

By: Representative White

To: Ways and Means

HOUSE BILL NO. 1106

1 AN ACT TO AMEND SECTION 19-5-99, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY ECONOMIC DEVELOPMENT DISTRICT TO SELL OR LEASE REAL  
3 PROPERTY TO THE STATE OF MISSISSIPPI IF SUCH PROPERTY IS OWNED BY  
4 THE DISTRICT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-5-99, Mississippi Code of 1972, is  
7 amended as follows:

8 19-5-99. (1) Subject to the provisions of Section 19-9-111,  
9 the board of supervisors of any county in the State of  
10 Mississippi, in its discretion, by order duly entered on its  
11 minutes, may establish economic development districts comprising  
12 all of the county, or one or more supervisors districts of the  
13 county, or may establish such economic development districts in  
14 cooperation with one or more other counties or with municipalities  
15 or with other local and private economic development groups. The  
16 board of supervisors may do everything within its power to secure  
17 and further industrial development of the county or counties or  
18 district, to advertise the natural resources and possibilities of  
19 the same, and to maintain and support the same.



20 All monies collected for the support and maintenance of such  
21 economic development district, in accordance with the tax levy  
22 provided in Section 19-9-111, shall be placed in the county  
23 treasury to the credit of the county or district economic  
24 development fund and shall be expended as other public funds are  
25 expended, and in which event the employees of such economic  
26 development district shall be employees of the county and  
27 considered as such. In addition to such funds provided by  
28 taxation, the board of supervisors of such county may accept  
29 gifts, gratuities and donations from municipalities in such  
30 districts and from any persons, firms or corporations desiring to  
31 make such donations. Such appropriation, gift or donation shall  
32 also be placed in the county treasury and be expended in the  
33 support and maintenance of such district.

34 At the option of such board of supervisors, or boards of  
35 supervisors if more than one (1) county is embraced in such  
36 economic development district, it may provide for the management  
37 of such economic development district by appointing not more than  
38 twenty-five (25) nor less than five (5) trustees, or if a  
39 multicounty district not more than five (5) trustees per  
40 participating county, who shall be qualified electors residing  
41 within such economic development district, to manage the affairs  
42 of such district, and in which event the funds made available by  
43 the county or counties for the support and maintenance of such  
44 economic development district may be expended by a majority vote



45 of such trustees so appointed to manage such economic development  
46 district. Each trustee who is an officer of the economic  
47 development district shall qualify by giving bond, with sufficient  
48 surety, to be payable, conditioned and approved as provided by  
49 law, in a penalty equal to Fifty Thousand Dollars (\$50,000.00),  
50 the premiums on all such surety bonds being paid by such economic  
51 development district. If this option is exercised and such  
52 districts operated and maintained under this paragraph, then in  
53 such event the employees of such economic development district  
54 shall not be considered as employees of the county for state  
55 retirement or any other purposes.

56 All funds secured and expended under the provisions of this  
57 section shall be public funds and the Auditor of Public Accounts  
58 of the State of Mississippi shall audit the same as other public  
59 funds are now audited.

60 Notwithstanding any provision of this section to the  
61 contrary, the board of supervisors of a county having therein an  
62 economic development district established under this section or  
63 any other law and the governing authorities of any municipality  
64 located within the economic development district in such county  
65 may enter into a contract providing for the contribution of funds  
66 by the municipality or other local and private economic  
67 development groups to the economic development district and  
68 providing for the appointment by the municipal governing  
69 authorities or other local and private economic development groups



70 of a number of trustees, as determined by the parties to the  
71 contract, to assist in the management of the district. In like  
72 manner, any economic or industrial development foundation or  
73 private economic development group may enter into a contract with  
74 the board of supervisors of the county or jointly with the board  
75 of supervisors of the county and municipal governing authorities  
76 providing for the contribution of funds by the economic or  
77 industrial development foundation or private economic development  
78 group to the economic development district and providing for the  
79 appointment by the officials or governing board of the foundation  
80 of a number of trustees, as determined by the parties to the  
81 contract, to assist in the management of the district.

82 (2) Any economic development district established under this  
83 section may, when suitable office space is not otherwise  
84 available, purchase and acquire title to real estate within the  
85 district and make any improvements thereon to provide the office  
86 space it considers necessary for efficient operation of such  
87 district. Provided, however, that no contract or agreement for  
88 the exclusive listing, sale or representation for sale of publicly  
89 owned property shall be entered into by such economic development  
90 districts with any real estate broker or brokers.

91 (3) (a) Any economic development district established under  
92 this section shall have the authority to acquire by gift, purchase  
93 or otherwise, and to own, hold, maintain, control and develop real  
94 estate situated within the county or counties comprising such



95 district for the development, use and operation of industrial  
96 parks or other industrial development purposes. The district is  
97 further authorized and empowered to engage in works of internal  
98 improvement therefor including, but not limited to, construction  
99 or contracting for the construction of streets, roads, railroads,  
100 spur tracks, site improvements, water, sewerage, drainage,  
101 pollution control and other related facilities necessary or  
102 required for industrial development purposes or the development of  
103 industrial park complexes; to acquire, purchase, install, lease,  
104 construct, own, hold, equip, control, maintain, use, operate and  
105 repair other structures and facilities necessary and convenient  
106 for the planning, development, use, operation and maintenance of  
107 an industrial park or parks or for other industrial development  
108 purposes, including, but not limited to, utility installations,  
109 elevators, compressors, warehouses, buildings and air, rail and  
110 other transportation terminals and pollution control facilities.

111 (b) Contracts for the construction, improvement,  
112 equipping or furnishing of an industrial site and improvements  
113 thereon as authorized in this section shall be entered into upon  
114 the basis of public bidding under Section 31-7-1 et seq.

115 (4) For the development of such projects, the board of  
116 supervisors of any county that establishes an economic development  
117 district under this section or that establishes an economic  
118 development district in cooperation with one or more other  
119 counties, or municipalities or other local and private economic



120 groups, may, upon receipt of a resolution duly adopted by the  
121 trustees of such district, issue, secure and manage its bonds in  
122 the manner prescribed by Sections 19-9-5, 19-9-7, 19-9-9, 19-9-11,  
123 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23, 19-9-25 and  
124 19-9-29. Such bonds shall be sold in accordance with the  
125 provisions of Section 31-19-25. The full faith, credit and  
126 resources of the county shall be irrevocably pledged for the  
127 payment of the principal of and interest on the bonds issued under  
128 this section. Any income derived from the sale or lease of the  
129 property authorized to be acquired under this section shall be  
130 applied in one or more of the following manners: (a) the  
131 retirement of bonds authorized to be issued under this section;  
132 (b) further improvement or development of such industrial parks or  
133 other related industrial development activities; or (c) payment  
134 into the general fund of the county to be used for any lawful  
135 purpose. Any amounts so paid into the general fund shall be  
136 included in the computation of total receipts and subject to the  
137 restrictions of Section 27-39-321. The board of supervisors may  
138 covenant with or for the benefit of the registered owners of any  
139 bonds issued under this section with respect to the application of  
140 any or all of such income and shall, by resolution adopted before  
141 or promptly after receipt of any such income, determine, in its  
142 discretion subject only to the restrictions set forth above and  
143 any covenants made to or for the benefit of any registered owners



144 of bonds issued under this section, the manner in which such  
145 income shall be applied.

146 The bonds authorized by this section and the income therefrom  
147 shall be exempt from all taxation in the State of Mississippi;  
148 however, any lessee or purchaser shall not be exempt from ad  
149 valorem taxes on industrial sites and improvements thereon unless  
150 otherwise provided by the general laws of this state, and  
151 purchases required to establish the project and financed by bond  
152 proceeds shall not be exempt from taxation in the State of  
153 Mississippi.

154 (5) Economic development districts established under this  
155 section are authorized and empowered:

156 (a) To sell, lease, trade, exchange or otherwise  
157 dispose of industrial sites or rail lines situated within  
158 industrial parks to individuals, firms or corporations, public or  
159 private, for industrial and warehouse use upon such terms and  
160 conditions, and for such considerations, with such safeguards as  
161 will best promote and protect the public interest, convenience and  
162 necessity, and to execute deeds, leases, contracts, easements and  
163 other legal instruments necessary or convenient therefor. Any  
164 industrial lease may be executed by the district upon such terms  
165 and conditions and for such monetary rental or other  
166 considerations as may be found to be in the best interest of the  
167 public, upon an order or resolution being spread upon the minutes  
168 of the district authorizing same.



169 (b) To sue and be sued in their own name.

170 (c) To fix and prescribe fees, charges and rates for  
171 the use of any water, sewerage, pollution control or other  
172 facilities constructed and operated in connection with an  
173 industrial park or parks and to collect same from persons, firms  
174 and corporations using the same for industrial, warehouse and  
175 related purposes and are further empowered to deny or terminate  
176 such services for nonpayment of \* \* \* the fees, charges or rates  
177 by the users of \* \* \* the services.

178 (d) To employ engineers, attorneys, accountants,  
179 consultants, licensed real estate brokers and appraisers, and such  
180 executive and administrative personnel as shall be reasonably  
181 necessary to carry out the duties and authority authorized by this  
182 section with funds available for such purposes. Such districts  
183 may also contribute money directly to the development and cost of  
184 operation of any industrial development foundation or other  
185 private economic development group in the county.

186 (e) To sell or lease real property to the State of  
187 Mississippi, if the property is owned by an economic development  
188 district.

189 (6) Any county board of supervisors authorized to issue  
190 bonds under this section is hereby authorized, either separately  
191 or jointly with the governing authority of any municipality within  
192 the county, to acquire, enlarge, expand, renovate or improve an  
193 existing building or buildings located in the county or



194 municipality and to issue bonds for such purpose in the manner  
195 provided by this section.

196 (7) Economic development districts established under the  
197 provisions of a local and private act enacted before July 1, 1997,  
198 are authorized and empowered to employ engineers, attorneys,  
199 accountants, consultants, licensed real estate brokers and  
200 appraisers, and such executive and administrative personnel as  
201 shall be reasonably necessary to carry out the duties and  
202 authority authorized by this section, or by such local and private  
203 act, with funds available for such purposes.

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

209 **SECTION 2.** This act shall take effect and be in force from  
210 and after July 1, 2018.

