

By: Representative Eakes

To: Local and Private
Legislation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1652

1 AN ACT TO AMEND CHAPTER 885, LOCAL AND PRIVATE LAWS OF 1983,
2 TO CLARIFY THE AUTHORITY OF THE NESHOPA COUNTY INDUSTRIAL
3 DEVELOPMENT AUTHORITY WITH RESPECT TO THE PROMOTION OF ECONOMIC
4 DEVELOPMENT WITHIN THE COUNTY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Chapter 885, Local and Private Laws of 1983, is
7 amended as follows:

8 Section 1. When the Board of Supervisors of Neshoba County
9 shall find and determine that the public convenience and necessity
10 requires the same, as evidenced by a resolution duly adopted and
11 entered on the official minutes of such board, it shall establish
12 an industrial development authority, to be known as the Industrial
13 Development Authority of Neshoba County, hereinafter "authority."
14 The authority shall be composed of seven (7) resident citizens of
15 such county, one (1) from each supervisor's district, who shall be
16 qualified electors therein, and two (2) appointed from the county
17 at large by the board of supervisors of such county. The initial
18 members of the board shall serve terms as follows: two (2)
19 members shall be appointed for terms of one (1) year, two (2) for
20 terms of two (2) years, one (1) for a term of three (3) years, one
21 (1) for a term of four (4) years and one (1) for a term of five
22 (5) years. Thereafter all members shall serve terms of five (5)
23 years.

24 Section 2. Before entering upon the duties of the office,
25 each member of such authority shall take and subscribe the oath of
26 office required by Section 268, Mississippi Constitution of 1890,
27 and shall give bond in the sum of Five Thousand Dollars
28 (\$5,000.00), conditioned upon the faithful performance of his



29 duties, such bond to be made payable to Neshoba County and to be
30 approved by the board of supervisors of said county. The members
31 of such authority shall meet at the regular meeting place of the
32 Board of Supervisors of Neshoba County within five (5) days after
33 the members are initially appointed and shall elect from among
34 their number a president, vice president and secretary-treasurer
35 of the authority and shall adopt a seal and such bylaws, rules and
36 regulations as may be necessary to govern the time, place and
37 manner for holding subsequent meetings of the authority and for
38 conduct of its business, not inconsistent with the provisions of
39 this act. The members of the authority shall serve without salary
40 or compensation, provided however, that their actual expenses
41 incurred in the performance of their duties may be reimbursed,
42 including mileage as authorized by law for state employees.

43 Section 3. (1) The Industrial Development Authority of
44 Neshoba County is hereby expressly authorized and empowered to
45 acquire by gift, purchase, lease or otherwise, and to own, hold,
46 maintain, control and develop real estate situated within such
47 county, either within or without the corporate limits of a
48 municipality for development, use and operation as one or more
49 industrial park complexes or other economic development purposes
50 referred to herein as "projects," and is further authorized and
51 empowered to engage in works of internal improvement therefor,
52 including, but not limited to, construction or contracting for the
53 construction of streets, roads, railroads, site improvements,
54 water, sewerage, drainage, pollution and other related facilities
55 necessary or required for industrial or economic development use
56 and development of such projects, and to acquire, purchase,
57 install, lease, construct, own, hold, equip, control, maintain,
58 use, operate and repair other structures, buildings and facilities
59 necessary and convenient for the planning, development, use,
60 operation and maintenance of such projects for industrial or
61 economic development purposes, including, but not limited to,



62 utility installations, elevators, compressors, warehouses, air,
63 rail and other transportation terminals, pollution control
64 facilities and buildings. If the authority takes by gift or
65 otherwise any land, buildings or other tangible assets from any
66 persons, firms or corporations, public or private, the authority
67 may assume all or any part of the liabilities resulting from such
68 acceptance under such terms and conditions as will be in the best
69 interest of the citizens of Neshoba County.

70 (2) The authority is authorized and empowered to sell,
71 lease, trade, exchange or otherwise dispose of industrial sites
72 and improvements situated in such projects to individuals, firms
73 or corporations, public or private, for all types of industrial,
74 commercial and agricultural uses upon such terms and conditions
75 for such consideration and with such safeguards as will best
76 promote and protect the public interest, convenience and
77 necessity, and to execute deeds, leases, contracts, easements and
78 other legal instruments necessary or convenient therefor.

79 (3) Contracts for the acquisition, purchase, construction,
80 improvement, equipping, furnishing, leasing and/or selling of a
81 project and improvements thereon as authorized in this act shall
82 be entered into upon the basis of public bidding pursuant to
83 Section 31-7-1 et seq., Mississippi Code of 1972.

84 (4) The authority is authorized and empowered to fix and
85 prescribe fees, charges and rates for the use of any water,
86 sewerage, pollution or other facilities constructed and operated
87 in connection with said industrial park and to collect the same
88 from persons, firms and corporations using the same for
89 industrial, commercial or agricultural purposes, except as to
90 rates and charges against common carriers regulated by an agency
91 of the federal government or the Mississippi Public Service
92 Commission.

93 (5) The authority is authorized and empowered to employ
94 engineers, attorneys, accountants, consultants and such personnel



95 as shall be reasonably necessary to carry out the duties and
96 powers authorized by this chapter.

97 (6) The authority is expressly authorized and empowered to
98 borrow money and to issue negotiable promissory notes evidencing
99 the same under the provisions of Sections 4 through 10 of this
100 act, and in addition to or in lieu of the pledges authorized in
101 Section 10 of this act, the authority may secure such notes by the
102 execution of a deed of trust upon any real estate belonging to
103 such authority not otherwise encumbered.

104 (7) The authority may take all actions and expend funds of
105 the authority as are necessary for the promotion of economic
106 development in Neshoba County, including, but not limited to,
107 efforts to develop, promote and/or expand existing businesses and
108 industries; attracting and promoting new businesses and
109 industries; promoting tourism; and all actions determined by the
110 authority to be necessary to promote agribusiness, manufacturing
111 and tourism within Neshoba County which are not prohibited by law.

112 (8) The enumeration of any specific rights and powers
113 contained herein, and elsewhere in this act, where followed by
114 general powers, shall not be construed in a restrictive sense, but
115 rather in as broad and comprehensive a sense as possible to
116 effectuate the purposes of this act.

117 * * * Any sale or lease of all or part of a project may be
118 executed upon such terms and conditions and for such monetary
119 rental or other consideration as may be found adequate and
120 approved by the authority in orders or resolutions authorizing the
121 same. Any covenants and obligations of the lessee to make
122 expenditures in determined amounts, and within such time or times,
123 for improvements to be erected on the land by such lessee and to
124 conduct thereon industrial operations in such aggregate payroll
125 amounts and for such period of time or times as may be determined
126 and defined in such lease, and to give preference in employment
127 where practicable to qualified residents of the county in which



128 any such project is situated, shall, if included in such lease,
129 constitute and be deemed sufficient consideration for the
130 execution of any such lease in the absence of a monetary rental or
131 other considerations; any such instrument may contain reasonable
132 provisions giving the lessee the right to remove its or his
133 improvements upon termination of the lease.

134 (9) If no bonds are issued under the authority of Sections 4
135 through 10 of this act the board of supervisors upon request of
136 the Industrial Development Authority is authorized to issue bonds,
137 the principal of and interest on which shall be payable solely out
138 of the revenue derived from the sale, operation and leasing of a
139 project. The terms, conditions, forms and laws applicable to such
140 bonds shall be as provided in Sections 57-3-11 through 57-3-23,
141 Mississippi Code of 1972.

142 Section 4. For the purpose of providing funds to defray the
143 expense of acquiring land and the expense of improving the same,
144 and construction or improvements thereon, as provided by this act,
145 the Board of Supervisors of Neshoba County is hereby authorized to
146 issue general obligation bonds of such county, in a manner
147 prescribed by this act.

148 Section 5. The aggregate amount of all bonds authorized to
149 be issued under the provisions of this act shall be subject to the
150 twenty percent (20%) limitation on indebtedness for counties
151 imposed by Section 19-9-5, Mississippi Code of 1972 * * *.

152 Section 6. All bonds issued under the authority of Section 4
153 of this act shall bear interest at such rate or rates not
154 exceeding the rate of interest authorized to be paid by counties,
155 shall be in such denomination or denominations, shall be payable,
156 both principal and interest, at such place or places, and shall
157 mature at such time or times, all as the Board of Supervisors of
158 Neshoba County shall determine, but no bonds shall mature more
159 than twenty-five (25) years from the date of issuance thereof. All
160 such bonds shall be sold for not less than par value plus accrued



161 interest at public sale in the manner provided by Section
162 31-19-25, Mississippi Code of 1972. No less than one-fiftieth
163 (1/50) of the total issue shall mature during each year during the
164 first five (5) years of the life of such bonds, and not less than
165 one-twenty-fifth (1/25) of the total issue shall mature each year
166 during the succeeding period of ten (10) years of the life of such
167 bonds, and the remainder shall be divided into approximately equal
168 annual payments, with payment to be made each year for the
169 remaining life of such bonds. Such bonds shall be executed on
170 behalf of Neshoba County in the manner provided by law for general
171 obligation bonds of counties. The interest to accrue on such
172 bonds on and prior to the respective maturity dates thereof shall
173 be represented by interest coupons to be attached to such bonds,
174 which shall be payable semiannually and which coupons shall be
175 executed by the facsimile signatures of the appropriate officers
176 of Neshoba County.

177 No bond shall bear more than one (1) rate of interest; each
178 bond shall bear interest from its date to its stated maturity date
179 at the interest rate specified in the bid; all bonds of the same
180 maturity shall bear the same rate of interest from date to
181 maturity; all interest accruing on such bonds so issued shall be
182 payable semiannually or annually, except that the first interest
183 coupon attached to such bond may be for any period not exceeding
184 one (1) year.

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

190 Each interest rate specified in any bid must be in multiples
191 of one-eighth of one percent (1/8 of 1%) or in multiples of
192 one-tenth of one percent (1/10 of 1%).

193 Such bonds may be issued and sold in one (1) or more series.



194 Section 7. Before issuing any bonds under the provisions of
195 Section 4 of this act, the Board of Supervisors of Neshoba County
196 shall, by resolution spread upon its minutes, declare its
197 intention to issue such bonds for the purposes authorized by this
198 act, and shall state in said resolution the amount of bonds
199 proposed to be issued, and shall likewise fix in said resolution
200 the date upon which such county proposes to direct the issuance of
201 such bonds. Notice of such intention shall be published once a
202 week for at least three (3) consecutive weeks in a newspaper
203 published or having a general circulation in Neshoba County,
204 Mississippi, with the first publication of such notice to be made
205 not less than twenty-one (21) days prior to the date fixed in the
206 resolution declaring the intent to issue such bonds, and the last
207 publication to be made not more than seven (7) days prior to such
208 date. The advertisement shall be no less than one-fourth (1/4)
209 page in size and the type used shall be no smaller than eighteen
210 (18) point and surrounded by a one-fourth-inch solid black border.
211 If, on or before the date specified in the resolution, twenty
212 percent (20%) or fifteen hundred (1500), whichever is less, of the
213 qualified electors of the county proposing to issue such bonds
214 shall file a written protest against the issuance thereof, then an
215 election upon the issuance thereof shall be called and held as
216 hereby provided. If no such protest shall be filed, then the
217 county may issue such bonds without an election on the question of
218 the issuance thereof at any time within a period of two (2) years
219 after the date specified in the resolution. If an election is
220 required by the protest of the appropriate number of qualified
221 electors of the county, then an election shall be held by such
222 county under applicable laws. Provided, however, that nothing in
223 this act shall prevent such county from calling an election on
224 such question, in which event it shall not be necessary to publish
225 the resolution of intent above described.



226 Section 8. At such election, all qualified electors of the
227 county may vote and the ballots used in such election shall have
228 printed thereon a brief statement of the amount and purposes of
229 the proposed bond issue and the words "FOR THE BOND ISSUE" and the
230 words "AGAINST THE BOND ISSUE," and the voters shall vote by
231 placing a cross (X) or check (V) opposite their choice on the
232 proposition.

233 Section 9. When the results of any such election shall have
234 been canvassed by the election commission of the county, and
235 certified, the board of supervisors may issue the bonds if
236 three-fifths (3/5) of the qualified electors who vote in such an
237 election vote in favor of the issuance of such bonds. If said
238 bond issue shall be approved the county may issue said bonds
239 within two (2) years from the date of such election, or within two
240 (2) years after final favorable determination of any litigation
241 affecting the issuance of such bonds at such time or times and in
242 such amount or amounts, not exceeding that specified in the notice
243 of the election, as shall be deemed proper by the county.

244 Section 10. The full faith, credit and resources of Neshoba
245 County shall be irrevocably pledged for the repayment of bonds
246 issued pursuant to Sections 4 through 10 of this act and the
247 interest thereon. It shall be the duty of the county annually to
248 levy and collect a special tax upon all of the taxable property
249 within said county which shall be sufficient to provide for the
250 payment of the principal and interest on the respective bonds
251 issued according to the terms thereof; provided, however, of any
252 income derived by the county from the sale or lease of the
253 property authorized to be acquired under this act, ninety percent
254 (90%) shall be used for the retirement of the bonds authorized to
255 be sold under the foregoing sections of this act, and ten percent
256 (10%) may be used for further development of the project or
257 projects.



258 Section 11. The bonds authorized by this act and the income
259 therefrom shall be exempt from all taxation in the State of
260 Mississippi; however, unless otherwise provided by the general
261 laws, any lessee or purchaser shall not be exempt from ad valorem
262 taxes on industrial sites and improvements thereon nor shall
263 purchases required to establish the project and financed by bond
264 proceeds be exempt from taxation in the State of Mississippi.

265 Section 12. All bonds issued under the provisions of this
266 act shall be legal investments for trustees and other fiduciaries,
267 and for savings banks, trust companies and insurance companies
268 organized under the laws of the State of Mississippi, and such
269 bonds shall be legal securities which may be deposited with and
270 shall be received by all public officers and bodies of this state
271 and all municipalities and political subdivisions for the purpose
272 of securing the deposit of public funds.

273 Section 13. The carrying out of the corporate purposes of
274 the authority is in all respects for the benefit of the people of
275 Neshoba County and is a public purpose, and the authority will be
276 performing an essential governmental function in the exercise of
277 the powers conferred upon it by this act.

278 Section 14. The authority, in addition to the moneys which
279 may be received by it from the sale of bonds and from the
280 collection of revenues, rents and earnings derived under the
281 provisions of this act, shall have the authority to accept from
282 any public or private agency, or from any individual, grants for
283 or in aid of the construction of any project, or for the payment
284 of bonds, and to receive and accept contributions from any source,
285 of money or property or other things of value to be held, used and
286 applied only for the purposes for which such grants or
287 contributions may be made.

288 Section 15. This act shall be deemed to be full and complete
289 authority for the exercise of the powers herein granted, but this
290 act shall not be deemed to repeal or to be in derogation of any



291 existing law of this state whereunder projects of the character
292 herein defined may be constructed or financed.

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

