

By: Senator(s) King, Farris, Harvey

To: Local and Private;
Finance

SENATE BILL NO. 3020
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE CITY OF HATTIESBURG, MISSISSIPPI, AND
2 FORREST COUNTY, MISSISSIPPI, TO ACT JOINTLY FOR THE DEVELOPMENT OR
3 IMPROVEMENT OF VARIOUS FACILITIES FOR THE BENEFIT OF TOURISM,
4 ECONOMIC DEVELOPMENT AND COMMERCE IN THE CITY OF HATTIESBURG,
5 FORREST COUNTY, AND ON THE CAMPUS OF THE UNIVERSITY OF SOUTHERN
6 MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF BONDS AND AUTHORIZE AN
7 ELECTION ON THE QUESTION OF ISSUANCE OF THE BONDS; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The following terms as used in this act shall
11 have the meanings herein ascribed unless the context otherwise
12 clearly requires:

13 (a) "City" means the City of Hattiesburg, Mississippi.

14 (b) "County" means Forrest County, Mississippi.

15 (c) "University" means the University of Southern
16 Mississippi.

17 (d) "Bond" or "bonds" means bonds, notes or any other
18 evidence of indebtedness or financial obligation, direct or
19 indirect, of the city, county, and/or the Educational Building
20 Corporation issued pursuant to this act.

21 (e) "Governing body" means the Board of Supervisors of
22 Forrest County, the City Council of the City of Hattiesburg, or
23 the Board of Directors of the University of Southern Mississippi
24 Educational Building Corporation, as applicable.

25 (f) "Educational Building Corporation" means the
26 University of Southern Mississippi Educational Building
27 Corporation, a public nonprofit corporation formed pursuant to
28 Section 37-101-61, Mississippi Code of 1972.

29 (g) "Local government unit" means the city and the
30 county, acting jointly or severally, as the case may be.



31 **SECTION 2.** It is hereby declared that the public policy and
32 welfare of the state, the local government units, the university
33 and the Educational Building Corporation demand:

34 (a) That for the benefit of the people of the state,
35 the local government units and the university, it is essential to
36 foster and promote the issuing of bonds by the local government
37 units acting jointly or severally.

38 (b) That the bonds to be issued pursuant to this act
39 shall be of any type permissible to be issued by any city, county
40 or Educational Building Corporation without limitation.

41 (c) That the purposes of the bonds issued under this
42 act are for the development of new or improvements to existing
43 facilities which may reasonably result in tourism growth, economic
44 development benefits and increased commerce for the university,
45 city and/or county.

46 (d) That the projects contemplated under this act are
47 to provide economic development benefits, including, but not
48 limited to, industry, distribution, commerce, tourism, general
49 welfare, and other purposes in which the public purpose and
50 interest of the people of the state, the local government units
51 and the university are served.

52 (e) That costs and revenues connected with a project
53 should both be shared by the local government units as defined by
54 this act.

55 (f) That the authority granted under this act and the
56 purposes to be accomplished hereby are proper governmental and
57 public purposes and that the resulting economic benefits to the
58 state, the local government units and the university are of
59 paramount importance, mandating that the provisions of this act be
60 liberally construed and applied in order to advance the public
61 purposes.



62 **SECTION 3.** For the purposes set forth in Section 2 of this
63 act, the local government units, acting jointly or severally,
64 shall be authorized:

65 (a) To cooperate and coordinate with each other, the
66 university and the Educational Building Corporation in the
67 issuance of bonds for the purposes set forth in Section 2 of this
68 act by enabling them to cooperate and contract among each other to
69 share costs associated with a project as provided in this act.

70 (b) To issue, from time to time, negotiable bonds of
71 the city, and/or county for the purposes set forth in Section 2 of
72 this act, and to pay for or share in the costs of issuing the
73 bonds (including bond insurance, credit enhancements, rating
74 agency fees and legal fees and expenses) and the payment of debt
75 service for such bonds, in any manner as the local government
76 units shall agree in writing. Any such bonds so issued may be
77 secured by and the principal of, premium, if any, and interest on
78 any such bonds shall be repaid from, any available revenues of a
79 local government unit (regardless of which local government unit
80 is the issuer of such bonds) as such local government unit shall
81 agree, including, without limitation, tax revenues generated
82 pursuant to the existing or future authority granted to the city
83 and/or county by law, and any such other security or revenue
84 source as shall be provided by the city or county, as applicable.

85 (c) To adopt any and all lawful resolutions, orders or
86 ordinances; execute and deliver such agreements, contracts,
87 indentures and certificates; and to perform any and all other acts
88 and things necessary and requisite to issue the bonds and carry
89 out the purposes of this act.

90 **SECTION 4.** All bonds issued pursuant to this act may be
91 executed and delivered at any time and, from time to time, may be
92 in such form and denominations, may be of such tenor, may be
93 payable in such installments and at such time or times not
94 exceeding forty (40) years from their date, may be payable at such



95 place or places, may bear interest at such rate or rates payable
96 at such place or places and evidenced in such manner, and may
97 contain such provisions not inconsistent herewith, all as may be
98 provided by resolution of local government units' governing
99 boards. The bonds issued by any local government unit pursuant to
100 this act shall be signed by the chairman or president of its
101 governing board or other chief executive officer and attested by
102 its secretary or clerk, and the seal of such local government unit
103 shall be affixed thereto. Any such bonds may be sold at public or
104 private sale in such manner and, from time to time, as may be
105 determined by the governing board to be most advantageous, and any
106 participating local government unit, or the participating local
107 government units acting jointly, may pay all expenses, premiums
108 and commissions which the governing boards, as applicable, may
109 deem necessary or advantageous in connection with the
110 authorization, sale and issuance thereof. All such bonds shall be
111 construed to be negotiable instruments, despite the fact that they
112 may be payable solely from a specified source.

113 **SECTION 5.** The local government units may appropriate funds
114 for the purposes of this act and in the manner prescribed by law
115 without regard to whether the development or improvements
116 authorized by this act to be financed by such debt or
117 appropriation are located within or without the boundaries of a
118 local government unit. Revenues derived from any improvement or
119 development financed with bonds issued pursuant to this act may be
120 pledged in whole or in part to secure payment of the bonded
121 indebtedness incurred to finance the improvement or development.

122 **SECTION 6.** Any power, authority or responsibility exercised
123 or capable of being exercised by a local government unit may be
124 exercised and carried out jointly with any other local government
125 unit, any state board, agency or commission and any public agency
126 of the United States, to the extent that such joint exercise or
127 enjoyment is authorized by law. Any joint undertaking entered



128 into under this act shall be evidenced by written contractual
129 agreements for joint or cooperative action to provide support
130 (financial or otherwise), services and facilities pursuant to the
131 provisions of this act, including, without limitation, joint or
132 cooperative pledging of security and/or any available revenues for
133 the payment of any bonds issued by a local governmental unit under
134 this act. If one (1) of the local government units shall have
135 authority to undertake a particular project or pursue a particular
136 action with respect to such project, then any other local
137 government unit participating in a project pursuant to this act
138 shall have identical authority to do so. Any agreements entered
139 into under this act by a local government unit may be for any term
140 as such local government unit shall agree, including for a term
141 concurrent with the final maturity of any bonds issued by a local
142 governmental unit pursuant to this act. No local government unit
143 shall be precluded from participating in the financing of a
144 project pursuant to this act solely because the local government
145 unit acting alone would not otherwise have the authority to
146 participate.

147 **SECTION 7.** Any bonds issued pursuant to this act and the
148 income therefrom including any profit made on the sale thereof,
149 and all fees, charges, gifts, grants, revenues, receipts and other
150 monies received, pledged to pay or secure the payment of such
151 bonds shall at all times be free from taxation of every kind by
152 the state and by the municipalities and all other political
153 subdivisions of the state.

154 **SECTION 8.** The local government units are authorized to
155 cooperate, coordinate and contract with the university, the
156 Educational Building Corporation, economic development
157 commissions, tourism commissions, convention commissions,
158 authorities, districts, travel, and other similar commissions and
159 boards, or other similar agencies of other states, the federal
160 government, and with county, municipal and regional economic



161 development, travel, tourism and other similar commissions or
162 boards, or other agencies thereof, and other political
163 subdivisions of this state, for the purposes of this act as set
164 forth in Section 2, and to derive revenues to participate in
165 financing projects hereunder.

166 (a) This act, without reference to any other statute
167 not referred to herein, shall be deemed to be full and complete
168 authority for the borrowing of money and the issuing of bonds as
169 authorized by the governing authorities and shall be construed as
170 an additional and alternate method therefor.

171 (b) The powers and authority granted and set forth in
172 this act shall be additional and supplemental to any other powers
173 and authority granted by law and shall not amend, repeal or
174 supersede any other powers and authority granted by law.

175 **SECTION 9.** (1) Before the issuance of any bonds under the
176 provisions of this act, the governing body of any local government
177 unit proposing to issue bonds shall adopt a resolution declaring
178 its intention to do so, stating the maximum amount of bonds
179 proposed to be issued, the purpose for which the bonds are to be
180 issued, and the date upon which the governing body proposes to
181 direct the issuance of the bonds. The resolution shall be
182 published once a week for at least three (3) consecutive weeks in
183 at least one (1) newspaper published in Forrest County. The first
184 publication of the resolution shall be made not less than
185 twenty-one (21) days before the date fixed in the resolution to
186 direct the issuance of the bonds, and the last publication shall
187 be made not more than seven (7) days before that date. The
188 publication shall be no less than one-fourth (1/4) page in size
189 and the type used shall be no smaller than eighteen (18) point and
190 surrounded by a one-fourth-inch solid black border. If twenty
191 percent (20%) or one thousand five hundred (1,500) of the
192 qualified electors of the local government unit, whichever is
193 less, file a written protest against the issuance of the bonds on



194 or before the date specified in the resolution, then an election
195 on the question of the issuance of the bonds shall be called and
196 held as provided in this section. If no such protest is filed,
197 then the bonds may be issued without an election on the question
198 of the issuance of the bonds at any time within a period of two
199 (2) years after the date specified in the resolution. However,
200 the governing body of a local government unit, in its discretion,
201 nevertheless may call an election on that question, in which case
202 it shall not be necessary to publish the resolution declaring its
203 intention to issue bonds as provided in this section.

204 (2) Where an election is to be called as provided in this
205 section, notice of the election shall be signed by the clerk of
206 the governing body of the local government unit, and shall be
207 published once a week for at least three (3) consecutive weeks in
208 at least one (1) newspaper published in Forrest County. The first
209 publication of the notice shall be made not less than twenty-one
210 (21) days before the date fixed for the election, and the last
211 publication shall be made not more than seven (7) days before that
212 date. The notice shall be no less than one-fourth (1/4) page in
213 size and the type used shall be no smaller than eighteen (18)
214 point and surrounded by a one-fourth-inch solid black border.

215 (3) The election shall be held, as far as is practicable, in
216 the same manner as other elections are held in the local
217 government unit. At the election, all qualified electors of the
218 local government unit may vote, and the ballots used at the
219 election shall have printed on them a brief statement of the
220 amount and purpose of the proposed bond issue and the words "FOR
221 THE BOND ISSUE" and "AGAINST THE BOND ISSUE", and the voter shall
222 vote by placing a cross (x) or check mark (✓) opposite his or her
223 choice on the proposition.

224 (4) When the results of the election on the question of the
225 issuance of the bonds has been canvassed by the election
226 commissioners of the local government unit and certified by them



227 to the governing body of the local government unit, it shall be
228 the duty of the governing body to determine and adjudicate whether
229 or not a majority of the qualified electors who voted thereon in
230 such election voted in favor of the issuance of the bonds, and
231 unless a majority of the qualified electors who voted therein in
232 the election have voted in favor of the issuance of the bonds,
233 then the bonds shall not be issued. If a majority of the
234 qualified electors who vote thereon in the election vote in favor
235 of the issuance of the bonds, then the governing body of the local
236 government unit may issue the bonds, either in whole or in part,
237 within two (2) years after the date of the election or the date of
238 the final favorable termination of any litigation affecting the
239 issuance of the bonds.

240 **SECTION 10.** Any bonds issued under the provisions of this
241 act may be validated in the manner provided by law.

242 **SECTION 11.** No member of the Legislature, elected or
243 appointed official, or any partner or associate of any member of
244 the Legislature, elected or appointed official, shall derive any
245 income from the issuance of any bonds under this act contrary to
246 the provisions of Section 109, Mississippi Constitution of 1890,
247 or Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

248 **SECTION 12.** This act shall stand repealed on July 1, 2007.

249 **SECTION 13.** The governing authorities of the City of
250 Hattiesburg, Mississippi, and the Board of Supervisors of Forrest
251 County, Mississippi, shall submit this act, immediately upon
252 approval by the Governor, or upon approval by the Legislature
253 subsequent to a veto, to the Attorney General of the United States
254 or to the United States District Court for the District of
255 Columbia in accordance with the provisions of the Voting Rights
256 Act of 1965, as amended and extended.

257 **SECTION 14.** If this act is effectuated under Section 5 of
258 the Voting Rights Act of 1965, as amended and extended, then this
259 act shall take effect and be in force from and after the date it



260 is effectuated under Section 5 of the Voting Rights Act of 1965,
261 as amended and extended.

