MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Albritton, Lee (47th)

To: County Affairs

SENATE BILL NO. 2781

AN ACT TO AMEND SECTION 51-11-5, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL REPRESENTATION ON THE PEARL RIVER BASIN DEVELOPMENT DISTRICT BOARD BASED ON A COUNTY'S ANNUAL CONTRIBUTION FOR SUPPORT OF THE DISTRICT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 51-11-5, Mississippi Code of 1972, is amended as follows:

51-11-5. (1) All powers of the Pearl River Basin Development District, hereinafter referred to in this chapter as the district, shall be exercised by a board of directors to be selected and composed as follows:

(a) The Mississippi Commission on Environmental Quality, the Mississippi Commission on Wildlife, Fisheries and Parks, the Forestry Commission, and the State Board of Health of the State of Mississippi shall each appoint one (1) director to serve on the board of directors of the district, each such director to serve at the pleasure of the respective state agency appointing him but not to exceed a six-year term.

(b) The board of supervisors of each county which elects to become a member of the district shall appoint two (2) directors from that county, each of whom shall serve for a term of six (6) years or until his successor is appointed by the board of supervisors of that county and qualified. In making its initial appointment of directors, the board of supervisors of each member county shall appoint one (1) of its two (2) directors to serve for a term of three (3) years or until his successor is appointed and qualified.

(c) In addition to the two (2) directors in paragraph (b), each county shall be entitled to additional representation on the board based on its annual contribution for the support of the district required under Section 51-11-31. If the annual contribution of a county as certified under Section 51-11-31 is more than One Hundred Thousand Dollars ($100,000.00), the county may appoint one (1) additional director for each increment of One Hundred Thousand Dollars ($100,000.00), to be contributed. Each additional director shall serve a term of six (6) years. If, in subsequent years, a county's contribution is reduced below One Hundred Thousand Dollars ($100,000.00), or a multiple thereof, a county's additional representation shall be reduced correspondingly. If a county's contribution representation is reduced, the board of supervisors of the county shall designate the director to be removed. No member county shall be entitled to more than three (3) additional directors under this paragraph.

(d) The Governor of the State of Mississippi shall appoint one (1) director residing within the district, who shall serve for a term of six (6) years or until his successor is appointed by the Governor and qualified.

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

(3) Each director shall receive a per diem in the amount as provided in Section 25-3-69 for attending each day's meeting of the board of directors and for each day spent in attending to the necessary business of the district and, in addition, he shall receive reimbursement for actual expenses, including travel expenses, as provided in Section 25-3-41.

(4) The board of directors shall annually elect from its number a president and vice president of the district and such

other officers as, in the judgment of the board of directors, are necessary. The president shall be the chief executive officer of the district and the presiding officer of the board of directors, and shall have the same right to vote as any other director. The vice president shall perform all duties and exercise all powers conferred by this chapter upon the president when the president is absent or fails or declines to act, except the president's right to vote. The board of directors shall also appoint a secretary and a treasurer who shall be members of the board of directors, and it may combine those officers. The treasurer shall give bond in the sum of not less than Fifty Thousand Dollars ($50,000.00) as set by the board of directors, and each director may be required to give bond in the sum of not less than Ten Thousand Dollars ($10,000.00), with sureties qualified to do business in this state, and the premiums on said bonds shall be an expense of the district. Each such bond shall be payable to the State of Mississippi; the condition of each such bond shall be that the treasurer or director will faithfully perform all duties of his office and account for all money or other assets which shall come into his custody as treasurer or director of the district.

(5) A majority of the total membership of the board of directors shall constitute a quorum at a regular meeting, or at any special meeting duly called and held for a specific purpose. All business of the district shall be transacted by the affirmative vote of a majority of the total membership of the board of directors.

(6) The State Auditor of Public Accounts shall annually audit the books and records of the district and make a report thereof to the Governor and the Legislature.

SECTION 2. This act shall take effect and be in force from and after July 1, 2004.