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Chapter No. 934
14/HR12/R1007CS
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HOUSE BILL NO. 1581

Originated in House  Clerk

HOUSE BILL NO. 1581

AN ACT TO AMEND CHAPTER 1002, LOCAL AND PRIVATE LAWS OF 1975, TO AUTHORIZE THE LOWNDES COUNTY PORT AUTHORITY TO INCREASE PER DIEM COMPENSATION FOR ITS MEMBERS; TO PROVIDE THAT SUCH COMPENSATION SHALL BE PAID FROM INCOME AND ANY OTHER AVAILABLE FUNDS OF THE PORT; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 1002, Local and Private Laws of 1975, is amended as follows:

Section 1. (1) The Boards of Supervisors of Lowndes County, Clay County and Monroe County, Mississippi, may, in their discretion, as evidenced by a resolution adopted and entered on the official minutes of such boards, each have a port authority to be known as the county port authority. The county port authority shall be composed of five (5) resident citizens of each county who shall be qualified electors therein. Such county port authority shall have jurisdiction over the ports, terminals, harbors, channels and passes leading thereto and all vessels, boats and wharves, common carriers and public utilities therein using the

same within the county and within any municipality situated therein.

(2) Any county named in subsection (1) of this section may act jointly with any other such county to develop and maintain a port authority as authorized by this act, and such counties are hereby authorized and empowered to do all things necessary and incident to the establishment of a joint port authority.

Section 2. The term "industrial operations" as used in this act shall include, but not be limited to, any and all enterprises, the operation of which will aid in the development of shipyard operations, commerce, navigation or shipping in the port, as well as all forms of manufacturing enterprises.

Section 3. (1) Members of the county port authority shall be appointed by the board of supervisors of the county and each member of the authority shall be a qualified elector of such county.

(2) Any joint port authority shall be composed of five (5) members appointed in accordance with the agreement made to establish such joint port authority.

(3) Before entering upon the duties of the office, each member of such county or joint port authority shall take and subscribe to the oath of office required by Section 268 of the Constitution of the State of Mississippi and shall give bond to be approved by the board of supervisors of each county participating in such port authority in the sum of Five Thousand Dollars

(\$5,000.00) conditioned upon the faithful performance of his duties. Such bond shall be made payable to the county or counties, and in case of a breach thereof, suit may be brought thereon upon the relation of the county or counties for the benefit of the port authority. The members of any port authority established pursuant to the provisions of this act shall hold office for a term of four (4) years from the date of their appointment and qualification and until their successor or successors shall be appointed and qualify as set out herein.

(4) The Board of Supervisors of Lowndes County is authorized to combine or merge its port authority with the Lowndes County Industrial Development Authority, provided that no other county is participating in the operation of either authority.

Section 4. When the members of a port authority shall have been appointed and shall have qualified as set out herein, they shall meet at the regular meeting place of the board of supervisors of the county initiating the county or joint port authority. The president of the board of supervisors of the county initiating such port authority shall give five (5) days' notice of the time and place of such meeting. At such meeting they shall elect a president and a secretary who shall be members of the port authority and adopt such rules as may govern the time and place for holding subsequent meetings, regular and special not inconsistent with the provisions of this act.

Section 5. Each member of any port authority created under the provisions of this act shall receive as compensation * * * an amount not to exceed Seventy-five Dollars (\$75.00) per day while engaged in attendance of meetings of the port authority or engaged in other duties of the port authority, not to exceed one hundred twenty (120) days in any one (1) year, and shall receive his actual traveling expenses, to be audited and allowed by the port authority.

Section 6. The port authority, subject to the approval of the board or boards of supervisors, may appoint a port director. The salary of the port director shall be subject to the approval of the board or boards of supervisors of such county or counties participating in the establishment of such port authority. The members of such port authority and the port director shall be public officers within the meaning and intent of Section 97-11-19, Mississippi Code of 1972. The clerk of the board of supervisors of any county which has participated in the establishment of a port authority is authorized, with the approval of his board of supervisors, to employ such additional clerical assistance as may be necessary or required in view of the additional duties imposed upon the board by this chapter. The salaries of all such employees shall be approved, by the board of supervisors of any such county.

Section 7. The board of supervisors of any county in which there has been created a county port authority as provided in this

act, acting for and on behalf of the county, and if a joint authority, acting in accordance with the agreement, is hereby given the authority through the port authority to engage in work of internal improvement or promoting, developing, constructing, maintaining and operating harbors, channels and other navigation projects within the county and the waters adjacent thereto, and to develop land for industrial operations in connection therewith, and shall have the power to acquire, purchase, install, lease, construct, manufacture, own, maintain, repair, equip, use, control and operate wharves, piers, docks, ways, elevators, compresses, warehouses, roadways, floating dry docks, graving docks, marine railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, ship components, systems, parts, fuel and materials required or incidental to any of such purposes; and all other facilities and equipment reasonably necessary or useful in the operation of harbor facilities, and water, air and rail terminals, and such other structures, facilities, lands, property or rights therein needful for the convenient use of the same in the aid of commerce, and to deepen any part of said harbor and to extend, enlarge or add to the same by dredging in any direction, including inland, and to acquire land or any estate therein needed to carry out the purposes of this act in connection therewith. Such harbor facilities, except those privately owned as a part of or in connection with industrial operations, shall always be and remain under the

management and control of such county or counties through the port authority.

Section 8. The board of supervisors of any county in which has been created a port authority as provided in this act, acting through its port authority, shall have the following additional powers and authorities:

(a) To set aside or lease all or portions of said harbor facilities, wharves, docks, sheds, warehouses, elevators, compresses, floating dry goods, graving docks, marine railways, tugboats or any necessary or useful improvements for special purposes for a term not exceeding twenty-five (25) years.

(b) To sell, lease or otherwise dispose of shipyards, shipbuilding facilities, machinery and equipment, dredges, facilities and land acquired for industrial or harbor operations to individuals, firms or corporations, public or private, for industrial operations on such terms and conditions and with such safeguards as will best promote and protect the public interest, and they are hereby authorized to transfer possession and/or title to any part or all of such facilities and lands by deed, lease, contract or other customary business instrument; however, no such lease of land or facilities acquired for industrial operations shall be executed for a term in excess of ninety-nine (99) years from its date, and before the execution of the same, any such deed, conveyance, lease, contract or other disposition shall be authorized by the affirmative vote of at least two-thirds (2/3) of

the membership of such port authority by order or resolution entered on its minutes, which order or resolution shall set forth the substantial terms of such deed, conveyance, lease, contract or other disposition.

In the letting of contracts and in the advertisement for bids thereon for the development, construction, repair, maintenance or operation of any structures, facilities and lands required pursuant to any of the provisions of this act, the board of supervisors and the port authority shall comply with all of the requirements of the general laws of the State of Mississippi governing the advertisement for bids and the letting of contracts by county boards of supervisors. In the event title to any such lands under jurisdiction of the port authority is in the name of the county or counties, no such transaction shall be consummated until and unless the same be authorized by proper resolution of the port authority and of the county or counties, in which event the county or counties shall join the port authority in the execution of such instrument. Any such sale or lease may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the port authority and the board of supervisors in orders or resolutions authorizing the same. Any covenants and obligations of the lessee or purchaser to make expenditures in determined amounts and within such time or times for improvements to be erected on the land by such lessee or purchaser and to

conduct thereon industrial operations in such aggregate payroll amounts and for such period of time or times as may be determined and defined in such lease or conveyance, and to give preference in employment where practicable to qualified residents of the county or counties of the state in which such port is situated shall, if included in such lease or conveyance, constitute and be deemed sufficient consideration for the execution of any such lease or conveyance in the absence of a monetary rental or other considerations. Any such lease may contain reasonable provisions giving the lessee the right to remove its or his improvements upon termination of the lease. Where the rentals provided in the lease will be sufficient to fully retire the cost of the particular facility or where the monetary consideration for a deed is sufficient to fully repay the cost of land acquired for industrial operations described in said deed, contracts for construction, repairs, maintenance and operation of the facility or for the sale of the land may be negotiated and consummated with the lessee of the facility or the purchaser of the land without the necessity of advertising and obtaining competitive bids therefor. Such county, acting through the port authority, shall have the right to acquire by eminent domain proceedings, purchase or otherwise, any land or estate therein or property and rights that may be necessary for the purposes of this act, provided that land acquired for industrial operations by eminent domain shall be leased or shall be sold only with such provisions in the deed or lease as shall

insure that the use of the land shall be beneficial to the carrying out of the purposes of this act and the promotion of commerce through said port. The county, acting through the port authority, shall have no authority or power to acquire, without the consent of the owner thereof, any property operated or used for port, harbor or industrial operations or for such purposes as the county, acting through the port authority, is authorized to acquire and use such property for, where such property has been sold or leased by the county, acting through the port authority, to any person, firm or corporation for industrial operations as provided in this act. In the exercise of eminent domain, the county, acting through the port authority, shall determine the amount and character of the land or estate therein thus to be acquired and the public necessity for such exercise, and its 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 said county in making such determination, and said county, acting through the port authority, shall have all powers and authority vested in persons or corporations having the right of eminent domain by Sections 11-27-1 through 11-27-49, Mississippi Code of 1972, and all other statutes pertinent thereto.

(c) To accept assurances and other agreements from persons, firms and corporations who are benefited by any action of the port authority pursuant to this act, including agreements to

save the county harmless on account of any assurances given by the county to the United States of America or any agency thereof, including the Secretary of the Army, and to enter into contracts with such persons, firms or corporations relative to the future development and use of property owned by such persons, firms or corporation.

(d) To obligate the county by contract with persons, firms and corporations owning or agreeing to purchase property in the area benefited by any action of the port authority under the provisions of this act for the construction, development, improvement or expansion of channels and other navigation projects by the county at its expense and the continued maintenance and operation thereof by the county at its expense for a period of time not to exceed ninety-nine (99) years, or so long as any such person, firm or corporation continues to use said property for industrial operations.

Section 9. In addition to the powers and authority elsewhere conferred in this act, the board of supervisors of any county in which there has been created a port authority, acting through its port authority, may establish industrial parks with defined boundaries to develop and utilize lands for industrial purposes and in such development may provide for water, sewage, drainage or similar facilities, or transportation, power or communication facilities which are incidental to the use of the lands as industrial parks. Transportation facilities herein authorized may

include railroad lines and bridges extending not more than ten (10) miles from such industrial parks, but, if any part of any such facility shall be in another county, only with consent of such county expressed by resolution of its board of supervisors or its port authority. Revenue bonds, but not general obligation bonds, may be issued to pay the cost of such transportation, power or communication facilities, and any such facilities may be sold or leased as hereinafter provided. In connection with an industrial park, any such county, through its port authority, may establish a comprehensive plan, may make rules and regulations to assure compliance with such plan, and may set and collect rates and charges for services furnished by such industrial park.

Section 10. The board of supervisors of such county, acting through its port authority, may, in its discretion, enter into a contract or contracts for the development, construction, repair, maintenance or operation of any ports, wharves, piers, docks, ways, elevators, compresses, warehouses, roadways, floating dry docks, graving docks, marine railways, tugboats, and water, air and rail terminals and other structures, facilities and lands needful for the convenient use of the same in the aid of commerce. In the letting of contracts and in advertisement for bids thereon for the development, construction, repair, maintenance or operation of any structures, facilities and lands acquired pursuant to any of the provisions of this act, the said board of supervisors and the county port authority shall comply with all

the requirements of the general laws of the State of Mississippi governing the advertisement for bids and letting of contracts by county boards of supervisors. However, where the rentals provided in a lease will be sufficient to fully retire the cost of the particular facility, contracts for the construction, repair, maintenance and operation of the facility may be negotiated and consummated with the lessee of the facility without the necessity of advertising and obtaining competitive bids therefor. The county port authority is given full power and authority to employ engineers, attorneys and other professional and technical assistance in and about the operations, development and advancement of harbors and ports of such county, and to pay reasonable compensation therefor, such employment and compensation therefor, to be approved by the board of supervisors of such county.

Section 11. All improvements constructed by the board of supervisors of any county under the provisions of this act or under the provisions of any local and private act conferring upon the board of supervisors the authority to engage in port, harbor or channel improvements or development shall be under the jurisdiction of and operated and maintained by such county port authority. It shall be the duty of such county port authority, from time to time, to make recommendations to the board of supervisors of such county concerning expenditures, maintenance, operation and development of the harbors or port facilities of

such county, and to submit annually to such board of supervisors a proposed budget for the operation and maintenance of such harbors and port facilities, which recommendations and budget shall be subject to the approval of the board of supervisors.

Said county port authority shall have, and is hereby given, the authority and power to enter into contracts for the performance of all work, including acquisition of land, authorized under this act and to expend funds made available therefor, provided that all such expenditures by such authority shall be audited by the county auditor, who shall monthly report such expenditures to the board of supervisors. In letting contracts, and in advertising for bids therefor, the authority shall comply with all the requirements of the general laws of the State of Mississippi covering the advertisement for bids and the letting of contracts by county boards of supervisors and such authority shall have full power and authority to employ engineers, attorneys and other professional and technical assistance in and about the operations, development and advancement of harbors and ports of such county and to pay reasonable compensation therefor.

Section 12. The board of supervisors of any county in which a county port authority has been created pursuant to this act is hereby given authority to issue bonds or other obligations of such to provide funds for any purpose or purposes set out in this act. Such bonds may be issued at one (1) time or from time to time in such amount or amounts, shall bear such date or dates, shall be of

such denomination or denominations, shall be payable at such place or places, shall bear interest at such rate or rates, not exceeding seven percent (7%) per annum, shall mature in such amount or amounts and at such time or times, not exceeding twenty-five (25) years from the date thereof, with or without option of prior payment, and shall be executed in such manner, all as may be determined by the said board of supervisors. The resolution or order adopted by the board of supervisors authorizing said bonds may pledge the sources of revenue authorized under the statutes to pay the principal thereof and interest thereon, and all bonds issued under the one (1) resolution or order may be equally secured and entitled to be paid. However, in the event such board of supervisors elects to delay actual delivery or sale of any part of the bonds so authorized, either until the proceeds thereof are needed or upon the happening or occurrence of any event or thing, then the bonds so authorized, and any part thereof, shall be secured and entitled to be paid, both as to principal and interest, in accordance with the terms and conditions to be fixed and recited in said resolution or order. In anticipation of the issuance of the definitive bonds authorized by this act, any such county may issue interim certificates. Such interim certificates shall be in such form, contain such terms, conditions or provisions, bear such date or dates, and evidence such agreement or agreements relating to their discharge by payment or by the delivery of the definitive

bonds as such county, by resolution of its governing body, may determine. Whenever any county shall issue bonds hereunder, a portion of which remains outstanding and unpaid, and the governing authority of such county desires to issue additional bonds hereunder for the purpose herein authorized and desires to consolidate all such bonded indebtedness, such governing authority, by resolution or resolutions, may at any time authorize and direct the issuance of bonds. The proceeds of such new bonds shall be used to take up, pay and redeem all of such outstanding and unpaid bonds at their par value, and the balance of such proceeds shall be used and expended for the purposes authorized by this act. In the event such outstanding bonds, by the terms thereof, shall be redeemable prior to maturity at, the option of such county, then such option of redemption shall be exercised in the manner provided in such bonds, or in the event such outstanding bonds, by the terms thereof, be not so redeemable prior to maturity, then the consent of the holder or holders thereof shall first be had and obtained to the end that in either of said events the redemption of such outstanding bonds may be accomplished concurrently with the issuance of such new bonds. Such new bonds shall be issued in like manner and like incidence and shall be payable from the same source or sources and the payment thereof shall be secured in like manner as herein provided in the case of the issuance of original bonds hereunder. In lieu of selling such portion of such new bonds as may be required to

provide for the redemption of such outstanding bonds, such new bonds may be issued and delivered in exchange for and upon surrender and cancellation of a like amount of such outstanding bonds.

In addition and supplemental to the rights, duties and powers now or hereafter conferred by law upon any county having created a county port authority, such county is empowered and authorized to issue general obligation bonds of such county, as hereinabove provided, to acquire, establish, construct, develop, improve and maintain revetments, embankments, groins, jetties, moles, breakwaters, gates, locks, dams, water basins, reservoirs, aqueducts, canals, water supply and distribution systems; and the acquisition, development and improvement of lands and property for any of such purposes. Such county is further empowered and authorized to enter into contracts, agreements, assurances, or commitments with the United States of America, or any department or agency thereof, the State of Mississippi, or any department, political subdivision or agency thereof, or any person, firm or corporation relating to or in connection with any power or duty authorized, imposed or conferred upon such county by law, and to cooperate with and assist any public body or agency, or bodies or agencies, having jurisdiction of any waterway, port, harbor, or water development program, and to jointly exercise any or all of such powers as a joint operation with any other county or counties. Any such county or any party entering into any contract

with any such county shall be entitled to maintain any action in any court of competent jurisdiction against the county or any other party to said contract to enforce any contractual right arising out of any such contract.

General obligation bonds issued under the provisions of this section shall not exceed an amount which may be retired from an annual tax levy of five (5) mills upon all taxable property within the county.

Section 13. Attorney's fees for the issuance of any general obligation bonds authorized by the provisions of this act shall not exceed for each issue the following schedule:

(a) Up to and including One Million Dollars (\$1,000,000.00), one percent (1%).

(b) Above One Million Dollars (\$1,000,000.00) and up to and including Two Million Dollars (\$2,000,000.00), one-half of one percent (1/2 of 1%).

(c) Above Two Million Dollars (\$2,000,000.00), one-fourth of one percent (1/4 of 1%).

Section 14. In addition to the authority conferred by Section 12, the board of supervisors of such county is further authorized, in its discretion, to issue revenue bonds of such county to provide funds for any purpose or purposes set out in this act. Such revenue bonds may be issued without an election upon adoption of a resolution of the board of supervisors of such county declaring its intention to issue such bonds and shall not

be subject to any limitation as to amount. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, not exceeding eight percent (8%) per annum, be payable at such place or places, within or without the State of Mississippi, shall mature 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 board of supervisors of such county. Such bonds shall mature in annual installments beginning not more than five (5) years from the date thereof and extending not more than thirty-five (35) years from the date thereof. Such bonds shall be signed by the president of the board of supervisors of such county, and the official seal of the county shall be affixed thereto, attested by the clerk of the board of supervisors of such county. The interest coupons to be attached to such bonds may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officers herein designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers prior to 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 on the date such bonds may bear.

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

Section 15. The board of supervisors of a county issuing bonds under Sections 12 and 14 shall sell such bonds in such manner and for such price as it may determine to be for the best interest of said county, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. Notice of the sale of any such bonds shall be published at least one (1) time not less than ten (10) days prior to the date of sale and shall be published in a newspaper published in and having general circulation within such county.

The proceeds of such bonds shall be paid into a special fund or funds in banks qualified to act as depositories for such county. The proceeds of such bonds shall be solely for the purposes for which they were issued, and the redeeming of any outstanding bonds, and shall be disbursed upon order of the board of supervisors of such county, with such restriction, if any, as the resolution authorizing the issuance of the bonds may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the purpose for which they were issued, and the redeeming of any outstanding bonds,

unless otherwise provided in the resolution authorizing the issuance of such bonds, additional bonds may in like manner be issued to provide the amount of such deficit which, unless otherwise provided in the resolution authorizing the issuance of bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which the bonds were issued, the surplus shall be paid into the funds established for the payment of the principal of and interest on such bonds.

Section 16. Any bonds, interest coupons, interim certificates or other obligations issued under the provisions of Sections 12 and 14 shall have all the qualities and incidents of negotiable instruments under the provisions of the Mississippi Uniform Commercial Code. Such bonds and income therefrom shall be exempt from all taxation within the State of Mississippi.

Section 17. Bonds authorized under the authority of Sections 12 and 14 may be issued without any other proceedings or the happening of any other conditions, or things than those proceedings, conditions and things which are specified or required by this act. The bonds authorized, under the authority of this act may, in the discretion of the board of supervisors of such county, be validated in the chancery court of such county in a manner and with the force and effect provided now or hereafter by

3/27/10

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AN ACT TO AMEND CHAPTER 1002, LOCAL AND PRIVATE LAWS OF 1975, TO AUTHORIZE THE LOWNDES COUNTY PORT AUTHORITY TO INCREASE PER DIEM COMPENSATION FOR ITS MEMBERS; TO PROVIDE THAT SUCH COMPENSATION SHALL BE PAID FROM INCOME AND ANY OTHER AVAILABLE FUNDS OF THE PORT; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 1002, Local and Private Laws of 1975, is amended as follows:

Section 1. (1) The Boards of Supervisors of Lowndes County, Clay County and Monroe County, Mississippi, may, in their discretion, as evidenced by a resolution adopted and entered on the official minutes of such boards, each have a port authority to be known as the county port authority. The county port authority shall be composed of five (5) resident citizens of each county who shall be qualified electors therein. Such county port authority shall have jurisdiction over the ports, terminals, harbors, channels and passes leading thereto and all vessels, boats and wharves, common carriers and public utilities therein using the

same within the county and within any municipality situated therein.

(2) Any county named in subsection (1) of this section may act jointly with any other such county to develop and maintain a port authority as authorized by this act, and such counties are hereby authorized and empowered to do all things necessary and incident to the establishment of a joint port authority.

Section 2. The term "industrial operations" as used in this act shall include, but not be limited to, any and all enterprises, the operation of which will aid in the development of shipyard operations, commerce, navigation or shipping in the port, as well as all forms of manufacturing enterprises.

Section 3. (1) Members of the county port authority shall be appointed by the board of supervisors of the county and each member of the authority shall be a qualified elector of such county.

(2) Any joint port authority shall be composed of five (5) members appointed in accordance with the agreement made to establish such joint port authority.

(3) Before entering upon the duties of the office, each member of such county or joint port authority shall take and subscribe to the oath of office required by Section 268 of the Constitution of the State of Mississippi and shall give bond to be approved by the board of supervisors of each county participating in such port authority in the sum of Five Thousand Dollars

(\$5,000.00) conditioned upon the faithful performance of his duties. Such bond shall be made payable to the county or counties, and in case of a breach thereof, suit may be brought thereon upon the relation of the county or counties for the benefit of the port authority. The members of any port authority established pursuant to the provisions of this act shall hold office for a term of four (4) years from the date of their appointment and qualification and until their successor or successors shall be appointed and qualify as set out herein.

(4) The Board of Supervisors of Lowndes County is authorized to combine or merge its port authority with the Lowndes County Industrial Development Authority, provided that no other county is participating in the operation of either authority.

Section 4. When the members of a port authority shall have been appointed and shall have qualified as set out herein, they shall meet at the regular meeting place of the board of supervisors of the county initiating the county or joint port authority. The president of the board of supervisors of the county initiating such port authority shall give five (5) days' notice of the time and place of such meeting. At such meeting they shall elect a president and a secretary who shall be members of the port authority and adopt such rules as may govern the time and place for holding subsequent meetings, regular and special not inconsistent with the provisions of this act.

Section 5. Each member of any port authority created under the provisions of this act shall receive as compensation * * * an amount not to exceed Seventy-five Dollars (\$75.00) per day while engaged in attendance of meetings of the port authority or engaged in other duties of the port authority, not to exceed one hundred twenty (120) days in any one (1) year, and shall receive his actual traveling expenses, to be audited and allowed by the port authority.

Section 6. The port authority, subject to the approval of the board or boards of supervisors, may appoint a port director. The salary of the port director shall be subject to the approval of the board or boards of supervisors of such county or counties participating in the establishment of such port authority. The members of such port authority and the port director shall be public officers within the meaning and intent of Section 97-11-19, Mississippi Code of 1972. The clerk of the board of supervisors of any county which has participated in the establishment of a port authority is authorized, with the approval of his board of supervisors, to employ such additional clerical assistance as may be necessary or required in view of the additional duties imposed upon the board by this chapter. The salaries of all such employees shall be approved, by the board of supervisors of any such county.

Section 7. The board of supervisors of any county in which there has been created a county port authority as provided in this

act, acting for and on behalf of the county, and if a joint authority, acting in accordance with the agreement, is hereby given the authority through the port authority to engage in work of internal improvement or promoting, developing, constructing, maintaining and operating harbors, channels and other navigation projects within the county and the waters adjacent thereto, and to develop land for industrial operations in connection therewith, and shall have the power to acquire, purchase, install, lease, construct, manufacture, own, maintain, repair, equip, use, control and operate wharves, piers, docks, ways, elevators, compresses, warehouses, roadways, floating dry docks, graving docks, marine railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, ship components, systems, parts, fuel and materials required or incidental to any of such purposes; and all other facilities and equipment reasonably necessary or useful in the operation of harbor facilities, and water, air and rail terminals, and such other structures, facilities, lands, property or rights therein needful for the convenient use of the same in the aid of commerce, and to deepen any part of said harbor and to extend, enlarge or add to the same by dredging in any direction, including inland, and to acquire land or any estate therein needed to carry out the purposes of this act in connection therewith. Such harbor facilities, except those privately owned as a part of or in connection with industrial operations, shall always be and remain under the

management and control of such county or counties through the port authority.

Section 8. The board of supervisors of any county in which has been created a port authority as provided in this act, acting through its port authority, shall have the following additional powers and authorities:

(a) To set aside or lease all or portions of said harbor facilities, wharves, docks, sheds, warehouses, elevators, compresses, floating dry goods, graving docks, marine railways, tugboats or any necessary or useful improvements for special purposes for a term not exceeding twenty-five (25) years.

(b) To sell, lease or otherwise dispose of shipyards, shipbuilding facilities, machinery and equipment, dredges, facilities and land acquired for industrial or harbor operations to individuals, firms or corporations, public or private, for industrial operations on such terms and conditions and with such safeguards as will best promote and protect the public interest, and they are hereby authorized to transfer possession and/or title to any part or all of such facilities and lands by deed, lease, contract or other customary business instrument; however, no such lease of land or facilities acquired for industrial operations shall be executed for a term in excess of ninety-nine (99) years from its date, and before the execution of the same, any such deed, conveyance, lease, contract or other disposition shall be authorized by the affirmative vote of at least two-thirds (2/3) of

the membership of such port authority by order or resolution entered on its minutes, which order or resolution shall set forth the substantial terms of such deed, conveyance, lease, contract or other disposition.

In the letting of contracts and in the advertisement for bids thereon for the development, construction, repair, maintenance or operation of any structures, facilities and lands required pursuant to any of the provisions of this act, the board of supervisors and the port authority shall comply with all of the requirements of the general laws of the State of Mississippi governing the advertisement for bids and the letting of contracts by county boards of supervisors. In the event title to any such lands under jurisdiction of the port authority is in the name of the county or counties, no such transaction shall be consummated until and unless the same be authorized by proper resolution of the port authority and of the county or counties, in which event the county or counties shall join the port authority in the execution of such instrument. Any such sale or lease may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the port authority and the board of supervisors in orders or resolutions authorizing the same. Any covenants and obligations of the lessee or purchaser to make expenditures in determined amounts and within such time or times for improvements to be erected on the land by such lessee or purchaser and to

conduct thereon industrial operations in such aggregate payroll amounts and for such period of time or times as may be determined and defined in such lease or conveyance, and to give preference in employment where practicable to qualified residents of the county or counties of the state in which such port is situated shall, if included in such lease or conveyance, constitute and be deemed sufficient consideration for the execution of any such lease or conveyance in the absence of a monetary rental or other considerations. Any such lease may contain reasonable provisions giving the lessee the right to remove its or his improvements upon termination of the lease. Where the rentals provided in the lease will be sufficient to fully retire the cost of the particular facility or where the monetary consideration for a deed is sufficient to fully repay the cost of land acquired for industrial operations described in said deed, contracts for construction, repairs, maintenance and operation of the facility or for the sale of the land may be negotiated and consummated with the lessee of the facility or the purchaser of the land without the necessity of advertising and obtaining competitive bids therefor. Such county, acting through the port authority, shall have the right to acquire by eminent domain proceedings, purchase or otherwise, any land or estate therein or property and rights that may be necessary for the purposes of this act, provided that land acquired for industrial operations by eminent domain shall be leased or shall be sold only with such provisions in the deed or lease as shall

insure that the use of the land shall be beneficial to the carrying out of the purposes of this act and the promotion of commerce through said port. The county, acting through the port authority, shall have no authority or power to acquire, without the consent of the owner thereof, any property operated or used for port, harbor or industrial operations or for such purposes as the county, acting through the port authority, is authorized to acquire and use such property for, where such property has been sold or leased by the county, acting through the port authority, to any person, firm or corporation for industrial operations as provided in this act. In the exercise of eminent domain, the county, acting through the port authority, shall determine the amount and character of the land or estate therein thus to be acquired and the public necessity for such exercise, and its 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 said county in making such determination, and said county, acting through the port authority, shall have all powers and authority vested in persons or corporations having the right of eminent domain by Sections 11-27-1 through 11-27-49, Mississippi Code of 1972, and all other statutes pertinent thereto.

(c) To accept assurances and other agreements from persons, firms and corporations who are benefited by any action of the port authority pursuant to this act, including agreements to

save the county harmless on account of any assurances given by the county to the United States of America or any agency thereof, including the Secretary of the Army, and to enter into contracts with such persons, firms or corporations relative to the future development and use of property owned by such persons, firms or corporation.

(d) To obligate the county by contract with persons, firms and corporations owning or agreeing to purchase property in the area benefited by any action of the port authority under the provisions of this act for the construction, development, improvement or expansion of channels and other navigation projects by the county at its expense and the continued maintenance and operation thereof by the county at its expense for a period of time not to exceed ninety-nine (99) years, or so long as any such person, firm or corporation continues to use said property for industrial operations.

Section 9. In addition to the powers and authority elsewhere conferred in this act, the board of supervisors of any county in which there has been created a port authority, acting through its port authority, may establish industrial parks with defined boundaries to develop and utilize lands for industrial purposes and in such development may provide for water, sewage, drainage or similar facilities, or transportation, power or communication facilities which are incidental to the use of the lands as industrial parks. Transportation facilities herein authorized may

include railroad lines and bridges extending not more than ten (10) miles from such industrial parks, but, if any part of any such facility shall be in another county, only with consent of such county expressed by resolution of its board of supervisors or its port authority. Revenue bonds, but not general obligation bonds, may be issued to pay the cost of such transportation, power or communication facilities, and any such facilities may be sold or leased as hereinafter provided. In connection with an industrial park, any such county, through its port authority, may establish a comprehensive plan, may make rules and regulations to assure compliance with such plan, and may set and collect rates and charges for services furnished by such industrial park.

Section 10. The board of supervisors of such county, acting through its port authority, may, in its discretion, enter into a contract or contracts for the development, construction, repair, maintenance or operation of any ports, wharves, piers, docks, ways, elevators, compresses, warehouses, roadways, floating dry docks, graving docks, marine railways, tugboats, and water, air and rail terminals and other structures, facilities and lands needful for the convenient use of the same in the aid of commerce. In the letting of contracts and in advertisement for bids thereon for the development, construction, repair, maintenance or operation of any structures, facilities and lands acquired pursuant to any of the provisions of this act, the said board of supervisors and the county port authority shall comply with all

the requirements of the general laws of the State of Mississippi governing the advertisement for bids and letting of contracts by county boards of supervisors. However, where the rentals provided in a lease will be sufficient to fully retire the cost of the particular facility, contracts for the construction, repair, maintenance and operation of the facility may be negotiated and consummated with the lessee of the facility without the necessity of advertising and obtaining competitive bids therefor. The county port authority is given full power and authority to employ engineers, attorneys and other professional and technical assistance in and about the operations, development and advancement of harbors and ports of such county, and to pay reasonable compensation therefor, such employment and compensation therefor, to be approved by the board of supervisors of such county.

Section 11. All improvements constructed by the board of supervisors of any county under the provisions of this act or under the provisions of any local and private act conferring upon the board of supervisors the authority to engage in port, harbor or channel improvements or development shall be under the jurisdiction of and operated and maintained by such county port authority. It shall be the duty of such county port authority, from time to time, to make recommendations to the board of supervisors of such county concerning expenditures, maintenance, operation and development of the harbors or port facilities of

such county, and to submit annually to such board of supervisors a proposed budget for the operation and maintenance of such harbors and port facilities, which recommendations and budget shall be subject to the approval of the board of supervisors.

Said county port authority shall have, and is hereby given, the authority and power to enter into contracts for the performance of all work, including acquisition of land, authorized under this act and to expend funds made available therefor, provided that all such expenditures by such authority shall be audited by the county auditor, who shall monthly report such expenditures to the board of supervisors. In letting contracts, and in advertising for bids therefor, the authority shall comply with all the requirements of the general laws of the State of Mississippi covering the advertisement for bids and the letting of contracts by county boards of supervisors and such authority shall have full power and authority to employ engineers, attorneys and other professional and technical assistance in and about the operations, development and advancement of harbors and ports of such county and to pay reasonable compensation therefor.

Section 12. The board of supervisors of any county in which a county port authority has been created pursuant to this act is hereby given authority to issue bonds or other obligations of such to provide funds for any purpose or purposes set out in this act. Such bonds may be issued at one (1) time or from time to time in such amount or amounts, shall bear such date or dates, shall be of

such denomination or denominations, shall be payable at such place or places, shall bear interest at such rate or rates, not exceeding seven percent (7%) per annum, shall mature in such amount or amounts and at such time or times, not exceeding twenty-five (25) years from the date thereof, with or without option of prior payment, and shall be executed in such manner, all as may be determined by the said board of supervisors. The resolution or order adopted by the board of supervisors authorizing said bonds may pledge the sources of revenue authorized under the statutes to pay the principal thereof and interest thereon, and all bonds issued under the one (1) resolution or order may be equally secured and entitled to be paid. However, in the event such board of supervisors elects to delay actual delivery or sale of any part of the bonds so authorized, either until the proceeds thereof are needed or upon the happening or occurrence of any event or thing, then the bonds so authorized, and any part thereof, shall be secured and entitled to be paid, both as to principal and interest, in accordance with the terms and conditions to be fixed and recited in said resolution or order. In anticipation of the issuance of the definitive bonds authorized by this act, any such county may issue interim certificates. Such interim certificates shall be in such form, contain such terms, conditions or provisions, bear such date or dates, and evidence such agreement or agreements relating to their discharge by payment or by the delivery of the definitive

bonds as such county, by resolution of its governing body, may determine. Whenever any county shall issue bonds hereunder, a portion of which remains outstanding and unpaid, and the governing authority of such county desires to issue additional bonds hereunder for the purpose herein authorized and desires to consolidate all such bonded indebtedness, such governing authority, by resolution or resolutions, may at any time authorize and direct the issuance of bonds. The proceeds of such new bonds shall be used to take up, pay and redeem all of such outstanding and unpaid bonds at their par value, and the balance of such proceeds shall be used and expended for the purposes authorized by this act. In the event such outstanding bonds, by the terms thereof, shall be redeemable prior to maturity at, the option of such county, then such option of redemption shall be exercised in the manner provided in such bonds, or in the event such outstanding bonds, by the terms thereof, be not so redeemable prior to maturity, then the consent of the holder or holders thereof shall first be had and obtained to the end that in either of said events the redemption of such outstanding bonds may be accomplished concurrently with the issuance of such new bonds. Such new bonds shall be issued in like manner and like incidence and shall be payable from the same source or sources and the payment thereof shall be secured in like manner as herein provided in the case of the issuance of original bonds hereunder. In lieu of selling such portion of such new bonds as may be required to

provide for the redemption of such outstanding bonds, such new bonds may be issued and delivered in exchange for and upon surrender and cancellation of a like amount of such outstanding bonds.

In addition and supplemental to the rights, duties and powers now or hereafter conferred by law upon any county having created a county port authority, such county is empowered and authorized to issue general obligation bonds of such county, as hereinabove provided, to acquire, establish, construct, develop, improve and maintain revetments, embankments, groins, jetties, moles, breakwaters, gates, locks, dams, water basins, reservoirs, aqueducts, canals, water supply and distribution systems; and the acquisition, development and improvement of lands and property for any of such purposes. Such county is further empowered and authorized to enter into contracts, agreements, assurances, or commitments with the United States of America, or any department or agency thereof, the State of Mississippi, or any department, political subdivision or agency thereof, or any person, firm or corporation relating to or in connection with any power or duty authorized, imposed or conferred upon such county by law, and to cooperate with and assist any public body or agency, or bodies or agencies, having jurisdiction of any waterway, port, harbor, or water development program, and to jointly exercise any or all of such powers as a joint operation with any other county or counties. Any such county or any party entering into any contract

with any such county shall be entitled to maintain any action in any court of competent jurisdiction against the county or any other party to said contract to enforce any contractual right arising out of any such contract.

General obligation bonds issued under the provisions of this section shall not exceed an amount which may be retired from an annual tax levy of five (5) mills upon all taxable property within the county.

Section 13. Attorney's fees for the issuance of any general obligation bonds authorized by the provisions of this act shall not exceed for each issue the following schedule:

(a) Up to and including One Million Dollars (\$1,000,000.00), one percent (1%).

(b) Above One Million Dollars (\$1,000,000.00) and up to and including Two Million Dollars (\$2,000,000.00), one-half of one percent (1/2 of 1%).

(c) Above Two Million Dollars (\$2,000,000.00), one-fourth of one percent (1/4 of 1%).

Section 14. In addition to the authority conferred by Section 12, the board of supervisors of such county is further authorized, in its discretion, to issue revenue bonds of such county to provide funds for any purpose or purposes set out in this act. Such revenue bonds may be issued without an election upon adoption of a resolution of the board of supervisors of such county declaring its intention to issue such bonds and shall not

be subject to any limitation as to amount. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, not exceeding eight percent (8%) per annum, be payable at such place or places, within or without the State of Mississippi, shall mature 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 board of supervisors of such county. Such bonds shall mature in annual installments beginning not more than five (5) years from the date thereof and extending not more than thirty-five (35) years from the date thereof. Such bonds shall be signed by the president of the board of supervisors of such county, and the official seal of the county shall be affixed thereto, attested by the clerk of the board of supervisors of such county. The interest coupons to be attached to such bonds may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officers herein designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers prior to 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 on the date such bonds may bear.

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

Section 15. The board of supervisors of a county issuing bonds under Sections 12 and 14 shall sell such bonds in such manner and for such price as it may determine to be for the best interest of said county, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. Notice of the sale of any such bonds shall be published at least one (1) time not less than ten (10) days prior to the date of sale and shall be published in a newspaper published in and having general circulation within such county.

The proceeds of such bonds shall be paid into a special fund or funds in banks qualified to act as depositories for such county. The proceeds of such bonds shall be solely for the purposes for which they were issued, and the redeeming of any outstanding bonds, and shall be disbursed upon order of the board of supervisors of such county, with such restriction, if any, as the resolution authorizing the issuance of the bonds may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the purpose for which they were issued, and the redeeming of any outstanding bonds,

unless otherwise provided in the resolution authorizing the issuance of such bonds, additional bonds may in like manner be issued to provide the amount of such deficit which, unless otherwise provided in the resolution authorizing the issuance of bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which the bonds were issued, the surplus shall be paid into the funds established for the payment of the principal of and interest on such bonds.

Section 16. Any bonds, interest coupons, interim certificates or other obligations issued under the provisions of Sections 12 and 14 shall have all the qualities and incidents of negotiable instruments under the provisions of the Mississippi Uniform Commercial Code. Such bonds and income therefrom shall be exempt from all taxation within the State of Mississippi.

Section 17. Bonds authorized under the authority of Sections 12 and 14 may be issued without any other proceedings or the happening of any other conditions, or things than those proceedings, conditions and things which are specified or required by this act. The bonds authorized, under the authority of this act may, in the discretion of the board of supervisors of such county, be validated in the chancery court of such county in a manner and with the force and effect provided now or hereafter by

Sections 31-13-1 to 31-13-11, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds.

Section 18. In addition and supplemental to the rights, duties and powers now or hereafter conferred by law upon any county having created a county port authority pursuant to this act, the board of supervisors of any such county, at the request of the county port authority, is authorized and empowered, in its discretion, to levy an ad valorem tax, not to exceed two (2) mills on the dollar of assessed valuation of the taxable property of such county to provide an operating fund for such county port authority.

Section 19. A county wide election shall be held to determine whether such bonds, as provided in Sections 12 and 14, may be issued. Upon the calling of an election, notice of such election shall be signed by the clerk of the board of supervisors and shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published, in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election, and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such

election in three (3) public places in such county. Such election shall be held, as far as is practicable, in the same manner as other elections are held in counties. At such election, all qualified electors of such county may vote, and the ballots used at such election shall have printed thereon a brief statement of the amount and purpose of the proposed bond issue and the words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter shall vote by placing a cross (x) or check (✓) opposite his choice on the proposition. When the results of the election on the question of the issuance of such bonds shall have been canvassed by the election commissioners of such county and certified by them to the board of supervisors of such county, it shall be the duty of such board of supervisors to determine and adjudicate whether or not a majority of the qualified electors who voted thereon in such election shall have voted in favor of the issuance of such bonds, and unless a majority of the qualified electors who voted thereon in such election shall have voted in favor of the issuance of such bonds, then such bonds shall not be issued. Should a majority of the qualified electors who vote thereon in such election vote in favor of the issuance of such bonds, then the board of supervisors of the county may issue such bonds, either in whole or in part, within two (2) years from the date of such election, or within two (2) years after the final favorable termination of any litigation affecting the issuance of such bonds, as such board shall deem best. However, the board of

supervisors, in its discretion, may, in lieu of the foregoing provisions, adopt a resolution reciting its intention to issue bonds for the purposes authorized by this act, stating the amount of bonds proposed to be issued, and the date upon which further action will be taken by the board looking toward the issuance of such bonds. Such resolution shall be published once a week for at least three (3) successive weeks in a newspaper published and of general circulation within such county. The first of such publications shall be made at least twenty-one (21) days prior to the date set forth in said resolution as the date upon which further actions will be taken by the board, and the last of such publications shall be made not more than seven (7) days prior to such date. If, prior to the date set forth as aforesaid, there shall be filed with the clerk of such board a petition in writing signed by twenty percent (20%) or fifteen hundred (1500), whichever is less, qualified electors of such county requesting an election on the question of the issuance of such bonds, then such bonds shall not be issued unless authorized by a majority of the qualified electors of such county who vote thereon at an election to be ordered by such board for that purpose. Notice of such election shall be given and such election shall be held and conducted in like manner as provided by law with respect to the submission of other county bond issues in such county. If the proposition so submitted shall fail to receive approval at such election, then no further proceedings for the issuance of such

bonds shall be had or taken within a period of six (6) months from and after the date of such election. If, however, no such petition shall be filed, or if at such election, or subsequent election, such proposition be assented to by a majority of the qualified electors voting thereon, then such board of supervisors shall be authorized to proceed with the issuance of such bonds without further election.

Section 20. Such bonds, as are provided for in Section 12, shall be general obligations of the county, and for the payment of such bonds and the interest thereon the full faith, credit and resources of such county shall be and are irrevocably pledged, and it shall be the mandatory duty of the board of supervisors of such county annually to levy upon all taxable property within such county an ad valorem tax sufficient to provide for the payment of such bonds as they mature and the interest thereon as it accrues, and the proceeds of such tax levy shall be used for no other purpose. In its discretion, such board of supervisors may also pledge for the payment of such bonds and interest thereon the revenues from facilities operated by the county port authority, and any other surplus funds available to such county from any other source, and not theretofore pledged or hypothecated.

Section 21. Any county which issues bonds pursuant to this act is hereby authorized to invest the proceeds of such bonds not needed for immediate use in bonds, notes or other evidences of indebtedness of the United States government.

Section 22. This act, without reference to any other statute, shall be deemed full and complete authority for the issuance and sale of bonds as herein provided, and shall be construed as additional and alternative methods therefor, and none of the present restrictions, requirements, conditions, or limitations of law except limitations of indebtedness shall be applicable to the issuance and sale of bonds under this act except as herein otherwise expressly limited, and no proceedings shall be required for the issuance of such bonds other than those provided for and required herein and all powers necessary to be exercised by the board of supervisors of such county in order to carry out the provisions of this act are hereby conferred.

Section 23. Except as otherwise specifically provided in this act, all bonds or other obligations issued pursuant to this act and any interest thereon or income therefrom shall be exempt from all taxation, except gift, transfer and inheritance taxes, insofar as may be within the power of the State of Mississippi to provide and shall be negotiable instruments within the meaning of the law of merchants and the Mississippi Uniform Commercial Code.

Section 24. Any person, firm or corporation entering into any contract with any county, acting through a county port authority authorized by this act, shall be entitled to maintain any action in any court of competent jurisdiction against the county and the county port authority to enforce any contractual right arising out of any such contract.

Section 25. This act shall take effect and be in force from and after its passage.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 10, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 17, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/27/2014

4:22pm