

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1469

1 AN ACT TO AMEND SECTION 51-15-129, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM AMOUNT THAT COUNTIES IN THE PAT HARRISON
3 WATERWAY DISTRICT MAY BE REQUIRED TO PAY FOR OPERATION OF THE
4 DISTRICT; TO AMEND SECTIONS 51-15-131 AND 51-15-133, MISSISSIPPI
5 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 51-15-121,
6 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE PAT HARRISON WATERWAY
7 DISTRICT TO ADVERTISE FOR BIDS ON ANY CONSTRUCTION PROJECT WHERE
8 THE AMOUNT OF THE CONTRACT EXCEEDS \$2,500.00; TO REPEAL SECTION
9 51-15-137, MISSISSIPPI CODE OF 1972, WHICH REQUIRES COUNTIES IN
10 THE PAT HARRISON WATERWAY DISTRICT TO PAY TO THE DISTRICT
11 DEPOSITORY A SUM NOT MORE THAN IS NECESSARY TO DEFRAY THE ANNUAL
12 PRINCIPAL AND INTEREST DUE ON OUTSTANDING INDEBTEDNESS OF THE
13 DISTRICT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 51-15-129, Mississippi Code of 1972, is
16 amended as follows:

17 51-15-129. * * * In each county of the State of Mississippi
18 which is a part of the Pat Harrison Waterway District, so long as
19 funds are found to be necessary for the operation of the district
20 by annual legislative approval of the district budget, the tax
21 collector of such county shall pay into the depository selected by
22 the water district for such purpose an amount to be determined as
23 follows: each county shall pay a pro rata share (not to exceed
24 the avails of one (1) mill through September 30, 1997, and not to
25 exceed the avails of three-fourths (3/4) mill through September
26 30, 2005, and not to exceed seven-eighths (7/8) mill thereafter)
27 of the annual district budget * * * based on the proportion that
28 the most recent total assessed valuation of the county bears to
29 the most recent aggregate total assessed valuation of all the
30 counties which comprise the district; provided, however, that any
31 county bordering on the Gulf of Mexico which by action of the
32 board of supervisors has created and authorized a port authority

33 and which has been paying into the port authority the avails of a
34 two-mill levy that was established under Section 27-39-3 shall pay
35 an amount not to exceed one-tenth (1/10) mill through September
36 30, 2005, and not to exceed two-tenths (2/10) mill thereafter, of
37 the total assessed valuation of the county to the Pat Harrison
38 Waterway District pursuant to this section and the assessed
39 valuation of that county shall not be considered when calculating
40 each county's pro rata share of the district's budget. Of the
41 amount paid by counties required to pay to the district an amount
42 not to exceed seven-eighths (7/8) mill, an amount equivalent to
43 the avails of one-eighth (1/8) mill shall be utilized to fund
44 flood control, water management and other similar projects as
45 requested by counties in the district. Of the amount paid by
46 counties required to pay to the district an amount not to exceed
47 two-tenths (2/10) mill, an amount equivalent to the avails of
48 one-tenth (1/10) mill shall be utilized to fund flood control,
49 water management and other similar projects as requested by
50 counties in the district. It shall be the duty of the Pat
51 Harrison Waterway District Board of Directors in the month of July
52 annually upon receipt of the total assessed valuation of the
53 member counties, certified by the Mississippi State Tax
54 Commission, to prepare a request to the board of supervisors of
55 member counties to levy a tax using the formula herein established
56 not to exceed the maximum number of mills authorized by this
57 section.

58 **SECTION 2.** Section 51-15-131, Mississippi Code of 1972, is
59 amended as follows:

60 51-15-131. The board of directors of the district is hereby
61 authorized and empowered to borrow money or issue bonds of the
62 district for the purpose of paying the cost of acquiring, owning,
63 constructing, operating, repairing, and maintaining the projects
64 and works specified herein, including related facilities and
65 including all financing and financial advisory charges, interest

66 during construction, engineering, architectural, legal, and other
67 expenses incidental to and necessary for the foregoing or for the
68 carrying out of any power conferred by this article. The board of
69 directors is authorized and empowered to borrow money and issue
70 bonds at such times and in such amounts as shall be provided for
71 by resolution of the * * * board of directors, not to exceed the
72 limitation prescribed in Section 51-15-135. All such bonds so
73 issued by said district shall be secured solely by a pledge of the
74 net revenues which may now or hereafter come to the district, and
75 by the pledge of the avails of the * * * ad valorem tax levy
76 provided for in Section 51-15-129. Such bonds shall not
77 constitute general obligations of the State of Mississippi or of
78 the counties comprising said district, and such bonds shall not be
79 secured by a pledge of the full faith, credit, and resources of
80 the state or of the counties. Bonds of the district shall not be
81 included in computing any present or future debt limit of any
82 county in the district under any present or future law.

83 "Revenues" as used in this article shall mean all charges,
84 rentals, tolls, rates, gifts, grants, avails of tax levies,
85 monies, and all other funds coming into the possession of the
86 district by virtue of the provisions of this article, except the
87 proceeds from the sale of bonds issued hereunder. "Net revenues"
88 as used in this article shall mean the revenues after payments of
89 costs and expenses of operation and maintenance of the project and
90 related facilities.

91 **SECTION 3.** Section 51-15-133, Mississippi Code of 1972, is
92 amended as follows:

93 51-15-133. All * * * bonds provided for by Section 51-15-131
94 shall be negotiable instruments within the meaning of the Uniform
95 Commercial Code of this state, shall be lithographed or engraved
96 and printed in two (2) or more colors to prevent counterfeiting,
97 shall be in denominations of not less than One Hundred Dollars
98 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), shall be

99 registered as issued, and shall be numbered in a regular series
100 from one (1) upward. Each * * * bond shall specify on its face
101 the purpose for which it was issued and the total amount
102 authorized to be issued, it shall be payable to bearer, and the
103 interest to accrue thereon shall be evidenced by proper coupons to
104 be attached thereto. The bonds shall not bear a greater overall
105 maximum interest rate to maturity than that allowed in Section
106 75-17-101. They shall mature annually in such amounts and at such
107 times as shall be provided by the resolution of the board of
108 directors. No bond shall have a longer maturity than forty (40)
109 years, and the first maturity date thereof shall be not more than
110 five (5) years from the date of such bonds. The denomination,
111 form and place or places of payment of the bonds shall be fixed in
112 the resolution of the board of directors of the district. The
113 bonds shall be signed by the president and the secretary of the
114 board with the seal of the district affixed thereto, but the
115 coupons may bear only the facsimile signatures of the president
116 and secretary. All interest accruing on such bonds so issued
117 shall be payable semiannually, except that the first interest
118 coupon attached to any * * * bond may be for a period not
119 exceeding one (1) year.

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

125 All such bonds shall contain in substance a statement to the
126 effect that they are secured solely by a pledge of the net
127 revenues of the district, including the avails of the * * * ad
128 valorem tax levy provided for in Section 51-15-129, and that they
129 do not constitute general obligations of the State of Mississippi
130 or of the counties comprising the district, and are not secured by

131 a pledge of the full faith, credit and resources of the state or
132 of the counties.

133 All the bonds as provided for herein shall be sold for not
134 less than par value plus accrued interest at public sale in the
135 manner provided by Section 31-19-25. No * * * sale shall be at a
136 price so low as to require the payment of interest on the money
137 received therefor at more than eleven percent (11%) per annum
138 computed with relation to the absolute maturity of the bonds, in
139 accordance with standard tables of bond values, excluding from
140 such computation the amount of any premium to be paid on
141 redemption of any bonds prior to maturity.

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

145 Notwithstanding the foregoing provisions of this section,
146 bonds referred to hereinabove may be issued pursuant to the
147 supplemental powers and authorizations conferred by the provisions
148 of the Registered Bond Act, being Sections 31-21-1 through
149 31-21-7.

150 **SECTION 4.** Section 51-15-121, Mississippi Code of 1972,
151 which requires the Pat Harrison Waterway District to advertise for
152 bids on any construction project where the amount of the contract
153 exceeds \$2,500.00, is repealed.

154 **SECTION 5.** Section 51-15-137, Mississippi Code of 1972,
155 which requires counties in the Pat Harrison Waterway District to
156 pay to the district depository a sum not more than is necessary to
157 defray the annual principal and interest due on outstanding
158 indebtedness of the district, is hereby repealed.

159 **SECTION 6.** This act shall take effect and be in force from
160 and after July 1, 2005.