

By: Representative Lamar

To: Ways and Means

## HOUSE BILL NO. 1897

1 AN ACT TO AUTHORIZE THE BOARDS OF SUPERVISORS OF TATE,  
2 PANOLA, LAFAYETTE AND YALOBUSHA COUNTIES TO CREATE THE NORTHWEST  
3 REGIONAL ALLIANCE (NWRA) FOR THE PURPOSE OF ENGAGING IN ECONOMIC  
4 DEVELOPMENT PROJECTS IN THOSE COUNTIES; TO AUTHORIZE THE BOARDS OF  
5 SUPERVISORS OF THOSE COUNTIES TO LEVY A SPECIAL AD VALOREM TAX AND  
6 TO ISSUE GENERAL OBLIGATION BONDS TO CARRY OUT THE PROVISIONS OF  
7 THIS ACT; TO PROVIDE THAT THE AUTHORITY GRANTED TO THE NWRA UNDER  
8 THIS ACT IS SUPPLEMENTAL TO ANY OTHER AUTHORITY GRANTED BY LAW TO  
9 A REGIONAL ECONOMIC DEVELOPMENT ENTITY COMPRISED OF THE SAME  
10 COUNTIES; TO BRING FORWARD SECTIONS 57-64-1 THROUGH 57-64-31,  
11 MISSISSIPPI CODE OF 1972, WHICH ARE THE REGIONAL ECONOMIC  
12 DEVELOPMENT ACT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
13 FORWARD SECTION 27-39-321, MISSISSIPPI CODE OF 1972, WHICH  
14 PRESCRIBES PROPERTY TAX INCREASE LIMITATIONS, FOR PURPOSES OF  
15 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 19-9-5, MISSISSIPPI  
16 CODE OF 1972, WHICH PRESCRIBES LIMITATIONS ON A COUNTY'S BONDED  
17 INDEBTEDNESS, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED  
18 PURPOSES.

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

20 **SECTION 1.** (1) The Boards of Supervisors of Tate, Panola,  
21 Lafayette and Yalobusha Counties are authorized to form the  
22 Northwest Regional Alliance (NWRA) for the purpose of engaging in  
23 economic development projects in those counties.

24 (2) For purposes of this act, the terms "NWRA" and  
25 "alliance" mean the Northwest Regional Alliance created under this  
26 section.



(3) The Boards of Supervisors of Tate, Panola, Lafayette and Yalobusha Counties each are authorized and empowered to levy a tax pursuant to Section 2 of this act or issue bonds pursuant to Section 3 of this act, or both, for the purpose of engaging in economic development projects of the NWRA, including land acquisition, road construction or improvements, and infrastructure development. The boards of supervisors of those counties each are authorized and empowered: to adopt any and all lawful resolutions, orders and/or ordinances; to execute such documents, contracts, leases, certificates and indentures; and to do and perform any and all acts and things not otherwise prohibited by law which are necessary, useful or convenient to aid and cooperate with the mission of the NWRA. Further, the boards of supervisors of those counties may appropriate funds to the NWRA from any available funds to assist the NWRA in carrying out the provisions of this act.

**SECTION 2.** (1) In addition to any other authority granted by law, the Boards of Supervisors of Tate, Panola, Lafayette and Yalobusha Counties may levy a special ad valorem tax annually in an amount not to exceed two (2) mills on all taxable property within their county to carry out the provisions of this act. A tax levied pursuant to this section shall be in addition to all other tax levies provided by law. Any millage imposed pursuant to this section must be excluded from the ten percent (10%) increase limitation under Section 27-39-321, Mississippi Code of 1972, and



any other limitation on the increase of ad valorem taxes. The taxes levied pursuant to this section may be levied only for specific purposes and must cease to be levied when the debt of the cooperative is eliminated for the specific purpose for which it was levied.

(2) Before the special ad valorem tax authorized by this section may be imposed or increased after it initially is imposed, the board of supervisors of the county that desires to impose or increase the tax must adopt a resolution declaring its intention to levy the tax and setting forth the amount of the tax or its intention to increase the tax setting forth the amount of the increase. Notice of the proposed tax or increase must be published once each week for at least three (3) consecutive weeks in a newspaper having a general circulation in the county. The first publication of the notice must be made not less than twenty-one (21) days before the date fixed in the resolution on which the tax is to be imposed or increased, and the last publication of the notice must be made not more than seven (7) days before such date.

**SECTION 3.** In addition to any other authority granted by law, the Boards of Supervisors of Tate, Panola, Lafayette and Yalobusha Counties each may issue general obligation bonds of such counties for the purposes of this act. Each county is authorized to issue its general obligation bonds in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000.00) to



77 finance a portion of the costs of a project. Any bonds issued  
78 under this act shall not constitute an indebtedness within the  
79 meaning of any constitutional or statutory limitation or  
80 restriction as to the amount of debt which may be incurred by the  
81 county.

82 **SECTION 4.** The powers and authority granted to the NWRA  
83 under this act are supplemental to, and may be exercised  
84 concurrently with, any other powers and authority that may be  
85 granted by law to any regional economic development entity  
86 comprised of Tate, Panola, Lafayette and Yalobusha Counties.

87 **SECTION 5.** Section 57-64-1, Mississippi Code of 1972, is  
88 brought forward as follows:

89 57-64-1. This chapter may be cited as the "Regional Economic  
90 Development Act."

91 **SECTION 6.** Section 57-64-3, Mississippi Code of 1972, is  
92 brought forward as follows:

93 57-64-3. It is hereby declared that the state's public  
94 welfare demands, and the state's public policy requires:

95 (a) That for the benefit of the people of the State of  
96 Mississippi, it is essential to foster and promote the issuing of  
97 bonds by local government units jointly or severally, including  
98 any joint bond issuance with a county, parish or other foreign  
99 political subdivision in another state.



100 (b) That the bonds to be issued pursuant to this  
101 chapter shall be of any type permissible to be issued by any local  
102 government unit without limitation.

103 (c) That the purposes of the bonds issued under this  
104 chapter are for acquiring land and/or acquiring or constructing  
105 buildings, fixtures, machinery, equipment, infrastructure,  
106 utilities, port or airport facilities, roads, railroad spurs and  
107 other related projects that have or will provide a  
108 multijurisdictional benefit.

109 (d) That the projects contemplated under this chapter  
110 are to provide economic development benefits, including, but not  
111 limited to, industry, distribution, commerce, tourism, healthcare  
112 and other purposes in which the public purpose and interest of the  
113 people of the state is served.

114 (e) That costs and revenues connected with a project  
115 should both be shared by the members of the alliance created  
116 pursuant to this chapter.

117 (f) That the authority granted under this chapter and  
118 the purposes to be accomplished hereby are proper governmental and  
119 public purposes and that the resulting economic benefits to the  
120 state are of paramount importance, mandating that the provisions  
121 of this chapter be liberally construed and applied in order to  
122 advance the public purposes.

123 **SECTION 7.** Section 57-64-5, Mississippi Code of 1972, is  
124 brought forward as follows:



57-64-5. It is the purpose of this chapter to permit local government units of the state to make the most efficient use of their powers and resources by enabling them to cooperate and to contract with other local government units, including foreign governmental units from another state, on a basis of mutual advantage, to share the costs of and revenues derived from a project, and to pledge revenue from a project to secure payment of the bonds issued for the project, and thereby provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and economic development of the local government units.

**SECTION 8.** Section 57-64-7, Mississippi Code of 1972, is brought forward as follows:

57-64-7. For the purposes of this chapter, the following words shall be defined as herein provided unless the context requires otherwise:

(a) "Alliance" means a regional economic development alliance created under this chapter.

(b) "Bond" or "bonds" means bonds, notes or other evidence of indebtedness of the local government unit issued pursuant to this chapter.

(c) "Cost of project" means 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



150 purposes of the project and facilities related thereto, whether  
151 publicly or privately owned, including land and any rights or  
152 undivided interest therein, easements, franchises, fees, permits,  
153 approvals, licenses, and certificates and the securing of such  
154 permits, approvals, licenses, and certificates and all machinery  
155 and equipment, including motor vehicles which are used for project  
156 functions; and including any cost associated with the closure,  
157 post-closure maintenance or corrective action on environmental  
158 matters, financing charges and interest prior to and during  
159 construction and during such additional period as the alliance may  
160 reasonably determine to be necessary for the placing of the  
161 project in operation; costs of engineering, surveying,  
162 environmental geotechnical, architectural and legal services;  
163 costs of plans and specifications and all expenses necessary or  
164 incident to determining the feasibility or practicability of the  
165 project; administrative expenses; and such other expenses as may  
166 be necessary or incidental to the financing authorized in this  
167 chapter. The costs of any project may also include funds for the  
168 creation of a debt service reserve, a renewal and replacement  
169 reserve, bond insurance and credit enhancement, and such other  
170 reserves as may be reasonably required by the alliance for the  
171 operation of its projects and as may be authorized by any bond  
172 resolution or trust agreement or indenture pursuant to the  
173 provisions of which the issuance of any such bonds may be  
174 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 user fees, of revenue bonds or notes issued under this chapter for such project, or from other revenues obtained by the alliance.

(d) "County" means any county of this state.

(e) "Foreign governmental unit" means any county, parish, city, town, village, utility district, school district, any community college, any institution of higher learning, any municipal airport authority, regional airport authority, port authority or any other political subdivision of another state.

(f) "Governing body" means the board of supervisors of any county or the governing board of any city, town or village, the governing body of any utility district, the governing body of any school district or community college, the Board of Trustees of State Institutions of Higher Learning, the governing body of any municipal or regional airport authority, the governing body of any port authority, or the governing body of any other political subdivision of the state. As to the state, the term governing body means the State Bond Commission.

(g) "Holder of bonds" or "bondholder" or any similar term means any person who shall be the registered owner of any such bond or bonds which shall at the time be registered.

(h) "Law" means any act or statute, general, special or local, of this state.





(i) "Local government unit" means any county or incorporated city, town or village in the state, any school district, any utility district, any community college, any institution of higher learning, any municipal airport authority, any regional airport authority, any port authority or any other political subdivision of the state acting jointly or severally.

(j) "MDA" means the Mississippi Development Authority.

(k) "Municipality" means any incorporated municipality in the state.

(l) "Person" means a natural person, partnership, association, corporation, business trust or other business entity.

(m) "Project" means and includes any of the following which promotes economic development or which assists in the creation of jobs, whether publicly or privately owned:

(i) Acquisition, construction, repair, renovation, demolition or removal of:

1. Buildings and site improvements (including fixtures);
2. Potable and nonpotable water supply systems;
3. Sewage and waste disposal systems;
4. Storm water drainage and other drainage systems;
5. Airport facilities;
6. Rail lines and rail spurs;



224 7. Port facilities;  
225 8. Highways, streets and other roadways;  
226 9. Fire suppression and prevention systems;  
227 10. Utility distribution systems, including,  
228 but not limited to, water, electricity, natural gas, telephone and  
229 other information and telecommunications facilities, whether by  
230 wire, fiber or wireless means; provided, however, that electrical,  
231 natural gas, telephone and telecommunication systems shall be  
232 constructed, repaired or renovated only for the purpose of  
233 completing the project and connecting to existing utility systems  
234 (this provision shall not be construed to prevent a city, county  
235 or natural gas district from supplying utility service that it is  
236 authorized to supply in the service area that it is authorized to  
237 serve);  
238 11. Business, industrial and technology parks  
239 and the acquisition of land and acquisition or construction of  
240 improvements to land connected with any of the preceding purposes;  
241 (ii) County purposes authorized by or defined in  
242 Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));  
243 (iii) Municipal purposes authorized by or defined  
244 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301;  
245 (iv) Refunding of bonds as authorized in Section  
246 21-27-1 et seq.; and



(v) A project as defined in Section 57-75-5(f) (i) or a facility related to the project as defined in Section 57-75-5(d), or both.

(n) "Resolution" means a resolution, ordinance, act, record of minutes or other appropriate enactment of a governing body.

(o) "Revenues" mean any and all taxes, fees, rates, rentals, profits and receipts collected by, payable to, or otherwise derived by, the local government units and foreign governmental units, and all other monies and income of whatsoever kind or character collected by, payable to, or otherwise derived by, the local government unit and foreign governmental units in connection with the economic development projects provided through this chapter.

(p) "Security" means a bond, note or other evidence of indebtedness issued by a local government unit pursuant to the provisions of this chapter.

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

**SECTION 9.** Section 57-64-9, Mississippi Code of 1972, is brought forward as follows:

57-64-9. (1) Prior to issuing bonds to finance any proposed project under this chapter, the local government unit shall submit an application to the MDA for a certificate of public convenience and necessity. The application shall be in such form and content as the MDA shall from time to time prescribe.



272           (2) The MDA shall investigate, find and determine, upon  
273 application of any local government unit therefor, as to whether a  
274 certificate of public convenience and necessity shall be issued to  
275 such local government unit to authorize creation of an alliance.  
276 The MDA is authorized and empowered, having due regard to the  
277 promotion of the public policy and the general welfare herein  
278 declared, to issue or refuse to issue a certificate of public  
279 convenience and necessity for the alliance to the local government  
280 unit. The MDA shall issue or refuse to issue the certificate of  
281 public convenience and necessity within six (6) months after it  
282 receives such application. If and when such certificate is  
283 issued, it shall authorize the particular local government unit to  
284 create and operate the alliance but, except as otherwise provided  
285 in subsection (4) of this section, the certificate shall expire  
286 twelve (12) months from its date unless within that time such  
287 alliance shall have been created. Any application rejected may be  
288 resubmitted.

289           (3) If and when a certificate is issued, the MDA therein  
290 shall fix and determine:

291               (a) The extent and amount to which the local government  
292 unit may issue bonds or make expenditures for such alliance;

293               (b) The extent and amount that the revenues derived  
294 from the project shall be shared by the local government unit with  
295 other members of the alliance;



296 (c) The extent and amount that the revenues derived  
297 from the project may be pledged to secure payment of the bonds  
298 issued to finance the project;

299 (d) What property may be acquired therefor;

300 (e) The terms upon which such acquisition may be had;

301 (f) What expenditures may be made; and

302 (g) The construction of buildings and of equipment with  
303 its installation.

304 If the governing body of the local government unit fails or  
305 refuses to follow the requirements made by the MDA in the  
306 certificate, then the members of the governing body of the local  
307 government unit voting for such failure or refusal shall be  
308 individually and personally liable until they have been out of  
309 office for one (1) year, and liable upon their official bonds for  
310 any loss that the local government unit may sustain by reason of  
311 such failure or refusal to follow the requirements, and in  
312 addition may be compelled by injunction to comply with such  
313 requirements.

314 (4) (a) As an alternative to the procedure provided in  
315 subsection (1) of this section, local governmental units desiring  
316 to create an alliance may initially apply to the MDA for the  
317 creation of an alliance without identifying or providing details  
318 about a specific project for which the local governmental units  
319 desire to create an alliance. Upon receipt of such an  
320 application, the MDA shall review the application and determine



whether it is appropriate for the issuance of an initial certificate of public convenience and necessity to the local government units authorizing the creation of an alliance. If the MDA determines the application for the creation of an alliance is appropriate, the MDA shall issue an initial certificate of public convenience and necessity authorizing the creation of an alliance and authorizing the expenditure of funds by the alliance. An alliance created under this subsection (4) may make a subsequent application to the MDA identifying and providing details about a specific project or projects along with the methods of financing or amounts required for each project as provided under subsection (3) of this section. Upon receipt of such an application, the MDA shall review the application and determine whether it is appropriate for the issuance of a subsequent certificate of public convenience and necessity. If the MDA determines the application for a subsequent certificate of public convenience and necessity is appropriate, the MDA shall issue a subsequent certificate of public convenience and necessity authorizing and approving the project including the items provided in subsection (3) of this section.

(b) A certificate of public convenience and necessity issued under this subsection (4) shall not expire until the local governmental units comprising the alliance terminate and dissolve the alliance.



345       **SECTION 10.** Section 57-64-11, Mississippi Code of 1972, is  
346 brought forward as follows:

347       57-64-11. (1) After receiving a certificate of public  
348 convenience and necessity from the MDA, the local government unit  
349 is empowered and authorized, from time to time, to issue bonds up  
350 to the maximum principal amount authorized in the certificate.

351       (2) After receiving a certificate of public convenience and  
352 necessity from the MDA, the governing body of any local government  
353 unit entering into an agreement pursuant to this chapter may incur  
354 bonded and floating indebtedness by issuing general obligation  
355 bonds, revenue bonds or special assessment bonds as authorized by  
356 any statute authorizing the issuance of such bonds and otherwise  
357 incur indebtedness in any manner for which the local government  
358 unit is authorized by statute to incur debt, and may appropriate  
359 funds for the purposes and in the manner prescribed by law without  
360 regard to whether the activities and improvements authorized by  
361 this chapter to be financed by such debt or appropriation are  
362 within or without the boundaries of the local government unit.  
363 Revenues derived from any project financed with bonds issued  
364 pursuant to this chapter may be pledged in whole or in part to  
365 secure payment of the bonded indebtedness incurred to finance the  
366 project. Such governing body may sell, lease, grant or otherwise  
367 supply goods and services to any other local government unit which  
368 is a party to the agreement or the administrative body or legal  
369 entity created to operate the joint or cooperative undertaking.



**SECTION 11.** Section 57-64-13, Mississippi Code of 1972, is brought forward as follows:

57-64-13. (1) Any power, authority or responsibility exercised or capable of being exercised by a local government unit of this state may be exercised and carried out jointly with any other local government unit of this state or with a foreign governmental unit of another state, any state board, agency or commission and any public agency of the United States, to the extent that the laws of the United States permit such joint exercise or enjoyment.

(2) No such power, authority and responsibility may be exercised under the provisions of this chapter which will have the effect of abolishing any office which is held by a person elected by the citizenry.

(3) No agreement made under this chapter shall be entered into by any local government unit without the approval by resolution on the minutes of the governing body of that local government unit.

(4) Any joint undertaking entered into under this chapter shall be evidenced by written contractual agreements for joint or cooperative action to provide services and facilities pursuant to the provisions of this chapter which agreements shall be approved by the MDA. Appropriate action by ordinance, resolution or otherwise pursuant to the law controlling the participating local





government units or agencies shall be necessary before any such agreement shall be in force.

(5) An alliance created pursuant to this chapter may take any action with respect to a project that any local government unit member may take. If one (1) member of the alliance shall have authority to undertake a particular project or pursue a particular action with respect to such project, then the alliance shall have identical authority so to do. No local government unit shall be precluded from joining an alliance, and it shall not be the basis for denying an application for a certificate of convenience and necessity by the MDA, solely because the alliance may have power to take actions that the local government unit acting alone could not take.

**SECTION 12.** Section 57-64-15, Mississippi Code of 1972, is brought forward as follows:

57-64-15. (1) The local government unit shall be the issuer of any debt incurred hereunder and the proceeds of such debt shall be made available to the alliance in order to provide funds to defray the costs of a project.

(2) The local government unit shall have power in the issuance of its bonds to:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof.



419           (c) Covenant to charge rates, fees and charges  
420 sufficient to meet operating and maintenance expenses, renewals  
421 and replacements, principal and debt service on bonds, creation  
422 and maintenance of any reserves required by a bond resolution,  
423 trust indenture or other security instrument and to provide for  
424 any margins or coverages over and above debt service on the bonds  
425 deemed desirable for the marketability of the bonds.

426           (d) Covenant and prescribe as to events of default and  
427 terms and conditions upon which any or all of its bonds shall  
428 become or may be declared due before maturity, as to the terms and  
429 conditions upon which such declaration and its consequences may be  
430 waived and as to the consequences of default and the remedies of  
431 bondholders.

432           (e) Covenant as to the mortgage or pledge of or the  
433 grant of a security interest in any real or personal property and  
434 all or any part of the revenues from any facilities or any  
435 revenue-producing contract or contracts made by the compact with  
436 any person to secure the payment of bonds, subject to such  
437 agreements with the holders of bonds as may then exist.

438           (f) Covenant as to the custody, collection, securing,  
439 investment and payment of any revenue assets, monies, funds or  
440 property with respect to which the compact may have any rights or  
441 interest.

442           (g) Covenant as to the purpose to which the proceeds  
443 from the sale of any bonds then or thereafter to be issued may be



444 applied, and the pledge of such proceeds to secure the payment of  
445 the bonds.

446 (h) Covenant as to the limitations on the issuance of  
447 any additional bonds, the terms upon which additional bonds may be  
448 issued and secured, and the refunding of outstanding bonds.

449 (i) Covenant as to the rank or priority of any bonds  
450 with respect to any lien or security.

451 (j) Covenant as to the procedure by which the terms of  
452 any contract with or for the benefit of the holders of bonds may  
453 be amended or abrogated, the amount of bonds the holders of which  
454 must consent thereto, and the manner in which such consent may be  
455 given.

456 (k) Covenant as to the custody of any of its properties  
457 or investments, the safekeeping thereof, the insurance to be  
458 carried thereon, and the use and disposition of insurance  
459 proceeds.

460 (l) Covenant as to the vesting in a trustee or  
461 trustees, within or outside the state, of such properties, rights,  
462 powers and duties in trust as the local government unit may  
463 determine.

464 (m) Covenant as to the appointing and providing for the  
465 duties and obligations of a paying agent or paying agents or other  
466 fiduciaries within or outside the state.

467 (n) Make all other covenants and to do any and all such  
468 acts and things as may be necessary or convenient or desirable in



order to secure its bonds, including providing a debt service reserve fund, bond insurance and credit enhancement, or in the absolute discretion of the local government unit make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the local government unit power to do all things in the issuance of bonds and in the provisions for security thereof which are not inconsistent with the Mississippi Constitution of 1890.

(o) Execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of covenants or duties, which may contain such covenants and provisions, as any purchaser of the bonds of the local government unit may reasonably require.

(3) Before the local government unit may issue any bonds to finance any debt relating to a proposed project under this chapter, the governing authority of the local government unit shall advertise, in addition to any other publication required by law, its intention to issue the bonds. The intention to issue bonds shall include (a) the amount of bonds proposed to be issued; (b) the purpose for which the bonds are to be issued, including a specific description of the proposed project for which the proceeds of the bonds may be used and extended; and (c) the date upon which the governing authority proposes to direct the issuance of such bonds. Such intention to issue bonds shall be published once in at least one (1) newspaper published in such local



government unit. The publication of such intention to issue bonds shall be made not less than thirty (30) days before the date upon which the governing authority proposes to direct the issuance of the bonds. If no newspaper be published in such local government unit, then such notice shall be given by publishing the intention to issue bonds for the required time in some newspaper having a general circulation in such local government unit and, in addition, by posting a copy of such intention to issue bonds for at least thirty (30) days next preceding the date fixed therein at three (3) public places in such local government unit. The newspaper publication shall be a notice that shall not be less than forty (40) square inches in size and surrounded by a one-fourth-inch solid black border. The notice shall be headlined "NOTICE OF BOND ISSUE" and the headline shall be no smaller than thirty (30) point type. The remainder of the notice shall be no smaller than ten (10) point type. The notice shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear.

**SECTION 13.** Section 57-64-17, Mississippi Code of 1972, is brought forward as follows:

57-64-17. The MDA is hereby authorized and empowered to promulgate and put into effect, in accordance with the Mississippi Administrative Procedures Law, all reasonable rules and regulations that it may deem necessary to carry out the provisions of the Regional Economic Development Act. Nothing in the Regional



Economic Development Act shall in any way confer to the MDA the authority to impose a sales tax or other tax of any kind.

**SECTION 14.** Section 57-64-19, Mississippi Code of 1972, is brought forward as follows:

57-64-19. (1) The alliance is authorized to cooperate and coordinate with economic development commissions, authorities, districts, travel, and other similar commissions and boards, or other similar agencies of other states, the federal government, and with county, municipal, and regional economic development, travel, and other similar commissions or boards, or other agencies thereof, and other political subdivisions of this state, for the purposes of securing economic development within the State of Mississippi and other states, and to accomplish this purpose.

(2) With regard to a project as defined in Section 57-75-5(f)(xxi) a regional economic development alliance shall have the following powers:

(a) [Repealed]

(b) To negotiate the necessary relocation or rerouting of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines and related facilities, cellular towers and related facilities, or to require the anchoring or other protection of any of these, provided due compensation is paid to the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation, and to acquire by condemnation or otherwise easements



or rights-of-way for such relocation or rerouting and to convey the same to the owners of the facilities being relocated or rerouted in connection with the purposes of the project.

(c) To negotiate the necessary relocation of graves and cemeteries and to pay all reasonable costs thereof as necessary for the project.

(d) To lease, sell or convey any or all property acquired by the alliance or its agent under the provisions of this section to the enterprise operating the project, its affiliates, successors or assigns, and in connection therewith to warrant title to pay the costs of title search, perfection of title, title insurance and recording fees as may be required for the project.

(e) To establish and maintain reasonable rates and charges for the use of any facility or property within the project area owned or operated by the alliance, and from time to time, to adjust such rates and to impose penalties for failure to pay such rates and charges when due as necessary for the project.

(f) To establish land use restrictions within the lands adjacent to the project site. Within the lands identified as necessary for the project, the following land uses are prohibited:

(i) Heavy industrial uses, where the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke,



fumes, odors, glare, or health or safety hazards, which shall include, enameling, lacquering; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; oxygen manufacture and/or storage; pottery, porcelain and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; tire recapping and retreading; resource extraction; and recycling and salvage operations.

(ii) All temporary or permanent living quarters, including, without limitation, houses, residential buildings, apartments, motels, hotels, motor lodges, mobile home parks, camping grounds, nursing homes, independent and assisted living facilities.

(iii) Schools, day care centers and hospitals.

(iv) Any of the uses set forth in this paragraph (f) which are ancillary or adjacent to an otherwise permitted use.

Notwithstanding the foregoing, these land use restrictions will not prohibit the continuation of existing uses, including rebuilding substantially in conformity with the use in existence immediately before a casualty loss. For a period of twelve (12) months from the date of adoption, the property owners within the lands identified as necessary for the project have a vested right to complete any new land use that is currently under construction.

(g) To execute contractual agreements to warrant the project site for any and all preexisting environmental issues and





to indemnify an enterprise owning a project on that site for such preexisting environmental issues.

(h) To adopt and enforce all necessary and reasonable rules and regulations restrictions to carry out and effectuate the implementation of the project concerning mining or any other activity the occurrence of which may endanger the structure or operation of the project. These rules may be enforced within the project area and without the project area as necessary to protect the structure and operation of the project.

**SECTION 15.** Section 57-64-21, Mississippi Code of 1972, is brought forward as follows:

57-64-21. Any agreement made under this chapter shall specify the following:

(a) Its duration.

(b) Its purpose or purposes.

(c) The precise organization, composition, nature and powers of any separate legal or administrative entity created thereby and the specific citation of statutory authority vested in each of the local government units which is to be a party to the agreement.

(d) The manner of financing, staffing and supplying the joint or cooperative undertaking and of establishing and maintaining a budget therefor; provided that the treasurer and/or disbursing officer of one (1) of the local government units shall be designated in the agreement to receive, disburse and account



for all funds of the joint undertaking as a part of the duties of the officer or officers.

(e) The permissible method or methods to be employed in operating the alliance and the project and accomplishing the partial or complete termination or amendment of the agreement and for disposing of property upon such partial or complete termination or amendment.

(f) The provision for administration of issuance of any bonds under this chapter by a local government unit exercising the power authorized by this chapter.

(g) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking in the event that the agreement does not or may not establish a separate legal entity to conduct the joint or cooperative undertaking.

(h) A provision specifying the terms and conditions that would cause the alliance to be terminated.

(i) The manner in which the costs of the project shall be shared between the local government units.

(j) The manner in which the revenues from the project shall be shared by the local government units.

(k) Any other necessary and proper matters.

**SECTION 16.** Section 57-64-23, Mississippi Code of 1972, is brought forward as follows:



642           57-64-23. (1) In the event that an agreement made pursuant  
643 to this chapter shall deal in whole or in part with the provision  
644 of services or facilities with regard to which an officer, unit or  
645 agency of the state government has constitutional or statutory  
646 powers of control, the agreement shall, as a condition precedent  
647 to its being in force, be submitted to the state officer, unit or  
648 agency having such power of control and shall be approved or  
649 disapproved by him or it as to all matters within his or its  
650 jurisdiction in the same manner and subject to the same  
651 requirements governing action of the Attorney General pursuant to  
652 subsection (2) of this section.

653           (2) Every agreement made by a local government unit under  
654 this chapter shall, prior to and as a condition precedent to its  
655 entry into force, be submitted to the Attorney General of this  
656 state who shall determine whether the agreement is in proper form  
657 and compatible with the laws of this state. The Attorney General  
658 shall approve any such agreement submitted to him hereunder unless  
659 he shall find that it does not meet the conditions set forth  
660 herein and elsewhere in the laws of this state and shall detail in  
661 writing addressed to the governing bodies of the units concerned  
662 the specific respects in which the proposed agreement fails to  
663 meet the requirements of law.

664           Failure to disapprove an agreement submitted hereunder within  
665 sixty (60) days of its submission shall constitute approval  
666 thereof.



667           (3) Prior to its being in force, an agreement made pursuant  
668 to this chapter shall be filed with the chancery clerk of each of  
669 the counties wherein a participating local government unit is  
670 located and with the Secretary of State. The chancery clerk and  
671 the Secretary of State shall preserve such agreements as public  
672 records and index and docket the same separate and apart from all  
673 other records in his office.

674           **SECTION 17.** Section 57-64-25, Mississippi Code of 1972, is  
675 brought forward as follows:

676           57-64-25. All laws in regard to purchases, auditing,  
677 depositories and expenditures in general which limit the authority  
678 of the agreeing local governing units shall also apply to any  
679 joint body created by the agreement pursuant to the provisions of  
680 this chapter.

681           **SECTION 18.** Section 57-64-27, Mississippi Code of 1972, is  
682 brought forward as follows:

683           57-64-27. (1) The powers and authority granted and set  
684 forth in this chapter shall be additional and supplemental to any  
685 other powers and authority granted by law and shall not amend,  
686 repeal or supersede any other powers and authority granted by law.

687           (2) Nothing in this chapter shall authorize an alliance to  
688 provide utility services, other than water and sewage, for  
689 compensation. This subsection shall not be construed to prevent a  
690 city, county or natural gas district from supplying utility



691 service that it is authorized to supply in the service area that  
692 it is authorized to serve.

693 (3) Nothing in this chapter shall be construed to limit the  
694 authority of any local government unit to plan, construct, expand  
695 or maintain a project as defined in this chapter utilizing any  
696 method not included in this chapter, nor shall the authority to  
697 issue bonds to finance such projects or oversight of the project  
698 be construed to be transferred to the MDA.

699 **SECTION 19.** Section 57-64-29, Mississippi Code of 1972, is  
700 brought forward as follows:

701 57-64-29. A local government unit that is a member of a  
702 regional economic development alliance created under the Regional  
703 Economic Development Act is authorized to negotiate a purchase  
704 option for real property to be used for the purposes of the  
705 alliance. A local government unit may pay all costs incurred for  
706 the acquisition of such an option regardless of whether the local  
707 government unit exercises the option at a later date. As a part  
708 of any such option, a local government unit may negotiate the  
709 right to enter upon the real property before the purchase for the  
710 purpose of conducting any preliminary engineering, environmental  
711 and related surveys or studies necessary to effectuate the option.  
712 A local government unit may pay all costs incurred for such  
713 surveys or studies regardless of whether the local government unit  
714 exercises the option at a later date.



715           **SECTION 20.** Section 57-64-31, Mississippi Code of 1972, is  
716 brought forward as follows:

717           57-64-31. The board of supervisors of any county that is a  
718 member of a regional economic development alliance created under  
719 the Regional Economic Development Act may exercise the power of  
720 eminent domain for the purpose of acquiring land, property and/or  
721 rights-of-way for a project as defined in Section 57-75-5(f)(i) or  
722 any facility related to the project as defined in Section  
723 57-75-5(d), or both. The board of supervisors of such a county  
724 shall not exercise the authority granted under this section  
725 without first receiving a binding commitment providing that such a  
726 project will be located in a county that is a member of the  
727 regional economic development alliance. The board of supervisors  
728 of such a county shall not exercise the power of eminent domain  
729 under this section after July 1, 2006.

730           **SECTION 21.** Section 27-39-321, Mississippi Code of 1972, is  
731 brought forward as follows:

732           27-39-321. (1) With respect to ad valorem taxes levied for  
733 each fiscal year, no political subdivision may levy ad valorem  
734 taxes in any fiscal year which would render in total receipts from  
735 all levies an amount more than the receipts from that source  
736 during any one (1) of the immediately preceding three (3) fiscal  
737 years, as determined by the levying governing authority, plus, at  
738 the option of the taxing authority, an increase not to exceed ten  
739 percent (10%) of such receipts. The additional revenue from the



ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt, which were not assessed in the next preceding year and cost incurred and paid in the next preceding year in connection with reappraisal may be excluded from the ten percent (10%) increase limitation set forth herein. Taxes levied for school district purposes under any statute and taxes levied for the maintenance and/or construction of roads and bridges under Section 27-39-305 shall be excluded from the ten percent (10%) increase limitation set forth herein. Taxes levied for payment of principal of and interest on general obligation bonds issued heretofore or hereafter shall be excluded from the ten percent (10%) increase limitation set forth herein. Any additional millage levied to fund any new program mandated by the Legislature shall be excluded from the limitation for the first year of the levy and included within such limitation in any year thereafter. The limitation imposed under this paragraph shall not apply to those mandatory levies enumerated in Sections 27-39-320 and 27-39-329.

(2) The limitation of this section may be increased only as provided in subsection (3) or (4) of this section or when the governing body of a political subdivision has determined the need for additional revenues, adopts a resolution declaring its intention so to do and has held an election on the question of raising the limitation prescribed in this section. The notice



calling for an election shall state the purposes for which the additional revenues shall be used, the amount of the tax levy to be imposed for such purposes and period of time for which such tax levy shall be made; however, such tax levy shall not be made for more than five (5) successive years. The limitation may be increased under this subsection only if the proposed increase is approved by a majority of those voting. Subject to specific provisions of this paragraph to the contrary, the publication of notice and manner of holding the election shall be as prescribed by law for the holding of elections for the issuance of bonds by the political subdivision. Revenues derived from any taxes levied pursuant to such election shall be excluded from the tax base for the purpose of determining aggregate receipts for which the ten percent (10%) increase limitation applies.

(3) As an alternative to the procedure provided in subsection (2) of this section, the ten percent (10%) increase limitation prescribed in this section may be increased by an additional amount by the board of supervisors of any county without an election thereon if the aggregate receipts from all county levies to which this section and Sections 27-39-305 and 27-39-320 apply do not exceed one hundred ten percent (110%) of the aggregate receipts from all such levies during any one (1) of the immediately preceding three (3) fiscal years, as determined by the board of supervisors.





(4) As an alternative to the procedure provided in subsections (2) and (3) of this section, the board of supervisors of any county or the governing authorities of any municipality may, without an election thereon, increase the ad valorem tax levy to which this section applies by the greater of:

(a) An ad valorem tax levy that does not result in an aggregate levy to which this section applies in excess of twenty (20) mills; or

(b) An ad valorem tax levy that is not in excess of any aggregate levy to which this section applies in any one (1) of the immediately preceding ten (10) fiscal years.

(5) In any county where there is located a nuclear generating power plant on which a tax is assessed under Section 27-35-309(3), the term "total receipts" as used in this section shall be the portion of the "base revenue" as defined in Section 27-39-320 which is used for General Fund purposes.

(6) If a shortfall occurs in revenues from sources other than ad valorem taxes and oil and gas severance taxes budgeted for the county or municipal general fund during the 1987 fiscal year, then the county or municipality, as the case may be, may levy a special ad valorem tax for the 1988 fiscal year in an amount the avails of which shall not exceed such shortfall; provided, however, that the aggregate receipts from all ad valorem levies for the county or municipal general fund for the 1988 fiscal year shall not exceed the aggregate receipts from this source for the



814 immediately preceding fiscal year plus an increase not to exceed  
815 twenty percent (20%).

816 (7) If a shortfall occurs in revenues from oil and gas  
817 severance taxes budgeted for the county or municipal general fund  
818 during the 1987 fiscal year, then the county or municipality, as  
819 the case may be, may levy a special ad valorem tax for the 1988  
820 fiscal year in an amount the avails of which shall not exceed such  
821 shortfall. The avails of such special ad valorem tax shall not be  
822 included within the ten percent (10%) increase limitation. The ad  
823 valorem taxes levied to offset the shortfall shall be deemed to be  
824 ad valorem tax receipts produced in the 1988 fiscal year for the  
825 purposes of determining the limitation on receipts for the  
826 succeeding fiscal years.

827 **SECTION 22.** Section 19-9-5, Mississippi Code of 1972, is  
828 brought forward as follows:

829 19-9-5. No county shall hereafter issue bonds secured by a  
830 pledge of its full faith and credit for the purposes authorized by  
831 law in an amount which, when added to the then outstanding bonds  
832 of such county, shall exceed either (a) fifteen percent (15%) of  
833 the assessed value of the taxable property within such county  
834 according to the last completed assessment for taxation, or (b)  
835 fifteen percent (15%) of the assessment upon which taxes were  
836 levied for its fiscal year ending September 30, 1984, whichever is  
837 greater.



838           However, any county in the state which shall have experienced  
839 washed-out or collapsed bridges on the public roads of the county  
840 for any cause or reason may hereafter issue bonds for bridge  
841 purposes as now authorized by law in an amount which, when added  
842 to the then outstanding general obligation bonds of such county,  
843 shall not exceed either (a) twenty percent (20%) of the assessed  
844 value of the taxable property within such county according to the  
845 last completed assessment for taxation or (b) fifteen percent  
846 (15%) of the assessment upon which taxes were levied for its  
847 fiscal year ending September 30, 1984, whichever is greater.

848           Provided further, in computing such indebtedness, there may  
849 be deducted all bonds or other evidences of indebtedness  
850 heretofore or hereafter issued, for the construction of hospitals,  
851 ports or other capital improvements which are payable primarily  
852 from the net revenue to be generated from such hospital, port or  
853 other capital improvement, which revenue shall be pledged to the  
854 retirement of such bonds or other evidences of indebtedness,  
855 together with the full faith and credit of the county. However,  
856 in no case shall any county contract any indebtedness payable, in  
857 whole or in part, from proceeds of ad valorem taxes which, when  
858 added to all of the outstanding general obligation indebtedness,  
859 both bonded and floating, shall exceed either (a) twenty percent  
860 (20%) of the assessed value of all taxable property within such  
861 county according to the last completed assessment for taxation, or  
862 (b) fifteen percent (15%) of the assessment upon which taxes were



863 levied for its fiscal year ending September 30, 1984, whichever is  
864 greater. Nothing herein contained shall be construed to apply to  
865 contract obligations in any form heretofore or hereafter incurred  
866 by any county which are subject to annual appropriations therefor,  
867 or to bonds heretofore or hereafter issued by any county for  
868 school purposes, or to bonds issued by any county under the  
869 provisions of Sections 57-1-1 through 57-1-51, or to any  
870 indebtedness incurred under Section 55-23-8, or to bonds issued  
871 under Section 57-75-37 or to any other indebtedness incurred under  
872 Section 57-75-37(4), 57-75-37(5), 57-75-37(6), 57-75-37(7) or  
873 Section 57-31-35.

874       **SECTION 23.** Sections 1 through 4 of this act shall be  
875 codified as a new article in Chapter 64, Title 57, Mississippi  
876 Code of 1972.

877       **SECTION 24.** This act shall take effect and be in force from  
878 and after its passage.

