

By: Representatives Smith (39th), Chism

To: Ways and Means

HOUSE BILL NO. 378

1 AN ACT TO AMEND SECTION 57-31-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE AUTHORITY OF CERTAIN COUNTY INDUSTRIAL DEVELOPMENT  
3 AUTHORITIES REGARDING THE CONVEYANCE OF INDUSTRIAL SITES FOR  
4 INDUSTRIAL USE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 57-31-5, Mississippi Code of 1972, is  
7 amended as follows:

8 57-31-5. (1) The industrial development authority is hereby  
9 expressly authorized and empowered to acquire by gift, purchase or  
10 otherwise, and to own, hold, maintain, control and develop real  
11 estate situated within the county, either within or without the  
12 corporate limits of a municipality for development, use and  
13 operation and shall be referred to herein as the "project." The  
14 industrial development authority is further authorized and  
15 empowered to engage in works of internal improvement, including,  
16 but not limited to, construction or contracting for the  
17 construction of streets, roads, railroads, site improvements,  
18 water, sewerage, drainage, pollution and other related facilities  
19 necessary or required for industrial use and development within  
20 the county, and to acquire, purchase, install, lease, construct,  
21 own, hold, equip, control, maintain, use, operate, and repair  
22 other structures and facilities necessary and convenient for the  
23 planning, development, use, operation and maintenance within the  
24 county for industrial purposes, including, but not limited to,  
25 utility installations, elevators, compressors, warehouses, air,  
26 rail, and other transportation terminals and pollution control  
27 facilities.



28           (2) The authority is authorized and empowered to sell,  
29 lease, trade, exchange or otherwise dispose of industrial sites  
30 situated within the county to individuals, firms or corporations,  
31 public or private, for industrial use upon such terms and  
32 conditions for consideration and with safeguards as will best  
33 promote and protect the public interest, convenience and  
34 necessity, and to execute deeds, leases, contracts, easements, and  
35 other legal instruments necessary or convenient.

36           (3) The authority is authorized and empowered to fix and  
37 prescribe fees, charges and rates for the use of any water,  
38 sewerage, pollution or other facilities constructed and operated  
39 within the county and to collect the same from persons, firms and  
40 corporations using the same for industrial purposes.

41           (4) The authority is authorized and empowered to employ  
42 engineers, attorneys, accountants, consultants and such personnel  
43 as shall be reasonably necessary to carry out the duties and  
44 authority authorized by this chapter.

45           (5) The authority is expressly authorized and empowered to  
46 borrow money and issue negotiable promissory notes evidencing the  
47 same under the provisions of Section 57-31-9. In addition to or  
48 in lieu of the pledges authorized in Section 57-31-23, the  
49 authority may secure such notes by the execution of a deed of  
50 trust upon any real estate belonging to the authority not  
51 otherwise encumbered.

52           (6) The enumeration of any specific rights and powers  
53 contained herein, and elsewhere in this chapter, where followed by  
54 general powers, shall not be construed in a restrictive sense, but  
55 rather in as broad and comprehensive a sense as possible to  
56 effectuate the purposes of this chapter.

57           (7) Any such sale, lease, trade, exchange or other  
58 disposition of industrial sites may be made, completed or executed  
59 upon such terms and conditions and for such monetary rental or  
60 other consideration as may be found adequate and approved by the



61 authority in orders or resolutions authorizing the same. Any  
62 covenants and obligations of the grantee or lessee to make  
63 expenditures in determined amounts, and within such time or times,  
64 for improvements to be erected on the land by such grantee or  
65 lessee and to conduct thereon industrial operations in such  
66 aggregate payroll amounts and for such period of time or times as  
67 may be determined by the authority and defined in the transaction  
68 documents, and to give preference in employment where practicable  
69 to qualified residents of the county, shall, if included in such  
70 transaction documents, constitute and be deemed sufficient  
71 consideration for the execution of any such transaction document  
72 in the absence of a monetary rental or other considerations; any  
73 such lease instrument may contain reasonable provisions giving the  
74 lessee the right to remove its or his improvements upon  
75 termination of the lease.

76       **SECTION 2.** This act shall take effect and be in force from  
77 and after its passage.

