

By: Senator(s) Brown, Pickering

To: Local and Private;  
Finance

## SENATE BILL NO. 2002

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



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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

**SECTION 8.** Prior to the issuance of any bonds under the provisions of this act, the governing body of the county shall adopt a resolution declaring its intention so to do, stating the amount of bonds proposed to be issued, and the date upon which such governing body proposes to direct the issuance of such bonds. Such resolution shall be published once a week for at least three (3) consecutive weeks in a newspaper published in the county. The first publication of such resolution shall be made not less than 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 Section 19-5-99 or 19-9-11,  
199 Mississippi Code of 1972, as amended, published as required  
200 pursuant to such code section or sections and otherwise meeting  
201 the requirements of such code section or sections, provided such  
202 resolution conforms to this act and the debt authorized by such  
203 resolution has not been issued, shall be sufficient to satisfy the  
204 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.

