

By: Representative Williams

To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1742

1 AN ACT TO AMEND CHAPTER 967, LOCAL AND PRIVATE LAWS OF 1995,
2 TO PROVIDE FOR THE POWERS OF THE TATE COUNTY ECONOMIC DEVELOPMENT
3 FOUNDATION, INC., REGARDING THE PROMOTION OF ECONOMIC DEVELOPMENT
4 IN TATE COUNTY, MISSISSIPPI; TO REPEAL CHAPTER 868, LOCAL AND
5 PRIVATE LAWS OF 1983, AS AMENDED BY CHAPTER 804, LOCAL AND PRIVATE
6 LAWS OF 1989, WHICH AUTHORIZES THE BOARD OF SUPERVISORS OF TATE
7 COUNTY TO ESTABLISH AN INDUSTRIAL DEVELOPMENT AUTHORITY AND
8 PROVIDES FOR THE POWERS AND DUTIES OF SUCH AUTHORITY; AND FOR
9 RELATED PURPOSES.

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

11 SECTION 1. Chapter 967, Local and Private Laws of 1995, is
12 amended as follows:

13 Section 1. The following words and phrases shall have the
14 meanings ascribed in this section unless the context clearly
15 indicates otherwise:

16 (a) "Governing bodies" means the Board of Supervisors
17 of Tate County, Mississippi, and the governing authorities of the
18 Cities of Senatobia and Coldwater, Mississippi.

19 (b) "Foundation" means the Tate County Economic
20 Development Foundation, Inc., a nonprofit corporation formed for
21 the purposes of improving economic development opportunities for
22 Tate County by uniting planning, economic and industrial
23 development and marketing activities currently provided by several
24 other organizations.

25 Section 2. The governing bodies are authorized to
26 participate in the foundation in the manner provided in this act.

27 Section 3. The governing bodies shall each appoint one (1)
28 representative to the foundation board of directors. The
29 representative appointed by the Tate County Board of Supervisors

30 shall be a member of the board of supervisors, and the members
31 appointed by the governing authorities of the Cities of Senatobia
32 and Coldwater shall be members of those respective governing
33 authorities.

34 Section 4. The governing bodies may enter into written
35 agreements defining the extent of their involvement in the
36 foundation on such matters as:

37 (a) The providing of funds, personnel and other
38 necessary contributions to support the foundation; and

39 (b) The duration of the governing bodies' participation
40 in the foundation, and conditions allowing for withdrawal from the
41 foundation.

42 Section 5. The governing bodies shall provide funding,
43 personnel and other support to the foundation. The amount and
44 type of funding and support shall be jointly determined by the
45 governing bodies, by resolutions duly adopted and spread upon each
46 governing body's minutes. The governing bodies shall be
47 authorized to appropriate funds to support the foundation.

48 Section 6. Financial contributions made by the governing
49 bodies during the first year of the foundation's operation shall
50 be based on the extent of each governing body's 1994-1995 fiscal
51 year budget expended for those services to be combined in the
52 foundation. Funding for future years shall be jointly determined
53 by the governing bodies, by resolutions duly adopted and spread
54 upon each governing body's minutes. Each governing body is
55 authorized to individually appropriate additional funds to the
56 foundation in any amount deemed appropriate by the governing body.

57 Section 7. The governing bodies may provide other services
58 and activities, as deemed appropriate by the governing bodies, to
59 the foundation, regardless of whether the services and activities
60 may be outside the scope and intent of the foundation.

61 Section 8. (1) The foundation is authorized to acquire by
62 gift, purchase or otherwise, and to own, lease, hold, maintain,
63 control and develop real estate and improvements thereon situated
64 within Tate County, Mississippi, either within or without the
65 corporate limits of a municipality, or development, use and
66 operation as one or more industrial park complexes, buildings or

67 sites or economic development districts, referred to herein as
68 "projects" and is further authorized to engage in works of
69 internal improvement therefor, including, but not limited to,
70 construction or contracting for the construction of streets,
71 roads, site improvements, water, sewerage, drainage, pollution and
72 other related facilities necessary or required for industrial or
73 economic development use and development of such projects, and to
74 acquire, purchase, install, lease, construct, own, hold, equip,
75 control, maintain, use, operate and repair other structures and
76 facilities necessary and convenient for the planning, development,
77 use, operation and maintenance of such projects for industrial or
78 economic development purposes, including, but not limited to,
79 water, sewerage, elevators, compressors, warehouses, air and other
80 transportation terminals and pollution control facilities. If the
81 foundation takes by gift or otherwise any land, buildings, or
82 other tangible assets from any persons, firms or corporations,
83 public or private, the foundation may assume all or any part of
84 the liabilities resulting from such acceptance under such terms
85 and conditions as will be in the best interest of the citizens of
86 Tate County, Mississippi.

87 (2) The foundation may borrow money and issue negotiable
88 promissory notes evidencing the same under the provisions of
89 Sections 11 through 17 of this act, and in addition to or in lieu
90 of the pledges authorized in Section 15 of this act, the
91 foundation may secure such notes by the execution of deeds of
92 trust and mortgages upon any real estate belonging to the
93 foundation not otherwise encumbered.

94 (3) The foundation may sell, lease, trade, exchange or
95 otherwise dispose of industrial sites and improvements thereon
96 situated within such projects to individuals, firms or
97 corporations, public or private, for all types of industrial,
98 commercial and agricultural uses upon such terms and conditions,
99 for such consideration and with such safeguards as will best

100 promote and protect the public interest, convenience and
101 necessity, and to execute deeds, leases, contracts, easements and
102 other legal instruments necessary or convenient therefor.

103 (4) The foundation may fix and prescribe fees, charges and
104 rates for the use of any water, sewerage, pollution or other
105 facilities constructed, owned and operated by the foundation in
106 connection with such industrial park and to collect the same from
107 persons, firms and corporations using the same for industrial,
108 commercial or agricultural purposes, except as to rates and
109 charges against common carriers regulated by an agency of the
110 federal government, or the Mississippi Public Service Commission.

111 (5) The foundation may employ engineers, attorneys,
112 accountants, technicians and consultants upon a fee or retainer
113 basis, and such executive and administrative personnel and other
114 employees as shall be reasonably necessary to carry out the duties
115 and authority authorized by this act; and to determine their
116 qualifications and duties and to establish compensation and other
117 employment benefits as may be advisable to attract and retain
118 proficient personnel. The foundation, in addition to all other
119 authority, may purchase, lease, sell and trade office equipment,
120 purchase necessary supplies, purchase or lease such equipment and
121 vehicles as the foundation deems necessary for economic and
122 industrial development and to carry out the purposes of this act.

123 The foundation may, in addition to all other authority, buy,
124 lease, sell, convey and do all other necessary business
125 transactions for carrying out the purpose and administering the
126 foundation and do all acts necessary and convenient to operate and
127 carry out the duties and intent of such foundation.

128 (6) The foundation may take all actions and expend such
129 funds of the foundation as shall be necessary for the promotion of
130 economic development in Tate County, Mississippi, including, but
131 not limited to, efforts to develop, promote, and/or expand
132 existing businesses and industries; attracting and promoting new

133 businesses and industries; and promoting tourism, and to take all
134 actions determined by the board to be necessary to promote
135 agribusiness, manufacturing and tourism within Tate County,
136 Mississippi, which are not prohibited by law.

137 (7) The enumeration of any specific rights and powers
138 contained herein, and elsewhere in this act, where followed by
139 general powers, shall not be construed in a restrictive sense, but
140 rather in as broad and comprehensive a sense as possible to
141 effectuate the purposes of this act.

142 (8) Any sale or lease of all or part of a project may be
143 executed upon such terms and conditions and for such monetary
144 rental or other consideration as may be found adequate and
145 approved by the foundation in orders or resolutions authorizing
146 the same. Any covenants and obligations of the lessee or
147 sublessee to make expenditures in determined amounts, and within
148 such time or times, for improvements to be erected on the land by
149 such lessee or sublessee and to conduct thereon industrial,
150 commercial, agricultural or public purpose operations in such
151 aggregate payroll amounts and for such period of time or times as
152 may be determined and defined in such sale or lease, and to give
153 preference in employment where practicable to qualified residents
154 of Tate County, Mississippi, in which any such project is
155 situated, shall, if included in such sale or lease, constitute and
156 be deemed sufficient consideration for the execution of any such
157 sale or lease in the absence of a monetary rental or other
158 consideration; any such instrument may contain reasonable
159 provisions giving the lessee the right to remove its or his
160 improvements upon termination of the lease.

161 (9) The governing bodies, acting jointly or severally,
162 hereinafter sometimes referred to as the "issuer," upon the
163 request of the foundation, may issue bonds, the principal of and
164 interest on which shall be payable solely out of the revenue
165 derived from the sale, operation and leasing of the project and

166 its facilities. The terms, conditions, forms and laws applicable
167 to such bonds shall be as provided in Sections 57-3-11 through
168 57-3-23, Mississippi Code of 1972.

169 (10) Contracts for the acquisition, purchase, construction,
170 improvement, equipping, furnishing, leasing and/or selling of a
171 project shall be entered into upon the basis of public bidding
172 pursuant to Section 31-7-1 et seq., Mississippi Code of 1972. The
173 foundation is further authorized, however, to acquire, purchase,
174 construct, improve, lease and sell industrial buildings and land
175 without the necessity of public bidding pursuant to Section 31-7-1
176 et seq., Mississippi Code of 1972.

177 Section 9. For the purpose of providing funds to defray the
178 cost of acquiring land and the cost of improving the same and
179 construction of improvements thereon, as provided by this act, the
180 governing bodies, hereinafter sometimes referred to as the
181 "issuer," acting jointly or severally, are authorized to issue the
182 general obligation bonds of such governing bodies in the manner
183 prescribed by Sections 9 through 17 of this act.

184 Section 10. Any general obligation bonds authorized to be
185 issued under the provisions of Sections 9 through 17 of this act
186 shall be subject to the twenty percent (20%) limitation on
187 indebtedness for counties imposed by Section 19-9-5, Mississippi
188 Code of 1972, or the twenty percent (20%) limitation on
189 indebtedness for municipalities imposed by Section 21-33-303,
190 Mississippi Code of 1972, as the case may be.

191 Section 11. All bonds issued under the authority of
192 Sections 9 through 17 of this act shall bear interest at such rate
193 or rates not exceeding the rate of interest authorized to be paid
194 by counties or municipalities, as the case may be, shall be in
195 such denomination or denominations, shall be payable, both
196 principal and interest, at such place or places, all as the issuer
197 of the bonds shall determine. All such bonds shall be sold in the
198 manner provided by law for the sale of bonds subject to the

199 restrictions, limitations, requirements or conditions applicable
200 to the borrowing of such money and the issuance of such bonds
201 which are provided by law and shall be sold for not less than par
202 value and shall mature not more than twenty (20) years from date,
203 with or without the right of redemption, with or without premium,
204 all as shall be determined by the issuer of the bonds. No less
205 than one-fiftieth (1/50) of the total issue shall mature during
206 each year during the first five (5) years of the life of such
207 bonds, and not less than one-twenty-fifth (1/25) of the total
208 issue shall mature each year during the succeeding period of ten
209 (10) years of the life of such bonds, and the remainder shall be
210 divided into approximately equal annual payments, with payment to
211 be made each year for the remaining life of such bonds. Such
212 bonds shall be executed on behalf of the issuer in the manner
213 provided by law for general obligation bonds. The interest to
214 accrue on such bonds on and prior to the respective maturity dates
215 thereof shall be represented by interest coupons to be attached to
216 such bonds which shall be payable semiannually, and which coupons
217 shall be executed by the facsimile signatures of the appropriate
218 officers of the issuer.

219 No bond shall bear more than one (1) rate of interest; each
220 bond shall bear interest from its date to its stated maturity date
221 at the interest rate specified in the bond; all bonds of the same
222 maturity shall bear the same rate of interest from date to
223 maturity; all interest accruing on such bonds so issued shall be
224 payable semiannually or annually, except that the first interest
225 coupon attached to any such bond may be for any period not
226 exceeding one (1) year.

227 No interest payment shall be evidenced by more than one (1)
228 coupon and neither cancelled nor supplemental coupons shall be
229 permitted; the lowest interest rate specified for any bonds issued
230 shall not be less than seventy percent (70%) of the highest
231 interest rate specified for the same bond issue.

232 Each interest rate specified in any bond must be in multiples
233 of one-eighth of one percent (1/8 of 1%) or in multiples of
234 one-tenth of one percent (1/10 of 1%). Such bonds may be issued
235 and sold in one or more series.

236 Section 12. Before issuing any bonds under the provisions of
237 Sections 9 through 17 of this act, the governing body of the
238 issuer shall, by resolution spread upon its minutes, declare its
239 intention to issue such bonds for the purposes authorized by
240 Section 9 of this act, and shall state in such resolution the
241 amount of bonds proposed to be issued, and shall likewise fix in
242 such resolution the date upon which the issuer proposes to direct
243 the issuance of such bonds. Notice of such intention shall be
244 published once a week for at least three (3) consecutive weeks in
245 a newspaper published or having a general circulation in Tate
246 County, Mississippi, with the first publication of such notice to
247 be made not less than twenty-one (21) days before the date fixed
248 in the resolution declaring the intent to issue such bonds, and
249 the last publication to be made not more than seven (7) days
250 before such date. If, on or before the date specified in the
251 resolution, twenty percent (20%) or fifteen hundred (1500),
252 whichever is less, of the qualified electors of the issuer
253 proposing to issue such bonds shall file a written protest against
254 the issuance thereof, then an election upon the issuance thereof
255 shall be called and held as hereby provided. If no such protest
256 shall be filed, then the issuer may issue such bonds without an
257 election on the question of the issuance thereof at any time
258 within a period of two (2) years after the date specified in the
259 resolution. If an election is required by the protest of the
260 appropriate number of qualified electors of the issuer, then an
261 election shall be held by the issuer under applicable laws.
262 However, nothing in Sections 9 through 17 of this act shall
263 prevent such issuer from calling an election, whether required by
264 twenty percent (20%) or fifteen hundred (1500), whichever is less,

265 of the qualified electors or not, in which event it shall not be
266 necessary to publish the resolution of the intent above described.

267 Section 13. At such election, all qualified electors of the
268 issuer may vote and the ballots used in such election shall have
269 printed thereon a brief statement of the amount and purposes of
270 the proposed bond issue and the words "FOR THE BOND ISSUE" and the
271 words "AGAINST THE BOND ISSUE," and the voters shall vote by
272 placing a cross (X) or check () opposite their choice on the
273 proposition.

274 Section 14. When the results of any such election shall have
275 been canvassed by the election commission of the issuer and
276 certified, the issuer may issue the bonds if three-fifths (3/5) of
277 the qualified electors who vote in such an election vote in favor
278 of the issuance of such bonds. If such bond issue shall be
279 approved, the issuer may issue such bonds within two (2) years
280 from the date of such election, or within two (2) years after
281 final favorable determination of any litigation affecting the
282 issuance of such bonds at such time or times and in such amount or
283 amounts, not exceeding that specified in the notice of the
284 election, as shall be deemed proper by the issuer.

285 Section 15. The full faith, credit and resources of the
286 issuer shall be irrevocably pledged for the repayment of general
287 obligation bonds issued pursuant to Sections 9 through 17 of this
288 act and the interest thereon. If sufficient funds are not
289 available at the beginning of the fiscal year, it shall be the
290 duty of the issuer annually to levy and collect a special tax upon
291 all of the taxable property within the issuer, which shall be
292 sufficient to provide for the payment of the principal and
293 interest on the respective bonds issued, according to the terms
294 thereof. Any income derived from the sale or lease of the
295 property authorized to be acquired by this act shall be applied in
296 one or more of the following manners: (a) the retirement of bonds
297 authorized to be issued under Sections 9 through 17 of this act;

298 (b) further improvement or development of such industrial parks or
299 other related industrial development activities; or (c) payment
300 into the general fund of the county or municipality, as the case
301 may be, to be used for any lawful purpose. Any amounts so paid
302 into the general fund shall be included in the computation of
303 total receipts and subject to the restrictions of Section
304 27-39-321, Mississippi Code of 1972. The issuer may covenant with
305 or for the benefit of the registered owners of any bonds issued
306 under Sections 9 through 17 of this act with respect to the
307 application of any or all such income and shall, by resolution
308 adopted prior to or promptly after receipt of any such income,
309 determine, in its discretion, subject only to the restrictions set
310 forth above and any covenants made to or for the benefit of any
311 registered owners of such bonds, the manner in which such income
312 shall be applied.

313 Section 16. The bonds issued under Sections 9 through 17 of
314 this act shall be exempt from all taxation in the State of
315 Mississippi; however, unless otherwise provided by the general
316 laws of this state, any lessee or purchaser shall not be exempt
317 from ad valorem taxes on industrial sites and improvements thereon
318 nor shall purchases required to establish the project and financed
319 by bond proceeds be exempt from taxation in the State of
320 Mississippi.

321 Section 17. All bonds issued under the provisions of
322 Sections 9 through 17 of this act shall be legal investments for
323 trustees and other fiduciaries, and for savings banks, trust
324 companies and insurance companies organized under the laws of the
325 State of Mississippi, and such bonds shall be legal securities
326 which may be deposited with and shall be received by all public
327 officers and bodies of this state and all municipalities and
328 political subdivisions for the purpose of securing the deposit of
329 public funds.

330 Section 18. The carrying out of the corporate purposes of

331 the foundation is in all respects for the benefit of the people of
332 Tate County, Mississippi, and is a public purpose, and the
333 foundation will be performing an essential governmental function
334 in the exercise of the powers conferred upon it by this act.

335 Section 19. In addition to rights, duties and powers now or
336 hereafter conferred upon the governing bodies, the governing
337 bodies, acting jointly or severally, at the request of the
338 foundation, may, in their discretion, make available all tax
339 revenue in the general fund of the governing bodies which is
340 otherwise unappropriated and to utilize funds generated from
341 levies for economic or industrial development purposes, including
342 the ad valorem tax authorized in Section 19-9-111, Mississippi
343 Code of 1972, for the operating and general support of the
344 foundation.

345 Section 20. The foundation, in addition to the monies which
346 may be received by it from the sale of bonds and from the
347 collection of revenues, rents and earnings derived under this act,
348 shall have the authority to accept from any public or private
349 agency, or from any individual, grants for or in aid of the
350 construction of any project, or for the payment of bonds, and to
351 receive and accept contributions from any source, of money or
352 property or other things of value to be held, used and applied
353 only for the purposes for which such grants or contributions may
354 be made.

355 Section 21. The Board of Supervisors of Tate County,
356 Mississippi, may, in its discretion, by duly adopted resolution
357 (a) dissolve the Tate County Economic Development District (the
358 "District") created under Section 19-5-99, Mississippi Code of
359 1972, and further to transfer or sell all or any part of the
360 assets, liabilities and other responsibilities and obligations of
361 the district to the foundation under such terms and conditions as
362 may be in the best interest of the county or as may be required by
363 law, existing bond resolutions, existing contracts or any other

364 requirements in order to effectuate the intent of this act and (b)
365 consolidate, transfer or sell all or any part of any other lands
366 and improvements thereon and any other asset of the county related
367 to industrial and economic development, to the foundation on such
368 terms and conditions as may be in the best interest of the county
369 or as may be required by law, existing bond resolutions, existing
370 contracts or any other requirement in order to effectuate the
371 intent of this act.

372 Section 22. The governing authorities of the City of
373 Senatobia (the "City") may, in their discretion, by duly adopted
374 resolution, transfer or sell all or any part of the assets,
375 liabilities and other responsibilities and obligations of the
376 City's Industrial Park created under Section 57-5-1 et seq.,
377 Mississippi Code of 1972, to the foundation under such terms and
378 conditions as may be in the best interest of the city or as may be
379 required by state or federal law, existing bond resolutions,
380 existing contract or any other requirement in order to effectuate
381 the intent of this act.

382 Section 23. The foundation may (a) apply for and accept
383 grants and loans on behalf of the governing bodies from the State
384 of Mississippi or the United States of America or any agency
385 thereof and (b) contract with any agency of the State of
386 Mississippi and the United States of America for the development
387 of Tate County, Mississippi.

388 Section 24. This act shall be deemed to be full and complete
389 authority for the exercise of the powers herein granted in Tate
390 County, Mississippi, as it is the intent of this act that the
391 foundation shall be the exclusive economic and industrial
392 development agency of the governing bodies.

393 SECTION 2. Chapter 868, Local and Private Laws of 1983, as
394 amended by Chapter 804, Local and Private Laws of 1989, which
395 authorizes the Board of Supervisors of Tate County, Mississippi,
396 to establish an industrial development authority and provides for

397 the powers and duties of such authority, is repealed.

398 SECTION 3. This act shall take effect and be in force from
399 and after its passage.