

Chapter No. 553  
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## *HOUSE BILL NO. 1351*

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1351

AN ACT TO AMEND SECTION 51-15-119, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAT HARRISON WATERWAY DISTRICT TO RECEIVE AND EXPEND FUNDS THAT ARE MADE AVAILABLE TO IT UNDER THE PROVISIONS OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) OR FROM ANY OTHER SOURCE TO CONSTRUCT A LAKE AND RELATED STRUCTURES AND FACILITIES IN GEORGE COUNTY, MISSISSIPPI, IF THE FUNDS MAY BE USED FOR THAT PURPOSE; TO AUTHORIZE THE PAT HARRISON WATERWAY DISTRICT TO OBTAIN ANY INFORMATION AND RESEARCH REGARDING CONSTRUCTION OF THE LAKE AND RELATED STRUCTURES AND FACILITIES FROM THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO AMEND CHAPTER 464, LAWS OF 1999, AS AMENDED BY CHAPTER 386, LAWS OF 2000, WHICH AUTHORIZES THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENTS FOR THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, TO PROVIDE THAT A PORTION OF THE BONDS MAY BE ISSUED TO PROVIDE FUNDS TO ASSIST THE PAT HARRISON WATERWAY DISTRICT FOR CONSTRUCTION OF A LAKE IN GEORGE COUNTY, MISSISSIPPI; TO AUTHORIZE THE STATE BOND COMMISSION TO NEGOTIATE THE SALE OF SUCH BONDS AND TO DELETE THE REQUIREMENT THAT THE NOTICE OF THE SALE OF THE BONDS BE PUBLISHED IN A NEWSPAPER OR FINANCIAL JOURNAL WITH A LARGE NATIONAL CIRCULATION; TO AMEND SECTION 51-15-123, MISSISSIPPI CODE OF 1972, TO REMOVE CERTAIN RESTRICTIONS REGARDING THE EXPENDITURE OF CERTAIN FUNDS BY THE PAT HARRISON WATERWAY DISTRICT FOR PARKS AND RECREATION FACILITIES, FOR THE PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 51-15-119, Mississippi Code of 1972, is amended as follows:

51-15-119. (1) The Pat Harrison Waterway District through its board of directors is hereby empowered:

(a) To develop in conjunction with the United States Army Corps of Engineers, United States Secretary of Agriculture, or with the head of any other federal or state agency as may be involved, plans for public works of improvement to make navigable or for the prevention of flood water damage, or the conservation, development, recreation, utilization and disposal of water, including the impoundment, diversion, flowage and distribution of

waters for beneficial use as defined in Article 1 of this chapter, and in connection with the Oktibbeha River Basin project as authorized under Public Law 874, 87th Congress, October 23, 1962, and substantially in accordance with the recommendation of the Chief of Engineers in House Document 549 of the 87th Congress.

(b) To impound overflow water and the surface water of any streams in the Pat Harrison Waterway District or its tributaries within the project area, within or without the district, at the place or places and in the amount as may be approved by the Office of Land and Water Resources of the State of Mississippi, by the construction of a dam or dams, reservoir or reservoirs, work or works, plants and any other necessary or useful related facilities contemplated and described as a part of the project within and without the district, to control, store, and preserve these waters, and to use, distribute, and sell them, to construct or otherwise acquire within the project area all works, plants or other facilities necessary or useful to the project for processing the water and transporting it to cities and other facilities necessary or useful to the project for the purpose of processing the water and transporting it to cities and other facilities for domestic, municipal, commercial, industrial, agricultural and manufacturing purposes, and is hereby given the power to control open channels for water delivery purposes and water transportation.

(c) To acquire and develop any other available water necessary or useful to the project and to construct, acquire, and develop all facilities within the project area deemed necessary or useful with respect thereto.

(d) To forest and reforest and to aid in the foresting and reforesting of the project area, and to prevent and aid in the prevention of soil erosion and flood within the area; to control, store and preserve within the boundaries of the project area the

waters of any streams in the area, for irrigation of lands and for prevention of water pollution.

(e) To acquire by condemnation all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the district, necessary for the project and the exercise of the powers, rights, privileges and functions conferred upon the district by this article, according to the procedure provided by law for the condemnation of lands or other property taken for rights-of-way or other purposes by railroad, telephone or telegraph companies and according to the provisions of Section 29-1-1. For the purposes of this article the right of eminent domain of the district shall be superior and dominant to the right of eminent domain of railroad, telegraph, telephone, gas, power and other companies or corporations and shall be sufficient to enable the acquisition of county roads, state highways or other public property in the project area, and the acquisition or relocation of this property in the project area. The cost of right-of-way purchases, rerouting and elevating all other county-maintained roads affected by construction shall be borne by the water management district, and new construction shall be of equal quality as in roads existing as of June 1, 1962. The county in which such work is done may assist in these costs if the board of supervisors desires.

The amount and character of interest in land, other property and easements to be acquired shall be determined by the board of directors, and their determination shall be conclusive and shall not be subject to attack in the absence of manifold abuse of discretion or fraud on the part of such board in making this determination. However,

(i) In acquiring lands, either by negotiation or condemnation, the district shall not acquire minerals or royalties within the project area; sand and gravel shall not be considered as minerals within the meaning of this section; and

(ii) No person or persons owning the drilling rights or the right to share in production shall be prevented from exploring, developing or producing oil or gas with necessary rights-of-way for ingress and egress, pipelines and other means of transporting these products by reason of the inclusion of the lands or mineral interests within the project area, whether below or above the water line, but any activities shall be under reasonable regulations by the board of directors that will adequately protect the project; and

(iii) In drilling and developing, these persons are hereby vested with a right to have mineral interests integrated and their lands developed in the drilling unit or units that the State Oil and Gas Board shall establish after due consideration of the rights of all owners to be included in the drilling unit.

Moreover, when any site or plot of land is to be rented, leased or sold to any person, firm or corporation for the purpose of operating recreational facilities thereon for profit, the board shall, by resolution, specify the terms and conditions of the sale, rental or lease, and shall advertise for public bids thereon. When these bids are received, they shall be publicly opened by the board, and the board shall thereupon determine the highest and best bid submitted and shall immediately notify the former owner of the site or plot of the amount, terms and conditions of the highest and best bid. The former owner of the site or plot shall have the exclusive right at his option, for a period of thirty (30) days after written notice is received by the land owner of the determination of the highest and best bid by the board, to rent, lease or purchase the site or plot of land by meeting the highest and best bid and by complying with all terms and conditions of renting, leasing or sale as specified by the board. However, the board shall not in any event rent, lease or sell to any former owner more land than was taken from the former

owner for the construction of the project, or one-quarter (1/4) mile of shore line, whichever is lesser. If this option is not exercised by the former owner within a period of thirty (30) days, the board shall accept the highest and best bid submitted.

Any bona fide, resident householder actually living or maintaining a residence on land taken by the district by condemnation shall have the right to repurchase his former land from the board of directors for a price not exceeding the price paid for his land, plus any permanent improvements and plus the cost of condemnation.

(f) To require the necessary relocation of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines, and mains and facilities in the project area, or to require the anchoring or other protection of any of these, provided due compensation is first paid the owners thereof or agreement is had with the owners regarding the payment of the cost of relocation. Further, the district is hereby authorized to acquire easements or rights-of-way in or outside of the project area for the relocation of roads, highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines, and mains and facilities, and to convey them to the owners thereof in connection with the relocation as a part of the construction of the project. However, the directors of the district shall not close any public access road to the project existing prior to the construction of the reservoir unless the board of supervisors of the county in which the road is located agrees.

(g) To overflow and inundate any public lands and public property, including sixteenth section lands and in lieu lands, within the project area.

(h) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate all

facilities of any kind within the project area necessary or convenient to the project and to the exercise of powers, rights, privileges and functions.

(i) To sue and be sued in its corporate name.

(j) To adopt, use and alter a corporate seal.

(k) To make bylaws for the management and regulation of its affairs.

(l) To employ engineers, attorneys, who may or may not be a director, and all necessary agents and employees to properly finance, construct, operate and maintain the projects and the plants, and to pay reasonable compensation for these services; for all services in connection with the issuance of bonds as provided in this article, the attorney's fee shall not exceed one percent (1%) of the principal amount of these bonds. For any other services, only reasonable compensation shall be paid for those services. The board shall have the right to employ a general manager or executive director, who shall, at the discretion of the board, have the power to employ and discharge employees. Without limiting the generality of the foregoing, it may employ fiscal agents or advisors in connection with its financing program and in connection with the issuance of its bonds.

(m) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this article.

(n) To make or cause to be made surveys and engineering investigations relating to the project, or related projects, for the information of the district to facilitate the accomplishment of the purposes for which it is created.

(o) To apply for and accept grants from the United States of America or from any corporation or agency created or designated by the United States of America, and to ratify and accept applications heretofore or hereafter made by voluntary associations to these agencies for grants to construct, maintain

or operate any project or projects which hereafter may be undertaken or contemplated by the district.

(p) To do all other acts or things necessary, requisite, or convenient to the exercising of the powers, rights, privileges or functions conferred upon it by this article or any other law.

(q) To make such contracts in the issuance of bonds that may be necessary to ensure the marketability thereof.

(r) To enter into contracts with municipalities, corporations, districts, public agencies, political subdivisions of any kind, and others for any services, facilities or commodities that the project may provide. The district is also authorized to contract with any municipality, corporation or public agency for the rental, leasing, purchase or operation of the water production, water filtration or purification, water supply and distributing facilities of the municipality, corporation or public agency upon consideration as the district and entity may agree. Any contract may be upon any terms and for any time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of these bonds and all obligations are paid. Any contract with any political subdivision shall be binding upon the political subdivisions according to its terms, and the municipalities or other political subdivisions shall have the power to enter into these contracts as in the discretion of the governing authorities thereof would be to the best interest of the people of the municipality or other political subdivisions. These contracts may include within the discretion of the governing authorities a pledge of the full faith and credit of the political subdivisions for the performance thereof.

(s) To fix and collect charges and rates for any services, facilities or commodities furnished by it in connection

with the project, and to impose penalties for failure to pay these charges and rates when due.

(t) To operate and maintain within the project area, with the consent of the governing body of any city or town located within the district, any works, plants or facilities of any city deemed necessary or convenient to the accomplishment of the purposes for which the district is created.

(u) Subject to the provisions of this article, from time to time to lease, sell or otherwise lawfully dispose of property of any kind, real, personal or mixed, or any interest therein within the project area or acquired outside the project area as authorized in this article, for the purpose of furthering the business of the district.

(v) When, in the opinion of the board of directors as shown by resolution duly passed, it shall not be necessary to the carrying on of the business of the district that the district own any lands acquired, the board shall advertise the lands for sale to the highest and best bidder for cash, and shall receive and publicly open the bids thereon. The board shall, by resolution, determine the highest and best bid submitted for the land and shall thereupon notify the former owner, his/her heirs or devisees, by registered mail of the land to be sold and the highest and best bid received therefor, and the former owner, or his/her heirs or devisees, shall have the exclusive right at his/her or their option for a period of thirty (30) days in which to meet such highest and best bid and to purchase such property.

(w) To prevent or aid in the prevention of damage to person or property from the waters of the Pascagoula River or any of its tributaries.

(x) To acquire by purchase, lease, gift or in any other manner (otherwise than by condemnation) and to maintain, use and operate all property of any kind, real, personal or mixed, or any interest therein within the project area, within or without the

boundaries of the district, necessary for the project and convenient to the exercise of the powers, rights, privileges and functions conferred upon the district by this article.

(y) In the purchase of or in the entering into of all lease purchase agreements for supplies, equipment, heavy equipment and the like, the directors shall in all instances comply with the provisions of law pertaining to public purchases by public bids on these supplies and equipment.

(z) To designate employees as peace officers with the power to make arrests for violations of regulations of the district. The officers are authorized to carry weapons and to enforce the laws of the state within the confines of district parks and property. Any employee so designated is required to obtain and maintain certification pursuant to Section 45-6-1 et seq.

(aa) To contract with persons, who are certified according to the minimum standards established by the Board on Law Enforcement Officer Standards and Training under Section 45-6-1 et seq., to serve as peace officers with the power to make arrests for violations of regulations of the district. Such officers are authorized to carry weapons and to enforce the laws of the state within the confines of district parks and property. All persons with which the district has contracted under this paragraph (aa) shall be independent contractors and shall not be considered as employees under Chapter 46 of Title 11, Mississippi Code of 1972.

(bb) To: (a) receive and expend funds that are made available to it under the provisions of the federal American Recovery and Reinvestment Act of 2009 (ARRA), and/or from any other source, to construct a lake and related structures and facilities in George County, Mississippi, if the funds received by the district may be used for that purpose; (b) obtain any information and research regarding construction of the lake and related structures and facilities from the Department of Wildlife,

Fisheries and Parks; and (c) to receive and expend any funds made available to the district from the Department of Wildlife, Fisheries and Parks for the construction of the lake and related structures and facilities.

(2) The board of directors shall annually prepare a five-year plan containing a prioritized list detailing the purposes, goals and projected costs of projects which it intends to implement or is in the process of implementing and shall file such plans with the clerk of the board of supervisors of each member county on or before July 15 of each year.

(3) The board of directors shall, after completion of the annual audit of the district and upon receipt of the written report thereon, file a copy of such audit with the clerk of the board of supervisors of each member county.

**SECTION 2.** Chapter 464, Laws of 1999, as amended by Chapter 386, Laws of 2000, is amended as follows:

Section 1. As used in this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of (i) the stated initial value of such bond, plus (ii) the interest accrued thereon from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "State" means the State of Mississippi.

(c) "Commission" means the State Bond Commission.

Section 2. (1) (a) A special fund, to be designated as the "1999 Department of Wildlife, Fisheries and Parks Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state and

investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishing and/or equipping facilities and purchasing real property for public facilities for the Department of Wildlife, Fisheries and Parks for the following projects:

(i) Critical dam repairs to lakes in, and renovation and repair of existing facilities and equipping facilities at the following parks and fishing lakes:

Bolivar .....	\$ 500,000.00
Neshoba .....	450,000.00
Tom Bailey .....	275,000.00
Roosevelt .....	150,000.00
Trace .....	800,000.00
Legion .....	100,000.00
Percy Quinn .....	100,000.00
Walthall County .....	700,000.00
Tombigbee .....	100,000.00
Perry County .....	<u>100,000.00</u>
TOTAL .....	\$ 3,275,000.00

(ii) Repairs, renovation and construction at the following state fish hatcheries:

Turcotte .....	\$ 200,000.00
Meridian .....	250,000.00
Lyman .....	1,000,000.00
North Mississippi .....	<u>1,000,000.00</u>
TOTAL .....	\$ 2,450,000.00

(iii) Construction of new headquarters buildings, and renovation and

repair of existing headquarters buildings as considered necessary and appropriate by the Department of Wildlife, Fisheries and Parks at the following wildlife management areas:

Tuscumbia, Yockanookany, Choctaw, Chickasaw,  
Calhoun, Grenada, Chickasawhay, Sunflower ..... \$1,550,000.00

(iv) Construction of new, and renovation and repair of equipment sheds as considered necessary and appropriate by the Department of Wildlife, Fisheries and Parks at the following wildlife management areas:

Black Prairie, Trim Cane, Malmaison,  
Caney Creek, Tallahala, Bienville,  
Chickasawhay, Sandy Creek, Caston  
Creek, Little Biloxi, Old River,  
Upper and Lower Pascagoula, Wolf  
River .....\$ 150,000.00

(v) Construction of new facilities and storage sheds, and renovation and repair of existing facilities and storage sheds at the following state lakes:

Lamar Bruce, Simpson County, Bogue Homa,  
Kemper County, Jeff Davis, Bill Waller,  
Mary Crawford, Oktibbeha County, Tippah  
County, Monroe County ..... \$ 875,000.00

(vi) Construction of lakes (including, but not limited to, construction of dams, drainage structures and spillways related to such lakes), and construction of facilities, buildings, day use areas, campsites, infrastructure, utilities, roads, boat ramps and parking for such lakes in the following counties:

Copiah County .....	\$ 3,250,000.00
George County .....	\$ <u>500,000.00</u>
TOTAL .....	\$ <u>3,750,000.00</u>

(vii) Repair, renovation, reconstruction or resurfacing of a certain public road in Yalobusha County beginning at Mississippi Highway 32 and extending northerly to the entrance of George Payne Cossar State Park .....

	\$ 200,000.00
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(viii) Repair, renovation and restoration of Lakeland Park in Wayne County .....

	\$ 100,000.00
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(ix) Repair, renovation, reconstruction and resurfacing of certain public roads in Panola County beginning at the intersection of John Harmon Road and Mississippi Highway 315 and extending northerly along John Harmon Road and thence easterly along State Park Road to John Kyle State Park. Any state aid road funds or other funds that may be available for such road projects may be used to match any of the funds authorized under this subparagraph (ix). However, if no state aid road funds or other funds are available to match the funds made available under this subparagraph (ix), then the funds authorized under this subparagraph (ix) may be used for the road project along State Park Road, and any remaining funds may be used on the John Harmon Road project .....

	\$ 500,000.00
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(x) Paving a walking/bicycle path at Percy Quinn State Park .....

	\$ 25,000.00
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(xi) Repair and renovation of

manager and assistant manager residences at  
Percy Quinn State Park ..... 50,000.00  
GRAND TOTAL ..... \$12,925,000.00

(c) If a project described in paragraph (b) of this subsection is completed without utilizing the full amount of the funds allocated for such project, the Department of Wildlife, Fisheries and Parks may utilize such excess funds as necessary to complete any of the other projects described in paragraph (b) of this section.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of projects described in subsection (1) of this section. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(4) The Department of Finance and Administration is authorized to pay for the purchase of real estate, construction, repair, renovation, furnishing and equipping of facilities.

Section 3. (1) (a) A special fund, to be designated as the "Pat Harrison Waterway District Lake Improvements Fund" is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(b) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to assist the Pat Harrison Waterway District in paying the costs associated with construction of a lake in George County, Mississippi, (including, but not limited to, construction of dams, drainage structures and spillways related to such lake), and construction of facilities, buildings, day use areas, campsites, infrastructure, utilities, roads, boat ramps and parking for such lake.

(2) Amounts deposited into such special fund shall be disbursed to pay the costs of the projects described in subsection (1) of this section. Promptly after the commission has certified, by resolution duly adopted, that the projects described in subsection (1) of this section shall have been completed, abandoned, or cannot be completed in a timely fashion, any amounts remaining in such special fund shall be applied to pay debt service on the bonds issued under this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be

under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

Section 4. (1) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Sections 2 and 3 of this act. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this act shall not exceed Fifteen Million Nine Hundred Twenty-five Thousand Dollars (\$15,925,000.00).

(2) The proceeds of the bonds issued pursuant to this act shall be deposited into the following special funds in not more than the following amounts:

(a) The 1999 Department of Wildlife, Fisheries and Parks Improvements Fund created pursuant to Section 2 of this act ..... \$12,925,000.00.

(b) The Pat Harrison Waterway District Lake Improvements Fund created pursuant to Section 3 of this act ..... \$ 3,000,000.00.

(3) Any investment earnings on amounts deposited into the special funds created in Sections 2 and 3 of this act shall be used to pay debt service on bonds issued under this act, in accordance with the proceedings authorizing issuance of such bonds.

Section 5. The principal of and interest on the bonds authorized under \* \* \* this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

Section 6. The bonds authorized by \* \* \* this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such

bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

Section 7. All bonds and interest coupons issued under the provisions of this act have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this act, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

Section 8. The commission shall act as the issuing agent for the bonds authorized under \* \* \* this act, prescribe the form of the bonds, determine the appropriate method for the sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this act from the proceeds derived from the sale of such bonds. The commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi \* \* \*. All interest accruing on such bonds so issued shall be payable semiannually or annually \* \* \*.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bond shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, \* \* \* to be selected by the commission.

The commission, when issuing any bonds under the authority of this act, may provide that bonds, at the option of the State of

Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 9. The bonds issued under the provisions of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 10. Upon the issuance and sale of bonds under the provisions of this act, the commission shall transfer the proceeds of any such sale or sales to the special funds created in Sections 2 and 3 of this act in the amounts provided for in Section 4(2) of this act. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 11. The bonds authorized under this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this act. Any resolution providing for the issuance of bonds under the provisions of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

Section 12. The bonds authorized under the authority of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the

force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

Section 13. Any holder of bonds issued under the provisions of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this act, or under such resolution, and may enforce and compel performance of all duties required by this act to be performed, in order to provide for the payment of bonds and interest thereon.

Section 14. All bonds issued under the provisions of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 15. Bonds issued under the provisions of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

Section 16. The proceeds of the bonds issued under this act shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

Section 17. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the

accreted value of, all bonds issued under this act; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

Section 18. This act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

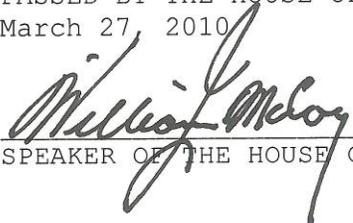
**SECTION 3.** Section 51-15-123, Mississippi Code of 1972, is amended as follows:

51-15-123. \* \* \* The Pat Harrison Waterway District is authorized to establish or otherwise provide for public parks and recreation facilities and for the preservation of fish and wildlife, and to acquire land otherwise than by condemnation except as provided in subsection (e) of Section 51-15-119 for such purposes, within the project area.

\* \* \*

**SECTION 4.** This act shall take effect and be in force from and after its passage.

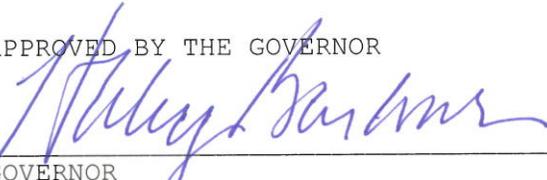
PASSED BY THE HOUSE OF REPRESENTATIVES  
March 27, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 27, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR  
4/28/10 7:22am