

By: Jackson

To: Local and Private;
Fees, Salaries and
Administration

SENATE BILL NO. 3344

1 AN ACT TO AMEND CHAPTER 837, LOCAL AND PRIVATE LAWS OF 1984,
2 AS AMENDED, TO EXEMPT CONTRACTS BY THE KEMPER COUNTY ECONOMIC
3 DEVELOPMENT AUTHORITY FOR THE ACQUISITION, PURCHASE, CONSTRUCTION,
4 IMPROVEMENT, EQUIPPING AND FURNISHING OF A PROJECT FROM PUBLIC
5 BIDDING REQUIREMENT; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Chapter 837, Local and Private Laws of 1984, as
8 amended by Chapter 909, Local and Private Laws of 1985, is amended
9 as follows:

10 Section 1. Whenever used in this act, unless a different
11 meaning clearly appears in the context, the following terms,
12 whether used in the singular or plural, shall be given the
13 following meanings:

14 (a) "Authority" shall mean the economic development
15 authority established under the provisions of this act.

16 (b) "Board of supervisors" shall mean the board of
17 supervisors of the county.

18 (c) "Bonds" shall mean debt obligations of the county
19 issued under the provisions of this act, and shall include bonds,
20 notes or other evidences of indebtedness authorized by the board
21 of supervisors.

22 (d) "County" shall mean Kemper County, Mississippi.

23 Section 2. When the Board of Supervisors of Kemper County,
24 the Mayor and Board of Aldermen of the Town of DeKalb, and the
25 Mayor and Board of Aldermen of the Town of Scooba, acting jointly
26 or severally, shall find and determine that the public convenience
27 and necessity require the same, as evidenced by a resolution duly

28 adopted and entered on the official minutes of such governing
29 bodies, they are hereby authorized to establish an economic
30 development authority, to be known as the "Kemper County Economic
31 Development Authority," hereinafter referred to as the
32 "authority." The authority shall be composed of nine (9) resident
33 citizens of such county and be appointed as follows: (a) five (5)
34 members shall be appointed by the board of supervisors, with each
35 supervisor selecting one (1) member from his respective district;
36 (b) the Mayor and Board of Aldermen of the Town of DeKalb shall
37 appoint two (2) members; and (c) the Mayor and Board of Aldermen
38 of the Town of Scooba shall appoint two (2) members. The initial
39 terms of the appointments shall be as follows: (a) the board of
40 supervisors shall appoint one (1) member from each of the
41 respective supervisor districts for terms of two (2) years each;
42 (b) the Town of DeKalb, shall appoint one (1) member for a term of
43 one (1) year and one (1) member for a term of three (3) years; and
44 (c) the Town of Scooba shall appoint one (1) member for a term of
45 one (1) year and one (1) member for a term of three (3) years.
46 All subsequent appointments shall be for a term of three (3)
47 years, and any member so appointed may be reappointed with
48 limitation.

49 Section 3. Before entering upon the duties of office, each
50 member of the authority shall take and subscribe to the oath of
51 office required by Section 268, Mississippi Constitution of 1890,
52 and shall give bond in the sum of Five Thousand Dollars
53 (\$5,000.00), conditioned upon the faithful performance of his
54 duties, such bond to be made payable to and approved by the
55 authority. The members of the authority shall meet at the regular
56 meeting place of the board of supervisors within five (5) days
57 after their initial appointment and shall elect from among their
58 number a chairman, vice chairman and secretary-treasurer of the
59 authority and shall adopt a seal and such bylaws, rules and
60 regulations as may be necessary to govern the time, place and
61 manner for holding subsequent meetings of the authority and for
62 conduct of its business, not inconsistent with the provisions of
63 this act. The authority is hereby authorized to promulgate such
64 reasonable rules and regulations as it shall deem necessary to

65 effectuate the intent and purposes of this act, which are not in
66 contravention of this act or any other law, and is further
67 authorized, in its discretion, to appoint an executive committee
68 to perform certain duties and functions and exercise such power
69 and authority as the authority by duly adopted resolution shall
70 prescribe. The members of the authority shall serve without
71 salary or compensation, but may be reimbursed for actual expenses,
72 including mileage, incurred in the performance of their duties, as
73 authorized by Section 25-3-41, Mississippi Code of 1972.

74 Section 4. The authority is hereby granted the following
75 powers, together with all powers incidental thereto or necessary
76 for the performance of those hereinafter stated, in order to
77 effectuate the purposes of this act:

78 (a) To acquire by gift, purchase or otherwise, and to
79 own, lease, hold, maintain, control and develop, real estate and
80 improvements thereon situated within the county, either within or
81 without the corporate limits of a municipality, for development,
82 use and operation as one or more industrial park complexes,
83 buildings or sites or economic development districts ("projects").

84 (b) To engage in works of internal improvement for said
85 sites, including, but not limited to, construction or contracting
86 for the construction of streets, roads, railroads, site
87 improvements, water, sewerage, drainage, pollution and other
88 related facilities necessary or required for industrial or
89 economic development use and development of projects.

90 (c) To acquire, purchase, install, lease, construct,
91 own, hold, equip, control, maintain, use, operate and repair such
92 structures and facilities as are determined to be necessary and
93 convenient for the planning, development, use, operation and
94 maintenance of projects for industrial or economic development
95 purposes, including, but not limited to, buildings, elevators,
96 compressors, warehouses, air, rail and other transportation
97 terminals and pollution control facilities. In the event the

98 authority takes by gift or otherwise any land, buildings or other
99 tangible assets from any persons, firms or corporations, public or
100 private, the authority may assume all or any part of the
101 liabilities resulting from such acceptance under such terms and
102 conditions as will be in the best interest of the citizens of the
103 county.

104 (d) To borrow money and issue negotiable promissory
105 notes, unsecured or secured by the execution of deeds of trust and
106 mortgages upon any real estate not otherwise encumbered belonging
107 to the authority.

108 (e) To sell, lease, trade, exchange or otherwise
109 dispose of industrial sites and improvements thereon situated
110 within projects to individuals, firms or corporations, public or
111 private, for all types of industrial, commercial and agricultural
112 uses upon such terms and conditions, for such consideration, and
113 with such safeguards as it determines will best promote and
114 protect the public interest, convenience and necessity, and to
115 execute deeds, leases, contracts, easements and other legal
116 instruments necessary or convenient therefor.

117 (f) To fix and prescribe fees, charges and rates for
118 the use of any water, sewerage, pollution or other facilities
119 constructed, owned and operated by the authority in connection
120 with a project and to collect the same from persons, firms and
121 corporations using the same for industrial, commercial or
122 agricultural purposes, except as to rates and charges against
123 common carriers regulated by an agency of the federal government
124 or the Mississippi Public Service Commission.

125 (g) To employ engineers, attorneys, accountants,
126 consultants and such personnel, including professional staff, as
127 may be reasonably necessary to carry out the duties, authority and
128 responsibilities authorized by this act.

129 (h) Any sale or lease of all or part of a project may
130 be executed upon such terms and conditions and for such monetary

131 rental or other consideration as may be found adequate and
132 approved by the authority in orders or resolutions authorizing the
133 same. Any covenants and obligations of lessees or sublessees to
134 make expenditures in determined amounts, and within such time or
135 times, for improvements to be erected on the land owned or
136 otherwise held by the authority, and to conduct thereon
137 industrial, commercial, agricultural or public purpose operations
138 in such aggregate payroll amounts and for such period of time or
139 times as may be determined and defined in such sale or lease, and
140 to give preference in employment where practicable to qualified
141 residents of the county, shall, if included in such sale or lease,
142 constitute and be deemed adequate and sufficient consideration for
143 the execution of any such sale or lease, and no monetary rental or
144 other consideration shall be required; any such instrument may
145 contain reasonable provisions giving the lessee the right to
146 remove its or his improvements upon termination of the lease.

147 (i) The county (the "issuer"), upon the request of the
148 authority, is authorized to issue bonds for the purposes
149 authorized by this act.

150 (j) Contracts for the acquisition, purchase,
151 construction, improvement, equipping and furnishing of a project
152 shall be exempt from the public bidding requirements of Section
153 31-7-13, Mississippi Code of 1972.

154 (k) The enumeration of any specific rights and powers
155 contained in this act, where followed by general powers, shall not
156 be construed in a restrictive sense, but rather in as broad and
157 comprehensive a sense as possible to effectuate the purposes of
158 this act.

159 Section 5. For the purpose of providing funds to defray the
160 cost of acquiring land and the cost of improving the same and
161 construction of improvements thereon, as provided by this act, the
162 board of supervisors is hereby authorized to issue the general
163 obligation bonds of the county in the manner prescribed by this

164 act.

165 Section 6. The aggregate amount of all bonds authorized to
166 be issued under the provisions of this act shall not exceed the
167 principal amount of Fifteen Million Dollars (\$15,000,000.00).

168 Section 7. All bonds issued under the authority of Section 5
169 of this act shall bear interest at such rate or rates not
170 exceeding the rate of interest authorized to be paid by counties
171 on general obligation bonds, shall be in such denomination or
172 denominations, shall mature not more than twenty-five (25) years
173 from date, with or without the right of redemption and with or
174 without premium, and shall be payable, both principal and
175 interest, at such place or places, all as the issuer of the bonds
176 shall determine. All such bonds shall be sold for not less than
177 par value plus accrued interest at public sale in the manner
178 provided by Section 31-19-25, Mississippi Code of 1972. No less
179 than one-fiftieth (1/50) of the total issue shall mature during
180 each year during the first five (5) years of the life of such
181 bonds, and not less than one-twenty-fifth (1/25) of the total
182 issue shall mature each year during the succeeding period of ten
183 (10) years of the life of such bonds, and the remainder shall be
184 divided into approximately equal annual payments, with payment to
185 be made each year for the remaining life of such bonds. Such
186 bonds shall be executed on behalf of the issuer in the manner
187 provided by law for general obligation bonds.

188 No bond shall bear more than one (1) rate of interest; each
189 bond shall bear interest from its date to its stated maturity date
190 at the interest rate specified in the bid; all bonds of the same
191 maturity shall bear the same rate of interest from date to
192 maturity; all interest accruing on such bonds so issued shall be
193 payable semiannually or annually, except that the first interest
194 payment on any such bond may be for any period not exceeding one
195 (1) year.

196 The lowest interest rate specified for any bonds issued shall

197 not be less than seventy percent (70%) of the highest interest
198 rate specified for the same bond issue.

199 Each interest rate specified in any bid must be in multiples
200 of one-eighth of one percent ($1/8$ of 1%) or in multiples of
201 one-tenth of one percent ($1/10$ of 1%). Such bonds may be issued
202 and sold in one or more series.

203 Section 8. Before issuing any bonds under the provisions of
204 Section 5 of this act, the governing body of the issuer shall, by
205 resolution spread upon its minutes, declare its intention to issue
206 such bonds for the purposes authorized by this act and shall state
207 in such resolution the amount of bonds proposed to be issued and
208 shall likewise fix in such resolution the date upon which the
209 issuer proposes to direct the issuance of such bonds. Notice of
210 such intention shall be published once a week for at least three
211 (3) consecutive weeks in a newspaper published or having a general
212 circulation in the county, with the first publication of such
213 notice to be made not less than twenty-one (21) days prior to the
214 date fixed in the resolution declaring the intent to issue such
215 bonds and the last publication to be made not more than seven (7)
216 days prior to such date. If, on or before the date specified in
217 the resolution, twenty percent (20%) or two thousand (2,000),
218 whichever is less, of the qualified electors of the issuer
219 proposing to issue such bonds shall file a written protest against
220 the issuance thereof, then an election upon the issuance thereof
221 shall be called and held as hereby provided. If no such protest
222 shall be filed, then the issuer may issue such bonds without an
223 election on the question of their issuance at any time within a
224 period of two (2) years after the date specified in the
225 resolution. If an election is required by the protest of the
226 appropriate number of qualified electors of the issuer, then an
227 election shall be held by the issuer under applicable laws.
228 Provided, however, that nothing in this act shall prevent such
229 issuer from calling an election, whether required by twenty

230 percent (20%) or two thousand (2,000), whichever is less, of the
231 qualified electors, in which event it shall not be necessary to
232 publish the resolution of intent above described.

233 Section 9. At such election, all qualified electors of the
234 issuer may vote, and the ballots used in such election shall have
235 printed thereon a brief statement of the amount and purposes of
236 the proposed bond issue and the words "FOR THE BOND ISSUE" and
237 "AGAINST THE BOND ISSUE," and the voters shall vote by placing a
238 cross (x) or check (a) opposite their choice on the proposition.

239 Section 10. When the results of any such election shall have
240 been canvassed by the election commission of the issuer and
241 certified, the issuer may issue the bonds if three-fifths (3/5) of
242 the qualified electors who vote in such election vote in favor of
243 the issuance of such bonds. If such bond issue shall be approved,
244 the issuer may issue such bonds within two (2) years from the date
245 of such election or within two (2) years after final favorable
246 determination of any litigation affecting the issuance of such
247 bonds, at such time or times and in such amount or amounts, not
248 exceeding that specified in the notice of the election, as shall
249 be deemed proper by the issuer.

250 Section 11. The full faith, credit and resources of the
251 issuer shall be irrevocably pledged for the repayment of general
252 obligation bonds issued pursuant to Sections 5 through 11 of this
253 act and the interest thereon. It shall be the duty of the issuer
254 annually to levy and collect a special tax upon all of the taxable
255 property within the issuer, which shall be sufficient to provide
256 for the payment of the principal and interest on the respective
257 bonds issued according to the terms thereof; provided, however,
258 not less than seventy percent (70%) of any income derived by the
259 issuer or the authority from the sale or lease of the property
260 authorized to be acquired under this act shall be used for the
261 retirement of the bonds authorized to be sold under the foregoing
262 sections of this act and thirty percent (30%) may be used for

263 further development of projects, for operation and support of the
264 authority, and for other related industrial and economic
265 development activities.

266 Section 12. The bonds issued hereunder shall be exempt from
267 all taxation in the State of Mississippi; however, unless
268 otherwise provided by the general laws of this state, no lessee or
269 purchaser shall be exempt from ad valorem taxes on industrial
270 sites and improvements thereon nor shall purchases required to
271 establish a project and financed by bond proceeds be exempt from
272 taxation in the State of Mississippi. The inclusion of such bonds
273 in any statutory debt limitation shall be governed by the
274 provisions of Sections 19-9-5 and 21-33-303, Mississippi Code of
275 1972.

276 Section 13. All bonds issued under the provisions of this
277 act shall be legal investments for trustees and other fiduciaries,
278 and for savings banks, trust companies and insurance companies
279 organized under the laws of the State of Mississippi, and such
280 bonds shall be legal securities which may be deposited with and
281 shall be received by all public officers and bodies of this state
282 and all municipalities and political subdivisions for the purpose
283 of securing the deposit of public funds.

284 Section 14. The carrying out of the corporate purposes of
285 the authority is in all respects for the benefit of the people of
286 the county and is a public purpose, and the authority will be
287 performing an essential governmental function in the exercise of
288 the powers conferred upon it by this act.

289 Section 15. In addition to any rights, duties and powers now
290 or hereafter conferred upon the governing bodies, the governing
291 bodies, acting jointly or severally, at the request of the
292 authority, are authorized and empowered, in their discretion, to
293 make available all tax revenue in their general funds not
294 otherwise appropriated for the operation and general support of
295 the authority. The board of supervisors may also, in its

296 discretion, levy a tax of not more than two (2) mills on all
297 taxable property in the county for industrial development or to
298 support and maintain the authority; however, any taxes so levied
299 shall not be subject to the limitation on increases in ad valorem
300 taxes established in Section 27-39-321, Mississippi Code of 1972,
301 for the first year of the levy and shall be included within such
302 limitation in any year thereafter.

303 Section 16. The authority, in addition to the monies which
304 may be received by it from the sale of bonds and from the
305 collection of revenues, rents and earnings derived under the
306 provisions of this act, shall have the authority to accept from
307 any public or private agency, or from any individual, grants for
308 or in aid of the construction of any project or for the payment of
309 bonds, and to receive and accept contributions, from any source,
310 of money or property or other things of value to be held, used and
311 applied only for the purposes for which such grants or
312 contributions may be made.

313 Section 17. The Mayor and Board of Aldermen of the Town of
314 DeKalb and the board of supervisors are hereby authorized, in
315 their discretion, by duly adopted resolution to transfer or sell
316 to the authority all or any part of that certain parcel of real
317 property purchased by the Town of DeKalb and the county for the
318 purpose of an industrial park, under such terms and conditions as
319 may be in the best interest of the Town of DeKalb or the county,
320 or as may be required by state or federal law, existing bond
321 resolutions, existing contracts, or other requirements in order to
322 effectuate the intent of this act.

323 Section 18. The authority is hereby authorized to (a) apply
324 for and accept grants and loans on behalf of the governing bodies
325 from the State of Mississippi or the United States of America or
326 any agency thereof; and (b) contract with any agency of the State
327 of Mississippi or the United States of America for the development
328 of the county.

329 Section 19. This act shall be deemed to be full and complete
330 authority for the exercise of the powers herein granted in the
331 county.

332 Section 20. This act shall take effect and be in force from
333 and after its passage.

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