

By: Representative Parker

To: Ways and Means

HOUSE BILL NO. 1351
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 51-15-119, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE PAT HARRISON WATERWAY DISTRICT TO RECEIVE AND
3 EXPEND FUNDS THAT ARE MADE AVAILABLE TO IT UNDER THE PROVISIONS OF
4 THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)
5 OR FROM ANY OTHER SOURCE TO CONSTRUCT A LAKE AND RELATED
6 STRUCTURES AND FACILITIES IN GEORGE COUNTY, MISSISSIPPI, IF THE
7 FUNDS MAY BE USED FOR THAT PURPOSE; TO AUTHORIZE THE PAT HARRISON
8 WATERWAY DISTRICT TO OBTAIN ANY INFORMATION AND RESEARCH REGARDING
9 CONSTRUCTION OF THE LAKE AND RELATED STRUCTURES AND FACILITIES
10 FROM THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO AMEND
11 CHAPTER 464, LAWS OF 1999, AS AMENDED BY CHAPTER 386, LAWS OF
12 2000, WHICH AUTHORIZES THE ISSUANCE OF STATE GENERAL OBLIGATION
13 BONDS FOR CAPITAL IMPROVEMENTS FOR THE DEPARTMENT OF WILDLIFE,
14 FISHERIES AND PARKS, TO PROVIDE THAT A PORTION OF THE BONDS MAY BE
15 ISSUED TO PROVIDE FUNDS TO ASSIST THE PAT HARRISON WATERWAY
16 DISTRICT FOR CONSTRUCTION OF A LAKE IN GEORGE COUNTY, MISSISSIPPI;
17 TO AUTHORIZE THE STATE BOND COMMISSION TO NEGOTIATE THE SALE OF
18 SUCH BONDS AND TO DELETE THE REQUIREMENT THAT THE NOTICE OF THE
19 SALE OF THE BONDS BE PUBLISHED IN A NEWSPAPER OR FINANCIAL JOURNAL
20 WITH A LARGE NATIONAL CIRCULATION; TO AMEND SECTION 51-15-123,
21 MISSISSIPPI CODE OF 1972, TO REMOVE CERTAIN RESTRICTIONS REGARDING
22 THE EXPENDITURE OF CERTAIN FUNDS BY THE PAT HARRISON WATERWAY
23 DISTRICT FOR PARKS AND RECREATION FACILITIES, FOR THE PURPOSES OF
24 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

28 51-15-119. (1) The Pat Harrison Waterway District through
29 its board of directors is hereby empowered:

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

175 (l) To employ engineers, attorneys, who may or may not
176 be a director, and all necessary agents and employees to properly
177 finance, construct, operate and maintain the projects and the
178 plants, and to pay reasonable compensation for these services; for
179 all services in connection with the issuance of bonds as provided
180 in this article, the attorney's fee shall not exceed one percent
181 (1%) of the principal amount of these bonds. For any other
182 services, only reasonable compensation shall be paid for those
183 services. The board shall have the right to employ a general
184 manager or executive director, who shall, at the discretion of the
185 board, have the power to employ and discharge employees. Without
186 limiting the generality of the foregoing, it may employ fiscal
187 agents or advisors in connection with its financing program and in
188 connection with the issuance of its bonds.

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

313 **SECTION 2.** Chapter 464, Laws of 1999, as amended by Chapter
314 386, Laws of 2000, is amended as follows:

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

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

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

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

327 Section 2. (1) (a) A special fund, to be designated as the
328 "1999 Department of Wildlife, Fisheries and Parks Improvements
329 Fund" is created within the State Treasury. The fund shall be
330 maintained by the State Treasurer as a separate and special fund,
331 separate and apart from the General Fund of the state and



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

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

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

344	Bolivar.....	\$ 500,000.00
345	Neshoba.....	450,000.00
346	Tom Bailey.....	275,000.00
347	Roosevelt.....	150,000.00
348	Trace.....	800,000.00
349	Legion.....	100,000.00
350	Percy Quinn.....	100,000.00
351	Walthall County.....	700,000.00
352	Tombigbee.....	100,000.00
353	Perry County.....	<u>100,000.00</u>
354	TOTAL.....	\$ 3,275,000.00

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

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

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



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

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

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

376 Black Prairie, Trim Cane, Malmaison,
377 Caney Creek, Tallahala, Bienville,
378 Chickasawhay, Sandy Creek, Caston
379 Creek, Little Biloxi, Old River,
380 Upper and Lower Pascagoula, Wolf
381 River\$ 150,000.00

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

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

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



398 Copleah County.....\$ 3,250,000.00
 399 George County.....\$ 500,000.00
 400 TOTAL.....\$ 3,750,000.00

401 (vii) Repair, renovation,
 402 reconstruction or resurfacing of a certain
 403 public road in Yalobusha County beginning at
 404 Mississippi Highway 32 and extending northerly
 405 to the entrance of George Payne Cossar State
 406 Park.....\$ 200,000.00

407 (viii) Repair, renovation
 408 and restoration of Lakeland Park in Wayne
 409 County.....\$ 100,000.00

410 (ix) Repair, renovation,
 411 reconstruction and resurfacing of certain
 412 public roads in Panola County beginning at
 413 the intersection of John Harmon Road and
 414 Mississippi Highway 315 and extending
 415 northerly along John Harmon Road and thence
 416 easterly along State Park Road to John Kyle
 417 State Park. Any state aid road funds or other
 418 funds that may be available for such road
 419 projects may be used to match any of the funds
 420 authorized under this subparagraph (ix).
 421 However, if no state aid road funds or other
 422 funds are available to match the funds made
 423 available under this subparagraph (ix), then
 424 the funds authorized under this subparagraph
 425 (ix) may be used for the road project along
 426 State Park Road, and any remaining funds may
 427 be used on the John Harmon Road project.....\$ 500,000.00

428 (x) Paving a walking/bicycle
 429 path at Percy Quinn State Park.....\$ 25,000.00

430 (xi) Repair and renovation of



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

534 Section 5. The principal of and interest on the bonds
535 authorized under * * * this act shall be payable in the manner
536 provided in this section. Such bonds shall bear such date or
537 dates, be in such denomination or denominations, bear interest at
538 such rate or rates (not to exceed the limits set forth in Section
539 75-17-101, Mississippi Code of 1972), be payable at such place or
540 places within or without the State of Mississippi, shall mature
541 absolutely at such time or times not to exceed twenty-five (25)
542 years from date of issue, be redeemable before maturity at such
543 time or times and upon such terms, with or without premium, shall
544 bear such registration privileges, and shall be substantially in
545 such form, all as shall be determined by resolution of the
546 commission.

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



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

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

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

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

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



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

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

608 Section 10. Upon the issuance and sale of bonds under the
609 provisions of this act, the commission shall transfer the proceeds
610 of any such sale or sales to the special funds created in Sections
611 2 and 3 of this act in the amounts provided for in Section 4(2) of
612 this act. The proceeds of such bonds shall be disbursed solely
613 upon the order of the Department of Finance and Administration
614 under such restrictions, if any, as may be contained in the
615 resolution providing for the issuance of the bonds.

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

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



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

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

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

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

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

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



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

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

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

672 51-15-123. * * * The Pat Harrison Waterway District is
673 authorized to establish or otherwise provide for public parks and
674 recreation facilities and for the preservation of fish and
675 wildlife, and to acquire land otherwise than by condemnation
676 except as provided in subsection (e) of Section 51-15-119 for such
677 purposes, within the project area.

678 * * *

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

