

By: Representatives Rotenberry, Hudson,
Moore (60th), Warren, Weathersby

To: Local and Private
Legislation; Ways and Means

HOUSE BILL NO. 1644

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF SIMPSON
2 COUNTY, MISSISSIPPI, TO PURCHASE AND RENOVATE THE BUILDING AND
3 REAL ESTATE FORMERLY OWNED BY WAL-MART STORES WITHIN THE CORPORATE
4 LIMITS OF THE CITY OF MAGEE, AND TO LEASE SPACE IN THE BUILDING TO
5 COPIAH-LINCOLN COMMUNITY COLLEGE AND FOR THE POSSIBLE LOCATION OF
6 AN INCUBATOR INDUSTRY MULTIPURPOSE AREA AND OTHER USES; TO
7 AUTHORIZE THE BOARD OF SUPERVISORS TO PURCHASE OTHER REAL ESTATE
8 AND CONSTRUCT A BUILDING ON THE PROPERTY IF THE WAL-MART PROPERTY
9 IS NO LONGER AVAILABLE FOR PURCHASE; TO AUTHORIZE THE BOARD OF
10 SUPERVISORS TO ISSUE GENERAL OBLIGATION BONDS OF THE COUNTY IN AN
11 AMOUNT NOT TO EXCEED \$2,000,000.00 FOR THE PURCHASE AND RENOVATION
12 OR CONSTRUCTION OF THE BUILDING AND REAL ESTATE; AND FOR RELATED
13 PURPOSES.

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

15 **SECTION 1.** (1) The Board of Supervisors of Simpson County,
16 Mississippi ("board"), may purchase and renovate the building and
17 real estate formerly owned by Wal-Mart Stores in the City of
18 Magee, and purchase equipment, furniture and other furnishings as
19 necessary to equip the building, for the purposes of (a) leasing
20 space in the building to Copiah-Lincoln Community College for
21 classrooms and administrative office space to continue to offer
22 its college courses, which lease may be for a nominal amount, and
23 (b) leasing space for the possible location of an incubator
24 industry multipurpose area, warehouse space or other uses, upon
25 such terms and conditions and for such monetary rental or other
26 consideration that the board deems to be in the best interest of
27 the public.

28 (2) If the building and real estate formerly owned by
29 Wal-Mart Stores in the City of Magee is no longer available for
30 purchase by the county, then the board of supervisors may purchase
31 other real estate in the county and construct a building on the
32 property, and purchase equipment, furniture and other furnishings



33 as necessary to equip the building for the purposes set forth in
34 subsection (1) of this section.

35 (3) The board may issue general obligation bonds of the
36 county, in accordance with the provisions set forth in Sections 3
37 through 11 of this act, for the purposes described in subsection
38 (1) or (2) of this section.

39 (4) The general obligation bonds of the county issued for
40 the purposes of this section shall not exceed Two Million Dollars
41 (\$2,000,000.00).

42 **SECTION 2.** If the building and real estate acquired and
43 renovated or constructed under Section 1 of this act are no longer
44 needed by the county for county purposes, the board may sell or
45 otherwise dispose of the building and real estate on terms and
46 conditions and with safeguards as will best promote and protect
47 the public interest. The board may transfer title or possession
48 to the building and real estate by warranty deed, bill of sale,
49 contract or other customary business instrument in the same manner
50 and to the same extent that any private corporation, association
51 or person may contract with reference to property of a similar
52 nature. Any sale of the building and real estate authorized under
53 this section may be made at public or private sale. All income
54 derived from the sale of the building and real estate may be
55 applied to the retirement of bonds issued under Sections 3 through
56 11 of this act or deposited into the general fund of the county to
57 be used for any lawful purpose.

58 Contracts for the renovation, construction, improvement,
59 equipping or furnishing of the building authorized to be acquired
60 or constructed under Section 1 of this act shall be entered into
61 upon the basis of public bidding under Section 31-7-1 et seq.,
62 Mississippi Code of 1972.

63 **SECTION 3.** Before the issuance of any bonds under the
64 provisions of this act, the board shall adopt a resolution
65 declaring its intention so to do, stating the maximum amount of



66 the bonds proposed to be issued, the purpose for which the bonds
67 are to be issued, and the date upon which the board proposes to
68 authorize the issuance of the bonds. The resolution shall be
69 published once a week for at least three (3) consecutive weeks in
70 at least one (1) newspaper published in the county. The first
71 publication of the resolution shall be made not less than
72 twenty-one (21) days before the date fixed in the resolution to
73 authorize the issuance of the bonds, and the last publication
74 shall be made not more than seven (7) days before that date. If
75 twenty percent (20%) or one thousand five hundred (1,500) of the
76 qualified electors of the county, whichever is the lesser, file a
77 written protest against the issuance of the bonds on or before the
78 date specified in the resolution, then an election on the question
79 of the issuance of the bonds shall be called and held as provided
80 in this act. If no protest is filed, then the bonds may be issued
81 without an election on the question of the issuance thereof at any
82 time within a period of two (2) years after the date specified in
83 the above-mentioned resolution; however, the board, in its
84 discretion, may nevertheless call an election on that question, in
85 which event it shall not be necessary to publish the resolution
86 declaring its intention to issue the bonds as provided in this
87 act.

88 **SECTION 4.** Whenever an election is to be called as provided
89 in Section 3 of this act, notice of the election shall be signed
90 by the clerk of the board of supervisors and shall be published
91 once a week for at least three (3) consecutive weeks in at least
92 one (1) newspaper published in the county. The first publication
93 of notice shall be made not less than twenty-one (21) days before
94 the date fixed for the election, and the last publication shall be
95 made not more than seven (7) days before that date.

96 **SECTION 5.** The election shall be held, as far as is
97 practicable, in the same manner as other elections are held in
98 counties. At the election, all qualified electors of the county



99 may vote, and the ballots used at the election shall have printed
100 thereon a brief statement of the amount and purpose of the
101 proposed bond issue and the words "FOR THE BOND ISSUE" and
102 "AGAINST THE BOND ISSUE," and the voter shall vote by placing a
103 cross (x) or check mark (✓) opposite his choice on the
104 proposition.

105 **SECTION 6.** When the results of the election on the question
106 of the issuance of the bonds shall have been canvassed by the
107 election commissioners of the county and certified by them to the
108 board, it shall be the duty of the board to determine and
109 adjudicate whether or not a majority of the qualified electors who
110 voted thereon in the election voted in favor of the issuance of
111 the bonds, and unless a majority of the qualified electors who
112 voted thereon in the election have voted in favor of the issuance
113 of the bonds, then the bonds shall not be issued. If a majority
114 of the qualified electors who vote thereon in the election vote in
115 favor of the issuance of the bonds, then the board may issue the
116 bonds, whether in whole or in part, within two (2) years after the
117 date of the election or the date of the final favorable
118 termination of any litigation affecting the issuance of the bonds.

119 **SECTION 7.** The general obligation bonds issued under the
120 provisions of this act shall not be considered when computing any
121 limitation of indebtedness set forth in Section 19-9-5,
122 Mississippi Code of 1972. Except as otherwise provided in this
123 act, all bonds issued under the provisions of this act shall be
124 issued and the proceeds managed in accordance with the provisions
125 of Sections 19-9-1 et seq., Mississippi Code of 1972.

126 **SECTION 8.** This act, without reference to any other statute
127 not referred to herein, shall be deemed to be full and complete
128 authority for the borrowing of money and the issuing of bonds as
129 authorized by the board and shall be construed as an additional
130 and alternate method therefor.



131 **SECTION 9.** Any bonds issued under the provisions of this act
132 shall be validated in the manner provided by law.

133 **SECTION 10.** No member of the Legislature, elected official
134 or appointed official, or any partner or associate of any member
135 of the Legislature, elected official or appointed official, shall
136 derive any income from the issuance of any bonds under this act.

137 **SECTION 11.** The board is further authorized to adopt any and
138 all lawful resolutions, orders or ordinances and do and perform
139 any and all acts and things necessary and requisite to carry out
140 the purposes of this act.

141 **SECTION 12.** The Board of Supervisors of Simpson County,
142 Mississippi, shall submit this act, immediately upon approval by
143 the Governor, or upon approval by the Legislature subsequent to a
144 veto, to the Attorney General of the United States or to the
145 United States District Court for the District of Columbia in
146 accordance with the provisions of the Voting Rights Act of 1965,
147 as amended and extended.

148 **SECTION 13.** If this act is effectuated under Section 5 of
149 the Voting Rights Act of 1965, as amended and extended, then this
150 act shall take effect and be in force from and after the date it
151 is effectuated under Section 5 of the Voting Rights Act of 1965,
152 as amended and extended.

