

By: Representative Lott (By Request)

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1293

1 AN ACT TO AMEND SECTION 51-15-105, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE ELIGIBILITY CRITERIA FOR PERSONS APPOINTED TO THE
3 BOARD OF DIRECTORS OF THE PAT HARRISON WATERWAY DISTRICT; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 51-15-105, Mississippi Code of 1972, is
7 amended as follows:

8 51-15-105. (1) All powers of the district shall be
9 exercised by a board of directors to be composed of the following:

10 (a) [Repealed]

11 (b) From and after January 9, 1996, the Governor shall
12 appoint three (3) members of the Board of Directors of the Pat
13 Harrison Waterway District from the district at large. No more
14 than one (1) appointment may be made by the Governor from any one
15 (1) county in the district. All initial appointments made
16 pursuant to this paragraph shall be made no later than February 1,
17 1996, and no person appointed under this paragraph shall be * * *
18 a current member of a board of supervisors, a fulltime elected

19 official, or a county employee. All appointments made pursuant to



20 this paragraph shall be for terms of four (4) years each or until
21 a successor is appointed and qualifies.

22 (c) From and after January 9, 1996, the board of
23 supervisors of each county in the Pat Harrison Waterway District
24 shall have an appointment to the board of directors of the
25 district as follows: the boards of supervisors of the counties of
26 Clarke, Covington and Forrest shall each appoint a member from
27 their respective counties for an initial term of one (1) year; the
28 boards of supervisors of the counties of George, Greene, Jackson
29 and Jasper shall each appoint a member from their respective
30 counties for an initial term of two (2) years; the boards of
31 supervisors of the counties of Jones, Lamar, Lauderdale and Newton
32 shall each appoint a member from their respective counties for an
33 initial term of three (3) years; and the boards of supervisors of
34 the counties of Perry, Smith, Stone and Wayne shall each appoint a
35 member from their respective counties for an initial term of four
36 (4) years. All initial appointments made pursuant to this
37 paragraph shall be made no later than February 1, 1996, and no
38 person appointed under this paragraph shall be * * * a current
39 member of a board of supervisors, a fulltime elected official,
40 or * * * an employee of the county * * * making the appointment.
41 All appointments made pursuant to this paragraph after the initial
42 appointments shall be for terms of four (4) years each or until a
43 successor is appointed and qualifies.



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

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

54 (3) Each director shall receive a per diem in the amount
55 established in Section 25-3-69 * * * for attending each day's
56 meeting of the board and for each day spent in attending to the
57 necessary business of the district and, in addition, he may
58 receive reimbursement for actual and necessary expenses thus
59 incurred, upon express authorization of the board.

60 (4) The board of directors shall annually elect from its
61 number a president and a vice president of the district, and such
62 other officers as in the judgment of the board are necessary. The
63 president shall be the chief executive officer of the district and
64 the presiding officer of the board, and shall have the same right
65 to vote as any other director. The vice president shall perform
66 all duties and exercise all powers conferred by this article upon
67 the president when the president is absent or fails or declines to
68 act, except the president's right to vote. The board shall also



69 appoint a secretary and a treasurer, who may or may not be members
70 of the board, and it may combine those offices. Except as
71 otherwise provided for in this subsection, the treasurer shall
72 give bond in the sum of not less than Fifty Thousand Dollars
73 (\$50,000.00) as set by the board of directors, and each director
74 may be required to give bond in the sum of not less than Ten
75 Thousand Dollars (\$10,000.00) with sureties qualified to do
76 business in this state, and the premium on such bonds shall be an
77 expense of the district. The condition of each bond shall be that
78 the treasurer or director will faithfully perform all duties of
79 his office and account for all money or other assets which shall
80 come into his custody as treasurer or director of the district.
81 In lieu of the bonds required by this subsection, the board may
82 authorize that the district purchase an equivalent amount of
83 errors and omissions insurance for the treasurer and directors.

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

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2025.

