

By: Representatives Anderson (122nd),
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To: Marine Resources

COMMITTEE SUBSTITUTE
FOR
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 AMEND
36 SECTIONS 21-17-1, 57-7-1, 59-7-405 AND 7-11-11, MISSISSIPPI CODE
37 OF 1972, TO CONFORM; TO AMEND SECTIONS 87-1-5, 97-33-1, 97-33-7,
38 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
39 CLARIFY THE DESCRIPTION OF CERTAIN STRUCTURES RELATED TO GAMING;
40 TO BRING FORWARD SECTIONS 29-15-7, 29-15-11, 29-15-15, 29-15-17,
41 29-15-19, 29-15-21 AND 29-15-23, MISSISSIPPI CODE OF 1972, WHICH
42 PROVIDE FOR THE PUBLIC TRUST TIDELANDS, FOR THE PURPOSE OF
43 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 59-15-3, 59-15-5,
44 59-15-7, 59-15-9, 59-15-11, 59-15-13, 59-15-15, 59-15-17 AND
45 59-15-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR SMALL CRAFT
46 HARBORS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD
47 SECTIONS 59-7-1, 59-7-3, 59-7-5, 59-7-7, 59-7-9, 59-7-11, 59-7-13,
48 59-7-15, 59-7-17, 59-7-19, 59-7-21, 59-7-101, 59-7-103, 59-7-105,
49 59-7-107, 59-7-109, 59-7-111, 59-7-113, 59-7-115, 59-7-117,
50 59-7-119, 59-7-121, 59-7-123, 59-7-125, 59-7-127, 59-7-129,
51 59-7-131, 59-7-201, 59-7-203, 59-7-205, 59-7-207, 59-7-209,
52 59-7-211, 59-7-213, 59-7-301, 59-7-303, 59-7-305, 59-7-307,
53 59-7-309, 59-7-311, 59-7-313, 59-7-315, 59-7-317, 59-7-319,
54 59-7-321, 59-7-323, 59-7-401, 59-7-403, 59-7-407, 59-7-408,
55 59-7-409, 59-7-411, 59-7-413, 59-7-415, 59-7-417, 59-7-419,
56 59-7-421, 59-7-423, 59-7-425, 59-7-427, 59-7-429, 59-7-451,
57 59-7-453, 59-7-455, 59-7-501, 59-7-503, 59-7-505, 59-7-507,
58 59-7-509, 59-7-511, 59-7-513, 59-7-515, 59-7-517 AND 59-7-519,
59 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR COUNTY AND MUNICIPAL
60 HARBORS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD
61 SECTIONS 65-33-1, 65-33-3, 65-33-5, 65-33-7, 65-33-9, 65-33-11,
62 65-33-13, 65-33-15, 65-33-17, 65-33-19, 65-33-21, 65-33-23,
63 65-33-25, 65-33-27, 65-33-29, 65-33-31, 65-33-33, 65-33-35,
64 65-33-37, 65-33-39, 65-33-41, 65-33-43, 65-33-45, 65-33-47,
65 65-33-49, 65-33-51, 65-33-53, 65-33-55, 65-33-57, 65-33-59,
66 65-33-61, 65-33-63, 65-33-65, 65-33-67, 65-33-69 AND 65-33-71,
67 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR SEA WALLS, FOR THE
68 PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS
69 29-1-105, 53-3-41, 53-3-75, 55-7-13, 55-7-15, 55-7-21, 55-24-9,
70 59-3-1, 59-5-11, 59-9-19, 59-17-13, 61-3-15, 79-21-53, 27-31-39,
71 29-7-3, 39-7-3, 39-7-9, 49-15-301, 49-15-304, 49-17-711, 49-27-4,
72 49-27-5, 49-27-71, 57-15-5, 59-1-17, 59-9-21 AND 59-9-67,
73 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
74 AND FOR RELATED PURPOSES.

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

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

78 29-1-107. (1) The Secretary of State with the approval of
79 the Governor shall, as far as practicable, rent or lease all lands



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



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

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

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

127 (d) Leases shall provide for review and rent
128 adjustments at each fifth anniversary tied either to the All Urban



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

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



154 to re-lease as may be agreed upon between the holder of the lease
155 and the Secretary of State.

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

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

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

175 (ii) By operation of this section, any lease
176 executed before August 29, 2005, may, at the option of the lessee,
177 either remain at the term stated in the original execution of the
178 lease or be converted to a thirty-year term lease, beginning on



179 such date after August 29, 2005, that the lessee either resumes or
180 begins permanent gaming activities as approved by the Mississippi
181 Gaming Commission, and the lessee shall be required to comply with
182 all other provisions of the lease. Should the lessee choose to
183 operate in a structure that is not on state public trust tidelands
184 and that is on property contiguous to state public trust tidelands
185 leased by the State of Mississippi to the lessee, the lessee shall
186 be required to comply with all other provisions of the lease with
187 the State of Mississippi and shall be exempt from the assessment
188 provided for in paragraph (c) of this subsection. Easements for
189 and rights-of-way for public streets and highways shall not be
190 construed to interrupt the contiguous nature of a parcel of
191 property. In the event that a lessee does not elect either to
192 remain bound by the original term of the lease with the State of
193 Mississippi or to convert the lease to a thirty-year term, the
194 Secretary of State may lease the state public trust tidelands that
195 are the subject of the lease to any other person or entity.

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



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

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

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

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

225 3. Five Hundred Thousand Dollars
226 (\$500,000.00), if the capital investment in the part of the
227 structure in which licensed gaming activities are conducted is



228 equal to or more than Sixty Million Dollars (\$60,000,000.00) but
229 less than Seventy-five Million Dollars (\$75,000,000.00).

230 4. Six Hundred Thousand Dollars
231 (\$600,000.00), if the capital investment in the part of the
232 structure in which licensed gaming activities are conducted is
233 equal to or more than Seventy-five Million Dollars
234 (\$75,000,000.00) but less than One Hundred Million Dollars
235 (\$100,000,000.00).

236 5. Seven Hundred Thousand Dollars
237 (\$700,000.00), if the capital investment in the part of the
238 structure in which licensed gaming activities are conducted is
239 equal to or more than One Hundred Million Dollars
240 (\$100,000,000.00) but less than One Hundred Twenty-five Million
241 Dollars (\$125,000,000.00).

242 6. Seven Hundred Fifty Thousand Dollars
243 (\$750,000.00), if the capital investment in the part of the
244 structure in which licensed gaming activities are conducted is
245 equal to or more than One Hundred Twenty-five Million Dollars
246 (\$125,000,000.00).

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

251 (ii) This paragraph shall not apply to a gaming
252 licensee if the licensee conducts gaming in a structure that is



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

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

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

273 29-15-1. (a) "Commission" means the Mississippi Advisory
274 Commission on Marine Resources.

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



278 (c) "Mean high water" means the arithmetic mean of all the
279 high waters occurring in a particular nineteen-year tidal epoch
280 period; or for a shorter period of time after corrections are
281 applied to the short term observations to reduce these values to
282 the equivalent nineteen-year value.

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

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

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

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

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

300 (i) "Department" means the Mississippi Department of Marine
301 Resources.



302 (j) "Fastlands" means tidelands and submerged lands
303 waterward of the historic natural mean high water line but
304 artificially filled such that the area waterward of that line is
305 above mean high water.

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

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

310 **SECTION 3.** The following shall be codified as Section
311 29-15-1.1, Mississippi Code of 1972:

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



327 sustainability and enjoyment for current and future generations of
328 state citizens.

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

346 **SECTION 4.** The following shall be codified as Section
347 29-15-2, Mississippi Code of 1972:

348 29-15-2. (1) It is declared that the state held tidelands
349 subject to the public trust and the boundary between trust lands
350 and other lands are shown on the Final Public Trust Tidelands Map
351 and Public Trust Submerged Land Maps, Final December 1994, created



352 and published pursuant to Section 29-15-7, as modified by any
353 boundary agreements or court orders.

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

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

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

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



376 (b) Any entity, including a private party or a federal,
377 state or local government agency or authority, shall submit plans
378 to the Secretary of State concerning use of the Public Trust
379 Tidelands for review and approval, and if necessary, a Public
380 Trust Tidelands lease, before any activity on the Public Trust
381 Tidelands.

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

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

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



401 Trust Tidelands pursuant to Section 29-1-107 (2) but shall be
402 exempt from any use, lease, or rental fees pursuant to Section
403 29-15-13.

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

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

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

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

422 (2) It is hereby declared to be a higher public purpose of
423 this state and the public tidelands trust to resolve the
424 uncertainty and disputes which have arisen as to the location of
425 the boundary between the state's public trust tidelands and the



426 upland property and to confirm the mean high water boundary line
427 as determined by the Mississippi Supreme Court, the laws of this
428 state and this chapter.

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

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

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

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



450 tide line, and the state's responsibilities as trustee extends to
451 such owners as well as to the other members of the public.

452 (2) Residential property owners shall not be required to
453 obtain a public trust tidelands lease from the state for
454 exercising their common law and statutory littoral and riparian
455 rights attached to residential property.

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

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

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

473 29-15-9. (1) There is created in the State Treasury a
474 special fund to be known as the "Public Trust Tidelands Fund."



475 The fund shall be administered by the Secretary of State as
476 trustee.

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

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

497 (a) The Department of Marine Resources shall make
498 progress payments in installments based on the work completed and
499 material used in the performance of a tidelands project only after



500 receiving written verification from the political subdivision or
501 agency. The political subdivision or agency shall submit
502 verification of the work completed or materials in such detail and
503 form that the department may require.

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

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

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



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

527 (b) Funds paid pursuant to paragraph (a) of this
528 subsection may be appropriated by the Legislature in an amount
529 necessary to cover the administrative cost incurred by the
530 Mississippi Advisory Commission on Marine Resources. Any
531 remaining funds shall be disbursed * * * to the * * * Department
532 of Marine Resources for new and extra programs of tidelands
533 management, such as conservation, reclamation, preservation,
534 acquisition, education or the enhancement of public access to the
535 public trust tidelands or public improvement projects as they
536 relate to those lands.

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

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

548 (b) The Department of Marine Resources shall make funds
549 available for the purpose of using such funds as a match or



550 leverage for federal or other funds that are available for the
551 designated tidelands project.

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

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

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

566 59-15-1. The authorities of any city in this state which has
567 a population of ten thousand (10,000) or more, according to the
568 last official government census, and the authorities of any
569 municipality bordering on the Mississippi Sound or Gulf of Mexico
570 are hereby given the authority to acquire by purchase, deed,
571 donation, gift, grant, * * * lease, dedication, or otherwise, and
572 if state-owned Public Trust Tidelands by lease subject to Sections
573 29-1-107(2) and 29-15-13, such land, harbor sites or water
574 frontage for the purpose of establishing, developing, promoting,



575 maintaining, and operating harbors for small water crafts and
576 recreational parks connected therewith within its territorial
577 limits, or both, and shall have the power to acquire, purchase,
578 install, rent, lease, mortgage, incumber, construct, own, hold,
579 maintain, equip, use, control and operate recreational parks and
580 harbors for small water craft. Any such existing use of state
581 Public Trust Tidelands shall require a Public Trust Tidelands
582 lease from the State of Mississippi by and through the Secretary
583 of State. Any use of state Public Trust Tidelands for gaming as
584 contemplated by Section 27-1-107(4) shall require a direct lease
585 of the Public Trust Tidelands from the State of Mississippi by and
586 through the Secretary of State and such lease may be conditioned
587 upon the licensee obtaining such other necessary and required
588 approvals. Once permission to use the Public Trust Tidelands has
589 been established, the tidelands shall be under the management and
590 control of the municipality, and the revenues generated shall be
591 used for the maintenance and upkeep and operation of the harbor.

592 **SECTION 11.** Section 21-17-1, Mississippi Code of 1972, is
593 amended as follows:

594 21-17-1. (1) Every municipality of this state shall be a
595 municipal corporation and shall have power to sue and be sued; to
596 purchase and hold real estate, either within or without the
597 corporate limits, for all proper municipal purposes, including
598 parks, cemeteries, hospitals, schoolhouses, houses of correction,
599 waterworks, electric lights, sewers and other proper municipal



600 purposes; to purchase and hold personal property for all proper
601 municipal purposes; to sell or dispose of personal property or
602 real property owned by it consistent with Section 17-25-25; to
603 acquire equipment and machinery by lease-purchase agreement and to
604 pay interest thereon, if contracted, when needed for proper
605 municipal purposes; and to sell and convey any real property owned
606 by it, and make such order respecting the same as may be deemed
607 conducive to the best interest of the municipality, and exercise
608 jurisdiction over the same.

609 (2) (a) Except as otherwise provided in this subsection, in
610 case any of the real property belonging to a municipality shall
611 cease to be used for municipal purposes, the governing authority
612 of the municipality may sell, convey or lease the same on such
613 terms as the municipal authority may elect. In case of a sale on
614 a credit, the municipality shall charge appropriate interest as
615 contracted and shall have a lien on the same for the purchase
616 money, as against all persons, until paid and may enforce the lien
617 as in such cases provided by law. The deed of conveyance in such
618 cases shall be executed in the name of the municipality by the
619 governing authority of the municipality pursuant to an order
620 entered on the minutes. In any sale or conveyance of real
621 property, the municipality shall retain all mineral rights that it
622 owns, together with the right of ingress and egress to remove
623 same. Except as otherwise provided in this section, before any
624 such lease, deed or conveyance is executed, the governing



625 authority of the municipality shall publish at least once each
626 week for three (3) consecutive weeks, in a public newspaper of the
627 municipality in which the real property is located, or if no
628 newspaper be published as such, then in a newspaper having general
629 circulation therein, the intention to lease or sell, as the case
630 may be, the municipally owned real property and to accept sealed
631 competitive bids for the leasing or sale. The governing authority
632 of the municipality shall thereafter accept bids for the lease or
633 sale and shall award the lease or sale to the highest bidder in
634 the manner provided by law. However, whenever the governing
635 authority of the municipality shall find and determine, by
636 resolution duly and lawfully adopted and spread upon its minutes
637 (i) that any municipally owned real property is no longer needed
638 for municipal or related purposes and is not to be used in the
639 operation of the municipality, (ii) that the sale of such property
640 in the manner otherwise provided by law is not necessary or
641 desirable for the financial welfare of the municipality, and (iii)
642 that the use of such property for the purpose for which it is to
643 be sold, conveyed or leased will promote and foster the
644 development and improvement of the community in which it is
645 located and the civic, social, educational, cultural, moral,
646 economic or industrial welfare thereof, the governing authority of
647 the municipality shall be authorized and empowered, in its
648 discretion, to sell, convey or lease same for any of the purposes



649 set forth herein without having to advertise for and accept
650 competitive bids.

651 (b) In any case in which a municipality proposes to
652 sell, convey or lease real property under the provisions of this
653 subsection (2) without advertising for and accepting competitive
654 bids, the governing authority may sell, convey or lease the
655 property as follows:

656 (i) Consideration for the purchase, conveyance or
657 lease of the property shall be not less than the average of the
658 fair market price for such property as determined by at least two
659 (2) professional property appraisers selected by the municipality
660 and approved by the purchaser or lessee. Appraisal fees shall be
661 shared equally by the municipality and the purchaser or lessee;

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

670 (iii) The governing authority of a municipality
671 may lease property of less than one thousand five hundred (1,500)
672 square feet to any person or legal entity by having two (2)
673 appraisals establish the fair market value of the lease, and on



674 such other terms and conditions as the parties may agree, such
675 lease being lawfully adopted and spread upon its official minutes.

676 (c) All uses of Public Trust Tidelands shall be through
677 a lease with the state through the Secretary of State.

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

683 (a) (i) Except as otherwise provided in subparagraph
684 (ii) of this paragraph (a), the governing authority may donate
685 such lands to a bona fide not-for-profit civic or eleemosynary
686 corporation organized and existing under the laws of the State of
687 Mississippi and granted tax-exempt status by the Internal Revenue
688 Service and may donate such lands and necessary funds related
689 thereto to the public school district in which the land is
690 situated for the purposes set forth herein. Any deed or
691 conveyance executed pursuant hereto shall contain a clause of
692 reverter providing that the bona fide not-for-profit corporation
693 or public school district may hold title to such lands only so
694 long as they are continued to be used for the civic, social,
695 educational, cultural, moral, economic or industrial welfare of
696 the community, and that title shall revert to the municipality in
697 the event of the cessation of such use for a period of two (2)
698 years. In any such deed or conveyance, the municipality shall



699 retain all mineral rights that it owns, together with the right of
700 ingress and egress to remove same;

701 (ii) If the governing authority of a municipality
702 with a total population of greater than forty thousand (40,000)
703 but not more than forty-two thousand five hundred (42,500)
704 according to the 2010 federal decennial census, donates real
705 property to a bona fide not-for-profit civic or eleemosynary
706 corporation and such civic or eleemosynary corporation commits Two
707 Million Dollars (\$2,000,000.00) to renovate or make capital
708 improvements to the property by an agreement between a certain
709 state institution of higher learning and the civic or eleemosynary
710 corporation, then the clause of reverter required by this
711 paragraph shall provide that title of such real property shall
712 revert 1. to the bona fide not-for-profit civic or eleemosynary
713 corporation, if a certain state institution of higher learning
714 ceases to use the property for the purposes required by this
715 paragraph (a) for donated lands, or 2. to the municipality, if a
716 certain state institution of higher learning ceases to use the
717 property for the purposes required by this paragraph (a) and the
718 not-for-profit civic or eleemosynary corporation or its successor
719 ceases to exist;

720 (b) (i) The governing authority may donate such lands
721 to a bona fide not-for-profit corporation (such as Habitat for
722 Humanity) which is primarily engaged in the construction of
723 housing for persons who otherwise can afford to live only in



724 substandard housing. In any such deed or conveyance, the
725 municipality shall retain all mineral rights that it owns,
726 together with the right of ingress and egress to remove same;

727 (ii) In the event the governing authority does not
728 wish to donate title to such lands to the bona fide not-for-profit
729 civic or eleemosynary corporation, but wishes to retain title to
730 the lands, the governing authority may lease the lands to a bona
731 fide not-for-profit corporation described in paragraph (a) or this
732 paragraph (b) for less than fair market value;

733 (c) The governing authority may donate any municipally
734 owned lot measuring twenty-five (25) feet or less along the
735 frontage line as follows: the governing authority may cause the
736 lot to be divided in half along a line running generally
737 perpendicular to the frontage line and may convey each one-half
738 (1/2) of that lot to the owners of the parcels laterally adjoining
739 the municipally owned lot. All costs associated with a conveyance
740 under this paragraph (c) shall be paid by the person or entity to
741 whom the conveyance is made. In any such deed or instrument of
742 conveyance, the municipality shall retain all mineral rights that
743 it owns, together with the right of ingress and egress to remove
744 same;

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



748 (4) Every municipality shall also be authorized and
749 empowered to loan to private persons or entities, whether
750 organized for profit or nonprofit, funds received from the United
751 States Department of Housing and Urban Development (HUD) under an
752 urban development action grant or a community development block
753 grant under the Housing and Community Development Act of 1974
754 (Public Law 93-383), as amended, and to charge interest thereon if
755 contracted, provided that no such loan shall include any funds
756 from any revenues other than the funds from the United States
757 Department of Housing and Urban Development; to make all contracts
758 and do all other acts in relation to the property and affairs of
759 the municipality necessary to the exercise of its governmental,
760 corporate and administrative powers; and to exercise such other or
761 further powers as are otherwise conferred by law.

762 (5) (a) The governing authority of any municipality may
763 establish an employer-assisted housing program to provide funds to
764 eligible employees to be used toward the purchase of a home. This
765 assistance may be applied toward the down payment, closing costs
766 or any other fees or costs associated with the purchase of a home.
767 The housing assistance may be in the form of a grant, forgivable
768 loan or repayable loan. The governing authority of a municipality
769 may contract with one or more public or private entities to
770 provide assistance in implementing and administering the program
771 and shall adopt rules and regulations regarding the eligibility of
772 a municipality for the program and for the implementation and



773 administration of the program. However, no general funds of a
774 municipality may be used for a grant or loan under the program.

775 (b) Participation in the program established under this
776 subsection (5) shall be available to any eligible municipal
777 employee as determined by the governing authority of the
778 municipality. Any person who receives financial assistance under
779 the program must purchase a house and reside within certain
780 geographic boundaries as determined by the governing authority of
781 the municipality.

782 (c) If the assistance authorized under this subsection
783 (5) is structured as a forgivable loan, the participating employee
784 must remain as an employee of the municipality for an agreed upon
785 period of time, as determined by the rules and regulations adopted
786 by the governing authority of the municipality, in order to have
787 the loan forgiven. The forgiveness structure, amount of
788 assistance and repayment terms shall be determined by the
789 governing authority of the municipality.

790 (6) The governing authority of any municipality may contract
791 with a private attorney or private collection agent or agency to
792 collect any type of delinquent payment owed to the municipality,
793 including, but not limited to, past-due fees, fines and other
794 assessments, or with the district attorney of the circuit court
795 district in which the municipality is located to collect any
796 delinquent fees, fines and other assessments. Any such contract
797 debt may provide for payment contingent upon successful collection



798 efforts or payment based upon a percentage of the delinquent
799 amount collected; however, the entire amount of all delinquent
800 payments collected shall be remitted to the municipality and shall
801 not be reduced by any collection costs or fees. Any private
802 attorney or private collection agent or agency contracting with
803 the municipality under the provisions of this subsection shall
804 give bond or other surety payable to the municipality in such
805 amount as the governing authority of the municipality deems
806 sufficient. Any private attorney with whom the municipality
807 contracts under the provisions of this subsection must be a member
808 in good standing of The Mississippi Bar. Any private collection
809 agent or agency with whom the municipality contracts under the
810 provisions of this subsection must meet all licensing requirements
811 for doing business in the State of Mississippi. Neither the
812 municipality nor any officer or employee of the municipality shall
813 be liable, civilly or criminally, for any wrongful or unlawful act
814 or omission of any person or business with whom the municipality
815 has contracted under the provisions of this subsection. The
816 Mississippi Department of Audit shall establish rules and
817 regulations for use by municipalities in contracting with persons
818 or businesses under the provisions of this subsection. If a
819 municipality uses its own employees to collect any type of
820 delinquent payment owed to the municipality, then from and after
821 July 1, 2000, the municipality may charge an additional fee for
822 collection of the delinquent payment provided the payment has been



823 delinquent for ninety (90) days. The collection fee may not
824 exceed twenty-five percent (25%) of the delinquent payment if the
825 collection is made within this state and may not exceed fifty
826 percent (50%) of the delinquent payment if the collection is made
827 outside this state. In conducting collection of delinquent
828 payments, the municipality may utilize credit cards or electronic
829 fund transfers. The municipality may pay any service fees for the
830 use of such methods of collection from the collection fee, but not
831 from the delinquent payment. There shall be due to the
832 municipality from any person whose delinquent payment is collected
833 under a contract executed as provided in this subsection an
834 amount, in addition to the delinquent payment, of not to exceed
835 twenty-five percent (25%) of the delinquent payment for
836 collections made within this state, and not to exceed fifty
837 percent (50%) of the delinquent payment for collections made
838 outside of this state.

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

845 (8) In addition to the authority to expend matching funds
846 under Section 21-19-65, the governing authority of any
847 municipality, in its discretion, may expend municipal funds to



848 match any state, federal or private funding for any program
849 administered by the State of Mississippi, the United States
850 government or any nonprofit organization that is exempt under 26
851 USCS Section 501(c) (3) from paying federal income tax.

852 (9) The governing authority of any municipality that owns
853 and operates a gas distribution system, as defined in Section
854 21-27-11(b), and the governing authority of any public natural gas
855 district are authorized to contract for the purchase of the supply
856 of natural gas for a term of up to ten (10) years with any public
857 nonprofit corporation which is organized under the laws of this
858 state or any other state.

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



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

882 (i) The subject property is real property acquired
883 by the municipality:

- 884 1. By reason of a tax sale;
885 2. Because the property was abandoned or
886 blighted; or
887 3. In a proceeding to satisfy a municipal
888 lien against the property;

889 (ii) The subject property is blighted and is
890 located in a blighted area;

891 (iii) The subject property is not needed for
892 governmental or related purposes and is not to be used in the
893 operation of the municipality;

894 (iv) That the sale of the property in the manner
895 otherwise provided by law is not necessary or desirable for the
896 financial welfare of the municipality; and



897 (v) That the use of the property for the purpose
898 for which it is to be conveyed will promote and foster the
899 development and improvement of the community in which it is
900 located or the civic, social, educational, cultural, moral,
901 economic or industrial welfare thereof; the purpose for which the
902 property is conveyed shall be stated.

903 (b) Any deed or instrument of conveyance executed
904 pursuant to the authority granted under this subsection shall
905 contain a clause of reverter providing that title to the property
906 will revert to the municipality if the person or entity to whom
907 the property is conveyed does not fulfill the purpose for which
908 the property was conveyed and satisfy all conditions imposed on
909 the conveyance within two (2) years of the date of the conveyance.

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

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

918 (13) The governing authority of any municipality may
919 reimburse the cost of an insured's deductible for an automobile
920 insurance coverage claim if the claim has been paid for damages to
921 the insured's property arising from the negligence of a duly



922 authorized officer, agent, servant, attorney or employee of the
923 municipality in the performance of his or her official duties, and
924 the officer, agent, servant, attorney or employee owning or
925 operating the motor vehicle is protected by immunity under the
926 Mississippi Tort Claims Act, Section 11-46-1 et seq.

927 (14) The powers conferred by this section shall be in
928 addition and supplemental to the powers conferred by any other
929 law, and nothing contained in this section shall be construed to
930 prohibit, or to prescribe conditions concerning, any practice or
931 practices authorized under any other law.

932 **SECTION 12.** Section 57-7-1, Mississippi Code of 1972, is
933 amended as follows:

934 57-7-1. In the event that any municipality, county,
935 supervisors district, municipal airport authority, regional
936 airport authority or other governmental subdivision shall have
937 surplus airport land or other lands which are not needed for
938 airport purposes or for other governmental purposes, then such
939 property so designated and described may be set aside and improved
940 for industrial and commercial purposes and the same may thereafter
941 be operated or the same may be leased or sold upon such terms and
942 conditions as a municipality, county, municipal airport authority,
943 regional airport authority or governmental subdivision shall
944 prescribe.

945 In order to provide for the improvement of such property for
946 industrial and commercial purposes, the municipality or other



947 authority shall be authorized to provide all necessary utilities
948 therefor and to lay out, construct and/or improve and hard-surface
949 roadways, streets, driveways and access roads, railroads and spur
950 tracks, and provide for the grading, drainage, sewer, lights and
951 water, and all other necessary or proper utilities as may be
952 necessary or proper to make such land desirable or useful as a
953 site or sites for industrial and commercial enterprises. The cost
954 and expense of such improvements to said real estate shall be paid
955 for from funds made available from the lease or sale of such lands
956 to the extent such funds are available.

957 All uses of public trust tidelands shall be through a lease
958 with the state through the Secretary of State.

959 **SECTION 13.** Section 59-7-405, Mississippi Code of 1972, is
960 amended as follows:

961 59-7-405. (1) (a) The governing authorities of any
962 municipality in which there is situated and located, in whole or
963 in part, a port or harbor through which commerce flows, and having
964 not less than eight (8) industries engaged in the seafood
965 industry, which maintains a channel and/or harbor to a depth of
966 not less than eight (8) feet, may engage in, either directly or
967 through the commission hereinafter provided and designated, and
968 such other agencies as hereafter may be provided by law, works of
969 internal improvement, or promoting, developing, constructing,
970 maintaining and operating harbors or seaports within the state and
971 its jurisdiction, and either directly or through the commission



972 hereinafter provided for, with the power and authority to acquire,
973 purchase, install, rent, lease, mortgage and/or otherwise
974 encumber, to construct, own, hold, maintain, equip, use, control
975 and operate at seaports or harbors, wharves, piers, docks,
976 warehouses, cold storage facilities, water and rail terminals,
977 airplane landing fields and strips, and other structures and
978 facilities, needful for the convenient use of the same in the aid
979 of commerce and navigation, and including the dredging of channels
980 and approaches to the facilities, and being authorized with prior
981 approval of the state through the Secretary of State to fill
982 in * * * bottomlands where incidental and necessary to the
983 foregoing development. All uses of public trust tidelands shall
984 be through a lease with the state through the Secretary of State.

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

989 (2) The municipal authorities or commission, in connection
990 with the exercise of the foregoing works of improvement and
991 development, may as an adjunct to any such work of improvement or
992 development to erect or construct such bridges, causeways or
993 structures as may be required for access to and from the harbors
994 or facilities provided as aforesaid by the municipal authorities
995 or the commission, and including any necessary bridge or causeway
996 or combination of the same, connecting with any island or islands



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

1000 (3) The municipal authorities or commission may procure, by
1001 gift, grant, purchase, or by the exercise of eminent domain, and
1002 for the public purposes and uses herein provided for, such land or
1003 interest therein as may be required for the purposes of this
1004 article, and regardless of whether the land be within or without
1005 the limits of the municipality involved. All uses of public trust
1006 tidelands shall be through a lease with the state through the
1007 Secretary of State.

1008 (4) The municipal authorities or commission, in the exercise
1009 of the powers granted hereunder, may provide any of the aforesaid
1010 facilities alone or in collaboration and in conjunction with any
1011 other public bodies, entities or commissions, as may now or
1012 hereafter be established by law.

1013 (5) The municipal authorities or commission may provide,
1014 among other harbor facilities, small craft and pleasure craft
1015 harbors and facilities needed therefor, including park and
1016 recreational facilities as an adjunct thereto, and in order to
1017 develop and promote tourist and recreational trade in the port.

1018 (6) The municipal authorities or commission have the power
1019 and authority to carry out the provisions of this article, to
1020 employ engineers, attorneys, and such employees as may be
1021 necessary in carrying out the provisions of this article, from



1022 time to time, and for the purpose of operating the facilities
1023 herein provided for, and may prescribe reasonable compensation in
1024 connection with such employment.

1025 **SECTION 14.** Section 7-11-11, Mississippi Code of 1972, is
1026 amended as follows:

1027 7-11-11. The Secretary of State shall have charge of the
1028 swamp and the overflowed lands and indemnity lands in lieu
1029 thereof, the internal improvement lands, the lands forfeited to
1030 the state for nonpayment of taxes after the time allowed by law
1031 for redemption shall have expired, the public trust tidelands and
1032 of all other public lands belonging to or under the control of the
1033 state. The regulation, sale and disposition of all such lands
1034 shall be made through the Secretary of State's office.

1035 The Secretary of State shall sign all conveyances and leases
1036 of any and all state-owned lands and shall record same in a book
1037 kept in his office for such purposes.

1038 **SECTION 15.** Section 87-1-5, Mississippi Code of 1972, is
1039 amended as follows:

1040 87-1-5. If any person, by playing at any game whatever, or
1041 by betting on the sides or hands of such as do play at any game,
1042 or by betting on any horse race or cockfight, or at any other
1043 sport or pastime, or by any wager whatever, shall lose any money,
1044 property, or other valuable thing, real or personal, and shall pay
1045 or deliver the same or any part thereof, the person so losing and
1046 paying or delivering the same, or his wife or children, may sue



1047 for and recover such money, property, or other valuable thing so
1048 lost and paid or delivered, or any part thereof, from the person
1049 knowingly receiving the same, with costs. However, this section
1050 shall not apply to betting, gaming or wagering:

1051 (a) On a cruise vessel as defined in Section 27-109-1
1052 whenever such vessel is in the waters within the State of
1053 Mississippi, which lie adjacent to the State of Mississippi south
1054 of the three (3) most southern counties in the State of
1055 Mississippi, including the Mississippi Sound, St. Louis Bay,
1056 Biloxi Bay and Pascagoula Bay;

1057 (b) In a structure located in whole or in part on shore
1058 in any of the three (3) most southern counties in the State of
1059 Mississippi in which the registered voters of the county have
1060 voted to allow such betting, gaming or wagering on cruise vessels
1061 as provided in Section 19-3-79, if:

1062 (i) The structure is owned, leased or controlled
1063 by a person possessing a gaming license, as defined in Section
1064 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1065 legal gaming could have been conducted by a person possessing a
1066 gaming license, as defined in Section 75-76-5, under paragraph (a)
1067 of this section, upon a docked cruise vessel * * * in the waters
1068 within the State of Mississippi adjacent to the location of the
1069 proposed structure at the mean high water line (as defined in
1070 Section 29-15-1) referenced in and used pursuant to subparagraph
1071 (b) (ii) of this section;



1072 (ii) The part of the structure in which licensed
1073 gaming activities are conducted is located entirely in an area
1074 which is located no more than eight hundred (800) feet from any
1075 and all points of reference along the mean high-water line (as
1076 defined in Section 29-15-1) of the waters within the State of
1077 Mississippi, which lie adjacent to the State of Mississippi south
1078 of the three (3) most southern counties in the State of
1079 Mississippi, including the Mississippi Sound, St. Louis Bay,
1080 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1081 Sound at Harrison County only, no farther north than the southern
1082 boundary of the right-of-way for U.S. Highway 90, whichever is
1083 greater; and

1084 (iii) In the case of a structure that is located
1085 in whole or part on shore, the part of the structure in which
1086 licensed gaming activities are conducted shall * * * be located on
1087 property which is owned and/or leased solely by the person
1088 described in subparagraph (b) (i) of this section possessing the
1089 gaming license, as defined in Section 75-76-5, all such owned
1090 and/or leased property shall be subject to the exclusive use,
1091 possession and control of such licensee and all such owned and/or
1092 leased property must be contiguously owned and/or leased by such
1093 licensee from the area upon which the structure is located to all
1094 points on the mean high-water line referenced and used pursuant to
1095 subparagraph (b) (ii) of this section; provided that no portion of
1096 such owned and/or leased property shall include any portion of the



1097 sand beach, no mean high-water line referenced and used pursuant
1098 to subparagraph (b) (ii) of this section may be located adjacent to
1099 any portion of the sand beach and such owned and/or leased
1100 property at its narrowest point may not be less in width than
1101 required to accommodate a cruise vessel. As used in this
1102 subparagraph (b) (iii), sand beach shall mean the natural or
1103 manmade sand beach along any natural coastline which lies adjacent
1104 to the State of Mississippi south of the three (3) most southern
1105 counties in the State of Mississippi, including the Mississippi
1106 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1107 line drawn from any point along the mean high-water line
1108 referenced and used pursuant to subparagraph (b) (ii) of this
1109 section to any other point of reference to determine the legal
1110 location of the gaming floor in the structure must cross only
1111 property owned by and/or leased by and under the exclusive use,
1112 possession and control of, the person described in subparagraph
1113 (b) (i) of this section possessing a gaming license, as defined in
1114 Section 75-76-5. A project must meet the minimum size, minimum
1115 improvements and other such project requirements set forth in
1116 rules and regulations adopted by the commission as authorized by
1117 Section 75-76-33 and Section 75-76-77. Easements * * * for
1118 rights-of-way for public streets and highways shall not be
1119 construed to interrupt the contiguous nature of the parcel, nor
1120 shall the footage contained within the easements and rights-of-way



1121 be counted in the calculation of the distances specified in
1122 subparagraph (ii) * * * of this section;

1123 (c) On a vessel as defined in Section 27-109-1 whenever
1124 such vessel is on the Mississippi River or navigable waters within
1125 any county bordering on the Mississippi River; or

1126 (d) That is legal under the laws of the State of
1127 Mississippi.

1128 **SECTION 16.** Section 97-33-1, Mississippi Code of 1972, is
1129 amended as follows:

1130 97-33-1. Except as otherwise provided in Section 97-33-8, if
1131 any person shall encourage, promote or play at any game, play or
1132 amusement, other than a fight or fighting match between dogs, for
1133 money or other valuable thing, or shall wager or bet, promote or
1134 encourage the wagering or betting of any money or other valuable
1135 things, upon any game, play, amusement, cockfight, Indian ball
1136 play or duel, other than a fight or fighting match between dogs,
1137 or upon the result of any election, event or contingency whatever,
1138 upon conviction thereof, he shall be fined in a sum not more than
1139 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
1140 immediately paid, shall be imprisoned for any period not more than
1141 ninety (90) days. However, this section shall not apply to
1142 betting, gaming or wagering:

1143 (a) On a cruise vessel as defined in Section 27-109-1
1144 whenever such vessel is in the waters within the State of
1145 Mississippi, which lie adjacent to the State of Mississippi south



1146 of the three (3) most southern counties in the State of
1147 Mississippi, including the Mississippi Sound, St. Louis Bay,
1148 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1149 of the county in which the port is located have not voted to
1150 prohibit such betting, gaming or wagering on cruise vessels as
1151 provided in Section 19-3-79;

1152 (b) In a structure located, in whole or in part, on
1153 shore in any of the three (3) most southern counties in the State
1154 of Mississippi in which the registered voters of the county have
1155 voted to allow such betting, gaming or wagering on cruise vessels
1156 as provided in Section 19-3-79, if:

1157 (i) The structure is owned, leased or controlled
1158 by a person possessing a gaming license, as defined in Section
1159 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1160 legal gaming could have been conducted by a person possessing a
1161 gaming license, as defined in Section 75-76-5, under paragraph (a)
1162 of this section, upon a docked cruise vessel * * * in the waters
1163 within the State of Mississippi adjacent to the location of the
1164 proposed structure at the mean high-water line (as defined in
1165 Section 29-15-1) referenced in and used pursuant to subparagraph
1166 (b) (ii) of this section;

1167 (ii) The part of the structure in which licensed
1168 gaming activities are conducted is located entirely in an area
1169 which is located no more than eight hundred (800) feet from any
1170 and all points of reference along the mean high-water line (as



1171 defined in Section 29-15-1) of the waters within the State of
1172 Mississippi, which lie adjacent to the State of Mississippi south
1173 of the three (3) most southern counties in the State of
1174 Mississippi, including the Mississippi Sound, St. Louis Bay,
1175 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1176 Sound at Harrison County only, no farther north than the southern
1177 boundary of the right-of-way for U.S. Highway 90, whichever is
1178 greater; and

1179 (iii) In the case of a structure that is located
1180 in whole or part on shore, the part of the structure in which
1181 licensed gaming activities are conducted shall * * * be located on
1182 property which is owned and/or leased solely by the person
1183 described in subparagraph (b) (i) of this section possessing the
1184 gaming license, as defined in Section 75-76-5, all such owned
1185 and/or leased property shall be subject to the exclusive use,
1186 possession and control of such licensee and all such owned and/or
1187 leased property must be contiguously owned and/or leased by such
1188 licensee from the area upon which the structure is located to all
1189 points on the mean high-water line referenced and used pursuant to
1190 subparagraph (b) (ii) of this section; provided that no portion of
1191 such owned and/or leased property shall include any portion of the
1192 sand beach, no mean high-water line referenced and used pursuant
1193 to subparagraph (b) (ii) of this section may be located adjacent to
1194 any portion of the sand beach and such owned and/or leased
1195 property at its narrowest point may not be less in width than



1196 required to accommodate a cruise vessel. As used in this
1197 subparagraph (b) (iii), sand beach shall mean the natural or
1198 manmade sand beach along any natural coastline which lies adjacent
1199 to the State of Mississippi south of the three (3) most southern
1200 counties in the State of Mississippi, including the Mississippi
1201 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1202 line drawn from any point along the mean high-water line
1203 referenced and used pursuant to subparagraph (b) (ii) of this
1204 section to any other point of reference to determine the legal
1205 location of the gaming floor in the structure must cross only
1206 property owned by and/or leased by and under the exclusive use,
1207 possession and control of the person described in subparagraph
1208 (b) (i) of this section possessing a gaming license, as defined in
1209 Section 75-76-5. A project must meet the minimum size, minimum
1210 improvements and other such project requirements set forth in
1211 rules and regulations adopted by the commission as authorized by
1212 Section 75-76-33 and Section 75-76-77. Easements * * * for
1213 rights-of-way for public streets and highways shall not be
1214 construed to interrupt the contiguous nature of the parcel, nor
1215 shall the footage contained within the easements and rights-of-way
1216 be counted in the calculation of the distances specified in
1217 subparagraph (ii) of this section;

1218 (c) On a vessel as defined in Section 27-109-1 whenever
1219 such vessel is on the Mississippi River or navigable waters within
1220 any county bordering on the Mississippi River, and in which the



1221 registered voters of the county in which the port is located have
1222 not voted to prohibit such betting, gaming or wagering on vessels
1223 as provided in Section 19-3-79; or

1224 (d) That is legal under the laws of the State of
1225 Mississippi.

1226 **SECTION 17.** Section 97-33-7, Mississippi Code of 1972, is
1227 amended as follows:

1228 97-33-7. (1) Except as otherwise provided in Section
1229 97-33-8, it shall be unlawful for any person or persons, firm,
1230 copartnership or corporation to have in possession, own, control,
1231 display, or operate any cane rack, knife rack, artful dodger,
1232 punch board, roll down, merchandise wheel, slot machine, pinball
1233 machine, or similar device or devices. Provided, however, that
1234 this section shall not be so construed as to make unlawful the
1235 ownership, possession, control, display or operation of any
1236 antique coin machine as defined in Section 27-27-12, or any music
1237 machine or bona fide automatic vending machine where the purchaser
1238 receives exactly the same quantity of merchandise on each
1239 operation of said machine. Any slot machine other than an antique
1240 coin machine as defined in Section 27-27-12 which delivers, or is
1241 so constructed as that by operation thereof it will deliver to the
1242 operator thereof anything of value in varying quantities, in
1243 addition to the merchandise received, and any slot machine other
1244 than an antique coin machine as defined in Section 27-27-12 that
1245 is constructed in such manner as that slugs, tokens, coins or



1246 similar devices are, or may be, used and delivered to the operator
1247 thereof in addition to merchandise of any sort contained in such
1248 machine, is hereby declared to be a gambling device, and shall be
1249 deemed unlawful under the provisions of this section. Provided,
1250 however, that pinball machines which do not return to the operator
1251 or player thereof anything but free additional games or plays
1252 shall not be deemed to be gambling devices, and neither this
1253 section nor any other law shall be construed to prohibit same.

1254 (2) No property right shall exist in any person, natural or
1255 artificial, or be vested in such person, in any or all of the
1256 devices described herein that are not exempted from the provisions
1257 of this section; and all such devices are hereby declared to be at
1258 all times subject to confiscation and destruction, and their
1259 possession shall be unlawful, except when in the possession of
1260 officers carrying out the provisions of this section. It shall be
1261 the duty of all law enforcing officers to seize and immediately
1262 destroy all such machines and devices.

1263 (3) A first violation of the provisions of this section
1264 shall be deemed a misdemeanor, and the party offending shall, upon
1265 conviction, be fined in any sum not exceeding Five Hundred Dollars
1266 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1267 in the discretion of the court. In the event of a second
1268 conviction for a violation of any of the provisions of this
1269 section, the party offending shall be subject to a sentence of not
1270 less than six (6) months in the county jail, nor more than two (2)



1271 years in the State Penitentiary, in the discretion of the trial
1272 court.

1273 (4) Notwithstanding any provision of this section to the
1274 contrary, it shall not be unlawful to operate any equipment or
1275 device described in subsection (1) of this section or any gaming,
1276 gambling or similar device or devices by whatever name called
1277 while:

1278 (a) On a cruise vessel as defined in Section 27-109-1
1279 whenever such vessel is in the waters within the State of
1280 Mississippi, which lie adjacent to the State of Mississippi south
1281 of the three (3) most southern counties in the State of
1282 Mississippi, including the Mississippi Sound, St. Louis Bay,
1283 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1284 of the county in which the port is located have not voted to
1285 prohibit such betting, gaming or wagering on cruise vessels as
1286 provided in Section 19-3-79;

1287 (b) In a structure located, in whole or in part, on
1288 shore in any of the three (3) most southern counties in the State
1289 of Mississippi in which the registered voters of the county have
1290 voted to allow such betting, gaming or wagering on cruise vessels
1291 as provided in Section 19-3-79, if:

1292 (i) The structure is owned, leased or controlled
1293 by a person possessing a gaming license, as defined in Section
1294 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1295 legal gaming could have been conducted by a person possessing a



1296 gaming license, as defined in Section 75-76-5, under paragraph (a)
1297 of this section, upon a docked cruise vessel * * * in the waters
1298 within the State of Mississippi adjacent to the location of the
1299 proposed structure at the mean high-water line (as defined in
1300 Section 29-15-1) referenced in and used pursuant to subparagraph
1301 (b) (ii) of this section;

1302 (ii) The part of the structure in which licensed
1303 gaming activities are conducted is located entirely in an area
1304 which is located no more than eight hundred (800) feet from any
1305 and all points of reference along the mean high-water line (as
1306 defined in Section 29-15-1) of the waters within the State of
1307 Mississippi, which lie adjacent to the State of Mississippi south
1308 of the three (3) most southern counties in the State of
1309 Mississippi, including the Mississippi Sound, St. Louis Bay,
1310 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1311 Sound at Harrison County only, no farther north than the southern
1312 boundary of the right-of-way for U.S. Highway 90, whichever is
1313 greater; and

1314 (iii) In the case of a structure that is located
1315 in whole or part on shore, the part of the structure in which
1316 licensed gaming activities are conducted shall * * * be located on
1317 property which is owned and/or leased solely by the person
1318 described in subparagraph (b) (i) of this section possessing the
1319 gaming license, as defined in Section 75-76-5, all such owned
1320 and/or leased property shall be subject to the exclusive use,



1321 possession and control of such licensee and all such owned and/or
1322 leased property must be contiguously owned and/or leased by such
1323 licensee from the area upon which the structure is located to all
1324 points on the mean high-water line referenced and used pursuant to
1325 subparagraph (b) (ii) of this section; provided that no portion of
1326 such owned and/or leased property shall include any portion of the
1327 sand beach, no mean high-water line referenced and used pursuant
1328 to subparagraph (b) (ii) of this section may be located adjacent to
1329 any portion of the sand beach and such owned and/or leased
1330 property at its narrowest point may not be less in width than
1331 required to accommodate a cruise vessel. As used in this
1332 subparagraph (b) (iii), sand beach shall mean the natural or
1333 manmade sand beach along any natural coastline which lies adjacent
1334 to the State of Mississippi south of the three (3) most southern
1335 counties in the State of Mississippi, including the Mississippi
1336 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1337 line drawn from any point along the mean high-water line
1338 referenced and used pursuant to subparagraph (b) (ii) of this
1339 section to any other point of reference to determine the legal
1340 location of the gaming floor in the structure must cross only
1341 property owned by and/or leased by and under the exclusive use,
1342 possession and control of the person described in subparagraph
1343 (b) (i) of this section possessing a gaming license, as defined in
1344 Section 75-76-5. A project must meet the minimum size, minimum
1345 improvements and other such project requirements set forth in



1346 rules and regulations adopted by the commission as authorized by
1347 Section 75-76-33 and Section 75-76-77. Easements * * * for
1348 rights-of-way for public streets and highways shall not be
1349 construed to interrupt the contiguous nature of the parcel, nor
1350 shall the footage contained within the easements and rights-of-way
1351 be counted in the calculation of the distances specified in
1352 subparagraph (ii) of this section;

1353 (c) On a vessel as defined in Section 27-109-1 whenever
1354 such vessel is on the Mississippi River or navigable waters within
1355 any county bordering on the Mississippi River, and in which the
1356 registered voters of the county in which the port is located have
1357 not voted to prohibit such betting, gaming or wagering on vessels
1358 as provided in Section 19-3-79; or

1359 (d) That is legal under the laws of the State of
1360 Mississippi.

1361 (5) Notwithstanding any provision of this section to the
1362 contrary, it shall not be unlawful (a) to own, possess, repair or
1363 control any gambling device, machine or equipment in a licensed
1364 gaming establishment or on the business premises appurtenant to
1365 any such licensed gaming establishment during any period of time
1366 in which such licensed gaming establishment is being constructed,
1367 repaired, maintained or operated in this state; (b) to install any
1368 gambling device, machine or equipment in any licensed gaming
1369 establishment; (c) to possess or control any gambling device,
1370 machine or equipment during the process of procuring or



1371 transporting such device, machine or equipment for installation on
1372 any such licensed gaming establishment; or (d) to store in a
1373 warehouse or other storage facility any gambling device, machine,
1374 equipment, or part thereof, regardless of whether the county or
1375 municipality in which the warehouse or storage facility is located
1376 has approved gaming aboard cruise vessels or vessels, provided
1377 that such device, machine or equipment is operated only in a
1378 county or municipality that has approved gaming aboard cruise
1379 vessels or vessels. Any gambling device, machine or equipment
1380 that is owned, possessed, controlled, installed, procured,
1381 repaired, transported or stored in accordance with this subsection
1382 shall not be subject to confiscation, seizure or destruction, and
1383 any person, firm, partnership or corporation which owns,
1384 possesses, controls, installs, procures, repairs, transports or
1385 stores any gambling device, machine or equipment in accordance
1386 with this subsection shall not be subject to any prosecution or
1387 penalty under this section. Any person constructing or repairing
1388 such cruise vessels or vessels within a municipality shall comply
1389 with all municipal ordinances protecting the general health or
1390 safety of the residents of the municipality.

1391 **SECTION 18.** Section 97-33-17, Mississippi Code of 1972, is
1392 amended as follows:

1393 97-33-17. (1) All monies exhibited for the purpose of
1394 betting or alluring persons to bet at any game, and all monies
1395 staked or betted, shall be liable to seizure by any sheriff,



1396 constable, or police officer, together with all the appliances
1397 used or kept for use in gambling, or by any other person; and all
1398 the monies so seized shall be accounted for by the person making
1399 the seizure, and all appliances seized shall be destroyed;
1400 provided, however, this section shall not apply to betting, gaming
1401 or wagering on:

1402 (a) A cruise vessel as defined in Section 27-109-1
1403 whenever such vessel is in the waters within the State of
1404 Mississippi, which lie adjacent to the State of Mississippi south
1405 of the three (3) most southern counties in the State of
1406 Mississippi, including the Mississippi Sound, St. Louis Bay,
1407 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1408 of the county in which the port is located have not voted to
1409 prohibit such betting, gaming or wagering on cruise vessels as
1410 provided in Section 19-3-79;

1411 (b) In a structure located in whole or in part on shore
1412 in any of the three (3) most southern counties in the State of
1413 Mississippi in which the registered voters of the county have
1414 voted to allow such betting, gaming or wagering on cruise vessels
1415 as provided in Section 19-3-79, if:

1416 (i) The structure is owned, leased or controlled
1417 by a person possessing a gaming license, as defined in Section
1418 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1419 legal gaming could have been conducted by a person possessing a
1420 gaming license, as defined in Section 75-76-5, under paragraph (a)



1421 of this section, upon a docked cruise vessel * * * in the waters
1422 within the State of Mississippi adjacent to the location of the
1423 proposed structure at the mean high-water line (as defined in
1424 Section 29-15-1) referenced in and used pursuant to subparagraph
1425 (b) (ii) of this section;

1426 (ii) The part of the structure in which licensed
1427 gaming activities are conducted is located entirely in an area
1428 which is located no more than eight hundred (800) feet from any
1429 and all points of reference along the mean high-water line (as
1430 defined in Section 29-15-1) of the waters within the State of
1431 Mississippi, which lie adjacent to the State of Mississippi south
1432 of the three (3) most southern counties in the State of
1433 Mississippi, including the Mississippi Sound, St. Louis Bay,
1434 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1435 Sound at Harrison County only, no farther north than the southern
1436 boundary of the right-of-way for U.S. Highway 90, whichever is
1437 greater; and

1438 (iii) In the case of a structure that is located
1439 in whole or part on shore, the part of the structure in which
1440 licensed gaming activities are conducted shall * * * be located on
1441 property which is owned and/or leased solely by the person
1442 described in subparagraph (b) (i) of this section possessing the
1443 gaming license, as defined in Section 75-76-5, all such owned
1444 and/or leased property shall be subject to the exclusive use,
1445 possession and control of such licensee and all such owned and/or



1446 leased property must be contiguously owned and/or leased by such
1447 licensee from the area upon which the structure is located to all
1448 points on the mean high-water line referenced and used pursuant to
1449 subparagraph (b) (ii) of this section; provided that no portion of
1450 such owned and/or leased property shall include any portion of the
1451 sand beach, no mean high-water line referenced and used pursuant
1452 to subparagraph (b) (ii) of this section may be located adjacent to
1453 any portion of the sand beach and such owned and/or leased
1454 property at its narrowest point may not be less in width than
1455 required to accommodate a cruise vessel. As used in this
1456 subparagraph (b) (iii), sand beach shall mean the natural or
1457 manmade sand beach along any natural coastline which lies adjacent
1458 to the State of Mississippi south of the three (3) most southern
1459 counties in the State of Mississippi, including the Mississippi
1460 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1461 line drawn from any point along the mean high-water line
1462 referenced and used pursuant to subparagraph (b) (ii) of this
1463 section to any other point of reference to determine the legal
1464 location of the gaming floor in the structure must cross only
1465 property owned by and/or leased by and under the exclusive use,
1466 possession and control of the person described in subparagraph
1467 (b) (i) of this section possessing a gaming license, as defined in
1468 Section 75-76-5. A project must meet the minimum size, minimum
1469 improvements and other such project requirements set forth in
1470 rules and regulations adopted by the commission as authorized by



1471 Section 75-76-33 and Section 75-76-77. Easements * * * for
1472 rights-of-way for public streets and highways shall not be
1473 construed to interrupt the contiguous nature of the parcel, nor
1474 shall the footage contained within the easements and rights-of-way
1475 be counted in the calculation of the distances specified in
1476 subparagraph (ii) * * * of this section;

1477 (c) A vessel as defined in Section 27-109-1 whenever
1478 such vessel is on the Mississippi River or navigable waters within
1479 any county bordering on the Mississippi River, and in which the
1480 registered voters of the county in which the port is located have
1481 not voted to prohibit such betting, gaming or wagering on vessels
1482 as provided in Section 19-3-79; or

1483 (d) That is legal under the laws of the State of
1484 Mississippi.

1485 (2) Nothing in this section shall apply to any gambling
1486 device, machine or equipment that is owned, possessed, controlled,
1487 installed, procured, repaired or transported in accordance with
1488 subsection (4) of Section 97-33-7.

1489 **SECTION 19.** Section 97-33-25, Mississippi Code of 1972, is
1490 amended as follows:

1491 97-33-25. If any person shall sell or buy, either directly
1492 or indirectly, any chance in what is commonly called pool, upon
1493 any event whatever, or shall in any manner engage in such business
1494 or pastime, he shall be fined not more than Five Hundred Dollars
1495 (\$500.00) or shall be imprisoned in the county jail not more than



1496 ninety (90) days; provided, however, this section shall not apply
1497 to betting, gaming or wagering:

1498 (a) On a cruise vessel as defined in Section 27-109-1
1499 whenever such vessel is in the waters within the State of
1500 Mississippi, which lie adjacent to the State of Mississippi south
1501 of the three (3) most southern counties in the State of
1502 Mississippi, including the Mississippi Sound, St. Louis Bay,
1503 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1504 of the county in which the port is located have not voted to
1505 prohibit such betting, gaming or wagering on cruise vessels as
1506 provided in Section 19-3-79;

1507 (b) In a structure located in whole or in part on shore
1508 in any of the three (3) most southern counties in the State of
1509 Mississippi in which the registered voters of the county have
1510 voted to allow such betting, gaming or wagering on cruise vessels
1511 as provided in Section 19-3-79, if:

1512 (i) The structure is owned, leased or controlled
1513 by a person possessing a gaming license, as defined in Section
1514 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1515 legal gaming could have been conducted by a person possessing a
1516 gaming license, as defined in Section 75-76-5, under paragraph (a)
1517 of this section, upon a docked cruise vessel * * * in the waters
1518 within the State of Mississippi adjacent to the location of the
1519 proposed structure at the mean high-water line (as defined in



1520 Section 29-15-1) referenced in and used pursuant to subparagraph
1521 (b) (ii) of this section;

1522 (ii) The part of the structure in which licensed
1523 gaming activities are conducted is located entirely in an area
1524 which is located no more than eight hundred (800) feet from any
1525 and all points of reference along the mean high-water line (as
1526 defined in Section 29-15-1) of the waters within the State of
1527 Mississippi, which lie adjacent to the State of Mississippi south
1528 of the three (3) most southern counties in the State of
1529 Mississippi, including the Mississippi Sound, St. Louis Bay,
1530 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1531 Sound at Harrison County only, no farther north than the southern
1532 boundary of the right-of-way for U.S. Highway 90, whichever is
1533 greater; and

1534 (iii) In the case of a structure that is located
1535 in whole or part on shore, the part of the structure in which
1536 licensed gaming activities are conducted shall * * * be located on
1537 property which is owned and/or leased solely by the person
1538 described in subparagraph (b) (i) of this section possessing the
1539 gaming license, as defined in Section 75-76-5, all such owned
1540 and/or leased property shall be subject to the exclusive use,
1541 possession and control of such licensee and all such owned and/or
1542 leased property must be contiguously owned and/or leased by such
1543 licensee from the area upon which the structure is located to all
1544 points on the mean high-water line referenced and used pursuant to



1545 subparagraph (b) (ii) of this section; provided that no portion of
1546 such owned and/or leased property shall include any portion of the
1547 sand beach, no mean high-water line referenced and used pursuant
1548 to subparagraph (b) (ii) of this section may be located adjacent to
1549 any portion of the sand beach and such owned and/or leased
1550 property at its narrowest point may not be less in width than
1551 required to accommodate a cruise vessel. As used in this
1552 subparagraph (b) (iii), sand beach shall mean the natural or
1553 manmade sand beach along any natural coastline which lies adjacent
1554 to the State of Mississippi south of the three (3) most southern
1555 counties in the State of Mississippi, including the Mississippi
1556 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1557 line drawn from any point along the mean high-water line
1558 referenced and used pursuant to subparagraph (b) (ii) of this
1559 section to any other point of reference to determine the legal
1560 location of the gaming floor in the structure must cross only
1561 property owned by and/or leased by and under the exclusive use,
1562 possession and control of the person described in subparagraph
1563 (b) (i) of this section possessing a gaming license, as defined in
1564 Section 75-76-5. A project must meet the minimum size, minimum
1565 improvements and other such project requirements set forth in
1566 rules and regulations adopted by the commission as authorized by
1567 Section 75-76-33 and Section 75-76-77. Easements * * * for
1568 rights-of-way for public streets and highways shall not be
1569 construed to interrupt the contiguous nature of the parcel, nor



1570 shall the footage contained within the easements and rights-of-way
1571 be counted in the calculation of the distances specified in
1572 subparagraph (ii) * * * of this section;

1573 (c) On a vessel as defined in Section 27-109-1 whenever
1574 such vessel is on the Mississippi River or navigable waters within
1575 any county bordering on the Mississippi River, and in which the
1576 registered voters of the county in which the port is located have
1577 not voted to prohibit such betting, gaming or wagering on vessels
1578 as provided in Section 19-3-79; or

1579 (d) That is legal under the laws of the State of
1580 Mississippi.

1581 **SECTION 20.** Section 97-33-27, Mississippi Code of 1972, is
1582 amended as follows:

1583 97-33-27. If any person shall bet on a horse race or a yacht
1584 race or on a shooting match, he shall be fined not more than Five
1585 Hundred Dollars (\$500.00), and, unless the fine and costs be
1586 immediately paid, he shall be imprisoned in the county jail not
1587 more than ninety (90) days; provided, however, this section shall
1588 not apply to betting, gaming or wagering:

1589 (a) On a cruise vessel as defined in Section 27-109-1
1590 whenever such vessel is in the waters within the State of
1591 Mississippi, which lie adjacent to the State of Mississippi south
1592 of the three (3) most southern counties in the State of
1593 Mississippi, including the Mississippi Sound, St. Louis Bay,
1594 Biloxi Bay and Pascagoula Bay, and in which the registered voters



1595 of the county in which the port is located have not voted to
1596 prohibit such betting, gaming or wagering on cruise vessels as
1597 provided in Section 19-3-79;

1598 (b) In a structure located in whole or in part on shore
1599 in any of the three (3) most southern counties in the State of
1600 Mississippi in which the registered voters of the county have
1601 voted to allow such betting, gaming or wagering on cruise vessels
1602 as provided in Section 19-3-79, if:

1603 (i) The structure is owned, leased or controlled
1604 by a person possessing a gaming license, as defined in Section
1605 75-76-5, to conduct legal gaming * * * and before August 29, 2005,
1606 legal gaming could have been conducted by a person possessing a
1607 gaming license, as defined in Section 75-76-5, under paragraph (a)
1608 of this section, upon a docked cruise vessel * * * in the waters
1609 within the State of Mississippi adjacent to the location of the
1610 proposed structure at the mean high-water line (as defined in
1611 Section 29-15-1) referenced in and used pursuant to subparagraph
1612 (b) (ii) of this section;

1613 (ii) The part of the structure in which licensed
1614 gaming activities are conducted is located entirely in an area
1615 which is located no more than eight hundred (800) feet from any
1616 and all points of reference along the mean high-water line (as
1617 defined in Section 29-15-1) of the waters within the State of
1618 Mississippi, which lie adjacent to the State of Mississippi south
1619 of the three (3) most southern counties in the State of



1620 Mississippi, including the Mississippi Sound, St. Louis Bay,
1621 Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi
1622 Sound at Harrison County only, no farther north than the southern
1623 boundary of the right-of-way for U.S. Highway 90, whichever is
1624 greater; and

1625 (iii) In the case of a structure that is located
1626 in whole or part on shore, the part of the structure in which
1627 licensed gaming activities are conducted shall * * * be located on
1628 property which is owned and/or leased solely by the person
1629 described in subparagraph (b) (i) of this section possessing the
1630 gaming license, as defined in Section 75-76-5, all such owned
1631 and/or leased property shall be subject to the exclusive use,
1632 possession and control of such licensee and all such owned and/or
1633 leased property must be contiguously owned and/or leased by such
1634 licensee from the area upon which the structure is located to all
1635 points on the mean high-water line referenced and used pursuant to
1636 subparagraph (b) (ii) of this section; provided that no portion of
1637 such owned and/or leased property shall include any portion of the
1638 sand beach, no mean high-water line referenced and used pursuant
1639 to subparagraph (b) (ii) of this section may be located adjacent to
1640 any portion of the sand beach and such owned and/or leased
1641 property at its narrowest point may not be less in width than
1642 required to accommodate a cruise vessel. As used in this
1643 subparagraph (b) (iii), sand beach shall mean the natural or
1644 manmade sand beach along any natural coastline which lies adjacent



1645 to the State of Mississippi south of the three (3) most southern
1646 counties in the State of Mississippi, including the Mississippi
1647 Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. An imaginary
1648 line drawn from any point along the mean high-water line
1649 referenced and used pursuant to subparagraph (b)(ii) of this
1650 section to any other point of reference to determine the legal
1651 location of the gaming floor in the structure must cross only
1652 property owned by and/or leased by and under the exclusive use,
1653 possession and control of the person described in subparagraph
1654 (b)(i) of this section possessing a gaming license, as defined in
1655 Section 75-76-5. A project must meet the minimum size, minimum
1656 improvements and other such project requirements set forth in
1657 rules and regulations adopted by the commission as authorized by
1658 Section 75-76-33 and Section 75-76-77. Easements * * * for
1659 rights-of-way for public streets and highways shall not be
1660 construed to interrupt the contiguous nature of the parcel, nor
1661 shall the footage contained within the easements and rights-of-way
1662 be counted in the calculation of the distances specified in
1663 subparagraph (ii) * * * of this section;

1664 (c) On a vessel as defined in Section 27-109-1 whenever
1665 such vessel is on the Mississippi River or navigable waters within
1666 any county bordering on the Mississippi River, and in which the
1667 registered voters of the county in which the port is located have
1668 not voted to prohibit such betting, gaming or wagering on vessels
1669 as provided in Section 19-3-79; or



1670 (d) That is legal under the laws of the State of
1671 Mississippi.

1672 **SECTION 21.** Section 29-15-7, Mississippi Code of 1972, is
1673 brought forward as follows:

1674 29-15-7. (1) The Secretary of State, in cooperation with
1675 other state agencies, shall prepare a Preliminary Map of Public
1676 Trust Tidelands. The preliminary map shall depict the boundary as
1677 the current mean high water line where shoreline is undeveloped
1678 and in developed areas or where there have been encroachments,
1679 such maps shall depict the boundary as the determinable mean high
1680 water line nearest the effective date of the Coastal Wetlands
1681 Protection Act.

1682 (2) The state recognizes that the boundary of the public
1683 trust tidelands is ambulatory and that the natural inland
1684 expansion of tide waters over land not previously subject to the
1685 ebb and flow of the tide increases the land subject to the public
1686 trust, while natural accretion, the gradual and imperceptible
1687 accumulation of land by natural causes, and natural reliction, the
1688 increase of land by permanent withdrawal or retrocession of tidal
1689 waters by natural causes, diminish the land subject to the public
1690 trust and increase the property owned by the contiguous upland
1691 owner. Likewise, the state recognizes the common law doctrine as
1692 it pertains to such tidelands, submerged lands and riparian and
1693 littoral rights and declares such to be the law of this state.



1694 (3) The preliminary map shall be transmitted to each of the
1695 chancery clerks of the coastal counties, and each chancery clerk
1696 shall post such map in a public place in his office. The
1697 Secretary of State shall also cause to be published in a newspaper
1698 of general circulation within each coastal county a notice
1699 announcing that a copy of the Preliminary Map of Public Trust
1700 Tidelands is available for public inspection at the office of the
1701 chancery clerk of that county, and shall post a similar notice in
1702 at least three (3) public places in each coastal county in this
1703 state. The preliminary map shall also be open to public
1704 inspection at the office of the Secretary of State.

1705 (4) The Secretary of State shall allow sixty (60) days after
1706 publication of the preliminary map for submission of comments
1707 and/or additional documentation and may, at his discretion, revise
1708 the map accordingly. Within twenty (20) days of the completion of
1709 the period for submission of comments, the Secretary of State
1710 shall have incorporated any revisions to the Preliminary Map of
1711 Public Trust Tidelands and certify its final adoption. The
1712 certified map as finally adopted shall be published as provided
1713 hereinabove. The final certified map shall be duly recorded in
1714 the land records of the chancery clerks office in Hancock,
1715 Harrison and Jackson Counties. Upon recordation, the certified
1716 map shall be final to those properties not subject to the trust.
1717 The Secretary of State shall issue to all consenting property
1718 owners a certificate stating that the described property does not



1719 lie within the boundary of the public trust tidelands and is not
1720 subject to the trust. The Secretary of State shall duly file such
1721 certificates with the proper chancery clerks office for
1722 recordation. In addition, the certified map shall be placed in
1723 the Secretary of State's permanent register which shall be open to
1724 public inspection. Within one hundred twenty (120) days of final
1725 adoption of the certified map, the Secretary of State shall
1726 determine those property owners whose lands are subject of the
1727 public trust and are in violation of such trust. The Secretary of
1728 State shall notify all such owners by certified mail and shall
1729 include an explanation of the procedure available to the occupant
1730 to resolve any dispute with respect to this map. The notice shall
1731 also inform occupants that after three (3) years the boundary as
1732 set forth in the certified map shall become final unless the
1733 occupant has submitted a contrary claim to the office of the
1734 Secretary of State. Such property owner shall have six (6) months
1735 to negotiate and settle differences with the Secretary of State.
1736 The Secretary of State may allow extensions at his discretion. A
1737 boundary determination shall be final upon agreement of the
1738 Secretary of State and the owner and an instrument setting forth
1739 the boundary agreement shall be duly executed and recorded in the
1740 chancery court where the property is located. Any such boundary
1741 agreement shall be binding on the state and other parties thereto.

1742 (5) If any dispute as to the location of the boundary of the
1743 public trust cannot be negotiated and settled between the affected



1744 property owners and the Secretary of State within six (6) months
1745 after notice by the state of its claim, either the state or a
1746 person claiming an interest in the property may apply to the
1747 chancery court of the county in which the property is located for
1748 a resolution of the dispute and a determination of the location of
1749 the boundary. All persons having an interest in the property
1750 subject to the dispute shall be made a party to such proceeding.
1751 In any such action, the state shall have the burden of proof by a
1752 preponderance of evidence that any such land is subject to the
1753 trust.

1754 (6) Nothing in this section is intended to preclude any
1755 party from pursuing remedies otherwise available at law, including
1756 but not limited to those provided in Sections 11-17-1 et seq.,
1757 except that if no action is taken by the occupant within three (3)
1758 years of receipt of notice as described above, the boundary as
1759 determined by the certified map shall become final.

1760 **SECTION 22.** Section 29-15-11, Mississippi Code of 1972, is
1761 brought forward as follows:

1762 29-15-11. Upon the proper authorized leasing of any state
1763 public trust tidelands, or submerged lands, the lessee shall be
1764 responsible for any county or municipal tax levy upon the
1765 leasehold interest.

1766 **SECTION 23.** Section 29-15-15, Mississippi Code of 1972, is
1767 brought forward as follows:



1768 29-15-15. The Legislature hereby declares that accurate maps
1769 of coastal areas are required for many public purposes, and a
1770 state public trust tidelands mapping program establishing uniform
1771 standards and procedures is declared to be in the public interest.

1772 **SECTION 24.** Section 29-15-17, Mississippi Code of 1972, is
1773 brought forward as follows:

1774 29-15-17. (1) After the preparation and publication of the
1775 certified preliminary map, as finally adopted and provided for in
1776 Section 29-15-7, the commission is authorized and directed to
1777 conduct a comprehensive program of public trust tidelands boundary
1778 mapping with the object of providing accurate surveys of such
1779 lands of the state.

1780 (2) In addition to other such powers as may be specifically
1781 delegated to it, the commission is authorized to perform the
1782 following functions:

1783 (a) To coordinate the efforts of all public and private
1784 agencies and organizations engaged in the making of tidal surveys
1785 and maps of the coastal areas of this state, with the object of
1786 avoiding unnecessary duplication and overlapping;

1787 (b) To serve as a coordinating state agency for any
1788 program of tidal surveying and mapping conducted by the federal
1789 government;

1790 (c) To assist any court, tribunal, administrative
1791 agency or political subdivision, and to make available to them



1792 information regarding tidal surveying and coastal boundary
1793 determinations;

1794 (d) To contract with federal, state or local agencies
1795 or with private parties for the performance of any surveys,
1796 studies, investigations or mapping activities, for preparation and
1797 publication of the results thereof, or for other authorized
1798 functions relating to the objectives of this part;

1799 (e) To develop permanent records of tidal surveys and
1800 maps of the state's coastal areas;

1801 (f) To develop uniform specifications and regulations
1802 for tidal surveying and mapping coastal areas of the state;

1803 (g) To collect and preserve appropriate survey data
1804 from coastal areas; and

1805 (h) To act as a public repository for copies of coastal
1806 area maps and to establish a library of such maps and charts.

1807 **SECTION 25.** Section 29-15-19, Mississippi Code of 1972, is
1808 brought forward as follows:

1809 29-15-19. All maps produced under this program shall conform
1810 at least to minimal national map accuracy standards.

1811 **SECTION 26.** Section 29-15-21, Mississippi Code of 1972, is
1812 brought forward as follows:

1813 29-15-21. The establishment of local tidal datums and the
1814 determination of the location of the mean high water line or the
1815 mean low water line, whether by federal, state or local agencies
1816 or private parties, shall be made in accordance with the standards



1817 and procedures set forth in this chapter, and in accordance with
1818 supplementary regulations promulgated by the commission.

1819 **SECTION 27.** Section 29-15-23, Mississippi Code of 1972, is
1820 brought forward as follows:

1821 29-15-23. (1) The establishment of local tidal datums and
1822 the determination of the location of the mean high water line or
1823 the mean low water line shall be performed by qualified personnel
1824 licensed by the Board of Professional Land Surveyors or by
1825 representatives of the United States Government when approved by
1826 the commission.

1827 (2) The location of the mean high water line or the mean low
1828 water line shall be determined by methods which are approved by
1829 the commission for the area concerned.

1830 **SECTION 28.** Section 59-15-3, Mississippi Code of 1972, is
1831 brought forward as follows:

1832 59-15-3. All improvements and facilities constructed
1833 pursuant to this chapter shall be maintained and operated under
1834 the control of the city authorities. The city authorities of such
1835 city, or cities, shall, subject to and in accordance with any
1836 agreement, or agreements, as may be made by any such city with the
1837 purchaser, or purchasers, of bonds or other obligations issued
1838 pursuant to this chapter, prescribe, levy and collect all rent,
1839 fees, tolls, revenues, privileges, commissions, and other charges
1840 in connection with the operation, use and occupancy of the
1841 aforesaid improvements and facilities, and shall pay over all net



1842 revenues derived from the operation of said improvements and
1843 facilities to any trustee or successor thereto designated as
1844 hereinafter in this chapter provided. The net revenues shall be
1845 deemed to be such as may be defined in any agreement, or
1846 agreements, entered into between any such city, and the purchaser,
1847 or purchasers, of any bonds or other obligations issued pursuant
1848 to this chapter. The authorities of any such city, or cities,
1849 shall make a financial report to the said trustee annually of the
1850 operation of the aforesaid improvements and facilities.

1851 **SECTION 29.** Section 59-15-5, Mississippi Code of 1972, is
1852 brought forward as follows:

1853 59-15-5. In connection with the issuance of bonds or other
1854 obligations by any municipality pursuant to this chapter or in
1855 order to secure the payment of said bonds or other obligations,
1856 such municipality shall have power:

1857 (a) To accept grants from the United States of America,
1858 the President of the United States, or such agencies,
1859 instrumentalities or corporations as may be designated or created
1860 to make grants or loans (hereinafter termed "federal agency")
1861 pursuant to any act of the Congress of the United States providing
1862 for the construction of useful public works for or in aid of work,
1863 development authorized by this chapter.

1864 (b) To make such contracts and execute such instruments
1865 containing such provisions, covenants and conditions as in the
1866 discretion of the authorities of any such municipalities may be



1867 necessary, proper or advisable for the purpose of obtaining or
1868 securing grants, loans, or other financial assistance from any
1869 federal agency pursuant to any act of Congress of the United
1870 States, to make such further, different or additional contracts
1871 and execute all instruments necessary or convenient in or for the
1872 furtherance of any work, development or improvement, including but
1873 not limited to all property real and personal appurtenant thereto
1874 or connected therewith and the existing work, development or
1875 improvement, if any, to which the work, development or improvement
1876 authorized by this chapter is an extension, addition, betterment
1877 or embellishment (hereinafter termed "work, development or
1878 improvement"), to carry out and perform the terms and conditions
1879 of any such contract or instrument.

1880 (c) To pledge all or any part of the fees, rents,
1881 tolls, revenues or other charges received or receivable by such
1882 municipality from any work, development or improvement to which
1883 its right then exists or the right to which may thereafter come
1884 into existence.

1885 (d) To covenant against the pledging of all or any part
1886 of the fees, rents, tolls, revenues or other charges received or
1887 receivable by such municipality from any work, development or
1888 improvement to which its right then exists or the right to which
1889 may thereafter come into existence so long as any of the bonds or
1890 other obligations issued under the provisions of this chapter
1891 remain unpaid.



1892 (e) To covenant against the incumbering of all or any
1893 part of any work, development or improvement or against permitting
1894 or suffering any lien thereon so long as any of the bonds or other
1895 obligations issued under the provisions of this chapter remain
1896 unpaid.

1897 (f) To covenant as to what other or additional debt may
1898 be incurred by such municipality.

1899 (g) To provide for the preparation, specifications,
1900 terms, form, registration, extension, execution and authentication
1901 of any bonds or other obligations issued pursuant to this chapter.

1902 (h) To provide for the replacement of lost, destroyed
1903 or mutilated bonds or other obligations issued pursuant to this
1904 chapter.

1905 (i) To covenant as to the fees, rents, revenues,
1906 concessions or tolls to be charged, the amount to be raised each
1907 year or other period of time and as to the use and disbursement to
1908 be made thereof.

1909 (j) To covenant to set aside or to pay over reserves
1910 and sinking funds and as to the disposal thereof.

1911 (k) To redeem prior to maturity, with or without
1912 premium, bonds or other obligations issued pursuant to this
1913 chapter and to covenant for their prior redemption and to provide
1914 the terms and conditions thereof.

1915 (l) To covenant against extending the time for the
1916 payment of the interest on or principal of the bonds or other



1917 obligations issued pursuant to this chapter directly or indirectly
1918 by any means or in any manner.

1919 (m) To covenant as to books of account of such
1920 municipality and as to the inspection and audit thereof and as to
1921 the accounting methods.

1922 (n) To covenant as to the rights, liabilities, powers
1923 and duties arising upon the breach by such municipality of any
1924 covenant, condition or obligation assumed pursuant to this
1925 chapter.

1926 (o) To make such covenants and do any and all such acts
1927 and things as may be necessary, convenient or desirable in order
1928 to secure any bonds or other obligations issued pursuant to this
1929 chapter or in the absolute discretion of the authorities of such
1930 municipality in order to make such bonds or other obligations more
1931 marketable, notwithstanding that such covenants, acts, or things
1932 may not be enumerated herein or expressly authorized herein; it
1933 being the intention hereby to give the authorities of any
1934 municipality issuing bonds or other obligations pursuant to this
1935 chapter the power to do all things in the issuance of said bonds
1936 or other obligations and for their execution that may not be
1937 inconsistent with the constitution of the State of Mississippi.

1938 **SECTION 30.** Section 59-15-7, Mississippi Code of 1972, is
1939 brought forward as follows:

1940 59-15-7. Any city as is described in Section 59-15-1, is
1941 hereby given authority, upon the adoption of a resolution to such



1942 effect, to issue bonds or other obligations for any or all of the
1943 purposes as in this chapter herein provided; but such bonds or
1944 other obligations shall not be issued unless and until the
1945 governing authorities of the municipality are first authorized and
1946 requested so to do by a petition signed by not less than
1947 seventy-five per cent of the qualified electors of the
1948 municipality, or until authorized so to do by two-thirds of the
1949 qualified electors of the municipality who vote in an election
1950 called for that purpose. Said petition, or the ballot used in
1951 such election, as the case may be, shall disclose the purposes for
1952 which said funds are sought, and all funds derived thereunder
1953 shall be kept in a separate account by the municipality and shall
1954 be used solely for the purposes set forth in said petition, or
1955 upon the aforesaid ballot, as the case may be. The books of
1956 accounts and other sources of information pertaining to duties
1957 under the provisions of this chapter of any such city shall be and
1958 remain at all times open to inspection and subject to audit by the
1959 holder or holders of any bonds or other obligations issued
1960 pursuant to this chapter.

1961 **SECTION 31.** Section 59-15-9, Mississippi Code of 1972, is
1962 brought forward as follows:

1963 59-15-9. The bonds or other obligations issued by any
1964 municipality of the State of Mississippi pursuant to the
1965 provisions of this chapter shall be secured as to payment as
1966 hereinafter in this chapter provided, and in addition thereto



1967 shall be secured as to payment by the full faith and credit of the
1968 municipality issuing the same, and the governing authorities of
1969 such municipality shall annually levy a tax on all the taxable
1970 property of such municipality sufficient to produce an amount,
1971 which, when added to the net revenues hereinafter in this chapter
1972 authorized to be pledged for the payment thereof, will be
1973 sufficient to pay all interest and principal of such bonds which
1974 may mature during such annual period. Such bonds or other
1975 obligations so issued, being additionally secured as to payment as
1976 hereinafter in this chapter provided, shall not be construed as a
1977 debt within the meaning of any statutory limitation as to the
1978 amount of which may be incurred by any such municipality.

1979 **SECTION 32.** Section 59-15-11, Mississippi Code of 1972, is
1980 brought forward as follows:

1981 59-15-11. The power to issue bonds or other obligations
1982 authorized by Sections 59-15-1 through 59-15-9, shall be vested
1983 in, and may be exercised from time to time by, the governing body
1984 of any municipality described in said sections. Such bonds or
1985 other obligations shall be authorized by resolution of the
1986 governing body of any such municipality and shall bear such date
1987 or dates, mature at such time or times, not exceeding twenty-five
1988 years from their respective dates, bear interest at such rate or
1989 rates, not exceeding four per centum per annum, be in such
1990 denomination, be in such form, either coupon or registered, carry
1991 such registration privileges, be executed in such manner, be



1992 payable in such medium of payment, at such place or places, and be
1993 subject to such terms of prior redemption, with or without premium
1994 as such resolution or resolutions may provide. Such bonds or other
1995 obligations may be sold at public or private sale for such price
1996 or prices as the governing body of such municipality shall
1997 determine, provided that the interest cost to maturity of the
1998 money received from any issue of said bonds or other obligations
1999 shall not exceed four per centum per annum. Such bonds or other
2000 obligations may be issued by any municipality described in
2001 Sections 59-15-1 through 59-15-9 in a principal amount not
2002 exceeding in the aggregate One Hundred Thousand Dollars
2003 (\$100,000.00), for any purpose or purposes authorized by said
2004 sections. Such municipality shall have power out of any funds
2005 available to purchase any bonds or other obligations issued by it
2006 pursuant to this chapter, and all bonds or other obligations so
2007 purchased shall be canceled and no bonds or other obligations
2008 shall be issued in lieu thereof. In anticipation of the issuance
2009 of the definitive bonds authorized by this chapter, any such
2010 municipality may issue interim certificates. Such interim
2011 certificates shall be in such form, contain such terms, conditions
2012 or provisions, bear such date or dates, and evidence such
2013 agreement or agreements relating to their discharge by payment or
2014 by the delivery of the definitive bonds, as such municipality by
2015 resolution of its governing body may determine. Any bonds,
2016 interim certificates or other obligations issued pursuant to this



2017 chapter shall be fully negotiable within the meaning and for all
2018 the purposes of the Mississippi Uniform Commercial Code.

2019 **SECTION 33.** Section 59-15-13, Mississippi Code of 1972, is
2020 brought forward as follows:

2021 59-15-13. The proceeds from the sale of any bonds or other
2022 obligations issued pursuant to this chapter shall be placed to the
2023 credit of the municipality issuing such bonds in a bank or banks
2024 which are members of the Federal Reserve System and may be
2025 withdrawn therefrom in accordance with any agreement or agreements
2026 entered into between such municipality and the purchaser or
2027 purchasers of such bonds or other obligations and shall be used
2028 for no other purpose than the purpose or purposes set forth in the
2029 original resolution of the governing body of such municipality.
2030 Any officer or other person diverting or assisting to divert any
2031 such funds to any other purpose or purposes than the purpose or
2032 purposes originally set forth in said resolution of the governing
2033 body of such municipality shall be guilty of a felony and
2034 punishable accordingly, and shall be liable both personally and on
2035 official bond for such diversion. Nothing in this chapter shall
2036 be construed as a guarantee on the part of such city to pay the
2037 principal of or interest on any bonds or other obligations issued
2038 pursuant to this chapter.

2039 **SECTION 34.** Section 59-15-15, Mississippi Code of 1972, is
2040 brought forward as follows:



2041 59-15-15. Any municipality issuing bonds or other
2042 obligations pursuant to this chapter by resolution or resolutions
2043 duly adopted, is hereby given authority to execute and deliver a
2044 mortgage or deed of trust on any or all lands, properties,
2045 improvements and facilities, the acquisition, construction,
2046 maintenance or operation of which are provided for by this
2047 chapter. Such resolution or resolutions of such municipality shall
2048 prescribe the provisions, covenants and conditions of any such
2049 mortgage or deed of trust. Such provisions, covenants and
2050 conditions, if not self-executing, may be enforced by appropriate
2051 proceedings, either in law or in equity.

2052 **SECTION 35.** Section 59-15-17, Mississippi Code of 1972, is
2053 brought forward as follows:

2054 59-15-17. Bonds or other obligations issued pursuant to this
2055 chapter and any interest thereon or income therefrom shall be
2056 exempt from all taxation, except gift, transfer or inheritance
2057 taxes, in so far as may be within the power of the State of
2058 Mississippi so to provide.

2059 **SECTION 36.** Section 59-15-19, Mississippi Code of 1972, is
2060 brought forward as follows:

2061 59-15-19. Any municipality issuing bonds or other
2062 obligations pursuant to this chapter shall, so long as any such
2063 bonds or other obligations remain outstanding and unpaid, by
2064 resolution or resolutions duly adopted, authorize and appoint a
2065 trustee, satisfactory to the purchaser or purchasers of any bonds



2066 or other obligations issued pursuant to this chapter, or any
2067 successor thereto, with the following powers and duties:

2068 (a) Such trustee so appointed, or any successor
2069 thereto, shall receive and receipt for all money paid or to be
2070 paid to it in accordance with Section 59-15-3, constituting the
2071 net revenues derived from the operation of the improvements and
2072 facilities authorized by this chapter;

2073 (b) Such trustee so appointed, or any successor
2074 thereto, shall deposit all money received or to be received, in a
2075 special account or accounts in a bank or banks which are members
2076 of the Federal Reserve System, with such provisions for security
2077 therefor as may be incorporated in any agreement or agreements
2078 entered into between any such municipality and the purchaser or
2079 purchasers of any such bonds or other obligations;

2080 (c) Such trustee so appointed, or any successor
2081 thereto, shall use and apply all such money so received to the
2082 payment of principal of and interest on any bonds or other
2083 obligations issued by any municipality pursuant to this chapter,
2084 as the same become due, and shall use and apply any surplus
2085 remaining after such payment or payments for the prior redemption,
2086 with or without premium, of bonds or other obligations issued by
2087 any municipality pursuant to this chapter, or in accordance with
2088 the provisions of any agreement or agreements as may be made
2089 between any municipality issuing bonds or other obligations



2090 pursuant to this chapter and the purchaser or purchasers of such
2091 bonds or other obligations;

2092 (d) Such trustee so appointed, or any successor
2093 thereto, shall have and be vested with all rights, powers and
2094 duties, in addition to the foregoing, as may be provided for in
2095 any agreement or agreements between any municipality issuing bonds
2096 or other obligations pursuant to this chapter and the purchaser or
2097 purchasers of such bonds or other obligations;

2098 (e) Such trustee so appointed, or any successor
2099 thereto, shall by an instrument in writing, accept such trust and
2100 shall file such written acceptance of such trust with the clerk of
2101 the municipality so appointing such trustee;

2102 (f) If such trustee so appointed, or any successor
2103 thereto, shall die, fail, neglect or refuse to perform any of the
2104 duties herein imposed or that may be imposed by reason of any of
2105 the provisions of any agreement or agreements as aforesaid, such
2106 trustee, or any successor thereto, shall, on the written request
2107 of the holder or holders of twenty per centum or more in aggregate
2108 principal amount of bonds or other obligations issued pursuant to
2109 this chapter then outstanding and unpaid, be removed, by
2110 resolution duly adopted by the municipality by which such trustee,
2111 or any successor thereto, was appointed; and in such event, it
2112 shall be the duty of any such trustee so removed to effectuate a
2113 valid transfer of all money then in the possession or under the
2114 control of such trustee so removed to a duly appointed successor,



2115 and a failure on the part of such trustee so removed to do so
2116 shall constitute an embezzlement of such money and shall be
2117 punishable accordingly;

2118 (g) In the event any such trustee so appointed, or any
2119 successor thereto, shall die or be removed as hereinabove
2120 provided, it shall be the duty of any such municipality
2121 immediately by resolution duly adopted to appoint a trustee, as
2122 successor thereto, who is satisfactory to said holder or holders
2123 of twenty per centum or more in aggregate principal amount of
2124 bonds or other obligations issued pursuant to this chapter then
2125 outstanding and unpaid.

2126 **SECTION 37.** Section 59-7-1, Mississippi Code of 1972, is
2127 brought forward as follows:

2128 59-7-1. In all counties in the State of Mississippi in which
2129 there is located a harbor or port of entry where commodities are
2130 exported to foreign nations, and where there is maintained a
2131 channel and/or harbor or port to a depth of not less than twenty
2132 feet, the tax collector of said county shall pay into the county
2133 depository, the amount of two mills of all ad valorem taxes due by
2134 said county to the State of Mississippi which is collected by the
2135 tax collector of said county or which may be collected by any
2136 other lawful taxing agency of such county and state for such
2137 county.

2138 **SECTION 38.** Section 59-7-3, Mississippi Code of 1972, is
2139 brought forward as follows:



2140 59-7-3. The board of supervisors of the county or counties
2141 designated in section 59-7-1 shall place all money so retained and
2142 collected in the county depository in the county to the credit of
2143 a fund which shall be known as a port fund, and such fund so
2144 deposited shall be used only for the maintenance, construction,
2145 promotion, advertising and general advancement of the port of
2146 entry so located in said county, and the fund shall be expended by
2147 the board of supervisors of the county for the maintenance,
2148 construction, promotion, advertisement, and general advancement of
2149 any port or ports of entry in said county or counties and the
2150 payment of any outstanding bonds and interest thereon heretofore
2151 or hereafter issued for port purposes by any municipality in which
2152 said port or ports are located as hereinafter provided.

2153 **SECTION 39.** Section 59-7-5, Mississippi Code of 1972, is
2154 brought forward as follows:

2155 59-7-5. The authorities of any municipality in which there
2156 is situated and located, in whole or in part, a port of entry
2157 through which commodities are imported and exported to foreign
2158 nations, which maintains a channel and/or harbor to a depth of not
2159 less than twenty feet, are hereby given the authority to engage
2160 in, through the agency hereinafter provided and designated and
2161 such other agencies as hereinafter may be provided by law, work of
2162 internal improvement, or promoting, developing, constructing,
2163 maintaining, and operating harbors or seaports within the state
2164 and its jurisdiction, acting through the commission hereinafter



2165 provided for, shall have the power to acquire, purchase, install,
2166 lease, construct, own, hold, maintain, equip, use, control and
2167 operate at seaports, wharves, piers, docks, quays, grain
2168 elevators, cotton compresses, warehouses and other water and rail
2169 terminals and other structures, and facilities needful for the
2170 convenient use of the same in the aid of commerce including the
2171 dredging of approaches thereto, provided that such work on
2172 improvements and facilities shall always be and remain under the
2173 management and control of said municipality through the governing
2174 agency hereinafter provided and designated, or other such
2175 governing agency or agencies as hereinafter may be provided by
2176 law. The entire cost of the said municipality of engaging in such
2177 work or development shall not exceed the sum of One Million
2178 Dollars (\$1,000,000.00).

2179 **SECTION 40.** Section 59-7-7, Mississippi Code of 1972, is
2180 brought forward as follows:

2181 59-7-7. All improvements, constructed by and under the
2182 provisions of this article, shall be operated under the control of
2183 a port commission as provided in Chapter 1 of this title. All
2184 revenue created or collected from the use of said docks, harbors
2185 and facilities of whatsoever nature shall be paid into the city
2186 treasury of said port of entry to be used exclusively for the
2187 advancement, development and advertising of said port in
2188 whatsoever method or manner said port commissioners shall see fit,
2189 and all revenue provided for in this article, either by levy or



2190 collection from said docks and harbor facilities may be paid to
2191 the retirement of any bonds heretofore issued or hereafter issued
2192 by any such municipality for wharf construction or other port
2193 purposes, regardless of the time of issuance of such bonds. Said
2194 port commissioners of said port of entry shall make an annual
2195 report to the Governor of the State of Mississippi, to the State
2196 Legislature, to the board of supervisors, and to the municipal
2197 governing authorities.

2198 **SECTION 41.** Section 59-7-9, Mississippi Code of 1972, is
2199 brought forward as follows:

2200 59-7-9. All monies accruing by virtue of this article,
2201 either through revenues, tariffs, or bonds, or through other
2202 sources, shall be expended at the direction of the port commission
2203 appointed for any port of entry, as designated herein, and any
2204 bond issue hereunder by any municipality, coming under the
2205 provisions of this article, shall be exclusive of any and all
2206 other bonds issued by said municipality, and the same shall not be
2207 limited as now provided by law.

2208 **SECTION 42.** Section 59-7-11, Mississippi Code of 1972, is
2209 brought forward as follows:

2210 59-7-11. The authorities of any municipality in which there
2211 is situated and located in whole or in part a port of entry
2212 through which commodities are imported or exported are hereby
2213 given authority to issue bonds or other obligations to construct
2214 all needful improvement or improvements in harbors within their



2215 corporate limits, and including the deepening of any part of said
2216 harbor or extending, enlarging and adding to the same by dredging
2217 of any part of said harbor or extending inland, to acquire,
2218 construct, repair and improve public wharves and docks of said
2219 municipality in connection with said harbor; to own, construct,
2220 lease and maintain sheds, warehouses, elevators, compresses and
2221 other works of public improvement, including roadways or rail
2222 trackage necessary or useful for such port, harbor and/or docks
2223 and wharf purposes.

2224 **SECTION 43.** Section 59-7-13, Mississippi Code of 1972, is
2225 brought forward as follows:

2226 59-7-13. All of the bonds issued pursuant to the authority
2227 set forth in Section 59-7-11 shall be lithographed or engraved,
2228 and printed in two (2) or more colors, to prevent counterfeiting,
2229 and shall be in sums not less than One Hundred Dollars (\$100.00)
2230 nor more than One Thousand Dollars (\$1,000.00) each, and shall be
2231 registered as issued, be numbered in a regular series from one (1)
2232 upward, be signed by the mayor and countersigned by the clerk who
2233 shall impress the municipal seal upon each bond as it is issued;
2234 and every bond shall specify on its face the purpose for which it
2235 was issued; and the total amount authorized to be issued and each
2236 shall be payable to bearer. All such monies above referred to, as
2237 retained by the boards of supervisors, shall first be appropriated
2238 by the boards of supervisors for the payment of interest and
2239 sinking fund for any and all bonds issued by the municipality for



2240 port purposes and the balance, if any, shall be expended by the
2241 boards of supervisors by and under the direction and advice of the
2242 port commission of said municipality. However, in case there is
2243 not sufficient money to pay the interest and sinking funds on said
2244 bonds, the corporate authorities of municipalities issuing said
2245 bonds shall levy annually a special levy to be used exclusively in
2246 paying the interest on each bond and bonds maturing within the
2247 year providing a sinking fund for the redemption of the bonds
2248 issued. However, such tax levy shall not be made by
2249 municipalities to pay bonds, nor the interest thereon, issued
2250 under Article 7 of this chapter.

2251 Notwithstanding the foregoing provisions of this section,
2252 bonds referred to hereinabove may be issued pursuant to the
2253 supplemental powers and authorizations conferred by the provisions
2254 of the Registered Bond Act, being Sections 31-21-1 through
2255 31-21-7.

2256 **SECTION 44.** Section 59-7-15, Mississippi Code of 1972, is
2257 brought forward as follows:

2258 59-7-15. Before issuing the bonds authorized by Section
2259 59-7-11, the corporate authorities shall by resolution spread upon
2260 the minutes, declare their intention of issuing said bonds, fixing
2261 in said resolution the maximum amount thereof, and the purpose for
2262 which they are issued and where an election is required shall fix
2263 in such resolution a date upon which an election shall be held in
2264 said municipality, of which not less than three (3) weeks' notice



2265 shall be given by the clerk by a notice published in a newspaper
2266 published in said municipality once a week for three (3) weeks
2267 preceding said election at three (3) public places in said
2268 municipality. Such election shall be held as far as practicable,
2269 as other elections are held in municipalities.

2270 **SECTION 45.** Section 59-7-17, Mississippi Code of 1972, is
2271 brought forward as follows:

2272 59-7-17. At an election required by Section 59-7-15, all
2273 qualified electors of said municipality may vote, and the ballots
2274 used shall have printed thereon a brief statement of the amount
2275 and purpose of the proposed bond issue and the words, "For the
2276 bond issue," and the words, "Against the bond issue," and the
2277 voter shall vote by placing a cross (X) opposite his choice of the
2278 proposition. In cities of less than twelve thousand inhabitants,
2279 when the amount to be issued is not more than Thirty Thousand
2280 Dollars the corporate authorities shall publish the resolution in
2281 some newspaper published in the county for three full consecutive
2282 weeks as herein provided, declaring their intention to issue said
2283 bonds, giving the day and date upon which said bonds are to be
2284 issued and if twenty percent of the qualified electors of the
2285 municipality file a written protest against the issuance of said
2286 bonds, on or before said date, then an election shall be had as
2287 herein provided, and if no protest shall be filed, said bonds
2288 shall be issued without an election.



2289 **SECTION 46.** Section 59-7-19, Mississippi Code of 1972, is
2290 brought forward as follows:

2291 59-7-19. Should the election provided for in Sections
2292 59-7-15 and 59-7-17 result in favor of the issuance of the bonds,
2293 the corporate authorities may issue said bonds, either in whole or
2294 in part within one (1) year after the date of such election or
2295 within one (1) year after final favorable determination of any
2296 litigation affecting such bonds, as may be deemed best, and should
2297 the bonds be issued by the municipalities without an election
2298 therefor as provided. All bonds shall mature annually, with all
2299 maturities not longer than twenty (20) years, with not less than
2300 one-fiftieth (1/50) of the total issue to mature each year during
2301 the first five (5) years of the life of said bonds, and not less
2302 than one-twenty-fifth (1/25) of the said total issue to mature
2303 annually during the succeeding ten-year period of the life of said
2304 bonds, and the remainder to be divided into approximately equal
2305 payments, one (1) payment to mature during each year of the
2306 remaining life of the bonds. Said bonds shall not bear a greater
2307 rate of interest than that allowed in Section 75-17-101,
2308 Mississippi Code of 1972, payable semiannually, the denomination
2309 and form and place of payment to be fixed in the ordinance of the
2310 corporate authorities issuing said bonds, and they shall be
2311 prepared and signed by the mayor and clerk of said municipality
2312 with the seal of the municipality affixed thereto, but the coupons
2313 may only bear a facsimile signature of such mayor and clerk. Such



2314 bonds, when issued, shall constitute a lien on all the taxable
2315 property in such municipality and county and the corporate
2316 authorities shall annually levy a special tax on all such property
2317 sufficient to pay the principal and interest of such bonds as the
2318 same falls due, if there not be sufficient funds provided herein.

2319 **SECTION 47.** Section 59-7-21, Mississippi Code of 1972, is
2320 brought forward as follows:

2321 59-7-21. The proceeds of any bonds issued under the
2322 authority of this article shall be placed in the municipal
2323 treasury or depository, if there be one, as a special fund and
2324 shall be used for no other purpose than the purpose set forth in
2325 the original resolution of the corporate authorities of such
2326 municipality, and any officer diverting or assisting to divert any
2327 such funds to any other purpose than the purpose originally set
2328 forth in said resolution of the corporate authorities of said
2329 municipality shall be guilty of a misdemeanor and punishable
2330 accordingly, and shall be liable both personally and on his
2331 official bond for such diversion. Nothing in this article shall
2332 be construed as a guarantee on the part of the State of
2333 Mississippi to pay the interest or principal on any bonds issued
2334 under this article.

2335 **SECTION 48.** Section 59-7-101, Mississippi Code of 1972, is
2336 brought forward as follows:

2337 59-7-101. This article is supplementary and in addition to
2338 Article 1 of this chapter, and shall not apply to any county or



2339 counties of the state already receiving two mills of the state ad
2340 valorem taxes for port or harbor purposes.

2341 **SECTION 49.** Section 59-7-103, Mississippi Code of 1972, is
2342 brought forward as follows:

2343 59-7-103. (1) In order to provide for the improvement,
2344 promotion, development, construction, maintenance and operation of
2345 harbors or ports in counties having or hereafter providing harbors
2346 or ports where wharf or terminal or other facilities exist for the
2347 handling of inbound or outbound waterborne cargo moving in
2348 interstate or foreign commerce and where there is maintained a
2349 channel, harbor or port with a depth of not less than nine (9)
2350 feet, there shall be and there is hereby created in each such
2351 county electing to exercise the provisions of this article a
2352 special fund to be known as the "Port Fund," into which payments
2353 shall be made as follows:

2354 (a) The tax collector of each such county electing to
2355 come under this article shall deduct from all state ad valorem
2356 taxes collected by him a sum equal to the avails of a levy of two
2357 (2) mills on the dollar of the assessed valuation of taxable
2358 property within such county upon which state ad valorem taxes are
2359 levied and collected. The amount so deducted shall be set aside
2360 by the tax collector and shall by him be paid into the said port
2361 fund of such county. Such payments shall be continued as long as
2362 there remains unpaid and outstanding any bonded indebtedness



2363 created by the board of supervisors of such county as hereinafter
2364 provided.

2365 (b) The board of supervisors of each such county
2366 electing to exercise the provisions of this article shall pay or
2367 cause to be paid into the aforesaid port fund a sum equal to
2368 one-fourth (1/4) of the sum paid into said fund under subsection
2369 (a) above and such payments shall be continued as long as there
2370 remains unpaid and outstanding any bonded indebtedness created by
2371 such board of supervisors as hereinafter provided. Any such board
2372 of supervisors shall provide the sum herein required either by
2373 appropriation from any available funds of the county or by the
2374 levy, in addition to all other county taxes, of a tax of not more
2375 than two (2) mills on the dollar of the assessed valuation of
2376 taxable property within such county upon which taxes for the
2377 general county fund are levied and collected. In case of a
2378 special tax levy as herein authorized, the tax collector of each
2379 such county shall set aside the avails of such levy and shall pay
2380 the same directly into the port fund of such county.

2381 (c) The port commission hereinafter provided for shall
2382 pay into the port fund all of the revenues of whatsoever nature
2383 which may be derived from or through the use of the harbor, port,
2384 wharf or terminal facilities under its jurisdiction as hereinafter
2385 provided.

2386 (2) In order to come within the provisions of this article,
2387 the board of supervisors of any such county shall, by appropriate



2388 resolution spread upon its minutes, declare its intention so to do
2389 and shall annually provide for the necessary matching county
2390 funds. A certified copy of such resolution shall be filed with
2391 the tax collector of such county and shall constitute his
2392 authority to set aside the taxes hereinabove referred to and to
2393 pay the same into the aforesaid port fund.

2394 Provided further, that any county in the State of Mississippi
2395 through which a river or other stream flows, and which stream is
2396 classed as navigable and maintained as such by any agency of the
2397 federal government, and wherein harbors, wharves, ports, terminals
2398 or other facilities exist or are proposed or established hereafter
2399 for the handling of inbound or outbound waterborne cargo moving in
2400 interstate or foreign commerce, and where there is maintained a
2401 channel, harbor or port of such depth necessary for said purposes,
2402 then in such event such county may come under the provisions of
2403 this article if and when its application to come under the
2404 provisions of this article is approved by the Mississippi Board of
2405 Economic Development, which board shall adjudicate and determine
2406 the feasibility of said project so applied for and whether or not
2407 it is economically feasible. Certified copies of the order of
2408 said board shall be filed with the Auditor of Public Accounts and
2409 the tax collector of such county affected.

2410 **SECTION 50.** Section 59-7-105, Mississippi Code of 1972, is
2411 brought forward as follows:



2412 59-7-105. To provide additional or supplemental funds for
2413 the aforesaid purposes, and in connection therewith to acquire and
2414 develop water, air and rail terminals, rail lines, and such other
2415 structures, facilities, lands, property or rights therein needful
2416 for the convenient use of the same in the aid of commerce, and
2417 land for industrial operations, including the establishment and
2418 development of industrial parks, as provided in Section 59-9-17
2419 and related sections, the board of supervisors of any such county
2420 may issue bonds of such county in an amount not exceeding the
2421 principal sum of Eleven Million Dollars (\$11,000,000.00). No
2422 county shall issue bonds under the provisions of this article
2423 which will result in outstanding bonded indebtedness incurred
2424 under the provisions of this article in excess of Eight Million
2425 Dollars (\$8,000,000.00) unless and until the question of the
2426 issuance of such bonds shall have been submitted to and approved
2427 by a majority of the qualified electors of the county voting in an
2428 election called and held for the purpose of considering whether or
2429 not such bonds should be issued. The first Six Million Dollars
2430 (\$6,000,000.00) in aggregate original principal amount of bonds
2431 issued under authority of this article shall not be included in
2432 computing any present or future debt limit of such county under
2433 any present or future law.

2434 **SECTION 51.** Section 59-7-107, Mississippi Code of 1972, is
2435 brought forward as follows:



2436 59-7-107. All bonds authorized by Section 59-7-105 shall be
2437 negotiable instruments within the meaning of the Mississippi
2438 Uniform Commercial Code, shall be lithographed or engraved, and
2439 printed in two (2) or more colors, to prevent counterfeiting,
2440 shall be registered as issued, shall be numbered in a regular
2441 series from one (1) upward, and each bond shall specify on its
2442 face the purpose for which it was issued and the total amount
2443 authorized to be issued, shall be payable to bearer, and the
2444 interest to accrue thereon shall be evidenced by proper coupons to
2445 be attached thereto. Such bonds shall be executed by the manual
2446 or facsimile signature of the president of the board of
2447 supervisors, or the vice president in the absence or disability of
2448 the president, and countersigned by the manual or facsimile
2449 signature of the clerk thereof, with the official seal of the
2450 county affixed thereto. At least one (1) signature on each bond
2451 shall be a manual signature, as specified in the issuing
2452 resolution. The coupons may bear only the facsimile signatures of
2453 such president, or vice president and clerk. All such bonds shall
2454 be sold at public sale as provided by law, and no such bonds shall
2455 be issued and sold for less than par and accrued interest, and not
2456 more than one (1) series of interest coupons shall be attached to
2457 any such bonds. All interest accruing on such bonds shall be
2458 payable semiannually, except that the first interest coupon
2459 attached to any such bond may represent interest for any period
2460 not exceeding one (1) year.



2461 Notwithstanding the foregoing provisions of this section,
2462 bonds referred to hereinabove may be issued pursuant to the
2463 supplemental powers and authorizations conferred by the provisions
2464 of the Registered Bond Act, being Sections 31-21-1 through
2465 31-21-7.

2466 **SECTION 52.** Section 59-7-109, Mississippi Code of 1972, is
2467 brought forward as follows:

2468 59-7-109. All bonds authorized by Section 59-7-105 shall
2469 mature annually, with all maturities not longer than twenty (20)
2470 years, with not less than one-fiftieth (1/50) of the total issue
2471 to mature each year during the first five (5) years of the life of
2472 such bonds, not less than one-twenty-fifth (1/25) of the total
2473 issue to mature each year during the succeeding ten-year period of
2474 the life of such bonds, and the remainder to be divided into
2475 approximately equal annual payments, one (1) payment to mature
2476 each year for the remaining life of such bonds. Such bonds shall
2477 not bear a greater overall maximum interest rate to maturity than
2478 that allowed in Section 75-17-101, Mississippi Code of 1972. The
2479 denomination, form and place or places of payment of such bonds
2480 shall be fixed in the resolution or order of the board of
2481 supervisors issuing such bonds.

2482 No interest payment shall be evidenced by more than one (1)
2483 coupon, and neither cancelled nor supplemental coupons shall be
2484 permitted. The lowest interest rate specified for any bonds
2485 issued shall not be less than sixty percent (60%) of the highest



2486 interest rate specified for the same bond issue. The interest
2487 rate of any one (1) interest coupon shall not exceed the maximum
2488 interest rate allowed on such bonds.

2489 Each interest rate specified in any bid must be in multiples
2490 of one-eighth of one percent (1/8 of 1%) or in multiples of
2491 one-tenth of one percent (1/10 of 1%), and a zero rate of interest
2492 cannot be named.

2493 **SECTION 53.** Section 59-7-111, Mississippi Code of 1972, is
2494 brought forward as follows:

2495 59-7-111. The board of supervisors of any county which shall
2496 have issued bonds under the provisions of this article shall,
2497 unless there be sufficient funds otherwise available therefor in
2498 the port bonds interest and sinking fund, annually levy a special
2499 tax upon all of the taxable property within such county at a rate
2500 which shall be sufficient to provide for the payment of the
2501 principal of and the interest on such bonds according to the terms
2502 thereof. All taxes thus collected shall be credited to a special
2503 fund in the county treasury of such county to be known and
2504 designated as the "port bonds interest and sinking fund," and all
2505 sums credited to said fund shall be used to pay such bonds as they
2506 mature and the interest thereon as it accrues, and for no other
2507 purpose. It shall be the mandatory duty of such board of
2508 supervisors to transfer funds from said port fund to the port
2509 bonds interest and sinking fund in amounts sufficient to pay
2510 maturing principal and accruing interest on bonds issued



2511 hereunder, if balances standing to the credit of said port fund
2512 are sufficient for that purpose. To the extent that funds are
2513 thus made available for the payment of such bonds and the interest
2514 thereon, the special tax levy hereinabove provided for may be
2515 correspondingly reduced. The said bonds nevertheless shall be
2516 general obligations of the county issuing the same, and the full
2517 faith, credit and resources of such county shall be pledged to the
2518 payment thereof and the interest thereon.

2519 **SECTION 54.** Section 59-7-113, Mississippi Code of 1972, is
2520 brought forward as follows:

2521 59-7-113. Before issuing any bonds for any of the purposes
2522 herein enumerated, the board of supervisors shall adopt a
2523 resolution declaring its intention so to do, stating the amount of
2524 bonds proposed to be issued and the purpose for which the bonds
2525 are to be issued, and the date upon which the board proposes to
2526 direct the issuance of such bonds. Such resolution shall be
2527 published once a week for at least three (3) consecutive weeks in
2528 at least one (1) newspaper published in such county. The first
2529 publication of such resolution shall be made not less than
2530 twenty-one (21) days prior to the date fixed in such resolution
2531 for the issuance of the bonds, and the last publication shall be
2532 made not more than seven (7) days prior to such date. If no
2533 newspaper be published in such county, then such notice shall be
2534 given by publishing the resolution for the required time in some
2535 newspaper having a general circulation in such county and, in



2536 addition, by posting a copy of such resolution for at least
2537 twenty-one (21) days next preceding the date fixed therein at
2538 three (3) public places in such county. If twenty percent (20%)
2539 of the qualified electors of the county shall file a written
2540 protest against the issuance of such bonds on or before the date
2541 specified in such resolution, then an election on the question of
2542 the issuance of such bonds shall be called and held as is herein
2543 provided. If no such protest be filed, then such bonds may be
2544 issued without an election on the question of the issuance
2545 thereof, at any time within a period of two (2) years after the
2546 date specified in the above-mentioned resolution. However, the
2547 board of supervisors, in its discretion, may nevertheless call an
2548 election on such question, in which event it shall not be
2549 necessary to publish the resolution declaring its intention to
2550 issue such bonds as herein provided.

2551 **SECTION 55.** Section 59-7-115, Mississippi Code of 1972, is
2552 brought forward as follows:

2553 59-7-115. Where an election is to be called, as provided in
2554 Section 59-7-113, notice of such election shall be signed by the
2555 clerk of the board of supervisors and shall be published once a
2556 week for at least three (3) consecutive weeks, in at least one (1)
2557 newspaper published in such county. The first publication of such
2558 notice shall be made not less than twenty-one (21) days prior to
2559 the date fixed for such election and the last publication shall be
2560 made not more than seven (7) days prior to such date. If no



2561 newspaper is published in such county, then such notice shall be
2562 given by publishing the same for the required time in some
2563 newspaper having a general circulation in such county, and, in
2564 addition, by posting a copy of such notice for at least twenty-one
2565 (21) days next preceding such election at three (3) public places
2566 in such county.

2567 **SECTION 56.** Section 59-7-117, Mississippi Code of 1972, is
2568 brought forward as follows:

2569 59-7-117. The election provided for in Sections 59-7-113 and
2570 59-7-115 shall be held, as far as is practicable, in the same
2571 manner as other elections are held in counties. At such election,
2572 all qualified electors of such county may vote, and the ballots
2573 used at such election shall have printed thereon a brief statement
2574 of the amount and purpose of the proposed bond issue and the words
2575 "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter
2576 shall vote by placing a cross (x) or check mark (✓) opposite his
2577 choice on the proposition.

2578 **SECTION 57.** Section 59-7-119, Mississippi Code of 1972, is
2579 brought forward as follows:

2580 59-7-119. When the results of the election on the question
2581 of the issuance of bonds under the provisions of this article
2582 shall have been canvassed by the election commissioners of such
2583 county and certified by them to the board of supervisors of such
2584 county, it shall be the duty of such board of supervisors to
2585 determine and adjudicate whether or not three-fifths (3/5ths) of



2586 the qualified electors who voted in such election voted in favor
2587 of the issuance of such bonds and, unless three-fifths (3/5ths) of
2588 the qualified electors who voted in such election shall have voted
2589 in favor of the issuance of such bonds, then such bonds shall not
2590 be issued. Should three-fifths (3/5ths) of the qualified electors
2591 who vote in such election vote in favor of the issuance of such
2592 bonds, then the board of supervisors of the county may issue such
2593 bonds, either in whole or in part, within two years from the date
2594 of such election, or within two years after the final favorable
2595 termination of any litigation affecting the issuance of such
2596 bonds, as such board shall deem best.

2597 **SECTION 58.** Section 59-7-121, Mississippi Code of 1972, is
2598 brought forward as follows:

2599 59-7-121. The proceeds of any bonds issued by any county
2600 pursuant to the provisions of this article shall be placed in the
2601 county treasury or depository, if there be one, in a special fund
2602 and shall be expended by the board of supervisors of such county
2603 for the purpose or purposes for which the bonds were authorized to
2604 be issued, and for no other. If the board of supervisors of any
2605 such county or any member thereof or any other officer shall
2606 willfully divert or aid or assist in diverting any such fund, or
2607 any part thereof, to any purpose other than that for which such
2608 bonds were authorized to be issued, such person shall be guilty of
2609 a felony and, upon conviction, shall be punished by imprisonment
2610 in the State Penitentiary for a term not exceeding five (5) years



2611 and, in addition, shall be liable personally on his official bond
2612 for the amount so diverted. Any member of such board of
2613 supervisors may escape the penalty herein provided for by having
2614 his vote recorded in the negative on any illegal diversion of the
2615 proceeds of such bonds.

2616 **SECTION 59.** Section 59-7-123, Mississippi Code of 1972, is
2617 brought forward as follows:

2618 59-7-123. Whenever a balance shall remain in the proceeds of
2619 any bond issue after the purpose for which such bonds were issued
2620 shall have been accomplished, such balance shall forthwith be
2621 transferred to the port bonds interest and sinking fund
2622 hereinabove provided for.

2623 **SECTION 60.** Section 59-7-125, Mississippi Code of 1972, is
2624 brought forward as follows:

2625 59-7-125. (1) All improvements constructed by the board of
2626 supervisors under the provisions of this article shall be operated
2627 and maintained by a port commission composed of five (5) residents
2628 of such county who shall be qualified electors therein. Such
2629 commission shall have jurisdiction over the port, terminals,
2630 harbors and passes leading thereto, and all vessels, boats and
2631 wharves, common carriers, and public utilities therein, using the
2632 same, within their respective counties. Such port commission
2633 shall be appointed as follows: one (1) member shall be appointed
2634 by the Governor, two (2) shall be appointed by the board of
2635 supervisors of the county, and two (2) shall be appointed by the



2636 governing body of the municipality which is the county seat of
2637 such county in such cases where the county seat of such county is
2638 situate on or adjacent to such port facilities, otherwise, four
2639 (4) members shall be appointed by the board of supervisors. A
2640 county and a municipality may by joint resolution dissolve a port
2641 commission created under this section which is governed by a
2642 commission with two (2) commissioners appointed by each. The
2643 joint resolution must provide that the municipality relinquishes
2644 its duties and obligations related to the port, and that the
2645 county assumes all duties and obligations related to the port.
2646 Any commission so dissolved shall be reconstituted to consist of
2647 five (5) members, one (1) member appointed from each supervisor
2648 district. The board of supervisors shall provide for staggered
2649 terms in its order providing for the appointment of the
2650 reconstituted port commission. Before entering upon the duties of
2651 the office, each of such commissioners shall take and subscribe to
2652 the oath of office required by Section 268 of the Constitution of
2653 the State of Mississippi, and shall give bond, to be approved by
2654 the board of supervisors, in the sum of Five Thousand Dollars
2655 (\$5,000.00), conditioned upon the faithful performance of their
2656 duties. Such bond shall be made payable to the county and in case
2657 of breach thereof, suit may be brought on the relation of the
2658 county for the benefit of such port commission. Such
2659 commissioners shall hold office for a term of four (4) years from
2660 the date of their appointment and qualification and until their



2661 successor or successors shall be appointed and qualified as set
2662 out herein. Three (3) members of the port commission shall be
2663 necessary to constitute a quorum for the conducting of business.

2664 (2) The members of the board of supervisors shall be ex
2665 officio members of the port commission, but no bond shall be
2666 required of them in such capacity; provided, however, the members
2667 of the board of supervisors shall be nonvoting members of the port
2668 commission and shall not be included or counted for the
2669 determination of a quorum for conducting of business by the port
2670 commission unless and until the board of supervisors of a
2671 particular county, by order entered on its minutes, expressly
2672 provides that the members of the board of supervisors shall be
2673 voting members of the port commission and the number of members
2674 required for a quorum to conduct business of the port commission,
2675 but in no event shall the number required for a quorum to conduct
2676 business of the port commission be less than three (3).

2677 (3) All actions heretofore taken by the various port
2678 commissions at which at least three (3) members were present and
2679 which would otherwise have been legal actions except for the
2680 absence of a legal quorum being present and voting are hereby
2681 ratified, confirmed and approved.

2682 **SECTION 61.** Section 59-7-127, Mississippi Code of 1972, is
2683 brought forward as follows:

2684 59-7-127. When such port commissioners provided for in
2685 Section 59-7-125 shall have been appointed and shall have been



2686 qualified as set out herein, they shall meet at the regular
2687 meeting place of the board of supervisors of such county, after
2688 giving at least five (5) days' notice of the time and place of
2689 such meeting by publication in a newspaper published at the county
2690 seat of such county. At such meeting they shall elect a president
2691 and a secretary who shall be members of the commission, and adopt
2692 such rules as may govern the time and place for holding meetings,
2693 regular and special, not inconsistent with the provisions of this
2694 article.

2695 **SECTION 62.** Section 59-7-129, Mississippi Code of 1972, is
2696 brought forward as follows:

2697 59-7-129. The duties and powers of such port commission
2698 provided for in Section 59-7-125 shall be the same as those which
2699 are set forth and prescribed in Sections 59-1-9 and 59-1-27,
2700 except that the salary of the port director shall be subject to
2701 the approval of the board of supervisors.

2702 **SECTION 63.** Section 59-7-131, Mississippi Code of 1972, is
2703 brought forward as follows:

2704 59-7-131. It shall be the duty of such port commission, from
2705 time to time, to make recommendations to the board of supervisors
2706 of such county concerning expenditures to be made for the
2707 improvement, promotion, development, construction, maintenance and
2708 operation of the harbor and port facilities of such county, and
2709 shall annually submit to such board of supervisors a proposed
2710 budget for the operation and maintenance of such harbor and port



2711 facilities, which recommendations and budget shall be subject to
2712 approval of the board of supervisors. Except as provided in
2713 Section 59-7-111, the port fund shall be subject to expenditure by
2714 the port commission.

2715 The port commission may recommend to the Legislative Budget
2716 Office, the State Fiscal Management Board, and the county board of
2717 supervisors that certain excess funds in the port fund be
2718 transferred to any industrial development authority within the
2719 county. Upon approval by the State Fiscal Management Board and
2720 the county board of supervisors, the port commission may transfer
2721 such excess funds, or any portion thereof which may be designated
2722 by the State Fiscal Management Board and county board of
2723 supervisors, as provided herein.

2724 The port commission in any county bordering the Mississippi
2725 River and having a population of more than fifty-one thousand
2726 (51,000) but less than fifty-two thousand (52,000) according to
2727 the 1980 federal census may recommend to the board of supervisors
2728 the expenditure of excess funds in the port fund for the
2729 acquisition of lands in the county to be used for industrial
2730 development purposes. Upon the aquisition of such lands, excess
2731 funds in the port fund may also be expended to provide necessary
2732 utilities and other improvements the board of supervisors deems
2733 necessary and requisite for industrial development. Any lands
2734 acquired hereunder shall be titled in the name of the county.



2735 For the purposes of this section, the term "excess funds"
2736 means monies determined to be in excess of those necessary to fund
2737 the budget for the fiscal year.

2738 **SECTION 64.** Section 59-7-201, Mississippi Code of 1972, is
2739 brought forward as follows:

2740 59-7-201. This article shall be applicable to all counties
2741 electing to come under the terms and provisions of Article 3 of
2742 this chapter and in which a flood control project has been
2743 authorized or may be authorized by the federal government which
2744 either directly or indirectly involves, or has the result of
2745 creating, a potential industrial area or the protection of such an
2746 area. This article is supplementary to said Article 3 of this
2747 chapter, and all other laws of this state concerning ports and
2748 harbors and shall not be construed by way of limitation on any of
2749 the powers or authority heretofore granted, but the authority
2750 conferred herein is in addition and cumulative thereto.

2751 **SECTION 65.** Section 59-7-203, Mississippi Code of 1972, is
2752 brought forward as follows:

2753 59-7-203. Where any county in connection with any such flood
2754 control project has given or may give assurances of local
2755 cooperation required by the federal authorities, as authorized by
2756 law, the board of supervisors of such county shall have the added
2757 power and authority, if necessary or desirable for the fulfillment
2758 of such assurances, to acquire all lands and easements and
2759 rights-of-way, and the fee title to such lands where advisable,



2760 either by purchase or by condemnation and, if by condemnation,
2761 according to the existing statutes applicable to the acquisition
2762 by counties of property for public use.

2763 Where any county of the state which operates any such project
2764 has been required to give its assurances by the federal
2765 authorities or other agency of the government of the United States
2766 of local cooperation and participation in any such project by
2767 agreeing to pay any part of the construction costs of such project
2768 or projects, then the board of supervisors of such county shall
2769 have the added power and authority, if necessary and desirable for
2770 the fulfillment of such assurances, to sign agreements with such
2771 federal authorities or other agency of the government of the
2772 United States whereby such participating county agrees to pay its
2773 part of the cost of such construction or any fractional part
2774 thereof, including interest of not more than three percent (3%)
2775 per annum, and provided further that said assurances shall be due
2776 and payable within the primary term of forty years from the time
2777 such assurances are given.

2778 **SECTION 66.** Section 59-7-205, Mississippi Code of 1972, is
2779 brought forward as follows:

2780 59-7-205. (1) In any county where a port commission has
2781 been established or may be established and where the board of
2782 supervisors of said county directs that said commission undertake,
2783 on behalf of such county, jurisdiction over and duties in
2784 connection with the fulfillment of the assurances of local



2785 cooperation and handling of the harbor project upon which
2786 construction may be done by the federal government, as
2787 contemplated by Section 59-7-201, and where either all or over
2788 half of the lands and properties involved in said project are
2789 beyond the confines of any municipality lying within said county,
2790 then the board of supervisors of said county shall appoint four
2791 (4) members of said port commission in accordance with the terms
2792 and provisions of Section 59-7-125, and, where such port
2793 commission has been established or may be established in such
2794 instance, then said port commission shall undertake and perform
2795 the duties assigned to it by said board, as hereby authorized, and
2796 said commissions shall, in addition, manage and control all port
2797 facilities which may be authorized and constructed by virtue of
2798 the terms and provisions of Article 3 of this chapter, and all
2799 appurtenant and physical properties connected therewith, both real
2800 and personal, and shall provide for the regular inspection,
2801 repair, maintenance and improvement of said port facilities. Said
2802 port commission, in the performance of its duties, may make any
2803 contract and authorize any purchases from any funds on hand in the
2804 port fund of any such county, which said contracts and purchases
2805 shall be made in accordance with Section 31-7-1 et seq. Said
2806 contracts and purchases shall include all contracts and purchases
2807 incidental to or necessary for the proper establishment,
2808 insurance, maintenance, repair, improvement and operation of said
2809 port facilities, including, if indicated for their protection,



2810 workmen's compensation insurance for the benefit of any employees
2811 of said port commission.

2812 Any such port commission is further authorized and empowered,
2813 in its discretion, to own and operate any or all dock, terminal,
2814 warehouse or railroad facilities which may by it be deemed
2815 necessary or desirable to promote the development of any port or
2816 industrial facilities under its control or supervision and to such
2817 end such port commission is authorized and empowered to acquire by
2818 purchase, construction or lease any buildings, structure or
2819 equipment, to employ any personnel or technical assistance, to
2820 enter into any contracts with any persons, firms or corporations,
2821 and to establish, charge and collect any tariffs, rates or other
2822 charges in connection therewith, as may be deemed necessary or
2823 advisable to accomplish such purposes. Said port commission is
2824 likewise authorized and empowered to operate such dock, terminal,
2825 warehouse or railroad facilities through agents or lessees by such
2826 contractual or lease agreements as may be entered into by said
2827 port commission upon such terms and conditions as said commission
2828 may deem proper. The authority granted hereby shall extend only
2829 to the lands under the control and supervision of said port
2830 commission.

2831 (2) The powers and authority granted by this section are
2832 supplemental to all other powers and authority granted to said
2833 port commission and the same shall in nowise be construed to limit
2834 any such powers and authority heretofore granted.



2835 **SECTION 67.** Section 59-7-207, Mississippi Code of 1972, is
2836 brought forward as follows:

2837 59-7-207. The commission referred to in Section 59-7-205 may
2838 establish and operate said port facilities on such plan as it may
2839 determine upon, including the right to employ, or delegate to the
2840 port director the employment of such engineering and legal
2841 assistants and such subordinate personnel as the commission may
2842 deem necessary, to provide for the wages and compensation of the
2843 port director and all other employees; and, in their discretion,
2844 to require that the port director and such other subordinate
2845 personnel as may be deemed necessary and desirable post a bond
2846 written by a surety company or companies authorized to do business
2847 in the State of Mississippi in such amount as the commission may
2848 designate, conditioned on the faithful discharge of all of their
2849 duties as such employees, the premiums on such bonds to be paid
2850 from said port fund in the discretion of the commission.

2851 **SECTION 68.** Section 59-7-209, Mississippi Code of 1972, is
2852 brought forward as follows:

2853 59-7-209. The board of supervisors of any such county
2854 described in Section 59-7-201 may prescribe such further duties,
2855 powers and rights of such commission as may be within the
2856 authority of such board to delegate and provide for the reasonable
2857 compensation, if any, of the chairman and members of the
2858 commission, and shall provide that the acts of such commissioners
2859 shall regularly, and not less than quarterly or more than monthly,



2860 be reported to said board and be subject to its approval and
2861 concurrence by order spread upon the minutes of said board
2862 generally approving such reports and minutes. The obligations
2863 incurred and the expenditures authorized to be made by said
2864 commission shall in the manner herein set forth be subject to the
2865 approval of the board of supervisors of said county; and when and
2866 should the board decline to grant its approval of any act of said
2867 commission, it shall signify its reason for withholding that
2868 approval on the minutes of said board. All expenditures so
2869 authorized and provided for shall be made upon special port
2870 commission warrants to be countersigned by the clerk of said
2871 board. There shall be no personal obligation or liability on the
2872 part of any member of said commission except for a wilful wrong,
2873 nor shall there be any general obligation or liability on said
2874 county other than from the revenues derived from the operation of
2875 said port and revenues allocated by law to the aforesaid port fund
2876 of said county, except for the obligation of a condemnation award
2877 or for any such obligation which may be provided for in any trust
2878 indenture or resolution under which bonds are issued under the
2879 terms and provisions of Article 3 of this chapter.

2880 **SECTION 69.** Section 59-7-211, Mississippi Code of 1972, is
2881 brought forward as follows:

2882 59-7-211. In all such counties, described in Section
2883 59-7-201, upon and with the approval of the board of supervisors,
2884 the port commission shall have the power and authority to sell or



2885 lease any lands or easements acquired by any such county in
2886 conjunction with the establishment and construction of any port or
2887 harbor under the jurisdiction of said commission for the purposes
2888 of industrial development, but the terms and provisions of any
2889 such sales or lease shall include limitations as to the use of
2890 such lands and easements for industrial activities integrated to
2891 water transportation in accordance with the terms and provisions
2892 of such assurances of local cooperation as may have been given by
2893 virtue of Section 51-35-15 or Section 51-35-17, Mississippi Code
2894 of 1972, and the provisions of this article. Furthermore, said
2895 port commission, upon and with the approval of the board of
2896 supervisors, shall have the power and is hereby authorized, in its
2897 discretion, to sell and convey to the United States of America,
2898 without any limitations whatsoever, by general or special warranty
2899 deed or other acceptable form or conveyance, the full title to any
2900 lands acquired or held by any such county in connection with the
2901 establishment and development of any harbor or port project under
2902 the jurisdiction of said commission in exchange for the title to
2903 lands of the United States of America deemed useful for or needed
2904 by any county in connection with the establishment, enlargement,
2905 development, construction or maintenance of any port or harbor
2906 project under the jurisdiction of said commission, or for such
2907 other consideration as said commission and said board find to be
2908 adequate and sufficient. Said port commission, upon and with the
2909 approval of the board of supervisors of the county, is further



2910 hereby authorized to donate and/or sell and convey, without any
2911 limitations, upon such terms and conditions as may be deemed
2912 proper by the said commission and said board of supervisors, to
2913 the United States of America any of the lands needed by the United
2914 States of America for navigation and/or flood control purposes, or
2915 in fulfillment of any authorized assurances which have been given
2916 or which may be given by said county to the United States of
2917 America, or for the purpose of the display of the Gunboat Cairo.

2918 **SECTION 70.** Section 59-7-213, Mississippi Code of 1972, is
2919 brought forward as follows:

2920 59-7-213. The port commission shall keep regular minutes of
2921 all its official actions and shall provide for an adequate
2922 bookkeeping system and regular audits and keep or cause to be kept
2923 full and correct records of the finances of said port commission
2924 and shall, from said port funds, provide for, and pay to the clerk
2925 of said board fees and sums as are found to be proper and
2926 reasonable for the extra duties and work hereby imposed upon him.
2927 All such minutes, books and records shall be kept in the office of
2928 the chancery clerk of the county in which the port is located or
2929 in such other place as the board of supervisors may designate by
2930 order spread upon their minutes to the end that such minutes,
2931 books and records shall, under reasonable conditions, be available
2932 at all times to the public for inspection.

2933 **SECTION 71.** Section 59-7-301, Mississippi Code of 1972, is
2934 brought forward as follows:



2935 59-7-301. This article, as to the subject matters hereof,
2936 shall supersede all other laws, general, special or local,
2937 including charters of municipalities. Any municipality issuing
2938 bonds or other obligations pursuant to this article shall have no
2939 power thereafter to issue bonds or other obligations pursuant to
2940 the provisions of Article 1 of this chapter, unless and until all
2941 bonds or other obligations issued pursuant to this article, and
2942 interest thereon, have been fully paid and discharged.

2943 **SECTION 72.** Section 59-7-303, Mississippi Code of 1972, is
2944 brought forward as follows:

2945 59-7-303. An ad valorem tax of two mills on each one dollar
2946 of the total assessed valuation of all the taxable property in
2947 each county or counties in the State of Mississippi, in which
2948 there is located a harbor or port of entry where commodities are
2949 exported to foreign nations, and where there is maintained a
2950 channel and/or harbor or port to a depth of not less than twenty
2951 feet, be, and the same is hereby, levied on all said taxable
2952 property, in or for each year in which the principal of or
2953 interest on any bonds or other obligations issued by any
2954 municipality pursuant to this article becomes due. The receipts
2955 from said two-mill tax shall be withheld by the tax collector of
2956 said county, and/or by any other tax collecting agency authorized
2957 by law for the collection of said taxes, from receipts from state
2958 ad valorem taxes now in effect or which may be hereafter levied,
2959 so long as the state ad valorem taxes shall be not less than the



2960 two-mill tax herein levied. However, if no state ad valorem taxes
2961 equal to or greater than the said two-mill tax herein levied is
2962 now or shall be hereafter levied, then and in that event, the said
2963 two-mill tax herein levied shall continue to be levied and
2964 collected as herein provided in each such county or counties in or
2965 for each year in which the principal of or interest on any bonds
2966 or other obligations issued by any municipality pursuant to this
2967 article becomes due. The tax collector, and/or any other tax
2968 collecting agency authorized by law for the collection of said
2969 taxes, shall pay over all moneys collected or to be collected as
2970 receipts from said two-mill tax to any trustee or successor
2971 thereto established as hereinafter in this article provided, and
2972 in the event that there is no such trustee, then said tax
2973 collector, and/or any other tax collecting agency authorized by
2974 law for collection of said taxes, shall pay over all such moneys
2975 into the county depository of each such county to the credit of a
2976 fund which shall be known as a port fund. Any such moneys so paid
2977 into the county depository of each such county to the credit of
2978 said port fund may be expended at the direction of the port
2979 commission, appointed for any port of entry as designated in
2980 Chapter 1 of this title. But in no county within the terms of
2981 this article shall there be withheld from the state treasury under
2982 the provisions of this article and Article 1 of this chapter, for
2983 any one year an amount in excess of the receipts from said
2984 two-mill tax. The provisions of this article shall be deemed to



2985 be a contract with the holders of any bonds or other obligations
2986 issued pursuant to this article.

2987 **SECTION 73.** Section 59-7-305, Mississippi Code of 1972, is
2988 brought forward as follows:

2989 59-7-305. The authorities of any municipality in which there
2990 is situated and located, in whole or in part, a port of entry
2991 through which commodities are imported and exported to foreign
2992 nations, which maintains a channel and/or harbor to a depth of not
2993 less than twenty feet, are hereby given the authority to engage
2994 in, either directly or through the commission hereinafter provided
2995 and designated and such other agencies as hereafter may be
2996 provided by law, work of internal improvement, or promoting,
2997 developing, constructing, maintaining, and operating harbors or
2998 seaports within the state and its jurisdiction, and either
2999 directly or through the commission hereinafter provided for, shall
3000 have the power to acquire, purchase, install, rent, lease,
3001 mortgage, and/or otherwise encumber, to construct, own, hold,
3002 maintain, equip, use, control and operate at seaports, wharves,
3003 piers, docks, quays, grain elevators, cotton compresses,
3004 warehouses, floating dry docks, graving docks, marine railways,
3005 tugboats, cold storage facilities and other water and rail
3006 terminals and other structures, and facilities needful for the
3007 convenient use of the same in the aid of commerce including the
3008 dredging of approaches thereto.



3009 **SECTION 74.** Section 59-7-307, Mississippi Code of 1972, is
3010 brought forward as follows:

3011 59-7-307. All improvements and facilities constructed
3012 pursuant to Article 1 of this chapter, and/or constructed pursuant
3013 to this article, shall be maintained and operated under the
3014 control of the port commission as provided in Chapter 1 of this
3015 title. The said port commission shall, subject to and in
3016 accordance with any agreement or agreements as may be made by any
3017 such municipality with the purchaser or purchasers of bonds or
3018 other obligations issued pursuant to this article, prescribe, levy
3019 and collect all rents, fees, tolls, revenues, and/or other charges
3020 in connection with the use and occupancy of the aforesaid
3021 improvements and facilities, and shall pay over all net revenues
3022 derived from the operation of said improvements and facilities to
3023 any trustee, or successor thereto, established as hereinafter in
3024 this article provided. Net revenues shall be deemed to be such as
3025 may be defined in any agreement or agreements entered into between
3026 any such municipality and the purchaser or purchasers of any bonds
3027 or other obligations issued pursuant to this article. The said
3028 port commission shall make an annual report to the Governor of the
3029 State of Mississippi, to the municipality having such port of
3030 entry, and to the State Legislature.

3031 **SECTION 75.** Section 59-7-309, Mississippi Code of 1972, is
3032 brought forward as follows:



3033 59-7-309. Any municipality, in which there is situated and
3034 located in whole or in part a port of entry through which
3035 commodities are imported or exported as aforesaid, is hereby given
3036 authority, upon the adoption of a resolution to such effect, to
3037 issue bonds or other obligations for any or all of the purposes as
3038 provided in this article. The books of account and other sources
3039 of information pertaining to duties under the provisions of this
3040 article, of any port commission, municipality and/or county
3041 affected by this article, shall be and remain at all times open to
3042 inspection and subject to audit by the holder or holders of any
3043 bonds or other obligations issued pursuant to this article.

3044 **SECTION 76.** Section 59-7-311, Mississippi Code of 1972, is
3045 brought forward as follows:

3046 59-7-311. The power to issue bonds or other obligations
3047 authorized by this article and Section 59-5-31, shall be vested in
3048 and may be exercised from time to time by the governing bodies of
3049 any municipality or county so authorized in such laws.

3050 Such revenue bonds may be issued without an election upon the
3051 adoption of a resolution of the board of supervisors of such
3052 county, declaring its intention to issue such bonds, and shall not
3053 be subject to any limitation as to amount, and shall not be
3054 included or computed in the statutory limitation of indebtedness
3055 of any such county. Such bonds shall bear date or dates, be in
3056 such denomination or denominations, bear interest at such rate or
3057 rates, be payable at such place or places within or without the



3058 State of Mississippi, shall mature at such time or times and upon
3059 such terms, with or without premium, shall bear such registration
3060 privileges, and shall be substantially in such form, all as shall
3061 be determined by resolution of the board of supervisors of such
3062 county. Such bonds shall mature in annual installments beginning
3063 not more than five (5) years from date thereof and extending not
3064 more than thirty-five (35) years from date thereof. Such bonds
3065 shall be signed by the president of the board of supervisors of
3066 such county, and the official seal of the county shall be affixed
3067 thereto, attested by the clerk of the board of supervisors of such
3068 county. The interest coupons to be attached to such bonds may be
3069 executed by the facsimile signatures of said officers. Whenever
3070 any such bonds shall have been signed by the officials herein
3071 designated to sign the bonds who were in office at the time of
3072 such signing but who may have ceased to be such officers prior to
3073 the sale and delivery of such bonds, or who may not have been in
3074 office on the date such bonds may bear, the signatures of such
3075 officers upon such bonds and coupons shall nevertheless be valid
3076 and sufficient for all purposes and have the same effect as if the
3077 person so officially signing such bonds had remained in office
3078 until the delivery of the same to the purchaser or had been in
3079 office on the date such bonds may bear.

3080 All bonds and interest coupons issued under the provisions of
3081 this article shall have and are hereby declared to have all the
3082 qualities and incidents of negotiable instruments under the



3083 Mississippi Uniform Commercial Code. Such bonds and income
3084 therefrom shall be exempt from all taxation within the State of
3085 Mississippi.

3086 The board of supervisors of such county shall sell such bonds
3087 in such manner and for such price as it may determine to be for
3088 the best interest of said county, but no such sale shall be made
3089 at a price less than par plus accrued interest to date of delivery
3090 of the bonds to the purchaser. Notice of the sale of any such
3091 bonds shall be published at least one time not less than ten (10)
3092 days prior to the date of sale and shall be published in a
3093 newspaper published in and having general circulation within the
3094 county.

3095 The proceeds of such bonds shall be paid into a special fund
3096 or funds in banks qualified to act as depositories for such
3097 county. The proceeds of such bonds shall be solely for the
3098 purposes for which they were issued, and the redeeming of any
3099 outstanding bonds, and shall be disbursed upon the order of the
3100 board of supervisors of such county, with such restrictions, if
3101 any, as the resolution authorizing the issuance of the bonds may
3102 provide. If the proceeds of such bonds, by error of calculation
3103 or otherwise, shall be less than the cost of the purpose for which
3104 they were issued, and the redeeming of any outstanding bonds,
3105 unless otherwise provided in the resolution authorizing the
3106 issuance of such bonds, additional bonds may in like manner be
3107 issued to provide the amount of such deficit which, unless



3108 otherwise provided in the resolution authorizing the issuance of
3109 bonds, shall be deemed to be of the same issue and shall be
3110 entitled to payment from the same fund without preference or
3111 priority of the bonds first issued for the same purpose. If the
3112 proceeds of the bonds of any issue shall exceed the amount
3113 required for the purpose for which the bonds were issued, the
3114 surplus shall be paid into the fund established for the payment of
3115 the principal of and the interest on such bonds.

3116 Such bonds may be issued without any other proceedings or the
3117 happening of any other conditions or things than those
3118 proceedings, conditions, and things which are specified or
3119 required by this article. The bonds authorized under the
3120 authority of this article may, in the discretion of the board of
3121 supervisors of such county, be validated in the chancery court of
3122 such county in the manner and with the force and effect provided
3123 by Sections 31-13-1 through 31-13-11, Mississippi Code of 1972,
3124 for the validation of county, municipal, school district, and
3125 other bonds.

3126 The revenue bonds issued under the provisions of this section
3127 shall be payable solely out of the revenues to accrue from the
3128 operation of such project, development, improvement or utility
3129 systems, and the full faith and credit of the county shall not be
3130 pledged therefor, nor shall any ad valorem tax be levied therefor.

3131 **SECTION 77.** Section 59-7-313, Mississippi Code of 1972, is
3132 brought forward as follows:



3133 59-7-313. The proceeds from the sale of any bonds or other
3134 obligations issued pursuant to this article shall be placed to the
3135 credit of such municipality in a bank or banks which are members
3136 of the Federal Deposit Insurance Corporation and may be withdrawn
3137 therefrom in accordance with any agreement or agreements entered
3138 into between such municipality and the purchaser or purchasers of
3139 such bonds or other obligations and in accordance with the laws
3140 regulating the disbursement of municipal funds and shall be used
3141 for no other purpose than the purpose or purposes set forth in the
3142 original resolution of the governing body of such municipality.
3143 Any officer or other person diverting or assisting to divert any
3144 such funds to any other purpose or purposes than the purpose or
3145 purposes originally set forth in said resolution of the governing
3146 body of said municipality shall be guilty of a felony and
3147 punishable accordingly, and shall be liable both personally and on
3148 official bonds for such diversion. Nothing in this article shall
3149 be construed as a guarantee on the part of the State of
3150 Mississippi to pay the principal of or interest on any bonds or
3151 other obligations issued pursuant to this article.

3152 **SECTION 78.** Section 59-7-315, Mississippi Code of 1972, is
3153 brought forward as follows:

3154 59-7-315. Any municipality issuing bonds or other
3155 obligations pursuant to this article by resolution or resolutions
3156 duly adopted, is hereby given authority to execute and deliver a
3157 mortgage or deed of trust, in such form, with such validity and



3158 with such remedies as at present authorized under the laws of the
3159 State of Mississippi, on any or all properties, improvements and
3160 facilities, the acquisition, construction, maintenance and/or
3161 operation of which are provided for by this article. Such
3162 resolution or resolutions of said municipality shall prescribe the
3163 provisions, covenants and conditions of any such mortgage or deed
3164 of trust. Such provisions, covenants and conditions, if not
3165 self-executing, may be enforced by appropriate proceedings, either
3166 in law or in equity.

3167 **SECTION 79.** Section 59-7-317, Mississippi Code of 1972, is
3168 brought forward as follows:

3169 59-7-317. The bonds or other obligations issued by any
3170 municipality of the State of Mississippi pursuant to this article
3171 shall not constitute a debt within the meaning of any statutory
3172 limitation as to the amount of debt which may be incurred by any
3173 such municipality, nor shall such bonds or other obligations be
3174 payable out of any funds other than the revenue collected or
3175 collectible from the use of said docks, harbors and facilities of
3176 whatsoever nature, and out of the receipts from the said two-mill
3177 ad valorem tax, in accordance with the provisions of Section
3178 59-7-303.

3179 **SECTION 80.** Section 59-7-319, Mississippi Code of 1972, is
3180 brought forward as follows:

3181 59-7-319. Bonds or other obligations issued pursuant to this
3182 article and any interest thereon or income therefrom shall be



3183 exempt from all taxation, except gift, transfer and inheritance
3184 taxes, in so far as may be within the power of the State of
3185 Mississippi so to provide.

3186 **SECTION 81.** Section 59-7-321, Mississippi Code of 1972, is
3187 brought forward as follows:

3188 59-7-321. In connection with the issuance of bonds or other
3189 obligations by any municipality pursuant to this article, or in
3190 order to secure the payment of said bonds or other obligations,
3191 such municipality shall have power:

3192 (a) To accept grants from the United States of America,
3193 the president of the United States, the federal emergency
3194 administrator of public works, or such other agencies,
3195 instrumentalities or corporations as may be designated or created
3196 to make grants or loans (hereinafter termed "federal agency")
3197 pursuant to the national industrial recovery act and any further
3198 act of the congress of the United States providing for the
3199 construction of useful public works (hereinafter termed "national
3200 industrial recovery act"), for or in aid of work, development or
3201 improvement authorized by this article.

3202 (b) To make such contracts and execute such instruments
3203 containing such provisions, covenants and conditions as in the
3204 discretion of the authorities of any such municipalities may be
3205 necessary, proper or advisable for the purpose of obtaining or
3206 securing grants, loans, or other financial assistance from any
3207 federal agency pursuant to the national industrial recovery act;



3208 to make such further, different or additional contracts and
3209 execute all instruments necessary or convenient in or for the
3210 furtherance of any work, development or improvement, including but
3211 not limited to all property real and personal appurtenant thereto
3212 or connected therewith and the existing work, development or
3213 improvement, if any, to which the work, development or improvement
3214 authorized by this article is an extension, addition, betterment
3215 or embellishment (hereinafter termed "work, development or
3216 improvement"), to carry out and perform the terms and conditions
3217 of any such contract or instrument.

3218 (c) To pledge all or any part of the fees, rents,
3219 tolls, revenues or other charges received or receivable by such
3220 municipality and/or port commission from any work, development or
3221 improvement to which its right then exists or the right to which
3222 may thereafter come into existence.

3223 (d) To covenant against the pledging of all or any part
3224 of the fees, rents, tolls, revenues or other charges received or
3225 receivable by such municipality and/or port commission from any
3226 work, development or improvement to which its right then exists or
3227 the right to which may thereafter come into existence.

3228 (e) To covenant against the encumbering of all or any
3229 part of any work, development or improvement or against permitting
3230 or suffering any lien thereon.

3231 (f) To covenant as to what other or additional debt may
3232 be incurred by such municipality.



3233 (g) To provide for the preparation, specifications,
3234 terms, form, registration, extension, execution and authentication
3235 of any bonds or other obligations, issued pursuant to this
3236 article.

3237 (h) To provide for the replacement of lost, destroyed
3238 or mutilated bonds or other obligations issued pursuant to this
3239 article.

3240 (i) To covenant as to the fees, rents, revenues or
3241 tolls to be charged, the amount to be raised each year or other
3242 period of time and as to the use and disbursement to be made
3243 thereof.

3244 (j) To covenant to set aside or to pay over reserves
3245 and sinking funds and as to the disposal thereof.

3246 (k) To redeem prior to maturity, with or without
3247 premium, bonds or other obligations issued pursuant to this
3248 article and to covenant for their prior redemption and to provide
3249 the terms and conditions thereof.

3250 (l) To covenant against extending the time for the
3251 payment of the interest on or principal of the bonds or other
3252 obligations issued pursuant to this article directly or indirectly
3253 by any means or in any manner.

3254 (m) To covenant as to books of account of such
3255 municipality and as to the inspection and audit thereof and as to
3256 the accounting methods.



3257 (n) To covenant as to the rights, liabilities, powers
3258 and duties arising upon the breach by such municipality of any
3259 covenant, condition or obligation assumed pursuant to this
3260 article.

3261 (o) To make such covenants and do any and all such acts
3262 and things as may be necessary, convenient or desirable in order
3263 to secure any bonds or other obligations issued pursuant to this
3264 article, or in the absolute discretion of the authorities of such
3265 municipality in order to make such bonds or other obligations more
3266 marketable, notwithstanding that such covenants, acts, or things
3267 may not be enumerated herein or expressly authorized herein; it
3268 being the intention hereby to give the authorities of any
3269 municipality issuing bonds or other obligations pursuant to this
3270 article the power to do all things in the issuance of said bonds
3271 or other obligations and for their execution that may not be
3272 inconsistent with the constitution of the State of Mississippi.

3273 **SECTION 82.** Section 59-7-323, Mississippi Code of 1972, is
3274 brought forward as follows:

3275 59-7-323. Any municipality issuing bonds or other
3276 obligations pursuant to this article shall, so long as any such
3277 bonds or other obligations remain outstanding and unpaid, by
3278 resolution or resolutions duly adopted, authorize and appoint a
3279 trustee, satisfactory to the purchaser or purchasers of any bonds
3280 or other obligations issued pursuant to this article or any
3281 successor thereto, with the following powers and duties:



3282 (a) Such trustee so appointed, or any successor
3283 thereto, shall receive and receipt for all monies collected or to
3284 be collected as receipts from the aforesaid two-mill tax by the
3285 aforesaid tax collector, and/or any other tax collecting agency
3286 authorized by law for the collection of said taxes, as provided
3287 for in Section 59-7-303;

3288 (b) Such trustee so appointed, or any successor
3289 thereto, shall receive and receipt for all monies paid or to be
3290 paid to it in accordance with Section 59-7-307, constituting the
3291 net revenues derived from the operation of the improvements and
3292 facilities authorized by this article;

3293 (c) Such trustee so appointed, or any successor
3294 thereto, shall deposit all monies received or to be received, in a
3295 special account or accounts in a bank or banks which are members
3296 of the Federal Deposit Insurance Corporation, with such provisions
3297 for security therefor as may be incorporated in any agreement or
3298 agreements entered into between any such municipality and the
3299 purchaser or purchasers of any such bonds or other obligations;

3300 (d) Such trustee so appointed, or any successor
3301 thereto, shall use and apply all such monies so received to the
3302 payment of principal of and interest on any bonds or other
3303 obligations issued by any municipality pursuant to this article,
3304 as the same become due, and shall use and apply any surplus
3305 remaining after such payment or payments for the prior redemption,
3306 with or without premium, of bonds or other obligations issued by



3307 any municipality pursuant to this article, or in accordance with
3308 the provisions of any agreement or agreements as may be made
3309 between any municipality issuing bonds or other obligations
3310 pursuant to this article and the purchaser or purchasers of such
3311 bonds or other obligations;

3312 (e) Such trustee so appointed, or any successor
3313 thereto, shall have and be vested with all rights, powers and
3314 duties, in addition to the foregoing, as may be provided for in
3315 any agreement or agreements between any municipality issuing bonds
3316 or other obligations pursuant to this article and the purchaser or
3317 purchasers of such bonds, or other obligations;

3318 (f) Such trustee so appointed, or any successor
3319 thereto, shall by an instrument in writing, accept such trust and
3320 shall file such written acceptance of such trust with the clerk of
3321 the municipality so appointing such trustee;

3322 (g) If such trustee so appointed, or any successor
3323 thereto, shall fail, neglect or refuse to perform any of the
3324 duties herein imposed or that may be imposed by reason of any of
3325 the provisions of any agreement or agreements as aforesaid, such
3326 trustee, or any successor thereto, shall, on the written request
3327 of twenty per centum or more in aggregate principal amount of the
3328 holder or holders of bonds or other obligations issued pursuant to
3329 this article, be removed, by resolution duly adopted by the
3330 municipality by which such trustee, or any successor thereto, was
3331 appointed; and in such event, it shall be the duty of any such



3332 trustee so removed to effectuate a valid transfer of all monies
3333 then in the possession or under the control of such trustee so
3334 removed to a duly appointed successor, and a failure on the part
3335 of such trustee so removed to do so shall constitute an
3336 embezzlement of such monies and shall be punishable accordingly;

3337 (h) In the event any such trustee so appointed, or any
3338 successor thereto, shall be removed as hereinabove provided, it
3339 shall be the duty of any municipality, which shall have removed
3340 any such trustee, immediately by resolution duly adopted to
3341 appoint a trustee, as successor thereto, who is satisfactory to
3342 said holder or holders of twenty per centum or more in aggregate
3343 principal amount of bonds or other obligations issued pursuant to
3344 this article.

3345 **SECTION 83.** Section 59-7-401, Mississippi Code of 1972, is
3346 brought forward as follows:

3347 59-7-401. Nothing in this article shall be construed as
3348 repealing or altering any existing laws now on the statute books
3349 affecting any ports or port laws, and this article is to be
3350 considered supplementary, and any word, sentence or paragraph in
3351 this article that may be in conflict with the provisions of any
3352 other law shall not affect any such law. The constitutionality of
3353 this article shall not affect any existing law now on the statute,
3354 nor shall the constitutionality of any law now on the statutes be
3355 questioned with this article.



3356 **SECTION 84.** Section 59-7-403, Mississippi Code of 1972, is
3357 brought forward as follows:

3358 59-7-403. An ad valorem tax of one mill on each one dollar
3359 of the total assessed valuation of all the taxable property in
3360 each county or counties in the State of Mississippi, in which
3361 there is located a port or harbor where there is maintained a
3362 channel to a depth of not less than eight feet, is hereby levied
3363 on all taxable property, in or for each year in which the
3364 principal of or interest on any bonds or other obligations issued
3365 by any municipality pursuant to this article becomes due. The
3366 receipts from said one mill tax shall be withheld by the tax
3367 collector of said county, and/or by any other tax collecting
3368 agency authorized by law for the collection of said taxes, from
3369 receipts from state ad valorem taxes now in effect or which may be
3370 hereafter levied, so long as said state ad valorem taxes shall be
3371 not less than the said one mill tax herein levied. However, if no
3372 state ad valorem taxes equal to or greater than the said one mill
3373 tax herein levied is now or shall be hereafter levied, then and in
3374 that event, the said one mill tax herein levied shall continue to
3375 be levied and collected as herein provided in each such county or
3376 counties in or for each year in which the principal of or interest
3377 on any bonds or other obligations issued by any municipality
3378 pursuant to this article becomes due. The said tax collector,
3379 and/or any other tax collecting agency authorized by law for the
3380 collection of said taxes, shall pay over all moneys collected or



3381 to be collected as receipts from the one mill tax to any trustee
3382 or successor thereto established as hereinafter provided in
3383 Section 59-7-429, and in the event that there is no such trustee,
3384 then said tax collector, and/or any other tax collecting agency
3385 authorized by law for collection of said taxes, shall pay over all
3386 such moneys into the county depository of each such county to the
3387 credit of a fund which shall be known as a port fund. Any such
3388 moneys so paid into the county depository of each such county to
3389 the credit of said port fund may be expended at the direction of
3390 the port commission, appointed for any port or harbor through
3391 which commerce flows and having not less than eight industries
3392 engaged in the seafood industry. The provisions of this article
3393 shall be deemed to be a contract with the holders of any bonds or
3394 other obligations issued pursuant to this article.

3395 **SECTION 85.** Section 59-7-407, Mississippi Code of 1972, is
3396 brought forward as follows:

3397 59-7-407. A port commission created under this article shall
3398 consist of six (6) members who shall be qualified electors of the
3399 municipality operating under this article, and shall be appointed
3400 as follows: two (2) shall be appointed by the Governor, two (2)
3401 shall be appointed by the governing authorities of the
3402 municipality, and two (2) shall be appointed by the board of
3403 supervisors of the county. The commission shall have jurisdiction
3404 over the port, terminals, harbors and passes leading thereto, and
3405 all vessels, boats and wharves, common carriers and public



3406 utilities using the port. Commissioners shall be paid the uniform
3407 per diem compensation authorized in Section 25-3-69 for the
3408 discharge of official duties at meetings called in accordance with
3409 Section 59-7-409.

3410 In the first instance, the two (2) commissioners appointed by
3411 the Governor shall be appointed for terms of five (5) and four (4)
3412 years, respectively, from the date of appointment; one (1) member
3413 appointed by the board of supervisors shall be appointed for a
3414 term of three (3) years from the date of appointment, and the
3415 members appointed by the governing authorities of the municipality
3416 shall be appointed for terms of two (2) and one (1) years,
3417 respectively, from the date of appointment. The additional member
3418 appointed by the board of supervisors shall be appointed to a term
3419 of five (5) years. After the first appointments, thereafter each
3420 member appointed shall be appointed for a term of five (5) years.

3421 The commission shall, upon appointment, organize as provided
3422 in Section 59-7-409.

3423 A port commission created under this article may be dissolved
3424 by the governing authorities of the municipality as provided under
3425 Section 59-7-408.

3426 **SECTION 86.** Section 59-7-408, Mississippi Code of 1972, is
3427 brought forward as follows:

3428 59-7-408. (1) The governing authorities of a municipality
3429 may dissolve a port commission created under this article by
3430 adopting a resolution in which they determine that the dissolution



3431 of the port commission is in the best interest of the citizens of
3432 the municipality and authorizing the municipality to assume the
3433 powers and duties of the port commission.

3434 (2) After the adoption of the dissolution resolution, the
3435 port commission shall enter into an agreement with the
3436 municipality which shall provide for:

3437 (a) the transfer of all powers, duties, and
3438 responsibilities of the port commission to the municipality;

3439 (b) the transfer of all property and assets, real and
3440 personal, of the port commission to the municipality;

3441 (c) the assignment of all contracts, leases, agreements
3442 and revenue generated by the port commission to the municipality;

3443 (d) the assumption by the municipality of all just
3444 claims and obligations of the port commission associated with the
3445 operation and maintenance of the port facilities; and

3446 (e) any other provisions necessary for the
3447 implementation of the dissolution.

3448 (3) All tax levies and assessments used for existing bonded
3449 indebtedness shall continue until such indebtedness is paid.

3450 **SECTION 87.** Section 59-7-409, Mississippi Code of 1972, is
3451 brought forward as follows:

3452 59-7-409. The port commission established by Section
3453 59-7-407 shall meet at a regular place to be designated by the
3454 port commission for organization as a port commission, after
3455 giving at least ten (10) days' notice of the time and place of the



3456 meeting by publication in a newspaper published in the city, and
3457 they shall elect a president and secretary who shall be members of
3458 the commission. The president shall be elected annually and shall
3459 vote only in cases of a tie vote.

3460 **SECTION 88.** Section 59-7-411, Mississippi Code of 1972, is
3461 brought forward as follows:

3462 59-7-411. It shall be the duty of the commission to keep a
3463 minute book in which shall be recorded all of their acts, orders,
3464 rules and regulations. It shall be the duty of said commission to
3465 adopt rules and regulations not inconsistent with law to govern
3466 their official acts. It shall be the duty of said commission to
3467 make and publish all needful rules and regulations to govern the
3468 harbor, docks, and passes within its jurisdiction, and to fix
3469 tariffs, fees, fines, penalties and forfeitures for the violations
3470 of the rules and regulations of said commission, and said
3471 commission shall have the power to fix and determine all port and
3472 terminal charges, and it may enforce the collection thereof
3473 through any court of competent jurisdiction in this state. This
3474 section shall not apply to public utilities nor to railroad
3475 terminal charges covered by or carried in approved tariffs
3476 authorized by Interstate Commerce Commission nor to lawful
3477 railroad operation and activities.

3478 It shall be the duty of said commission to employ such help,
3479 including a port director, secretary, and such other help as will
3480 be necessary to carry on the business and work of such commission,



3481 and it will be the duty of said port commissioners to see that all
3482 port employees, such as harbormaster, pilots, and any and all
3483 other necessary employees for the operation of said port, perform
3484 any and all such duties as required for the operation of said
3485 port, at salaries to be determined by said port commission.

3486 **SECTION 89.** Section 59-7-413, Mississippi Code of 1972, is
3487 brought forward as follows:

3488 59-7-413. All improvements and facilities constructed
3489 pursuant to this article shall be maintained and operated under
3490 the control of the port commission as provided by this article.
3491 The port commission shall, subject to and in accordance with any
3492 agreement or agreements as may be made by any such municipality
3493 with the purchaser or purchasers of bonds or other obligations
3494 issued pursuant to this article, prescribe, levy and collect all
3495 rents, fees, tolls, revenues and/or other charges in connection
3496 with the use and occupancy of the aforesaid improvements and
3497 facilities, and shall pay over all net revenues derived from the
3498 operation of said improvements and facilities to any trustee, or
3499 successor thereto, established as hereinafter provided in Section
3500 59-7-429. The net revenues shall be deemed to be such as may be
3501 defined in any agreement or agreements entered into between any
3502 such municipality and the purchaser or purchasers of any bonds or
3503 other obligations issued pursuant to this article. The port
3504 commission shall make an annual report to the Governor of the



3505 State of Mississippi, to the municipality having such port or
3506 harbor, and to the State Legislature.

3507 **SECTION 90.** Section 59-7-415, Mississippi Code of 1972, is
3508 brought forward as follows:

3509 59-7-415. Any municipality, in which there is situated and
3510 located in whole or in part a port or harbor through which
3511 commerce flows and having not less than eight industries engaged
3512 in the seafood industry as aforesaid, is hereby given authority,
3513 upon the adoption of a resolution to such effect, to issue bonds
3514 or other obligations for any or all of the purposes as provided in
3515 this article. The books of account and other sources of
3516 information pertaining to duties under the provisions of this
3517 article, or any port commission, municipality and/or county
3518 affected by this article, shall be and remain at all times open to
3519 inspection and subject to audit by the holder or holders of any
3520 bonds or other obligations issued pursuant to this article.

3521 **SECTION 91.** Section 59-7-417, Mississippi Code of 1972, is
3522 brought forward as follows:

3523 59-7-417. The power to issue bonds or other obligations
3524 authorized by Section 59-7-415 shall be vested in, and may be
3525 exercised from time to time by the governing body of any such
3526 municipality described in said section. Such bonds or other
3527 obligations shall be authorized by resolution of the governing
3528 body of any such municipality and shall bear such date or dates,
3529 mature at such time or times, not exceeding twenty (20) years from



3530 their respective dates, be in such denomination, be in such form,
3531 either coupon or registered, carry such registration privileges,
3532 be executed in such a manner, be payable in such medium of
3533 payment, at such place or places, and be subject to such terms of
3534 prior redemption, with or without premium, as such resolution or
3535 resolutions may provide. Such bonds shall not bear a greater
3536 overall maximum interest rate to maturity than that allowed in
3537 Section 75-17-103. No bond shall bear more than one (1) rate of
3538 interest; each bond shall bear interest from its date to its
3539 stated maturity date at the interest rate specified in the bid;
3540 all bonds of the same maturity shall bear the same rate of
3541 interest from date to maturity; all interest accruing on such
3542 bonds so issued shall be payable semiannually or annually, except
3543 that the first interest coupon attached to any such bond may be
3544 for any period not exceeding one (1) year.

3545 No interest payment shall be evidenced by more than one (1)
3546 coupon and neither cancelled nor supplemental coupons shall be
3547 permitted. The lowest interest rate specified for any bonds
3548 issued shall not be less than seventy percent (70%) of the highest
3549 interest rate specified for the same bond issue. The interest
3550 rate of any one (1) interest coupon shall not exceed the maximum
3551 interest rate on such bonds.

3552 Each interest rate specified in any bid must be in multiples
3553 of one-eighth of one percent (1/8 of 1%) or in multiples of
3554 one-tenth of one percent (1/10 of 1%). Such bonds shall be



3555 executed by the manual or facsimile signature of the mayor and
3556 clerk of such municipality, with the seal of the municipality
3557 affixed thereto. At least one (1) signature on each bond shall be
3558 a manual signature, as specified in the resolution. The coupons
3559 may bear only the facsimile signatures of such mayor and clerk.
3560 Such bonds or other obligations may be sold at public or private
3561 sale for such price or prices as the governing body of such
3562 municipality shall determine, but in no case to exceed the rate of
3563 interest hereinbefore provided. No bonds shall be issued and sold
3564 under the provisions of this article for less than par and accrued
3565 interest.

3566 Such bonds or other obligations may be issued by any
3567 municipality described in Section 59-7-415 in a principal amount
3568 not exceeding Seven Million Five Hundred Thousand Dollars
3569 (\$7,500,000.00) outstanding at any one time for any purpose or
3570 purposes authorized by Section 59-7-405. Such municipality shall
3571 have power, out of any funds available, to purchase any bonds or
3572 other obligations issued by it pursuant to this article, and all
3573 bonds or other obligations so purchased shall be cancelled, and no
3574 bonds or other obligations shall be issued in lieu thereof. In
3575 anticipation of the issuance of the definitive bonds authorized by
3576 this article, any such municipality may issue interim
3577 certificates. Such interim certificates shall be in such form,
3578 contain such terms, conditions or provisions, bear such date or
3579 dates, and evidence such agreement or agreements, relating to



3580 their discharge by payment or by the delivery of the definitive
3581 bonds, as such municipality, by resolution of its governing body,
3582 may determine. Any bonds, interim certificates or other
3583 obligations issued pursuant to this article shall be fully
3584 negotiable within the meaning and for all the purposes of the
3585 Mississippi Uniform Commercial Code, and may be validated as
3586 provided by statute.

3587 **SECTION 92.** Section 59-7-419, Mississippi Code of 1972, is
3588 brought forward as follows:

3589 59-7-419. The proceeds from the sale of any bonds or other
3590 obligations issued pursuant to this article shall be placed to the
3591 credit of such municipality in a bank or banks, which are members
3592 of the federal deposit insurance corporation and may be withdrawn
3593 therefrom in accordance with any agreement or agreements entered
3594 into between such municipality and the purchaser or purchasers of
3595 such bonds or other obligations and shall be used for no other
3596 purpose than the purpose of such municipality. Any officer or
3597 other person diverting or assisting to divert any such funds to
3598 any other purpose or purposes than the purpose or purposes
3599 originally set forth in said resolution of the governing body of
3600 said municipality shall be guilty of a felony and punishable
3601 accordingly, and shall be liable both personally and on official
3602 bonds for such diversion.

3603 Nothing in this article shall be construed as a guarantee on
3604 the part of the State of Mississippi to pay the principal or



3605 interest on any bonds or other obligations issued pursuant to this
3606 article.

3607 **SECTION 93.** Section 59-7-421, Mississippi Code of 1972, is
3608 brought forward as follows:

3609 59-7-421. Any municipality issuing bonds or other
3610 obligations pursuant to this article by resolution or resolutions
3611 duly adopted, is hereby given authority to execute and deliver a
3612 mortgage or deed of trust, in such form, with such validity and
3613 with such remedies as at present authorized under the laws of the
3614 State of Mississippi, on any or all properties, improvements and
3615 facilities, the acquisition, construction, maintenance and/or
3616 operation of which are provided for by this article. Such
3617 resolution or resolutions of said municipality shall prescribe the
3618 provisions, covenants and conditions of any such mortgage or deed
3619 of trust. Such provisions, covenants and conditions, if not
3620 self-executing, may be enforced by appropriate proceedings, either
3621 in law or in equity.

3622 **SECTION 94.** Section 59-7-423, Mississippi Code of 1972, is
3623 brought forward as follows:

3624 59-7-423. The bonds or other obligations issued by any
3625 municipality of the State of Mississippi pursuant to this article
3626 shall not constitute a debt within the meaning of any statutory
3627 limitation as to the amount of debt which may be incurred by any
3628 such municipality, nor shall such bonds or other obligations be
3629 payable out of any funds other than the revenue collected or



3630 collectible from the use of said docks, harbors and facilities of
3631 whatsoever nature, and out of the receipts the said one mill ad
3632 valorem tax, in accordance with the provisions of Section
3633 59-7-403.

3634 **SECTION 95.** Section 59-7-425, Mississippi Code of 1972, is
3635 brought forward as follows:

3636 59-7-425. Bonds or other obligations issued pursuant to this
3637 article and any interest thereon or income therefrom shall be
3638 exempt from all taxation, except gift, transfer and inheritance
3639 taxes, in so far as may be within the power of the State of
3640 Mississippi so to provide.

3641 **SECTION 96.** Section 59-7-427, Mississippi Code of 1972, is
3642 brought forward as follows:

3643 59-7-427. In connection with the issuance of bonds or other
3644 obligations by any municipality pursuant to this article, or in
3645 order to secure the payment of said bonds or other obligations,
3646 such municipality shall have power:

3647 (a) To accept grants from the United States of America,
3648 the president of the United States, the federal emergency
3649 administrator of public works, or such other agencies,
3650 instrumentalities or corporations as may be designated or created
3651 to make grants or loans (hereinafter termed "federal agency")
3652 pursuant to the national industry recovery act and any further act
3653 of the congress of the United States providing for the
3654 construction of useful public works (hereinafter termed "national



3655 industrial recovery act"), for or in aid of work, development or
3656 improvement authorized by this article.

3657 (b) To make such contracts and execute such instruments
3658 containing such provisions, covenants and conditions as in the
3659 discretion of the authorities of any such municipalities may be
3660 necessary, proper or advisable for the purpose of obtaining or
3661 securing grants, loans, or other financial assistance from any
3662 federal agency pursuant to the national industrial recovery act;
3663 to make such further, different or additional contracts and
3664 execute all instruments necessary or convenient in or for the
3665 furtherance of any work, development or improvement, including but
3666 not limited to all property, real and personal, appurtenant
3667 thereto or connected therewith and the existing work, development
3668 or improvement, if any, to which the work, development or
3669 improvement authorized by this article is an extension, addition,
3670 betterment or embellishment (hereinafter termed "work, development
3671 or improvement") to carry out and perform the terms and conditions
3672 of any such contract or instrument.

3673 (c) To pledge all or any part of the fees, rents,
3674 tolls, revenues or other charges received or receivable by such
3675 municipality and/or port commission from any work, development or
3676 improvement to which its right then exists or the right to which
3677 may thereafter come into existence.

3678 (d) To covenant against the pledging of all or any part
3679 of the fees, rents, tolls, revenues or other charges received or



3680 receivable by such municipality and/or port commission from any
3681 work, development or improvement to which its right then exists or
3682 the right to which may thereafter come into existence.

3683 (e) To covenant against the encumbering of all or any
3684 part of any work, development or improvement or against permitting
3685 or suffering any lien thereon.

3686 (f) To covenant as to what other or additional debt may
3687 be incurred by such municipality.

3688 (g) To provide for the preparation, specifications,
3689 terms, form, registration, extension, execution and authentication
3690 of any bonds or other obligations, issued pursuant to this
3691 article.

3692 (h) To provide for the replacement of lost, destroyed
3693 or mutilated bonds or other obligations issued pursuant to this
3694 article.

3695 (i) To covenant as to the fees, rents, revenues or
3696 tolls to be charged, the amount to be raised each year or other
3697 period of time and as to the use and disbursement to be made
3698 thereof.

3699 (j) To covenant to set aside or to pay over reserves
3700 and sinking funds and as to the disposal thereof.

3701 (k) To redeem prior to maturity, with or without
3702 premium, bonds or other obligations issued pursuant to this
3703 article and to covenant for their prior redemption and to provide
3704 the terms and conditions thereof.



3705 (l) To covenant against extending the time for the
3706 payment of the interest on or principal of the bonds or other
3707 obligations issued pursuant to this article directly or indirectly
3708 by any means or in any manner.

3709 (m) To covenant as to books of account of such
3710 municipality and as to the inspection and audit thereof and as to
3711 the accounting methods.

3712 (n) To covenant as to the rights, liabilities, powers
3713 and duties arising upon the breach by such municipality of any
3714 covenant, condition or obligation assumed pursuant to this
3715 article.

3716 (o) To make such covenants and do any and all such acts
3717 and things as may be necessary, convenient or desirable in order
3718 to secure any bonds or other obligations issued pursuant to this
3719 article, or in the absolute discretion of the authorities of such
3720 municipality in order to make such bonds or other obligations more
3721 marketable, notwithstanding that such covenants, acts, or things
3722 may not be enumerated herein or expressly authorized herein; it
3723 being the intention hereby to give the authorities of any
3724 municipality issuing bonds or other obligations pursuant to this
3725 article the power to do all things in the issuance of said bonds
3726 or other obligations and for their execution that may not be
3727 inconsistent with the constitution of the State of Mississippi.

3728 **SECTION 97.** Section 59-7-429, Mississippi Code of 1972, is
3729 brought forward as follows:



3730 59-7-429. Any municipality issuing bonds or other
3731 obligations pursuant to this article shall, so long as any such
3732 bonds or other obligations remain outstanding and unpaid, by
3733 resolution or resolutions duly adopted, authorize and appoint a
3734 trustee, satisfactory to the purchaser or purchasers of any bonds
3735 or other obligations issued pursuant to this article, or any
3736 successor thereto, with the following powers and duties:

3737 (a) Such trustee so appointed, or any successor
3738 thereto, shall receive and receipt for all moneys collected or to
3739 be collected as receipts from the aforesaid two-mill tax by the
3740 aforesaid tax collector, and/or any other tax collecting agency
3741 authorized by law for the collection of said taxes, as provided
3742 for in Section 59-7-403;

3743 (b) Such trustee so appointed, or any successor
3744 thereto, shall receive and receipt for all moneys paid or to be
3745 paid to it in accordance with Section 59-7-407, constituting the
3746 net revenues derived from the operation of the improvements and
3747 facilities authorized by this article;

3748 (c) Such trustee so appointed, or any successor
3749 thereto, shall deposit all moneys received or to be received, in a
3750 special account or accounts in a bank or banks which are members
3751 of the federal deposit insurance corporation, with such provisions
3752 for security therefor as may be incorporated in any agreement or
3753 agreements entered into between any such municipality and the
3754 purchaser or purchasers of any such bonds or other obligations;



3755 (d) Such trustee so appointed, or any successor
3756 thereto, shall use and apply all such moneys so received to the
3757 payment of principal of and interest on any bonds or other
3758 obligations issued by any municipality pursuant to this article,
3759 as the same becomes due, and shall use and apply any surplus
3760 remaining after such payment or payments for the prior redemption,
3761 with or without premium, of bonds or other obligations issued by
3762 any municipality pursuant to this article, or in accordance with
3763 the provisions of any agreement or agreements as may be made
3764 between any municipality issuing bonds or other obligations
3765 pursuant to this article and the purchaser or purchasers of such
3766 bonds or other obligations;

3767 (e) Such trustee so appointed, or any successor
3768 thereto, shall have and be vested with all rights, powers and
3769 duties, in addition to the foregoing, as may be provided for in
3770 any agreement or agreements between any municipality issuing bonds
3771 or other obligations pursuant to this article and the purchaser or
3772 purchasers of such bonds or other obligations;

3773 (f) Such trustee so appointed, or any successor
3774 thereto, shall by an instrument in writing, accept such trust and
3775 shall file such written acceptance of such trust with the clerk of
3776 the municipality so appointing such trustee;

3777 (g) If such trustee so appointed, or any successor
3778 thereto, shall fail, neglect or refuse to perform any of the
3779 duties herein imposed or that may be imposed by reason of any of



3780 the provisions of any agreement or agreements as aforesaid, such
3781 trustee, or any successor thereto, shall, on the written request
3782 of twenty per centum or more in aggregate principal amount of the
3783 holder or holders of bonds or other obligations issued pursuant to
3784 this article, be removed, by resolution duly adopted by the
3785 municipality by which such trustee, or any successor thereto, was
3786 appointed; and in such event, it shall be the duty of any such
3787 trustee so removed to effectuate a valid transfer of all moneys
3788 then in the possession or under the control of such trustee so
3789 removed to a duly appointed successor, and a failure on the part
3790 of such trustee so removed to do so shall constitute an
3791 embezzlement of such moneys and shall be punishable accordingly;

3792 (h) In the event any such trustee so appointed, or any
3793 successor thereto, shall be removed as hereinabove provided, it
3794 shall be the duty of any municipality which shall have removed any
3795 such trustee, immediately by resolution duly adopted to appoint a
3796 trustee as successor thereto, who is satisfactory to said holder
3797 or holders of twenty per centum or more in aggregate principal
3798 amount of bonds or other obligations issued pursuant to this
3799 article.

3800 **SECTION 98.** Section 59-7-451, Mississippi Code of 1972, is
3801 brought forward as follows:

3802 59-7-451. Any county in the State of Mississippi bordering
3803 on the Mississippi River which has not heretofore created a county
3804 port authority or county port commission is hereby authorized, in



3805 the discretion of the board of supervisors of such county, as
3806 evidenced by a resolution adopted by such board of supervisors, to
3807 create a county port commission.

3808 **SECTION 99.** Section 59-7-453, Mississippi Code of 1972, is
3809 brought forward as follows:

3810 59-7-453. Such county port commission shall consist of seven
3811 (7) members to be appointed by the board of supervisors, one (1)
3812 of whom shall represent each of the supervisors districts of the
3813 county and shall be a resident of such supervisor's district, and
3814 two (2) members shall be appointed from the county at large and be
3815 residents of the county. The two (2) at-large members shall be
3816 designated as post 1 and post 2. The initial terms of office of
3817 the members representing the supervisors districts shall expire as
3818 follows: District 1, July 1, 1974; District 2, July 1, 1975;
3819 District 3, July 1, 1976; District 4, July 1, 1977; District 5,
3820 July 1, 1978. The at-large members' terms shall expire as
3821 follows: post 1 shall expire July 1, 1979, and post 2 shall expire
3822 July 1, 1981. All succeeding terms shall be for terms of five (5)
3823 years. Any vacancy occurring therein shall be filled for the
3824 unexpired term by appointment of the board of supervisors. Where
3825 such port commission has been established or may be established as
3826 herein provided, the said port commission shall undertake and
3827 perform the duties assigned to it by the board of supervisors, and
3828 said commission shall manage and control all port facilities which
3829 may be authorized and constructed by virtue of the terms and



3830 provisions of Sections 59-7-101 through 59-7-131, 59-7-201 through
3831 59-7-213, and 59-7-501 through 59-7-519, and all appurtenant and
3832 physical properties connected therewith, both real and personal,
3833 and shall provide for the regular inspection, repair, maintenance
3834 and improvement of said port facilities as provided therein.

3835 In addition to the authority granted herein, and
3836 notwithstanding the provisions of any other law to the contrary,
3837 the commission may, subject to the approval of the board of
3838 supervisors, purchase any existing railroad or railroad
3839 facilities, within or without such county, which it deems
3840 necessary for the development of its port facilities.

3841 In addition to any other authority to borrow funds for the
3842 purposes of this chapter, the board of supervisors may borrow
3843 funds from any agency of the United States government on such
3844 terms as the board determines to be in the best interest of the
3845 county.

3846 Any railroad or railroad facilities purchased under the
3847 provisions of this section may be operated by the county or others
3848 on behalf of the county, or may be leased to others by the county.
3849 The commission may establish, charge and collect any tariffs,
3850 rates or other charges in connection therewith as may be necessary
3851 or advisable to accomplish the purposes of this section.

3852 **SECTION 100.** Section 59-7-455, Mississippi Code of 1972, is
3853 brought forward as follows:



3854 59-7-455. The duties and authority conferred in Sections
3855 59-7-101 through 59-7-131, through 59-7-201 through 59-7-211,
3856 59-7-501 through 59-7-519, and Sections 27-39-3 through 27-39-13,
3857 Mississippi Code of 1972, shall apply to any county coming within
3858 the provisions of this article commencing on the date of the
3859 adoption of the aforesaid resolution by the board of supervisors
3860 of said county; provided, however, that the members of such port
3861 commission shall be appointed by the method and for the terms as
3862 herein provided. In addition to the authority granted herein, the
3863 board of supervisors may, in its discretion, expend funds from any
3864 available source, including the county general fund and federal
3865 revenue sharing funds, to carry out the purposes of this article.

3866 **SECTION 101.** Section 59-7-501, Mississippi Code of 1972, is
3867 brought forward as follows:

3868 59-7-501. The board of supervisors of any county which has
3869 elected or hereafter may elect to establish a port commission
3870 under the provisions of Article 3 of this chapter, and which
3871 desires to improve its port and harbor facilities by the
3872 construction, maintenance and operation of any revenue-producing
3873 port and/or harbor facility or facilities may issue revenue bonds
3874 of such county to provide funds for such purpose.

3875 **SECTION 102.** Section 59-7-503, Mississippi Code of 1972, is
3876 brought forward as follows:

3877 59-7-503. Revenue bonds authorized by Section 59-7-501 may
3878 be issued without an election thereon upon the adoption of a



3879 resolution by the board of supervisors of such county upon the
3880 request and recommendation of the port commission of such county.
3881 Such revenue bonds shall not be subject to any limitation as to
3882 amount and shall not be included in computing the statutory
3883 limitation of indebtedness of such county under any present or
3884 future law. Such bonds shall bear date or dates, shall be of such
3885 denomination or denominations, shall be payable at such place or
3886 places within or without the State of Mississippi, shall mature at
3887 such time or times and upon such terms and may be made redeemable
3888 prior to maturity with or without premium, shall bear such
3889 registration privileges and shall be in substantially such form as
3890 shall be determined by resolution of the board of supervisors of
3891 such county. Such bonds shall mature in annual installments
3892 beginning not more than five (5) years from the date thereof and
3893 extending not more than twenty-five (25) years from the date
3894 thereof. Such bonds shall be signed by the president of the board
3895 of supervisors of such county and the official seal of the county
3896 shall be affixed thereto, attested by the clerk of the board of
3897 supervisors of such county. The interest coupons to be attached
3898 to such bonds may be executed by the facsimile signatures of such
3899 officers. Whenever such bonds shall have been signed by the
3900 officials designated to sign the same who were in office at the
3901 time of such signing but who may have ceased to be such officers
3902 prior to the date of the sale and delivery of such bonds, or who
3903 may not have been in office on the date such bonds may bear, the



3904 signatures of such officers upon such bonds and coupons shall
3905 nevertheless be valid and sufficient for all purposes and have the
3906 same effect as if the person so officially signing such bonds had
3907 remained in office until the delivery of the same to the purchaser
3908 or had been in office on the date such bonds may bear.

3909 **SECTION 103.** Section 59-7-505, Mississippi Code of 1972, is
3910 brought forward as follows:

3911 59-7-505. All bonds shall bear interest at such rate or
3912 rates as may be determined by resolution of the board of
3913 supervisors of the county issuing them, not to exceed an overall
3914 maximum interest rate to maturity than that allowed in Section
3915 75-17-103, Mississippi Code of 1972. No bond shall bear more than
3916 one (1) rate of interest; each bond shall bear interest from its
3917 date to its stated maturity date at the interest rate specified in
3918 the bid; all bonds of the same maturity shall bear the same rate
3919 of interest from date to maturity; all interest accruing on such
3920 bonds so issued shall be payable semiannually or annually, except
3921 that the first interest coupon attached to any such bond may be
3922 for any period not exceeding one (1) year.

3923 No interest payment shall be evidenced by more than one (1)
3924 coupon and neither cancelled nor supplemental coupons shall be
3925 permitted; the lowest interest rate specified for any bonds issued
3926 shall not be less than sixty percent (60%) of the highest interest
3927 rate specified for the same bond issue. The interest rate of any



3928 one (1) interest coupon shall not exceed the maximum interest rate
3929 allowed on such bonds.

3930 Each interest rate specified in any bid must be in multiples
3931 of one-eighth of one percent (1/8 of 1%) or in multiples of
3932 one-tenth of one percent (1/10 of 1%), and a zero rate of interest
3933 cannot be named.

3934 **SECTION 104.** Section 59-7-507, Mississippi Code of 1972, is
3935 brought forward as follows:

3936 59-7-507. All bonds and interest coupons issued under the
3937 provisions of this article shall have and hereby are declared to
3938 have all the qualities and incidents of negotiable instruments
3939 under the Uniform Commercial Code of the State of Mississippi.
3940 Such bonds and the income therefrom shall be exempt from all
3941 taxation within the State of Mississippi.

3942 **SECTION 105.** Section 59-7-509, Mississippi Code of 1972, is
3943 brought forward as follows:

3944 59-7-509. The board of supervisors of any county issuing
3945 bonds under the provisions of this article shall sell such bonds
3946 on sealed bids at not less than par plus accrued interest to date
3947 of delivery of the bonds to the purchaser, and in the manner
3948 provided in Section 31-19-25, Mississippi Code of 1972.

3949 **SECTION 106.** Section 59-7-511, Mississippi Code of 1972, is
3950 brought forward as follows:

3951 59-7-511. The proceeds of the revenue bonds shall be paid
3952 into a special fund designated as the "special project port



3953 improvement fund" in a bank or banks qualified as depositories for
3954 the county issuing bonds under the provisions of this article, and
3955 such proceeds shall be used solely for the purposes for which such
3956 bonds were issued, except as hereinafter provided, and shall be
3957 disbursed upon order of the board of supervisors of such county
3958 with such restrictions, if any, as the resolution authorizing the
3959 issuance of the bonds may provide. If the proceeds of such bonds,
3960 by error of calculation or otherwise, shall be less than the cost
3961 of the project for which such bonds were issued, and the redeeming
3962 of any outstanding bonds, unless otherwise provided in the
3963 resolution authorizing the issuance of such bonds, additional
3964 bonds may in like manner be issued to provide the amount of such
3965 deficit which, unless otherwise provided in the resolution
3966 authorizing the issuance of such bonds, shall be deemed to be of
3967 the same issue and shall be entitled to payment from the same
3968 funds without preference or priority of the bonds first issued for
3969 the same purpose. If the proceeds of the bonds of any issue shall
3970 exceed the amount required for the project for which the bonds
3971 were issued, such surplus shall be paid into the fund established
3972 for the payment of the principal of and interest on such bonds.

3973 **SECTION 107.** Section 59-7-513, Mississippi Code of 1972, is
3974 brought forward as follows:

3975 59-7-513. The revenue bonds authorized to be issued by the
3976 provisions of this article may be issued without any other
3977 proceedings or the happening of any other conditions or things



3978 than those specified or required by this article. In the
3979 discretion of the board of supervisors of such county the bonds
3980 authorized and issued hereunder may be submitted to validation in
3981 the chancery court of such county in the manner and with the force
3982 and effect now or hereafter provided by Sections 31-13-1 through
3983 31-13-11, Mississippi Code of 1972, for the validation of county,
3984 municipal, school district and other bonds.

3985 **SECTION 108.** Section 59-7-515, Mississippi Code of 1972, is
3986 brought forward as follows:

3987 59-7-515. The revenue bonds issued under the provisions of
3988 this article shall be payable, both principal and interest, solely
3989 out of the revenues to accrue from the operation of the facilities
3990 provided through the special project for which such bonds are
3991 issued, and the full faith and credit of the county shall not be
3992 pledged therefor, nor shall any ad valorem tax be levied for the
3993 payment of such bonds or the interest thereon, and such facts
3994 shall be recited on the face of the bonds.

3995 **SECTION 109.** Section 59-7-517, Mississippi Code of 1972, is
3996 brought forward as follows:

3997 59-7-517. Any county issuing revenue bonds under the
3998 provisions of this article is hereby authorized by contract or
3999 otherwise to provide for the operation and maintenance of
4000 facilities provided through the special project for which such
4001 bonds are issued and to establish the rates, fees and charges to
4002 be paid by users of such port and/or harbor facilities and shall



4003 provide for a revision of such rates, fees and charges from time
4004 to time as may be necessary to assure the sufficiency of funds to
4005 meet the covenants and pledges made in the resolution pursuant to
4006 which such bonds were issued.

4007 **SECTION 110.** Section 59-7-519, Mississippi Code of 1972, is
4008 brought forward as follows:

4009 59-7-519. All revenues of every kind and character derived
4010 from the operation of the facilities of any special project
4011 authorized by the provisions of this article shall be paid into
4012 the port fund of such county and into a special account in said
4013 fund to be designated as the "special project revenue fund" and
4014 the resolution of the board of supervisors directing the issuance
4015 of such bonds shall require that such revenues shall be allocated
4016 to and shall be pledged for the following purposes:

4017 (a) An operation and maintenance fund out of which
4018 there shall be paid the usual and necessary expenses for the
4019 operation and maintenance of the project facilities;

4020 (b) A renewal and replacement fund sufficient to assure
4021 that the project facilities, including equipment, shall be kept in
4022 good repair and working order;

4023 (c) A bond and interest fund which shall be sufficient
4024 to provide for the payment of the principal of and the interest on
4025 the bonds as they mature and accrue, including a reasonable sum
4026 for the creation of a bond reserve fund to assure the payment of



4027 such bonds and the interest therein in the event that sufficient
4028 funds therefor are not otherwise available; and

4029 (d) A contingent fund to provide for unforeseen
4030 contingencies arising in the operation of the project facilities.
4031 Any surplus funds remaining after making the foregoing allocations
4032 shall be dealt with as may be directed by the resolution of the
4033 board of supervisors whereunder such bonds are issued, for the
4034 repayment of advances received from any source, for the payment of
4035 any maturities of principal and interest of such bonds, for the
4036 improvement of the port and/or harbor facilities for which such
4037 bonds were issued, or for the retirement of the outstanding bonds
4038 according to their terms.

4039 **SECTION 111.** Section 65-33-1, Mississippi Code of 1972, is
4040 brought forward as follows:

4041 65-33-1. When any public road, street or highway shall
4042 extend along the beach or shore of any body of tidewater, and such
4043 road, street, or highway, or any part thereof shall be exposed or
4044 subject to, or in danger of, damage by water driven against the
4045 shore by storms, the boards of supervisors shall have the power,
4046 and it is hereby made their duty, to erect and maintain all
4047 necessary seawalls, breakwaters, bulkheads, shore stabilization
4048 structures, causeways, bridges, breakwaters, or other necessary
4049 structures or improvements connecting the beach or shore of any
4050 such bodies of water with islands or other land areas located
4051 offshore or connecting therewith, pumped-in sand or earth fills,



4052 sloping beaches, topping, road surfacing, road protection
4053 pavements, aprons, or other necessary devices to protect and
4054 preserve such roads, streets, and highways, or to increase the
4055 strength or stability of any existing road protection structures
4056 by hard surface aprons or other road protection devices or
4057 structures, and for that purpose and for the purpose of
4058 constructing or improving such highway, may issue the bonds of the
4059 county therefor.

4060 **SECTION 112.** Section 65-33-3, Mississippi Code of 1972, is
4061 brought forward as follows:

4062 65-33-3. The words "sea wall," as used in this chapter,
4063 shall be held to include filling behind the sea wall, culverts,
4064 sluiceways, flood gates, and any other construction work found
4065 necessary for the protection of the water front from storms,
4066 caving banks, overflow, and other like dangers.

4067 The terms "roads, streets, avenues, and highways" as herein
4068 used shall include all such roads, streets, avenues, and highways
4069 as may form any part of any highway extending along such body of
4070 water through or across such county, or any other existing or
4071 contemplated public road, street, avenue, or highway connected
4072 therewith, extending to or along the side of a harbor or to a boat
4073 landing or dock, which, in the discretion of the board of
4074 supervisors of such county, is in need of the protection provided
4075 in this chapter, whether the same is under the jurisdiction of the



4076 national government, the state, the county, or of any
4077 municipality.

4078 **SECTION 113.** Section 65-33-5, Mississippi Code of 1972, is
4079 brought forward as follows:

4080 65-33-5. Prior to the issuance of any bonds hereunder, and
4081 precedent to the inauguration of this program, the following steps
4082 shall be taken:

4083 (a) Any such board of supervisors is authorized to
4084 employ competent engineers or technical assistants to make
4085 necessary preliminary plans and specifications and estimates of
4086 cost of the construction of any causeways or bridges or other
4087 structures in connection with any proposed project or projects
4088 which the board may deem necessary and proper. After said
4089 preliminary plans, specifications and estimates of cost have been
4090 approved by said board, the same shall be filed in the office of
4091 the chancery clerk of such county;

4092 (b) Such board of supervisors shall obtain approval by
4093 the proper United States governmental authorities of the building
4094 of the proposed project, or projects, with regard to questions of
4095 navigation.

4096 **SECTION 114.** Section 65-33-7, Mississippi Code of 1972, is
4097 brought forward as follows:

4098 65-33-7. Such bonds shall be in the denomination of One
4099 Thousand Dollars (\$1,000.00) each and shall mature annually, with
4100 all maturities not longer than twenty-five (25) years, with not



4101 less than one-fiftieth (1/50) of the total issue to mature each
4102 year during the first five (5) years of the life of such bonds,
4103 not less than one-twenty-fifth (1/25) of the total issue to mature
4104 each year during the succeeding ten-year period of the life of
4105 such bonds, and the remainder to be divided into approximately
4106 equal annual payments, one (1) payment to mature each year for the
4107 remaining life of such bonds. Such bonds shall not bear a greater
4108 rate of interest than the maximum amount specified in Section
4109 75-17-103 per annum, and the denomination, form, and place or
4110 places of payment of such bonds shall be fixed in the resolution
4111 or order of the board of supervisors issuing such bonds. Such
4112 bonds shall be signed by the president of the board of supervisors
4113 and countersigned by the clerk thereof, with the official seal of
4114 the county affixed thereto, but the coupons may bear only the
4115 facsimile signatures of such president and clerk. No bonds shall
4116 be issued and sold under the provisions of Sections 65-33-1
4117 through 65-33-15 for less than par and accrued interest, and not
4118 more than one (1) series of interest coupons shall be attached to
4119 any bonds issued under the provisions of said sections; but all
4120 interest accruing on such bonds so issued shall be payable
4121 semiannually, except that the first interest coupon attached to
4122 any such bond may be for any period not exceeding one (1) year.
4123 Such bonds shall be payable at such place or places as may be
4124 designated therein by said board, shall be fully negotiable, and
4125 shall be sold pursuant to advertised public sale at not less than



4126 par and accrued interest. Such bonds shall not be subject to
4127 other restrictions, limitations or provisions of the general laws
4128 governing the issuance and sale of bonds by the board of
4129 supervisors, and the board of supervisors may sell said bonds at
4130 any time within three (3) years after the sale has been approved
4131 in an election held for that purpose herein required, or three (3)
4132 years after the successful termination of any litigation affecting
4133 the same, or three (3) years after the acquisition of all lands in
4134 the areas to be developed as hereinafter provided, but not later;
4135 however, in no event shall the amount borrowed by any such county
4136 after May 4, 1954, exceed the amount of Twelve Million Dollars
4137 (\$12,000,000.00) under the provisions of this section.

4138 Before any bonds shall be issued under the cited sections,
4139 the board of supervisors shall adopt a resolution reciting its
4140 intention to issue such bonds and stating the amount of bonds
4141 proposed to be issued, and shall give notice of election, to be
4142 published once each week for at least three (3) consecutive weeks
4143 in at least one (1) newspaper published in such county, in
4144 accordance with the provisions of Section 19-9-13, except that
4145 such election shall be mandatory.

4146 Such election shall be held, as far as practicable, in the
4147 same manner as other elections are held in counties. At such
4148 election, all qualified electors of such county may vote, and the
4149 ballots used at such election shall have printed thereon a brief
4150 statement of the amount and purpose of the proposed bond issue and



4151 the words "For the Bond Issue" and "Against the Bond Issue," and
4152 the voter shall vote by placing a cross (X) or check mark (V)
4153 opposite his choice on the proposition.

4154 When the results of the election on the question of the
4155 issuance of such bonds shall have been canvassed by the election
4156 commissioners of such county and certified by them to the board of
4157 supervisors of such county, it shall be the duty of such board of
4158 supervisors to determine and adjudicate whether or not
4159 three-fifths (3/5) of the qualified electors who voted in such
4160 election voted in favor of the issuance of such bonds; and, unless
4161 three-fifths (3/5) of the qualified electors who voted in such
4162 election shall have voted in favor of the issuance of such bonds,
4163 then such bonds shall not be issued.

4164 **SECTION 115.** Section 65-33-9, Mississippi Code of 1972, is
4165 brought forward as follows:

4166 65-33-9. In addition to the bonds authorized under Section
4167 65-33-7, said board shall have the authority, and it is hereby
4168 authorized, to issue and sell callable mortgage and revenue bonds
4169 in an amount not exceeding four million dollars (\$4,000,000.00) to
4170 provide additional funds, if found by the board to be necessary
4171 for the purposes of Sections 65-33-1 through 65-33-15, which
4172 mortgage and revenue bonds shall be secured by a mortgage
4173 indenture on any land acquired by the board under the authority of
4174 said sections and, in the discretion of the board, by tolls to be
4175 fixed and collected by the board for the use of any such bridge or



4176 bridges, causeway or causeways, or other structure, and by any
4177 other revenue derived from any source under said sections.

4178 Such bonds shall be in the denomination of one thousand
4179 dollars (\$1,000.00) each, all shall mature within twenty-five
4180 years from the date of issuance, with such dates of maturity not
4181 to exceed twenty-five years as may be fixed in the resolution
4182 authorizing their issuance, shall bear interest not to exceed six
4183 per cent (6%) per annum to accrue and be payable semiannually, and
4184 shall be executed and sold in the manner authorized for the
4185 execution and sale of bonds, as provided in Section 65-33-7.

4186 To secure the payment of such mortgage and revenue bonds and
4187 to fix the rights of the holders thereof, said board may execute a
4188 trust indenture constituting a mortgage lien upon any of the lands
4189 acquired under the provisions of Sections 65-33-1 through
4190 65-33-15, and which indenture may, in the discretion of the board,
4191 pledge and assign any revenues and tolls which the board may fix
4192 and collect for the use of any bridge or bridges, causeway or
4193 causeways, or other structure financed under the provisions of
4194 said sections. Said indenture shall contain such provisions and
4195 conditions as the board may find necessary or proper, shall
4196 include provisions for insurance of such bridges or causeways
4197 against such hazards as the board may deem proper and necessary,
4198 and shall fix the terms and conditions for calling said mortgage
4199 and revenue bonds for prepayment before their maturities.



4200 **SECTION 116.** Section 65-33-11, Mississippi Code of 1972, is
4201 brought forward as follows:

4202 65-33-11. In event any such bonds be authorized by said
4203 election for the purpose of building or constructing any causeway
4204 or bridge to any island or islands, then and in that event, and
4205 before any of said bonds shall be sold or delivered, the said
4206 board shall take necessary steps to acquire title to all of the
4207 land on such island or islands, susceptible of private ownership,
4208 not belonging to the United States government or the State of
4209 Mississippi (exclusive of any historic fort or fortress belonging
4210 to a patriotic association with not exceeding five acres of land
4211 surrounding the same); or for binding option or other enforceable
4212 legal right to acquire the same at a price satisfactory to the
4213 said board. However, no land shall be purchased from any private
4214 owner who has acquired title to said land during the last 12
4215 months at a price in excess of the cost to the person acquiring
4216 same except by condemnation in a court at law.

4217 After the bond election has carried and after options have
4218 been obtained and other provisions enforceable at law satisfactory
4219 to said board of supervisors have been made for the acquisition of
4220 the land as hereinabove provided, it shall be the duty of the
4221 board of supervisors to employ a suitable engineer or engineers to
4222 make final plans, specifications, and estimates of cost of
4223 construction of the additional and supplementary protection for
4224 public roads and highways and the building and construction of any



4225 causeways, bridges, or other projects authorized by Sections
4226 65-33-1 through 65-33-15. Upon adoption of such plans and
4227 specifications and approval thereof by such board, or upon such
4228 adoption and approval of any revision thereof which may be made
4229 from time to time, said board of supervisors may proceed to sell
4230 and deliver said bonds, or so much thereof as may be necessary,
4231 and proceed to enter into necessary contracts to the lowest and
4232 best bidder, after advertising therefor in the manner by statute
4233 provided, and do all other things necessary toward the
4234 accomplishment of the work contemplated by such plans and
4235 specifications and to acquire in the name of such county such
4236 property or rights in property as may be necessary for the
4237 construction and execution of such plans and specifications and in
4238 compliance with the provisions of said sections relative to the
4239 acquisition of title to land on any island or islands. Said board
4240 of supervisors shall have the right to acquire by purchase, gift,
4241 or eminent domain any land or lands deemed necessary for roads,
4242 roadways, parks, recreation projects, seashore parks, or other
4243 public grounds approved by such board; no lands so acquired by
4244 eminent domain by said board for such public purposes shall be
4245 sold. Other lands on such island or islands so acquired by such
4246 board may be subdivided into lots, blocks, and building sites and
4247 sold, either at public auction, or prices may be placed upon
4248 individual lots and placed on sale to the public at such prices
4249 and under such terms and conditions as may be fixed by said board.



4250 **SECTION 117.** Section 65-33-13, Mississippi Code of 1972, is
4251 brought forward as follows:

4252 65-33-13. It shall be the duty of such board to exercise a
4253 continuing supervision over all public lands, works, and road
4254 protection. All bonds issued under the provisions of Section
4255 65-33-7 and all obligations and expenses necessarily incurred in
4256 connection there with shall be paid out of the funds made
4257 available for road protection purposes under this chapter.

4258 Any attorneys' fees paid in connection with or in
4259 consideration of the issuance of any bonds under the terms of
4260 Sections 65-33-1 through 65-33-15, shall not exceed one half of
4261 one per cent of ($\frac{1}{2}$ of 1%) the total amount of each bond issue.

4262 The cost of the maintenance of any such causeway or
4263 causeways, bridge or bridges, road and roads shall be defrayed out
4264 of funds provided under Section 65-33-47, or general county fund,
4265 or from tolls or revenues derived from any bridge or bridges,
4266 causeway or causeways, or facilities provided for herein. Said
4267 county shall insure the causeway or causeways, bridge or bridges,
4268 against such perils as the board may deem proper, such insurance
4269 to be written by an insurance company or companies authorized to
4270 do business in the State of Mississippi, and the premiums therefor
4271 shall be payable out of funds provided under this chapter.

4272 **SECTION 118.** Section 65-33-15, Mississippi Code of 1972, is
4273 brought forward as follows:



4274 65-33-15. Except as herein to the contrary provided, such
4275 counties, acting by and through their respective boards of
4276 supervisors in the performance of the powers and duties hereunder
4277 granted and provided, shall have and may exercise all powers and
4278 rights, including but not limited to the right of eminent domain
4279 heretofore granted by and under this chapter.

4280 The provisions of Sections 65-33-1 through 65-33-15 are
4281 additional and supplemental to all other powers heretofore or
4282 hereafter granted to counties, and no county shall be deemed to be
4283 required to issue bonds under the provisions hereof. Unless and
4284 until a county shall have issued bonds under the provisions
4285 hereof, such county shall not be obligated by any of the
4286 provisions of said sections, and may avail itself of any law now
4287 or hereafter enacted and which may contain other and different
4288 provisions concerning the application of the revenues herein
4289 referred to.

4290 **SECTION 119.** Section 65-33-17, Mississippi Code of 1972, is
4291 brought forward as follows:

4292 65-33-17. The board of supervisors of any county in the
4293 State of Mississippi bordering on the Mississippi Sound or Gulf of
4294 Mexico, having an assessed valuation of less than five million
4295 (\$5,000,000.00) dollars according to the last completed
4296 assessment, and maintaining a seawall or road protection structure
4297 under this chapter, is hereby authorized, in its discretion, and
4298 subject to complying with the provisions of Sections 65-33-17



4299 through 65-33-21, to borrow funds not to exceed two hundred
4300 thousand (\$200,000.00) dollars at a rate of interest not exceeding
4301 six (6%) per cent per annum, in addition to such sums as may have
4302 heretofore been borrowed, for the purpose of constructing,
4303 repairing and maintaining such seawall or road protection
4304 structure and/or the public roads of such county, and in its
4305 discretion, to expend such funds or any part thereof in
4306 conjunction with contributions and allotments of funds, materials
4307 or labor for the works progress administration or other
4308 governmental department for the aforesaid improvements, or any of
4309 them.

4310 **SECTION 120.** Section 65-33-19, Mississippi Code of 1972, is
4311 brought forward as follows:

4312 65-33-19. The board of supervisors of any such county may,
4313 in its discretion, issue and sell the bonds of such county in an
4314 amount not exceeding Two Hundred Thousand Dollars (\$200,000.00) to
4315 provide funds for the purposes enumerated in Section 65-33-17.
4316 However, such bonds shall not be issued until notice of intention
4317 to issue and sell the same shall have been made by publishing such
4318 notice in two (2) weekly issues of some newspaper having a general
4319 circulation in the county. If, within fifteen (15) days after the
4320 first publication of such notice twenty-five percent (25%) of the
4321 qualified electors of the county petition the board of supervisors
4322 for an election to determine whether or not such bonds shall be
4323 issued, an election shall be ordered by said board of supervisors



4324 in which all of the qualified electors of the county shall be
4325 eligible to participate. If at such election a majority of those
4326 voting vote in favor of the issuance of such bonds the same shall
4327 be issued as provided by statute. In event a majority of the
4328 qualified electors voting vote against the issuance of such bonds
4329 the same shall not be issued and no further effort shall be made
4330 to issue bonds under Sections 65-33-17 through 65-33-21 by such
4331 board for a period of six (6) months after such election. If no
4332 such petition be filed with the clerk of such board of supervisors
4333 within fifteen (15) days after the first publication of such
4334 notice, the board of supervisors shall proceed forthwith to issue
4335 and sell such bonds without an election and without further
4336 notice.

4337 **SECTION 121.** Section 65-33-21, Mississippi Code of 1972, is
4338 brought forward as follows:

4339 65-33-21. Bonds issued under the provisions of Sections
4340 65-33-17 through 65-33-21 shall be full faith and credit
4341 obligations of the county for which the same are issued, shall
4342 mature so as to be paid within twenty years from their date of
4343 issuance, and shall be paid out of the funds collected under this
4344 chapter. All bonds, notes and certificates of indebtedness
4345 heretofore issued by such county for seawall and road protection
4346 purposes maturing each year and the interest thereon however,
4347 shall be first provided for and paid out of said funds. The bonds
4348 authorized to be issued under Sections 65-33-17 through 65-33-21



4349 shall not be subject to other limitations, restrictions or
4350 provisions of the general laws or laws which may be enacted at the
4351 Regular 1940 Session of the Mississippi Legislature governing the
4352 borrowing of money, amounts of indebtedness, budget and election,
4353 and shall be payable, both as to principal and interest, from the
4354 same sources of revenue and taxes made available for the payment
4355 of road protection bonds under the provisions of this chapter.

4356 **SECTION 122.** Section 65-33-23, Mississippi Code of 1972, is
4357 brought forward as follows:

4358 65-33-23. For the purpose of this chapter the several boards
4359 of supervisors are hereby clothed with the power and authority,
4360 and it is made their duty, to exercise the right of eminent domain
4361 in order to procure the right of way for such roads, streets,
4362 highways, sea walls, breakwaters, bulkheads, sloping beach, and
4363 such other devices as may be adopted for the protection of such
4364 highways. They shall have the power to pass all necessary
4365 ordinances for the preservation and protection of any such road,
4366 sea wall, sloping beach, or other device constructed hereunder,
4367 and the violation of such ordinances shall constitute, and be
4368 punished as, a misdemeanor.

4369 **SECTION 123.** Section 65-33-25, Mississippi Code of 1972, is
4370 brought forward as follows:

4371 65-33-25. The several boards of supervisors shall have the
4372 power and authority, for the purpose of constructing, maintaining,
4373 and repairing any such sea wall, sloping beach, or other



4374 protection, to purchase, maintain, and operate one or more
4375 dredges, together with all necessary machinery, tools, and
4376 implements for the operation thereof, to employ necessary
4377 engineers and laborers to operate the same, and to insure such sea
4378 wall, sloping beach, or other protection against loss by
4379 hurricanes, tide water, cyclone, tornado, and risks of all kinds;
4380 and the board may pay for the same out of any funds available
4381 collected and paid into the treasury by virtue of this chapter.

4382 **SECTION 124.** Section 65-33-27, Mississippi Code of 1972, is
4383 brought forward as follows:

4384 65-33-27. Whenever it may be necessary to protect any
4385 highway hereunder, the board of supervisors by an order on its
4386 minutes shall so declare and shall certify the same to the
4387 governor of the state, who shall thereupon appoint five suitable
4388 freeholders of the county to constitute, and be known as, the road
4389 protection commission of such county, and who shall decide and
4390 recommend the kind and character of protection necessary, to be
4391 approved by the board of supervisors. When such commission shall
4392 have been appointed and shall have organized, said commission
4393 shall select and employ a suitable engineer, to be approved by the
4394 board of supervisors, to make a survey, plans, specifications, and
4395 estimates of costs of construction under the direction of the said
4396 road protection commission, to be approved by the board of
4397 supervisors. When so approved, the board of supervisors may
4398 proceed to issue bonds of the county therefor, and the road



4399 protection commission shall thereupon advertise for bids and let a
4400 contract or contracts therefor. Such contracts shall be submitted
4401 to and approved by the board of supervisors, all contracts under
4402 this section to be executed by the board of supervisors. The road
4403 protection commission and the board of supervisors are authorized
4404 and empowered to do all things and to make all expenditures
4405 necessary to carry out the purposes hereof.

4406 **SECTION 125.** Section 65-33-29, Mississippi Code of 1972, is
4407 brought forward as follows:

4408 65-33-29. The road protection commission shall organize by
4409 the election of a chairman, and they shall serve without
4410 compensation except actual expenses, which shall be allowed by the
4411 board of supervisors and paid out of the general county fund or
4412 the road fund, as the board of supervisors may elect. Three
4413 members shall constitute a quorum to transact business, and all
4414 meetings shall be held at the courthouse. Their tenure of office
4415 shall be four years or until the work for which bonds are issued
4416 is completed and accepted, if less than four years. The clerk of
4417 the board of supervisors shall be ex-officio clerk of the road
4418 protection commission, shall attend all meetings, and shall
4419 preserve a record of all proceedings of said commission.

4420 **SECTION 126.** Section 65-33-31, Mississippi Code of 1972, is
4421 brought forward as follows:

4422 65-33-31. Whenever it shall become necessary to construct,
4423 widen, or protect any highway under the provisions hereof, the



4424 road protection commission shall make publication for thirty (30)
4425 days in some newspaper published in the county wherein such
4426 improvements are made, setting forth the commencement and
4427 termination, with a general outline of the nature and extent
4428 thereof. When any owner of land or other person shall claim
4429 compensation for land taken for such purpose, or for damage
4430 sustained by the construction, widening, improvement, or
4431 protection of such road or highway, he shall petition the board of
4432 supervisors in writing within thirty (30) days after the
4433 expiration of the time provided for such publication, setting
4434 forth the nature and character of the damages claimed. Thereupon
4435 the board shall, on five (5) days' notice to petitioner, go on the
4436 premises and assess the damages sustained by him. The finding of
4437 the board shall be in writing, signed by the members agreeing to
4438 it, and must be entered on the minutes at the next meeting; but if
4439 the damages sustained and claimed be less than the cost of
4440 assessing, the board may allow the same without inquiry.

4441 **SECTION 127.** Section 65-33-33, Mississippi Code of 1972, is
4442 brought forward as follows:

4443 65-33-33. All proceedings of the board of supervisors and
4444 the road protection commission in widening, improving, or
4445 protecting any such highway and assessing damages therefor may be
4446 reviewed by the circuit court in respect to any matter of law
4447 arising on the face of the proceeding. On the question of
4448 damages, the case may be tried anew and the damages may be



4449 assessed by a jury if the owner of the land so desires. The board
4450 of supervisors shall grant appeals for that purpose when prayed
4451 for, on appellant giving bond for cost in such penalty as the
4452 board may require, not exceeding \$200.00, payable to the county.

4453 **SECTION 128.** Section 65-33-35, Mississippi Code of 1972, is
4454 brought forward as follows:

4455 65-33-35. All expenses incurred prior to the issuance and
4456 sale of bonds as hereinabove provided may be paid out of the
4457 general county fund or such other fund as the board of supervisors
4458 may select. The fund out of which such expense is paid shall be
4459 reimbursed out of the proceeds of such bond issue when the bonds
4460 are issued and sold.

4461 **SECTION 129.** Section 65-33-37, Mississippi Code of 1972, is
4462 brought forward as follows:

4463 65-33-37. The board of supervisors may agree with any
4464 municipality or sea wall district that the county be assessed for
4465 its pro rata share of the construction and maintenance of sea
4466 walls. The assessment shall be paid each year by the county for
4467 whatever period agreed upon by the board of supervisors and the
4468 sea wall district or municipality.

4469 Where any municipality has issued bonds and constructed road
4470 protection, such as is contemplated by this chapter, which
4471 protection is, or shall become, a part of the general scheme to
4472 protect roads, streets, or highways from tidewater in said county,
4473 the board of supervisors may use the funds derived under Sections



4474 65-33-47 and 65-33-49 for the payment and retirement of said
4475 bonds, or for such portion thereof as the board may deem equitable
4476 and just, and to refund upon an equitable and just basis to
4477 municipal property owners who have paid direct special improvement
4478 taxes to municipalities for sea wall or road protection, which sea
4479 wall or road protection is or shall become a part of the general
4480 road system of the county; and said payments may be made in yearly
4481 installments.

4482 **SECTION 130.** Section 65-33-39, Mississippi Code of 1972, is
4483 brought forward as follows:

4484 65-33-39. When any county of this state has adopted or will
4485 adopt any sea wall or part of a sea wall constructed prior to
4486 October 31, 1931, by a municipality as a part of its general
4487 system as provided by Section 65-33-37, and where said county has
4488 been unable to take care of or pay the maturing bonds and interest
4489 of said municipality from the gasoline tax as provided by said
4490 section, the said county may borrow funds necessary to pay
4491 outstanding maturing bonds and interest of the municipality issued
4492 for said sea wall, or walls. The said county may borrow said
4493 funds either upon certificates of indebtedness, notes, or bonds,
4494 as in its judgment it may see fit. Said obligation or bonds shall
4495 not be for a period longer than ten years and at a rate of
4496 interest not exceeding six per cent. Said obligations or bonds
4497 shall not be considered as included in any limitation now fixed by
4498 law upon the indebtedness of any county, and said obligations or



4499 bonds may be issued without notice and without an election on the
4500 question of the issuance of same. The said obligation or bonds
4501 issued hereunder shall be general obligations of the county and
4502 payable out of the gasoline tax when available, as provided in the
4503 cited section, and the general sea wall road protection laws. In
4504 the event of the failure of sufficient funds from the said
4505 gasoline tax, the county shall levy a special tax to pay said
4506 bonds. The board of supervisors issuing bonds hereunder may
4507 provide that the first obligations or bonds mature as long as
4508 three years from the date of their issuance, but all interest
4509 shall be paid semiannually. In the event of the failure to
4510 collect sufficient gasoline tax to pay said bonds or obligations
4511 authorized hereunder, the board of supervisors of the county are
4512 authorized to levy ad valorem taxes to pay same as other sea wall
4513 or road protection bonds.

4514 **SECTION 131.** Section 65-33-41, Mississippi Code of 1972, is
4515 brought forward as follows:

4516 65-33-41. The board of supervisors of any county may, in its
4517 discretion, levy a special tax for sea wall purposes, not to
4518 exceed five mills, may issue bonds therefor, or may pay for its
4519 pro rata share out of the funds of the county.

4520 **SECTION 132.** Section 65-33-43, Mississippi Code of 1972, is
4521 brought forward as follows:

4522 65-33-43. In all counties where the bonds of the county are
4523 or have been issued under this chapter or any previous statutes of



4524 a similar character, the boards of supervisors may levy and
4525 collect a privilege tax on each person resident in such county
4526 driving an automobile or other motor vehicle on any of the public
4527 streets or highways of the county, not exceeding two dollars. The
4528 amount of said tax may be varied in case more than one member of a
4529 family pays such tax, the funds arising therefrom to be applied in
4530 the same manner as funds arising under Sections 65-33-45 through
4531 65-33-49 are applied. The boards of supervisors shall have the
4532 power, and it shall be the duty of such boards, to levy annually
4533 on all the taxable property in such counties, and to collect a
4534 special tax sufficient to cover any deficiency, if such deficiency
4535 occur, in the amount necessary to meet annually such interest and
4536 sinking fund.

4537 **SECTION 133.** Section 65-33-45, Mississippi Code of 1972, is
4538 brought forward as follows:

4539 65-33-45. Where any county issues or has heretofore issued
4540 its bonds under this chapter or any previous statutes of a similar
4541 character for protection of any highway, there shall be paid into
4542 the treasury of such county fifty percent (50%) of any license
4543 taxes which would otherwise be paid into the State Highway Fund
4544 collected by the state in such county on motor vehicles or drivers
4545 thereof, and fifty percent (50%) of any excise taxes levied and
4546 collected in such county by the state on gasoline which would
4547 otherwise be paid into the State Treasury to the credit of the
4548 State Highway Fund, to meet the interest and annual sinking fund



4549 on such bonds. Such funds shall be applied toward the liquidation
4550 of the interest and sinking fund accruing annually on such bonds,
4551 the other fifty percent (50%) to go into the State Treasury to the
4552 credit of the State Highway Commission, and, if such taxes in any
4553 year should be insufficient to cover such interest and sinking
4554 fund, the deficiency therein shall be supplied out of any other
4555 such funds collected by the state in such county and allotted by
4556 law to such county for road purposes. Nothing herein shall be
4557 construed as a guarantee on the part of the state to pay the
4558 interest or principal on any bonds issued hereunder.

4559 This section shall not apply to the tax collected from
4560 registration fees and the sale of automobile tags.

4561 Of the surplus of such funds so paid into the treasuries of
4562 Harrison and Jackson Counties, the portions thereof hereinafter
4563 designated, to the extent necessary under the limitations
4564 hereinafter stated, shall be paid by Harrison and Jackson Counties
4565 to the State Highway Commission and shall be applied by said
4566 commission on the annual payments of principal of and interest on
4567 bonds to be issued by the State Bond Commission in an amount not
4568 to exceed Seven Million Dollars (\$7,000,000.00), for the
4569 construction, by the State Highway Commission, of a four-lane
4570 highway bridge across the Bay of Biloxi, to form a part of United
4571 States Highway No. 90, to the extent that two thirds of the total
4572 cost of principal and interest on such bonds shall be paid out of



4573 such surplus funds of Harrison County, and one third out of such
4574 surplus funds of Jackson County.

4575 For the purpose of this section, such "surplus funds of
4576 Harrison County" shall be construed to be the amount paid to
4577 Harrison County under this section not pledged to the payment of
4578 principal and interest of bonds issued under this chapter, or any
4579 previous statutes of a similar character for the protection of any
4580 highway, and presently outstanding. "Surplus funds of Jackson
4581 County" shall be construed to be the amount paid to Jackson County
4582 under this section not pledged to the payment of principal and
4583 interest of bonds issued under this chapter, or any previous
4584 statutes of a similar character for the protection of any highway,
4585 and presently outstanding, and remaining after payment of
4586 principal and interest on bonds now issued or authorized by an
4587 election by Jackson County in connection with its Bayou Casotte
4588 development project under the authority of Senate Bill No. 1265,
4589 Extraordinary Session of 1954, as amended by Senate Bill No. 1624
4590 enacted at the Regular 1958 Session of the Mississippi
4591 Legislature.

4592 Annually, to the extent necessary to meet the annual
4593 requirements for the payment of principal of and interest on said
4594 bonds, Harrison County shall pay to the State Highway Commission
4595 not exceeding two thirds of its aforesaid annual surplus, as
4596 hereinabove defined; and, to the extent necessary and available,
4597 Jackson County shall annually pay to the State Highway Commission



4598 from such surplus funds an amount not exceeding one third of the
4599 annual requirements for bonds issued by the State Bond Commission,
4600 and such amounts as may be necessary to satisfy any deficiency in
4601 preceding annual payments required to be made under the provisions
4602 hereof.

4603 Surplus funds remaining to both Harrison and Jackson
4604 Counties, after making the payments above directed, may be
4605 pledged, used, and expended in whole or part for the payment of
4606 the principal of and interest on bonds issued and to be issued
4607 under the authority of Sections 59-9-1 through 59-9-83; however,
4608 unless and until so pledged all or any part of such surplus now or
4609 hereafter accumulated may be transferred by the board of
4610 supervisors to a fund designated the county port fund and shall be
4611 subject to expenditure by the county port authority or county
4612 development commission for the purposes and objects authorized by
4613 said sections. All expenditures made by the county port authority
4614 or county development commission shall be audited by the county
4615 auditor, who shall annually report such expenditures to the board
4616 of supervisors.

4617 **SECTION 134.** Section 65-33-47, Mississippi Code of 1972, is
4618 brought forward as follows:

4619 65-33-47. Where any county issues or has heretofore issued
4620 the bonds of the county under this chapter or any previous
4621 statutes of a similar character, an excise tax of not exceeding
4622 three cents per gallon, in addition to any such tax levied and



4623 collected by the state in such counties, for the distribution of
4624 gasoline, may be collected by such counties. Such collection
4625 shall be made at the time and in the manner provided for the
4626 collection of the gasoline tax generally and shall be remitted by
4627 the auditor of the county at the same time as is remitted the
4628 amount due to the county out of the regular gasoline tax. The
4629 additional funds so derived shall be applied first towards any
4630 deficiency in the amount collected by the state and paid to such
4631 county which may be necessary for the liquidation of the interest
4632 accruing on, and to provide a sinking fund for the retirement of,
4633 such bonds issued by municipalities for road protection and
4634 refunds as hereinbefore provided. Any overplus or parts thereof
4635 may be used in the construction of road protection pavements or
4636 hard surfaced aprons to any existing road protection heretofore
4637 constructed, or to increase the strength or stability of any such
4638 existing road protection, or in the construction of additional
4639 road protection, or in the repair and maintenance of existing road
4640 protection, or road protection hereafter constructed, as the board
4641 of supervisors may elect. The taxes hereinabove provided for,
4642 upon the faith of which bonds may be issued, shall be levied and
4643 collected annually in an amount estimated to be equal to the
4644 interest and sinking fund on said bonds and shall not, until said
4645 bonds with interest thereon shall have been paid, be lowered
4646 beyond that amount which is estimated to be necessary to produce
4647 annually a sum sufficient to pay interest and provide a sinking



4648 fund, requirements on such bond issue or issues, provided such tax
4649 shall not exceed such reasonable sum as may be legally levied and
4650 collected; said tax and sinking fund may be used by the board of
4651 supervisors to retire bonds issued by municipalities for road
4652 protection purposes and refunds as hereinbefore provided.

4653 Any such county may exempt from the payment of the additional
4654 tax levied on the distribution of gasoline, any and all gasoline
4655 which may be consumed by boats engaged in fishing, by boats in
4656 commerce between the states or in necessary duties as
4657 instrumentalities of the United States government, gasoline
4658 purchased for agricultural purposes or domestic purposes, as was
4659 defined by Section 12, Chapter 264, Laws of 1946. Such exemption
4660 shall be contained in the order of such board of supervisors
4661 levying the tax on such gasoline and, when such exemption is
4662 granted in such order, then no additional tax shall be required
4663 from the person distributing gasoline direct to consumers using
4664 same in operating boats for fishing, in commerce, or as
4665 instrumentalities of the United States government. When a
4666 distributor is entitled to the said exemption, he shall, when
4667 reporting and remitting to the auditor for the regular gasoline
4668 tax, report also in detail with respect to the distributions
4669 exempted from said additional tax in the same manner as is
4670 required in the section on exemptions and allowances in the
4671 chapter on gasoline taxes.



4672 **SECTION 135.** Section 65-33-49, Mississippi Code of 1972, is
4673 brought forward as follows:

4674 65-33-49. In those counties operating under this chapter,
4675 the board of supervisors may borrow funds not in excess of Three
4676 Hundred Fifty Thousand Dollars (\$350,000.00) at a rate of interest
4677 not exceeding six percent. per annum, in addition to such sums as
4678 may have heretofore been borrowed, for the purpose of extending,
4679 constructing, repairing, or maintaining the road protection of the
4680 county or to protect by sea wall or road protection any street,
4681 highway, road, or avenue connected therewith extending to or along
4682 the side of a harbor or to a boat landing or dock, which, in the
4683 judgment of the board of supervisors of such county, should be so
4684 protected either for an existing or a contemplated road, street,
4685 highway, or avenue. Such board of supervisors shall have
4686 authority to acquire by purchase or otherwise a dredge boat and
4687 use and operate the same for the purpose of pumping a sand beach
4688 adjacent to such sea wall or road protection structure, and to pay
4689 for same out of any funds provided under this section or any funds
4690 collected under Section 65-33-47. The funds or amount borrowed
4691 for the purpose provided for in this section shall be paid within
4692 a period of ten years from the date borrowed, and shall be paid
4693 out of the funds collected under this chapter. All bonds, notes,
4694 or certificates of indebtedness maturing each year and the
4695 interest thereon, however, shall be first provided for and paid
4696 out of said funds. The loans authorized herein shall not be



4697 subject to other limitations, restrictions, or provisions of the
4698 general laws governing the borrowing of money, amounts of
4699 indebtedness, budget, and election; and said loans may be made by
4700 the board of supervisors of such county either by issuance of
4701 county bonds, notes, or certificates of indebtedness which shall
4702 be full faith and credit obligations of the county issuing the
4703 same and shall be payable, both as to principal and interest, from
4704 the same sources of revenue and taxes made available for the
4705 payment of road protection bonds under the provisions of this
4706 chapter. The money herein authorized to be borrowed may be
4707 borrowed by such board of supervisors from any person, firm,
4708 corporation, governmental lending agency, or from any sinking
4709 funds of such county, provided that if the money be borrowed from
4710 any sinking fund, it shall be repaid before the sinking fund from
4711 which it is borrowed, when supplemented by funds paid into same,
4712 is needed. Before the board of supervisors shall borrow money
4713 under this section, it shall spread on its minutes an order
4714 reciting such intention and shall thereafter publish a copy of
4715 such order, in two weekly issues of some newspaper having a
4716 general circulation in the county. If, within fifteen days after
4717 the first publication of a copy of such order, twenty-five percent
4718 of the qualified electors of the county petition the board of
4719 supervisors for an election to determine whether or not the
4720 adoption of such order should be annulled, such election shall be
4721 ordered by such board of supervisors. If at such election a



4722 majority of those voting vote in favor of the adoption of such
4723 order, the same shall be valid and effective; but if a majority
4724 shall vote against such order, it shall be annulled and shall be
4725 ineffective, and no further effort shall be made to borrow funds
4726 under this section by such board for a period of six months from
4727 the date of such election. If no such petition be presented
4728 within fifteen days after the first publication of a copy of such
4729 order, such order shall be valid and effective. The amount
4730 authorized to be borrowed under this section may be borrowed at
4731 any time and in any amount, but the total borrowed shall not
4732 exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) in
4733 addition to such sums as may heretofore have been borrowed for the
4734 purposes herein enumerated, or either of them.

4735 **SECTION 136.** Section 65-33-51, Mississippi Code of 1972, is
4736 brought forward as follows:

4737 65-33-51. (1) In any county maintaining a seawall or road
4738 protection structure under the provisions of this chapter, the
4739 board of supervisors may borrow funds not in excess of One Million
4740 Five Hundred Thousand Dollars (\$1,500,000.00), at a rate of
4741 interest not exceeding four percent per annum, in addition to such
4742 sums as have heretofore been borrowed for the purpose of
4743 constructing, repairing, strengthening or maintaining the road
4744 protection structure or seawall of the county. Such board of
4745 supervisors shall have the authority to acquire by purchase or
4746 otherwise a dredge boat and to use and operate it for the purpose



4747 of pumping a sand beach adjacent to such seawall or road
4748 protection structure or for the maintenance thereof, and to pay
4749 for same out of any funds provided under this section. The funds
4750 or amount borrowed for the purposes provided for in this section
4751 shall be repaid within a period of fifteen years from the date
4752 borrowed, and shall be paid out of the funds collected under this
4753 chapter. All bonds, notes, or certificates of indebtedness
4754 maturing each year and the interest thereon, however, shall be
4755 first provided for and paid out of said funds. The loans
4756 authorized herein shall not be subject to other limitations,
4757 restrictions, or provisions of the general laws governing the
4758 borrowing of money, amounts of indebtedness, budget, and election;
4759 and said loans may be made by the board of supervisors of such
4760 county either by issuance of county bonds, notes, or certificates
4761 of indebtedness which shall be full faith and credit obligations
4762 of the county issuing same and shall be payable, both as to
4763 principal and interest, from the same sources of revenue and taxes
4764 made available for the payment of road protection bonds under the
4765 provisions of this chapter. The money herein authorized to be
4766 borrowed by such board of supervisors may be borrowed from any
4767 person, firm, corporation, governmental lending agency, or from
4768 any sinking funds of such county; if the money be borrowed from
4769 any sinking fund, it shall be repaid before the sinking fund from
4770 which it is borrowed, when supplemented by funds paid into same,
4771 is needed. Before the board of supervisors shall borrow money



4772 under this section, it shall spread on its minutes an order
4773 reciting such intention, and shall thereafter publish a copy of
4774 such order in three weekly issues of some newspaper having a
4775 general circulation in the county. If, within fifteen days after
4776 the first publication of a copy of such order, fifteen percent of
4777 the qualified electors of the county shall file with such board of
4778 supervisors a petition in writing requesting an election on the
4779 question of borrowing money in the amount and for the purpose as
4780 set forth in such order, then such money shall not be borrowed
4781 unless authorized by a majority of the qualified voters of such
4782 county voting in an election to be ordered by such board of
4783 supervisors for that purpose. Notice of such election shall be
4784 given and such election shall be held and conducted as provided by
4785 law in connection with elections for the submission of bond issues
4786 in such county. If such proposition shall fail to receive such
4787 majority vote at such election, then no further proceedings for
4788 the borrowing of such money shall be had or taken within a period
4789 of six months from and after the date of such election. If,
4790 however, no such petition shall be so filed, or if at such
4791 election such petition shall be assented to by a majority vote,
4792 then such board of supervisors shall be authorized to borrow such
4793 money in the amount and for the purpose as set forth in such order
4794 as published. The amount authorized to be borrowed under this
4795 section may be borrowed at any time and in any amount, but the
4796 total borrowed shall not exceed One Million Five Hundred Thousand



4797 Dollars (\$1,500,000.00) in addition to such sums as may heretofore
4798 have been borrowed for the purposes herein enumerated, or either
4799 of them.

4800 (2) The board of supervisors is hereby given full power and
4801 authority to meet and do and grant any request of the United
4802 States Beach Erosion Board of the United States Army Engineers by
4803 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,
4804 and to assure either or both the following:

4805 (a) Assure maintenance of the seawall and drainage
4806 facilities, and of the beach by artificial replenishment, during
4807 the useful life of these works, as may be required to serve their
4808 intended purpose;

4809 (b) Provide, at the county's own expense, all necessary
4810 land, easements, and rights of way;

4811 (c) To hold and save the United States free from all
4812 claims for damages that may arise either before, during, or after
4813 prosecution of the work;

4814 (d) To prevent, by ordinance, any water pollution that
4815 would endanger the health of the bathers;

4816 (e) To assume perpetual ownership of any beach
4817 construction and its administration for public use only, and that
4818 the board of supervisors is given full power and authority to do
4819 any and all things necessary in and about the repair and
4820 reconstruction, or construction or maintenance of the seawall and
4821 sloping beach adjacent thereto; and it is given such power to



4822 cooperate with the requirements of the United States government to
4823 receive any grant or grants of money from Congress or to
4824 contribute any grant or grants to the United States Army Engineers
4825 in and about this construction and maintenance and it is further
4826 given full power and authority to employ engineers, lawyers, or
4827 any other professional or technical help in and about the
4828 completion of this project. In the event the county engineer is
4829 selected to do any or all of said work, the board of supervisors
4830 is hereby authorized to pay and allow him such reasonable fees or
4831 salary which, in its opinion, is necessary, just, and commensurate
4832 to the work done by him.

4833 It is further given full power and authority to let, by
4834 competitive bids, any contract for the repair of said wall, or for
4835 the installation and drainage, and for the construction of any
4836 additional section of wall, together with any artificial beach
4837 adjacent to said wall; or it may, in its discretion, negotiate a
4838 contract for any and all construction or any part thereof for the
4839 construction, repair, reconstruction, or additions thereto; or it
4840 may do any or all of said work under the direction of the county
4841 engineer or engineers employed by it and for which purpose it may
4842 employ all necessary labor and equipment and purchase necessary
4843 materials.

4844 The intent and purpose of this section is to give unto the
4845 respective boards of supervisors the full power and authority to
4846 carry out all the provisions herein, and to act independently,



4847 jointly, or severally with the United States government by and
4848 under Public Law 727, 79th Congress.

4849 (3) The provisions of this section shall not apply to any
4850 county with an assessed valuation of less than \$10,000,000.00.

4851 **SECTION 137.** Section 65-33-53, Mississippi Code of 1972, is
4852 brought forward as follows:

4853 65-33-53. (1) In any county maintaining a seawall or road
4854 protection structure under the provisions of this chapter, the
4855 board of supervisors may borrow funds not in excess of Five
4856 Hundred Thousand Dollars (\$500,000.00) in addition to the One
4857 Million Five Hundred Thousand Dollars (\$1,500,000.00) authorized
4858 under Section 65-33-51, at the rate of interest not exceeding four
4859 percent per annum, in addition to such sums as have heretofore
4860 been borrowed for the purpose of constructing, repairing,
4861 strengthening, or maintaining the road protection structure or
4862 seawall of the county, including the raising of the roadbed as
4863 recommended and approved by the Mississippi State Highway
4864 Commission, and to construct retaining walls for such raised
4865 roadbeds and to pump by hydraulic fill, or otherwise, a sand beach
4866 adjacent to such retaining wall or seawall structure. Such board
4867 of supervisors shall have the authority to acquire by purchase or
4868 otherwise a dredge boat and to use and operate it for the purpose
4869 of pumping a sand beach adjacent to such seawall or road
4870 protection structure or for the maintenance thereof; however, said
4871 board of supervisors shall not pay for same out of any funds



4872 provided under this section. The funds or amount borrowed for the
4873 purposes provided in this section shall be repaid within a period
4874 of fifteen years from the date borrowed, and shall be paid out of
4875 the funds collected under this chapter. All bonds, notes, or
4876 certificates of indebtedness maturing each year and the interest
4877 thereon, however, shall be first provided for and paid out of said
4878 funds. The loans authorized herein shall not be subject to other
4879 limitations, restrictions, or provisions of the general laws
4880 governing the borrowing of money, amounts of indebtedness, budget,
4881 and election, and said loans may be made by the board of
4882 supervisors of such county either by issuance of county bonds,
4883 notes, or certificates of indebtedness which shall be full faith
4884 and credit obligations of the county issuing same and shall be
4885 payable, both as to principal and interest, from the same sources
4886 of revenue and taxes made available for the payment of road
4887 protection bonds under the provisions of this chapter, which
4888 sources of revenue and taxes are irrevocably pledged toward the
4889 repayment of any monies borrowed or any bonds issued under the
4890 provisions of this section. The money herein authorized to be
4891 borrowed by such board of supervisors may be borrowed from any
4892 person, firm, corporation, governmental lending agency, or from
4893 any sinking funds of such county; if the money borrowed from any
4894 sinking fund, it shall be repaid before the sinking fund from
4895 which it is borrowed, when supplemented by funds paid into same,
4896 is needed. Before the board of supervisors shall borrow money



4897 under this section, it shall spread on its minutes an order
4898 reciting such intention and shall thereafter publish a copy of
4899 such order in three weekly issues of some newspaper having a
4900 general circulation in the county. If, within fifteen days after
4901 the first publication of a copy of such order, fifteen percent of
4902 the qualified electors of the county shall file with such board of
4903 supervisors a petition in writing requesting an election on the
4904 question of borrowing money in the amount and for the purpose as
4905 set forth in such order, then such money shall not be borrowed
4906 unless authorized by a majority of the qualified voters of such
4907 county voting in an election to be ordered by such board of
4908 supervisors for that purpose. Notice of such election shall be
4909 given and such election shall be held and conducted as provided by
4910 law in connection with elections for the submission of bond issues
4911 in such county. If such proposition shall fail to receive such
4912 majority vote at such election, then no further proceedings for
4913 the borrowing of such money shall be had or taken within a period
4914 of six months from and after the date of such election. If,
4915 however, no such petition shall be so filed, or if at such
4916 election such petition shall be assented to by a majority vote,
4917 then such board of supervisors shall be authorized to borrow such
4918 money in the amount and for the purpose as set forth in such order
4919 as published. The amount authorized to be borrowed under this
4920 section may be borrowed at any time and in any amount, but the
4921 total borrowed shall not exceed Five Hundred Thousand Dollars



4922 (\$500,000.00) in addition to such sums as may heretofore have been
4923 borrowed for the purposes herein enumerated, or either of them,
4924 and especially in addition to any sums that may have heretofore
4925 been borrowed or in addition to any bonds that may have heretofore
4926 been issued under authority of Section 65-33-51. Any attorneys'
4927 fees paid for the issuance of said bonds shall be paid out of the
4928 general fund of said county.

4929 (2) The board of supervisors is hereby given full power and
4930 authority to meet and do and grant any request of the United
4931 States Beach Erosion Board of the United States Army Engineers by
4932 and under Public Law 727, 79th Congress, Chapter 960, 2nd Session,
4933 and to assure either or both the following:

4934 (a) Assure maintenance of the seawall and drainage
4935 facilities, and of the beach by artificial replenishment, during
4936 the useful life of these works, as may be required to serve their
4937 intended purpose;

4938 (b) Provide, at the county's own expense, all necessary
4939 land, easements, and rights of way;

4940 (c) To hold and save the United States free from all
4941 claims for damages that may arise either before, during, or after
4942 prosecution of the work;

4943 (d) To prevent, by ordinance, any water pollution that
4944 would endanger the health of the bathers;

4945 (e) To assume perpetual ownership of any beach
4946 construction and its administration for public use only, and that



4947 the board of supervisors is given full power and authority to do
4948 any and all things necessary in and about the repair and
4949 reconstruction, or construction or maintenance of the seawall and
4950 sloping beach adjacent thereto, built under the authority of this
4951 section, and it is given such power to cooperate with the
4952 requirements of the United States government to receive any grant
4953 or grants of money from Congress or to contribute any grant or
4954 grants to the United States Army Engineers in and about this
4955 construction and maintenance, and it is further given full power
4956 and authority to employ engineers, lawyers, or any other
4957 professional or technical help in and about the completion of this
4958 project. In the event the county engineer is selected to do any
4959 or all of said work, the board of supervisors is hereby authorized
4960 to pay and allow him such reasonable fees or salary which, in its
4961 opinion, is necessary, just, and commensurate to work done by him.

4962 It is further given full power and authority to let, by
4963 competitive bids, any contract for the repair of said wall, or for
4964 the installation and drainage, and for the construction of any
4965 additional section of wall, together with any artificial beach
4966 adjacent to said wall, and for the raising of any roadbeds and the
4967 construction of any such retaining wall.

4968 The intent and purpose of this section is to give unto the
4969 respective boards the full power and authority to carry out all
4970 the provisions herein, and to act independently, jointly, or



4971 severally with the United States government by and under Public
4972 Law 727, 79th Congress.

4973 (3) The provisions of this section shall not apply to any
4974 county with an assessed valuation of less than Ten Million Dollars
4975 (\$10,000,000.00).

4976 **SECTION 138.** Section 65-33-55, Mississippi Code of 1972, is
4977 brought forward as follows:

4978 65-33-55. (1) In any county maintaining a sea wall or road
4979 protection structure under provisions of this chapter and having
4980 an assessed valuation of five million dollars or less, the board
4981 of supervisors may borrow funds not in excess of Four Hundred
4982 Thousand Dollars (\$400,000.00), at a rate of interest not
4983 exceeding five per cent per annum, in addition to such sums as
4984 have heretofore been borrowed for the purpose of constructing,
4985 repairing, strengthening, or maintaining the road protection
4986 structure or sea wall of the county. Such board of supervisors
4987 shall have the authority to own a dredge boat and to use and
4988 operate it for the purpose of pumping a sand beach adjacent to
4989 such sea wall or road protection structure or for the maintenance
4990 thereof, and to pay for same out of any funds provided under this
4991 section. The funds or amount borrowed for the purposes provided in
4992 this section shall be repaid within a period of twenty years from
4993 the date borrowed, and shall be paid out of the funds collected
4994 under this chapter. All bonds, notes, or certificates of
4995 indebtedness maturing each year and the interest thereon, however,



4996 shall be first provided for and paid out of said funds. The loans
4997 authorized herein shall not be subject to other limitations,
4998 restrictions, or provisions of the general laws governing the
4999 borrowing of money, amounts of indebtedness, budget, and election;
5000 and said loans may be made by the board of supervisors of such
5001 county either by issuance of county bond, notes, or certificates
5002 of indebtedness which shall be full faith and credit obligations
5003 of the county issuing same and shall be payable, both as to
5004 principal and interest, from the same sources of revenue and taxes
5005 made available for the payment of road protection bonds under the
5006 provisions of this chapter. The money herein authorized to be
5007 borrowed by such board of supervisors may be borrowed from any
5008 person, firm, corporation, governmental lending agency, or from
5009 any sinking funds of such county; if the money be borrowed from
5010 any sinking fund, it shall be repaid before the sinking fund from
5011 which it is borrowed, when supplemented by funds paid into same,
5012 is needed. Before the board of supervisors shall borrow money
5013 under this section, it shall spread on its minutes an order
5014 reciting such intention, and shall call an election and submit the
5015 question of issuing bonds under this section to the qualified
5016 voters of such county in accordance with the present laws of
5017 issuing bonds. If a majority of the qualified electors voting in
5018 said election vote to issue said bonds, then the board of
5019 supervisors shall proceed to issue so much or such parts of said
5020 bonds not to exceed Four Hundred Thousand Dollars (\$400,000.00).



5021 (2) The board of supervisors is given full power and
5022 authority to do any and all things necessary in its opinion to
5023 obtain funds from the United States government by and under Public
5024 Law 727, 79th Congress, Chapter 960, 2nd Session, or under any
5025 other law, and in and about the solicitation and preparation of
5026 any application; and it may do any and all things necessary in the
5027 promotion of obtaining relief under this act of congress for such
5028 county, and it is further given authority to assure the United
5029 States government, the United States beach erosion board, and the
5030 United States army engineers the following:

5031 (1) Assure maintenance of the sea wall and drainage
5032 facilities, and of the beach by artificial replenishment, during
5033 the useful life of these works, as may be required to serve their
5034 intended purpose;

5035 (2) Provide, at the county's own expense, all necessary
5036 land, easements, and rights of way;

5037 (3) To hold and save the United States free from all
5038 claims for damages that may arise either before, during, or after
5039 prosecution of the work;

5040 (4) To prevent, by ordinance, any water pollution that
5041 would endanger the health of the bathers;

5042 (5) To assume perpetual ownership of any beach
5043 construction and its administration for public use only.

5044 The intent and purpose of this section is to give unto the
5045 respective boards of supervisors the full power and authority to



5046 carry out all of the provisions herein, and to act independently,
5047 jointly, or severally with the United States government by and
5048 under Public Law 727, 79th Congress, or other laws.

5049 **SECTION 139.** Section 65-33-57, Mississippi Code of 1972, is
5050 brought forward as follows:

5051 65-33-57. In any county wherein a seawall or road protection
5052 structure is maintained under the provisions of this chapter,
5053 which has invested surplus funds belonging to a road protection
5054 bond and interest sinking fund in the purchase of any notes,
5055 certificates of indebtedness, bonds, or other interest bearing
5056 obligations issued under the authority of Section 65-33-49, or
5057 refunding bonds issued or authorized to be issued in lieu thereof,
5058 and such notes, bonds, certificates of indebtedness, or refunding
5059 bonds are now held by such county for the use and benefit of such
5060 fund, and the board of supervisors of such county finds, by order
5061 spread upon its minutes, that the needs of such sinking fund
5062 demands it, or that it is to the best interest of the county to
5063 reduce such obligations so held to cash, such board of supervisors
5064 may authorize to be issued and issue and sell new road protection
5065 bonds in the aggregate amount of such notes, bonds, or
5066 certificates of indebtedness so held and authorized for the
5067 purpose of providing funds with which to take up, redeem, and
5068 cancel such obligations now held in such sinking fund. Upon the
5069 issuance of such road protection bonds, the said bonds, notes,



5070 certificates of indebtedness, and refunding bonds issued under
5071 authority of said section shall be cancelled.

5072 **SECTION 140.** Section 65-33-59, Mississippi Code of 1972, is
5073 brought forward as follows:

5074 65-33-59. Bonds issued under the authority of Sections
5075 65-33-57 and 65-33-59 shall be full faith and credit obligations
5076 of the county issuing the same; shall mature within fifteen years
5077 of their date of issuance in such annual maturities and
5078 denominations as the board of supervisors may direct; shall bear
5079 interest at a rate not to exceed five and one half per centum per
5080 annum, payable semiannually; may be issued without notice or an
5081 election therefor; and shall not be subject to any limitation
5082 relative to amount of bonded debt. Such bonds and the interest
5083 thereon shall be payable both as to principal and interest from
5084 the same sources of revenue and taxes made available for the
5085 payment of road protection bonds under the provisions of this
5086 chapter. Nothing herein contained shall be construed to affect
5087 any of the provisions of House Bill No. 287 [ch. 130] as enacted
5088 at the Regular 1938 Session of the Mississippi Legislature.

5089 **SECTION 141.** Section 65-33-61, Mississippi Code of 1972, is
5090 brought forward as follows:

5091 65-33-61. The board of supervisors of any county operating
5092 under the provisions of this chapter is hereby authorized to
5093 refund any bonded indebtedness of such county now outstanding,
5094 payable from the sources of revenue provided by this chapter, and



5095 to issue refunding bonds of such county, which shall be secured by
5096 and payable from the same sources of revenue as the bonds refunded
5097 thereby. The said refunding bonds may be issued by the board of
5098 supervisors of such county only after the question of the issue of
5099 said refunding bonds shall have been submitted to the qualified
5100 electors of such county at an election to be held for that purpose
5101 in said county, and only after the said issue has been authorized
5102 by a vote of three fifths of the qualified electors voting in an
5103 election to be ordered by the board of supervisors for that
5104 purpose, whenever any such board of supervisors shall find it
5105 necessary or advisable or in the best interest of such county so
5106 to do. Such refunding bonds may be issued only to redeem
5107 outstanding bonds at maturity, or on any date upon which
5108 outstanding bonds may be redeemable, or upon the voluntary
5109 surrender of outstanding bonds by the owners thereof. Such
5110 refunding bonds may be sold for not less than par and accrued
5111 interest, or may be exchanged for bonds to be refunded thereby;
5112 however, the issue of such refunding bonds shall be accomplished
5113 in such manner as to avoid payment by the county of interest on
5114 the refunding bonds and on the bonds refunded thereby for the same
5115 period of time.

5116 **SECTION 142.** Section 65-33-63, Mississippi Code of 1972, is
5117 brought forward as follows:

5118 65-33-63. Such refunding bonds shall bear such rate or rates
5119 of interest as may be determined by the board of supervisors, not



5120 exceeding, however, three and one-half per centum per annum,
5121 payable semiannually; shall be in such denomination or
5122 denominations and form as may be determined by the board of
5123 supervisors; shall be executed on behalf of the county by the
5124 president of the board of supervisors, countersigned by the clerk
5125 of such board; and the interest to accrue on such bonds shall be
5126 represented by coupons to be attached thereto, which may be
5127 executed by the facsimile signatures of such officers. Such
5128 refunding bonds shall mature in such amount or amounts and at such
5129 time or times, not exceeding twenty-five years from date thereof,
5130 as may be specified by the board of supervisors. All such
5131 refunding bonds and interest thereon shall be payable at the
5132 office of the state treasurer of the State of Mississippi in the
5133 city of Jackson, Mississippi, and a certified copy of the
5134 proceedings authorizing the issuance of such refunding bonds shall
5135 be filed in said office. The bonds issued under the provisions of
5136 Sections 65-33-61 through 65-33-71 shall in no way be construed as
5137 state obligations or state bonds.

5138 **SECTION 143.** Section 65-33-65, Mississippi Code of 1972, is
5139 brought forward as follows:

5140 65-33-65. The fact of the issuance and delivery of refunding
5141 bonds hereunder shall be certified by the clerk of the board of
5142 supervisors to the state Treasurer, who shall immediately register
5143 such bonds in a suitable bond register. Thereafter, the revenues
5144 and taxes which would otherwise be paid into the county treasury



5145 of such county for the payment of road protection and seawall
5146 bonds and interest thereon under the provisions of Section
5147 65-33-45, shall be paid by the official collecting such taxes into
5148 the state treasury on a proper receive warrant of the state
5149 auditor to the credit of such county in a special fund to be
5150 designated "interest and sinking fund for road protection and
5151 seawall bonds of _____ County, Mississippi," which fund shall be
5152 held and shall be applied by the state treasurer in the payment of
5153 interest accruing on such refunding bonds and the principal
5154 thereof at maturity, according to law. In the event that less than
5155 all of outstanding bonds payable under the provisions of this
5156 chapter shall be refunded as herein provided, then and in that
5157 event there shall be paid into the state treasury, for the credit
5158 of the aforesaid interest and sinking fund, only the proportion of
5159 the revenues and taxes as the amount of refunding bonds issued and
5160 outstanding bears to the total amount of outstanding bonds payable
5161 from the revenues herein referred to.

5162 **SECTION 144.** Section 65-33-67, Mississippi Code of 1972, is
5163 brought forward as follows:

5164 65-33-67. The board of supervisors of any county issuing
5165 refunding bonds under the provisions of Sections 65-33-61 through
5166 65-33-65, shall levy an annual tax of not less than five mills on
5167 each dollar of the assessed valuation of taxable property within
5168 such county for the purpose of providing funds sufficient to pay
5169 such bonds at maturity and interest thereon as it accrues. The



5170 said tax shall be levied and collected as other county taxes are
5171 levied and collected, and the proceeds thereof shall be remitted
5172 by the county tax collector to the State Treasury at the time when
5173 state taxes are required by law to be so remitted. The State
5174 Treasurer shall credit the amount to the interest and sinking fund
5175 referred to in Section 65-33-65. On or before October 1st in each
5176 year, the State Treasurer shall certify to the board of
5177 supervisors of each such county the amount standing to the credit
5178 of such interest and sinking fund as of September 15th, of that
5179 year, and if such amount shall be sufficient (1) to pay all
5180 principal of and interest on such bonds then due and owing and (2)
5181 all principal of and interest on such refunding bonds maturing and
5182 accruing during the period of twelve months running from said
5183 September 15th, then and in that event such board of supervisors
5184 may reduce the aforesaid taxes or omit the same for the ensuing
5185 year, as such board may determine. All funds paid into the State
5186 Treasury hereunder shall remain in the State Treasury for the
5187 payment of principal and interest on such refunding bonds until
5188 all the principal and interest on such refunding bonds shall have
5189 been fully paid.

5190 **SECTION 145.** Section 65-33-69, Mississippi Code of 1972, is
5191 brought forward as follows:

5192 65-33-69. The board of supervisors shall pay all lawful fees
5193 of the chancery clerk and its attorney now prescribed by law,
5194 which fees are incidental to the execution of said refunding



5195 bonds, and may also pay all expenses in connection with the
5196 validation of said refunding bonds and procuring the opinion as to
5197 the validity thereof from some expert bond attorney, other than
5198 the state bond attorney, of national reputation. However, in
5199 cases where the bonds to be refunded are not due or redeemable
5200 prior to maturity, such board in procuring the surrender of such
5201 outstanding bonds may expend not exceeding an additional two and
5202 one-half percent (2 ½%) of the principal amount of refunding bonds
5203 actually issued and delivered, but in no event shall any part of
5204 the said two and one-half percent (2 ½%) be used in the payment of
5205 attorney's fees. All such fees and compensation shall be paid out
5206 of the interest and sinking fund applicable to the bonds to be
5207 refunded, if the amount credited to such fund be adequate
5208 therefor. Otherwise, such fees and compensation shall be paid out
5209 of the proceeds of a special annual tax to be levied for that
5210 purpose by the board of supervisors upon all taxable property
5211 within such county. All expenses as authorized by Sections
5212 65-33-61 through 65-33-71 in effectuating the exchange of said
5213 bonds and the actual expense of the state treasurer in paying
5214 principal and interest on said bonds shall be paid by the board of
5215 supervisors of the county.

5216 **SECTION 146.** Section 65-33-71, Mississippi Code of 1972, is
5217 brought forward as follows:

5218 65-33-71. The provisions of Sections 65-33-61 through
5219 65-33-71, without reference to any other statute, shall be deemed



5220 full and complete authority for the issuance of refunding bonds as
5221 therein provided; and all powers necessary to be exercised by the
5222 board of supervisors of such counties, in order to carry out the
5223 provisions of said sections, are hereby conferred.

5224 **SECTION 147.** Section 29-1-105, Mississippi Code of 1972, is
5225 brought forward as follows:

5226 29-1-105. The right to construct or use any such pipe line
5227 in, on, under, or across land which is submerged or wherever the
5228 tide may ebb and flow shall be subject to the following:

5229 (a) The paramount right of the United States to control
5230 commerce and navigation; and

5231 (b) The right of the public to make free use of the
5232 waters; and

5233 (c) The restrictions and prohibitions contained in
5234 Section 81 of the Mississippi Constitution of 1890.

5235 **SECTION 148.** Section 53-3-41, Mississippi Code of 1972, is
5236 brought forward as follows:

5237 53-3-41. (1) For the purposes of this section, the
5238 following terms shall have the meanings ascribed herein:

5239 (a) "Oil and gas production" means any oil, natural
5240 gas, condensate of either, natural gas liquids, other gaseous,
5241 liquid or dissolved hydrocarbons, sulfur or helium, or other
5242 substance produced as a by-product or adjunct to their production,
5243 or any combination of these, which is severed, extracted or
5244 produced from the ground, the seabed or other submerged lands



5245 within the jurisdiction of the State of Mississippi. Any such
5246 substance, including recoverable or recovered natural gas liquids,
5247 which is transported to or in a natural gas pipeline or natural
5248 gas gathering system, or otherwise transported or sold for use as
5249 natural gas, or is transported or sold for the extraction of
5250 helium or natural gas liquids is gas production. Any such
5251 substance which is transported or sold to persons and for purposes
5252 not included in the foregoing natural gas definition is oil
5253 production.

5254 (b) "Interest owner" means a person owning an entire or
5255 fractional interest of any kind or nature in oil or gas production
5256 at the time of severance, or a person who has an express, implied
5257 or constructive right to receive a monetary payment determined by
5258 the value of oil or gas production or by the amount of production.

5259 (c) "Royalty owner" means any person who possesses an
5260 interest in the production, but who is not an owner as defined in
5261 Section 53-1-3(g).

5262 (d) "Disbursing agent" shall mean that person who,
5263 pursuant to an oil and gas lease, operating agreement, purchase
5264 contract, or otherwise, assumes the responsibility of paying
5265 royalty proceeds derived from a well's oil and gas production to
5266 the royalty owner or owners legally entitled thereto. A first
5267 purchaser shall not be deemed to be the disbursing agent unless
5268 the first purchaser expressly assumes such responsibility in the
5269 purchase contract.



5270 (e) "First purchaser" means the first person who
5271 purchases oil or gas production from the interest owners after the
5272 production is severed and may include the operator if the operator
5273 acts as a purchaser of production attributable to other interest
5274 owners.

5275 (f) An "operator" is a person engaged in the business
5276 of severing oil or gas production from the ground, whether for
5277 himself alone, for other persons alone or for himself and others.

5278 (2) Whenever a disbursing agent has not disbursed the
5279 royalty proceeds derived from the well's production to the royalty
5280 owner within one hundred twenty (120) days following the date of
5281 first sale of oil or gas in the event the disbursing agent is a
5282 first purchaser of oil or gas, or within one hundred twenty (120)
5283 days following the date the disbursing agent receives the proceeds
5284 from such production if the disbursing agent is not the first
5285 purchaser, such royalty owner shall have a lien to secure the
5286 payment of the royalty proceeds. The lien shall attach to the
5287 proceeds from such production received by the disbursing agent
5288 attributable to the royalty owner's interest.

5289 (3) The lien provided by this section shall be effective
5290 against a third party only from the time a financing statement
5291 evidencing such lien is filed in the same manner as financing
5292 statements evidencing security interests in minerals are filed in
5293 accordance with the provisions of Section 75-9-501.



5294 (4) The lien provided by this section shall expire one (1)
5295 year after it becomes effective against a third party, unless
5296 judicial proceedings have been commenced to assert it or unless
5297 insolvency proceedings have been commenced by or against the
5298 disbursing agent, in which event the lien shall remain effective
5299 until termination of the insolvency proceedings or until
5300 expiration of the one-year period, whichever occurs later.

5301 (5) Whenever there is a conflict between a lien under this
5302 section and a security interest under Title 75, Chapter 9, the
5303 lien or security interest first to be filed has priority. Liens
5304 provided for in this section shall have priorities among
5305 themselves according to priority in time of filing of such liens.

5306 (6) The filing required by this section shall be a financing
5307 statement as provided for in Section 75-9-310 and shall be subject
5308 to the provisions of Part 5 of Article 9 of the Uniform Commercial
5309 Code, except that in order for the filing to be sufficient, it
5310 shall not be necessary for the debtor to sign the financing
5311 statement, and the filing shall be effective for a period of only
5312 one (1) year from the date of filing.

5313 (7) This section does not impair an operator's right to set
5314 off or withhold funds from other interest owners as security for
5315 or in satisfaction of any debt or security interest. This section
5316 does not impair a disbursing agent's right to withhold funds in
5317 the event a question is raised concerning the title or ownership
5318 of, or right to sell, the oil or gas production. In case of a



5319 dispute between interest owners, a good-faith tender by the
5320 disbursing agent of funds to the person the interest owners shall
5321 agree on, or to a court of competent jurisdiction in the event of
5322 litigation or bankruptcy, shall operate as a tender of the funds
5323 to both.

5324 (8) Nothing in this section shall be construed to enlarge or
5325 diminish the rights and obligations provided to or imposed on
5326 interest owners, royalty owners, disbursing agents, first
5327 purchasers, or operators by contract or otherwise by law. The
5328 sole purpose of this section is to provide royalty owners a lien
5329 under the conditions provided herein.

5330 **SECTION 149.** Section 53-3-75, Mississippi Code of 1972, is
5331 brought forward as follows:

5332 53-3-75. The right to construct, operate and maintain any
5333 facility as described in Section 53-3-71 in, on, under or across
5334 land which is submerged or wherever the tide may ebb and flow
5335 shall be subject to the following:

5336 (a) The paramount right of the United States to control
5337 commerce and navigation;

5338 (b) The right of the public to make free use of the
5339 waters; and

5340 (c) The restrictions and prohibitions contained in
5341 Section 81 of the Mississippi Constitution of 1890, as same may be
5342 amended.



5343 **SECTION 150.** Section 55-7-13, Mississippi Code of 1972, is
5344 brought forward as follows:

5345 55-7-13. The bridge and park commission shall have the
5346 power, among others, in the case of the municipal agency, to
5347 acquire for park, recreational, harbor development and other
5348 similar purposes, by the exercise of eminent domain or otherwise,
5349 and by gift, grant or purchase, for any purpose of this chapter,
5350 an island or islands, in whole or in part, situated in the Gulf of
5351 Mexico or in the Mississippi Sound, and lying within three leagues
5352 of the nearest point of the corporate limits of the municipality
5353 involved; and, in the case of the county agency, to acquire for
5354 park, recreational, harbor development and other similar purposes
5355 by the exercise of eminent domain or otherwise, and by gift, grant
5356 or purchase, for any purpose of this chapter, an island or
5357 islands, in whole or in part, situated in the Gulf of Mexico or in
5358 the Mississippi Sound, and lying within the boundaries of the
5359 county involved.

5360 Said commission shall have the power to acquire, by eminent
5361 domain, gift, grant or purchase, such portion or portions of such
5362 island or islands as it may find to be needed for use in
5363 developing and financing the public improvements set forth in this
5364 chapter. Prior to the acquisition of any such real estate, the
5365 commission shall, by resolution spread upon its minutes, find,
5366 determine and adjudicate that the property to be so acquired is



5367 needed to aid in the financing of the improvements under this
5368 chapter.

5369 Any such commission which has acquired an island or islands,
5370 in whole or in part, adjacent to any submerged lands belonging to
5371 the State of Mississippi may purchase from the State of
5372 Mississippi a sufficient amount of such submerged lands to be
5373 reclaimed and added to such island or islands to be used, and
5374 developed for the purposes provided in this chapter. The state
5375 land commissioner, with the approval of the attorney general and
5376 the governor, is hereby authorized and empowered to sell and
5377 convey such submerged lands to such commission and to issue the
5378 state's patent thereto. Said commission shall have the power to
5379 dredge, fill in and reclaim submerged lands adjacent to any such
5380 island or islands and to develop and utilize the same for any of
5381 the purposes set forth in this chapter, including the financing of
5382 the authorized public improvements. However, no normal or natural
5383 channel shall be obstructed so as to interfere with the normal
5384 navigation therein, it being the purpose and intention of this
5385 chapter to authorize the use and development of shallow bottoms
5386 and shoal waters in the areas herein set out for the purpose of
5387 filling and reclaiming same for the purposes herein set forth and
5388 where said bottoms are not susceptible to reasonable navigation at
5389 all times as a practical matter.

5390 **SECTION 151.** Section 55-7-15, Mississippi Code of 1972, is
5391 brought forward as follows:



5392 55-7-15. The bridge and park commission which has acquired
5393 submerged lands, and before such lands have been reclaimed, shall
5394 bring its suit in the chancery court of the county in which such
5395 lands lie, against the state and all the world for confirmation of
5396 the commission's title to such submerged lands, as provided by law
5397 for the confirmation of patents issued by the state. Upon the
5398 hearing of such cause, if the court shall find that the
5399 reclamation of the said lands does not constitute an obstruction
5400 of the navigable waters of the state and does not interfere with
5401 the rights of the public generally to use the navigable waters of
5402 the state for fishing, boating, and other public uses, and that
5403 the reclamation and sale of said lands has or will, in whole or in
5404 part, contribute toward the deepening of a channel or channels for
5405 boats and improvement of navigation of any of the navigable waters
5406 of this state, and that a fair and adequate consideration has been
5407 paid or is to be paid for such property, then the court shall
5408 confirm the title to the property and forever set at rest any
5409 claims by the State of Mississippi in its sovereign capacity as
5410 proprietor of said lands.

5411 Any of the parties of the suit may appeal as in other
5412 proceedings in chancery, provided any interlocutory appeal is
5413 taken within ten (10) days after the rendition of the decree from
5414 which the appeal is desired and provided that any final appeal is
5415 taken within sixty (60) days from the date of the rendition of the
5416 final decree. Any title perfected by a decree in a suit under



5417 this section shall forever estop and preclude the state and other
5418 parties from thereafter questioning the validity of the patent and
5419 deed involved in such proceedings.

5420 **SECTION 152.** Section 55-7-21, Mississippi Code of 1972, is
5421 brought forward as follows:

5422 55-7-21. (1) The park and bridge commission shall have
5423 power to lease or sell to private persons or corporations, real
5424 estate or any interest therein, acquired by said commission,
5425 whether improved or unimproved, and including reclaimed or
5426 filled-in lands, whenever it shall find such real estate or
5427 interest therein is or has become unnecessary for park or
5428 recreational purposes for the benefit of the public, or for other
5429 public use, and in the event of sale, to convey to the grantee,
5430 fee simple title to such real estate. Prior to the leasing or
5431 conveyance of any such real estate, the commission shall, by
5432 resolution spread upon its minutes, find, determine and adjudicate
5433 that the property, to be so leased or sold and conveyed, is, or
5434 has become unnecessary for park and recreational purposes for the
5435 benefit of the public, or other public use. Such findings,
5436 determination and adjudication shall be final and conclusive and
5437 shall not thereafter be questioned in any court. However, lands
5438 acquired by eminent domain under the provisions of this chapter
5439 may not be sold, and may not be leased except for public purposes
5440 and continuing public uses, and when such lands cease to be used



5441 for public purposes, the title to same shall revert to the former
5442 owners, or their successors or assigns.

5443 (2) The bridge and park commission shall have power to sell
5444 or lease to private persons, or corporations, real estate other
5445 than the submerged lands reclaimed by it, whether improved or
5446 unimproved, whenever it shall find such real estate is or has
5447 become unnecessary for park, recreational or harbor development
5448 purposes for the benefit of the public, and to convey to the
5449 grantee the fee simple title to such real estate. Said commission
5450 shall have the power to lease the submerged lands reclaimed by it
5451 for a period not exceeding ninety-nine (99) years upon such terms
5452 and provisions and for such consideration as it may determine.
5453 After any of such lands have been developed, if the commission
5454 finds, by resolution spread on its minutes, that it is impractical
5455 to lease the same and that it is more advantageous to the public
5456 interest to sell such lands, the commission shall have the power
5457 to sell the same in fee simple. Prior to the conveyance or lease
5458 of any such real estate, the commission shall, by resolution
5459 spread upon its minutes, find, determine and adjudicate that the
5460 property so to be conveyed or leased is or has become unnecessary
5461 for park, recreational or harbor development purposes for the
5462 benefit of the public.

5463 **SECTION 153.** Section 55-24-9, Mississippi Code of 1972, is
5464 brought forward as follows:



5465 55-24-9. The Mississippi Coast Coliseum Commission, a
5466 political subdivision of the State of Mississippi, shall have
5467 jurisdiction and authority over matters relating to promoting,
5468 developing, maintaining and operating a multipurpose coliseum and
5469 related facilities within Harrison County, Mississippi.
5470 Multipurpose coliseum and related facilities shall include a
5471 multipurpose coliseum or arena facility, a convention center and
5472 facility grounds, as well as any lands purchased by or on the
5473 behalf of the commission. From and after July 1, 2016, any
5474 development and/or any land acquired by or on behalf of the
5475 commission, shall be subject to the Land Development Ordinances of
5476 the City of Biloxi. Such commission is authorized to acquire
5477 lands by purchase, gift or the exercise of eminent domain as
5478 provided by Section 11-27-1 et seq., above or below mean
5479 high-water mark subject to the approval of the Harrison County
5480 Board of Supervisors. The acquisition of lands below mean
5481 high-water mark by the commission for the purposes authorized
5482 herein are declared to be in all respects for the benefit of the
5483 people of the State of Mississippi, a public purpose, and an
5484 essential governmental function in the exercise of the powers
5485 conferred upon them by such act.

5486 The commission, acting on behalf of the State of
5487 Mississippi, shall have the right to reclaim submerged lands for
5488 the purpose of constructing a multipurpose coliseum and related
5489 facilities, and to acquire in its name on behalf of the state any



5490 estate or property right therein or in other land necessary to the
5491 purpose of this chapter by purchase, gift, deed or other transfer,
5492 subject to the approval of the Harrison County Board of
5493 Supervisors. Title to all oil, gas and other minerals in, on or
5494 under any lands, title to which is held by the State of
5495 Mississippi on August 8, 1968, shall be reserved unto the State of
5496 Mississippi, and all income derived from the sale or lease of such
5497 minerals shall inure to the benefit of the State of Mississippi
5498 for such purposes as the Legislature may direct. Provided, that
5499 prior to utilization of lands in which title vests in the State of
5500 Mississippi, a description of such land shall be submitted to the
5501 Department of Finance and Administration and said utilization
5502 shall not be commenced until or unless approval of such
5503 utilization is given by the Department of Finance and
5504 Administration.

5505 The commission is authorized to own, furnish, equip and
5506 operate the multipurpose coliseum and facilities and equipment
5507 necessary or useful in the operation of such multipurpose coliseum
5508 and related facilities; to receive and expend, subject to the
5509 provisions of this chapter and the approval of the commission's
5510 annual budget by the Harrison County Board of Supervisors,
5511 revenues from any source, including the operation of the
5512 multipurpose coliseum and related facilities; and to do all other
5513 things necessary to carry out the purposes of this chapter.



5514 The commission is authorized and directed to adopt uniform
5515 rules and regulations regarding the granting of contracts that are
5516 less than one hundred eighty (180) days for franchises, licenses,
5517 contracts or lease agreements, or the granting of contracts that
5518 are less than one hundred eighty (180) days for the use, operation
5519 and maintenance of the premises, and to publish the uniform rules
5520 and regulations for three (3) consecutive weeks in a newspaper
5521 having a general circulation in the county and fixing a time and
5522 place not more than ten (10) days after the last publication to
5523 receive and hear objections to such rules and regulations. The
5524 commission shall also publish such information on commission and
5525 county websites during the same time period as the newspaper
5526 publication. In addition, a copy of such rules and regulations or
5527 any revisions or amendments thereto shall be filed with the Clerk
5528 of the Harrison County Board of Supervisors. The commission may
5529 revise or amend such rules and regulations but such revisions
5530 shall be uniform and shall not be adopted unless the commission
5531 shall publish the proposed change and hold a public hearing as
5532 required by this section.

5533 Before any contract that is more than one hundred eighty
5534 (180) days for a franchise, license, contract or lease agreement
5535 may be granted, the commission shall notify the Harrison County
5536 Board of Supervisors and publish its intent to grant such
5537 franchise, license, contract or lease agreement and the conditions
5538 upon which same shall be granted. Such publication shall be made



5539 for three (3) consecutive weeks in a newspaper having a general
5540 circulation in Harrison County. Such publication shall also be
5541 made on the commission and county websites during the same time
5542 period as the newspaper publication. All bids received shall be
5543 sealed, and shall be opened at a date, time and place set forth in
5544 the publications, which date shall not be less than five (5) days
5545 nor more than ten (10) days after the last day of such
5546 publications.

5547 Unless the commission shall find that the successful bidder
5548 cannot demonstrate financial responsibility to comply with the
5549 terms and conditions of the franchise, license, contract or lease
5550 agreement or cannot perform the services required thereunder, it
5551 shall, subject to the limitations set forth under this chapter,
5552 recommend the granting of the franchise, license, contract or
5553 lease agreement to the bidder whose proposal shall be in the best
5554 financial interest of the commission.

5555 Any person aggrieved by any action of the commission may
5556 appeal to the Circuit Court of Harrison County in the manner
5557 provided for appeals from orders of the board of supervisors.

5558 The commission is granted the power to sue and be sued in its
5559 own name, and the commission is authorized to take liability
5560 insurance on the operation of the facilities in an amount equal to
5561 the extent of its liability for claims or causes of action arising
5562 from acts or omissions as provided in Section 11-46-15; provided,
5563 however, that immunity from suit is only waived to the extent of



5564 such liability insurance carried, and a judgment creditor shall
5565 have recourse only to the proceeds or right to proceeds of such
5566 liability insurance. No attempt shall be made in the trial of any
5567 case to suggest the existence of any insurance which covers in
5568 whole or in part any judgment or award rendered in favor of a
5569 claimant, but if the verdict rendered by the jury exceeds the
5570 limit of applicable insurance, the court on motion shall reduce
5571 the amount of said judgment to a sum equal to the applicable limit
5572 stated in the insurance policy.

5573 The commission shall prepare an annual budget specifically
5574 describing the proposed receipt and expenditure of all funds from
5575 any source whatsoever, and such budget shall be approved by the
5576 Harrison County Board of Supervisors. If the commission desires
5577 to take any action associated with the receipt or expenditure of
5578 funds which deviates from the annual budget, such individual
5579 action shall be subject to the approval of the Harrison County
5580 Board of Supervisors.

5581 The commission is granted the power to invest funds credited
5582 to the Mississippi Coast Coliseum Commission Operating Fund, the
5583 commission is vested with authority to designate depositories of
5584 its funds, and to deposit the funds in interest-bearing accounts.
5585 Provided, however, all funds in excess of ninety (90) days'
5586 operating expenses, to the extent practicable, shall be invested
5587 in Treasury bills or in interest-bearing accounts or approved
5588 securities to include, but not limited to, United States Treasury



5589 bills and United States Treasury notes and bonds, federal agency
5590 securities or mortgage-backed securities guaranteed as to
5591 repayment of principal by the government or an agency of such
5592 government, certificates of deposit fully covered by insurance
5593 administered by the Federal Deposit Insurance Corporation or
5594 covered by pledged securities, repurchase agreements and
5595 short-term money market funds invested in United States government
5596 and United States government agencies.

5597 The commission is authorized to contract with any agency of
5598 the United States or the State of Mississippi for a loan or grant,
5599 subject to the approval of the Harrison County Board of
5600 Supervisors and to give such agency any assurances of compliance
5601 with federal or state laws which are not in conflict with the laws
5602 of the State of Mississippi. It is the intent and purpose of this
5603 chapter that the Coliseum Commission cooperate with agencies
5604 administering the National Seashore Act of 1970.

5605 Whenever any real or personal property belonging to the
5606 commission shall cease to be used or needed for the commission's
5607 purposes, the commission may recommend to the Harrison County
5608 Board of Supervisors that it sell, exchange or lease the property
5609 on such terms as the commission may propose. No lease of surplus
5610 real property may exceed a term of ninety-nine (99) years. The
5611 deed of conveyance in such transactions shall be executed in the
5612 name of the commission by the Harrison County Board of Supervisors
5613 pursuant to order issued on the minutes of its meetings. In any



5614 sale, exchange or lease of real property, the commission shall
5615 retain all mineral rights that it owns, together with the right of
5616 ingress and egress to remove same. Before any sale, exchange or
5617 lease is made, the commissioners shall publish at least once each
5618 week for three (3) consecutive weeks, in a public newspaper of
5619 Harrison County, Mississippi, and on the commission and county
5620 websites the intention to sell, exchange or lease, as the case may
5621 be, the real or personal property and to accept sealed competitive
5622 bids for the sale, exchange or lease. The commissioners shall
5623 thereafter accept bids for the sale, exchange or lease, and the
5624 property shall be sold, exchanged or leased to the highest and
5625 best bidder in the manner provided by law. However, whenever the
5626 commissioners shall find and determine, by resolution duly and
5627 lawfully adopted and spread upon its minutes: (a) that any
5628 commission-owned real property is no longer needed for commission
5629 purposes and is not to be used in the operation of a multipurpose
5630 coliseum and related facilities, (b) that the sale, exchange or
5631 lease of such property in the manner otherwise provided for herein
5632 is necessary or desirable for the financial welfare of a
5633 multipurpose coliseum and related facilities, and (c) that the use
5634 of such property for the purpose for which it is to be sold,
5635 exchanged or leased will promote and foster the development and
5636 improvement of the multipurpose coliseum and related facilities,
5637 the commissioners may recommend to the Harrison County Board of
5638 Supervisors that it sell, exchange or lease the property without



5639 having to advertise for and accept competitive bids. In any case
5640 in which the commission proposes to sell or exchange real property
5641 under the provisions of this section without advertising for and
5642 accepting competitive bids, the Harrison County Board of
5643 Supervisors must approve such proposal, and consideration for the
5644 sale or exchange of the real property shall be not less than the
5645 average of the fair market price for the property as determined by
5646 three (3) professional property appraisers selected by the
5647 commission and approved by the purchaser or devisee and the
5648 Harrison County Board of Supervisors. Appraisal fees shall be
5649 shared equally by the commission and the purchaser or devisee.

5650 The enumeration of any specific rights and powers contained
5651 herein or elsewhere in this chapter where followed by general
5652 powers shall not be construed in the restrictive sense but rather
5653 in as broad and comprehensive sense as possible to effectuate the
5654 purposes and intent of this chapter.

5655 **SECTION 154.** Section 59-3-1, Mississippi Code of 1972, is
5656 brought forward as follows:

5657 59-3-1. The corporate authorities of any municipality in
5658 which there is situated, wholly or partially within its
5659 boundaries, a harbor that is a port of entry, shall have the
5660 following power and authority: to construct all needful
5661 improvements in such harbor, including the deepening of any part
5662 of said harbor, and/or extending, enlarging and adding to the same
5663 by dredging in any direction including inland; to acquire,



5664 construct, repair and improve public wharves and docks for said
5665 municipality, in connection with said harbor, and to operate the
5666 same under the port commissioners; to own, construct, lease and
5667 maintain sheds, warehouses, elevators, compresses, floating dry
5668 docks, graving docks, marine railways, tugboats, and other
5669 structures and facilities needful for the convenient use of the
5670 same in the aid of commerce, and other works of public
5671 improvement, including roadways necessary or useful for such port,
5672 harbor, and/or dock and wharf purposes, and to control and operate
5673 the same under the port commissioners; said sheds, warehouses,
5674 elevators, compresses and other works of public improvements,
5675 including roadways, to be situated either upon the municipal
5676 wharves and docks, and/or upon lands owned, purchased, reclaimed
5677 or leased by the municipality and situated within reasonable and
5678 practical proximity to such wharves, docks, harbor or port; to set
5679 aside or lease portions or all of the said lands, wharves, docks,
5680 sheds, warehouses, elevators, compresses, floating dry docks,
5681 graving docks, marine railways, tugboats, and other structures and
5682 facilities needful for convenient use of the same in the aid of
5683 commerce, or any of the said necessary or useful improvements, for
5684 special purposes, for a term not exceeding twenty-five years; and
5685 to lease same for industrial use for a term not exceeding
5686 ninety-nine years to individuals, firms or corporations, public or
5687 private, on such terms and conditions and with such safeguards as
5688 will best promote and protect the public interest. Any such



5689 industrial lease may be executed upon such terms and conditions
5690 and for such monetary rental or other consideration as may be
5691 found adequate and approved by the city in orders or resolutions
5692 authorizing the same. Any covenants and obligations of the lessee
5693 to make expenditures in determined amounts and within such time or
5694 times, for improvements to be erected on the land by such lessee
5695 and to conduct thereon industrial operations in such aggregate
5696 payroll amounts and for such period of time or times as may be
5697 determined and defined in such lease, and to give preference in
5698 employment where practicable to qualified residents of the port of
5699 entry and of the county in which said port is situated, shall, if
5700 included in said lease, constitute and be deemed sufficient
5701 consideration for the execution of any such lease in the absence
5702 of a monetary rental or other considerations; any such instrument
5703 may contain reasonable provisions giving the lessee the right to
5704 remove its or his improvements upon termination of the lease.
5705 Such corporate authority shall also have the power and authority
5706 to acquire by eminent domain proceedings, purchase, or otherwise,
5707 the land, property and rights that may be necessary or useful for
5708 the foregoing purposes, and for such purposes the municipality
5709 shall have the right to reclaim submerged lands.

5710 **SECTION 155.** Section 59-5-11, Mississippi Code of 1972, is
5711 brought forward as follows:

5712 59-5-11. The board shall have power to acquire, purchase,
5713 install, lease, construct, own, hold, maintain, equip, use,



5714 control, and operate ports, harbors, waterways, channels, wharves,
5715 piers, docks, quays, elevators, tipples, compresses, bulk loading
5716 and unloading facilities, warehouses, floating dry docks, graving
5717 docks, marine railways, tugboats, ships, vessels, shipyards,
5718 shipbuilding facilities, machinery and equipment, dredges and any
5719 other facilities required and incidental to the construction,
5720 outfitting, drydocking or repair of ships or vessels, and water,
5721 air and rail terminals, and roadways and approaches thereto, and
5722 other structures and facilities needful for the convenient use of
5723 the same in the aid of commerce, including the dredging,
5724 deepening, extending, widening, or enlarging of any ports,
5725 harbors, rivers, channels, and waterways, the damming of inland
5726 waterways, the establishment of water basins, the acquisition and
5727 development of industrial sites and the reclaiming of submerged
5728 lands. For such purposes the board is vested with full
5729 jurisdiction and control of any and all lands lying within,
5730 adjacent to, or near any state-owned or operated ports, harbors,
5731 rivers, channels, and waterways, or natural lakes, which lands are
5732 below the mean high tide mark, and which lands are not within the
5733 jurisdiction of any other public body.

5734 **SECTION 156.** Section 59-9-19, Mississippi Code of 1972, is
5735 brought forward as follows:

5736 59-9-19. The board of supervisors of any county in which
5737 there has been created a county port authority or county
5738 development commission as provided in this chapter, acting through



5739 its county port authority or county development commission, shall
5740 have the following additional powers and authority:

5741 (a) To set aside or lease all or portions of said
5742 harbor facilities, wharves, docks, sheds, warehouses, elevators,
5743 compresses, floating dry docks, graving docks, marine railways,
5744 tugboats or any necessary or useful improvements for special
5745 purposes for a term not exceeding ninety-nine (99) years.

5746 (b) To sell, lease or otherwise dispose of tourism
5747 facilities, service facilities, shipyards, shipbuilding
5748 facilities, machinery and equipment, dredges, facilities and land
5749 acquired for industrial or harbor operations to individuals, firms
5750 or corporations, public or private, for industrial operations on
5751 such terms and conditions and with such safeguards as will best
5752 promote and protect the public interest, and they are hereby
5753 authorized to transfer possession and/or title to any part of all
5754 of such facilities and lands by deed, lease, contract or other
5755 customary business instrument; however, no such lease of land or
5756 facilities acquired for industrial operations shall be executed
5757 for a term in excess of ninety-nine (99) years from its date, and
5758 before the execution of the same any such deed, conveyance, lease,
5759 contract or other disposition shall be authorized by the
5760 affirmative vote of at least two-thirds (2/3) of the membership of
5761 such port authority or development commission by order or
5762 resolution entered on its minutes, which order or resolution shall



5763 set forth the substantial terms of such deed, conveyance, lease,
5764 contract or other disposition.

5765 In the letting of contracts and in the advertisement for bids
5766 thereon, for the development, construction, repair, maintenance or
5767 operation of any structures, facilities and lands required
5768 pursuant to any of the provisions of this chapter, the board of
5769 supervisors and the county port authority shall comply with all of
5770 the requirements of the general laws of the State of Mississippi
5771 governing the advertisement for bids and the letting of contracts
5772 by county boards of supervisors. In the event title to any such
5773 lands under jurisdiction of the port authority or development
5774 commission is in the name of the county, no such transaction shall
5775 be consummated until and unless the same be authorized by proper
5776 resolution of the port authority or development commission and of
5777 the county, in which event the county shall join the port
5778 authority or development commission in the execution of such
5779 instrument. Any such sale or lease may be executed upon such
5780 terms and conditions and for such monetary rental or other
5781 consideration as may be found adequate and approved by the county
5782 port authority or county development commission and the board of
5783 supervisors in orders or resolutions authorizing the same. Any
5784 covenants and obligations of the lessee or purchaser to make
5785 expenditures in determined amounts and within such time or times
5786 for improvements to be erected on the land by such lessee or
5787 purchaser and to conduct thereon industrial operations in such



5788 aggregate payroll amounts and for such period of time or times as
5789 may be determined and defined in such lease or conveyance, and to
5790 give preference in employment where practicable to qualified
5791 residents of the port of entry and of the county and/or state in
5792 which such port is situated, shall, if included in such lease or
5793 conveyance, constitute and be deemed sufficient consideration for
5794 the execution of any such lease or conveyance in the absence of a
5795 monetary rental or other considerations; any such lease may
5796 contain reasonable provisions giving the lessee the right to
5797 remove its or his improvements upon termination of the lease.
5798 Where the rentals provided in the lease will be sufficient to
5799 fully retire the cost of the particular facility or where the
5800 monetary consideration for a deed is sufficient to fully repay the
5801 cost of land acquired for industrial operations described in said
5802 deed, contracts for construction, repairs, maintenance and
5803 operation of the facility or for the sale of the land, may be
5804 negotiated and consummated without the necessity of advertising
5805 and obtaining competitive bids therefor. Such county, acting
5806 through the port authority or development commission, shall have
5807 the right to reclaim submerged lands for such purposes and shall
5808 also have the right to acquire by eminent domain proceedings,
5809 purchase or otherwise, any land or estate therein or property and
5810 rights that may be necessary for the purposes of this chapter,
5811 provided that land acquired for industrial operations by eminent
5812 domain shall be leased or shall be sold only with such provisions



5813 in the deed or lease as shall ensure that the use of the land
5814 shall be beneficial to the carrying out of the purposes of this
5815 chapter and the promotion of commerce through said port. The
5816 county, acting through the port authority or development
5817 commission, shall have no authority or power to acquire without
5818 the consent of the owner thereof any property operated or used for
5819 port, harbor or industrial operations, or for such purposes as the
5820 county, acting through the port authority or development
5821 commission, is authorized to acquire and use such property for,
5822 where such property has been sold or leased by the county, acting
5823 through the port authority or development commission, to any
5824 person, firm or corporation for industrial operations as provided
5825 in this chapter. In the exercise of eminent domain, the county,
5826 acting through the port authority or development commission, shall
5827 determine the amount and character of the land or estate therein
5828 thus to be acquired and the public necessity for such exercise and
5829 their determination shall be conclusive and shall not be subject
5830 to attack in the absence of manifold abuse of discretion or fraud
5831 on the part of said county in making such determination and said
5832 county, acting through the port authority or development
5833 commission, shall have all powers and authority vested in persons
5834 or corporations having the right of eminent domain by Sections
5835 11-27-1 through 11-27-49 and all other statutes pertinent thereto.

5836 (c) To accept assurances and other agreements from
5837 persons, firms and corporations who are benefited by any action of



5838 the port authority pursuant to this chapter, including agreements
5839 to save the county harmless on account of any assurances given by
5840 the county to the United States of America or any agency thereof,
5841 including the Secretary of the Army, and to enter into contracts
5842 with such persons, firms or corporations relative to the future
5843 development and use of property owned by such persons, firms or
5844 corporations.

5845 (d) To obligate the county by contract with persons,
5846 firms and corporations owning or agreeing to purchase property in
5847 the area benefited by any action of the port authority under the
5848 provisions of this chapter for the construction, development,
5849 improvement or expansion of channels and other navigation projects
5850 by the county at its expense and the continued maintenance and
5851 operation thereof by the county at its expense for a period of
5852 time not to exceed ninety-nine (99) years, or so long as any such
5853 person, firm or corporation continues to use said property for
5854 industrial operations.

5855 (e) To obtain liability insurance as deemed appropriate
5856 for the needs of the port authority or development commission. If
5857 liability insurance is in effect, the port authority or
5858 development commission may be sued by anyone affected to the
5859 extent of such insurance carried; however, immunity from suit is
5860 waived only to the extent of such liability insurance carried, and
5861 a judgment creditor shall have recourse only to the proceeds or
5862 right to proceeds of such liability insurance.



5863 (f) To invest funds credited to the county development
5864 commission. A county development commission is vested with
5865 authority to designate depositories of its funds and to deposit
5866 its funds in insured, interest-bearing accounts or securities
5867 guaranteed by the good faith of the United States Treasury. All
5868 funds in excess of ninety (90) days' operating expenses, to the
5869 extent practicable, shall be invested in United States Treasury
5870 bills, interest-bearing accounts insured by the Federal Deposit
5871 Insurance Corporation, or other securities of the United States
5872 government including United States Treasury bills, notes and
5873 bonds, federal agency securities, mortgage-backed securities
5874 guaranteed as to repayment of principal by the United States
5875 government, or repurchase agreements and mutual funds invested in
5876 obligations of the United States government or its agencies and
5877 repurchase agreements fully collateralized by such obligations.

5878 **SECTION 157.** Section 59-17-13, Mississippi Code of 1972, is
5879 brought forward as follows:

5880 59-17-13. (1) The board shall have power to acquire,
5881 purchase, install, lease, construct, own, hold, maintain, equip,
5882 use, control, and operate ports, harbors, waterways, channels,
5883 wharves, piers, docks, quays, elevators, tipples, compresses, bulk
5884 loading and unloading facilities, warehouses, floating dry docks,
5885 graving docks, marine railways, tugboats, machinery and equipment,
5886 and water, air and rail terminals, and roadways and approaches
5887 thereto, and other structures and facilities needful for the



5888 convenient use of the same in the aid of commerce, including the
5889 dredging, deepening, extending, widening, or enlarging of any
5890 ports, harbors, rivers, channels, and waterways, the damming of
5891 inland waterways, the establishment of water basins, the
5892 acquisition and development of industrial sites and the reclaiming
5893 of submerged lands.

5894 (2) The State Inland Port Authority, subject to the approval
5895 of the board, shall have the power to borrow money from any
5896 source, public or private, for any of its corporate purposes and
5897 to give such security as may be required in connection therewith
5898 and to enter into a joint agreement with the boards of supervisors
5899 of any county, or the governing authority of any municipality, or
5900 both acting jointly, to issue revenue bonds of such county or
5901 municipality, or both, acting jointly, as provided by Section
5902 59-7-311 which bonds may be payable out of any revenues of the
5903 authority, including grants or contributions from the federal
5904 government or other sources. Such revenue bonds may be issued
5905 without an election on resolution of the board of supervisors,
5906 governing body of the municipality, or both acting jointly, and
5907 shall not be subject to any limitation as to amount, and shall not
5908 be included or computed in the statutory limitation of
5909 indebtedness of any such county or municipality.

5910 (3) All leases which are now in effect or which may
5911 hereafter be executed by the State Inland Port Authority for port,
5912 harbor, commercial or industrial improvements, and all structures



5913 and all improvements and other permanent facilities erected,
5914 installed or located by such lessees, or their successors or
5915 assignees within the limits of any port, harbor or part thereof,
5916 may be free and exempt from all state, county and municipal ad
5917 valorem taxes if so stipulated in such lease, and for such period
5918 as may be fixed in such lease, not to exceed such periods of time
5919 as are now authorized or may be hereafter authorized by law.

5920 **SECTION 158.** Section 61-3-15, Mississippi Code of 1972, is
5921 brought forward as follows:

5922 61-3-15. An authority shall have all the powers necessary or
5923 convenient to carry out the purposes of this chapter (excluding
5924 the power to levy and collect taxes or special assessments)
5925 including, but not limited to, the power:

5926 (a) To sue and be sued, to have a seal and to have
5927 perpetual succession.

5928 (b) To purchase general liability insurance coverage,
5929 including errors and omissions insurance, for its officials and
5930 employees.

5931 (c) To employ an executive director, secretary,
5932 technical experts, and such other officers, agents and employees,
5933 permanent and temporary, as it may require, and to determine their
5934 qualifications and duties, and to establish compensation and other
5935 employment benefits as may be advisable to attract and retain
5936 proficient personnel. For regional airport authorities organized



5937 under Section 61-3-7, such employment benefits may include payment
5938 for all or part of dependent health insurance coverage.

5939 (d) To execute such contracts and other instruments and
5940 take such other action as may be necessary or convenient to carry
5941 out the purposes of this chapter.

5942 (e) To plan, establish, develop, construct, enlarge,
5943 improve, maintain, equip, operate, regulate and protect airports
5944 and air navigation facilities within this state and within any
5945 adjoining state, including the acquisition, lease, lease-purchase,
5946 construction, installation, equipment, maintenance and operation
5947 of such airports or buildings, equipment and other facilities or
5948 other property for the servicing of aircraft or for the comfort
5949 and accommodation of air travelers or for any other purpose deemed
5950 by the authority to be necessary to carry out its duties; to
5951 develop, operate, manage or own and maintain intermodal facilities
5952 to serve air and surface cargo and multimodal facilities to serve
5953 highway and rail passenger transportation needs to ensure
5954 interface and interaction between modes for cargo and passengers;
5955 to construct, improve, and maintain means of ingress and egress to
5956 airport properties from and over off-airport sites with approval
5957 of the city or county in which the off-airport site is located; to
5958 market, promote and advertise airport properties, goods and
5959 services; and to directly purchase and sell supplies, goods and
5960 commodities incident to the operation of its airport properties
5961 without having to make purchases thereof through the municipal



5962 governing authorities, and with the authority to utilize
5963 design-build and construction manager at-risk methods of
5964 construction in accordance with Sections 31-7-13.1 and 31-7-13.2.
5965 For all the previously stated purposes, an authority may, by
5966 purchase, gift, devise, lease, eminent domain proceedings or
5967 otherwise, acquire property, real or personal, or any interest
5968 therein, including easements in airport hazards or land outside
5969 the boundaries of an airport or airport site, as are necessary to
5970 permit the removal, elimination, obstruction-marking or
5971 obstruction-lighting of airport hazards, to prevent the
5972 establishment of airport hazards or to carry out its duties.

5973 (f) To acquire, by purchase, gift, devise, lease,
5974 lease-purchase, eminent domain proceedings or otherwise, existing
5975 airports and air navigation facilities. However, an authority
5976 shall not acquire or take over any airport or air navigation
5977 facility owned or controlled by another authority, a municipality
5978 or public agency of this or any other state without the consent of
5979 such authority, municipality or public agency.

5980 (g) To establish or acquire and maintain airports in,
5981 over and upon any public waters of this state, and any submerged
5982 lands under such public waters, and to construct and maintain
5983 terminal buildings, landing floats, causeways, roadways and
5984 bridges for approaches to or connecting with any such airport, and
5985 landing floats and breakwaters for the protection thereof.



5986 (h) To establish, enact and enforce ordinances, rules,
5987 regulations and standards for public safety, aviation safety,
5988 airport operations and the preservation of good order and peace of
5989 the authority; to prevent injury to, destruction of or
5990 interference with public or private property; to protect property,
5991 health and lives and to enhance the general welfare of the
5992 authority by restricting the movements of citizens or any group
5993 thereof on the property of the authority when there is imminent
5994 danger to the public safety because of freedom of movement
5995 thereof; to regulate the entrances to property and buildings of
5996 the authority and the way of ingress and egress to and from the
5997 same; to establish fire limits and to hire firemen, including
5998 aircraft fire and rescue and similar personnel, and to establish
5999 and equip a fire department to provide fire and other emergency
6000 services on any property of the authority; to regulate, restrain
6001 or prohibit construction failing to meet standards established by
6002 the authority; to appoint and discharge police officers with
6003 jurisdiction limited to property of the airport authority and
6004 authorization to enforce the ordinances, rules and regulations of
6005 the authority, as well as the laws of the State of Mississippi,
6006 and to issue citations for infractions of all of such ordinances,
6007 rules, regulations, standards and laws of the State of Mississippi
6008 returnable to the court of appropriate jurisdiction.



6009 (i) To develop and operate an industrial park or parks
6010 and exercise all authority provided for under Chapter 7, Title 57,
6011 Mississippi Code of 1972.

6012 (j) To attach, pursuant to the power and procedure set
6013 forth in Chapter 33, Title 11, Mississippi Code of 1972, the
6014 equipment of debtors of the authority.

6015 (k) To enter into agreements with local governments
6016 pursuant to Section 17-13-1 et seq.

6017 (l) To render emergency assistance to other airports
6018 within the United States at an aggregate cost of less than Twenty
6019 Thousand Dollars (\$20,000.00) per emergency. The assistance
6020 authorized in this paragraph must be rendered within ninety (90)
6021 days after a state of emergency has been declared by the federal
6022 government, or by the local or state government that has
6023 jurisdiction over the area where the airport needing assistance is
6024 located.

6025 (m) To enter into joint use or similar agreements with
6026 any department or agency of the United States of America or the
6027 State of Mississippi, including any military department of the
6028 United States of America or the State of Mississippi, with respect
6029 to the use and operation of, or services provided at, any airport
6030 or other property of the authority on the terms and conditions as
6031 the authority may deem appropriate, including provisions limiting
6032 the liability of the United States of America or the State of
6033 Mississippi for loss or damage to the authority if the authority



6034 determines that the limitation of liability is reasonable,
6035 necessary and appropriate under the circumstances.

6036 (n) To enter into mutual aid agreements with counties
6037 and municipalities for reciprocal emergency aid and assistance in
6038 case of emergencies too extensive to be dealt with unassisted; to
6039 participate in the Statewide Mutual Aid Compact (SMAC) in
6040 accordance with Section 33-15-19.

6041 **SECTION 159.** Section 79-21-53, Mississippi Code of 1972, is
6042 brought forward as follows:

6043 79-21-53. As used in Sections 79-21-51 through 79-21-67,
6044 Mississippi Code of 1972:

6045 (a) The term "member" shall include actual members of
6046 associations without capital stock and holders of common stock in
6047 associations organized with capital stock.

6048 (b) The term "person" shall include individuals, firms,
6049 partnerships, corporations and associations.

6050 (c) The term "association" means any association
6051 organized under the terms of Sections 79-21-51 through 79-21-67,
6052 Mississippi Code of 1972.

6053 (d) The term "aquatic product" shall include all
6054 commercial products of aquatic life normally found in, or
6055 associated with, the salt waters of the State of Mississippi or
6056 the United States. It shall specifically include, but is not
6057 limited to, shellfish, domesticated fish, fish of all species, and
6058 their by-products, normally found in salt water.



6059 (e) The term "commercial fishing" shall include all
6060 persons engaged totally or part-time in the business of catching
6061 freezing, marketing, processing, transporting, wholesaling or
6062 otherwise involved in the utilization of aquatic products from the
6063 salt waters of the State of Mississippi or the United States for
6064 commercial purposes.

6065 (f) The term "domestic fish farming" shall include all
6066 persons engaged in the growing, managing, harvesting and/or
6067 marketing of domesticated fish or shellfish as a cultivated crop
6068 in privately owned or leased waters or submerged lands.

6069 (g) The term "domesticated fish" means any fish or
6070 shellfish that are spawned and grown, managed, harvested and
6071 marketed on an annual, semiannual, biennial, or short-term basis
6072 in privately owned or leased waters or submerged lands.

6073 (h) The term "producer" means any person engaged
6074 totally, or part-time, in the business of commercial fishing or
6075 domestic fish farming for the commercial purpose of providing
6076 aquatic products to consumers.

6077 **SECTION 160.** Section 27-31-39, Mississippi Code of 1972, is
6078 brought forward as follows:

6079 27-31-39. All Public Trust Tidelands belonging to the State
6080 of Mississippi or any of its political subdivisions shall be
6081 exempt from ad valorem taxation.

6082 **SECTION 161.** Section 29-7-3, Mississippi Code of 1972, is
6083 brought forward as follows:



6084 29-7-3. There shall be no development or extraction of oil,
6085 gas, or other minerals from state-owned lands by any private party
6086 without first obtaining a mineral lease therefor from the
6087 commission. The commission is hereby authorized and empowered,
6088 for and on behalf of the state, to lease any and all of the state
6089 land now owned (including that submerged or whereover the tide may
6090 ebb and flow) or hereafter acquired, to some reputable person,
6091 association, or company for oil and/or gas and/or other minerals
6092 in and under and which may be produced therefrom, excepting,
6093 however, sixteenth section school land, lieu lands, and such
6094 forfeited tax land and property the title to which is subject to
6095 any lawful redemption, for such consideration and upon such terms
6096 and conditions as the commission deems just and proper. No
6097 mineral lease of offshore lands shall allow offshore drilling
6098 operations north of the coastal barrier islands, except in Blocks
6099 40, 41, 42, 43, 63, 64 and 66 through 98, inclusive. Further,
6100 surface offshore drilling operations will not be allowed within
6101 one (1) mile of Cat Island. The commission may only offer for
6102 lease the state-owned lands in Blocks 40, 41, 42, 43, 63, 64 and
6103 66 through 98, inclusive, as shown on the Mississippi Department
6104 of Environmental Quality Bureau of Geology Plat of Lease Blocks
6105 (Open File Report 151) on terms and conditions and for a length of
6106 time as determined by the commission. The commission may not
6107 lease any lands or submerged lands off the Mississippi Gulf Coast
6108 that have been leased by the Department of Marine Resources before



6109 January 1, 2004, for any public or private oyster reef lease or
6110 any lands or submerged lands within one (1) mile of that lease for
6111 the purposes of drilling offshore for oil, gas and other minerals.

6112 Consistent with the conservation policies of this state under
6113 Section 53-1-1 et seq., the commission may offer for public bid
6114 any tracts or blocks of state-owned lands not currently under
6115 lease, which have been identified to the commission as having
6116 development potential for oil or natural gas, not less than once a
6117 year. Upon consultation with the Office of Geology in the
6118 Mississippi Department of Environmental Quality, the Secretary of
6119 State and any other state agency as the commission deems
6120 appropriate, the commission shall promulgate rules and regulations
6121 consistent with this chapter governing all aspects of the process
6122 of leasing state lands within its jurisdiction for mineral
6123 development, including the setting of all terms of the lease form
6124 to be used for leasing state-owned lands, any necessary fees,
6125 public bidding process, delay rental payments, shut-in royalty
6126 payments, and such other provisions as may be required. The
6127 Attorney General shall review the lease form adopted by the
6128 commission for legal sufficiency.

6129 There shall not be conducted any seismographic or other
6130 mineral exploration or testing activities on any state-owned lands
6131 within the mineral leasing jurisdiction of the commission without
6132 first obtaining a permit therefor from the commission. Upon
6133 consultation with the Office of Geology in the Mississippi



6134 Department of Environmental Quality, the Secretary of State and
6135 any other state agency as the commission deems appropriate, the
6136 commission shall promulgate rules and regulations governing all
6137 aspects of seismographic or other mineral exploration activity on
6138 state lands within its jurisdiction, including the establishing of
6139 fees and issuance of permits for the conduct of such mineral
6140 exploration activities. The Attorney General shall review the
6141 permit form adopted by the commission for legal sufficiency.
6142 Provided, however, that persons obtaining permits from the
6143 commission for seismographic or other mineral exploration or
6144 testing activities on state-owned wildlife management areas, lakes
6145 and fish hatcheries, shall be subject to rules and regulations
6146 promulgated therefor by the Mississippi Commission on Wildlife,
6147 Fisheries and Parks which shall also receive all permit fees for
6148 such testing on said lands. In addition, persons obtaining
6149 permits from the commission for seismographic or other mineral
6150 exploration or testing activities on state-owned marine waters
6151 shall be subject to rules and regulations promulgated therefor by
6152 the Mississippi Department of Marine Resources which shall also
6153 receive all permit fees for such testing on those waters.

6154 Further, provided that each permit within the Mississippi
6155 Sound or tidelands shall be reviewed by the Mississippi Commission
6156 on Marine Resources and such special conditions as it may specify
6157 will be included in the permit. Information or data obtained in
6158 any mineral exploration activity on any and all state lands shall



6159 be disclosed to the state through the commission, upon demand.
6160 Such information or data shall be treated as confidential for a
6161 period of ten (10) years from the date of receipt thereof and
6162 shall not be disclosed to the public or to any firm, individual or
6163 agency other than officials or authorized employees of this state.
6164 Any person who makes unauthorized disclosure of such confidential
6165 information or data shall be guilty of a misdemeanor, and upon
6166 conviction thereof, be fined not more than Five Thousand Dollars
6167 (\$5,000.00) or imprisoned in the county jail not more than one (1)
6168 year, or both.

6169 Whenever any such land or property is leased for oil and gas
6170 and/or other minerals, such lease contract shall provide for a
6171 lease royalty to the state of at least three-sixteenths (3/16) of
6172 such oil and gas or other minerals, same to be paid in the manner
6173 prescribed by the commission. Of the monies received in
6174 connection with the execution of such leases, five-tenths of one
6175 percent (5/10 of 1%) shall be retained in a special fund to be
6176 appropriated by the Legislature, One Hundred Thousand Dollars
6177 (\$100,000.00) of which amount to be used by the commission for the
6178 administration of the leasing and permitting under this section,
6179 and the remainder of such amount shall be deposited into the
6180 Education Trust Fund, created in Section 206A, Mississippi
6181 Constitution of 1890; and two percent (2%) shall be paid into a
6182 special fund to be designated as the "Gulf and Wildlife Protection
6183 Fund," to be appropriated by the Legislature, one-half (1/2)



6184 thereof to be apportioned as follows: an amount which shall not
6185 exceed One Million Dollars (\$1,000,000.00) shall be used by the
6186 Mississippi Department of Wildlife, Fisheries and Parks and the
6187 Mississippi Department of Marine Resources solely for the purpose
6188 of cleanup, remedial or abatement actions involving pollution as a
6189 result of the exploration or production of oil or gas, and any
6190 amount in excess of such One Million Dollars (\$1,000,000.00) shall
6191 be deposited into the Education Trust Fund, created in Section
6192 206A, Mississippi Constitution of 1890. The remaining one-half
6193 (1/2) of such Gulf and Wildlife Protection Fund to be apportioned
6194 as follows: an amount which shall not exceed One Million Dollars
6195 (\$1,000,000.00) shall be used by the Mississippi Commission on
6196 Wildlife, Fisheries and Parks and the Mississippi Department of
6197 Marine Resources for use first in the prudent management,
6198 preservation, protection and conservation of existing waters,
6199 lands and wildlife of this state and then, provided such purposes
6200 are accomplished, for the acquisition of additional waters and
6201 lands and any amount in excess of such One Million Dollars
6202 (\$1,000,000.00) shall be deposited into the Education Trust Fund,
6203 created in Section 206A, Mississippi Constitution of 1890.
6204 However, in the event that the Legislature is not in session to
6205 appropriate funds from the Gulf and Wildlife Protection Fund for
6206 the purpose of cleanup, remedial or abatement actions involving
6207 pollution as a result of the exploration or production of oil or
6208 gas, then the Mississippi Department of Wildlife, Fisheries and



6209 Parks and the Mississippi Department of Marine Resources may make
6210 expenditures from this special fund account solely for said
6211 purpose. The commission may lease the submerged beds for sand and
6212 gravel on such a basis as it may deem proper, but where the waters
6213 lie between this state and an adjoining state, there must be a
6214 cash realization to this state, including taxes paid for such sand
6215 and gravel, equal to that being had by such adjoining state, in
6216 all cases the requisite consents therefor being lawfully obtained
6217 from the United States.

6218 The Department of Environmental Quality is authorized to
6219 employ competent engineering personnel to survey the territorial
6220 waters of this state in the Mississippi Sound and the Gulf of
6221 Mexico and to prepare a map or plat of such territorial waters,
6222 divided into blocks of not more than six thousand (6,000) acres
6223 each with coordinates and reference points based upon longitude
6224 and latitude surveys. The commission is authorized to adopt such
6225 survey, plat or map for leasing of such submerged lands for
6226 mineral development; and such leases may, after the adoption of
6227 such plat or map, be made by reference to the map or plat, which
6228 shall be on permanent file with the commission and a copy thereof
6229 on file in the Office of the State Oil and Gas Board.

6230 **SECTION 162.** Section 39-7-3, Mississippi Code of 1972, is
6231 brought forward as follows:

6232 39-7-3. It is hereby declared to be the public policy and in
6233 the public interest of the State of Mississippi to locate,



6234 protect, and preserve all sites, objects, buildings, shipwrecks,
6235 and locations of historical, archaeological, or architectural
6236 significance, including, but not limited to historically or
6237 architecturally significant buildings, structures relating to
6238 significant engineering accomplishments, prehistoric and
6239 historical American Indian or aboriginal campsites, dwellings, and
6240 habitation sites, archaeological sites of every character,
6241 treasure imbedded in the earth, sunken or abandoned ships and
6242 wrecks of the sea or any part or the contents thereof, maps,
6243 records, documents, books, artifacts, and implements of culture in
6244 any way related to the inhabitants, prehistory, history, natural
6245 history, government, or culture in, on or under any of the lands,
6246 tidelands, submerged lands, and bed of the sea within the
6247 jurisdiction of the State of Mississippi.

6248 **SECTION 163.** Section 39-7-9, Mississippi Code of 1972, is
6249 brought forward as follows:

6250 39-7-9. All sunken or abandoned ships and wrecks of the sea,
6251 and any part or the contents thereof, and all treasure imbedded in
6252 the earth, located in, on or under the surface of lands belonging
6253 to the State of Mississippi, including its tidelands, submerged
6254 lands and the beds of its rivers and the sea within the
6255 jurisdiction of the State of Mississippi are hereby declared to be
6256 Mississippi Landmarks and are the sole property of the State of
6257 Mississippi and may not be taken, altered, damaged, destroyed,
6258 salvaged or excavated without a contract or permit of the board.



6259 **SECTION 164.** Section 49-15-301, Mississippi Code of 1972, is
6260 brought forward as follows:

6261 49-15-301. (1) The Mississippi Advisory Commission on
6262 Marine Resources is hereby established and full power is vested in
6263 the advisory commission to advise the Executive Director of the
6264 Department of Marine Resources on all matters pertaining to all
6265 saltwater aquatic life and marine resources. The advisory
6266 commission shall advise the Executive Director of the Department
6267 of Marine Resources on the administration of the Coastal Wetlands
6268 Protection Law and the Public Trust Tidelands Act.

6269 Notwithstanding any other provision of law to the contrary, the
6270 commission shall only be an advisory commission to the Department
6271 of Marine Resources and shall not have independent authority to
6272 take official action on behalf of the Mississippi Department of
6273 Marine Resources and its actions are purely advisory in nature.
6274 Whenever the terms "Mississippi Commission on Marine Resources,"
6275 "Commission on Marine Resources" and "commission" when referring
6276 to the Mississippi Commission on Marine Resources appear in any
6277 state law, they shall mean the "Mississippi Advisory Commission on
6278 Marine Resources."

6279 (2) The reconstituted Mississippi Advisory Commission on
6280 Marine Resources shall consist of five (5) members to be appointed
6281 as follows:

6282 (a) The Governor shall appoint five (5) members who
6283 shall be residents of Jackson, Harrison and Hancock Counties with



6284 the advice and consent of the Senate. The Governor shall appoint
6285 at least one (1) member from each county but not more than two (2)
6286 members from any one (1) county. The members designated in
6287 subparagraphs (i), (ii) and (iv) must be a resident of the county
6288 where the business he is appointed to represent is located.

6289 (b) The advisory commission shall be composed as
6290 follows:

6291 (i) One (1) member shall be a commercial seafood
6292 processor.

6293 (ii) One (1) member shall be a commercial
6294 fisherman.

6295 (iii) One (1) member shall be a recreational
6296 sports fisherman.

6297 (iv) One (1) member shall be a charter boat
6298 operator.

6299 (v) One (1) member shall be a member of an
6300 incorporated nonprofit environmental organization.

6301 (c) Of the initial members appointed by the Governor,
6302 the members designated in subparagraphs (i), (ii) and (iii) shall
6303 serve for an initial term of two (2) years and one (1) member
6304 shall be appointed from each county. The members designated in
6305 subparagraphs (iv) and (v) shall serve an initial term of four (4)
6306 years. All terms after the initial terms shall be for a period of
6307 four (4) years.



6308 (d) Any vacancy in the office of an appointed member of
6309 the advisory commission shall be filled by appointment by the
6310 Governor for the balance of the unexpired term.

6311 (3) Each member shall have a demonstrated history of
6312 involvement in the matter of jurisdiction for which he is
6313 appointed to represent and his employment and activities must not
6314 conflict with the matter of jurisdiction represented. A member
6315 shall not have a record of conviction of violation of fish and
6316 game or seafood laws or regulations within the five (5) years
6317 preceding his appointment or a record of any felony conviction.
6318 After July 1, 1999, if a member is convicted of a violation of the
6319 seafood laws during his term, his office shall be deemed vacant
6320 and the Governor shall fill the vacancy as provided in this
6321 section.

6322 (4) The advisory commission shall elect a chairman who shall
6323 preside at all meetings of the commission, and the advisory
6324 commission shall also elect a vice chairman who shall serve in the
6325 absence or inability of the chairman.

6326 (5) Each member shall be paid actual and necessary expenses
6327 incurred in attending meetings of the advisory commission and in
6328 performing his duties away from his domicile under assignment by
6329 the advisory commission. In addition, members shall receive the
6330 per diem authorized in Section 25-3-69.

6331 (6) The advisory commission shall adopt rules and
6332 regulations governing times and places of meetings.



6333 (7) The advisory commission shall not take any action
6334 without the approval of the Department of Marine Resources, and
6335 such action shall be included in the minutes of the advisory
6336 commission. A majority of the members shall constitute a quorum
6337 of the advisory commission.

6338 (8) The advisory commission shall advise the Department of
6339 Marine Resources on how to devise a plan to make licenses
6340 available in each coastal county.

6341 (9) (a) There is hereby created a Marine Resources
6342 Technical Advisory Council composed of the Executive Director of
6343 the Gulf Coast Research Lab, or his designee; the Executive
6344 Director of the Department of Environmental Quality, or his
6345 designee; and the Executive Director of the Department of
6346 Wildlife, Fisheries and Parks, or his designee.

6347 (b) The council shall give technical assistance to the
6348 department.

6349 (10) For purposes of this section the following definitions
6350 apply:

6351 (a) "Charter boat operator" means an individual who
6352 operates a vessel for hire, guiding sports fishermen for a fee and
6353 is duly licensed to engage in such activity in the State of
6354 Mississippi.

6355 (b) "Commercial fisherman" means a fisherman who sells,
6356 barter or exchanges any or all of his catch or who is paid for



6357 attempting to catch marine species, and is duly licensed to engage
6358 in commercial fishing.

6359 (c) "Commercial seafood processor" means an individual
6360 who engages in the business of purchasing seafood products and
6361 preparing them for resale and who is duly licensed to engage in
6362 such commercial activity in the State of Mississippi.

6363 (d) "Incorporated environmental nonprofit organization"
6364 means an organization duly incorporated in any state as a
6365 nonprofit organization and whose stated goals and purposes are the
6366 conservation of natural resources.

6367 (e) "Recreational sports fisherman" means an individual
6368 who catches or harvests marine species only for recreation or
6369 personal consumption and not for sale. The individual must
6370 possess a saltwater sports fishing license, be a member of an
6371 incorporated nonprofit sports fishing organization and not possess
6372 a commercial fishing or seafood processor license.

6373 **SECTION 165.** Section 49-15-304, Mississippi Code of 1972, is
6374 brought forward as follows:

6375 49-15-304. The department, with the advice of the advisory
6376 commission, may adopt, modify or repeal rules or regulations to
6377 utilize, manage, conserve, preserve and protect the flora, fauna,
6378 tidelands, coastal wetlands, coastal preserves, marine waters and
6379 any other matter pertaining to marine resources under its
6380 jurisdiction. Rules and regulations adopted by the department
6381 shall be consistent with the public policy expressed in Section



6382 29-15-3 (public trust tidelands), Section 39-7-3 (antiquities and
6383 historic preservation), Section 49-15-1 (seafood), Section 49-17-3
6384 (pollution control), Section 49-27-3 (coastal wetlands protection)
6385 and Section 57-15-6 (coastal zone management). The department may
6386 make exceptions to and grant variances from any rules and
6387 regulations adopted by the department. The department shall give
6388 due consideration to permissible uses of the natural resources
6389 within its jurisdiction when promulgating rules and regulations.

6390 **SECTION 166.** Section 49-17-711, Mississippi Code of 1972, is
6391 brought forward as follows:

6392 49-17-711. (1) The utility board may hire an executive
6393 director and secretary-treasurer having the duties as determined
6394 by the utility board. The executive director must have a college
6395 degree. If hired, the executive director and secretary-treasurer
6396 each shall be required to give bond in a sum not less than Fifty
6397 Thousand Dollars (\$50,000.00), conditioned on the executive
6398 director and secretary-treasurer faithfully performing all duties
6399 of his office and account for all monies and other assets which
6400 come into his custody as executive director or secretary-treasurer
6401 of the utility board.

6402 (2) (a) The utility board shall prepare a budget consistent
6403 with its bylaws estimating its expenses and revenue needs for each
6404 forthcoming fiscal year at least ninety (90) days prior to the
6405 beginning of each fiscal year. The utility board shall submit its



6406 budget to each county authority prior to final approval by the
6407 utility board.

6408 (b) Any funds, gifts or grants allocated for the
6409 administrative costs related to the restoration or construction of
6410 water, wastewater and storm water services and projects in the
6411 Gulf Coast Region under this act shall, to the extent allowable,
6412 be paid into the Public Trust Tidelands Fund for the repayment of
6413 any tideland funds expended for the operational costs of the
6414 utility board.

6415 (3) The utility board shall have the authority to receive
6416 and spend funds from any source.

6417 (4) This section shall repeal July 1, 2027.

6418 **SECTION 167.** Section 49-27-4, Mississippi Code of 1972, is
6419 brought forward as follows:

6420 49-27-4. (1) The Mississippi Department of Marine Resources
6421 is authorized and directed to designate the Danzler Tract, nine
6422 hundred twenty-five (925) acres located in the Pascagoula River
6423 Marshes in Jackson County, Mississippi, acquired in 1997 with
6424 funds obtained by Secretary of State Eric Clark as trustee of the
6425 public trust tidelands and part of the Mississippi Coastal
6426 Preserves Program, as the "Secretary of State Eric Clark Coastal
6427 Preserve" in honor of his role in the development of the program.

6428 (2) The Mississippi Department of Marine Resources in
6429 conjunction with the Office of Secretary of State are further
6430 authorized to erect appropriate markers and signs indicating the



6431 location of the "Secretary of State Eric Clark Coastal Preserve"
6432 and other pertinent information on the mission, trail systems and
6433 visitor guidelines relating to the Mississippi Coastal Plain.

6434 **SECTION 168.** Section 49-27-5, Mississippi Code of 1972, is
6435 brought forward as follows:

6436 49-27-5. (a) "Coastal wetlands" means all publicly-owned
6437 lands subject to the ebb and flow of the tide; which are below the
6438 ordinary high water mark; all publicly-owned accretions above the
6439 ordinary high water mark and all publicly-owned submerged
6440 water-bottoms below the ordinary high water mark and includes the
6441 flora and fauna on the wetlands and in the wetlands.

6442 (b) "Department" means the Department of Marine Resources.

6443 (c) "Regulated activity" means any of the following
6444 activities:

6445 (i) The dredging, excavating or removing of soil, mud,
6446 sand, gravel, flora, fauna or aggregate of any kind from any
6447 coastal wetland;

6448 (ii) The dumping, filling or depositing of any soil,
6449 stones, sand, gravel, mud, aggregate of any kind or garbage,
6450 either directly or indirectly, on or in any coastal wetlands;

6451 (iii) Killing or materially damaging any flora or fauna
6452 on or in any coastal wetland;

6453 (iv) The erection on coastal wetlands of structures
6454 which materially affect the ebb and flow of the tide; and



6455 (v) The erection of any structure or structures on
6456 suitable sites for water dependent industry.

6457 (d) "Dredging" means the removal or displacement by any
6458 means of soil, sand, gravel, shells or other material, whether of
6459 intrinsic value or not, from coastal wetlands.

6460 (e) "Executive director" means the Executive Director of the
6461 Department of Marine Resources.

6462 (f) "Filling" means either the displacement of waters by the
6463 deposition into coastal wetlands of soil, sand, gravel, shells or
6464 other material; or the artificial alteration of water levels or
6465 water currents by physical structures, drainage ditches or
6466 otherwise.

6467 (g) "Person" means any natural person, partnership, joint
6468 stock company, corporation, unincorporated association or society,
6469 or the state and any agency thereof, or any county, municipality
6470 or political subdivision, or any other corporation of any
6471 character whatsoever.

6472 (h) "Commission" means the Mississippi Advisory Commission
6473 on Marine Resources.

6474 (i) "Water dependent industry" means those commercial,
6475 industrial or manufacturing activities which, for purposes basic
6476 to their existence must occur or locate on or adjacent to the
6477 estuaries, sounds, channels, shores or marshlands of the coast.

6478 "Suitable sites for water dependent industry" means those areas of
6479 land which are suitable for the development of water dependent



6480 industry because of their proximity to waters of navigable depth,
6481 size and configuration, topography, soil conditions and access to
6482 other means of transportation. After consultation with local
6483 governments, port authorities, development commissions, port and
6484 harbor commissions and other interested parties, and after full
6485 consideration of zoning ordinances duly adopted by local
6486 governments, the department shall designate those sites it deems
6487 suitable for water dependent industry. The definition of
6488 "suitable sites for water dependent industry" shall be limited to,
6489 but not necessarily inclusive of, waterfront sites owned by county
6490 port authorities, development commissions and port and harbor
6491 commissions, and to areas that are now or are later made to be
6492 within one thousand (1,000) feet of the centerline of any natural
6493 or maintained channel having a depth of seven (7) feet or greater
6494 at mean low water. However, additional sites may be included in
6495 the definition of suitable sites for water dependent industry with
6496 the concurrence of the board of supervisors in the county
6497 affected.

6498 (j) "Ordinary High Water Mark (OHWM)" means a mark on the
6499 shore determined by the department staff, established by
6500 fluctuations in water level and indicated by physical and
6501 biological characteristics including, but not limited to, water
6502 stains, changes in the character of the soil, scour lines,
6503 presence of debris lines, changes in plant communities and other
6504 appropriate means that consider the characteristics of the



6505 surrounding area. The determination of OHWM shall not be made by
6506 the department staff during high tide where the above referenced
6507 characteristics are not observable. OHWM is not the same as mean
6508 high water and shall not be used for determination of the boundary
6509 between private property and public trust tidelands or for any
6510 purpose other than regulated activity as defined in this section.

6511 **SECTION 169.** Section 49-27-71, Mississippi Code of 1972, is
6512 brought forward as follows:

6513 49-27-71. (1) **Definitions.** As used in the section, the
6514 following words and phrases have the following meanings unless the
6515 context clearly indicates otherwise:

6516 (a) "Abandoned vessel" means a vessel left unattended
6517 for four (4) or more weeks after a hurricane, tropical storm or
6518 other natural event resulting in a declaration of emergency by the
6519 Governor, or, in the absence of a hurricane, tropical storm or
6520 other natural event resulting in a declaration of emergency by the
6521 Governor, any of the following:

6522 (i) A vessel left unattended that is moored,
6523 anchored, or otherwise in the waters of the state or on public
6524 property for a period of more than ten (10) days.

6525 (ii) A vessel that is moored, anchored, or
6526 otherwise on or attached to private property for a period of more
6527 than ten (10) days without the consent of the owner or lessee of
6528 the property or of the public trust tidelands.



6529 Upon notification from the owner of the vessel outlining the
6530 circumstances following a hurricane, tropical storm or other
6531 natural event, the department may grant an exception to the time
6532 frames indicated above.

6533 (b) "Department" means the Mississippi Department of
6534 Marine Resources.

6535 (c) "Derelict vessel" means a vessel in the waters of
6536 the State of Mississippi that satisfies any of the following:

6537 (i) Is aground without the ability to extricate
6538 itself absent mechanical assistance;

6539 (ii) Is sunk or otherwise resting on the bottom of
6540 the waterway;

6541 (iii) Is abandoned;

6542 (iv) Is wrecked, junked, or in a substantially
6543 dismantled condition upon any waters of this state:

6544 1. A vessel is "wrecked" if it is sunken or
6545 sinking; or remaining after a marine casualty, including, but not
6546 limited to, a boating accident, extreme weather, or fire.

6547 2. A vessel is "junked" if it has been
6548 substantially stripped of vessel components, if vessel components
6549 have substantially degraded or been destroyed, or if the vessel
6550 has been discarded by the owner or operator. Attaching an
6551 outboard motor to a vessel that is otherwise junked will not cause
6552 the vessel to no longer be junked if such motor is not an
6553 effective means of propulsion.



6554 3. A vessel is "substantially dismantled" if
6555 at least two (2) of the three (3) following vessel systems or
6556 components are missing, compromised, incomplete, inoperable, or
6557 broken:

6558 (A) The steering system;

6559 (B) The propulsion system; or

6560 (C) The exterior hull integrity.

6561 Attaching an outboard motor to a vessel that is otherwise
6562 substantially dismantled will not cause the vessel to no longer be
6563 substantially dismantled if such motor is not an effective means
6564 of propulsion;

6565 (v) Docked, grounded, or beached upon the property
6566 of another without the consent of the owner of the property;

6567 (vi) Is obstructing a waterway or within one
6568 hundred (100) yards of the boundaries of any state, county or
6569 municipal port;

6570 (vii) Is endangering life or property;

6571 (viii) Has broken loose or is in danger of
6572 breaking loose from its anchor, mooring, or ties; or

6573 (iv) A vessel that is otherwise not seaworthy.

6574 (d) "Documented vessel" means a vessel documented under
6575 46 USC, Chapter 121.

6576 (e) "Effective means of propulsion" means a vessel,
6577 other than a barge, that is equipped with:



6578 (i) A functioning motor, controls, and steering
6579 system; or

6580 (ii) Rigging and sails that are present and in
6581 good working order, and a functioning steering system.

6582 A vessel does not have an effective means of propulsion for
6583 safe navigation within seventy-two (72) hours after the vessel
6584 owner or operator received telephonic notice, in-person notice
6585 recorded on an agency-approved body camera, or written notice,
6586 which may be provided by facsimile, electronic mail, or other
6587 electronic means, stating such from a representative of the
6588 department, and the vessel owner or operator is unable to provide
6589 a receipt, proof of purchase, or other documentation of having
6590 ordered necessary parts for vessel repair. The department may
6591 adopt regulations to implement this paragraph.

6592 (f) "Floating building or structure" means a floating
6593 entity, with or without accommodations built thereon, which is not
6594 primarily used as a means of transportation on water but which
6595 serves purposes or provides services typically associated with a
6596 structure or other improvement to real property. The term
6597 includes, but is not limited to, an entity used as a residence,
6598 place of business or office with public access; a hotel or motel;
6599 a restaurant or lounge; a clubhouse; a meeting facility; a storage
6600 or parking facility; or a mining platform, dredge, dragline, or
6601 similar facility or entity represented as such. Incidental
6602 movement upon water or resting partially or entirely on the bottom



6603 does not, in and of itself, preclude an entity from classification
6604 as a floating structure.

6605 (g) "Gross negligence" means conduct so reckless or
6606 wanting in care that it constitutes a conscious disregard or
6607 indifference to the safety of the property to such conduct.

6608 (h) "Moored" means a vessel that is anchored or affixed
6609 in some other way to the public trust tidelands, to leased
6610 tidelands, to private land, or within the riparian zone of a
6611 private or public landowner or leaseholder.

6612 (i) "Registered" means a vessel documented under
6613 Section 59-21-5.

6614 (j) "Unseaworthy" means a vessel that is not fit or
6615 safe for any normal perils of the sea or has no effective means of
6616 propulsion.

6617 (k) "Vessel" means every description of watercraft,
6618 other than a seaplane, capable of being used as a means of
6619 transportation on the water. For the purposes of this section,
6620 vessels powered only by hand, foot, oars or paddles, are included.

6621 For the purposes of this section, floatable buildings and
6622 structures, whether or not they are used for navigation, are
6623 included.

6624 (l) "Waters of the state" means any waters located
6625 within Harrison, Hancock and Jackson Counties under the
6626 jurisdiction of the Mississippi Department of Marine Resources as
6627 established pursuant to Section 49-15-23.



6628 (m) "Willful misconduct" means conduct evidencing
6629 carelessness or negligence of such a degree or recurrence as to
6630 manifest culpability, wrongful intent, or evil design or to show
6631 an intentional and substantial disregard of the interests of the
6632 vessel owner.

6633 (2) **Jurisdiction.** (a) (i) In the waters of Harrison,
6634 Hancock and Jackson Counties, a person, firm, corporation or other
6635 entity may not leave derelict or at risk of being derelict, any
6636 vessel on the coastal wetlands, marine waters, or on public or
6637 privately owned lands without the owner's permission.

6638 (ii) The Department of Marine Resources has the
6639 authority to remove derelict vessels, whether located on private
6640 or public property.

6641 (iii) Vessels located in ports and harbors are
6642 subject to the provisions outlined in Title 50, Mississippi Code
6643 of 1972, Ports, Harbors, Landings and Watercraft.

6644 (iv) Subparagraph (i) of this paragraph (a) does
6645 not apply to vessels located in marinas, garages or repair shops
6646 for repairs, improvements or other work with knowledge of the
6647 owner and for which the costs for such services have been unpaid.

6648 (v) Vessels deemed to be derelict pursuant to this
6649 chapter are exempt from the salvage provisions in Section 89-17-1
6650 et seq.

6651 (b) (i) In all other waters of the State of
6652 Mississippi, a person, firm, corporation or other entity may not



6653 leave derelict or at risk of being derelict, any vessel in the
6654 wetlands, public waters or waterways or on public or privately
6655 owned lands without the owner's permission.

6656 (ii) Subparagraph (i) of this paragraph (b) does
6657 not apply to vessels located in public or private marinas, garages
6658 or repair shops for repairs, improvements or other work with
6659 knowledge of the owner and for which the costs for such services
6660 have been unpaid.

6661 (iii) Vessels deemed to be derelict pursuant to
6662 this chapter are exempt from the salvage provisions of Section
6663 89-17-1 et seq.

6664 (3) **Penalties.** Violations of this section will be subject
6665 to the penalties as provided in Section 49-15-63.

6666 (4) **Standing.** A party with standing may initiate the
6667 derelict vessel procedures in this section. For purpose of this
6668 section, the following parties have standing:

6669 (a) The owner of the property where the vessel came to
6670 rest or to which the vessel was made fast;

6671 (b) Any harbormaster, police department, municipality
6672 or agent of the state that agrees to accept or process a derelict
6673 vessel; or

6674 (c) Any professional marine salvager when the salvager
6675 is engaged by a person with standing.

6676 (5) **Landowner permission may be revoked at any time.** The
6677 landowner must provide the department sufficient proof that the



6678 vessel owner has been notified of the revocation of landowner's
6679 permission or proof that the landowner cannot locate the owner of
6680 the vessel.

6681 When a vessel that is not otherwise leased to another party
6682 is moored upon public trust tidelands for a period of thirty (30)
6683 days or longer, permission must be granted by the Secretary of
6684 State's Office.

6685 (6) **Notice.** Any party with standing, or his or her
6686 representative, may initiate the notice process by filing an
6687 application with the department to remove the derelict vessel.
6688 Upon receipt and review of the application, the department may
6689 initiate the following notice process:

6690 (a) A department officer is authorized to board any
6691 vessel that has been reported to the department as being derelict
6692 or at risk of being derelict to determine the condition of the
6693 vessel and in an attempt to establish ownership of the vessel.

6694 (b) A department officer shall post notice, which must
6695 comply with the following requirements:

6696 (i) Be posted on the vessel in a prominent
6697 location, visible to an approaching person;

6698 (ii) Require the vessel owner to submit a plan for
6699 removal to the department within seven (7) days of the notice; and

6700 (iii) Include a space for the owner of the vessel
6701 to respond.



6702 (c) If the registered owner responds with a signature
6703 in the space or otherwise provides a written response to the
6704 department requesting an extension of time, then the registered
6705 owner will have an additional five (5) days to submit the plan for
6706 removal.

6707 (d) The department will notify the respondent of the
6708 approval or denial of the removal plan within seven (7) business
6709 days.

6710 (e) If the respondent fails to comply with the approved
6711 removal plan and fails to submit a satisfactory reason as to why
6712 the vessel cannot be moved as planned, the department may present
6713 the removal plan and evidence of the owner's noncompliance to the
6714 chancery court.

6715 (f) Upon presentation of the required evidence, the
6716 chancery court will issue an order allowing the department or its
6717 representative to remove the vessel from its current location and
6718 make whatever disposition is deemed appropriate, including, but
6719 not limited to, immediate disposal, storage pending disposal, use
6720 for official purposes, transfer to another state agency or other
6721 disposition.

6722 (g) If the vessel is located in an area of coastal
6723 wetlands where emergent vegetation is present or where the vessel
6724 is embedded in the ground, a wetlands permit may be required prior
6725 to removal.



6726 (h) Any party who acts in good faith and without
6727 malicious intent in the processing, storing or moving any derelict
6728 vessel pursuant to this section is immune from liability for
6729 damages to the vessel.

6730 (7) **Determining ownership.** (a) Upon receipt of an
6731 application for the removal of a derelict vessel where no removal
6732 plan has been submitted by the owner, the department must attempt
6733 to contact the registered owner of the vessel and any lien holders
6734 of record by other available means.

6735 (b) The department must inquire of the Mississippi
6736 Department of Wildlife, Fisheries and Parks (MDWFP) as to the
6737 status of the vessel in regard to the Mississippi Boating Law of
6738 1960, Section 59-21-1 et seq., or the United States Coast Guard as
6739 to the status of the vessel in regard to documentation under 46
6740 USC, Chapter 121.

6741 (c) The inquiry must provide the description of the
6742 vessel, including the vessel registration number.

6743 (d) The MDWFP is required to provide the requested
6744 information to the department within two (2) business days.

6745 (e) The registered owner of a vessel must comply with
6746 Section 59-21-21 to change ownership. In the event a vessel owner
6747 fails to notify the MDWFP of a transfer of ownership and supply
6748 the new owner's contact information, the owner of the vessel
6749 according to MDWFP records is presumed to be the person to whom
6750 the vessel is registered.



6751 (f) If there is no registered owner found, the
6752 department must make publication on the department's website and
6753 in a newspaper with general circulation for three (3) weeks,
6754 describing the vessel and the location.

6755 (8) **Derelict vessel removal.** (a) After the initial notice
6756 period described in subsection (6) has lapsed and the department
6757 can show proof of inquiries to ascertain the vessel ownership
6758 under subsection (7) of this section, the department may obtain an
6759 order from the chancery court for the derelict vessel to be
6760 removed from its current location.

6761 (b) The chancery court order may authorize the
6762 department to make whatever disposition is deemed appropriate,
6763 including, but not limited to, immediate disposal of the vessel,
6764 storage pending disposal, use for official purposes, transfer to
6765 another state agency or other disposition.

6766 (c) If the vessel is located in an area of coastal
6767 wetlands where emergent vegetation is present or where the vessel
6768 is embedded in the ground, a wetlands permit may be required prior
6769 to removal.

6770 (d) Any person who acts in good faith and without
6771 malicious intent in the processing, storing or moving of any
6772 derelict vessel pursuant to this section is immune from civil
6773 liability for damage to the vessel.

6774 (9) **Emergency removal.** Any derelict vessel that is
6775 obstructing a waterway, is within any designated navigation



6776 channel or within one hundred (100) yards of the boundaries of any
6777 state, county or municipal port may be declared a hazard to
6778 navigation and subject to immediate relocation, removal disposal,
6779 or other disposition by the department or other party with
6780 standing.

6781 (a) Any derelict vessel that is leaking any hazardous
6782 substances, chemicals or fuels will be reported to the Mississippi
6783 Department of Environmental Quality (MDEQ) and may be declared an
6784 environmental hazard and subject to immediate relocation, removal,
6785 disposal or other disposition by MDEQ, the department or other
6786 party with standing.

6787 (b) The registered owner of a vessel removed in
6788 accordance with this subsection (9) is liable for the costs
6789 associated with the relocation, removal, salvage storage or
6790 disposal of the vessel and any damages to the flora and fauna
6791 within the affected area.

6792 (c) Any funds derived from salvage or sale of a vessel
6793 pursuant to this section will be used to offset the costs to the
6794 department associated with the removal, salvage, storage or
6795 disposal of the vessel.

6796 (d) Any funds derived from damages to the flora and
6797 fauna will be deposited into the Coastal Resource Management Fund
6798 if the Department of Marine Resources initiates the action.

6799 (e) Any party who relocates or removes a vessel under
6800 this section is not liable for damages resulting from relocation



6801 or removal unless the damage results from gross negligence or
6802 willful misconduct.

6803 (10) **Cost recovery.** (a) The department may seek full cost
6804 recovery from the registered owner of the derelict vessel for any
6805 expense incurred as a result of, or incidental to, removing the
6806 vessel. The registered owner of the vessel is liable for the
6807 costs of removal, storage, disposal, and restoration of affected
6808 lands, attorneys' fees, and all court costs.

6809 (b) The owner of the vessel is also liable for an
6810 administrative penalty of Five Hundred Dollars (\$500.00) per day.
6811 The penalty for emergency removal of vessels under subsection (9)
6812 of this section may be imposed by the Executive Director of the
6813 Department of Marine Resources upon the recommendation of the
6814 Advisory Commission on Marine Resources, under Section 49-15-401
6815 et seq. The fines for removal of all other vessels may be imposed
6816 by the chancery court.

6817 (c) Expenses incurred, including, but not limited to,
6818 fines, court costs, vessel removal, storage, disposal, restoration
6819 of affected lands, and attorneys' fees for derelict vessels will
6820 be imposed by the chancery court as outlined in subsection (11) of
6821 this section.

6822 (d) If the registered owner should fail to pay fines
6823 imposed by the department in accordance with paragraph (b) of this
6824 subsection, an enforcement action will be filed with the chancery
6825 court which may result in the court issuing an order, including,



6826 but not limited to, the collection of fines, court costs, and/or
6827 any legal avenue the court finds appropriate to collect such
6828 funds.

6829 (e) All proceeds from any activity initiated by the
6830 Department of Marine Resources related to the disposition of a
6831 vessel under this chapter will go into the Derelict Vessel Fund, a
6832 special fund within the Seafood Fund. However, any fines imposed
6833 for the damage to coastal wetlands will be placed in the Coastal
6834 Resource Management Fund.

6835 (11) **Court process.** (a) The chancery court of the county
6836 in which the vessel is located has jurisdiction over all matters
6837 concerning derelict vessels under this section, including
6838 injunctions and demands for damages. If the vessel is allowed to
6839 float and/or is otherwise moved to another county after notice has
6840 been provided under subsection (6) of this section, the county in
6841 which the vessel was first provided notice shall have continuing
6842 jurisdiction.

6843 (b) If there is no response to the publication attempts
6844 under subsection (7)(e) of this section, the chancery court will
6845 issue an order to the department allowing the department to take
6846 possession of the vessel and make such use or disposition of the
6847 vessel as deemed appropriate under the circumstances. If the
6848 department determines that the vessel may be used for official
6849 purposes or otherwise sold, the MDWFP will issue a vessel



6850 registration number or a hull identification number to the
6851 department after proof of publication has been submitted.

6852 (c) The chancery court may, in its discretion, order
6853 damages up to Five Hundred Dollars (\$500.00) per day for every day
6854 the vessel was left abandoned or derelict, beginning on the day
6855 notice was posted on the vessel.

6856 (d) If the department or a party with standing desires
6857 to require the registered owner to remove the vessel, then he or
6858 she may apply to the chancery court for a writ of mandatory
6859 injunction ordering the registered owner to remove the vessel.
6860 The chancery court must allow a reasonable time for removal and
6861 restoration of the affected lands. The chancery court may order
6862 further damages not to exceed Five Hundred Dollars (\$500.00) per
6863 day for each day that the violation exists beyond the date set by
6864 the court in an injunction for the removal of the vessel and
6865 restoration of the affected lands.

6866 (e) Any court-ordered reimbursed costs or damages in
6867 excess of the actual costs of removal and restoration initiated by
6868 the Department of Marine Resources must be deposited in a special
6869 fund in the State Treasury known as the "Derelict Vessel Fund"
6870 within the Seafood Fund. Any funds deposited in the fund must be
6871 used to cover the administrative costs and removal costs incurred
6872 by the department for the removal of vessels. Any remaining funds
6873 must be used to cover the costs of removing additional derelict



6874 vessels. However, any fines imposed for the damage to coastal
6875 wetlands will be placed in the Coastal Resource Management Fund.

6876 (12) **Department authorities.** (a) The department is
6877 authorized to enter into contracts with individuals, firms and
6878 corporations, or agreements with other state agencies for the
6879 removal and/or temporary storage of vessels prior to removal. The
6880 salvage value, if any, of the vessel may be used to offset the
6881 costs of the removal of the vessel and the restoration of the
6882 affected area. The department may enter into noncompetitive
6883 contracts or agreements with any state or federal entity for the
6884 removal of vessels.

6885 (b) The department may enter into interstate or
6886 intrastate agreements toward this end, and may seek and utilize
6887 aid from all federal, state, and local sources in this endeavor.

6888 (c) The Department of Marine Resources shall adopt
6889 rules and regulations necessary and appropriate to carry out this
6890 section for actions falling within its jurisdiction.

6891 (d) The department may promulgate regulations to
6892 establish a derelict vessel prevention program to address vessels
6893 at risk of becoming derelict. Such program may, but is not
6894 required to, include:

6895 (i) Removal, relocation, and destruction of
6896 vessels declared a public nuisance due to the lack of proper
6897 marine sanitation, derelict or at risk of becoming derelict, or
6898 lost or abandoned.



6899 (ii) Creation of a vessel turn-in program allowing
6900 the owner of a vessel determined by the department to be at risk
6901 of becoming derelict, to turn the vessel and vessel title over to
6902 the department to be destroyed without penalty.

6903 (iii) Providing for removal and destruction or
6904 other disposition of an abandoned vessel for which an owner cannot
6905 be identified or the owner of which is deceased and no heir is
6906 interested in acquiring the vessel.

6907 (iv) Purchase of anchor line, anchors, and other
6908 equipment necessary for securing vessels at risk of becoming
6909 derelict.

6910 (v) Creating or acquiring moorings designated for
6911 securing vessels at risk of becoming derelict.

6912 (e) The State of Mississippi, the Commission on Marine
6913 Resources, the Department of Marine Resources, and their employees
6914 and representatives shall not be liable for any damages resulting
6915 from the removal, towing, storage, sale or disposal of any vessel
6916 that is derelict or hazardous under this section.

6917 (f) The department or any party with standing does not
6918 incur liability for any resulting damage to the vessel or any
6919 damage the vessel may cause to any property or person during the
6920 time frame between posting notice and vessel removal. If any
6921 damages occur during the period of time between notice and removal
6922 of the vessel, the registered vessel owner, according to MDWFP
6923 records, is presumed liable for all damages.



6924 **SECTION 170.** Section 57-15-5, Mississippi Code of 1972, is
6925 brought forward as follows:

6926 57-15-5. (1) It is hereby declared to be the intent of the
6927 Legislature by this chapter that the policy of the council hereby
6928 created shall be conducted according to the following guidelines:
6929 the council shall have the general purpose and policy of studying
6930 and developing plans, proposals, reports and recommendations for
6931 the development and utilization of the coastal and offshore lands,
6932 waters and marine resources of this state in order to ensure that
6933 all future plans and/or programs of the State of Mississippi
6934 involving the field of marine resources and sciences,
6935 oceanographic research, and related studies, will be coordinated
6936 with comparable functions and programs of agencies of the United
6937 States government. The council shall further have the purpose and
6938 policy to help coordinate, as hereinabove provided, all plans of
6939 other agencies of this state engaged in similar activities and of
6940 the various states of the United States of America, and also with
6941 all private agencies whose purpose is marine science and resource
6942 development. The council is further authorized to enter into
6943 contract with any state or federal agency as may be necessary and
6944 requisite to carry out the purposes of this chapter. The council
6945 shall have the responsibility for the general management of the
6946 state's wetlands.

6947 (2) The council is authorized and empowered to solicit and
6948 accept financial support from sources other than the state,



6949 including private or public sources or foundations. All funds
6950 received by or appropriated to the council shall be deposited upon
6951 receipt thereof into a special fund in the State Treasury to be
6952 known and designated as the "Mississippi Marine Resources Fund."
6953 Expenditures from said fund shall be made in the following manner:
6954 expenditures by and for the council for the purpose of carrying
6955 out its functions as provided by law shall be made with the
6956 approval of the council at any meeting upon requisitions presented
6957 to the State Auditor in the manner provided by law, and paid by
6958 the State Treasurer. Full and complete accounting shall be kept
6959 and made by the council for all funds received and expended by it.
6960 Representatives of the office of the State Auditor of Public
6961 Accounts annually shall audit the expenditure of funds received by
6962 the council from all sources and the said auditor shall make a
6963 complete and detailed report of such audit to the Legislature. It
6964 is further provided that all state appropriated funds expended
6965 shall conform to all requirements of law as provided for
6966 expenditures.

6967 (3) The council may solicit, receive and expend
6968 contributions, matching funds, gifts, bequests and devises from
6969 any source, whether federal, state, public or private, as
6970 authorized by annual appropriations therefor.

6971 (4) The council may enter into agreements with federal,
6972 state, public or private agencies, departments, institutions,
6973 firms, corporations or persons to carry out its policies as



6974 provided for in this chapter. To accomplish these goals, the
6975 council may expend any such sums from any source as herein
6976 provided.

6977 The agreements provided for in this subsection shall include,
6978 but not be limited to, the following provisions:

6979 (a) The duration of the agreement;

6980 (b) The purpose of the agreement;

6981 (c) A description of the procedures to be used in
6982 carrying out the purpose of the agreement; and

6983 (d) Provisions for termination of the agreement.

6984 Any entity entering into such an agreement shall comply with
6985 the provisions therein.

6986 (5) The council is authorized and empowered to accept
6987 financial support from any federal outer continental shelf revenue
6988 sharing programs. All funds received from such programs shall be
6989 deposited upon receipt thereof into a special trust fund in the
6990 State Treasury to be known and designated as the "Outer
6991 Continental Shelf Trust Fund." Expenditures from said fund shall
6992 be made for the benefit of any project affecting any county in the
6993 State of Mississippi which borders on the Gulf of Mexico with the
6994 approval of the Legislature.

6995 (6) The council may contract with other governmental
6996 agencies and third parties for the acquisition and management of
6997 lands and properties for inclusion in the "Coastal Preserve
6998 System." For purposes of these contracts with other governmental



6999 agencies or third parties and the expenditure of funds pursuant to
7000 the contracts, the "Coastal Preserve System" as defined by the
7001 council shall be deemed to be a part of the ecosystems of the
7002 Public Trust Tidelands. Contracts authorized under this section
7003 may provide funds for the management of properties included in the
7004 "Coastal Preserve System."

7005 (7) There is established a special account to be known as
7006 the "Coastal Preserve System Timber Account" within the
7007 Mississippi Marine Resources Fund. Any funds received from the
7008 salvage or harvesting of timber or sale of other forest products
7009 from lands included in or managed as a part of the Coastal
7010 Preserve System shall be credited to the account. Any unexpended
7011 funds remaining in the account at the end of the year shall not
7012 lapse, but shall remain in the account. The account shall be
7013 treated as a special trust fund and interest earned on the
7014 principal shall be credited to the account. Any funds in the
7015 account may be expended, subject to the approval of the
7016 Legislature, for the management and improvement of the Coastal
7017 Preserve System and for the acquisition of additional lands for
7018 inclusion in the Coastal Preserve System.

7019 **SECTION 171.** Section 59-1-17, Mississippi Code of 1972, is
7020 brought forward as follows:

7021 59-1-17. (1) The several port commissions in the State of
7022 Mississippi are each hereby vested with full jurisdiction and
7023 control of any and all lands lying within, or adjacent to, any



7024 river, bay or natural lake which are now, or heretofore were,
7025 below the mean high tide mark, and which lands lie within or
7026 adjacent to any port or harbor within the jurisdiction of such
7027 port commission, and as to which lands the claims of private
7028 persons or private corporations have been, or hereinafter are,
7029 acquired by such port commission, or by the city for its benefit,
7030 by purchase, lease, conveyance or eminent domain proceedings. Any
7031 such port commission is hereby authorized to reclaim any and all
7032 such lands, by filling, dredging or other methods and to utilize,
7033 lease or dispose of same for the development and operation of the
7034 port to the same extent it is now, or may hereinafter be,
7035 authorized to utilize its other facilities.

7036 (2) It is hereby declared that the leasing or use for
7037 commercial purposes, port purposes and for industrial development
7038 related thereto of the following described submerged lands and
7039 tidelands belonging to the State of Mississippi in an area lying
7040 between the East Pascagoula River and the West Pascagoula River,
7041 Jackson County, Mississippi, will serve a higher public interest
7042 in accordance with the purposes of this section and with the
7043 public policy of this state as set forth in Section 49-27-3, said
7044 property being more particularly described as follows:

7045 All that part of the Lowry Island Resurvey, which is
7046 bounded on the South by the L&N (now CSX) Railroad
7047 Track; on the East by the East Pascagoula River; on the



7048 West by the West Pascagoula River; and on the North by
7049 the North corporate limits of the City of Pascagoula and
7050 the South corporate limits of the City of Moss Point,
7051 LESS AND EXCEPT, however, that part of said property now
7052 owned by any private corporations.

7053 (3) The governing authority of the city in which such state
7054 lands are located is hereby authorized to apply for and secure a
7055 lease in accordance with Section 29-1-107, except for a period of
7056 not to exceed forty (40) years, of such state lands as may be
7057 necessary for the development for commercial purposes, port
7058 purposes and related industrial facilities in the aforesaid areas
7059 described in subsection (2) hereof.

7060 Application for a lease shall be made with the Secretary of
7061 State.

7062 Utilization of any and all submerged land and/or tideland
7063 shall be in such a manner so as not to obstruct normal navigation
7064 of any normal and natural channel. Title to the property shall
7065 remain vested in the State of Mississippi.

7066 All oil, gas and other minerals in, on or under said lands
7067 leased are hereby specifically reserved unto the State of
7068 Mississippi.

7069 The city governing authority is hereby authorized to sublease
7070 such lands for commercial purposes, port purposes and for
7071 industrial development related thereto.



7072 All subleases executed by the city governing authority shall
7073 be on such terms and conditions, and with such safeguards, as will
7074 best promote and protect the public interest. Such subleases
7075 shall be submitted to the Secretary of State for approval. Each
7076 sublease shall provide that if such property is not utilized
7077 within five (5) years, or if commercial, port or industrial usage
7078 ceases and such termination continues for a period of two (2)
7079 years, the sublease shall terminate and all rights thereunder
7080 shall revert to the city. If such nonutilization for a period of
7081 five (5) years or cessation of use for a period of two (2) years
7082 shall be caused, suspended, delayed or interrupted by act of God,
7083 fire, war, rebellion, scarcity of water, insurrection, riot,
7084 strike, scarcity of labor, differences with employees, failure of
7085 a carrier to transport or furnish facilities for transportation;
7086 or as a result of some order, rule or regulation of any federal,
7087 state, municipality or other governmental agency; or as the result
7088 of failure of the sublessee to obtain any required permit or
7089 certificate; or as the result of any cause whatsoever beyond the
7090 control of sublessee, the time of such delay or interruption shall
7091 not be counted against the sublessee in determining such period of
7092 five (5) years or two (2) years. All subleases shall be for a
7093 fair and adequate consideration and the compensation and revenues
7094 therefrom shall be retained by the state.

7095 (4) (a) It is further declared that it will serve a higher
7096 public interest in accordance with the purposes of this section



7097 and with the public policy of the state as set forth in Section
7098 49-27-3 for the following parcels of the Lowry Island Resurvey to
7099 be subleased for the purpose of developing multiunit residential
7100 structures, height not exceeding fifty (50) feet, that are an
7101 integral part of a public marina: (i) that parcel consisting of
7102 existing filled tidelands or fastlands lying immediately adjacent
7103 to the East Pascagoula River and north right-of-way boundary of
7104 U.S. Highway 90; and (ii) that parcel consisting of existing
7105 filled tidelands or fastlands lying immediately adjacent to the
7106 West Pascagoula River and north right-of-way boundary of U.S.
7107 Highway 90.

7108 (b) The governing authority of the city in which are
7109 located the parcels described in this subsection may sublease such
7110 parcels for such residential development upon the same terms and
7111 conditions prescribed in subsection (3).

7112 (5) This section is to be considered as supplementary and
7113 cumulative and nothing in this section shall be construed as
7114 repealing or amending any options, leases, deeds, contracts,
7115 agreements or legal instruments heretofore entered into by the
7116 governing authorities of the municipality in which the port of
7117 entry is located, or the port commission.

7118 **SECTION 172.** Section 59-9-21, Mississippi Code of 1972, is
7119 brought forward as follows:

7120 59-9-21. (1) In addition to the powers and authority
7121 elsewhere conferred by this chapter, the board of supervisors of



7122 any county in which there has been created a county port authority
7123 or county development commission, acting through its county port
7124 authority or county development commission, shall have the power
7125 and authority to rebuild and restore to its previous width and
7126 height any sloping beach or sand beach heretofore pumped in or
7127 dredged to protect a public highway extending along the beach or
7128 shore of any body of tidewater which is exposed to or in danger of
7129 damage by water driven against the shore by storms or hurricanes,
7130 as heretofore authorized by Section 1 of Chapter 319 enacted at
7131 the 1924 Regular Session of the Mississippi Legislature; and to
7132 let by competitive bids a contract therefor in the manner and by
7133 the procedure set out in Section 59-9-27. In addition to bonds
7134 heretofore issued pursuant to Chapter 462, Laws of 1971, the board
7135 of supervisors may issue and sell full faith and credit bonds of
7136 said county in the manner and by the procedure set out in this
7137 chapter in an amount not exceeding Four Million Dollars
7138 (\$4,000,000.00), subject to the limitations and conditions of this
7139 chapter, and may apply thereon any funds now or hereafter made
7140 available to the use or pledge of the said development commission,
7141 and to dredge, fill in and reclaim submerged lands and tidelands
7142 belonging to the State of Mississippi.

7143 (2) It is hereby declared that the leasing for the
7144 development of port and related industrial facilities of the
7145 following described submerged lands and tidelands belonging to the
7146 State of Mississippi in an area immediately adjacent to the



7147 present port and industrial complex known as the Bayou Casotte
7148 Area in Jackson County, Mississippi, will serve a higher public
7149 interest in accordance with the purposes of this section and with
7150 the public policy of this state as set forth in Section 49-27-3,
7151 said property being more particularly described as follows:

7152 Commencing at the Northeast corner of the Southeast Quarter
7153 of Section 20, Township 8 South, Range 5 West and at grid
7154 coordinates N242,489.57 feet, E606,331.52 feet; runs thence
7155 North 89 degrees 10' 22" East along the Mid-Section Line of
7156 Section 21, Township 8 South, Range 5 West, 661.48 feet to a
7157 point at grid coordinates N242,499.12 feet, E606,992.93 feet;
7158 runs thence South 0 degrees 27' 25" East 1,621.39 feet to a
7159 two inch iron pipe with cap, set in concrete at grid
7160 coordinates N240,877.78 feet, E607,005.86 feet, said point
7161 being the Southeast corner of the property conveyed to
7162 Corchem, Inc., by H.K. Porter Company, Inc., by instrument
7163 dated December 31, 1971, recorded in Deed Book 419, page 182,
7164 Land Deed records of Jackson County, Mississippi, and being
7165 the point of beginning; runs thence South 0 degrees 27' 25"
7166 East, 1,018.61 feet to a point on the South line of said
7167 Section 21, said point being North 89 degrees 18' 22" East,
7168 650.33 feet, of the Southwest corner of said Section 21; runs
7169 thence South 0 degrees 27' 25" East, 2,306.58 feet, to a two
7170 inch iron pipe with cap, set in concrete at grid coordinates
7171 N237,552.70 feet, E607,032.37 feet; thence continues South 0



7172 degrees 27' 25" East 173 feet, more or less, to the mean
7173 water line of the Mississippi Sound, at scaled grid
7174 coordinates N237,379 feet, N607,033 feet; runs thence South 0
7175 degrees 27' 25" East 1,379 feet, more or less, to the
7176 intersection of the N236,000 grid line, at grid coordinates
7177 N236,000.00 feet, E607,044.75 feet; runs thence North 90
7178 degrees 00' 00" West, with the N236,000 grid line, 3,305
7179 feet, more or less, to the mean water line of the Mississippi
7180 Sound on the East side of a Spoil Island, at scaled grid
7181 coordinates N236,000 feet, E603,740 feet; runs thence across
7182 said Spoil Island, North 90 degrees 00' 00" West, 195 feet,
7183 more or less, to the mean water line of the Mississippi Sound
7184 on the West side of said Spoil Island at scaled grid
7185 coordinates N236,000 feet, E603,545 feet; runs thence North
7186 90 degrees 00' 00" West, with the N236,000 grid line 2,140
7187 feet, more or less, to the East Harbor Line of Bayou Casotte
7188 at grid coordinates N236,000.00 feet, E601,404.38 feet; runs
7189 thence with the East Harbor Line of Bayou Casotte North 0
7190 degrees 03' 00" West, 4,056.52 feet to a point at grid
7191 coordinates N240,056.52 feet, E601,400.84 feet; thence
7192 continues with the East Harbor Line of Bayou Casotte North 6
7193 degrees 34' 54" East, 746.48 feet to a point that is South 89
7194 degrees 10' 22" West of the point of beginning and at grid
7195 coordinates N240,798.08 feet, E601,486.40 feet; runs thence
7196 North 89 degrees 10' 22" East, 780 feet, more or less, to the



7197 mean water line of the Mississippi Sound at scaled grid
7198 coordinates N240,809 feet, E602,266 feet; runs thence North
7199 89 degrees 10' 22" East, 60 feet, more or less, to a two inch
7200 iron pipe with cap, set in concrete at grid coordinates
7201 N240,810.22 feet, E602,326.35 feet; thence continues North 89
7202 degrees 10' 22" East, along the South boundary of Corchem,
7203 Inc., property 4,680.00 feet to the point of beginning and
7204 contains 623.7 acres, more or less. The real property herein
7205 described is situated in the South one half of Section 20,
7206 Southwest Quarter of the Southwest Quarter of Section 21,
7207 West one half of the Northwest Quarter of Fractional Section
7208 28, and Fractional Section 29, all being located in Township
7209 8 South, Range 5 West, Jackson County, Mississippi. LESS AND
7210 EXCEPT any portion of the following described property which is
7211 not owned or otherwise held in trust by the State of Mississippi:
7212 Commencing at the Northeast corner of the Southeast
7213 Quarter of Section 20, Township 8 South, Range 5 West and at
7214 grid coordinates N242,489.57 feet, E606,331.52 feet; runs
7215 thence North 89 degrees 10' 22" East along the Mid-Section
7216 line of Section 21, Township 8 South, Range 5 West, 661.48
7217 feet to a point at grid coordinates N242,499.12 feet,
7218 E606,992.93 feet; runs thence South 0 degrees 27' 25" East,
7219 1621.39 feet to a two inch iron pipe with cap, set in
7220 concrete, at grid coordinates N240,877.78 feet, E607,005.86
7221 feet, said point being the Southeast corner of the property



7222 conveyed to Corchem, Inc., by H.K. Porter Company, Inc., by
7223 deed dated December 31, 1971, recorded in Deed Book 419, page
7224 182, Land Deed Records of Jackson County, Mississippi, and
7225 the point of beginning; runs thence South 0 degrees 27' 25"
7226 East, 1,018.61 feet to a point on the South line of said
7227 Section 21, said point being 650.33 feet East of the
7228 Southwest corner of said Section 21; runs thence South 0
7229 degrees 27' 25" East 2,306.58 feet to a two inch iron pipe
7230 with cap, set in concrete at grid coordinates N237,552.70
7231 feet, E607,032.37 feet; thence continues South 0 degrees 27'
7232 25" East, 173 feet, more or less, to the mean water line of
7233 the Mississippi Sound as existed in 1961; runs thence
7234 Northwesterly along the said meandering mean water line to a
7235 point on the West line of Fractional Section 28, Township 8
7236 South, Range 5 West; thence continues along the meandering
7237 mean water line of the Mississippi Sound in a Northwesterly
7238 direction to a point on the North line of Fractional Section
7239 29, Township 8 South, Range 5 West; thence continues along
7240 said meandering water line of the Mississippi Sound in a
7241 Northwesterly direction to a point that is South 89 degrees
7242 10' 22" West of the point of beginning; runs thence North 89
7243 degrees 10' 22" East, 60 feet, more or less, to a two inch
7244 iron pipe with cap, set in concrete, at grid coordinates
7245 N240,810.22 feet, E602,326.35 feet; thence continues North 89
7246 degrees 10' 22" East along the South boundary of Corchem,



7247 Inc., property, 4,680.00 feet to the point of beginning. The
7248 parcel of land herein described is situated in the South
7249 one-half of Section 20, the Southwest Quarter of the
7250 Southwest Quarter of Section 21, the West one-half of the
7251 Northwest Quarter of Fractional Section 28, and Fractional
7252 Section 29, all being in Township 8, Range 5 West, Jackson
7253 County, Mississippi, and contains 205.4 acres, more or less.
7254 Bearings and grid coordinates used in this description refer
7255 to the Transverse Mercator Projection for the State of
7256 Mississippi East Zone.

7257 (3) It is hereby declared that the leasing or use for
7258 commercial fishing purposes, port purposes and for industrial
7259 development related thereto of the following described submerged
7260 lands and tidelands belonging to the State of Mississippi in an
7261 area lying between the East Pascagoula River and Middle River,
7262 Jackson County, Mississippi, will serve a higher public interest
7263 in accordance with the purposes of this section and with the
7264 public policy of this state as set forth in Section 49-27-3, said
7265 property being more particularly described as follows:

7266 All that part of the Lowry Island Resurvey, which is bounded
7267 on the North by the L&N Railroad Track; on the East by the
7268 East Pascagoula River; on the West by Middle River; and on
7269 the South by the Mississippi Sound; and also the dredged-up
7270 Spoil Island, known as Singing River Island, lying South of
7271 the above described land and South of the launching channel



7272 South of the lands leased to Litton Ship Systems, Inc., and
7273 lying West of the federally maintained dredged channel going
7274 from Horn Island Pass to East Pascagoula River; LESS AND
7275 EXCEPT, however, that part of said property now owned by
7276 Jackson County, Mississippi, and the State of Mississippi and
7277 leased to Litton Ship Systems, Inc.

7278 (4) Notwithstanding any provisions of law to the contrary,
7279 the county port authority of the county in which such state lands
7280 are located is hereby authorized to apply for and secure a lease
7281 for a period of not to exceed ninety-nine (99) years of such state
7282 lands as may be necessary for the development of commercial
7283 fishing, port and related industrial facilities in the aforesaid
7284 areas described in subsections (2) and (3) hereof except for the
7285 provisions of subsection (5) of this section.

7286 Application for a lease shall be made with the Secretary of
7287 State.

7288 Utilization of any and all submerged land and/or tideland
7289 shall be in such a manner so as not to obstruct normal navigation
7290 of any normal and natural channel. Title to the property shall
7291 remain vested in the State of Mississippi.

7292 All oil, gas and other minerals in, on or under said lands
7293 leased are hereby specifically reserved unto the State of
7294 Mississippi.



7295 The county port authority is hereby authorized to sublease
7296 such lands for commercial fishing, port purposes and for
7297 industrial development related thereto.

7298 All subleases executed by the county port authority shall be
7299 on such terms and conditions, and with such safeguards, as will
7300 best promote and protect the public interest. Such subleases
7301 shall be submitted to the Secretary of State for approval.
7302 Provided, however, that each sublease shall provide that if such
7303 property is not utilized within five (5) years, or if commercial
7304 fishing, industrial or port usage ceases and such termination
7305 continues for a period of two (2) years, the sublease shall
7306 terminate and all rights thereunder shall revert to the county.
7307 However, if such nonutilization for a period of five (5) years or
7308 cessation of use for a period of two (2) years shall be caused,
7309 suspended, delayed or interrupted by act of God, fire, war,
7310 rebellion, scarcity of water, insurrection, riot, strike, scarcity
7311 of labor, differences with employees, failure of a carrier to
7312 transport or furnish facilities for transportation; or as a result
7313 of some order, rule or regulation of any federal, state,
7314 municipality or other governmental agency; or as the result of
7315 failure of the sublessee to obtain any required permit or
7316 certificate; or as the result of any cause whatsoever beyond the
7317 control of sublessee, the time of such delay or interruption shall
7318 not be counted against sublessee in determining such periods of
7319 five (5) years or two (2) years. All subleases shall be for a



7320 fair and adequate consideration and the compensation and revenues
7321 therefrom may be retained by the state or shared with the county
7322 in a fashion approved by the Secretary of State for port purposes
7323 and industrial development. Such compensation and revenues may be
7324 pledged by the county to payment of any bonds required to be
7325 issued to finance such commercial fishing, port and industrial
7326 development, including a United States Navy home port. However,
7327 in the event bonds are issued as provided herein, upon the
7328 discharge and payment of the principal and interest of such bonds,
7329 any additional revenue generated shall be retained by the state or
7330 shared with the county for port purposes and industrial
7331 development in a fashion approved by the Secretary of State.

7332 (5) (a) Notwithstanding any provisions of law to the
7333 contrary, upon selection of Jackson County as a site for a home
7334 port for a Surface Action Group and upon review of the contract
7335 authorized in Section 1 of Chapter 812, Laws of 1985, as amended,
7336 the Secretary of State is hereby authorized to lease for a period
7337 not to exceed ninety-nine (99) years or sell if required by the
7338 United States Navy or the United States Department of Defense such
7339 state lands as may be necessary for the development by the United
7340 States Navy or the United States Department of Defense for a home
7341 port and related facilities for a naval squadron in the aforesaid
7342 area described in subsection (3) hereof. It is hereby declared
7343 that the leasing or sale to the United States Navy or the United
7344 States Department of Defense of any of the aforesaid area



7345 described in subsection (3) hereof will provide a major stimulus
7346 to employment in Jackson County and the state and will serve a
7347 higher public interest in accordance with the purposes of this
7348 section and with the public policy as set forth in Section
7349 49-27-3, and such lease or sale may be made for nominal
7350 consideration.

7351 (i) If the subject property is to be sold to the
7352 United States Navy or to the United States Department of Defense,
7353 the instrument of conveyance, which shall be by quitclaim deed,
7354 shall include the following:

7355 1. A reservation of all oil, gas and other
7356 minerals in, on and under the subject property subject to a
7357 provision that no exploration, exploitation or development of any
7358 minerals shall be undertaken without prior written consent of the
7359 United States Navy; which consent shall not be unreasonably
7360 withheld;

7361 2. A reverter which shall be created,
7362 declared, imposed and resolved in said quitclaim deed according to
7363 the terms of which said title to the subject property shall
7364 automatically revert to the state. The reversion shall
7365 automatically occur if a. construction of the home port facilities
7366 has not commenced within two (2) years of the conveyance of the
7367 subject property or b. thereafter, if the subject property is no
7368 longer required by the Navy for a home port or related facilities
7369 and the Secretary of the Navy shall so determine and promptly



7370 notify the State of Mississippi of said determination. In the
7371 event of said determination, the subject property as improved
7372 shall automatically revert to the State of Mississippi, and the
7373 state may pay to the United States of America the fair market
7374 value of the Navy's improvements within five (5) years from the
7375 date of reversion, less the fair market value of the state and/or
7376 county-financed facilities; however, the county financed
7377 facilities shall revert to Jackson County unless the state
7378 finances the same or unless otherwise agreed upon by Jackson
7379 County and the state. If the State of Mississippi elects not to
7380 pay to the United States of America the fair market value of the
7381 Navy's improvements within said period of five (5) years, then
7382 said property and all facilities financed by the State of
7383 Mississippi and financed by Jackson County shall automatically
7384 revert to the United States of America.

7385 (ii) If the subject property is to be leased to
7386 the United States Navy or to the United States Department of
7387 Defense, the lease agreement shall contain a termination clause
7388 which shall declare that the lease shall be rescinded if either of
7389 the conditions described in subsection (5)(a)(i)2 of this section
7390 occur. If the condition described in subsection (5)(a)(i)2b of
7391 this section occurs, the United States Navy and the United States
7392 Department of Defense shall be allowed two (2) years from the date
7393 of termination or utilization of the area leased in which to
7394 remove any improvements or facilities thereon, excluding any



7395 county financed facilities, which shall revert to Jackson County
7396 unless otherwise agreed upon by Jackson County and the state. All
7397 references to payment for county financed facilities upon
7398 reversion shall also apply to the state if it finances the same.

7399 (b) Provided, however, if revenue bonds are to be
7400 issued by the State Bond Commission under Section 1 of Chapter
7401 500, Laws of 1985, then the lands referred to in paragraph (a) of
7402 this subsection shall not be sold to the United States Navy or to
7403 the United States Department of Defense but may only be leased and
7404 such lease may contain an option to purchase when such bonds are
7405 retired. In this case an additional clause shall be included in
7406 the lease agreement to provide that upon termination of the lease
7407 agreement prior to the retirement of all revenue bonds issued
7408 under Section 1 of Chapter 306, Laws of 1987, such payments by the
7409 United States Navy or the United States Department of Defense as
7410 are necessary to retire such revenue bonds shall become due and
7411 payable on the date of the termination of the lease.

7412 (6) This section is to be considered as supplementary and
7413 cumulative and nothing in this section shall be construed as
7414 repealing existing laws, or as repealing or amending any options,
7415 leases, deeds, contracts, agreements or legal instruments
7416 heretofore entered into by the board of supervisors of such
7417 county, the county port authority, the governing authorities of
7418 the municipality in which the port of entry is located, or the
7419 port commission. The grant of powers to the board of supervisors



7420 of such county, the county port authority, the governing
7421 authorities of the municipality in which the port of entry is
7422 located, and the port commission, where granted herein by
7423 reference to existing statutes, shall incorporate such statutes
7424 herein seriatim, and the subsequent amendment or repeal of such
7425 statutes shall not limit or rescind the powers and authority
7426 hereby conferred unless expressly so provided in such amending or
7427 repealing statute.

7428 **SECTION 173.** Section 59-9-67, Mississippi Code of 1972, is
7429 brought forward as follows:

7430 59-9-67. (1) For the purposes set out in subsection (1) of
7431 Section 59-9-65, the board of supervisors of such county, acting
7432 by and through the county port authority, and with the supervision
7433 and approval of the Mississippi Agricultural and Industrial Board,
7434 shall have the power to dredge, fill in and reclaim submerged
7435 lands and tidelands belonging to the State of Mississippi; and the
7436 state land commissioner, with the approval of the Attorney General
7437 and the Governor, is hereby authorized and empowered to convey
7438 such reclaimed submerged lands and tidelands to such county and to
7439 issue the state's patent therefor, but all oil, gas and other
7440 minerals in, on or under said lands are hereby specifically
7441 reserved unto the State of Mississippi. Such county, acting
7442 through its county port authority, shall have the further power to
7443 develop and utilize such lands for any of such purposes, provided,



7444 however, that no normal or natural channel shall be obstructed so
7445 as to interfere with the normal navigation therein.

7446 (2) The board of supervisors of such county, acting jointly
7447 with the county port authority, and with the approval of the
7448 Mississippi Agricultural and Industrial Board, shall have the
7449 power to lease such lands, for a term not in excess of ninety-nine
7450 (99) years from the date of such lease, or to sell or otherwise
7451 dispose of such land to the State of Mississippi, or to
7452 individuals, firms or corporations, public or private, for
7453 industrial operations, on such terms and conditions and with such
7454 safeguards as will best promote and protect the public interest,
7455 and they are hereby authorized to transfer possession and/or title
7456 to any part or all of such lands by deed, lease, contract, or
7457 other customary business instrument.

7458 (3) Any facilities constructed or acquired for use on such
7459 lands under the provisions of Section 59-5-11, including, but not
7460 limited to, machinery or equipment, may be leased for a term not
7461 in excess of ninety-nine (99) years from the date of such lease,
7462 or sold, or otherwise disposed of to the State of Mississippi or
7463 to individuals, firms or corporations, public or private, for
7464 industrial operations, on such terms and conditions, with such
7465 safeguards as will best promote and protect the public interest,
7466 and subject to the limitations set out in Section 59-5-11, and the
7467 board of supervisors of such county, acting jointly with the
7468 county port authority, and with the approval of the Mississippi



7469 Agricultural and Industrial Board, is authorized to transfer
7470 possession and/or title to any part, or all of such facilities,
7471 machinery or equipment by deed, lease, contract, or other
7472 customary business instrument.

7473 **SECTION 174.** This act shall take effect and be in force from
7474 and after July 1, 2024.

