged lands, as provided by law  
4812 for the confirmation of patents issued by the state. Upon the  
4813 hearing of such cause, if the court shall find that the  
4814 reclamation of the said lands does not constitute an obstruction  
4815 of the navigable waters of the state and does not interfere with  
4816 the rights of the public generally to use the navigable waters of  
4817 the state for fishing, boating, and other public uses, and that  
4818 the reclamation and sale of said lands has or will, in whole or in  
4819 part, contribute toward the deepening of a channel or channels for



4820 boats and improvement of navigation of any of the navigable waters  
4821 of this state, and that a fair and adequate consideration has been  
4822 paid or is to be paid for such property, then the court shall  
4823 confirm the title to the property and forever set at rest any  
4824 claims by the State of Mississippi in its sovereign capacity as  
4825 proprietor of said lands.

4826 Any of the parties of the suit may appeal as in other  
4827 proceedings in chancery, provided any interlocutory appeal is  
4828 taken within ten (10) days after the rendition of the decree from  
4829 which the appeal is desired and provided that any final appeal is  
4830 taken within sixty (60) days from the date of the rendition of the  
4831 final decree. Any title perfected by a decree in a suit under  
4832 this section shall forever estop and preclude the state and other  
4833 parties from thereafter questioning the validity of the patent and  
4834 deed involved in such proceedings.

4835 **SECTION 147.** Section 55-7-21, Mississippi Code of 1972, is  
4836 brought forward as follows:

4837 55-7-21. (1) The park and bridge commission shall have  
4838 power to lease or sell to private persons or corporations, real  
4839 estate or any interest therein, acquired by said commission,  
4840 whether improved or unimproved, and including reclaimed or  
4841 filled-in lands, whenever it shall find such real estate or  
4842 interest therein is or has become unnecessary for park or  
4843 recreational purposes for the benefit of the public, or for other  
4844 public use, and in the event of sale, to convey to the grantee,



4845 fee simple title to such real estate. Prior to the leasing or  
4846 conveyance of any such real estate, the commission shall, by  
4847 resolution spread upon its minutes, find, determine and adjudicate  
4848 that the property, to be so leased or sold and conveyed, is, or  
4849 has become unnecessary for park and recreational purposes for the  
4850 benefit of the public, or other public use. Such findings,  
4851 determination and adjudication shall be final and conclusive and  
4852 shall not thereafter be questioned in any court. However, lands  
4853 acquired by eminent domain under the provisions of this chapter  
4854 may not be sold, and may not be leased except for public purposes  
4855 and continuing public uses, and when such lands cease to be used  
4856 for public purposes, the title to same shall revert to the former  
4857 owners, or their successors or assigns.

4858 (2) The bridge and park commission shall have power to sell  
4859 or lease to private persons, or corporations, real estate other  
4860 than the submerged lands reclaimed by it, whether improved or  
4861 unimproved, whenever it shall find such real estate is or has  
4862 become unnecessary for park, recreational or harbor development  
4863 purposes for the benefit of the public, and to convey to the  
4864 grantee the fee simple title to such real estate. Said commission  
4865 shall have the power to lease the submerged lands reclaimed by it  
4866 for a period not exceeding ninety-nine (99) years upon such terms  
4867 and provisions and for such consideration as it may determine.  
4868 After any of such lands have been developed, if the commission  
4869 finds, by resolution spread on its minutes, that it is impractical



4870 to lease the same and that it is more advantageous to the public  
4871 interest to sell such lands, the commission shall have the power  
4872 to sell the same in fee simple. Prior to the conveyance or lease  
4873 of any such real estate, the commission shall, by resolution  
4874 spread upon its minutes, find, determine and adjudicate that the  
4875 property so to be conveyed or leased is or has become unnecessary  
4876 for park, recreational or harbor development purposes for the  
4877 benefit of the public.

4878         **SECTION 148.** Section 55-24-9, Mississippi Code of 1972, is  
4879 brought forward as follows:

4880         55-24-9. The Mississippi Coast Coliseum Commission, a  
4881 political subdivision of the State of Mississippi, shall have  
4882 jurisdiction and authority over matters relating to promoting,  
4883 developing, maintaining and operating a multipurpose coliseum and  
4884 related facilities within Harrison County, Mississippi.  
4885 Multipurpose coliseum and related facilities shall include a  
4886 multipurpose coliseum or arena facility, a convention center and  
4887 facility grounds, as well as any lands purchased by or on the  
4888 behalf of the commission. From and after July 1, 2016, any  
4889 development and/or any land acquired by or on behalf of the  
4890 commission, shall be subject to the Land Development Ordinances of  
4891 the City of Biloxi. Such commission is authorized to acquire  
4892 lands by purchase, gift or the exercise of eminent domain as  
4893 provided by Section 11-27-1 et seq., above or below mean  
4894 high-water mark subject to the approval of the Harrison County



4895 Board of Supervisors. The acquisition of lands below mean  
4896 high-water mark by the commission for the purposes authorized  
4897 herein are declared to be in all respects for the benefit of the  
4898 people of the State of Mississippi, a public purpose, and an  
4899 essential governmental function in the exercise of the powers  
4900 conferred upon them by such act.

4901 The commission, acting on behalf of the State of  
4902 Mississippi, shall have the right to reclaim submerged lands for  
4903 the purpose of constructing a multipurpose coliseum and related  
4904 facilities, and to acquire in its name on behalf of the state any  
4905 estate or property right therein or in other land necessary to the  
4906 purpose of this chapter by purchase, gift, deed or other transfer,  
4907 subject to the approval of the Harrison County Board of  
4908 Supervisors. Title to all oil, gas and other minerals in, on or  
4909 under any lands, title to which is held by the State of  
4910 Mississippi on August 8, 1968, shall be reserved unto the State of  
4911 Mississippi, and all income derived from the sale or lease of such  
4912 minerals shall inure to the benefit of the State of Mississippi  
4913 for such purposes as the Legislature may direct. Provided, that  
4914 prior to utilization of lands in which title vests in the State of  
4915 Mississippi, a description of such land shall be submitted to the  
4916 Department of Finance and Administration and said utilization  
4917 shall not be commenced until or unless approval of such  
4918 utilization is given by the Department of Finance and  
4919 Administration.



4920           The commission is authorized to own, furnish, equip and  
4921 operate the multipurpose coliseum and facilities and equipment  
4922 necessary or useful in the operation of such multipurpose coliseum  
4923 and related facilities; to receive and expend, subject to the  
4924 provisions of this chapter and the approval of the commission's  
4925 annual budget by the Harrison County Board of Supervisors,  
4926 revenues from any source, including the operation of the  
4927 multipurpose coliseum and related facilities; and to do all other  
4928 things necessary to carry out the purposes of this chapter.

4929           The commission is authorized and directed to adopt uniform  
4930 rules and regulations regarding the granting of contracts that are  
4931 less than one hundred eighty (180) days for franchises, licenses,  
4932 contracts or lease agreements, or the granting of contracts that  
4933 are less than one hundred eighty (180) days for the use, operation  
4934 and maintenance of the premises, and to publish the uniform rules  
4935 and regulations for three (3) consecutive weeks in a newspaper  
4936 having a general circulation in the county and fixing a time and  
4937 place not more than ten (10) days after the last publication to  
4938 receive and hear objections to such rules and regulations. The  
4939 commission shall also publish such information on commission and  
4940 county websites during the same time period as the newspaper  
4941 publication. In addition, a copy of such rules and regulations or  
4942 any revisions or amendments thereto shall be filed with the Clerk  
4943 of the Harrison County Board of Supervisors. The commission may  
4944 revise or amend such rules and regulations but such revisions



4945 shall be uniform and shall not be adopted unless the commission  
4946 shall publish the proposed change and hold a public hearing as  
4947 required by this section.

4948         Before any contract that is more than one hundred eighty  
4949 (180) days for a franchise, license, contract or lease agreement  
4950 may be granted, the commission shall notify the Harrison County  
4951 Board of Supervisors and publish its intent to grant such  
4952 franchise, license, contract or lease agreement and the conditions  
4953 upon which same shall be granted. Such publication shall be made  
4954 for three (3) consecutive weeks in a newspaper having a general  
4955 circulation in Harrison County. Such publication shall also be  
4956 made on the commission and county websites during the same time  
4957 period as the newspaper publication. All bids received shall be  
4958 sealed, and shall be opened at a date, time and place set forth in  
4959 the publications, which date shall not be less than five (5) days  
4960 nor more than ten (10) days after the last day of such  
4961 publications.

4962         Unless the commission shall find that the successful bidder  
4963 cannot demonstrate financial responsibility to comply with the  
4964 terms and conditions of the franchise, license, contract or lease  
4965 agreement or cannot perform the services required thereunder, it  
4966 shall, subject to the limitations set forth under this chapter,  
4967 recommend the granting of the franchise, license, contract or  
4968 lease agreement to the bidder whose proposal shall be in the best  
4969 financial interest of the commission.



4970 Any person aggrieved by any action of the commission may  
4971 appeal to the Circuit Court of Harrison County in the manner  
4972 provided for appeals from orders of the board of supervisors.

4973 The commission is granted the power to sue and be sued in its  
4974 own name, and the commission is authorized to take liability  
4975 insurance on the operation of the facilities in an amount equal to  
4976 the extent of its liability for claims or causes of action arising  
4977 from acts or omissions as provided in Section 11-46-15; provided,  
4978 however, that immunity from suit is only waived to the extent of  
4979 such liability insurance carried, and a judgment creditor shall  
4980 have recourse only to the proceeds or right to proceeds of such  
4981 liability insurance. No attempt shall be made in the trial of any  
4982 case to suggest the existence of any insurance which covers in  
4983 whole or in part any judgment or award rendered in favor of a  
4984 claimant, but if the verdict rendered by the jury exceeds the  
4985 limit of applicable insurance, the court on motion shall reduce  
4986 the amount of said judgment to a sum equal to the applicable limit  
4987 stated in the insurance policy.

4988 The commission shall prepare an annual budget specifically  
4989 describing the proposed receipt and expenditure of all funds from  
4990 any source whatsoever, and such budget shall be approved by the  
4991 Harrison County Board of Supervisors. If the commission desires  
4992 to take any action associated with the receipt or expenditure of  
4993 funds which deviates from the annual budget, such individual





4994 action shall be subject to the approval of the Harrison County  
4995 Board of Supervisors.

4996         The commission is granted the power to invest funds credited  
4997 to the Mississippi Coast Coliseum Commission Operating Fund, the  
4998 commission is vested with authority to designate depositories of  
4999 its funds, and to deposit the funds in interest-bearing accounts.  
5000 Provided, however, all funds in excess of ninety (90) days'  
5001 operating expenses, to the extent practicable, shall be invested  
5002 in Treasury bills or in interest-bearing accounts or approved  
5003 securities to include, but not limited to, United States Treasury  
5004 bills and United States Treasury notes and bonds, federal agency  
5005 securities or mortgage-backed securities guaranteed as to  
5006 repayment of principal by the government or an agency of such  
5007 government, certificates of deposit fully covered by insurance  
5008 administered by the Federal Deposit Insurance Corporation or  
5009 covered by pledged securities, repurchase agreements and  
5010 short-term money market funds invested in United States government  
5011 and United States government agencies.

5012         The commission is authorized to contract with any agency of  
5013 the United States or the State of Mississippi for a loan or grant,  
5014 subject to the approval of the Harrison County Board of  
5015 Supervisors and to give such agency any assurances of compliance  
5016 with federal or state laws which are not in conflict with the laws  
5017 of the State of Mississippi. It is the intent and purpose of this



5018 chapter that the Coliseum Commission cooperate with agencies  
5019 administering the National Seashore Act of 1970.

5020 Whenever any real or personal property belonging to the  
5021 commission shall cease to be used or needed for the commission's  
5022 purposes, the commission may recommend to the Harrison County  
5023 Board of Supervisors that it sell, exchange or lease the property  
5024 on such terms as the commission may propose. No lease of surplus  
5025 real property may exceed a term of ninety-nine (99) years. The  
5026 deed of conveyance in such transactions shall be executed in the  
5027 name of the commission by the Harrison County Board of Supervisors  
5028 pursuant to order issued on the minutes of its meetings. In any  
5029 sale, exchange or lease of real property, the commission shall  
5030 retain all mineral rights that it owns, together with the right of  
5031 ingress and egress to remove same. Before any sale, exchange or  
5032 lease is made, the commissioners shall publish at least once each  
5033 week for three (3) consecutive weeks, in a public newspaper of  
5034 Harrison County, Mississippi, and on the commission and county  
5035 websites the intention to sell, exchange or lease, as the case may  
5036 be, the real or personal property and to accept sealed competitive  
5037 bids for the sale, exchange or lease. The commissioners shall  
5038 thereafter accept bids for the sale, exchange or lease, and the  
5039 property shall be sold, exchanged or leased to the highest and  
5040 best bidder in the manner provided by law. However, whenever the  
5041 commissioners shall find and determine, by resolution duly and  
5042 lawfully adopted and spread upon its minutes: (a) that any



5043 commission-owned real property is no longer needed for commission  
5044 purposes and is not to be used in the operation of a multipurpose  
5045 coliseum and related facilities, (b) that the sale, exchange or  
5046 lease of such property in the manner otherwise provided for herein  
5047 is necessary or desirable for the financial welfare of a  
5048 multipurpose coliseum and related facilities, and (c) that the use  
5049 of such property for the purpose for which it is to be sold,  
5050 exchanged or leased will promote and foster the development and  
5051 improvement of the multipurpose coliseum and related facilities,  
5052 the commissioners may recommend to the Harrison County Board of  
5053 Supervisors that it sell, exchange or lease the property without  
5054 having to advertise for and accept competitive bids. In any case  
5055 in which the commission proposes to sell or exchange real property  
5056 under the provisions of this section without advertising for and  
5057 accepting competitive bids, the Harrison County Board of  
5058 Supervisors must approve such proposal, and consideration for the  
5059 sale or exchange of the real property shall be not less than the  
5060 average of the fair market price for the property as determined by  
5061 three (3) professional property appraisers selected by the  
5062 commission and approved by the purchaser or devisee and the  
5063 Harrison County Board of Supervisors. Appraisal fees shall be  
5064 shared equally by the commission and the purchaser or devisee.

5065       The enumeration of any specific rights and powers contained  
5066 herein or elsewhere in this chapter where followed by general  
5067 powers shall not be construed in the restrictive sense but rather



5068 in as broad and comprehensive sense as possible to effectuate the  
5069 purposes and intent of this chapter.

5070 **SECTION 149.** Section 59-3-1, Mississippi Code of 1972, is  
5071 brought forward as follows:

5072 59-3-1. The corporate authorities of any municipality in  
5073 which there is situated, wholly or partially within its  
5074 boundaries, a harbor that is a port of entry, shall have the  
5075 following power and authority: to construct all needful  
5076 improvements in such harbor, including the deepening of any part  
5077 of said harbor, and/or extending, enlarging and adding to the same  
5078 by dredging in any direction including inland; to acquire,  
5079 construct, repair and improve public wharves and docks for said  
5080 municipality, in connection with said harbor, and to operate the  
5081 same under the port commissioners; to own, construct, lease and  
5082 maintain sheds, warehouses, elevators, compresses, floating dry  
5083 docks, graving docks, marine railways, tugboats, and other  
5084 structures and facilities needful for the convenient use of the  
5085 same in the aid of commerce, and other works of public  
5086 improvement, including roadways necessary or useful for such port,  
5087 harbor, and/or dock and wharf purposes, and to control and operate  
5088 the same under the port commissioners; said sheds, warehouses,  
5089 elevators, compresses and other works of public improvements,  
5090 including roadways, to be situated either upon the municipal  
5091 wharves and docks, and/or upon lands owned, purchased, reclaimed  
5092 or leased by the municipality and situated within reasonable and



5093 practical proximity to such wharves, docks, harbor or port; to set  
5094 aside or lease portions or all of the said lands, wharves, docks,  
5095 sheds, warehouses, elevators, compresses, floating dry docks,  
5096 graving docks, marine railways, tugboats, and other structures and  
5097 facilities needful for convenient use of the same in the aid of  
5098 commerce, or any of the said necessary or useful improvements, for  
5099 special purposes, for a term not exceeding twenty-five years; and  
5100 to lease same for industrial use for a term not exceeding  
5101 ninety-nine years to individuals, firms or corporations, public or  
5102 private, on such terms and conditions and with such safeguards as  
5103 will best promote and protect the public interest. Any such  
5104 industrial lease may be executed upon such terms and conditions  
5105 and for such monetary rental or other consideration as may be  
5106 found adequate and approved by the city in orders or resolutions  
5107 authorizing the same. Any covenants and obligations of the lessee  
5108 to make expenditures in determined amounts and within such time or  
5109 times, for improvements to be erected on the land by such lessee  
5110 and to conduct thereon industrial operations in such aggregate  
5111 payroll amounts and for such period of time or times as may be  
5112 determined and defined in such lease, and to give preference in  
5113 employment where practicable to qualified residents of the port of  
5114 entry and of the county in which said port is situated, shall, if  
5115 included in said lease, constitute and be deemed sufficient  
5116 consideration for the execution of any such lease in the absence  
5117 of a monetary rental or other considerations; any such instrument



5118 may contain reasonable provisions giving the lessee the right to  
5119 remove its or his improvements upon termination of the lease.  
5120 Such corporate authority shall also have the power and authority  
5121 to acquire by eminent domain proceedings, purchase, or otherwise,  
5122 the land, property and rights that may be necessary or useful for  
5123 the foregoing purposes, and for such purposes the municipality  
5124 shall have the right to reclaim submerged lands.

5125         **SECTION 150.** Section 59-5-11, Mississippi Code of 1972, is  
5126 brought forward as follows:

5127         59-5-11. The board shall have power to acquire, purchase,  
5128 install, lease, construct, own, hold, maintain, equip, use,  
5129 control, and operate ports, harbors, waterways, channels, wharves,  
5130 piers, docks, quays, elevators, tipples, compresses, bulk loading  
5131 and unloading facilities, warehouses, floating dry docks, graving  
5132 docks, marine railways, tugboats, ships, vessels, shipyards,  
5133 shipbuilding facilities, machinery and equipment, dredges and any  
5134 other facilities required and incidental to the construction,  
5135 outfitting, drydocking or repair of ships or vessels, and water,  
5136 air and rail terminals, and roadways and approaches thereto, and  
5137 other structures and facilities needful for the convenient use of  
5138 the same in the aid of commerce, including the dredging,  
5139 deepening, extending, widening, or enlarging of any ports,  
5140 harbors, rivers, channels, and waterways, the damming of inland  
5141 waterways, the establishment of water basins, the acquisition and  
5142 development of industrial sites and the reclaiming of submerged



5143 lands. For such purposes the board is vested with full  
5144 jurisdiction and control of any and all lands lying within,  
5145 adjacent to, or near any state-owned or operated ports, harbors,  
5146 rivers, channels, and waterways, or natural lakes, which lands are  
5147 below the mean high tide mark, and which lands are not within the  
5148 jurisdiction of any other public body.

5149 **SECTION 151.** Section 59-9-19, Mississippi Code of 1972, is  
5150 brought forward as follows:

5151 59-9-19. The board of supervisors of any county in which  
5152 there has been created a county port authority or county  
5153 development commission as provided in this chapter, acting through  
5154 its county port authority or county development commission, shall  
5155 have the following additional powers and authority:

5156 (a) To set aside or lease all or portions of said  
5157 harbor facilities, wharves, docks, sheds, warehouses, elevators,  
5158 compresses, floating dry docks, graving docks, marine railways,  
5159 tugboats or any necessary or useful improvements for special  
5160 purposes for a term not exceeding ninety-nine (99) years.

5161 (b) To sell, lease or otherwise dispose of tourism  
5162 facilities, service facilities, shipyards, shipbuilding  
5163 facilities, machinery and equipment, dredges, facilities and land  
5164 acquired for industrial or harbor operations to individuals, firms  
5165 or corporations, public or private, for industrial operations on  
5166 such terms and conditions and with such safeguards as will best  
5167 promote and protect the public interest, and they are hereby



5168 authorized to transfer possession and/or title to any part of all  
5169 of such facilities and lands by deed, lease, contract or other  
5170 customary business instrument; however, no such lease of land or  
5171 facilities acquired for industrial operations shall be executed  
5172 for a term in excess of ninety-nine (99) years from its date, and  
5173 before the execution of the same any such deed, conveyance, lease,  
5174 contract or other disposition shall be authorized by the  
5175 affirmative vote of at least two-thirds (2/3) of the membership of  
5176 such port authority or development commission by order or  
5177 resolution entered on its minutes, which order or resolution shall  
5178 set forth the substantial terms of such deed, conveyance, lease,  
5179 contract or other disposition.

5180         In the letting of contracts and in the advertisement for bids  
5181 thereon, for the development, construction, repair, maintenance or  
5182 operation of any structures, facilities and lands required  
5183 pursuant to any of the provisions of this chapter, the board of  
5184 supervisors and the county port authority shall comply with all of  
5185 the requirements of the general laws of the State of Mississippi  
5186 governing the advertisement for bids and the letting of contracts  
5187 by county boards of supervisors. In the event title to any such  
5188 lands under jurisdiction of the port authority or development  
5189 commission is in the name of the county, no such transaction shall  
5190 be consummated until and unless the same be authorized by proper  
5191 resolution of the port authority or development commission and of  
5192 the county, in which event the county shall join the port





5193 authority or development commission in the execution of such  
5194 instrument. Any such sale or lease may be executed upon such  
5195 terms and conditions and for such monetary rental or other  
5196 consideration as may be found adequate and approved by the county  
5197 port authority or county development commission and the board of  
5198 supervisors in orders or resolutions authorizing the same. Any  
5199 covenants and obligations of the lessee or purchaser to make  
5200 expenditures in determined amounts and within such time or times  
5201 for improvements to be erected on the land by such lessee or  
5202 purchaser and to conduct thereon industrial operations in such  
5203 aggregate payroll amounts and for such period of time or times as  
5204 may be determined and defined in such lease or conveyance, and to  
5205 give preference in employment where practicable to qualified  
5206 residents of the port of entry and of the county and/or state in  
5207 which such port is situated, shall, if included in such lease or  
5208 conveyance, constitute and be deemed sufficient consideration for  
5209 the execution of any such lease or conveyance in the absence of a  
5210 monetary rental or other considerations; any such lease may  
5211 contain reasonable provisions giving the lessee the right to  
5212 remove its or his improvements upon termination of the lease.  
5213 Where the rentals provided in the lease will be sufficient to  
5214 fully retire the cost of the particular facility or where the  
5215 monetary consideration for a deed is sufficient to fully repay the  
5216 cost of land acquired for industrial operations described in said  
5217 deed, contracts for construction, repairs, maintenance and



5218 operation of the facility or for the sale of the land, may be  
5219 negotiated and consummated without the necessity of advertising  
5220 and obtaining competitive bids therefor. Such county, acting  
5221 through the port authority or development commission, shall have  
5222 the right to reclaim submerged lands for such purposes and shall  
5223 also have the right to acquire by eminent domain proceedings,  
5224 purchase or otherwise, any land or estate therein or property and  
5225 rights that may be necessary for the purposes of this chapter,  
5226 provided that land acquired for industrial operations by eminent  
5227 domain shall be leased or shall be sold only with such provisions  
5228 in the deed or lease as shall ensure that the use of the land  
5229 shall be beneficial to the carrying out of the purposes of this  
5230 chapter and the promotion of commerce through said port. The  
5231 county, acting through the port authority or development  
5232 commission, shall have no authority or power to acquire without  
5233 the consent of the owner thereof any property operated or used for  
5234 port, harbor or industrial operations, or for such purposes as the  
5235 county, acting through the port authority or development  
5236 commission, is authorized to acquire and use such property for,  
5237 where such property has been sold or leased by the county, acting  
5238 through the port authority or development commission, to any  
5239 person, firm or corporation for industrial operations as provided  
5240 in this chapter. In the exercise of eminent domain, the county,  
5241 acting through the port authority or development commission, shall  
5242 determine the amount and character of the land or estate therein



5243 thus to be acquired and the public necessity for such exercise and  
5244 their determination shall be conclusive and shall not be subject  
5245 to attack in the absence of manifold abuse of discretion or fraud  
5246 on the part of said county in making such determination and said  
5247 county, acting through the port authority or development  
5248 commission, shall have all powers and authority vested in persons  
5249 or corporations having the right of eminent domain by Sections  
5250 11-27-1 through 11-27-49 and all other statutes pertinent thereto.

5251 (c) To accept assurances and other agreements from  
5252 persons, firms and corporations who are benefited by any action of  
5253 the port authority pursuant to this chapter, including agreements  
5254 to save the county harmless on account of any assurances given by  
5255 the county to the United States of America or any agency thereof,  
5256 including the Secretary of the Army, and to enter into contracts  
5257 with such persons, firms or corporations relative to the future  
5258 development and use of property owned by such persons, firms or  
5259 corporations.

5260 (d) To obligate the county by contract with persons,  
5261 firms and corporations owning or agreeing to purchase property in  
5262 the area benefited by any action of the port authority under the  
5263 provisions of this chapter for the construction, development,  
5264 improvement or expansion of channels and other navigation projects  
5265 by the county at its expense and the continued maintenance and  
5266 operation thereof by the county at its expense for a period of  
5267 time not to exceed ninety-nine (99) years, or so long as any such



5268 person, firm or corporation continues to use said property for  
5269 industrial operations.

5270 (e) To obtain liability insurance as deemed appropriate  
5271 for the needs of the port authority or development commission. If  
5272 liability insurance is in effect, the port authority or  
5273 development commission may be sued by anyone affected to the  
5274 extent of such insurance carried; however, immunity from suit is  
5275 waived only to the extent of such liability insurance carried, and  
5276 a judgment creditor shall have recourse only to the proceeds or  
5277 right to proceeds of such liability insurance.

5278 (f) To invest funds credited to the county development  
5279 commission. A county development commission is vested with  
5280 authority to designate depositories of its funds and to deposit  
5281 its funds in insured, interest-bearing accounts or securities  
5282 guaranteed by the good faith of the United States Treasury. All  
5283 funds in excess of ninety (90) days' operating expenses, to the  
5284 extent practicable, shall be invested in United States Treasury  
5285 bills, interest-bearing accounts insured by the Federal Deposit  
5286 Insurance Corporation, or other securities of the United States  
5287 government including United States Treasury bills, notes and  
5288 bonds, federal agency securities, mortgage-backed securities  
5289 guaranteed as to repayment of principal by the United States  
5290 government, or repurchase agreements and mutual funds invested in  
5291 obligations of the United States government or its agencies and  
5292 repurchase agreements fully collateralized by such obligations.



5293           **SECTION 152.** Section 59-17-13, Mississippi Code of 1972, is  
5294 brought forward as follows:

5295           59-17-13. (1) The board shall have power to acquire,  
5296 purchase, install, lease, construct, own, hold, maintain, equip,  
5297 use, control, and operate ports, harbors, waterways, channels,  
5298 wharves, piers, docks, quays, elevators, tipples, compresses, bulk  
5299 loading and unloading facilities, warehouses, floating dry docks,  
5300 graving docks, marine railways, tugboats, machinery and equipment,  
5301 and water, air and rail terminals, and roadways and approaches  
5302 thereto, and other structures and facilities needful for the  
5303 convenient use of the same in the aid of commerce, including the  
5304 dredging, deepening, extending, widening, or enlarging of any  
5305 ports, harbors, rivers, channels, and waterways, the damming of  
5306 inland waterways, the establishment of water basins, the  
5307 acquisition and development of industrial sites and the reclaiming  
5308 of submerged lands.

5309           (2) The State Inland Port Authority, subject to the approval  
5310 of the board, shall have the power to borrow money from any  
5311 source, public or private, for any of its corporate purposes and  
5312 to give such security as may be required in connection therewith  
5313 and to enter into a joint agreement with the boards of supervisors  
5314 of any county, or the governing authority of any municipality, or  
5315 both acting jointly, to issue revenue bonds of such county or  
5316 municipality, or both, acting jointly, as provided by Section  
5317 59-7-311 which bonds may be payable out of any revenues of the



5318 authority, including grants or contributions from the federal  
5319 government or other sources. Such revenue bonds may be issued  
5320 without an election on resolution of the board of supervisors,  
5321 governing body of the municipality, or both acting jointly, and  
5322 shall not be subject to any limitation as to amount, and shall not  
5323 be included or computed in the statutory limitation of  
5324 indebtedness of any such county or municipality.

5325 (3) All leases which are now in effect or which may  
5326 hereafter be executed by the State Inland Port Authority for port,  
5327 harbor, commercial or industrial improvements, and all structures  
5328 and all improvements and other permanent facilities erected,  
5329 installed or located by such lessees, or their successors or  
5330 assignees within the limits of any port, harbor or part thereof,  
5331 may be free and exempt from all state, county and municipal ad  
5332 valorem taxes if so stipulated in such lease, and for such period  
5333 as may be fixed in such lease, not to exceed such periods of time  
5334 as are now authorized or may be hereafter authorized by law.

5335 **SECTION 153.** Section 61-3-15, Mississippi Code of 1972, is  
5336 brought forward as follows:

5337 61-3-15. An authority shall have all the powers necessary or  
5338 convenient to carry out the purposes of this chapter (excluding  
5339 the power to levy and collect taxes or special assessments)  
5340 including, but not limited to, the power:

5341 (a) To sue and be sued, to have a seal and to have  
5342 perpetual succession.



5343           (b) To purchase general liability insurance coverage,  
5344 including errors and omissions insurance, for its officials and  
5345 employees.

5346           (c) To employ an executive director, secretary,  
5347 technical experts, and such other officers, agents and employees,  
5348 permanent and temporary, as it may require, and to determine their  
5349 qualifications and duties, and to establish compensation and other  
5350 employment benefits as may be advisable to attract and retain  
5351 proficient personnel. For regional airport authorities organized  
5352 under Section 61-3-7, such employment benefits may include payment  
5353 for all or part of dependent health insurance coverage.

5354           (d) To execute such contracts and other instruments and  
5355 take such other action as may be necessary or convenient to carry  
5356 out the purposes of this chapter.

5357           (e) To plan, establish, develop, construct, enlarge,  
5358 improve, maintain, equip, operate, regulate and protect airports  
5359 and air navigation facilities within this state and within any  
5360 adjoining state, including the acquisition, lease, lease-purchase,  
5361 construction, installation, equipment, maintenance and operation  
5362 of such airports or buildings, equipment and other facilities or  
5363 other property for the servicing of aircraft or for the comfort  
5364 and accommodation of air travelers or for any other purpose deemed  
5365 by the authority to be necessary to carry out its duties; to  
5366 develop, operate, manage or own and maintain intermodal facilities  
5367 to serve air and surface cargo and multimodal facilities to serve



5368 highway and rail passenger transportation needs to ensure  
5369 interface and interaction between modes for cargo and passengers;  
5370 to construct, improve, and maintain means of ingress and egress to  
5371 airport properties from and over off-airport sites with approval  
5372 of the city or county in which the off-airport site is located; to  
5373 market, promote and advertise airport properties, goods and  
5374 services; and to directly purchase and sell supplies, goods and  
5375 commodities incident to the operation of its airport properties  
5376 without having to make purchases thereof through the municipal  
5377 governing authorities, and with the authority to utilize  
5378 design-build and construction manager at-risk methods of  
5379 construction in accordance with Sections 31-7-13.1 and 31-7-13.2.  
5380 For all the previously stated purposes, an authority may, by  
5381 purchase, gift, devise, lease, eminent domain proceedings or  
5382 otherwise, acquire property, real or personal, or any interest  
5383 therein, including easements in airport hazards or land outside  
5384 the boundaries of an airport or airport site, as are necessary to  
5385 permit the removal, elimination, obstruction-marking or  
5386 obstruction-lighting of airport hazards, to prevent the  
5387 establishment of airport hazards or to carry out its duties.

5388           (f) To acquire, by purchase, gift, devise, lease,  
5389 lease-purchase, eminent domain proceedings or otherwise, existing  
5390 airports and air navigation facilities. However, an authority  
5391 shall not acquire or take over any airport or air navigation  
5392 facility owned or controlled by another authority, a municipality





5393 or public agency of this or any other state without the consent of  
5394 such authority, municipality or public agency.

5395 (g) To establish or acquire and maintain airports in,  
5396 over and upon any public waters of this state, and any submerged  
5397 lands under such public waters, and to construct and maintain  
5398 terminal buildings, landing floats, causeways, roadways and  
5399 bridges for approaches to or connecting with any such airport, and  
5400 landing floats and breakwaters for the protection thereof.

5401 (h) To establish, enact and enforce ordinances, rules,  
5402 regulations and standards for public safety, aviation safety,  
5403 airport operations and the preservation of good order and peace of  
5404 the authority; to prevent injury to, destruction of or  
5405 interference with public or private property; to protect property,  
5406 health and lives and to enhance the general welfare of the  
5407 authority by restricting the movements of citizens or any group  
5408 thereof on the property of the authority when there is imminent  
5409 danger to the public safety because of freedom of movement  
5410 thereof; to regulate the entrances to property and buildings of  
5411 the authority and the way of ingress and egress to and from the  
5412 same; to establish fire limits and to hire firemen, including  
5413 aircraft fire and rescue and similar personnel, and to establish  
5414 and equip a fire department to provide fire and other emergency  
5415 services on any property of the authority; to regulate, restrain  
5416 or prohibit construction failing to meet standards established by  
5417 the authority; to appoint and discharge police officers with



5418 jurisdiction limited to property of the airport authority and  
5419 authorization to enforce the ordinances, rules and regulations of  
5420 the authority, as well as the laws of the State of Mississippi,  
5421 and to issue citations for infractions of all of such ordinances,  
5422 rules, regulations, standards and laws of the State of Mississippi  
5423 returnable to the court of appropriate jurisdiction.

5424 (i) To develop and operate an industrial park or parks  
5425 and exercise all authority provided for under Chapter 7, Title 57,  
5426 Mississippi Code of 1972.

5427 (j) To attach, pursuant to the power and procedure set  
5428 forth in Chapter 33, Title 11, Mississippi Code of 1972, the  
5429 equipment of debtors of the authority.

5430 (k) To enter into agreements with local governments  
5431 pursuant to Section 17-13-1 et seq.

5432 (l) To render emergency assistance to other airports  
5433 within the United States at an aggregate cost of less than Twenty  
5434 Thousand Dollars (\$20,000.00) per emergency. The assistance  
5435 authorized in this paragraph must be rendered within ninety (90)  
5436 days after a state of emergency has been declared by the federal  
5437 government, or by the local or state government that has  
5438 jurisdiction over the area where the airport needing assistance is  
5439 located.

5440 (m) To enter into joint use or similar agreements with  
5441 any department or agency of the United States of America or the  
5442 State of Mississippi, including any military department of the



5443 United States of America or the State of Mississippi, with respect  
5444 to the use and operation of, or services provided at, any airport  
5445 or other property of the authority on the terms and conditions as  
5446 the authority may deem appropriate, including provisions limiting  
5447 the liability of the United States of America or the State of  
5448 Mississippi for loss or damage to the authority if the authority  
5449 determines that the limitation of liability is reasonable,  
5450 necessary and appropriate under the circumstances.

5451 (n) To enter into mutual aid agreements with counties  
5452 and municipalities for reciprocal emergency aid and assistance in  
5453 case of emergencies too extensive to be dealt with unassisted; to  
5454 participate in the Statewide Mutual Aid Compact (SMAC) in  
5455 accordance with Section 33-15-19.

5456 **SECTION 154.** Section 79-21-53, Mississippi Code of 1972, is  
5457 brought forward as follows:

5458 79-21-53. As used in Sections 79-21-51 through 79-21-67,  
5459 Mississippi Code of 1972:

5460 (a) The term "member" shall include actual members of  
5461 associations without capital stock and holders of common stock in  
5462 associations organized with capital stock.

5463 (b) The term "person" shall include individuals, firms,  
5464 partnerships, corporations and associations.

5465 (c) The term "association" means any association  
5466 organized under the terms of Sections 79-21-51 through 79-21-67,  
5467 Mississippi Code of 1972.



5468           (d) The term "aquatic product" shall include all  
5469 commercial products of aquatic life normally found in, or  
5470 associated with, the salt waters of the State of Mississippi or  
5471 the United States. It shall specifically include, but is not  
5472 limited to, shellfish, domesticated fish, fish of all species, and  
5473 their by-products, normally found in salt water.

5474           (e) The term "commercial fishing" shall include all  
5475 persons engaged totally or part-time in the business of catching  
5476 freezing, marketing, processing, transporting, wholesaling or  
5477 otherwise involved in the utilization of aquatic products from the  
5478 salt waters of the State of Mississippi or the United States for  
5479 commercial purposes.

5480           (f) The term "domestic fish farming" shall include all  
5481 persons engaged in the growing, managing, harvesting and/or  
5482 marketing of domesticated fish or shellfish as a cultivated crop  
5483 in privately owned or leased waters or submerged lands.

5484           (g) The term "domesticated fish" means any fish or  
5485 shellfish that are spawned and grown, managed, harvested and  
5486 marketed on an annual, semiannual, biennial, or short-term basis  
5487 in privately owned or leased waters or submerged lands.

5488           (h) The term "producer" means any person engaged  
5489 totally, or part-time, in the business of commercial fishing or  
5490 domestic fish farming for the commercial purpose of providing  
5491 aquatic products to consumers.



5492           **SECTION 155.** Section 27-31-39, Mississippi Code of 1972, is  
5493 brought forward as follows:

5494           27-31-39. All Public Trust Tidelands belonging to the State  
5495 of Mississippi or any of its political subdivisions shall be  
5496 exempt from ad valorem taxation.

5497           **SECTION 156.** Section 29-7-3, Mississippi Code of 1972, is  
5498 brought forward as follows:

5499           29-7-3. There shall be no development or extraction of oil,  
5500 gas, or other minerals from state-owned lands by any private party  
5501 without first obtaining a mineral lease therefor from the  
5502 commission. The commission is hereby authorized and empowered,  
5503 for and on behalf of the state, to lease any and all of the state  
5504 land now owned (including that submerged or wherever the tide may  
5505 ebb and flow) or hereafter acquired, to some reputable person,  
5506 association, or company for oil and/or gas and/or other minerals  
5507 in and under and which may be produced therefrom, excepting,  
5508 however, sixteenth section school land, lieu lands, and such  
5509 forfeited tax land and property the title to which is subject to  
5510 any lawful redemption, for such consideration and upon such terms  
5511 and conditions as the commission deems just and proper. No  
5512 mineral lease of offshore lands shall allow offshore drilling  
5513 operations north of the coastal barrier islands, except in Blocks  
5514 40, 41, 42, 43, 63, 64 and 66 through 98, inclusive. Further,  
5515 surface offshore drilling operations will not be allowed within  
5516 one (1) mile of Cat Island. The commission may only offer for



5517 lease the state-owned lands in Blocks 40, 41, 42, 43, 63, 64 and  
5518 66 through 98, inclusive, as shown on the Mississippi Department  
5519 of Environmental Quality Bureau of Geology Plat of Lease Blocks  
5520 (Open File Report 151) on terms and conditions and for a length of  
5521 time as determined by the commission. The commission may not  
5522 lease any lands or submerged lands off the Mississippi Gulf Coast  
5523 that have been leased by the Department of Marine Resources before  
5524 January 1, 2004, for any public or private oyster reef lease or  
5525 any lands or submerged lands within one (1) mile of that lease for  
5526 the purposes of drilling offshore for oil, gas and other minerals.

5527 Consistent with the conservation policies of this state under  
5528 Section 53-1-1 et seq., the commission may offer for public bid  
5529 any tracts or blocks of state-owned lands not currently under  
5530 lease, which have been identified to the commission as having  
5531 development potential for oil or natural gas, not less than once a  
5532 year. Upon consultation with the Office of Geology in the  
5533 Mississippi Department of Environmental Quality, the Secretary of  
5534 State and any other state agency as the commission deems  
5535 appropriate, the commission shall promulgate rules and regulations  
5536 consistent with this chapter governing all aspects of the process  
5537 of leasing state lands within its jurisdiction for mineral  
5538 development, including the setting of all terms of the lease form  
5539 to be used for leasing state-owned lands, any necessary fees,  
5540 public bidding process, delay rental payments, shut-in royalty  
5541 payments, and such other provisions as may be required. The



5542 Attorney General shall review the lease form adopted by the  
5543 commission for legal sufficiency.

5544         There shall not be conducted any seismographic or other  
5545 mineral exploration or testing activities on any state-owned lands  
5546 within the mineral leasing jurisdiction of the commission without  
5547 first obtaining a permit therefor from the commission. Upon  
5548 consultation with the Office of Geology in the Mississippi  
5549 Department of Environmental Quality, the Secretary of State and  
5550 any other state agency as the commission deems appropriate, the  
5551 commission shall promulgate rules and regulations governing all  
5552 aspects of seismographic or other mineral exploration activity on  
5553 state lands within its jurisdiction, including the establishing of  
5554 fees and issuance of permits for the conduct of such mineral  
5555 exploration activities. The Attorney General shall review the  
5556 permit form adopted by the commission for legal sufficiency.  
5557 Provided, however, that persons obtaining permits from the  
5558 commission for seismographic or other mineral exploration or  
5559 testing activities on state-owned wildlife management areas, lakes  
5560 and fish hatcheries, shall be subject to rules and regulations  
5561 promulgated therefor by the Mississippi Commission on Wildlife,  
5562 Fisheries and Parks which shall also receive all permit fees for  
5563 such testing on said lands. In addition, persons obtaining  
5564 permits from the commission for seismographic or other mineral  
5565 exploration or testing activities on state-owned marine waters  
5566 shall be subject to rules and regulations promulgated therefor by



5567 the Mississippi Department of Marine Resources which shall also  
5568 receive all permit fees for such testing on those waters.

5569 Further, provided that each permit within the Mississippi  
5570 Sound or tidelands shall be reviewed by the Mississippi Commission  
5571 on Marine Resources and such special conditions as it may specify  
5572 will be included in the permit. Information or data obtained in  
5573 any mineral exploration activity on any and all state lands shall  
5574 be disclosed to the state through the commission, upon demand.  
5575 Such information or data shall be treated as confidential for a  
5576 period of ten (10) years from the date of receipt thereof and  
5577 shall not be disclosed to the public or to any firm, individual or  
5578 agency other than officials or authorized employees of this state.  
5579 Any person who makes unauthorized disclosure of such confidential  
5580 information or data shall be guilty of a misdemeanor, and upon  
5581 conviction thereof, be fined not more than Five Thousand Dollars  
5582 (\$5,000.00) or imprisoned in the county jail not more than one (1)  
5583 year, or both.

5584 Whenever any such land or property is leased for oil and gas  
5585 and/or other minerals, such lease contract shall provide for a  
5586 lease royalty to the state of at least three-sixteenths (3/16) of  
5587 such oil and gas or other minerals, same to be paid in the manner  
5588 prescribed by the commission. Of the monies received in  
5589 connection with the execution of such leases, five-tenths of one  
5590 percent (5/10 of 1%) shall be retained in a special fund to be  
5591 appropriated by the Legislature, One Hundred Thousand Dollars





5592 (\$100,000.00) of which amount to be used by the commission for the  
5593 administration of the leasing and permitting under this section,  
5594 and the remainder of such amount shall be deposited into the  
5595 Education Trust Fund, created in Section 206A, Mississippi  
5596 Constitution of 1890; and two percent (2%) shall be paid into a  
5597 special fund to be designated as the "Gulf and Wildlife Protection  
5598 Fund," to be appropriated by the Legislature, one-half (1/2)  
5599 thereof to be apportioned as follows: an amount which shall not  
5600 exceed One Million Dollars (\$1,000,000.00) shall be used by the  
5601 Mississippi Department of Wildlife, Fisheries and Parks and the  
5602 Mississippi Department of Marine Resources solely for the purpose  
5603 of cleanup, remedial or abatement actions involving pollution as a  
5604 result of the exploration or production of oil or gas, and any  
5605 amount in excess of such One Million Dollars (\$1,000,000.00) shall  
5606 be deposited into the Education Trust Fund, created in Section  
5607 206A, Mississippi Constitution of 1890. The remaining one-half  
5608 (1/2) of such Gulf and Wildlife Protection Fund to be apportioned  
5609 as follows: an amount which shall not exceed One Million Dollars  
5610 (\$1,000,000.00) shall be used by the Mississippi Commission on  
5611 Wildlife, Fisheries and Parks and the Mississippi Department of  
5612 Marine Resources for use first in the prudent management,  
5613 preservation, protection and conservation of existing waters,  
5614 lands and wildlife of this state and then, provided such purposes  
5615 are accomplished, for the acquisition of additional waters and  
5616 lands and any amount in excess of such One Million Dollars



5617 (\$1,000,000.00) shall be deposited into the Education Trust Fund,  
5618 created in Section 206A, Mississippi Constitution of 1890.  
5619 However, in the event that the Legislature is not in session to  
5620 appropriate funds from the Gulf and Wildlife Protection Fund for  
5621 the purpose of cleanup, remedial or abatement actions involving  
5622 pollution as a result of the exploration or production of oil or  
5623 gas, then the Mississippi Department of Wildlife, Fisheries and  
5624 Parks and the Mississippi Department of Marine Resources may make  
5625 expenditures from this special fund account solely for said  
5626 purpose. The commission may lease the submerged beds for sand and  
5627 gravel on such a basis as it may deem proper, but where the waters  
5628 lie between this state and an adjoining state, there must be a  
5629 cash realization to this state, including taxes paid for such sand  
5630 and gravel, equal to that being had by such adjoining state, in  
5631 all cases the requisite consents therefor being lawfully obtained  
5632 from the United States.

5633 The Department of Environmental Quality is authorized to  
5634 employ competent engineering personnel to survey the territorial  
5635 waters of this state in the Mississippi Sound and the Gulf of  
5636 Mexico and to prepare a map or plat of such territorial waters,  
5637 divided into blocks of not more than six thousand (6,000) acres  
5638 each with coordinates and reference points based upon longitude  
5639 and latitude surveys. The commission is authorized to adopt such  
5640 survey, plat or map for leasing of such submerged lands for  
5641 mineral development; and such leases may, after the adoption of



5642 such plat or map, be made by reference to the map or plat, which  
5643 shall be on permanent file with the commission and a copy thereof  
5644 on file in the Office of the State Oil and Gas Board.

5645         **SECTION 157.** Section 39-7-3, Mississippi Code of 1972, is  
5646 brought forward as follows:

5647         39-7-3. It is hereby declared to be the public policy and in  
5648 the public interest of the State of Mississippi to locate,  
5649 protect, and preserve all sites, objects, buildings, shipwrecks,  
5650 and locations of historical, archaeological, or architectural  
5651 significance, including, but not limited to historically or  
5652 architecturally significant buildings, structures relating to  
5653 significant engineering accomplishments, prehistoric and  
5654 historical American Indian or aboriginal campsites, dwellings, and  
5655 habitation sites, archaeological sites of every character,  
5656 treasure imbedded in the earth, sunken or abandoned ships and  
5657 wrecks of the sea or any part or the contents thereof, maps,  
5658 records, documents, books, artifacts, and implements of culture in  
5659 any way related to the inhabitants, prehistory, history, natural  
5660 history, government, or culture in, on or under any of the lands,  
5661 tidelands, submerged lands, and bed of the sea within the  
5662 jurisdiction of the State of Mississippi.

5663         **SECTION 158.** Section 39-7-9, Mississippi Code of 1972, is  
5664 brought forward as follows:

5665         39-7-9. All sunken or abandoned ships and wrecks of the sea,  
5666 and any part or the contents thereof, and all treasure imbedded in



5667 the earth, located in, on or under the surface of lands belonging  
5668 to the State of Mississippi, including its tidelands, submerged  
5669 lands and the beds of its rivers and the sea within the  
5670 jurisdiction of the State of Mississippi are hereby declared to be  
5671 Mississippi Landmarks and are the sole property of the State of  
5672 Mississippi and may not be taken, altered, damaged, destroyed,  
5673 salvaged or excavated without a contract or permit of the board.

5674         **SECTION 159.** Section 49-15-301, Mississippi Code of 1972, is  
5675 brought forward as follows:

5676         49-15-301. (1) The Mississippi Advisory Commission on  
5677 Marine Resources is hereby established and full power is vested in  
5678 the advisory commission to advise the Executive Director of the  
5679 Department of Marine Resources on all matters pertaining to all  
5680 saltwater aquatic life and marine resources. The advisory  
5681 commission shall advise the Executive Director of the Department  
5682 of Marine Resources on the administration of the Coastal Wetlands  
5683 Protection Law and the Public Trust Tidelands Act.

5684 Notwithstanding any other provision of law to the contrary, the  
5685 commission shall only be an advisory commission to the Department  
5686 of Marine Resources and shall not have independent authority to  
5687 take official action on behalf of the Mississippi Department of  
5688 Marine Resources and its actions are purely advisory in nature.  
5689 Whenever the terms "Mississippi Commission on Marine Resources,"  
5690 "Commission on Marine Resources" and "commission" when referring  
5691 to the Mississippi Commission on Marine Resources appear in any



5692 state law, they shall mean the "Mississippi Advisory Commission on  
5693 Marine Resources."

5694 (2) The reconstituted Mississippi Advisory Commission on  
5695 Marine Resources shall consist of five (5) members to be appointed  
5696 as follows:

5697 (a) The Governor shall appoint five (5) members who  
5698 shall be residents of Jackson, Harrison and Hancock Counties with  
5699 the advice and consent of the Senate. The Governor shall appoint  
5700 at least one (1) member from each county but not more than two (2)  
5701 members from any one (1) county. The members designated in  
5702 subparagraphs (i), (ii) and (iv) must be a resident of the county  
5703 where the business he is appointed to represent is located.

5704 (b) The advisory commission shall be composed as  
5705 follows:

5706 (i) One (1) member shall be a commercial seafood  
5707 processor.

5708 (ii) One (1) member shall be a commercial  
5709 fisherman.

5710 (iii) One (1) member shall be a recreational  
5711 sports fisherman.

5712 (iv) One (1) member shall be a charter boat  
5713 operator.

5714 (v) One (1) member shall be a member of an  
5715 incorporated nonprofit environmental organization.



5716 (c) Of the initial members appointed by the Governor,  
5717 the members designated in subparagraphs (i), (ii) and (iii) shall  
5718 serve for an initial term of two (2) years and one (1) member  
5719 shall be appointed from each county. The members designated in  
5720 subparagraphs (iv) and (v) shall serve an initial term of four (4)  
5721 years. All terms after the initial terms shall be for a period of  
5722 four (4) years.

5723 (d) Any vacancy in the office of an appointed member of  
5724 the advisory commission shall be filled by appointment by the  
5725 Governor for the balance of the unexpired term.

5726 (3) Each member shall have a demonstrated history of  
5727 involvement in the matter of jurisdiction for which he is  
5728 appointed to represent and his employment and activities must not  
5729 conflict with the matter of jurisdiction represented. A member  
5730 shall not have a record of conviction of violation of fish and  
5731 game or seafood laws or regulations within the five (5) years  
5732 preceding his appointment or a record of any felony conviction.  
5733 After July 1, 1999, if a member is convicted of a violation of the  
5734 seafood laws during his term, his office shall be deemed vacant  
5735 and the Governor shall fill the vacancy as provided in this  
5736 section.

5737 (4) The advisory commission shall elect a chairman who shall  
5738 preside at all meetings of the commission, and the advisory  
5739 commission shall also elect a vice chairman who shall serve in the  
5740 absence or inability of the chairman.



5741 (5) Each member shall be paid actual and necessary expenses  
5742 incurred in attending meetings of the advisory commission and in  
5743 performing his duties away from his domicile under assignment by  
5744 the advisory commission. In addition, members shall receive the  
5745 per diem authorized in Section 25-3-69.

5746 (6) The advisory commission shall adopt rules and  
5747 regulations governing times and places of meetings.

5748 (7) The advisory commission shall not take any action  
5749 without the approval of the Department of Marine Resources, and  
5750 such action shall be included in the minutes of the advisory  
5751 commission. A majority of the members shall constitute a quorum  
5752 of the advisory commission.

5753 (8) The advisory commission shall advise the Department of  
5754 Marine Resources on how to devise a plan to make licenses  
5755 available in each coastal county.

5756 (9) (a) There is hereby created a Marine Resources  
5757 Technical Advisory Council composed of the Executive Director of  
5758 the Gulf Coast Research Lab, or his designee; the Executive  
5759 Director of the Department of Environmental Quality, or his  
5760 designee; and the Executive Director of the Department of  
5761 Wildlife, Fisheries and Parks, or his designee.

5762 (b) The council shall give technical assistance to the  
5763 department.

5764 (10) For purposes of this section the following definitions  
5765 apply:



5766 (a) "Charter boat operator" means an individual who  
5767 operates a vessel for hire, guiding sports fishermen for a fee and  
5768 is duly licensed to engage in such activity in the State of  
5769 Mississippi.

5770 (b) "Commercial fisherman" means a fisherman who sells,  
5771 barter or exchanges any or all of his catch or who is paid for  
5772 attempting to catch marine species, and is duly licensed to engage  
5773 in commercial fishing.

5774 (c) "Commercial seafood processor" means an individual  
5775 who engages in the business of purchasing seafood products and  
5776 preparing them for resale and who is duly licensed to engage in  
5777 such commercial activity in the State of Mississippi.

5778 (d) "Incorporated environmental nonprofit organization"  
5779 means an organization duly incorporated in any state as a  
5780 nonprofit organization and whose stated goals and purposes are the  
5781 conservation of natural resources.

5782 (e) "Recreational sports fisherman" means an individual  
5783 who catches or harvests marine species only for recreation or  
5784 personal consumption and not for sale. The individual must  
5785 possess a saltwater sports fishing license, be a member of an  
5786 incorporated nonprofit sports fishing organization and not possess  
5787 a commercial fishing or seafood processor license.

5788 **SECTION 160.** Section 49-15-304, Mississippi Code of 1972, is  
5789 brought forward as follows:





5790 49-15-304. The department, with the advice of the advisory  
5791 commission, may adopt, modify or repeal rules or regulations to  
5792 utilize, manage, conserve, preserve and protect the flora, fauna,  
5793 tidelands, coastal wetlands, coastal preserves, marine waters and  
5794 any other matter pertaining to marine resources under its  
5795 jurisdiction. Rules and regulations adopted by the department  
5796 shall be consistent with the public policy expressed in Section  
5797 29-15-3 (public trust tidelands), Section 39-7-3 (antiquities and  
5798 historic preservation), Section 49-15-1 (seafood), Section 49-17-3  
5799 (pollution control), Section 49-27-3 (coastal wetlands protection)  
5800 and Section 57-15-6 (coastal zone management). The department may  
5801 make exceptions to and grant variances from any rules and  
5802 regulations adopted by the department. The department shall give  
5803 due consideration to permissible uses of the natural resources  
5804 within its jurisdiction when promulgating rules and regulations.

5805 **SECTION 161.** Section 49-17-711, Mississippi Code of 1972, is  
5806 brought forward as follows:

5807 49-17-711. (1) The utility board may hire an executive  
5808 director and secretary-treasurer having the duties as determined  
5809 by the utility board. The executive director must have a college  
5810 degree. If hired, the executive director and secretary-treasurer  
5811 each shall be required to give bond in a sum not less than Fifty  
5812 Thousand Dollars (\$50,000.00), conditioned on the executive  
5813 director and secretary-treasurer faithfully performing all duties  
5814 of his office and account for all monies and other assets which



5815 come into his custody as executive director or secretary-treasurer  
5816 of the utility board.

5817 (2) (a) The utility board shall prepare a budget consistent  
5818 with its bylaws estimating its expenses and revenue needs for each  
5819 forthcoming fiscal year at least ninety (90) days prior to the  
5820 beginning of each fiscal year. The utility board shall submit its  
5821 budget to each county authority prior to final approval by the  
5822 utility board.

5823 (b) Any funds, gifts or grants allocated for the  
5824 administrative costs related to the restoration or construction of  
5825 water, wastewater and storm water services and projects in the  
5826 Gulf Coast Region under this act shall, to the extent allowable,  
5827 be paid into the Public Trust Tidelands Fund for the repayment of  
5828 any tideland funds expended for the operational costs of the  
5829 utility board.

5830 (3) The utility board shall have the authority to receive  
5831 and spend funds from any source.

5832 (4) This section shall repeal July 1, 2027.

5833 **SECTION 162.** Section 49-27-4, Mississippi Code of 1972, is  
5834 brought forward as follows:

5835 49-27-4. (1) The Mississippi Department of Marine Resources  
5836 is authorized and directed to designate the Danzler Tract, nine  
5837 hundred twenty-five (925) acres located in the Pascagoula River  
5838 Marshes in Jackson County, Mississippi, acquired in 1997 with  
5839 funds obtained by Secretary of State Eric Clark as trustee of the



5840 public trust tidelands and part of the Mississippi Coastal  
5841 Preserves Program, as the "Secretary of State Eric Clark Coastal  
5842 Preserve" in honor of his role in the development of the program.

5843 (2) The Mississippi Department of Marine Resources in  
5844 conjunction with the Office of Secretary of State are further  
5845 authorized to erect appropriate markers and signs indicating the  
5846 location of the "Secretary of State Eric Clark Coastal Preserve"  
5847 and other pertinent information on the mission, trail systems and  
5848 visitor guidelines relating to the Mississippi Coastal Plain.

5849 **SECTION 163.** Section 49-27-5, Mississippi Code of 1972, is  
5850 brought forward as follows:

5851 49-27-5. (a) "Coastal wetlands" means all publicly-owned  
5852 lands subject to the ebb and flow of the tide; which are below the  
5853 ordinary high water mark; all publicly-owned accretions above the  
5854 ordinary high water mark and all publicly-owned submerged  
5855 water-bottoms below the ordinary high water mark and includes the  
5856 flora and fauna on the wetlands and in the wetlands.

5857 (b) "Department" means the Department of Marine Resources.

5858 (c) "Regulated activity" means any of the following  
5859 activities:

5860 (i) The dredging, excavating or removing of soil, mud,  
5861 sand, gravel, flora, fauna or aggregate of any kind from any  
5862 coastal wetland;



5863           (ii) The dumping, filling or depositing of any soil,  
5864 stones, sand, gravel, mud, aggregate of any kind or garbage,  
5865 either directly or indirectly, on or in any coastal wetlands;

5866           (iii) Killing or materially damaging any flora or fauna  
5867 on or in any coastal wetland;

5868           (iv) The erection on coastal wetlands of structures  
5869 which materially affect the ebb and flow of the tide; and

5870           (v) The erection of any structure or structures on  
5871 suitable sites for water dependent industry.

5872           (d) "Dredging" means the removal or displacement by any  
5873 means of soil, sand, gravel, shells or other material, whether of  
5874 intrinsic value or not, from coastal wetlands.

5875           (e) "Executive director" means the Executive Director of the  
5876 Department of Marine Resources.

5877           (f) "Filling" means either the displacement of waters by the  
5878 deposition into coastal wetlands of soil, sand, gravel, shells or  
5879 other material; or the artificial alteration of water levels or  
5880 water currents by physical structures, drainage ditches or  
5881 otherwise.

5882           (g) "Person" means any natural person, partnership, joint  
5883 stock company, corporation, unincorporated association or society,  
5884 or the state and any agency thereof, or any county, municipality  
5885 or political subdivision, or any other corporation of any  
5886 character whatsoever.



5887 (h) "Commission" means the Mississippi Advisory Commission  
5888 on Marine Resources.

5889 (i) "Water dependent industry" means those commercial,  
5890 industrial or manufacturing activities which, for purposes basic  
5891 to their existence must occur or locate on or adjacent to the  
5892 estuaries, sounds, channels, shores or marshlands of the coast.  
5893 "Suitable sites for water dependent industry" means those areas of  
5894 land which are suitable for the development of water dependent  
5895 industry because of their proximity to waters of navigable depth,  
5896 size and configuration, topography, soil conditions and access to  
5897 other means of transportation. After consultation with local  
5898 governments, port authorities, development commissions, port and  
5899 harbor commissions and other interested parties, and after full  
5900 consideration of zoning ordinances duly adopted by local  
5901 governments, the department shall designate those sites it deems  
5902 suitable for water dependent industry. The definition of  
5903 "suitable sites for water dependent industry" shall be limited to,  
5904 but not necessarily inclusive of, waterfront sites owned by county  
5905 port authorities, development commissions and port and harbor  
5906 commissions, and to areas that are now or are later made to be  
5907 within one thousand (1,000) feet of the centerline of any natural  
5908 or maintained channel having a depth of seven (7) feet or greater  
5909 at mean low water. However, additional sites may be included in  
5910 the definition of suitable sites for water dependent industry with



5911 the concurrence of the board of supervisors in the county  
5912 affected.

5913 (j) "Ordinary High Water Mark (OHWM)" means a mark on the  
5914 shore determined by the department staff, established by  
5915 fluctuations in water level and indicated by physical and  
5916 biological characteristics including, but not limited to, water  
5917 stains, changes in the character of the soil, scour lines,  
5918 presence of debris lines, changes in plant communities and other  
5919 appropriate means that consider the characteristics of the  
5920 surrounding area. The determination of OHWM shall not be made by  
5921 the department staff during high tide where the above referenced  
5922 characteristics are not observable. OHWM is not the same as mean  
5923 high water and shall not be used for determination of the boundary  
5924 between private property and public trust tidelands or for any  
5925 purpose other than regulated activity as defined in this section.

5926 **SECTION 164.** Section 49-27-71, Mississippi Code of 1972, is  
5927 brought forward as follows:

5928 49-27-71. (1) **Definitions.** As used in the section, the  
5929 following words and phrases have the following meanings unless the  
5930 context clearly indicates otherwise:

5931 (a) "Abandoned vessel" means a vessel left unattended  
5932 for four (4) or more weeks after a hurricane, tropical storm or  
5933 other natural event resulting in a declaration of emergency by the  
5934 Governor, or, in the absence of a hurricane, tropical storm or



5935 other natural event resulting in a declaration of emergency by the  
5936 Governor, any of the following:

5937 (i) A vessel left unattended that is moored,  
5938 anchored, or otherwise in the waters of the state or on public  
5939 property for a period of more than ten (10) days.

5940 (ii) A vessel that is moored, anchored, or  
5941 otherwise on or attached to private property for a period of more  
5942 than ten (10) days without the consent of the owner or lessee of  
5943 the property or of the public trust tidelands.

5944 Upon notification from the owner of the vessel outlining the  
5945 circumstances following a hurricane, tropical storm or other  
5946 natural event, the department may grant an exception to the time  
5947 frames indicated above.

5948 (b) "Department" means the Mississippi Department of  
5949 Marine Resources.

5950 (c) "Derelict vessel" means a vessel in the waters of  
5951 the State of Mississippi that satisfies any of the following:

5952 (i) Is aground without the ability to extricate  
5953 itself absent mechanical assistance;

5954 (ii) Is sunk or otherwise resting on the bottom of  
5955 the waterway;

5956 (iii) Is abandoned;

5957 (iv) Is wrecked, junked, or in a substantially  
5958 dismantled condition upon any waters of this state:



5959                   1. A vessel is "wrecked" if it is sunken or  
5960 sinking; or remaining after a marine casualty, including, but not  
5961 limited to, a boating accident, extreme weather, or fire.

5962                   2. A vessel is "junked" if it has been  
5963 substantially stripped of vessel components, if vessel components  
5964 have substantially degraded or been destroyed, or if the vessel  
5965 has been discarded by the owner or operator. Attaching an  
5966 outboard motor to a vessel that is otherwise junked will not cause  
5967 the vessel to no longer be junked if such motor is not an  
5968 effective means of propulsion.

5969                   3. A vessel is "substantially dismantled" if  
5970 at least two (2) of the three (3) following vessel systems or  
5971 components are missing, compromised, incomplete, inoperable, or  
5972 broken:

5973                                   (A) The steering system;

5974                                   (B) The propulsion system; or

5975                                   (C) The exterior hull integrity.

5976                   Attaching an outboard motor to a vessel that is otherwise  
5977 substantially dismantled will not cause the vessel to no longer be  
5978 substantially dismantled if such motor is not an effective means  
5979 of propulsion;

5980                                   (v) Docked, grounded, or beached upon the property  
5981 of another without the consent of the owner of the property;





5982 (vi) Is obstructing a waterway or within one  
5983 hundred (100) yards of the boundaries of any state, county or  
5984 municipal port;

5985 (vii) Is endangering life or property;

5986 (viii) Has broken loose or is in danger of  
5987 breaking loose from its anchor, mooring, or ties; or

5988 (iv) A vessel that is otherwise not seaworthy.

5989 (d) "Documented vessel" means a vessel documented under  
5990 46 USC, Chapter 121.

5991 (e) "Effective means of propulsion" means a vessel,  
5992 other than a barge, that is equipped with:

5993 (i) A functioning motor, controls, and steering  
5994 system; or

5995 (ii) Rigging and sails that are present and in  
5996 good working order, and a functioning steering system.

5997 A vessel does not have an effective means of propulsion for  
5998 safe navigation within seventy-two (72) hours after the vessel  
5999 owner or operator received telephonic notice, in-person notice  
6000 recorded on an agency-approved body camera, or written notice,  
6001 which may be provided by facsimile, electronic mail, or other  
6002 electronic means, stating such from a representative of the  
6003 department, and the vessel owner or operator is unable to provide  
6004 a receipt, proof of purchase, or other documentation of having  
6005 ordered necessary parts for vessel repair. The department may  
6006 adopt regulations to implement this paragraph.



6007 (f) "Floating building or structure" means a floating  
6008 entity, with or without accommodations built thereon, which is not  
6009 primarily used as a means of transportation on water but which  
6010 serves purposes or provides services typically associated with a  
6011 structure or other improvement to real property. The term  
6012 includes, but is not limited to, an entity used as a residence,  
6013 place of business or office with public access; a hotel or motel;  
6014 a restaurant or lounge; a clubhouse; a meeting facility; a storage  
6015 or parking facility; or a mining platform, dredge, dragline, or  
6016 similar facility or entity represented as such. Incidental  
6017 movement upon water or resting partially or entirely on the bottom  
6018 does not, in and of itself, preclude an entity from classification  
6019 as a floating structure.

6020 (g) "Gross negligence" means conduct so reckless or  
6021 wanting in care that it constitutes a conscious disregard or  
6022 indifference to the safety of the property to such conduct.

6023 (h) "Moored" means a vessel that is anchored or affixed  
6024 in some other way to the public trust tidelands, to leased  
6025 tidelands, to private land, or within the riparian zone of a  
6026 private or public landowner or leaseholder.

6027 (i) "Registered" means a vessel documented under  
6028 Section 59-21-5.

6029 (j) "Unseaworthy" means a vessel that is not fit or  
6030 safe for any normal perils of the sea or has no effective means of  
6031 propulsion.



6032 (k) "Vessel" means every description of watercraft,  
6033 other than a seaplane, capable of being used as a means of  
6034 transportation on the water. For the purposes of this section,  
6035 vessels powered only by hand, foot, oars or paddles, are included.

6036 For the purposes of this section, floatable buildings and  
6037 structures, whether or not they are used for navigation, are  
6038 included.

6039 (l) "Waters of the state" means any waters located  
6040 within Harrison, Hancock and Jackson Counties under the  
6041 jurisdiction of the Mississippi Department of Marine Resources as  
6042 established pursuant to Section 49-15-23.

6043 (m) "Willful misconduct" means conduct evidencing  
6044 carelessness or negligence of such a degree or recurrence as to  
6045 manifest culpability, wrongful intent, or evil design or to show  
6046 an intentional and substantial disregard of the interests of the  
6047 vessel owner.

6048 (2) **Jurisdiction.** (a) (i) In the waters of Harrison,  
6049 Hancock and Jackson Counties, a person, firm, corporation or other  
6050 entity may not leave derelict or at risk of being derelict, any  
6051 vessel on the coastal wetlands, marine waters, or on public or  
6052 privately owned lands without the owner's permission.

6053 (ii) The Department of Marine Resources has the  
6054 authority to remove derelict vessels, whether located on private  
6055 or public property.



6056 (iii) Vessels located in ports and harbors are  
6057 subject to the provisions outlined in Title 50, Mississippi Code  
6058 of 1972, Ports, Harbors, Landings and Watercraft.

6059 (iv) Subparagraph (i) of this paragraph (a) does  
6060 not apply to vessels located in marinas, garages or repair shops  
6061 for repairs, improvements or other work with knowledge of the  
6062 owner and for which the costs for such services have been unpaid.

6063 (v) Vessels deemed to be derelict pursuant to this  
6064 chapter are exempt from the salvage provisions in Section 89-17-1  
6065 et seq.

6066 (b) (i) In all other waters of the State of  
6067 Mississippi, a person, firm, corporation or other entity may not  
6068 leave derelict or at risk of being derelict, any vessel in the  
6069 wetlands, public waters or waterways or on public or privately  
6070 owned lands without the owner's permission.

6071 (ii) Subparagraph (i) of this paragraph (b) does  
6072 not apply to vessels located in public or private marinas, garages  
6073 or repair shops for repairs, improvements or other work with  
6074 knowledge of the owner and for which the costs for such services  
6075 have been unpaid.

6076 (iii) Vessels deemed to be derelict pursuant to  
6077 this chapter are exempt from the salvage provisions of Section  
6078 89-17-1 et seq.

6079 (3) **Penalties.** Violations of this section will be subject  
6080 to the penalties as provided in Section 49-15-63.



6081           (4) **Standing.** A party with standing may initiate the  
6082 derelict vessel procedures in this section. For purpose of this  
6083 section, the following parties have standing:

6084           (a) The owner of the property where the vessel came to  
6085 rest or to which the vessel was made fast;

6086           (b) Any harbormaster, police department, municipality  
6087 or agent of the state that agrees to accept or process a derelict  
6088 vessel; or

6089           (c) Any professional marine salvager when the salvager  
6090 is engaged by a person with standing.

6091           (5) **Landowner permission may be revoked at any time.** The  
6092 landowner must provide the department sufficient proof that the  
6093 vessel owner has been notified of the revocation of landowner's  
6094 permission or proof that the landowner cannot locate the owner of  
6095 the vessel.

6096           When a vessel that is not otherwise leased to another party  
6097 is moored upon public trust tidelands for a period of thirty (30)  
6098 days or longer, permission must be granted by the Secretary of  
6099 State's Office.

6100           (6) **Notice.** Any party with standing, or his or her  
6101 representative, may initiate the notice process by filing an  
6102 application with the department to remove the derelict vessel.  
6103 Upon receipt and review of the application, the department may  
6104 initiate the following notice process:



6105           (a) A department officer is authorized to board any  
6106 vessel that has been reported to the department as being derelict  
6107 or at risk of being derelict to determine the condition of the  
6108 vessel and in an attempt to establish ownership of the vessel.

6109           (b) A department officer shall post notice, which must  
6110 comply with the following requirements:

6111                   (i) Be posted on the vessel in a prominent  
6112 location, visible to an approaching person;

6113                   (ii) Require the vessel owner to submit a plan for  
6114 removal to the department within seven (7) days of the notice; and

6115                   (iii) Include a space for the owner of the vessel  
6116 to respond.

6117           (c) If the registered owner responds with a signature  
6118 in the space or otherwise provides a written response to the  
6119 department requesting an extension of time, then the registered  
6120 owner will have an additional five (5) days to submit the plan for  
6121 removal.

6122           (d) The department will notify the respondent of the  
6123 approval or denial of the removal plan within seven (7) business  
6124 days.

6125           (e) If the respondent fails to comply with the approved  
6126 removal plan and fails to submit a satisfactory reason as to why  
6127 the vessel cannot be moved as planned, the department may present  
6128 the removal plan and evidence of the owner's noncompliance to the  
6129 chancery court.



6130 (f) Upon presentation of the required evidence, the  
6131 chancery court will issue an order allowing the department or its  
6132 representative to remove the vessel from its current location and  
6133 make whatever disposition is deemed appropriate, including, but  
6134 not limited to, immediate disposal, storage pending disposal, use  
6135 for official purposes, transfer to another state agency or other  
6136 disposition.

6137 (g) If the vessel is located in an area of coastal  
6138 wetlands where emergent vegetation is present or where the vessel  
6139 is embedded in the ground, a wetlands permit may be required prior  
6140 to removal.

6141 (h) Any party who acts in good faith and without  
6142 malicious intent in the processing, storing or moving any derelict  
6143 vessel pursuant to this section is immune from liability for  
6144 damages to the vessel.

6145 (7) **Determining ownership.** (a) Upon receipt of an  
6146 application for the removal of a derelict vessel where no removal  
6147 plan has been submitted by the owner, the department must attempt  
6148 to contact the registered owner of the vessel and any lien holders  
6149 of record by other available means.

6150 (b) The department must inquire of the Mississippi  
6151 Department of Wildlife, Fisheries and Parks (MDWFP) as to the  
6152 status of the vessel in regard to the Mississippi Boating Law of  
6153 1960, Section 59-21-1 et seq., or the United States Coast Guard as



6154 to the status of the vessel in regard to documentation under 46  
6155 USC, Chapter 121.

6156 (c) The inquiry must provide the description of the  
6157 vessel, including the vessel registration number.

6158 (d) The MDWFP is required to provide the requested  
6159 information to the department within two (2) business days.

6160 (e) The registered owner of a vessel must comply with  
6161 Section 59-21-21 to change ownership. In the event a vessel owner  
6162 fails to notify the MDWFP of a transfer of ownership and supply  
6163 the new owner's contact information, the owner of the vessel  
6164 according to MDWFP records is presumed to be the person to whom  
6165 the vessel is registered.

6166 (f) If there is no registered owner found, the  
6167 department must make publication on the department's website and  
6168 in a newspaper with general circulation for three (3) weeks,  
6169 describing the vessel and the location.

6170 (8) **Derelict vessel removal.** (a) After the initial notice  
6171 period described in subsection (6) has lapsed and the department  
6172 can show proof of inquiries to ascertain the vessel ownership  
6173 under subsection (7) of this section, the department may obtain an  
6174 order from the chancery court for the derelict vessel to be  
6175 removed from its current location.

6176 (b) The chancery court order may authorize the  
6177 department to make whatever disposition is deemed appropriate,  
6178 including, but not limited to, immediate disposal of the vessel,





6179 storage pending disposal, use for official purposes, transfer to  
6180 another state agency or other disposition.

6181 (c) If the vessel is located in an area of coastal  
6182 wetlands where emergent vegetation is present or where the vessel  
6183 is embedded in the ground, a wetlands permit may be required prior  
6184 to removal.

6185 (d) Any person who acts in good faith and without  
6186 malicious intent in the processing, storing or moving of any  
6187 derelict vessel pursuant to this section is immune from civil  
6188 liability for damage to the vessel.

6189 (9) **Emergency removal.** Any derelict vessel that is  
6190 obstructing a waterway, is within any designated navigation  
6191 channel or within one hundred (100) yards of the boundaries of any  
6192 state, county or municipal port may be declared a hazard to  
6193 navigation and subject to immediate relocation, removal disposal,  
6194 or other disposition by the department or other party with  
6195 standing.

6196 (a) Any derelict vessel that is leaking any hazardous  
6197 substances, chemicals or fuels will be reported to the Mississippi  
6198 Department of Environmental Quality (MDEQ) and may be declared an  
6199 environmental hazard and subject to immediate relocation, removal,  
6200 disposal or other disposition by MDEQ, the department or other  
6201 party with standing.

6202 (b) The registered owner of a vessel removed in  
6203 accordance with this subsection (9) is liable for the costs



6204 associated with the relocation, removal, salvage storage or  
6205 disposal of the vessel and any damages to the flora and fauna  
6206 within the affected area.

6207 (c) Any funds derived from salvage or sale of a vessel  
6208 pursuant to this section will be used to offset the costs to the  
6209 department associated with the removal, salvage, storage or  
6210 disposal of the vessel.

6211 (d) Any funds derived from damages to the flora and  
6212 fauna will be deposited into the Coastal Resource Management Fund  
6213 if the Department of Marine Resources initiates the action.

6214 (e) Any party who relocates or removes a vessel under  
6215 this section is not liable for damages resulting from relocation  
6216 or removal unless the damage results from gross negligence or  
6217 willful misconduct.

6218 (10) **Cost recovery.** (a) The department may seek full cost  
6219 recovery from the registered owner of the derelict vessel for any  
6220 expense incurred as a result of, or incidental to, removing the  
6221 vessel. The registered owner of the vessel is liable for the  
6222 costs of removal, storage, disposal, and restoration of affected  
6223 lands, attorneys' fees, and all court costs.

6224 (b) The owner of the vessel is also liable for an  
6225 administrative penalty of Five Hundred Dollars (\$500.00) per day.  
6226 The penalty for emergency removal of vessels under subsection (9)  
6227 of this section may be imposed by the Executive Director of the  
6228 Department of Marine Resources upon the recommendation of the



6229 Advisory Commission on Marine Resources, under Section 49-15-401  
6230 et seq. The fines for removal of all other vessels may be imposed  
6231 by the chancery court.

6232 (c) Expenses incurred, including, but not limited to,  
6233 fines, court costs, vessel removal, storage, disposal, restoration  
6234 of affected lands, and attorneys' fees for derelict vessels will  
6235 be imposed by the chancery court as outlined in subsection (11) of  
6236 this section.

6237 (d) If the registered owner should fail to pay fines  
6238 imposed by the department in accordance with paragraph (b) of this  
6239 subsection, an enforcement action will be filed with the chancery  
6240 court which may result in the court issuing an order, including,  
6241 but not limited to, the collection of fines, court costs, and/or  
6242 any legal avenue the court finds appropriate to collect such  
6243 funds.

6244 (e) All proceeds from any activity initiated by the  
6245 Department of Marine Resources related to the disposition of a  
6246 vessel under this chapter will go into the Derelict Vessel Fund, a  
6247 special fund within the Seafood Fund. However, any fines imposed  
6248 for the damage to coastal wetlands will be placed in the Coastal  
6249 Resource Management Fund.

6250 (11) **Court process.** (a) The chancery court of the county  
6251 in which the vessel is located has jurisdiction over all matters  
6252 concerning derelict vessels under this section, including  
6253 injunctions and demands for damages. If the vessel is allowed to



6254 float and/or is otherwise moved to another county after notice has  
6255 been provided under subsection (6) of this section, the county in  
6256 which the vessel was first provided notice shall have continuing  
6257 jurisdiction.

6258 (b) If there is no response to the publication attempts  
6259 under subsection (7)(e) of this section, the chancery court will  
6260 issue an order to the department allowing the department to take  
6261 possession of the vessel and make such use or disposition of the  
6262 vessel as deemed appropriate under the circumstances. If the  
6263 department determines that the vessel may be used for official  
6264 purposes or otherwise sold, the MDWFP will issue a vessel  
6265 registration number or a hull identification number to the  
6266 department after proof of publication has been submitted.

6267 (c) The chancery court may, in its discretion, order  
6268 damages up to Five Hundred Dollars (\$500.00) per day for every day  
6269 the vessel was left abandoned or derelict, beginning on the day  
6270 notice was posted on the vessel.

6271 (d) If the department or a party with standing desires  
6272 to require the registered owner to remove the vessel, then he or  
6273 she may apply to the chancery court for a writ of mandatory  
6274 injunction ordering the registered owner to remove the vessel.  
6275 The chancery court must allow a reasonable time for removal and  
6276 restoration of the affected lands. The chancery court may order  
6277 further damages not to exceed Five Hundred Dollars (\$500.00) per  
6278 day for each day that the violation exists beyond the date set by



6279 the court in an injunction for the removal of the vessel and  
6280 restoration of the affected lands.

6281 (e) Any court-ordered reimbursed costs or damages in  
6282 excess of the actual costs of removal and restoration initiated by  
6283 the Department of Marine Resources must be deposited in a special  
6284 fund in the State Treasury known as the "Derelict Vessel Fund"  
6285 within the Seafood Fund. Any funds deposited in the fund must be  
6286 used to cover the administrative costs and removal costs incurred  
6287 by the department for the removal of vessels. Any remaining funds  
6288 must be used to cover the costs of removing additional derelict  
6289 vessels. However, any fines imposed for the damage to coastal  
6290 wetlands will be placed in the Coastal Resource Management Fund.

6291 (12) **Department authorities.** (a) The department is  
6292 authorized to enter into contracts with individuals, firms and  
6293 corporations, or agreements with other state agencies for the  
6294 removal and/or temporary storage of vessels prior to removal. The  
6295 salvage value, if any, of the vessel may be used to offset the  
6296 costs of the removal of the vessel and the restoration of the  
6297 affected area. The department may enter into noncompetitive  
6298 contracts or agreements with any state or federal entity for the  
6299 removal of vessels.

6300 (b) The department may enter into interstate or  
6301 intrastate agreements toward this end, and may seek and utilize  
6302 aid from all federal, state, and local sources in this endeavor.



6303 (c) The Department of Marine Resources shall adopt  
6304 rules and regulations necessary and appropriate to carry out this  
6305 section for actions falling within its jurisdiction.

6306 (d) The department may promulgate regulations to  
6307 establish a derelict vessel prevention program to address vessels  
6308 at risk of becoming derelict. Such program may, but is not  
6309 required to, include:

6310 (i) Removal, relocation, and destruction of  
6311 vessels declared a public nuisance due to the lack of proper  
6312 marine sanitation, derelict or at risk of becoming derelict, or  
6313 lost or abandoned.

6314 (ii) Creation of a vessel turn-in program allowing  
6315 the owner of a vessel determined by the department to be at risk  
6316 of becoming derelict, to turn the vessel and vessel title over to  
6317 the department to be destroyed without penalty.

6318 (iii) Providing for removal and destruction or  
6319 other disposition of an abandoned vessel for which an owner cannot  
6320 be identified or the owner of which is deceased and no heir is  
6321 interested in acquiring the vessel.

6322 (iv) Purchase of anchor line, anchors, and other  
6323 equipment necessary for securing vessels at risk of becoming  
6324 derelict.

6325 (v) Creating or acquiring moorings designated for  
6326 securing vessels at risk of becoming derelict.



6327 (e) The State of Mississippi, the Commission on Marine  
6328 Resources, the Department of Marine Resources, and their employees  
6329 and representatives shall not be liable for any damages resulting  
6330 from the removal, towing, storage, sale or disposal of any vessel  
6331 that is derelict or hazardous under this section.

6332 (f) The department or any party with standing does not  
6333 incur liability for any resulting damage to the vessel or any  
6334 damage the vessel may cause to any property or person during the  
6335 time frame between posting notice and vessel removal. If any  
6336 damages occur during the period of time between notice and removal  
6337 of the vessel, the registered vessel owner, according to MDWFP  
6338 records, is presumed liable for all damages.

6339 **SECTION 165.** Section 57-15-5, Mississippi Code of 1972, is  
6340 brought forward as follows:

6341 57-15-5. (1) It is hereby declared to be the intent of the  
6342 Legislature by this chapter that the policy of the council hereby  
6343 created shall be conducted according to the following guidelines:  
6344 the council shall have the general purpose and policy of studying  
6345 and developing plans, proposals, reports and recommendations for  
6346 the development and utilization of the coastal and offshore lands,  
6347 waters and marine resources of this state in order to ensure that  
6348 all future plans and/or programs of the State of Mississippi  
6349 involving the field of marine resources and sciences,  
6350 oceanographic research, and related studies, will be coordinated  
6351 with comparable functions and programs of agencies of the United



6352 States government. The council shall further have the purpose and  
6353 policy to help coordinate, as hereinabove provided, all plans of  
6354 other agencies of this state engaged in similar activities and of  
6355 the various states of the United States of America, and also with  
6356 all private agencies whose purpose is marine science and resource  
6357 development. The council is further authorized to enter into  
6358 contract with any state or federal agency as may be necessary and  
6359 requisite to carry out the purposes of this chapter. The council  
6360 shall have the responsibility for the general management of the  
6361 state's wetlands.

6362 (2) The council is authorized and empowered to solicit and  
6363 accept financial support from sources other than the state,  
6364 including private or public sources or foundations. All funds  
6365 received by or appropriated to the council shall be deposited upon  
6366 receipt thereof into a special fund in the State Treasury to be  
6367 known and designated as the "Mississippi Marine Resources Fund."  
6368 Expenditures from said fund shall be made in the following manner:  
6369 expenditures by and for the council for the purpose of carrying  
6370 out its functions as provided by law shall be made with the  
6371 approval of the council at any meeting upon requisitions presented  
6372 to the State Auditor in the manner provided by law, and paid by  
6373 the State Treasurer. Full and complete accounting shall be kept  
6374 and made by the council for all funds received and expended by it.  
6375 Representatives of the office of the State Auditor of Public  
6376 Accounts annually shall audit the expenditure of funds received by





6377 the council from all sources and the said auditor shall make a  
6378 complete and detailed report of such audit to the Legislature. It  
6379 is further provided that all state appropriated funds expended  
6380 shall conform to all requirements of law as provided for  
6381 expenditures.

6382 (3) The council may solicit, receive and expend  
6383 contributions, matching funds, gifts, bequests and devises from  
6384 any source, whether federal, state, public or private, as  
6385 authorized by annual appropriations therefor.

6386 (4) The council may enter into agreements with federal,  
6387 state, public or private agencies, departments, institutions,  
6388 firms, corporations or persons to carry out its policies as  
6389 provided for in this chapter. To accomplish these goals, the  
6390 council may expend any such sums from any source as herein  
6391 provided.

6392 The agreements provided for in this subsection shall include,  
6393 but not be limited to, the following provisions:

- 6394 (a) The duration of the agreement;  
6395 (b) The purpose of the agreement;  
6396 (c) A description of the procedures to be used in  
6397 carrying out the purpose of the agreement; and  
6398 (d) Provisions for termination of the agreement.

6399 Any entity entering into such an agreement shall comply with  
6400 the provisions therein.



6401 (5) The council is authorized and empowered to accept  
6402 financial support from any federal outer continental shelf revenue  
6403 sharing programs. All funds received from such programs shall be  
6404 deposited upon receipt thereof into a special trust fund in the  
6405 State Treasury to be known and designated as the "Outer  
6406 Continental Shelf Trust Fund." Expenditures from said fund shall  
6407 be made for the benefit of any project affecting any county in the  
6408 State of Mississippi which borders on the Gulf of Mexico with the  
6409 approval of the Legislature.

6410 (6) The council may contract with other governmental  
6411 agencies and third parties for the acquisition and management of  
6412 lands and properties for inclusion in the "Coastal Preserve  
6413 System." For purposes of these contracts with other governmental  
6414 agencies or third parties and the expenditure of funds pursuant to  
6415 the contracts, the "Coastal Preserve System" as defined by the  
6416 council shall be deemed to be a part of the ecosystems of the  
6417 Public Trust Tidelands. Contracts authorized under this section  
6418 may provide funds for the management of properties included in the  
6419 "Coastal Preserve System."

6420 (7) There is established a special account to be known as  
6421 the "Coastal Preserve System Timber Account" within the  
6422 Mississippi Marine Resources Fund. Any funds received from the  
6423 salvage or harvesting of timber or sale of other forest products  
6424 from lands included in or managed as a part of the Coastal  
6425 Preserve System shall be credited to the account. Any unexpended



6426 funds remaining in the account at the end of the year shall not  
6427 lapse, but shall remain in the account. The account shall be  
6428 treated as a special trust fund and interest earned on the  
6429 principal shall be credited to the account. Any funds in the  
6430 account may be expended, subject to the approval of the  
6431 Legislature, for the management and improvement of the Coastal  
6432 Preserve System and for the acquisition of additional lands for  
6433 inclusion in the Coastal Preserve System.

6434         **SECTION 166.** Section 59-1-17, Mississippi Code of 1972, is  
6435 brought forward as follows:

6436         59-1-17. (1) The several port commissions in the State of  
6437 Mississippi are each hereby vested with full jurisdiction and  
6438 control of any and all lands lying within, or adjacent to, any  
6439 river, bay or natural lake which are now, or heretofore were,  
6440 below the mean high tide mark, and which lands lie within or  
6441 adjacent to any port or harbor within the jurisdiction of such  
6442 port commission, and as to which lands the claims of private  
6443 persons or private corporations have been, or hereinafter are,  
6444 acquired by such port commission, or by the city for its benefit,  
6445 by purchase, lease, conveyance or eminent domain proceedings. Any  
6446 such port commission is hereby authorized to reclaim any and all  
6447 such lands, by filling, dredging or other methods and to utilize,  
6448 lease or dispose of same for the development and operation of the  
6449 port to the same extent it is now, or may hereinafter be,  
6450 authorized to utilize its other facilities.



6451           (2) It is hereby declared that the leasing or use for  
6452 commercial purposes, port purposes and for industrial development  
6453 related thereto of the following described submerged lands and  
6454 tidelands belonging to the State of Mississippi in an area lying  
6455 between the East Pascagoula River and the West Pascagoula River,  
6456 Jackson County, Mississippi, will serve a higher public interest  
6457 in accordance with the purposes of this section and with the  
6458 public policy of this state as set forth in Section 49-27-3, said  
6459 property being more particularly described as follows:

6460           All that part of the Lowry Island Resurvey, which is  
6461 bounded on the South by the L&N (now CSX) Railroad  
6462 Track; on the East by the East Pascagoula River; on the  
6463 West by the West Pascagoula River; and on the North by  
6464 the North corporate limits of the City of Pascagoula and  
6465 the South corporate limits of the City of Moss Point,  
6466 LESS AND EXCEPT, however, that part of said property now  
6467 owned by any private corporations.

6468           (3) The governing authority of the city in which such state  
6469 lands are located is hereby authorized to apply for and secure a  
6470 lease in accordance with Section 29-1-107, except for a period of  
6471 not to exceed forty (40) years, of such state lands as may be  
6472 necessary for the development for commercial purposes, port  
6473 purposes and related industrial facilities in the aforesaid areas  
6474 described in subsection (2) hereof.



6475 Application for a lease shall be made with the Secretary of  
6476 State.

6477 Utilization of any and all submerged land and/or tideland  
6478 shall be in such a manner so as not to obstruct normal navigation  
6479 of any normal and natural channel. Title to the property shall  
6480 remain vested in the State of Mississippi.

6481 All oil, gas and other minerals in, on or under said lands  
6482 leased are hereby specifically reserved unto the State of  
6483 Mississippi.

6484 The city governing authority is hereby authorized to sublease  
6485 such lands for commercial purposes, port purposes and for  
6486 industrial development related thereto.

6487 All subleases executed by the city governing authority shall  
6488 be on such terms and conditions, and with such safeguards, as will  
6489 best promote and protect the public interest. Such subleases  
6490 shall be submitted to the Secretary of State for approval. Each  
6491 sublease shall provide that if such property is not utilized  
6492 within five (5) years, or if commercial, port or industrial usage  
6493 ceases and such termination continues for a period of two (2)  
6494 years, the sublease shall terminate and all rights thereunder  
6495 shall revert to the city. If such nonutilization for a period of  
6496 five (5) years or cessation of use for a period of two (2) years  
6497 shall be caused, suspended, delayed or interrupted by act of God,  
6498 fire, war, rebellion, scarcity of water, insurrection, riot,  
6499 strike, scarcity of labor, differences with employees, failure of



6500 a carrier to transport or furnish facilities for transportation;  
6501 or as a result of some order, rule or regulation of any federal,  
6502 state, municipality or other governmental agency; or as the result  
6503 of failure of the sublessee to obtain any required permit or  
6504 certificate; or as the result of any cause whatsoever beyond the  
6505 control of sublessee, the time of such delay or interruption shall  
6506 not be counted against the sublessee in determining such period of  
6507 five (5) years or two (2) years. All subleases shall be for a  
6508 fair and adequate consideration and the compensation and revenues  
6509 therefrom shall be retained by the state.

6510 (4) (a) It is further declared that it will serve a higher  
6511 public interest in accordance with the purposes of this section  
6512 and with the public policy of the state as set forth in Section  
6513 49-27-3 for the following parcels of the Lowry Island Resurvey to  
6514 be subleased for the purpose of developing multiunit residential  
6515 structures, height not exceeding fifty (50) feet, that are an  
6516 integral part of a public marina: (i) that parcel consisting of  
6517 existing filled tidelands or fastlands lying immediately adjacent  
6518 to the East Pascagoula River and north right-of-way boundary of  
6519 U.S. Highway 90; and (ii) that parcel consisting of existing  
6520 filled tidelands or fastlands lying immediately adjacent to the  
6521 West Pascagoula River and north right-of-way boundary of U.S.  
6522 Highway 90.

6523 (b) The governing authority of the city in which are  
6524 located the parcels described in this subsection may sublease such



6525 parcels for such residential development upon the same terms and  
6526 conditions prescribed in subsection (3).

6527 (5) This section is to be considered as supplementary and  
6528 cumulative and nothing in this section shall be construed as  
6529 repealing or amending any options, leases, deeds, contracts,  
6530 agreements or legal instruments heretofore entered into by the  
6531 governing authorities of the municipality in which the port of  
6532 entry is located, or the port commission.

6533 **SECTION 167.** Section 59-9-21, Mississippi Code of 1972, is  
6534 brought forward as follows:

6535 59-9-21. (1) In addition to the powers and authority  
6536 elsewhere conferred by this chapter, the board of supervisors of  
6537 any county in which there has been created a county port authority  
6538 or county development commission, acting through its county port  
6539 authority or county development commission, shall have the power  
6540 and authority to rebuild and restore to its previous width and  
6541 height any sloping beach or sand beach heretofore pumped in or  
6542 dredged to protect a public highway extending along the beach or  
6543 shore of any body of tidewater which is exposed to or in danger of  
6544 damage by water driven against the shore by storms or hurricanes,  
6545 as heretofore authorized by Section 1 of Chapter 319 enacted at  
6546 the 1924 Regular Session of the Mississippi Legislature; and to  
6547 let by competitive bids a contract therefor in the manner and by  
6548 the procedure set out in Section 59-9-27. In addition to bonds  
6549 heretofore issued pursuant to Chapter 462, Laws of 1971, the board



6550 of supervisors may issue and sell full faith and credit bonds of  
6551 said county in the manner and by the procedure set out in this  
6552 chapter in an amount not exceeding Four Million Dollars  
6553 (\$4,000,000.00), subject to the limitations and conditions of this  
6554 chapter, and may apply thereon any funds now or hereafter made  
6555 available to the use or pledge of the said development commission,  
6556 and to dredge, fill in and reclaim submerged lands and tidelands  
6557 belonging to the State of Mississippi.

6558 (2) It is hereby declared that the leasing for the  
6559 development of port and related industrial facilities of the  
6560 following described submerged lands and tidelands belonging to the  
6561 State of Mississippi in an area immediately adjacent to the  
6562 present port and industrial complex known as the Bayou Casotte  
6563 Area in Jackson County, Mississippi, will serve a higher public  
6564 interest in accordance with the purposes of this section and with  
6565 the public policy of this state as set forth in Section 49-27-3,  
6566 said property being more particularly described as follows:

6567 Commencing at the Northeast corner of the Southeast Quarter  
6568 of Section 20, Township 8 South, Range 5 West and at grid  
6569 coordinates N242,489.57 feet, E606,331.52 feet; runs thence  
6570 North 89 degrees 10' 22" East along the Mid-Section Line of  
6571 Section 21, Township 8 South, Range 5 West, 661.48 feet to a  
6572 point at grid coordinates N242,499.12 feet, E606,992.93 feet;  
6573 runs thence South 0 degrees 27' 25" East 1,621.39 feet to a  
6574 two inch iron pipe with cap, set in concrete at grid





6575 coordinates N240,877.78 feet, E607,005.86 feet, said point  
6576 being the Southeast corner of the property conveyed to  
6577 Corchem, Inc., by H.K. Porter Company, Inc., by instrument  
6578 dated December 31, 1971, recorded in Deed Book 419, page 182,  
6579 Land Deed records of Jackson County, Mississippi, and being  
6580 the point of beginning; runs thence South 0 degrees 27' 25"  
6581 East, 1,018.61 feet to a point on the South line of said  
6582 Section 21, said point being North 89 degrees 18' 22" East,  
6583 650.33 feet, of the Southwest corner of said Section 21; runs  
6584 thence South 0 degrees 27' 25" East, 2,306.58 feet, to a two  
6585 inch iron pipe with cap, set in concrete at grid coordinates  
6586 N237,552.70 feet, E607,032.37 feet; thence continues South 0  
6587 degrees 27' 25" East 173 feet, more or less, to the mean  
6588 water line of the Mississippi Sound, at scaled grid  
6589 coordinates N237,379 feet, N607,033 feet; runs thence South 0  
6590 degrees 27' 25" East 1,379 feet, more or less, to the  
6591 intersection of the N236,000 grid line, at grid coordinates  
6592 N236,000.00 feet, E607,044.75 feet; runs thence North 90  
6593 degrees 00' 00" West, with the N236,000 grid line, 3,305  
6594 feet, more or less, to the mean water line of the Mississippi  
6595 Sound on the East side of a Spoil Island, at scaled grid  
6596 coordinates N236,000 feet, E603,740 feet; runs thence across  
6597 said Spoil Island, North 90 degrees 00' 00" West, 195 feet,  
6598 more or less, to the mean water line of the Mississippi Sound  
6599 on the West side of said Spoil Island at scaled grid



6600 coordinates N236,000 feet, E603,545 feet; runs thence North  
6601 90 degrees 00' 00" West, with the N236,000 grid line 2,140  
6602 feet, more or less, to the East Harbor Line of Bayou Casotte  
6603 at grid coordinates N236,000.00 feet, E601,404.38 feet; runs  
6604 thence with the East Harbor Line of Bayou Casotte North 0  
6605 degrees 03' 00" West, 4,056.52 feet to a point at grid  
6606 coordinates N240,056.52 feet, E601,400.84 feet; thence  
6607 continues with the East Harbor Line of Bayou Casotte North 6  
6608 degrees 34' 54" East, 746.48 feet to a point that is South 89  
6609 degrees 10' 22" West of the point of beginning and at grid  
6610 coordinates N240,798.08 feet, E601,486.40 feet; runs thence  
6611 North 89 degrees 10' 22" East, 780 feet, more or less, to the  
6612 mean water line of the Mississippi Sound at scaled grid  
6613 coordinates N240,809 feet, E602,266 feet; runs thence North  
6614 89 degrees 10' 22" East, 60 feet, more or less, to a two inch  
6615 iron pipe with cap, set in concrete at grid coordinates  
6616 N240,810.22 feet, E602,326.35 feet; thence continues North 89  
6617 degrees 10' 22" East, along the South boundary of Corchem,  
6618 Inc., property 4,680.00 feet to the point of beginning and  
6619 contains 623.7 acres, more or less. The real property herein  
6620 described is situated in the South one half of Section 20,  
6621 Southwest Quarter of the Southwest Quarter of Section 21,  
6622 West one half of the Northwest Quarter of Fractional Section  
6623 28, and Fractional Section 29, all being located in Township



6624 8 South, Range 5 West, Jackson County, Mississippi. LESS AND  
6625 EXCEPT any portion of the following described property which is  
6626 not owned or otherwise held in trust by the State of Mississippi:  
6627 Commencing at the Northeast corner of the Southeast  
6628 Quarter of Section 20, Township 8 South, Range 5 West and at  
6629 grid coordinates N242,489.57 feet, E606,331.52 feet; runs  
6630 thence North 89 degrees 10' 22" East along the Mid-Section  
6631 line of Section 21, Township 8 South, Range 5 West, 661.48  
6632 feet to a point at grid coordinates N242,499.12 feet,  
6633 E606,992.93 feet; runs thence South 0 degrees 27' 25" East,  
6634 1621.39 feet to a two inch iron pipe with cap, set in  
6635 concrete, at grid coordinates N240,877.78 feet, E607,005.86  
6636 feet, said point being the Southeast corner of the property  
6637 conveyed to Corchem, Inc., by H.K. Porter Company, Inc., by  
6638 deed dated December 31, 1971, recorded in Deed Book 419, page  
6639 182, Land Deed Records of Jackson County, Mississippi, and  
6640 the point of beginning; runs thence South 0 degrees 27' 25"  
6641 East, 1,018.61 feet to a point on the South line of said  
6642 Section 21, said point being 650.33 feet East of the  
6643 Southwest corner of said Section 21; runs thence South 0  
6644 degrees 27' 25" East 2,306.58 feet to a two inch iron pipe  
6645 with cap, set in concrete at grid coordinates N237,552.70  
6646 feet, E607,032.37 feet; thence continues South 0 degrees 27'  
6647 25" East, 173 feet, more or less, to the mean water line of  
6648 the Mississippi Sound as existed in 1961; runs thence



6649 Northwestery along the said meandering mean water line to a  
6650 point on the West line of Fractional Section 28, Township 8  
6651 South, Range 5 West; thence continues along the meandering  
6652 mean water line of the Mississippi Sound in a Northwestery  
6653 direction to a point on the North line of Fractional Section  
6654 29, Township 8 South, Range 5 West; thence continues along  
6655 said meandering water line of the Mississippi Sound in a  
6656 Northwestery direction to a point that is South 89 degrees  
6657 10' 22" West of the point of beginning; runs thence North 89  
6658 degrees 10' 22" East, 60 feet, more or less, to a two inch  
6659 iron pipe with cap, set in concrete, at grid coordinates  
6660 N240,810.22 feet, E602,326.35 feet; thence continues North 89  
6661 degrees 10' 22" East along the South boundary of Corchem,  
6662 Inc., property, 4,680.00 feet to the point of beginning. The  
6663 parcel of land herein described is situated in the South  
6664 one-half of Section 20, the Southwest Quarter of the  
6665 Southwest Quarter of Section 21, the West one-half of the  
6666 Northwest Quarter of Fractional Section 28, and Fractional  
6667 Section 29, all being in Township 8, Range 5 West, Jackson  
6668 County, Mississippi, and contains 205.4 acres, more or less.  
6669 Bearings and grid coordinates used in this description refer  
6670 to the Transverse Mercator Projection for the State of  
6671 Mississippi East Zone.

6672 (3) It is hereby declared that the leasing or use for  
6673 commercial fishing purposes, port purposes and for industrial



6674 development related thereto of the following described submerged  
6675 lands and tidelands belonging to the State of Mississippi in an  
6676 area lying between the East Pascagoula River and Middle River,  
6677 Jackson County, Mississippi, will serve a higher public interest  
6678 in accordance with the purposes of this section and with the  
6679 public policy of this state as set forth in Section 49-27-3, said  
6680 property being more particularly described as follows:

6681 All that part of the Lowry Island Resurvey, which is bounded  
6682 on the North by the L&N Railroad Track; on the East by the  
6683 East Pascagoula River; on the West by Middle River; and on  
6684 the South by the Mississippi Sound; and also the dredged-up  
6685 Spoil Island, known as Singing River Island, lying South of  
6686 the above described land and South of the launching channel  
6687 South of the lands leased to Litton Ship Systems, Inc., and  
6688 lying West of the federally maintained dredged channel going  
6689 from Horn Island Pass to East Pascagoula River; LESS AND  
6690 EXCEPT, however, that part of said property now owned by  
6691 Jackson County, Mississippi, and the State of Mississippi and  
6692 leased to Litton Ship Systems, Inc.

6693 (4) Notwithstanding any provisions of law to the contrary,  
6694 the county port authority of the county in which such state lands  
6695 are located is hereby authorized to apply for and secure a lease  
6696 for a period of not to exceed ninety-nine (99) years of such state  
6697 lands as may be necessary for the development of commercial  
6698 fishing, port and related industrial facilities in the aforesaid



6699 areas described in subsections (2) and (3) hereof except for the  
6700 provisions of subsection (5) of this section.

6701 Application for a lease shall be made with the Secretary of  
6702 State.

6703 Utilization of any and all submerged land and/or tideland  
6704 shall be in such a manner so as not to obstruct normal navigation  
6705 of any normal and natural channel. Title to the property shall  
6706 remain vested in the State of Mississippi.

6707 All oil, gas and other minerals in, on or under said lands  
6708 leased are hereby specifically reserved unto the State of  
6709 Mississippi.

6710 The county port authority is hereby authorized to sublease  
6711 such lands for commercial fishing, port purposes and for  
6712 industrial development related thereto.

6713 All subleases executed by the county port authority shall be  
6714 on such terms and conditions, and with such safeguards, as will  
6715 best promote and protect the public interest. Such subleases  
6716 shall be submitted to the Secretary of State for approval.  
6717 Provided, however, that each sublease shall provide that if such  
6718 property is not utilized within five (5) years, or if commercial  
6719 fishing, industrial or port usage ceases and such termination  
6720 continues for a period of two (2) years, the sublease shall  
6721 terminate and all rights thereunder shall revert to the county.  
6722 However, if such nonutilization for a period of five (5) years or  
6723 cessation of use for a period of two (2) years shall be caused,



6724 suspended, delayed or interrupted by act of God, fire, war,  
6725 rebellion, scarcity of water, insurrection, riot, strike, scarcity  
6726 of labor, differences with employees, failure of a carrier to  
6727 transport or furnish facilities for transportation; or as a result  
6728 of some order, rule or regulation of any federal, state,  
6729 municipality or other governmental agency; or as the result of  
6730 failure of the sublessee to obtain any required permit or  
6731 certificate; or as the result of any cause whatsoever beyond the  
6732 control of sublessee, the time of such delay or interruption shall  
6733 not be counted against sublessee in determining such periods of  
6734 five (5) years or two (2) years. All subleases shall be for a  
6735 fair and adequate consideration and the compensation and revenues  
6736 therefrom may be retained by the state or shared with the county  
6737 in a fashion approved by the Secretary of State for port purposes  
6738 and industrial development. Such compensation and revenues may be  
6739 pledged by the county to payment of any bonds required to be  
6740 issued to finance such commercial fishing, port and industrial  
6741 development, including a United States Navy home port. However,  
6742 in the event bonds are issued as provided herein, upon the  
6743 discharge and payment of the principal and interest of such bonds,  
6744 any additional revenue generated shall be retained by the state or  
6745 shared with the county for port purposes and industrial  
6746 development in a fashion approved by the Secretary of State.

6747 (5) (a) Notwithstanding any provisions of law to the  
6748 contrary, upon selection of Jackson County as a site for a home



6749 port for a Surface Action Group and upon review of the contract  
6750 authorized in Section 1 of Chapter 812, Laws of 1985, as amended,  
6751 the Secretary of State is hereby authorized to lease for a period  
6752 not to exceed ninety-nine (99) years or sell if required by the  
6753 United States Navy or the United States Department of Defense such  
6754 state lands as may be necessary for the development by the United  
6755 States Navy or the United States Department of Defense for a home  
6756 port and related facilities for a naval squadron in the aforesaid  
6757 area described in subsection (3) hereof. It is hereby declared  
6758 that the leasing or sale to the United States Navy or the United  
6759 States Department of Defense of any of the aforesaid area  
6760 described in subsection (3) hereof will provide a major stimulus  
6761 to employment in Jackson County and the state and will serve a  
6762 higher public interest in accordance with the purposes of this  
6763 section and with the public policy as set forth in Section  
6764 49-27-3, and such lease or sale may be made for nominal  
6765 consideration.

6766 (i) If the subject property is to be sold to the  
6767 United States Navy or to the United States Department of Defense,  
6768 the instrument of conveyance, which shall be by quitclaim deed,  
6769 shall include the following:

6770 1. A reservation of all oil, gas and other  
6771 minerals in, on and under the subject property subject to a  
6772 provision that no exploration, exploitation or development of any  
6773 minerals shall be undertaken without prior written consent of the





6774 United States Navy; which consent shall not be unreasonably  
6775 withheld;

6776                   2. A reverter which shall be created,  
6777 declared, imposed and resolved in said quitclaim deed according to  
6778 the terms of which said title to the subject property shall  
6779 automatically revert to the state. The reversion shall  
6780 automatically occur if a. construction of the home port facilities  
6781 has not commenced within two (2) years of the conveyance of the  
6782 subject property or b. thereafter, if the subject property is no  
6783 longer required by the Navy for a home port or related facilities  
6784 and the Secretary of the Navy shall so determine and promptly  
6785 notify the State of Mississippi of said determination. In the  
6786 event of said determination, the subject property as improved  
6787 shall automatically revert to the State of Mississippi, and the  
6788 state may pay to the United States of America the fair market  
6789 value of the Navy's improvements within five (5) years from the  
6790 date of reversion, less the fair market value of the state and/or  
6791 county-financed facilities; however, the county financed  
6792 facilities shall revert to Jackson County unless the state  
6793 finances the same or unless otherwise agreed upon by Jackson  
6794 County and the state. If the State of Mississippi elects not to  
6795 pay to the United States of America the fair market value of the  
6796 Navy's improvements within said period of five (5) years, then  
6797 said property and all facilities financed by the State of



6798 Mississippi and financed by Jackson County shall automatically  
6799 revert to the United States of America.

6800 (ii) If the subject property is to be leased to  
6801 the United States Navy or to the United States Department of  
6802 Defense, the lease agreement shall contain a termination clause  
6803 which shall declare that the lease shall be rescinded if either of  
6804 the conditions described in subsection (5)(a)(i)2 of this section  
6805 occur. If the condition described in subsection (5)(a)(i)2b of  
6806 this section occurs, the United States Navy and the United States  
6807 Department of Defense shall be allowed two (2) years from the date  
6808 of termination or utilization of the area leased in which to  
6809 remove any improvements or facilities thereon, excluding any  
6810 county financed facilities, which shall revert to Jackson County  
6811 unless otherwise agreed upon by Jackson County and the state. All  
6812 references to payment for county financed facilities upon  
6813 reversion shall also apply to the state if it finances the same.

6814 (b) Provided, however, if revenue bonds are to be  
6815 issued by the State Bond Commission under Section 1 of Chapter  
6816 500, Laws of 1985, then the lands referred to in paragraph (a) of  
6817 this subsection shall not be sold to the United States Navy or to  
6818 the United States Department of Defense but may only be leased and  
6819 such lease may contain an option to purchase when such bonds are  
6820 retired. In this case an additional clause shall be included in  
6821 the lease agreement to provide that upon termination of the lease  
6822 agreement prior to the retirement of all revenue bonds issued



6823 under Section 1 of Chapter 306, Laws of 1987, such payments by the  
6824 United States Navy or the United States Department of Defense as  
6825 are necessary to retire such revenue bonds shall become due and  
6826 payable on the date of the termination of the lease.

6827 (6) This section is to be considered as supplementary and  
6828 cumulative and nothing in this section shall be construed as  
6829 repealing existing laws, or as repealing or amending any options,  
6830 leases, deeds, contracts, agreements or legal instruments  
6831 heretofore entered into by the board of supervisors of such  
6832 county, the county port authority, the governing authorities of  
6833 the municipality in which the port of entry is located, or the  
6834 port commission. The grant of powers to the board of supervisors  
6835 of such county, the county port authority, the governing  
6836 authorities of the municipality in which the port of entry is  
6837 located, and the port commission, where granted herein by  
6838 reference to existing statutes, shall incorporate such statutes  
6839 herein seriatim, and the subsequent amendment or repeal of such  
6840 statutes shall not limit or rescind the powers and authority  
6841 hereby conferred unless expressly so provided in such amending or  
6842 repealing statute.

6843 **SECTION 168.** Section 59-9-67, Mississippi Code of 1972, is  
6844 brought forward as follows:

6845 59-9-67. (1) For the purposes set out in subsection (1) of  
6846 Section 59-9-65, the board of supervisors of such county, acting  
6847 by and through the county port authority, and with the supervision



6848 and approval of the Mississippi Agricultural and Industrial Board,  
6849 shall have the power to dredge, fill in and reclaim submerged  
6850 lands and tidelands belonging to the State of Mississippi; and the  
6851 state land commissioner, with the approval of the Attorney General  
6852 and the Governor, is hereby authorized and empowered to convey  
6853 such reclaimed submerged lands and tidelands to such county and to  
6854 issue the state's patent therefor, but all oil, gas and other  
6855 minerals in, on or under said lands are hereby specifically  
6856 reserved unto the State of Mississippi. Such county, acting  
6857 through its county port authority, shall have the further power to  
6858 develop and utilize such lands for any of such purposes, provided,  
6859 however, that no normal or natural channel shall be obstructed so  
6860 as to interfere with the normal navigation therein.

6861 (2) The board of supervisors of such county, acting jointly  
6862 with the county port authority, and with the approval of the  
6863 Mississippi Agricultural and Industrial Board, shall have the  
6864 power to lease such lands, for a term not in excess of ninety-nine  
6865 (99) years from the date of such lease, or to sell or otherwise  
6866 dispose of such land to the State of Mississippi, or to  
6867 individuals, firms or corporations, public or private, for  
6868 industrial operations, on such terms and conditions and with such  
6869 safeguards as will best promote and protect the public interest,  
6870 and they are hereby authorized to transfer possession and/or title  
6871 to any part or all of such lands by deed, lease, contract, or  
6872 other customary business instrument.



6873           (3) Any facilities constructed or acquired for use on such  
6874 lands under the provisions of Section 59-5-11, including, but not  
6875 limited to, machinery or equipment, may be leased for a term not  
6876 in excess of ninety-nine (99) years from the date of such lease,  
6877 or sold, or otherwise disposed of to the State of Mississippi or  
6878 to individuals, firms or corporations, public or private, for  
6879 industrial operations, on such terms and conditions, with such  
6880 safeguards as will best promote and protect the public interest,  
6881 and subject to the limitations set out in Section 59-5-11, and the  
6882 board of supervisors of such county, acting jointly with the  
6883 county port authority, and with the approval of the Mississippi  
6884 Agricultural and Industrial Board, is authorized to transfer  
6885 possession and/or title to any part, or all of such facilities,  
6886 machinery or equipment by deed, lease, contract, or other  
6887 customary business instrument.

6888           **SECTION 169.** This act shall take effect and be in force from  
6889 and after July 1, 2024.

