

By: Representative Eakes

To: Local and Private
Legislation

HOUSE BILL NO. 1652
(As Sent to Governor)

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

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

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

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

24 Section 2. Before entering upon the duties of the office,
25 each member of such authority shall take and subscribe the oath of
26 office required by Section 268, Mississippi Constitution of 1890,
27 and shall give bond in the sum of Five Thousand Dollars
28 (\$5,000.00), conditioned upon the faithful performance of his



29 duties, such bond to be made payable to Neshoba County and to be
30 approved by the board of supervisors of said county. The members
31 of such authority shall meet at the regular meeting place of the
32 Board of Supervisors of Neshoba County within five (5) days after
33 the members are initially appointed and shall elect from among
34 their number a president, vice president and secretary-treasurer
35 of the authority and shall adopt a seal and such bylaws, rules and
36 regulations as may be necessary to govern the time, place and
37 manner for holding subsequent meetings of the authority and for
38 conduct of its business, not inconsistent with the provisions of
39 this act. The members of the authority shall serve without salary
40 or compensation, provided however, that their actual expenses
41 incurred in the performance of their duties may be reimbursed,
42 including mileage as authorized by law for state employees.

43 Section 3. (1) The Industrial Development Authority of
44 Neshoba County is hereby expressly authorized and empowered to
45 acquire by gift, purchase, lease or otherwise, and to own, hold,
46 maintain, control and develop real estate situated within such
47 county, either within or without the corporate limits of a
48 municipality for development, use and operation as one or more
49 industrial park complexes or other economic development purposes
50 referred to herein as "projects," and is further authorized and
51 empowered to engage in works of internal improvement therefor,
52 including, but not limited to, construction or contracting for the
53 construction of streets, roads, railroads, site improvements,
54 water, sewerage, drainage, pollution and other related facilities
55 necessary or required for industrial or economic development use
56 and development of such projects, and to acquire, purchase,
57 install, lease, construct, own, hold, equip, control, maintain,
58 use, operate and repair other structures, buildings and facilities
59 necessary and convenient for the planning, development, use,
60 operation and maintenance of such projects for industrial or
61 economic development purposes, including, but not limited to,



62 utility installations, elevators, compressors, warehouses, air,
63 rail and other transportation terminals, pollution control
64 facilities and buildings. If the authority takes by gift or
65 otherwise any land, buildings or other tangible assets from any
66 persons, firms or corporations, public or private, the authority
67 may assume all or any part of the liabilities resulting from such
68 acceptance under such terms and conditions as will be in the best
69 interest of the citizens of Neshoba County.

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

79 (3) (a) *Contracts for the acquisition, purchase,*
80 *construction, improvement, equipping, furnishing, leasing and/or*
81 *selling of a project and improvements thereon as authorized in*
82 *this act shall be entered into upon the basis of public bidding*
83 *pursuant to Section 31-7-1 et seq., Mississippi Code of 1972.*

84 (b) The authority is further authorized, however, to
85 acquire, purchase, construct, improve, lease and sell industrial
86 buildings and land without the necessity of public bidding under
87 Section 31-7-1 et seq., Mississippi Code of 1972. This paragraph
88 (b) shall stand repealed from and after July 1, 2004.

89 (4) The authority is authorized and empowered to fix and
90 prescribe fees, charges and rates for the use of any water,
91 sewerage, pollution or other facilities constructed and operated
92 in connection with said industrial park and to collect the same
93 from persons, firms and corporations using the same for
94 industrial, commercial or agricultural purposes, except as to



95 rates and charges against common carriers regulated by an agency
96 of the federal government or the Mississippi Public Service
97 Commission.

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

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

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

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

122 * * * Any sale or lease of all or part of a project may be
123 executed upon such terms and conditions and for such monetary
124 rental or other consideration as may be found adequate and
125 approved by the authority in orders or resolutions authorizing the
126 same. Any covenants and obligations of the lessee to make
127 expenditures in determined amounts, and within such time or times,



128 for improvements to be erected on the land by such lessee and to
129 conduct thereon industrial operations in such aggregate payroll
130 amounts and for such period of time or times as may be determined
131 and defined in such lease, and to give preference in employment
132 where practicable to qualified residents of the county in which
133 any such project is situated, shall, if included in such lease,
134 constitute and be deemed sufficient consideration for the
135 execution of any such lease in the absence of a monetary rental or
136 other considerations; any such instrument may contain reasonable
137 provisions giving the lessee the right to remove its or his
138 improvements upon termination of the lease.

139 (9) If no bonds are issued under the authority of Sections 4
140 through 10 of this act the board of supervisors upon request of
141 the Industrial Development Authority is authorized to issue bonds,
142 the principal of and interest on which shall be payable solely out
143 of the revenue derived from the sale, operation and leasing of a
144 project. The terms, conditions, forms and laws applicable to such
145 bonds shall be as provided in Sections 57-3-11 through 57-3-23,
146 Mississippi Code of 1972.

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

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

157 Section 6. All bonds issued under the authority of Section 4
158 of this act shall bear interest at such rate or rates not
159 exceeding the rate of interest authorized to be paid by counties,
160 shall be in such denomination or denominations, shall be payable,



161 both principal and interest, at such place or places, and shall
162 mature at such time or times, all as the Board of Supervisors of
163 Neshoba County shall determine, but no bonds shall mature more
164 than twenty-five (25) years from the date of issuance thereof.
165 All such bonds shall be sold for not less than par value plus
166 accrued interest at public sale in the manner provided by Section
167 31-19-25, Mississippi Code of 1972. No less than one-fiftieth
168 (1/50) of the total issue shall mature during each year during the
169 first five (5) years of the life of such bonds, and not less than
170 one-twenty-fifth (1/25) of the total issue shall mature each year
171 during the succeeding period of ten (10) years of the life of such
172 bonds, and the remainder shall be divided into approximately equal
173 annual payments, with payment to be made each year for the
174 remaining life of such bonds. Such bonds shall be executed on
175 behalf of Neshoba County in the manner provided by law for general
176 obligation bonds of counties. The interest to accrue on such
177 bonds on and prior to the respective maturity dates thereof shall
178 be represented by interest coupons to be attached to such bonds,
179 which shall be payable semiannually and which coupons shall be
180 executed by the facsimile signatures of the appropriate officers
181 of Neshoba County.

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

190 No interest payment shall be evidenced by more than one (1)
191 coupon and neither cancelled nor supplemental coupons shall be
192 permitted; the lowest interest rate specified for any bonds issued



193 shall not be less than seventy percent (70%) of the highest
194 interest rate specified for the same bond issue.

195 Each interest rate specified in any bid must be in multiples
196 of one-eighth of one percent (1/8 of 1%) or in multiples of
197 one-tenth of one percent (1/10 of 1%).

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

199 Section 7. Before issuing any bonds under the provisions of
200 Section 4 of this act, the Board of Supervisors of Neshoba County
201 shall, by resolution spread upon its minutes, declare its
202 intention to issue such bonds for the purposes authorized by this
203 act, and shall state in said resolution the amount of bonds
204 proposed to be issued, and shall likewise fix in said resolution
205 the date upon which such county proposes to direct the issuance of
206 such bonds. Notice of such intention shall be published once a
207 week for at least three (3) consecutive weeks in a newspaper
208 published or having a general circulation in Neshoba County,
209 Mississippi, with the first publication of such notice to be made
210 not less than twenty-one (21) days prior to the date fixed in the
211 resolution declaring the intent to issue such bonds, and the last
212 publication to be made not more than seven (7) days prior to such
213 date. The advertisement shall be no less than one-fourth (1/4)
214 page in size and the type used shall be no smaller than eighteen
215 (18) point and surrounded by a one-fourth-inch solid black border.

216 If, on or before the date specified in the resolution, twenty
217 percent (20%) or fifteen hundred (1500), whichever is less, of the
218 qualified electors of the county proposing to issue such bonds
219 shall file a written protest against the issuance thereof, then an
220 election upon the issuance thereof shall be called and held as
221 hereby provided. If no such protest shall be filed, then the
222 county may issue such bonds without an election on the question of
223 the issuance thereof at any time within a period of two (2) years
224 after the date specified in the resolution. If an election is
225 required by the protest of the appropriate number of qualified



226 electors of the county, then an election shall be held by such
227 county under applicable laws. Provided, however, that nothing in
228 this act shall prevent such county from calling an election on
229 such question, in which event it shall not be necessary to publish
230 the resolution of intent above described.

231 Section 8. At such election, all qualified electors of the
232 county may vote and the ballots used in such election shall have
233 printed thereon a brief statement of the amount and purposes of
234 the proposed bond issue and the words "FOR THE BOND ISSUE" and the
235 words "AGAINST THE BOND ISSUE," and the voters shall vote by
236 placing a cross (X) or check (V) opposite their choice on the
237 proposition.

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

249 Section 10. The full faith, credit and resources of Neshoba
250 County shall be irrevocably pledged for the repayment of bonds
251 issued pursuant to Sections 4 through 10 of this act and the
252 interest thereon. It shall be the duty of the county annually to
253 levy and collect a special tax upon all of the taxable property
254 within said county which shall be sufficient to provide for the
255 payment of the principal and interest on the respective bonds
256 issued according to the terms thereof; provided, however, of any
257 income derived by the county from the sale or lease of the
258 property authorized to be acquired under this act, ninety percent



259 (90%) shall be used for the retirement of the bonds authorized to
260 be sold under the foregoing sections of this act, and ten percent
261 (10%) may be used for further development of the project or
262 projects.

263 Section 11. The bonds authorized by this act and the income
264 therefrom shall be exempt from all taxation in the State of
265 Mississippi; however, unless otherwise provided by the general
266 laws, any lessee or purchaser shall not be exempt from ad valorem
267 taxes on industrial sites and improvements thereon nor shall
268 purchases required to establish the project and financed by bond
269 proceeds be exempt from taxation in the State of Mississippi.

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

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

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



291 applied only for the purposes for which such grants or
292 contributions may be made.

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

298 **SECTION 2.** This act shall take effect and be in force from
299 and after its passage.

