

By: Senator(s) Farris, Bean

To: Local and Private;  
Finance

SENATE BILL NO. 2196  
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 956, LOCAL AND PRIVATE LAWS OF 1994  
2 AS AMENDED BY CHAPTER 855, LOCAL AND PRIVATE LAWS OF 1978, AS  
3 AMENDED BY CHAPTER 886, LOCAL AND PRIVATE LAWS OF 1984, AS AMENDED  
4 BY CHAPTER 886, LOCAL AND PRIVATE LAWS OF 1985, AS AMENDED BY  
5 CHAPTER 912, LOCAL AND PRIVATE LAWS OF 1988, AS AMENDED BY CHAPTER  
6 884, LOCAL AND PRIVATE LAWS OF 1989, AS AMENDED BY CHAPTER 976,  
7 LOCAL AND PRIVATE LAWS OF 1993, TO REMOVE THE PROVISION THAT  
8 PROHIBITS THE CITY OF HATTIESBURG AND FORREST COUNTY FROM  
9 UTILIZING EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE FORREST  
10 COUNTY INDUSTRIAL PARK COMMISSION; TO INCREASE THE AMOUNT OF DEBT  
11 THAT MAY BE INCURRED UNDER THIS ACT FROM AN AGGREGATE AMOUNT OF  
12 \$15,000,000.00 TO AN AGGREGATE AMOUNT OUTSTANDING AT ANY ONE TIME  
13 OF \$15,000,000.00; AND FOR RELATED PURPOSES.

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

15 SECTION 1. Chapter 855, Local and Private Laws of 1978, as  
16 amended by Chapter 886, Local and Private Laws of 1984, as amended  
17 by Chapter 886, Local and Private Laws of 1985, as amended by  
18 Chapter 912, Local and Private Laws of 1988, as amended by Chapter  
19 884, Local and Private Laws of 1989, as amended by Chapter 976,  
20 Local and Private Laws of 1993, as amended by Chapter 956, Local  
21 and Private Laws of 1994, is amended as follows:

22 Section 1. The City of Hattiesburg and Forrest County,  
23 Mississippi, acting jointly or severally, each, in their  
24 discretion, may acquire by purchase, gift or otherwise any  
25 suitable land located in the City of Hattiesburg, Forrest County,  
26 Mississippi, to be used, utilized and made available as a site  
27 and/or sites for industrial purposes, with the title thereto being  
28 taken in the name of the participating political subdivisions,  
29 whether one or more, hereinafter called "subdivisions," and  
30 wherever the plural is used, it is also intended for the singular,  
31 as the case may be. The City of Hattiesburg and Forrest County,

32 Mississippi, acting jointly or severally, are further authorized  
33 to acquire industrial buildings, plant facilities and related site  
34 improvements, and to make necessary improvements, repairs and  
35 additions thereto, and to retire any outstanding indebtedness now  
36 or hereafter owed or assumed by the Industrial Park Commission  
37 created pursuant to the provisions of this act. \* \* \* Any lands  
38 affected by this act and owned by the Industrial Park Commission,  
39 created pursuant to Section 11 of this act, may not be annexed by,  
40 or made a part of, any political subdivision not participating  
41 under this act.

42 Section 2. If any subdivisions shall determine to acquire  
43 and should acquire an industrial site and/or sites or any  
44 available industrial buildings or plant facilities, as authorized  
45 by this act, the subdivisions shall have power and authority to  
46 improve the real estate so acquired, to provide and operate all  
47 necessary utilities therefor, not otherwise available from a  
48 certified utility company, and to lay out and hard surface  
49 necessary roadways, driveways and access roads, and to do any and  
50 all such other things as may be necessary to make the properties  
51 so acquired suitable and desirable for industrial enterprises.  
52 The cost and expense of the acquisition and improvements to the  
53 properties shall be paid from funds made available under the  
54 authority of this act.

55 Section 3. The subdivisions, in their discretion, may lease,  
56 rent and sell all or any part of the properties acquired under the  
57 authority of this act to any person, firm, association or  
58 corporation for industrial purposes under the terms and conditions  
59 as the subdivisions may deem proper and any sale or sales of the  
60 real estate authorized under this act may be made at public or  
61 private sale.

62 Section 4. For the purpose of providing funds to defray the  
63 expense of acquiring the properties and the expense of improving  
64 the same, as provided by this act, the subdivisions are authorized  
65 to borrow an aggregate amount not in excess of Fifteen Million  
66 Dollars (\$15,000,000.00) outstanding at any one time and to issue  
67 the negotiable bonds of the subdivisions as evidence of the  
68 indebtedness so incurred. Nothing in this act shall prevent

69 either or both participating subdivisions from issuing the bonds,  
70 and subject to the provisions of Section 9 of this act, the bonds  
71 authorized may be issued on a countywide basis by the county only  
72 or, if issued by the City of Hattiesburg, as municipal enterprise,  
73 then the bonds shall be issued on a municipal basis only by the  
74 municipality.

75 Section 5. All bonds issued under the authority of Section 4  
76 of this act shall bear interest at a rate or rates not exceeding  
77 the rate of interest authorized at the time of sale of any series  
78 of bonds to be issued hereunder by Section 75-17-101, shall be in  
79 the denomination or denominations, shall be payable, both  
80 principal and interest, at the place or places, all as the  
81 subdivisions shall determine. All bonds shall be sold in the  
82 manner provided by law at the time of the sale of the bonds  
83 subject to the restrictions, limitations, requirements or  
84 conditions applicable to the borrowing of the money and the  
85 issuance of the bonds which are provided by law and shall be sold  
86 for not less than par value and shall mature not more than  
87 twenty-five (25) years from date, with or without the right of  
88 redemption, with or without premium, all as shall be determined by  
89 the subdivisions. No less than one-fiftieth (1/50) of the total  
90 issue shall mature during each year during the first five (5)  
91 years of the life of the bonds, and not less than one-twenty-fifth  
92 (1/25) of the total issue shall mature each year during the  
93 succeeding ten-year period of the life of the bonds, and the  
94 remainder shall be divided into approximately equal annual  
95 payments, with payment to be made each year for the remaining life  
96 of the bonds. The bonds shall be executed on behalf of the  
97 subdivisions in the manner provided by law for general obligation  
98 bonds of the respective political subdivisions.

99 No bond shall bear more than one (1) rate of interest; each  
100 bond shall bear interest from its date to its stated maturity date  
101 at the interest rate specified in the bid; all bonds of the same

102 maturity shall bear the same rate of interest from date to  
103 maturity; all interest accruing on the bonds so issued shall be  
104 payable semiannually or annually, except that the first interest  
105 payment may be for any period not exceeding one (1) year.

106 Each interest rate specified in any bid must be in multiples  
107 of one-eighth of one percent ( $1/8$  of 1%) or in multiples of  
108 one-tenth of one percent ( $1/10$  of 1%).

109 The bonds may be issued and sold in one or more series but  
110 the aggregate amount shall not exceed Fifteen Million Dollars  
111 (\$15,000,000.00) outstanding at any one time.

112 Section 6. Before issuing any bonds under the provisions of  
113 Sections 4 and 5 of this act, the subdivisions shall, by  
114 resolution spread upon their respective minutes, declare their  
115 intention to issue the bonds for the purposes authorized by this  
116 act, and shall state in said resolution the amount of bonds  
117 proposed to be issued, and shall likewise fix in the resolution  
118 the date upon which the subdivisions propose to direct the  
119 issuance of the bonds. Notice of such intention shall be  
120 published once a week for at least three (3) consecutive weeks in  
121 a newspaper published or having a general circulation in Forrest  
122 County, Mississippi, with the first publication of the notice to  
123 be made not less than twenty-one (21) days prior to the date fixed  
124 in the resolution declaring the intent to issue the bonds, and the  
125 last publication to be made not more than seven (7) days prior to  
126 the date. If, on or before the date specified in the resolution,  
127 ten percent (10%) of the qualified electors of the subdivision  
128 proposing to issue the bonds shall file a written protest against  
129 the issuance thereof, then an election upon the issuance of the  
130 bonds shall be called and held as provided in this act. If no  
131 protest shall be filed, then the subdivisions may issue the bonds  
132 without an election on the question of the issuance of the bonds  
133 at any time within a period of two (2) years after the date  
134 specified in the resolution. If an election is required by the

135 protest of the appropriate number of qualified electors of the  
136 subdivision, then an election shall be held by the subdivision  
137 under applicable laws. Nothing in this act shall prevent the  
138 subdivision from calling an election, whether required by ten  
139 percent (10%) of the qualified electors or not, in which event it  
140 shall not be necessary to publish the resolution of intent above  
141 described.

142 Section 7. At the election, all qualified electors of the  
143 subdivision may vote and the ballots used in the election shall  
144 have printed thereon a brief statement of the amount and purposes  
145 of the proposed bond issue and the words "FOR THE BOND ISSUE" and  
146 the words "AGAINST THE BOND ISSUE," and the voters shall vote by  
147 placing a cross (X) or check (V) opposite their choice on the  
148 proposition.

149 Section 8. When the results of the election shall have been  
150 canvassed by the election commission of the subdivision, and  
151 certified to the subdivision, it shall be the duty of the  
152 governing officials of the subdivision to determine and adjudicate  
153 whether a majority of the qualified electors residing in the  
154 subdivision and voting in the election voted in favor of the  
155 bonds, failing of which the proposed bond issue shall be declared  
156 as disapproved. If the bond issue shall be approved, the  
157 subdivision may issue the bonds within two (2) years from the date  
158 of the election, or within two (2) years after final favorable  
159 determination of any litigation affecting the issuance of the  
160 bonds at the time or times and in the amount or amounts, not  
161 exceeding that specified in the notice of the election, as shall  
162 be deemed proper by the subdivision.

163 Section 9. The full faith, credit and resources of the  
164 subdivisions shall be irrevocably pledged for the repayment of  
165 bonds and the interest thereon issued by the subdivisions. If the  
166 bonds authorized by Section 4 of this act are issued by only one  
167 (1) of the participating subdivisions, it shall be the duty of the

168 subdivisions annually to levy and collect a special tax upon all  
169 of the taxable property within the subdivisions which shall be  
170 sufficient to provide for the payment of the principal and  
171 interest on the respective bonds issued, according to the terms of  
172 the bonds. If the bonds authorized by Section 4 of this act are  
173 issued by both subdivisions, it shall be the duty of Forrest  
174 County, Mississippi, annually to levy and collect a special tax  
175 upon all the taxable property within the county, exclusive of the  
176 taxable property located within the municipal limits of the City  
177 of Hattiesburg, Mississippi, which shall be sufficient to provide  
178 for the payment of the principal and interest on the bonds issued  
179 by Forrest County, Mississippi, according to the terms thereof;  
180 and it shall be the duty of the City of Hattiesburg, Mississippi,  
181 annually to levy and collect a special tax upon all of the taxable  
182 property within the city which shall be sufficient to provide for  
183 the payment of the principal and interest on the bonds issued by  
184 the City of Hattiesburg, Mississippi, according to the terms  
185 thereof; however, any income derived by the subdivisions from the  
186 sale or lease of the property authorized to be acquired under this  
187 act shall be used first for the payment of any sums authorized  
188 under Section 14 hereof and, secondly, for the retirement of the  
189 bonds authorized to be sold under the foregoing sections of this  
190 act. Further, if the bonds have been heretofore issued, or shall  
191 be hereafter issued, by only one (1) of the participating  
192 subdivisions under the provisions of this act, the other  
193 participating subdivision not issuing the bonds may enter into an  
194 agreement by which it may contribute from any funds available,  
195 including, but not limited to, a levy of a special tax upon all of  
196 the taxable property within said subdivision, sales tax revenues  
197 and funds other than those created by an ad valorem tax levy, to  
198 the bond and interest sinking fund created for the retirement of  
199 such bonds. In addition to the authority stated herein, if bonds  
200 have already been issued, or shall be issued hereafter, by the

201 City of Hattiesburg, in order to secure payment of the bonds,  
202 Forrest County is authorized to enter into an agreement by which  
203 it may contribute to the repayment of the bonds and the interest  
204 thereon through the levy of a special tax imposed only upon all of  
205 the taxable property of the county lying outside the municipal  
206 limits of the City of Hattiesburg.

207 Section 10. The bonds issued under this act shall be exempt  
208 from taxation as provided in Section 57-1-39, Mississippi Code of  
209 1972, and their inclusion in any statutory debt limitation shall  
210 be governed by the laws applicable to the issuance of bonds as  
211 authorized and provided by Section 19-9-5, Mississippi Code of  
212 1972, as it applies to the county, and Section 21-33-303,  
213 Mississippi Code of 1972, as it applies to the City of  
214 Hattiesburg.

215 Section 11. In the event this act is utilized, Forrest  
216 County and the City of Hattiesburg, Mississippi, or both, shall  
217 establish the Forrest County Industrial Park Commission. In the  
218 event the commission is established, it shall receive and hold  
219 title to the property affected by this act subject to the powers  
220 enumerated in Section 14 of this act. The establishment of the  
221 commission shall be by order of the board of supervisors and the  
222 mayor and city council appearing on their official minutes and the  
223 order of each shall be recorded on the minutes of the other.  
224 However, no order shall be required from or recorded as to either  
225 of said political subdivisions not participating in the  
226 establishment. The Industrial Park Commission of the City of  
227 Hattiesburg heretofore created under Chapter 855, Local and  
228 Private Laws of 1978, as amended by Chapter 886, Local and Private  
229 Laws of 1984, as amended by Chapter 886, Local and Private Laws of  
230 1985, shall become and be merged into the Forrest County  
231 Industrial Park Commission created pursuant to this act, and the  
232 Forrest County Industrial Park Commission shall become the  
233 successor in title to all of the assets, properties and

234 liabilities of the Industrial Park Commission of the City of  
235 Hattiesburg.

236         The Forrest County Industrial Park Commission shall consist  
237 of ten (10) members, five (5) of which shall be appointed by the  
238 board of supervisors and five (5) of which shall be appointed by  
239 the mayor and city council. The first members of the Forrest  
240 County Industrial Park Commission shall be appointed for terms of  
241 one (1), two (2), three (3), four (4) and five (5) years. After  
242 the expiration of the terms of the first commissioners, the terms  
243 of office of each commissioner shall be for a period of five (5)  
244 years, and the subdivision that appointed the commissioner whose  
245 term expires shall appoint his successor. Any vacancy of  
246 membership on the Forrest County Industrial Park Commission that  
247 may occur shall be filled by appointment of the named subdivision  
248 appointing the member whose position has been vacated for the  
249 unexpired term.

250         Section 12. The commission shall organize by electing one  
251 (1) of its members to act as chairman and one (1) of its members  
252 to act as secretary. The secretary shall act as treasurer and  
253 shall enter into a surety bond in an amount fixed by the Forrest  
254 County Industrial Park Commission. The secretary shall be  
255 custodian of all funds made available to the commission, and he  
256 and his bond shall be liable for illegal expenditures or wrongful  
257 conversion of these funds. The commission shall annually in  
258 October require a financial audit to be made, a copy of which  
259 shall be placed upon the minutes of the commission.

260         Section 13. Either participating subdivision, in its  
261 discretion, may appropriate such sums as it deems necessary for  
262 the support and maintenance of the Forrest County Industrial Park  
263 Commission.

264         Section 14. The Forrest County Industrial Park Commission  
265 shall be a public agency and shall have all of the powers  
266 necessary or convenient to carry out the purposes for which it is



267 created (excluding the power to levy and collect taxes or special  
268 assessments) including, but not limited to, the power:

269 (a) To sue and be sued, to have a seal and to have  
270 perpetual succession;

271 (b) To execute such contracts and other instruments and  
272 take such other action as may be necessary or convenient to carry  
273 out the purposes of this act;

274 (c) To plan, establish, develop, construct, enlarge,  
275 improve, maintain, equip, operate, regulate and to protect the  
276 industrial park or parks within Forrest County and any building or  
277 structures or other property owned, leased or otherwise acquired  
278 by the commission, including the acquisition, construction,  
279 installation, renovation, equipping, operating and maintaining of  
280 industrial facilities for the procurement of additional industrial  
281 enterprises in said county, and further including the acquisition,  
282 construction, installation, renovation, equipping, operating and  
283 maintaining of property for public facilities or offices or for  
284 all types of research or commercial uses, or both. For such  
285 purposes the commission may by purchase, gift, devise, lease or  
286 otherwise acquire property, real or personal, or any interest  
287 therein for the establishment of an industrial facility or  
288 facilities, public facilities or offices for all types of research  
289 or commercial uses;

290 (d) To subdivide, improve, sell, lease or convey any  
291 real or personal property so acquired for an amount or amounts as  
292 may be determined by the commission to be proper; however, no  
293 sale, lease or conveyance shall be finally concluded unless  
294 approved by the participating subdivisions;

295 (e) In determining the adequacy of the amount or  
296 amounts to be paid for the sale or lease of any real or personal  
297 property, the commission may take into consideration the economic  
298 impact, the increased tax revenues and other benefits to be  
299 received by either or both of the participating subdivisions, or

300 by the general public;

301 (f) To specifically contract with the Area Development  
302 Partnership, the Forrest County Development Foundation or any  
303 similar civic or nonprofit organization to furnish services and  
304 staff in the area of administration, management, marketing,  
305 research, promotion and other similar services.

306 Section 15. The commissioners shall receive no compensation  
307 for their services, but shall be entitled to necessary expenses  
308 incurred in the discharge of their duties, as jointly approved and  
309 equally paid by the participating subdivisions.

310 Section 16. The total expenditures to be made by the  
311 commission shall be as determined by a budget approved by the  
312 participating subdivisions aforesaid on or before the preceding  
313 October 1, or as otherwise specifically authorized by the  
314 subdivisions.

315 Section 17. The acquisition of any land or interest therein  
316 pursuant to this act and the exercise of any other powers granted  
317 in this act are declared to be public and governmental functions.

318 Any property acquired and held by the commission for  
319 industrial purposes pursuant to the provisions of this act and any  
320 income derived by the commission from the ownership or control  
321 thereof shall be exempt from taxation to the same extent as other  
322 property belonging to political subdivisions of this state.

323 Section 18. For the purpose of aiding and cooperating in the  
324 planning, undertaking, construction or operation of the industrial  
325 park, parks or other property owned by the commission pursuant to  
326 the provisions of this act, the county and city may each, upon  
327 such terms, with or without consideration as each may, in its  
328 discretion, determine:

329 (a) Cause water, sewer or drainage facilities, or any  
330 other facilities which it is empowered to provide, to be furnished  
331 adjacent to or in connection with such industrial park, parks or  
332 other property owned by the commission;

333           (b) Furnish, dedicate, close, pave, install, grade,  
334 regrade, plan or replan streets, roads, roadways and walks from  
335 established streets or roads to such industrial park, parks or  
336 other property owned by the commission, and to maintain the same;

337           (c) To assist the Forrest County Industrial Park  
338 Commission to perform any act or function which the commission is  
339 authorized to perform;

340           (d) Levy and collect a tax on all taxable property  
341 within the jurisdiction of the political subdivisions and  
342 appropriate the proceeds thereof for industrial park purposes and  
343 in the execution of all other authorities specified in this  
344 section.

345           Section 19. The authorities and duties contained in Sections  
346 19-9-29, 19-3-47, 57-1-41 and 57-1-43, Mississippi Code of 1972,  
347 shall be applicable to any bonds issued under this act.

348           Section 20. Lands heretofore or hereafter acquired under  
349 this act shall remain exempt from all ad valorem taxation until  
350 and unless sold to a nongovernmental entity.

351           Section 21. Chapter 170, Extraordinary Session of 1969, is  
352 hereby repealed.

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