

By: Senator(s) King

To: Local and Private

SENATE BILL NO. 3204

1 AN ACT TO AMEND CHAPTER 855, LOCAL AND PRIVATE LAWS OF 1978,
2 AS AMENDED, TO EXPAND THE AREA WITHIN WHICH THE CITY OF
3 HATTIESBURG AND FORREST COUNTY, MISSISSIPPI, MAY ACQUIRE LAND FOR
4 INDUSTRIAL PURPOSES; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Chapter 855, Local and Private Laws of 1978, as
7 amended by Chapter 886, Local and Private Laws of 1984, as amended
8 by Chapter 886, Local and Private Laws of 1985, as amended by
9 Chapter 912, Local and Private Laws of 1988, as amended by Chapter
10 884, Local and Private Laws of 1989, as amended by Chapter 976,
11 Local and Private Laws of 1993, as amended by Chapter 956, Local
12 and Private Laws of 1994, as amended by Chapter 959, Local and
13 Private Laws of 1999, is amended as follows:

14 Section 1. The City of Hattiesburg and Forrest County,
15 Mississippi, acting jointly or severally, each, in their
16 discretion, may acquire by purchase, gift or otherwise any
17 suitable land located within * * * Forrest County, Mississippi, to
18 be used, utilized and made available as a site and/or sites for
19 industrial purposes, with the title thereto being taken in the
20 name of the participating political subdivisions, whether one or
21 more, hereinafter called "subdivisions," and wherever the plural
22 is used, it is also intended for the singular, as the case may be.
23 The City of Hattiesburg and Forrest County, Mississippi, acting
24 jointly or severally, are further authorized to acquire industrial
25 buildings, plant facilities and related site improvements, and to
26 make necessary improvements, repairs and additions thereto, and to
27 retire any outstanding indebtedness now or hereafter owed or
28 assumed by the Industrial Park Commission created pursuant to the

29 provisions of this act. Any lands affected by this act and owned
30 by the Industrial Park Commission, created pursuant to Section 11
31 of this act, may not be annexed by, or made a part of, any
32 political subdivision not participating under this act unless the
33 land is located in a political subdivision not participating in
34 this act when such land is acquired.

35 Section 2. If any subdivisions shall determine to acquire
36 and should acquire an industrial site and/or sites or any
37 available industrial buildings or plant facilities, as authorized
38 by this act, the subdivisions shall have power and authority to
39 improve the real estate so acquired, to provide and operate all
40 necessary utilities therefor, not otherwise available from a
41 certified utility company, and to lay out and hard surface
42 necessary roadways, driveways and access roads, and to do any and
43 all such other things as may be necessary to make the properties
44 so acquired suitable and desirable for industrial enterprises.
45 The cost and expense of the acquisition and improvements to the
46 properties shall be paid from funds made available under the
47 authority of this act.

48 Section 3. The subdivisions, in their discretion, may lease,
49 rent and sell all or any part of the properties acquired under the
50 authority of this act to any person, firm, association or
51 corporation for industrial purposes under the terms and conditions
52 as the subdivisions may deem proper and any sale or sales of the
53 real estate authorized under this act may be made at public or
54 private sale.

55 Section 4. For the purpose of providing funds to defray the
56 expense of acquiring the properties and the expense of improving
57 the same, as provided by this act, the subdivisions are authorized
58 to borrow an aggregate amount not in excess of Fifteen Million
59 Dollars (\$15,000,000.00) outstanding at any one time and to issue
60 the negotiable bonds of the subdivisions as evidence of the
61 indebtedness so incurred. Nothing in this act shall prevent

62 either or both participating subdivisions from issuing the bonds,
63 and subject to the provisions of Section 9 of this act, the bonds
64 authorized may be issued on a countywide basis by the county only
65 or, if issued by the City of Hattiesburg, as municipal enterprise,
66 then the bonds shall be issued on a municipal basis only by the
67 municipality.

68 Section 5. All bonds issued under the authority of Section 4
69 of this act shall bear interest at a rate or rates not exceeding
70 the rate of interest authorized at the time of sale of any series
71 of bonds to be issued hereunder by Section 75-17-101, shall be in
72 the denomination or denominations, shall be payable, both
73 principal and interest, at the place or places, all as the
74 subdivisions shall determine. All bonds shall be sold in the
75 manner provided by law at the time of the sale of the bonds
76 subject to the restrictions, limitations, requirements or
77 conditions applicable to the borrowing of the money and the
78 issuance of the bonds which are provided by law and shall be sold
79 for not less than par value and shall mature not more than
80 twenty-five (25) years from date, with or without the right of
81 redemption, with or without premium, all as shall be determined by
82 the subdivisions. No less than one-fiftieth (1/50) of the total
83 issue shall mature during each year during the first five (5)
84 years of the life of the bonds, and not less than one-twenty-fifth
85 (1/25) of the total issue shall mature each year during the
86 succeeding ten-year period of the life of the bonds, and the
87 remainder shall be divided into approximately equal annual
88 payments, with payment to be made each year for the remaining life
89 of the bonds. The bonds shall be executed on behalf of the
90 subdivisions in the manner provided by law for general obligation
91 bonds of the respective political subdivisions.

92 No bond shall bear more than one (1) rate of interest; each
93 bond shall bear interest from its date to its stated maturity date
94 at the interest rate specified in the bid; all bonds of the same

95 maturity shall bear the same rate of interest from date to
96 maturity; all interest accruing on the bonds so issued shall be
97 payable semiannually or annually, except that the first interest
98 payment may be for any period not exceeding one (1) year.

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

102 The bonds may be issued and sold in one or more series but
103 the aggregate amount shall not exceed Fifteen Million Dollars
104 (\$15,000,000.00) outstanding at any one time.

105 Section 6. Before issuing any bonds under the provisions of
106 Sections 4 and 5 of this act, the subdivisions shall, by
107 resolution spread upon their respective minutes, declare their
108 intention to issue the bonds for the purposes authorized by this
109 act, and shall state in said resolution the amount of bonds
110 proposed to be issued, and shall likewise fix in the resolution
111 the date upon which the subdivisions propose to direct the
112 issuance of the bonds. Notice of such intention shall be
113 published once a week for at least three (3) consecutive weeks in
114 a newspaper published or having a general circulation in Forrest
115 County, Mississippi, with the first publication of the notice to
116 be made not less than twenty-one (21) days prior to the date fixed
117 in the resolution declaring the intent to issue the bonds, and the
118 last publication to be made not more than seven (7) days prior to
119 the date. If, on or before the date specified in the resolution,
120 ten percent (10%) of the qualified electors of the subdivision
121 proposing to issue the bonds shall file a written protest against
122 the issuance thereof, then an election upon the issuance of the
123 bonds shall be called and held as provided in this act. If no
124 protest shall be filed, then the subdivisions may issue the bonds
125 without an election on the question of the issuance of the bonds
126 at any time within a period of two (2) years after the date
127 specified in the resolution. If an election is required by the

128 protest of the appropriate number of qualified electors of the
129 subdivision, then an election shall be held by the subdivision
130 under applicable laws. Nothing in this act shall prevent the
131 subdivision from calling an election, whether required by ten
132 percent (10%) of the qualified electors or not, in which event it
133 shall not be necessary to publish the resolution of intent above
134 described.

135 Section 7. At the election, all qualified electors of the
136 subdivision may vote and the ballots used in the election shall
137 have printed thereon a brief statement of the amount and purposes
138 of the proposed bond issue and the words "FOR THE BOND ISSUE" and
139 the words "AGAINST THE BOND ISSUE," and the voters shall vote by
140 placing a cross (X) or check (✓) opposite their choice on the
141 proposition.

142 Section 8. When the results of the election shall have been
143 canvassed by the election commission of the subdivision, and
144 certified to the subdivision, it shall be the duty of the
145 governing officials of the subdivision to determine and adjudicate
146 whether a majority of the qualified electors residing in the
147 subdivision and voting in the election voted in favor of the
148 bonds, failing of which the proposed bond issue shall be declared
149 as disapproved. If the bond issue shall be approved, the
150 subdivision may issue the bonds within two (2) years from the date
151 of the election, or within two (2) years after final favorable
152 determination of any litigation affecting the issuance of the
153 bonds at the time or times and in the amount or amounts, not
154 exceeding that specified in the notice of the election, as shall
155 be deemed proper by the subdivision.

156 Section 9. The full faith, credit and resources of the
157 subdivisions shall be irrevocably pledged for the repayment of
158 bonds and the interest thereon issued by the subdivisions. If the
159 bonds authorized by Section 4 of this act are issued by only one
160 (1) of the participating subdivisions, it shall be the duty of the

161 subdivisions annually to levy and collect a special tax upon all
162 of the taxable property within the subdivisions which shall be
163 sufficient to provide for the payment of the principal and
164 interest on the respective bonds issued, according to the terms of
165 the bonds. If the bonds authorized by Section 4 of this act are
166 issued by both subdivisions, it shall be the duty of Forrest
167 County, Mississippi, annually to levy and collect a special tax
168 upon all the taxable property within the county, exclusive of the
169 taxable property located within the municipal limits of the City
170 of Hattiesburg, Mississippi, which shall be sufficient to provide
171 for the payment of the principal and interest on the bonds issued
172 by Forrest County, Mississippi, according to the terms thereof;
173 and it shall be the duty of the City of Hattiesburg, Mississippi,
174 annually to levy and collect a special tax upon all of the taxable
175 property within the city which shall be sufficient to provide for
176 the payment of the principal and interest on the bonds issued by
177 the City of Hattiesburg, Mississippi, according to the terms
178 thereof; however, any income derived by the subdivisions from the
179 sale or lease of the property authorized to be acquired under this
180 act shall be used first for the payment of any sums authorized
181 under Section 14 hereof and, secondly, for the retirement of the
182 bonds authorized to be sold under the foregoing sections of this
183 act. Further, if the bonds have been heretofore issued, or shall
184 be hereafter issued, by only one (1) of the participating
185 subdivisions under the provisions of this act, the other
186 participating subdivision not issuing the bonds may enter into an
187 agreement by which it may contribute from any funds available,
188 including, but not limited to, a levy of a special tax upon all of
189 the taxable property within said subdivision, sales tax revenues
190 and funds other than those created by an ad valorem tax levy, to
191 the bond and interest sinking fund created for the retirement of
192 such bonds. In addition to the authority stated herein, if bonds
193 have already been issued, or shall be issued hereafter, by the

194 City of Hattiesburg, in order to secure payment of the bonds,
195 Forrest County is authorized to enter into an agreement by which
196 it may contribute to the repayment of the bonds and the interest
197 thereon through the levy of a special tax imposed only upon all of
198 the taxable property of the county lying outside the municipal
199 limits of the City of Hattiesburg.

200 Section 10. The bonds issued under this act shall be exempt
201 from taxation as provided in Section 57-1-39, Mississippi Code of
202 1972, and their inclusion in any statutory debt limitation shall
203 be governed by the laws applicable to the issuance of bonds as
204 authorized and provided by Section 19-9-5, Mississippi Code of
205 1972, as it applies to the county, and Section 21-33-303,
206 Mississippi Code of 1972, as it applies to the City of
207 Hattiesburg.

208 Section 11. In the event this act is utilized, Forrest
209 County and the City of Hattiesburg, Mississippi, or both, shall
210 establish the Forrest County Industrial Park Commission. In the
211 event the commission is established, it shall receive and hold
212 title to the property affected by this act subject to the powers
213 enumerated in Section 14 of this act. The establishment of the
214 commission shall be by order of the board of supervisors and the
215 mayor and city council appearing on their official minutes and the
216 order of each shall be recorded on the minutes of the other.
217 However, no order shall be required from or recorded as to either
218 of said political subdivisions not participating in the
219 establishment. The Industrial Park Commission of the City of
220 Hattiesburg heretofore created under Chapter 855, Local and
221 Private Laws of 1978, as amended by Chapter 886, Local and Private
222 Laws of 1984, as amended by Chapter 886, Local and Private Laws of
223 1985, shall become and be merged into the Forrest County
224 Industrial Park Commission created pursuant to this act, and the
225 Forrest County Industrial Park Commission shall become the
226 successor in title to all of the assets, properties and

227 liabilities of the Industrial Park Commission of the City of
228 Hattiesburg.

229 The Forrest County Industrial Park Commission shall consist
230 of ten (10) members, five (5) of which shall be appointed by the
231 board of supervisors and five (5) of which shall be appointed by
232 the mayor and city council. The first members of the Forrest
233 County Industrial Park Commission shall be appointed for terms of
234 one (1), two (2), three (3), four (4) and five (5) years. After
235 the expiration of the terms of the first commissioners, the terms
236 of office of each commissioner shall be for a period of five (5)
237 years, and the subdivision that appointed the commissioner whose
238 term expires shall appoint his successor. Any vacancy of
239 membership on the Forrest County Industrial Park Commission that
240 may occur shall be filled by appointment of the named subdivision
241 appointing the member whose position has been vacated for the
242 unexpired term.

243 Section 12. The commission shall organize by electing one
244 (1) of its members to act as chairman and one (1) of its members
245 to act as secretary. The secretary shall act as treasurer and
246 shall enter into a surety bond in an amount fixed by the Forrest
247 County Industrial Park Commission. The secretary shall be
248 custodian of all funds made available to the commission, and he
249 and his bond shall be liable for illegal expenditures or wrongful
250 conversion of these funds. The commission shall annually in
251 October require a financial audit to be made, a copy of which
252 shall be placed upon the minutes of the commission.

253 Section 13. Either participating subdivision, in its
254 discretion, may appropriate such sums as it deems necessary for
255 the support and maintenance of the Forrest County Industrial Park
256 Commission.

257 Section 14. The Forrest County Industrial Park Commission
258 shall be a public agency and shall have all of the powers
259 necessary or convenient to carry out the purposes for which it is

260 created (excluding the power to levy and collect taxes or special
261 assessments) including, but not limited to, the power:

262 (a) To sue and be sued, to have a seal and to have
263 perpetual succession;

264 (b) To execute such contracts and other instruments and
265 take such other action as may be necessary or convenient to carry
266 out the purposes of this act;

267 (c) To plan, establish, develop, construct, enlarge,
268 improve, maintain, equip, operate, regulate and to protect the
269 industrial park or parks * * * and any building or structures or
270 other property owned, leased or otherwise acquired by the
271 commission, including the acquisition, construction, installation,
272 renovation, equipping, operating and maintaining of industrial
273 facilities for the procurement of additional industrial
274 enterprises in said county, and further including the acquisition,
275 construction, installation, renovation, equipping, operating and
276 maintaining of property for public facilities or offices or for
277 all types of research or commercial uses, or both. For such
278 purposes the commission may by purchase, gift, devise, lease or
279 otherwise acquire property, real or personal, or any interest
280 therein for the establishment of an industrial facility or
281 facilities, public facilities or offices for all types of research
282 or commercial uses;

283 (d) To subdivide, improve, sell, lease or convey any
284 real or personal property so acquired for an amount or amounts as
285 may be determined by the commission to be proper; however, no
286 sale, lease or conveyance shall be finally concluded unless
287 approved by the participating subdivisions;

288 (e) In determining the adequacy of the amount or
289 amounts to be paid for the sale or lease of any real or personal
290 property, the commission may take into consideration the economic
291 impact, the increased tax revenues and other benefits to be

292 received by either or both of the participating subdivisions, or
293 by the general public;

294 (f) To specifically contract with the Area Development
295 Partnership, the Forrest County Development Foundation or any
296 similar civic or nonprofit organization to furnish services and
297 staff in the area of administration, management, marketing,
298 research, promotion and other similar services.

299 Section 15. The commissioners shall receive no compensation
300 for their services, but shall be entitled to necessary expenses
301 incurred in the discharge of their duties, as jointly approved and
302 equally paid by the participating subdivisions.

303 Section 16. The total expenditures to be made by the
304 commission shall be as determined by a budget approved by the
305 participating subdivisions aforesaid on or before the preceding
306 October 1, or as otherwise specifically authorized by the
307 subdivisions.

308 Section 17. The acquisition of any land or interest therein
309 pursuant to this act and the exercise of any other powers granted
310 in this act are declared to be public and governmental functions.

311 Any property acquired and held by the commission for
312 industrial purposes pursuant to the provisions of this act and any
313 income derived by the commission from the ownership or control
314 thereof shall be exempt from taxation to the same extent as other
315 property belonging to political subdivisions of this state.

316 Section 18. For the purpose of aiding and cooperating in the
317 planning, undertaking, construction or operation of the industrial
318 park, parks or other property owned by the commission pursuant to
319 the provisions of this act, the county and city may each, upon
320 such terms, with or without consideration as each may, in its
321 discretion, determine:

322 (a) Cause water, sewer or drainage facilities, or any
323 other facilities which it is empowered to provide, to be furnished

324 adjacent to or in connection with such industrial park, parks or
325 other property owned by the commission;

326 (b) Furnish, dedicate, close, pave, install, grade,
327 regrade, plan or replan streets, roads, roadways and walks from
328 established streets or roads to such industrial park, parks or
329 other property owned by the commission, and to maintain the same;

330 (c) To assist the Forrest County Industrial Park
331 Commission to perform any act or function which the commission is
332 authorized to perform;

333 (d) Levy and collect a tax on all taxable property
334 within the jurisdiction of the political subdivisions and
335 appropriate the proceeds thereof for industrial park purposes and
336 in the execution of all other authorities specified in this
337 section.

338 Section 19. The authorities and duties contained in Sections
339 19-9-29, 19-3-47, 57-1-41 and 57-1-43, Mississippi Code of 1972,
340 shall be applicable to any bonds issued under this act.

341 Section 20. Lands heretofore or hereafter acquired under
342 this act shall remain exempt from all ad valorem taxation until
343 and unless sold to a nongovernmental entity.

344 Section 21. Chapter 170, Extraordinary Session of 1969, is
345 hereby repealed.

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