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Chapter No. 489
16/HR31/R400SG
AM / GV

HOUSE BILL NO. 1203

Originated in House



Clerk

HOUSE BILL NO. 1203

AN ACT TO AMEND SECTION 55-24-3, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP AND TERMS OF THE MISSISSIPPI COAST COLISEUM COMMISSION; TO AMEND SECTION 55-24-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTIONS 55-24-9 AND 55-24-17, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE MISSISSIPPI COAST COLISEUM COMMISSION AND REQUIRE THAT CERTAIN ACTIONS BE APPROVED BY THE HARRISON COUNTY BOARD OF SUPERVISORS; TO TRANSFER ADMINISTRATION AND MANAGEMENT OF THE COLISEUM TRUST FUND TO THE HARRISON COUNTY BOARD OF SUPERVISORS TO BE USED EXCLUSIVELY FOR CAPITAL IMPROVEMENTS TO THE COLISEUM AND CONVENTION CENTER; TO AMEND SECTION 27-104-27, MISSISSIPPI CODE OF 1972, TO EXCLUDE THE COLISEUM TRUST FUND FROM THOSE FUNDS THAT REQUIRE A STATE APPROPRIATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 55-24-3, Mississippi Code of 1972, is amended as follows:

55-24-3. (1) The Mississippi Coast Coliseum Commission * * * shall consist of seven (7) members, who shall be appointed, qualify and take office within thirty (30) days of * * * July 1, 2016. Five (5) commissioners shall be appointed by the Harrison County Board of Supervisors, with each member of the board to appoint one (1) person to the commission, who shall be a resident

of Harrison County. Each commissioner shall serve at the will and pleasure of the board of supervisors and removed by a majority vote of the board of supervisors. The term of each commissioner shall run concurrently with the member of the board of supervisors who appointed him or her, unless such commissioner is otherwise replaced or removed by a majority vote of the board of supervisors. Two (2) members * * *, one (1) from each judicial district in Harrison County, shall be appointed by * * * consensus of the elected mayors of the municipalities from that judicial district within Harrison County, and such members shall be residents of Harrison County and shall serve at the will and pleasure of such mayors and shall have terms that run concurrently with the term of office of such mayors elected at a general municipal election, unless such commissioners are replaced or removed by such mayors. * * * From and after July 1, * * * 2016, the Executive Director of the * * * Mississippi Gulf Coast Region Convention and Visitors Bureau shall be an ex officio nonvoting member of the commission.

(2) In addition to the fact that each commissioner serves at the will and pleasure of the appointing elected official(s), as described in subsection (1) of this section, any member may be disqualified and removed from office for any one (1) of the following reasons:

(a) Conviction of a felony;

(b) Failure to attend three (3) consecutive meetings without just cause.

(3) If a commission member is removed for one (1) of the above reasons, the vacancy shall be filled in the manner prescribed in this section.

(4) Vacancies which shall occur shall be filled in the same manner as the original appointments and shall be made for the unexpired term unless the person is otherwise removed, as provided in subsection (1) of this section. * * *

(5) * * * In making appointments to the commission, the appointing authorities should consider persons who are community leaders and/or are representative of fields such as the hotel/motel business, large business, small business, the food and beverage industry and large facility operation or commercial real estate.

SECTION 2. Section 55-24-7, Mississippi Code of 1972, is amended as follows:

55-24-7. * * * After the members of the Mississippi Coast Coliseum Commission * * * have been appointed and qualified as set forth * * * in Section 55-24-3 et seq., they shall meet, on or before August 19, 2016, at quarters provided for them by Harrison County after giving not less than ten (10) days' notice of the time and place of such meeting by registered mail, postage prepaid * * * and electronic mail directed to each appointed member of such commission * * * as provided to the Secretary of

State at the time of his qualification, and posting bond. At such meeting a quorum shall be * * * four (4) commissioners, and a majority of those members attending shall elect a president and secretary, both of whom shall be members of said commission, and adopt such rules and regulations as may govern the time and place for holding subsequent meetings, regular and special, and other rules and regulations not inconsistent with the provisions of this chapter.

The commission is further authorized to obtain office equipment, supplies, furniture, furnishings, equipment, and other facilities necessary to administer the affairs and duties of the commission.

* * *

SECTION 3. Section 55-24-9, Mississippi Code of 1972, is amended as follows:

55-24-9. The Mississippi Coast Coliseum Commission, a political subdivision of the State of Mississippi, shall have jurisdiction and authority over * * * matters relating to * * * promoting, developing, * * * maintaining and operating a multipurpose coliseum and related facilities within Harrison County, Mississippi. Multipurpose coliseum and related facilities shall include a multipurpose coliseum or arena facility, a convention center and * * * facility grounds, as well as any lands purchased by or on the behalf of the commission. From and after July 1, 2016, any development and/or any land acquired by or on

behalf of the commission, shall be subject to the Land Development Ordinances of the City of Biloxi. Such commission is authorized to acquire lands by purchase, gift or the exercise of eminent domain as provided by Section 11-27-1 et seq., above or below mean high-water mark subject to the approval of the Harrison County Board of Supervisors. The acquisition of lands below mean high-water mark by the commission for the purposes authorized herein are declared to be in all respects for the benefit of the people of the State of Mississippi, a public purpose, and an essential governmental function in the exercise of the powers conferred upon them by * * * such act.

* * * The commission, acting on behalf of the State of Mississippi, shall have the right to reclaim submerged lands for the purpose of constructing a multipurpose coliseum and related facilities * * *, and to acquire in its name on behalf of the state any estate or property right therein or in other land necessary to the purpose of this chapter by purchase, gift, deed or other transfer, subject to the approval of the Harrison County Board of Supervisors. Title to all oil, gas and other minerals in, on or under any lands, title to which is held by the State of Mississippi on August 8, 1968, shall be reserved unto the State of Mississippi, and all income derived from the sale or lease of such minerals shall inure to the benefit of the State of Mississippi for such purposes as the Legislature may direct. Provided, that prior to utilization of lands in which title vests in the State of

Mississippi, a description of such land shall be submitted to the Department of Finance and Administration and said utilization shall not be commenced until or unless approval of such utilization is given by the Department of Finance and Administration.

The commission is authorized to own, furnish, equip and operate * * * the multipurpose coliseum and * * * facilities and equipment necessary or useful in the operation of * * * such multipurpose coliseum * * * and related facilities; to receive and expend, subject to the provisions of this chapter and the approval of the commission's annual budget by the Harrison County Board of Supervisors, revenues from any source, including the operation of the * * * multipurpose coliseum and related facilities * * *; and to do all other things necessary to carry out the purposes of this chapter. * * *

The commission is authorized and directed to adopt uniform rules and regulations regarding the granting of contracts that are less than one hundred eighty (180) days for franchises, licenses, contracts or * * * lease agreements, or the granting of contracts that are less than one hundred eighty (180) days for the use, operation and maintenance of the premises, and to publish the * * * uniform rules and regulations for three (3) consecutive weeks in a newspaper having a general circulation in the county and fixing a time and place not more than ten (10) days after the last publication to receive and hear objections to such rules and

regulations. The commission shall also publish such information on commission and county websites during the same time period as the newspaper publication. In addition, a copy of such rules and regulations or any revisions or amendments thereto shall be filed with the Clerk of the Harrison County Board of Supervisors * * *. The commission may revise or amend such rules and regulations but such revisions shall be uniform and shall not be adopted unless the commission shall publish the proposed change * * * and hold a public hearing as required by this section.

Before * * * any contract that is more than one hundred eighty (180) days for a franchise, license, contract or lease agreement may be granted, the commission shall * * * notify the Harrison County Board of Supervisors and publish its intent to grant such franchise, license, * * * contract or lease agreement and the conditions upon which same shall be granted. Such publication shall be made for three (3) consecutive weeks in a newspaper having a general circulation in Harrison County. Such publication shall also be made on the commission and county websites during the same time period as the newspaper publication. All bids received shall be sealed, and shall be opened at a date, time and place set forth in the publications, which date shall not be less than five (5) days nor more than ten (10) days after the last day of such publications.

Unless the commission shall find that the successful bidder cannot demonstrate financial responsibility to comply with the

terms and conditions of the franchise, license * * *, contract or lease agreement or cannot perform the services required thereunder, it shall, subject to the limitations set forth under this chapter, * * * recommend the granting of * * * the franchise, license, contract or lease agreement to the bidder whose proposal shall be in the best financial interest of the commission. * * *

* * *

Any person aggrieved by any action of the commission may appeal to the Circuit Court of Harrison County in the manner provided for appeals from orders of the board of supervisors.

The commission is granted the power to sue and be sued in its own name, and the commission is * * * authorized to take liability insurance on the operation of * * * the facilities in an amount equal to the extent of its liability for claims or causes of action arising from acts or omissions as provided in Section 11-46-15 * * *; provided, however, that immunity from suit is only waived to the extent of such liability insurance carried, and a judgment creditor shall have recourse only to the proceeds or right to proceeds of such liability insurance. No attempt shall be made in the trial of any case to suggest the existence of any insurance which covers in whole or in part any judgment or award rendered in favor of a claimant, but if the verdict rendered by the jury exceeds the limit of applicable insurance, the court on motion shall reduce the amount of said judgment to a sum equal to the applicable limit stated in the insurance policy.

The commission shall prepare an annual budget specifically describing the proposed receipt and expenditure of all funds from any source whatsoever, and such budget shall be approved by the Harrison County Board of Supervisors. If the commission desires to take any action associated with the receipt or expenditure of funds which deviates from the annual budget, such individual action shall be subject to the approval of the Harrison County Board of Supervisors.

The commission is granted the power to invest funds credited to the Mississippi Coast Coliseum Commission Operating Fund * * *, the commission is vested with authority to designate depositories of its funds, and to deposit * * * the funds in interest-bearing accounts. Provided, however, all funds in excess of ninety (90) days' operating expenses, to the extent practicable, shall be invested in Treasury bills or in interest-bearing accounts or approved securities to include, but not limited to, U.S. Treasury bills and U.S. Treasury notes and bonds, federal agency securities or mortgage-backed securities guaranteed as to repayment of principal by * * * the government or an agency of * * * such government, certificates of deposit fully covered by insurance administered by the Federal Deposit Insurance Corporation or covered by pledged securities, repurchase agreements and short-term money market funds invested in United States government and United States government agencies.

The commission is authorized to contract with any agency of the United States or the State of Mississippi for a loan or grant, subject to the approval of the Harrison County Board of Supervisors and to give such agency any assurances of compliance with federal or state laws which are not in conflict with the laws of the State of Mississippi. It is the intent and purpose of this chapter that the Coliseum Commission cooperate with agencies administering the National Seashore Act of 1970.

Whenever any real or personal property belonging to the commission shall cease to be used or needed for the commission's purposes, the commission may recommend to the Harrison County Board of Supervisors that it sell, exchange or lease the property on such terms as the commission may * * * propose. No lease of surplus real property may exceed a term of ninety-nine (99) years. The deed of conveyance in such transactions shall be executed in the name of the commission by * * * the Harrison County Board of Supervisors pursuant to * * * order issued on the minutes of * * * its meetings. In any sale, exchange or lease of real property, the commission shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same. Before any sale, exchange or lease is made, the commissioners shall publish at least once each week for three (3) consecutive weeks, in a public newspaper of Harrison County, Mississippi, and on the commission and county websites the intention to sell, exchange or lease, as the case may be, the real or personal

property and to accept sealed competitive bids for the sale, exchange or lease. The commissioners shall thereafter accept bids for the sale, exchange or lease, and * * * the property shall be sold, exchanged or leased to the highest and best bidder in the manner provided by law. However, whenever the commissioners shall find and determine, by resolution duly and lawfully adopted and spread upon its minutes: (a) that any commission-owned real property is no longer needed for commission purposes and is not to be used in the operation of a multipurpose coliseum and related facilities, (b) that the sale, exchange or lease of such property in the manner otherwise provided for herein is * * * necessary or desirable for the financial welfare of a multipurpose coliseum and related facilities, and (c) that the use of such property for the purpose for which it is to be sold, exchanged or leased will promote and foster the development and improvement of the multipurpose coliseum and * * * related facilities, the commissioners * * * may recommend to the Harrison County Board of Supervisors that it sell, exchange or lease the property without having to advertise for and accept competitive bids. In any case in which the commission proposes to sell or exchange real property under the provisions of this section without advertising for and accepting competitive bids, the Harrison County Board of Supervisors must approve such proposal, and consideration for the sale or exchange of the real property shall be not less than the average of the fair market price for the property as determined by

three (3) professional property appraisers selected by the commission and approved by the purchaser or devisee and the Harrison County Board of Supervisors. Appraisal fees shall be shared equally by the commission and the purchaser or devisee.

The enumeration of any specific rights and powers contained herein or elsewhere in this chapter where followed by general powers shall not be construed in the restrictive sense but rather in as broad and comprehensive sense as possible to effectuate the purposes and intent of this chapter.

SECTION 4. Section 55-24-17, Mississippi Code of 1972, is amended as follows:

55-24-17. (1) The proceeds from the tax authorized under the provisions of Sections 1 and 2 of Chapter 863, Local and Private Laws of 1987, shall be paid to the Mississippi Coast Coliseum and Convention Trust Fund. The fund shall be used for the operational, maintenance, replacement and capital expenses of the Mississippi Coast Coliseum and Convention Center, as hereinafter provided and managed as provided in subsection (2) of this section. * * * Amounts on deposit in the fund shall be invested in interest-bearing accounts or approved securities to include, but not limited to, U.S. Treasury bills and U.S. Treasury notes and bonds, federal agency securities or federal mortgage-backed securities guaranteed as to repayment of principal by the federal government or an agency of the federal government, certificates of deposits fully covered by insurance administered

by the Federal Deposit Insurance Corporation or covered by pledge securities, repurchase agreements and short-term money market funds invested in U.S. government and U.S. government agencies. All interest income earned on the fund shall be paid * * * into the Mississippi Coast Coliseum Commission Operating Fund. The principal amount deposited into the fund from the proceeds of the special taxes authorized by Chapter 863, Laws of 1987 shall not be withdrawn from the trust for any purpose whatsoever except as provided for in subsection (2) of this section. The interest earned on the fund may also be used for debt service for capital improvements or expansion or for payment of expenses for operations, maintenance and replacement of capital improvements.

(2) From and after July 1, 2016, the * * * Mississippi Coast Coliseum and Convention Trust Fund shall be administered by the Harrison County Board of Supervisors, and the Harrison County Board of Supervisors may expend monies in the fund upon recommendation of the commission, without state appropriation, for the purpose of repairs, restorations, debt service expense and capital improvements to the Mississippi Coast Coliseum * * * and Convention Center. From and after July 1, 2016, until February 16, 2018, the Harrison County Board of Supervisors shall not expend more than Two Million Dollars (\$2,000,000.00) from the Mississippi Coast Coliseum Trust Fund; however, from and after February 16, 2018, the board of supervisors is authorized to

expend any or all of the remaining monies in such trust fund upon recommendation of the commission.

SECTION 5. Section 27-104-27, Mississippi Code of 1972, is amended as follows:

27-104-27. Notwithstanding anything in Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 contained, the same shall not be construed to apply to any agency supported wholly by funds granted or allotted under any Act of Congress. The State Auditor of Public Accounts and after July 1, 1986, the State Fiscal Officer shall determine which special fund accounts in the State Treasury require an appropriation act and request an appropriation for such special fund accounts. For all other special fund accounts, the State Auditor of Public Accounts, or the State Fiscal Officer after July 1, 1986, shall certify that such accounts do not require an appropriation. The Legislative Budget Office shall recommend an appropriation for each special fund account existing in the State Treasury so certified as requiring an appropriation, unless exempted as hereinafter provided. In the event the Legislative Budget Committee and the State Fiscal Officer find that any state agency should not be included under the provisions of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29, then the * * * such committee and officer may, in their discretion, exempt * * * such state agency from the provisions thereof. Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 shall not apply

to funds collected and disbursed by a state agency created and existing under the provisions of Sections 73-3-101 through 73-3-169. Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds deposited into the special fund created pursuant to Section 45-9-101, the special fund created pursuant to Section 69-37-39, the special fund created pursuant to Section 1 of Chapter 521, Laws of 1999, the special fund created pursuant to Section 31-17-127, the special fund created pursuant to Section 65-1-110 * * *, the special fund created pursuant to Section 27-7-22.31, or the special fund created pursuant to Sections 1 and 2 of Chapter 863, Local and Private Laws of 1987.

The State Fiscal Officer shall not promulgate or attempt to enforce any rule, order or regulation which is not in accordance with the provisions of a legally executed trust indenture agreement, nor shall Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 be construed to apply to funds collected and disbursed by a state agency under Sections 65-33-45 and 65-33-47.

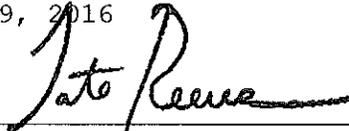
SECTION 6. This act shall take effect and be in force from
and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 17, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 19, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

may 13, 2016
8:41am