MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003
By: Senator(s) Williamson
To: Local and Private

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3025

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

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

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

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

Section 2. Before entering upon the duties of the office, each member of such authority shall take and subscribe the oath of office required by Section 268, Mississippi Constitution of 1890, and shall give bond in the sum of Five Thousand Dollars ($5,000.00), conditioned upon the faithful performance of his
duties, such bond to be made payable to Neshoba County and to be approved by the board of supervisors of said county. The members of such authority shall meet at the regular meeting place of the Board of Supervisors of Neshoba County within five (5) days after the members are initially appointed and shall elect from among their number a president, vice president and secretary-treasurer of the authority and shall adopt a seal and such bylaws, rules and regulations as may be necessary to govern the time, place and manner for holding subsequent meetings of the authority and for conduct of its business, not inconsistent with the provisions of this act. The members of the authority shall serve without salary or compensation, provided however, that their actual expenses incurred in the performance of their duties may be reimbursed, including mileage as authorized by law for state employees.

Section 3. (1) The Industrial Development Authority of Neshoba County is hereby expressly authorized and empowered to acquire by gift, purchase, lease or otherwise, and to own, hold, maintain, control and develop real estate situated within such county, either within or without the corporate limits of a municipality for development, use and operation as one or more industrial park complexes or other economic development purposes referred to herein as "projects," and is further authorized and empowered to engage in works of internal improvement therefor, including, but not limited to, construction or contracting for the construction of streets, roads, railroads, site improvements, water, sewerage, drainage, pollution and other related facilities necessary or required for industrial or economic development use and development of such projects, and to acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and repair other structures, buildings and facilities necessary and convenient for the planning, development, use, operation and maintenance of such projects for industrial or economic development purposes, including, but not limited to,
utility installations, elevators, compressors, warehouses, air, rail and other transportation terminals, pollution control facilities and buildings. If the authority takes, by gift or otherwise, any land, buildings or other tangible assets from any persons, firms or corporations, public or private, the authority may assume all or any part of the liabilities resulting from such acceptance under such terms and conditions as will be in the best interest of the citizens of Neshoba County.

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

(3) Contracts for the acquisition, purchase, construction, improvement, equipping, furnishing, leasing and/or selling of a project and improvements thereon as authorized in this act shall be entered into upon the basis of public bidding pursuant to Section 31-7-1 et seq., Mississippi Code of 1972. The authority is further authorized, however, to acquire, purchase, construct, improve, lease and sell industrial buildings and land without the necessity of public bidding under Section 31-7-1 et. seq., Mississippi Code of 1972.

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

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

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

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

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

* * * Any sale or lease of all or part of a project may be executed upon such terms and conditions and for such monetary rental or other consideration as may be found adequate and approved by the authority in orders or resolutions authorizing the same. Any covenants and obligations of the lessee to make expenditures in determined amounts, and within such time or times, for improvements to be erected on the land by such lessee and to
conduct thereon industrial operations in such aggregate payroll
amounts and for such period of time or times as may be determined
and defined in such lease, and to give preference in employment
where practicable to qualified residents of the county in which
any such project is situated, shall, if included in such lease,
constitute and be deemed sufficient consideration for the
execution of any such lease in the absence of a monetary rental or
other considerations; any such instrument may contain reasonable
provisions giving the lessee the right to remove its or his
improvements upon termination of the lease.

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

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

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

Section 6. All bonds issued under the authority of Section 4
of this act shall bear interest at such rate or rates not
exceeding the rate of interest authorized to be paid by counties,
shall be in such denomination or denominations, shall be payable,
both principal and interest, at such place or places, and shall
mature at such time or times, all as the Board of Supervisors of Neshoba County shall determine, but no bonds shall mature more than twenty-five (25) years from the date of issuance thereof. All such bonds shall be sold for not less than par value plus accrued interest at public sale in the manner provided by Section 31-19-25, Mississippi Code of 1972. No less than one-fiftieth (1/50) of the total issue shall mature during each year during the first five (5) years of the life of such bonds, and not less than one-twenty-fifth (1/25) of the total issue shall mature each year during the succeeding period of ten (10) years of the life of such bonds, and the remainder shall be divided into approximately equal annual payments, with payment to be made each year for the remaining life of such bonds. Such bonds shall be executed on behalf of Neshoba County in the manner provided by law for general obligation bonds of counties. The interest to accrue on such bonds on and prior to the respective maturity dates thereof shall be represented by interest coupons to be attached to such bonds, which shall be payable semiannually and which coupons shall be executed by the facsimile signatures of the appropriate officers of Neshoba County.

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

No interest payment shall be evidenced by more than one (1) coupon and neither cancelled nor supplemental coupons shall be permitted; the lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue.
Each interest rate specified in any bid must be in multiples of one-eighth of one percent (1/8 of 1%) or in multiples of one-tenth of one percent (1/10 of 1%).

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

Section 7. Before issuing any bonds under the provisions of Section 4 of this act, the Board of Supervisors of Neshoba County shall, by resolution spread upon its minutes, declare its intention to issue such bonds for the purposes authorized by this act, and shall state in said resolution the amount of bonds proposed to be issued, and shall likewise fix in said resolution the date upon which such county proposes to direct the issuance of such bonds. Notice of such intention shall be published once a week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in Neshoba County, Mississippi, with the first publication of such notice to be made not less than twenty-one (21) days prior to the date fixed in the resolution declaring the intent to issue such bonds, and the last publication to be made not more than seven (7) days prior to such date. If, on or before the date specified in the resolution, twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county proposing to issue such bonds shall file a written protest against the issuance thereof, then an election upon the issuance thereof shall be called and held as hereby provided. If no such protest shall be filed, then the county may issue such bonds without an election on the question of the issuance thereof at any time within a period of two (2) years after the date specified in the resolution. If an election is required by the protest of the appropriate number of qualified electors of the county, then an election shall be held by such county under applicable laws. Provided, however, that nothing in this act shall prevent such county from calling an election on such question, in which event it shall not be necessary to publish the resolution of intent above described.
Section 8. At such election, all qualified electors of the county may vote and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed bond issue and the words "FOR THE BOND ISSUE" and the words "AGAINST THE BOND ISSUE", and the voters shall vote by placing a cross (X) or check (✓) opposite their choice on the proposition.

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

Section 10. The full faith, credit and resources of Neshoba County shall be irrevocably pledged for the repayment of bonds issued pursuant to Sections 4 through 10 of this act and the interest thereon. It shall be the duty of the county annually to levy and collect a special tax upon all of the taxable property within said county which shall be sufficient to provide for the payment of the principal and interest on the respective bonds issued according to the terms thereof; provided, however, of any income derived by the county from the sale or lease of the property authorized to be acquired under this act, ninety percent (90%) shall be used for the retirement of the bonds authorized to be sold under the foregoing sections of this act, and ten percent (10%) may be used for further development of the project or projects.
Section 11. The bonds authorized by this act and the income therefrom shall be exempt from all taxation in the State of Mississippi; however, unless otherwise provided by the general laws, any lessee or purchaser shall not be exempt from ad valorem taxes on industrial sites and improvements thereon nor shall purchases required to establish the project and financed by bond proceeds be exempt from taxation in the State of Mississippi.

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

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

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

Section 15. This act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this act shall not be deemed to repeal or to be in derogation of any
existing law of this state whereunder projects of the character
herein defined may be constructed or financed.

SECTION 2. This act shall take effect and be in force from
and after its passage, and shall stand repealed on July 1, 2004.