

By: Representative Perkins

To: Local and Private
Legislation

HOUSE BILL NO. 3

1 AN ACT TO AUTHORIZE LOWNDES COUNTY, MISSISSIPPI, TO ISSUE
2 INDUSTRIAL DEVELOPMENT GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
3 FINANCING AND/OR REFINANCING THE COSTS OF ACQUIRING CERTAIN REAL
4 PROPERTY LOCATED IN LOWNDES COUNTY AND MAKING IMPROVEMENTS THERETO
5 TO BE USED FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE COUNTY; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** It is hereby determined and declared that for the
9 benefit of the people of Lowndes County, Mississippi, and the
10 surrounding area, the increase of their commerce, welfare and
11 prosperity, and the improvement and maintenance of their living
12 conditions, that the Board of Supervisors of Lowndes County be
13 granted the authority to issue industrial development general
14 obligation bonds of such county for the purposes of and as
15 hereinafter provided in this act.

16 **SECTION 2.** As used in this act, the following words shall
17 have the meanings ascribed herein unless the context clearly
18 requires otherwise:

19 (a) "Authority" means the Lowndes County Industrial
20 Development Authority or any successor thereto.

21 (b) "Bond" or "bonds" means bonds, notes or other
22 evidences of indebtedness, including refunding bonds, of the
23 county issued, in one or more series, from time to time, pursuant
24 to this act.

25 (c) "Costs of the project" shall include the following:

26 (i) The cost of acquiring the property, including
27 the cost of the purchase thereof or the cost of any option to
28 purchase the property, the cost of engineering, legal and related
29 services; the cost of the preparation of studies, surveys and all

30 other expenses necessary or incident to the acquisition of the
31 property;

32 (ii) All costs of site preparation and other
33 start-up costs; all costs of construction; all costs of fixtures
34 and of real and personal property required for the purposes of the
35 project and facilities related thereto, whether publicly or
36 privately owned, including land and any rights or undivided
37 interest therein, easements, franchises, fees, permits, approvals,
38 licenses, and certificates and the securing of such permits,
39 approvals, licenses, and certificates and all machinery and
40 equipment, including motor vehicles which are used for project
41 functions; costs of construction, expansion and improvement of
42 utilities through and serving the property; acquisition of any
43 certificates of need and/or public convenience for the provision
44 of water and/or other utilities; any cost associated with the
45 closure, post-closure maintenance or corrective action on
46 environmental matters, wetlands mitigation, financing charges and
47 interest prior to and during construction and during such
48 additional period as the county may reasonably determine to be
49 necessary; costs of engineering, surveying, environmental
50 geotechnical, architectural and legal services; costs of plans and
51 specifications and all expenses necessary or incident to
52 determining the feasibility or practicability of the project;
53 administrative expenses; and such other expenses as may be
54 necessary or incidental to the financing authorized in this act.
55 The costs of the project may also include funds for the creation
56 of a debt service reserve, a renewal and replacement reserve, bond
57 insurance and credit enhancement, and such other reserves as may
58 be reasonably required by the county and as may be authorized by
59 any bond resolution or trust agreement or indenture pursuant to
60 the provisions of which the issuance of any such bonds may be
61 authorized. Any obligation or expense incurred for any of the
62 foregoing purposes shall be regarded as a part of the costs of the

63 project and may be paid or reimbursed as such out of the proceeds,
64 of bonds issued under this act for such project, or from other
65 revenues obtained by the county;

66 (iii) The cost of reimbursing the county, the
67 authority or any other public or private entity for costs
68 incurred, directly or indirectly, in connection with the project,
69 including retiring any outstanding indebtedness now or hereafter
70 incurred by the county, the authority or any public or private
71 entity in connection with the acquisition of the property, and any
72 other costs authorized hereunder incurred in connection with the
73 project, any interest or other financing charges, such as premiums
74 or prepayment penalties, if any, and interest accrued prior to the
75 reimbursement of such costs; and

76 (iv) Any and all costs paid or incurred in
77 connection with the financing and/or refinancing of costs of the
78 project, including, but not limited to, the costs incurred in
79 connection with the sale and issuance of bonds pursuant hereto.

80 (d) "County" means Lowndes County, Mississippi.

81 (e) "Governing body" means the Board of Supervisors of
82 Lowndes County, Mississippi.

83 (f) "Project" means the financing or refinancing of the
84 acquisition of the property and improvements related directly or
85 indirectly thereto for use for an economic development project to
86 be located in the county and as also described in Section
87 57-75-5(f)(xxii).

88 (g) "Property" means certain real property, located in
89 Lowndes County, Mississippi, purchased or to be purchased by the
90 county or the authority to be used for an economic development
91 project to be located in the county and as also described in
92 Section 57-75-5(f)(xxii).

93 (h) "State" means the State of Mississippi.

94 **SECTION 3.** The county is hereby authorized to issue its
95 industrial development general obligation bonds in an aggregate

96 principal amount not to exceed Fifteen Million Dollars
97 (\$15,000,000.00) to finance all or a portion of the costs of the
98 project.

99 **SECTION 4.** The total principal amount of bonds issued
100 pursuant to the provisions of this act, exclusive of bonds issued
101 to provide for the refunding of outstanding bonds, shall not
102 exceed Fifteen Million Dollars (\$15,000,000.00).

103 **SECTION 5.** Any bonds issued pursuant to this act shall be
104 general obligations of the county, and the full faith and credit
105 of the county shall be pledged to the payment of the principal of,
106 redemption premium, if any, and interest on the bonds.

107 **SECTION 6.** (1) The bonds shall be dated, shall bear
108 interest at such rate or rates, shall mature at such time or times
109 in either serial or term form or both not exceeding thirty (30)
110 years from their date, and may be made redeemable prior to
111 maturity at such price or prices and upon such terms and
112 conditions as may be determined by the county; shall be in such
113 form and denomination or denominations and payable at such place
114 or places, either within the state or without the state, and may
115 be authenticated in such manner, as the county may determine by
116 resolution. The bonds shall be executed on behalf of the county
117 by the manual or facsimile signature of the president of its
118 governing body and shall be countersigned by the manual or
119 facsimile signature of its chancery clerk. In cases where any
120 officer whose signature or a facsimile of whose signature shall
121 appear on any bonds shall cease to be such officer before the
122 delivery of and payment for such bonds, such signature or such
123 facsimile shall nevertheless be valid and sufficient for all
124 purposes the same as if such officer had remained in office until
125 such delivery and payment. The bonds may be issued in book entry
126 or in fully registered form, or any combination, or may be payable
127 to a specific person, as the county may determine, and provision
128 may be made for the conversion from one form to another.

129 (2) The county shall sell its bonds at such price or prices
130 as it shall determine, at public or private sale.

131 (3) All bonds issued pursuant to the provisions of this act
132 shall be excepted from any limitations of indebtedness prescribed
133 by any special or general law and such bonds shall not be
134 considered indebtedness of the county in applying said limitations
135 of indebtedness.

136 **SECTION 7.** (1) Any bonds at any time outstanding under this
137 act may, at any time and from time to time, be refunded by the
138 county by the issuance of its refunding bonds in such amount as
139 the governing body may deem necessary, but not exceeding:

140 (a) The principal amount of the bonds being refunded;

141 (b) Applicable redemption premiums, if any, thereon;

142 (c) Unpaid interest on such bonds to be refunded to the
143 date or delivery or exchange of the refunding bonds;

144 (d) In the event the proceeds from the sale of the
145 refunding bonds are to be deposited in trust as hereafter
146 provided, interest to accrue on such bonds to be refunded from the
147 date of delivery of the refunding bonds to the date of maturity or
148 to a redemption date of the bonds to be refunded; and

149 (e) Expenses, premiums and commissions deemed by the
150 governing body to be necessary in connection with the issuance of
151 the refunding bonds.

152 (2) Any such refunding may be effected, whether the bonds to
153 be refunded shall have then matured or shall thereafter mature,
154 either by exchange of the refunding bonds for the bonds to be
155 refunded thereby with the consent of the holders of the bonds to
156 be so refunded, or by sale of the refunding bonds and application
157 of the proceeds thereof to the payment of the bonds to be refunded
158 thereby, and regardless of whether or not the bonds to be refunded
159 were issued in connection with the same projects or separate
160 projects, and regardless of whether or not the bonds proposed to

161 be refunded shall be payable on the same date or on different
162 dates or shall be due serially or otherwise.

163 (3) The principal proceeds from the sale of any refunding
164 bonds shall be applied only as follows:

165 (a) To the immediate payment and retirement of the
166 bonds being refunded; or

167 (b) To the extent not required for the immediate
168 payment of the bonds being refunded, then such proceeds shall be
169 deposited in trust to provide for the payment and retirement of
170 the bonds being refunded and to pay any expenses incurred in
171 connection with such refunding, but may also be used to pay
172 interest on the refunding bonds prior to the retirement of the
173 bonds being refunded. Money in any such trust fund may be
174 invested in direct obligations of, or obligations the principal of
175 and interest on which are guaranteed by, the United States of
176 America, or in certificates of deposit issued by a bank or trust
177 company located in the state if such certificates shall be secured
178 by a pledge of any of said obligations having an aggregate market
179 value, exclusive of accrued interest, equal at least to the
180 principal amount of the certificates so secured. Nothing herein
181 shall be construed as a limitation on the duration of any deposit
182 in trust for the retirement of bonds being refunded but which
183 shall not have matured and which shall not be presently
184 redeemable.

185 **SECTION 8.** Prior to the issuance of any bonds under the
186 provisions of this act, the governing body of the county shall
187 adopt a resolution declaring its intention so to do, stating the
188 amount of bonds proposed to be issued, and the date upon which
189 such governing body proposes to direct the issuance of such bonds.
190 Such resolution shall be published once a week for at least three
191 (3) consecutive weeks in a newspaper published in the county. The
192 first publication of such resolution shall be made not less than
193 twenty-one (21) days prior to the date fixed in such resolution to

194 direct the issuance of the bonds and the last publication shall be
195 made not more than seven (7) days prior to such date.

196 Notwithstanding anything herein to the contrary, any resolution of
197 intention adopted by the county prior to the effective date of
198 this act pursuant to the provisions of Sections 19-5-99 or
199 19-9-11, Mississippi Code of 1972, as amended, published as
200 required pursuant to such code section or sections and otherwise
201 meeting the requirements of such code section or sections,
202 provided such resolution conforms to this act and the debt
203 authorized by such resolution has not been issued, shall be
204 sufficient to satisfy the notice requirements of this section.

205 **SECTION 9.** Bonds issued under the provisions of this act
206 shall be legal investments for commercial banks, savings and loan
207 associations and insurance companies organized under the laws of
208 the state.

209 **SECTION 10.** The bonds authorized by this act and the income
210 therefrom, and the revenues derived therefrom, shall be exempt
211 from all income taxation in the state.

212 **SECTION 11.** Any bonds issued under the provisions of this
213 act may be validated in the manner provided by law.

214 **SECTION 12.** This act, without reference to any other
215 statute, shall be deemed to be full and complete authority for the
216 issuance of the aforesaid bonds, and shall be construed as an
217 additional and alternative method therefor, and none of the
218 present restrictions, requirements, conditions or limitations of
219 law applicable to the issuance or sale of bonds, notes or other
220 obligations by counties or municipalities in this state shall
221 apply to the issuance and sale of bonds under this act, and no
222 proceedings shall be required for the issuance of such bonds other
223 than those provided for and required herein, and all powers
224 necessary to be exercised in order to carry out the provisions of
225 this act, are hereby conferred.

226 **SECTION 13.** The county is further authorized and empowered
227 to adopt any and all lawful resolutions, orders and/or ordinances;
228 to execute such documents, contracts, leases, certificates and
229 indentures; and to do and perform any and all acts and things
230 necessary and requisite to carry out the purposes of this act.

231 **SECTION 14.** This act shall take effect and be in force from
232 and after its passage.