

By: Representatives Buck, Gadd, Woods

To: Local and Private  
Legislation

HOUSE BILL NO. 1599

1 AN ACT TO AMEND CHAPTER 958, LOCAL AND PRIVATE LAWS OF 2003,  
2 TO REVISE THE BOUNDARIES OF THE CHICKASAW TRAIL ECONOMIC  
3 DEVELOPMENT AREA IN MARSHALL COUNTY, MISSISSIPPI; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Chapter 958, Local and Private Laws of 2003, is  
7 amended as follows:

8 Section 1. The purpose of this act is to promote the  
9 development of certain undeveloped rural areas in Marshall County,  
10 Mississippi, described in Section 3 of this act, and to authorize  
11 the Industrial Development Authority of Marshall County,  
12 Mississippi, to develop public and private partnerships to  
13 facilitate the economic growth of the area by providing developed  
14 sites for the location and construction of manufacturing plants,  
15 distribution facilities, research facilities, regional and  
16 national offices with supportive services and facilities.

17 Section 2. Whenever used in this act, the following words  
18 and terms shall have the following respective meanings unless a  
19 different meaning clearly appears from the context:

20 (a) "Authority" means the Industrial Development  
21 Authority of Marshall County, Mississippi, created pursuant to  
22 Chapter 869, Local and Private Laws of 1983, as amended.

23 (b) "Bonds" means either revenue bonds, bond  
24 anticipation notes, or other types of debt instruments issued by  
25 the authority unless the reference to bonds clearly indicates  
26 which type of bonds are being referred to, such as "revenue  
27 bonds," "general obligation bonds," "bond anticipation notes" or  
28 other specific forms of debt instruments.

29           (c) "Cost of project" means all costs of site  
30 preparation and other start-up costs; all costs of construction;  
31 all costs of real and personal property acquired for the purposes  
32 of the development area and facilities related thereto, including  
33 land and any rights or undivided interest therein, easements,  
34 franchises, fees, permits, approvals, licenses and certificates  
35 and the securing of such permits, approvals, licenses and  
36 certificates; all machinery and equipment, including any cost  
37 associated with financing charges and interest before and during  
38 construction and during such additional period as the authority  
39 reasonably may determine to be necessary for the placing of the  
40 project in operation; costs of engineering, geotechnical,  
41 architectural and legal services; costs of plans, testing,  
42 development and specifications and all expenses necessary or  
43 incident to determining the feasibility or practicability of the  
44 project; administrative expenses; and all expenses as may be  
45 necessary or incidental to the financing. The costs of the  
46 project also may include funds for the creation of a debt service  
47 reserve, a renewal and replacement reserve, and such other  
48 reserves as may be reasonably required by a specific bond issue  
49 for the operation of its projects and as may be authorized by bond  
50 resolution or trust agreement or indenture under the provisions of  
51 which the issuance of any such bonds may be authorized. Any  
52 obligation or expense incurred for any of the foregoing purposes  
53 shall be regarded as a part of the project and may be paid or  
54 reimbursed out of the proceeds of user fees, of revenue bonds or  
55 notes issued for such project, or from other revenues obtained by  
56 the authority.

57           (d) "County" means Marshall County, Mississippi.

58           (e) "Development area" means the Chickasaw Trail  
59 Economic Development Area described in Section 3 of this act.

60           (f) "Enterprise" means any for profit or nonprofit  
61 venture, business, service provided, industrial facility or

62 utility located within the development area under any agreement or  
63 contract with the authority.

64 (g) "Facilities" means any plant, structure, building,  
65 improvement, land or any other real or personal property of the  
66 authority or used or useful in a project under this act.

67 (h) "Governing body" means the elected or duly  
68 appointed officials constituting the governing body of a  
69 municipality or county.

70 (i) "Municipality" means any incorporated city or town  
71 within the county.

72 (j) "Person" means any natural person, corporation,  
73 association, partnership, receiver, trustee, guardian, executor,  
74 administrator, fiduciary, governmental unit, public agency,  
75 political subdivision or any other group acting as a unit, and the  
76 plural as well as the singular.

77 (k) "Project" means any industrial, commercial,  
78 research and development, warehousing, distribution,  
79 transportation, processing, United States or state government or  
80 tourism enterprise, facility or service, together with all real  
81 property required for construction, maintenance and operation of  
82 the enterprise together with all buildings, and other supporting  
83 land and facilities, structures or improvements of whatever kind  
84 required or useful for construction, maintenance and operation of  
85 the enterprise, or any addition to or expansion of an existing  
86 enterprise.

87 (l) "Property owner group" means those property owners  
88 who have sold, leased or allowed the use of their land or  
89 otherwise entered into an agreement for the development of a  
90 project or facilities thereof as a part of the development area.

91 (m) "Public agency" means:

92 (i) Any department, board, commission, institution  
93 or other agency or instrumentality of the state;

94                   (ii) Any city, town, county, political  
95 subdivision, school district or other district created or existing  
96 under the laws of the state or any public agency of any such city,  
97 town, county, political subdivision or district; and

98                   (iii) Any department, commission, agency or  
99 instrumentality of the United States of America.

100                   (n) "Related facility" means any facility related to a  
101 project and includes any of the following, as the same may pertain  
102 to the project of the authority within the development area:

103                   (i) Facilities to provide utilities, as defined  
104 herein;

105                   (ii) Airports, airfields and air terminals;

106                   (iii) Rail lines;

107                   (iv) Highways, streets and other roadways;

108                   (v) Conference centers, classrooms and  
109 instructional facilities, including any functionally related  
110 facilities;

111                   (vi) Parks and outdoor recreation facilities;

112                   (vii) Auditoriums, pavilions, art centers,  
113 cultural centers, office complex and other public facilities; and

114                   (viii) Public or private health care facilities.

115                   (o) "Revenues" means all rentals, receipts, income and  
116 other charges derived or received or to be derived or received by  
117 the authority from any of the following: the operation by the  
118 authority of a facility or facilities, or a part thereof; the  
119 sale, including installment sales or conditional sales, lease,  
120 sublease or use or other disposition of any property or facility  
121 or portion thereof; the sale, lease or other disposition of  
122 recovered resources; contracts, agreements or franchises with  
123 respect to a facility or portion thereof, with respect to  
124 recovered resources, or with respect to a facility or portion  
125 thereof and recovered resources, including, but not limited to,  
126 charges with respect to the management of any project received

127 with respect to a facility; income received as a result of the  
128 sale or other disposition of recovered resources, services or  
129 utilities; any gift or grant received with respect thereto;  
130 proceeds of bonds to the extent of use thereof for payment of  
131 principal or premium, if any, or interest on the bonds as  
132 authorized by the authority; proceeds from any insurance,  
133 condemnation or guaranty pertaining to a facility or property  
134 mortgaged to secure bonds or pertaining to the financing of a  
135 facility; income and profit from the investment of the proceeds of  
136 bonds or of any revenues and the proceeds of any special tax to  
137 which it may be entitled.

138 (p) "State" means the State of Mississippi.

139 (q) "Unit of local government" means the county or a  
140 municipality within the county.

141 (r) "Utility" or "utilities" means potable and  
142 industrial water supply systems and sewage and water disposal  
143 systems.

144 Section 3. The authority is authorized and empowered to  
145 create the Chickasaw Trail Economic Development Area. Such area  
146 shall be composed of the following described area in Marshall  
147 County, Mississippi:

148 Beginning at a point at the intersection of Rabbit Ridge  
149 Road and Highway 178; thence in a Northerly direction to  
150 the Southwest Corner of Section 32, Township 2, Range 4  
151 West; thence North following said section line and  
152 following said section lines \* \* \* to the Coldwater  
153 River; thence in a Westerly direction following the  
154 Coldwater River to the Marshall-DeSoto County line;  
155 thence North following the county line to the  
156 Mississippi-Tennessee stateline; thence \* \* \* east  
157 following said stateline to the northeast corner of  
158 Section 15, Township 1, Range 3 West; thence south  
159 following said section line and following successive

160 section lines south to the Coldwater River; thence in a  
161 Westerly direction following the Coldwater River to the  
162 intersection of the Coldwater River and Red Banks Road;  
163 thence in a Southerly direction following said Red Banks  
164 Road to the intersection with Highway 178; thence in a  
165 Westerly direction following Highway 178 to the point of  
166 beginning.

167 Section 4. It shall be the duty of the authority in general  
168 to promote, encourage and coordinate efforts to secure the  
169 development of the Chickasaw Trail Economic Development Area.  
170 Toward this end, the authority shall have power to hold hearings;  
171 to conduct studies and surveys of all problems, benefits and any  
172 other matter associated with the development of the Chickasaw  
173 Trail Economic Development Area, and to make reports thereon; to  
174 acquire, by gift or otherwise, and hold and dispose of such money  
175 and property as may be provided for the proper performance of  
176 their function; to cooperate with other public or private groups,  
177 whether local, state, regional or national having an interest in  
178 economic development; to formulate and execute plans and policies  
179 for emphasizing the purpose of this act before appropriate  
180 officers and agencies of the United States and of the State of  
181 Mississippi; and to exercise such other powers as may be  
182 appropriate to enable it to accomplish its functions and duties in  
183 connection with the development of the Chickasaw Trail Economic  
184 Development Area and to carry out the purposes of this act.

185 Section 5. In addition to the powers conferred on the  
186 authority by Chapter 869, Local and Private Laws of 1983, as  
187 amended, the authority is conferred such powers as may be deemed  
188 necessary to carry out the purposes of this act, including the  
189 following:

- 190 (a) To sue and be sued in its own name.  
191 (b) To employ or contract with architects, engineers,  
192 attorneys, accountants, construction and financial experts and

193 such other advisors, consultants and agents as may be necessary in  
194 its judgment and to fix and pay their compensation.

195 (c) To borrow money and to issue bonds, notes and other  
196 evidence of indebtedness, without the authority to levy ad valorem  
197 taxes, for any of its purposes and to provide for and secure the  
198 payment thereof and to provide for the rights of the holders  
199 thereof.

200 (d) To invest any monies of the authority, including  
201 proceeds from the sale of any bonds subject to any agreements with  
202 bondholders, on such terms and in such manner as the authority  
203 deems proper.

204 (e) To exercise any one or more of the powers, rights  
205 and privileges under this act, either alone or jointly or in  
206 common with one or more other public or private parties. In any  
207 such exercise of such powers, rights and privileges jointly or in  
208 common with others for the development, construction, operation  
209 and maintenance of facilities within the development area, the  
210 authority may own an undivided interest in such facilities with  
211 any other party, public or private, with which it may jointly or  
212 in common exercise the rights and privileges conferred by this act  
213 and may enter into an agreement or agreements with respect to any  
214 such facility with the other party or parties, public or private,  
215 participating therein, including development agreements, joint  
216 ventures and real estate investment trusts. An agreement may  
217 contain such terms, conditions and provisions, consistent with  
218 this paragraph, as the parties thereto shall deem to be in their  
219 best interest, including, but not limited to, provisions for the  
220 construction, operation and maintenance of such facility by any  
221 one or more parties to such agreement. The party or parties may  
222 be designated in or under such agreement as agent or agents on  
223 behalf of itself and one or more of the other parties thereto, or  
224 by such other means as may be determined by the parties thereto,  
225 and including provisions for a method or methods of determining

226 and allocating, among or between the parties, costs of  
227 construction, operation, maintenance, renewals, replacements and  
228 improvements related to such facility. In carrying out its  
229 functions and activities as the agent with respect to  
230 construction, operation and maintenance of such a facility, the  
231 agent shall be governed by the laws and regulations applicable to  
232 the agent as a separate legal entity and not by any laws or  
233 regulations which may be applicable to any of the other  
234 participating parties. The agent shall act for the benefit of the  
235 public. Under any such agreement, the authority may delegate its  
236 powers and duties related to the construction, operation and  
237 maintenance of such facility to the party acting as agent and all  
238 actions taken by such agent in accordance with the agreement may  
239 be binding upon the authority without further action or approval  
240 of the authority.

241 (f) To make such applications and enter into such  
242 contracts for financial assistance as may be appropriate under  
243 applicable federal or state law.

244 (g) To apply for, accept and utilize grants, gifts,  
245 donations and other funds or aid from any source for any purpose  
246 contemplated by this act, and to comply, subject to the provisions  
247 of this act, with the terms and conditions thereof.

248 (h) To acquire by purchase, lease, gift, investment,  
249 trade, exchange or in other manner, as may be authorized under  
250 this act, or obtain options to acquire, and to own, maintain, use,  
251 operate and convey any and all property of any kind, real,  
252 personal or mixed or easement therein or any interest or estate  
253 therein, within the development area, necessary for the project or  
254 any facility related to the project.

255 (i) To make or cause to be made such examinations and  
256 surveys as may be necessary to the planning, design, construction  
257 and operation of the project.



258           (j) To enter into a development agreement with any  
259 public agency, private firm or person for the development of the  
260 development area, development area property, or any portion  
261 thereof upon such terms as the parties might agree to carry out  
262 the purposes of this act.

263           (k) To negotiate, with the proper governmental agency  
264 or regulated utility or transportation provider, any necessary  
265 relocation or rerouting of roads and highways, railroad, telephone  
266 and telegraph lines and properties, electric power lines,  
267 pipelines and related facilities, or to require the anchoring or  
268 other protection of any of these, provided due compensation is  
269 paid to the owners thereof or an agreement is made with such  
270 owners regarding the payment of the cost of such relocation.

271           (l) To enter into joint agreements, development  
272 agreements or other agreements with any person or participant in a  
273 joint venture with any private firm, person or public agency to  
274 form and participate in real estate investment trusts and limited  
275 liability partnerships, joint ventures, joint ownerships and  
276 agreements for the construction and operation of any project of  
277 the authority with the development area.

278           (m) To construct, extend, improve, maintain and  
279 reconstruct, to cause to be constructed, extended, improved,  
280 maintained and reconstructed, and to use and operate any and all  
281 components of the project or any facility related to a project,  
282 subject to the concurrence and approval of the affected public  
283 agency, within the development area, necessary to the project and  
284 to the exercise of such powers, rights and privileges granted the  
285 authority.

286           (n) To incur or defray any designated portion of the  
287 cost of any component of the project or any facility related to  
288 the project acquired or constructed by any public agency.

289           (o) To lease, sell, mortgage, pledge, trade, exchange  
290 or otherwise convey any or all property acquired by the authority

291 under the provisions of this act to the enterprise, its successors  
292 or assigns, and in connection therewith to pay the costs of title  
293 search, perfection of title, title insurance and recording fees as  
294 may be required. The authority may provide in the instrument  
295 conveying such property a provision that the property shall revert  
296 to the authority if, as and when the property is declared by the  
297 enterprise to be no longer needed.

298 (p) To enter into an agreement with the county and  
299 units of local government adjoining the development area to  
300 promote, develop, contract or operate projects which will  
301 contribute to the economic development of the area.

302 (q) To enter into contracts with any private firm,  
303 person or public agency, including, but not limited to, in  
304 furtherance of any of the purposes authorized by this act upon  
305 such consideration as the authority and such person or public  
306 agency may agree. Any such contract may extend over any period of  
307 time, notwithstanding any rule of law to the contrary, may be upon  
308 such terms as the parties thereto shall agree, and may provide  
309 that it shall continue in effect until bonds specified therein,  
310 refunding bonds issued in lieu of such bonds, and all other  
311 obligations specified therein are paid or terminated. Any such  
312 contract shall be binding upon the parties thereto according to  
313 its terms. Such contracts may include an agreement to reimburse  
314 the enterprise, its successors and assigns for any assistance  
315 provided by the enterprise in the acquisition of real property for  
316 the project or any facility related to the project.

317 (r) To establish and maintain reasonable rates and  
318 charges for the use of any facility within the development area  
319 owned or operated by or under the authority, or services provided  
320 by the authority and, from time to time, to adjust such rates and  
321 to impose penalties for failure to pay such rates and charges when  
322 due.

323           (s) To adopt and enforce exclusively all necessary and  
324 reasonable rules and regulations to carry out and effectuate the  
325 implementation of this act, the purpose of the authority and any  
326 project and any land use plan classification adopted for the  
327 development area, including, but not limited to, rules,  
328 regulations, zoning and restrictions concerning mining,  
329 construction, excavation or any other activity the occurrence of  
330 which may endanger the structure or operation of the authority or  
331 any project. However, the exercise of this power shall not  
332 conflict with the provisions of Section 6, subsection (2).

333           (t) To plan, design, coordinate and implement measures  
334 and programs to mitigate impacts on the natural environment caused  
335 by a project or any facility related to a project.

336           (u) To develop plans for technology transfer activities  
337 to ensure private sector conduits for exchange of information,  
338 technology and expertise related to a project to generate  
339 opportunities for commercial development within the development  
340 area.

341           (v) To consult with the State Department of Education  
342 and other public agencies for the purpose of improving public  
343 schools and curricula and training programs within the development  
344 area.

345           (w) To consult with the State Board of Health and other  
346 public agencies for the purpose of improving medical centers,  
347 hospitals and public health centers in order to provide  
348 appropriate health care facilities within the development area.

349           (x) To do any and all things necessary or proper for  
350 the accomplishment of the objectives of this act and to exercise  
351 any power usually possessed by private corporations performing  
352 similar functions which is not in conflict with the Constitution  
353 and laws of this state, including the power to employ professional  
354 and administrative staff and personnel and to retain legal,  
355 engineering, fiscal, accounting and other professional services;

356 the power to purchase all kinds of insurance, including without  
357 limitations, insurance against tort liability and against risks of  
358 damage to property; and the power to act as self-insurer with  
359 respect to any loss or liability.

360 Section 6. (1) The authority may adopt and promulgate all  
361 reasonable rules and regulations regarding the operation of the  
362 development area, its projects, and the specifications and  
363 standards relating to the construction, operation and maintenance  
364 of any facility.

365 (2) The authority shall have the authority to comment upon  
366 and review, prior to any approval by units of local government,  
367 the development of any land use or planning or the promulgation of  
368 land use restrictions, regulations or zoning ordinance which  
369 applies to the land use within the development area.

370 Section 7. (1) The authority is empowered and authorized,  
371 from time to time, to issue bonds in such principal amounts as  
372 shall be necessary to provide sufficient funds for achieving any  
373 of its purposes, including without limiting the generality of the  
374 foregoing, the financing of the acquisition, construction,  
375 improvement of facilities or any combination thereof, the payment  
376 of interest on bonds of the authority, establishment of reserves  
377 to secure such bonds, expenses incident to the issuance of such  
378 bonds, including bond insurance and to the implementation of  
379 programs or projects, and any other capital expenditures but not  
380 operating costs of the authority incident to or necessary or  
381 convenient to carry out its corporate purposes and powers.

382 (2) The authority may issue such types of bonds or notes, in  
383 its discretion, subject only to any agreement with the holders of  
384 particular bonds, including bonds as to which the principal and  
385 interest are payable exclusively from all or a portion of the  
386 revenues derived from one or more facilities under the contracts  
387 entered into by public agencies, and other persons, or any  
388 combination of any of the foregoing, or which may be secured by a

389 pledge or any grant, subsidy or contribution from any public  
390 agency or other person, or a pledge of an income or revenues,  
391 funds or monies of the authority from any source whatsoever,  
392 except that the authority may not issue bonds or notes that are  
393 secured by ad valorem taxes.

394 (3) Bonds shall be authorized by a resolution or resolutions  
395 of the authority. Such bonds shall bear such date or dates,  
396 mature at such time or times (either serially, term or a  
397 combination thereof), bear interest at such rate or rates, be in  
398 such denomination or denominations, be in such registered form,  
399 carry such conversion or registration privileges, have such rank  
400 or priority, be executed in such manner and by such officers, be  
401 payable from sources other than ad valorem taxes, in such medium  
402 of payment at such place or places within or without the state,  
403 provided that one such place shall be within the state, be subject  
404 to such terms of redemption before maturity, all as may be  
405 provided by resolution or resolutions of the authority.

406 (4) Any bonds of the authority may be sold at such price or  
407 prices, at public or private sale, in such manner and at such  
408 times as may be determined by the authority to be in the public  
409 interest, and the authority may pay all expenses, premiums, fees  
410 and commissions which it may deem necessary and advantageous in  
411 connection with the issuance and sale thereof.

412 (5) Any pledge of earnings, revenues or other monies made by  
413 the authority shall be valid and binding from the time the pledge  
414 is made and the earnings, revenues or other monies so pledged and  
415 thereafter received by the authority immediately shall be subject  
416 to the lien of such pledge without any physical delivery thereof  
417 or further act. The lien of any such pledge shall be valid and  
418 binding as against all parties having claims of any kind in tort,  
419 contract or otherwise against the authority regardless of whether  
420 such parties have notice thereof. Neither the resolution nor any  
421 other instrument by which a pledge is created need be recorded.

422           (6) Neither the board members of the authority nor any  
423 person executing the bonds shall be personally liable on the bonds  
424 or be subject to any personal liability or accountability by  
425 reason of the issuance thereof.

426           (7) Whenever any bonds shall have been signed by the  
427 officers of the authority designated by resolution of the  
428 authority to sign the bonds who were in office at the time of such  
429 signing but who may have ceased to be such officers prior to the  
430 sale and delivery of such bonds, or who may not have been in  
431 office on the date such bonds may bear, the manual or facsimile  
432 signatures of such officers upon such bonds and the coupons  
433 appertaining thereto, shall nevertheless be valid and sufficient  
434 for all purposes and have the same effect as if the person so  
435 officially executing such bonds had remained in office until the  
436 delivery of the same to the purchaser or had been in office on the  
437 date such bonds may bear.

438           (8) The bonds issued by the authority under this act shall  
439 be limited obligations of the authority. The principal, interest  
440 and redemption premium, if any, shall be payable solely out of the  
441 monies to be derived by the authority from the development area.  
442 Revenue bonds and interest coupons issued under authority of this  
443 act shall never constitute an indebtedness of the state or any  
444 county or municipality within the meaning of any state  
445 constitutional provision or statutory limitation and shall never  
446 constitute nor give rise to a pecuniary liability of a county or  
447 municipality or the state, or a charge against its general credit  
448 or taxing powers, and such fact shall be plainly stated on the  
449 face of each bond.

450           Section 8. (1) Pending the issuance of revenue bonds by the  
451 authority, the authority may make temporary borrowings not to  
452 exceed two (2) years in anticipation of the issue of bonds in  
453 order to provide funds in such amounts as may, from time to time,  
454 be deemed advisable prior to the issue of bonds. To provide for

455 such temporary borrowings, the authority may enter into any  
456 purchase, loan or credit agreement, or agreements or other  
457 agreement or agreements with any banks or trust companies or other  
458 lending institutions, investment banking firms or persons in the  
459 United States having power to enter into the same.

460 (2) All temporary borrowings made under this section shall  
461 be evidenced by notes of the authority which shall be issued, from  
462 time to time, for such amounts, in such form and in such  
463 denominations and subject to terms and conditions of sale and  
464 issue, prepayment or redemption and maturity, rate or rates of  
465 interest and time of payment of interest as the authority shall  
466 authorize and direct. Such authorization and direction may  
467 provide for the subsequent issuance of replacement notes to  
468 refund, upon issuance thereof, such notes, and may specify such  
469 other terms and conditions with respect to the notes and  
470 replacement notes thereby authorized for issuance as the authority  
471 may determine and direct.

472 Section 9. The authority may issue refunding bonds for the  
473 purpose of paying any of its bonds at or prior to maturity or upon  
474 acceleration or redemption. Refunding bonds may be issued at such  
475 time prior to the maturity or redemption of the refunded bonds as  
476 the authority deems to be in the public interest. The refunding  
477 bonds may be issued in sufficient amounts to pay or provide the  
478 principal of the bonds being refunded, together with any  
479 redemption premium thereof, any interest accrued or to accrue to  
480 the date of payment of such bonds, the expenses of issue of the  
481 refunding bonds, the expenses of redeeming the bonds being  
482 refunded, and such reserves for debt service or other capital or  
483 current expenses from the proceeds of such refunding bonds as may  
484 be required by the resolution, trust indenture or other security  
485 instruments.

486 Section 10. The authority shall have power in the issuance  
487 of its bonds to:

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

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

492           (c) Covenant to charge rates, fees and charges  
493 sufficient to meet operating and maintenance expenses, renewals  
494 and replacements, principal and debt service on bonds, creation  
495 and maintenance of any reserves required by a bond resolution,  
496 trust indenture or other security instrument and to provide for  
497 any margins or coverages over and above debt service on the bonds  
498 deemed desirable for the marketability of the bonds.

499           (d) Covenant and prescribe as to events of default and  
500 terms and conditions upon which any or all of its bonds shall  
501 become or may be declared due before maturity, as to the terms and  
502 conditions upon which such declaration and its consequences may be  
503 waived and as to the consequences of default and the remedies of  
504 bondholders.

505           (e) Covenant as to the mortgage or pledge of or the  
506 grant of a security interest in any real or personal property and  
507 all or any part of the revenues from any facilities or any  
508 revenue-producing contract or contracts made by the authority with  
509 any person to secure the payment of bonds, subject to such  
510 agreements with the holders of bonds as may then exist.

511           (f) Covenant as to the custody, collection, securing,  
512 investment and payment of any revenue assets, monies, funds or  
513 property with respect to which the authority may have any rights  
514 or interest.

515           (g) Covenant as to the purpose to which the proceeds  
516 from the sale of any bonds then or thereafter to be issued may be  
517 applied, and the pledge of such proceeds to secure the payment of  
518 the bonds.



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

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

524           (j) Covenant as to the procedure by which the terms of  
525 any contract with or for the benefit of the holders of bonds may  
526 be amended or abrogated, the amount of bonds the holders of which  
527 must consent thereto, and the manner in which such consent may be  
528 given.

529           (k) Covenant as to the custody of any of its properties  
530 or investments, the safekeeping thereof, the insurance to be  
531 carried thereon, and the use and disposition of insurance  
532 proceeds.

533           (l) Covenant as to the vesting in a trustee or  
534 trustees, within or outside the state, of such properties, rights,  
535 powers and duties in trust as the authority may determine.

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

539           (n) Make all other covenants and to do any and all such  
540 acts and things as may be necessary or convenient or desirable in  
541 order to secure its bonds without a pledge of ad valorem taxes, or  
542 in the absolute discretion of the authority tend to make the bonds  
543 more marketable, notwithstanding that such covenants, acts or  
544 things may not be enumerated herein; it being the intention hereof  
545 to give the authority power to do all things in the issuance of  
546 bonds and in the provisions for security thereof which are not  
547 inconsistent with the Constitution of the state.

548           (o) Execute all instruments necessary or convenient in  
549 the exercise of the powers herein granted or in the performance of  
550 covenants or duties, which may contain such covenants and

551 provisions, as any purchaser of the bonds of the authority may  
552 reasonably require.

553         Section 11. The authority may, in any authorizing  
554 resolution, trust indenture or other security instrument relating  
555 to its bonds, provide for the appointment of a trustee who shall  
556 have such powers as are provided therein to represent the  
557 bondholders of any issue of bonds in the enforcement or protection  
558 of their rights under any such resolution, trust indenture or  
559 security instrument. The authority may also provide in such  
560 resolution, trust indenture or other security instrument that the  
561 trustee, or if the trustee so appointed fails or declines to  
562 protect and enforce such bondholders' rights then the percentage  
563 of bondholders as shall be set forth in, and subject to the  
564 provisions of, such resolution, trust indenture or other security  
565 instrument, may petition the court of proper jurisdiction for the  
566 appointment of a receiver of the facilities, the revenues of which  
567 are pledged to the payment of the principal of and interest on the  
568 bonds held by such bondholders. Such receiver may exercise any  
569 power as may be granted in any such resolution, trust indenture or  
570 security instrument to enter upon and take possession of, acquire,  
571 construct or reconstruct, or operate and maintain such facilities,  
572 fix, charge, collect, enforce and receive all revenues derived  
573 from such facilities, and perform the public duties and carry out  
574 the contracts and obligations of the authority in the same manner  
575 as the authority itself might do, all under the direction of such  
576 a proper court.

577         Section 12. (1) The exercise of the powers granted by this  
578 act will be in all respects for the benefit of the people of the  
579 state for their well-being and prosperity and for the improvement  
580 of their social and economic conditions, and the authority shall  
581 not be required to pay any tax or assessment on any property owned  
582 by the authority upon the income therefrom.

583           (2) Any bonds issued by the authority under this act, their  
584 transfer and the income therefrom shall at all times be free from  
585 taxation by the state or any unit of local government or other  
586 instrumentality of the state, except for inheritance and gift  
587 taxes.

588           Section 13. For the purpose of attaining the objectives of  
589 this act, any county, municipality or other unit of local  
590 government, public corporation, agency or instrumentality of the  
591 state, a county or municipality or person may, upon terms and with  
592 or without consideration, as it may determine, do any or all of  
593 the following:

594           (a) Lend, contribute or donate money to the authority  
595 or perform services for the benefit thereof;

596           (b) Donate, sell, convey, transfer, lease, option or  
597 grant upon such terms as the parties may agree, without the  
598 necessity of authorization at any election of qualified voters,  
599 any property of any kind; and

600           (c) Do any and all things, whether or not specifically  
601 authorized in this section, not otherwise prohibited by law, that  
602 are necessary or convenient to aid and cooperate with any  
603 authority in attaining the objectives of this act.

604           Section 14. Contracts for acquisition, purchase,  
605 construction or installation of a project shall be effected in the  
606 manner prescribed by law for public contracts, except when:

607           (a) The authority finds and records such finding on its  
608 minutes, that because of availability or particular nature of a  
609 project, it would not be in the public interest or would less  
610 effectively achieve the purposes of this act to enter into such  
611 contracts upon the basis of public bidding pursuant to  
612 advertising;

613           (b) The industry concurs in such finding; and

614           (c) Such finding is approved by the authority, public  
615 bidding pursuant to advertisement may be dispensed with and such

616 contracts may be entered into based upon negotiation; and provided  
617 further, that the industry or enterprise locating within the  
618 development area, at its option, may negotiate such contracts in  
619 the name of the authority.

620 Section 15. For the purpose of aiding in the planning,  
621 design, undertaking and carrying out of a project or any facility  
622 related to a project, any public agency is authorized and  
623 empowered upon such terms, with or without consideration, as it  
624 may determine:

625 (a) To enter into agreements, which may extend over any  
626 period, with the authority respecting action to be taken by such  
627 public agency with respect to the acquisition, planning,  
628 construction, improvement, operation, maintenance or funding of  
629 the project or any such facility, and which agreements may include  
630 (i) the appropriation or payment of funds to the authority or to a  
631 trustee in amounts which shall be sufficient to enable the  
632 authority to defray any designated portion or percentage of the  
633 expenses of administering, planning, designing, constructing,  
634 acquiring, improving, operating and maintaining a project or any  
635 facility related to a project, and (ii) the furnishing of other  
636 assistance in connection with a project or facility related to a  
637 project;

638 (b) To dedicate, sell, donate, convey or lease any  
639 property or interest in property to the authority or grant  
640 easements, licenses or other rights or privileges therein to the  
641 authority;

642 (c) To incur the expense of any public improvements  
643 made or to be made by such public agency in exercising the powers  
644 granted in this section;

645 (d) To lend, grant or contribute funds to the  
646 authority;

647 (e) To cause public buildings and public facilities,  
648 including parks, playgrounds, recreational areas, community

649 meeting facilities, water, sewer or drainage facilities, or any  
650 other works which it is otherwise empowered to undertake, to be  
651 furnished to or with respect to a project or any such facility;

652 (f) To furnish, dedicate, close, vacate, pave, install,  
653 upgrade or improve highways, streets, roads, sidewalks, airports,  
654 railroads or ports with the approval of the proper state, federal  
655 or local regulatory authority;

656 (g) To comment upon and review prior to any appraisal  
657 by units of local government the development of any land use or  
658 planning or the promulgation of land use restriction, regulations  
659 or zoning ordinance which apply to the land within the development  
660 area; and

661 (h) To cause administrative and other services to be  
662 furnished to the authority, including services pertaining to the  
663 acquisition of real property and the furnishing of relocation  
664 assistance. Any contract between a public agency entered into  
665 with the authority pursuant to any of the powers granted by this  
666 act shall be binding upon the public agency according to its  
667 terms, and the public agency shall have the power to enter into  
668 such contracts as in the discretion of the governing authorities  
669 thereof, would be to the best interest of the people of the public  
670 agency. If at any time title to or possession of a project or any  
671 such facility is held by any public body or governmental agency  
672 other than the authority, including any agency or instrumentality  
673 of the United States of America, the agreements referred to in  
674 this section shall inure to the benefit of and may be enforced by  
675 such public body or governmental agency.

676 Section 16. The authority is empowered to establish and  
677 create such nonprofit corporations, joint ventures, limited  
678 liability companies as from time to time the authority may deem  
679 necessary or desirable in the performance of any acts or other  
680 things necessary to the exercise of the powers provided in this  
681 act, and to delegate to such departments, boards or other agencies

682 such administrative duties and other powers as the authority deems  
683 necessary or desirable.

684 Section 17. The authority is authorized to acquire  
685 property, real, personal or mixed, within or without its  
686 territorial limits, in fee simple or any lesser interest or  
687 estate, by purchase, gift, devise or lease, on such terms and  
688 conditions as the authority may deem necessary or desirable; to  
689 acquire mineral rights and leases; to acquire title to submerged  
690 lands and riparian rights and easements or rights-of-way with or  
691 without restrictions within or without the limits of the  
692 development area; to accept the dedication of streets and other  
693 rights-of-way on such terms and conditions as the authority may  
694 approve; to make purchase money mortgages and deed trusts and  
695 other forms of encumbrance on any property acquired by the  
696 authority and to purchase property subject to purchase money  
697 mortgages, or other encumbrances; and to mortgage, hold, manage,  
698 control, convey, lease, sell, grant or otherwise dispose of the  
699 same, and of any of the assets and properties of the authority,  
700 with or without consideration.

701 Section 18. Whenever deemed necessary or desirable by the  
702 authority, the authority may lease as lessor or lessee to or from  
703 any person, firm, corporation, association or body public or  
704 private, any projects of the type that the authority is authorized  
705 to undertake and facilities or property of any nature for the use  
706 of the authority and to carry out any of the purposes of this act.

707 Section 19. (1) The authority, in furtherance of its  
708 purposes and to facilitate or provide the necessary services for  
709 the development of the development area is authorized by  
710 agreement, ownership, contract, lease, joint venture or otherwise  
711 to do the following within the development area:

712 (a) To adopt a plan of reclamation, and own, acquire,  
713 construct, reconstruct, equip, operate, maintain, extend and

714 improve canals, ditches, drains, dikes, levees, pumps, plants and  
715 pumping systems and other works, machinery and plants.

716           (b) To facilitate the development or own, acquire,  
717 construct, reconstruct, equip, operate, maintain, extend and  
718 improve water systems and sewer systems or combined water and  
719 sewer systems; to cooperate with the proper public agency to  
720 regulate the use of sewers and the supply of water within the  
721 development area and cooperate with the proper public agency in  
722 prohibiting or regulating the use and maintenance of outhouses,  
723 privies, septic tanks or other sanitary structures or appliances  
724 within the development area; to coordinate with the proper public  
725 agencies in prescribing methods of pretreatment of wastes not  
726 amenable to treatment with domestic sewage before accepting such  
727 wastes for treatment and to refuse to accept such wastes when not  
728 sufficiently pretreated as may be prescribed by the proper public  
729 agency; to sell or otherwise dispose of the effluent, sludge or  
730 other by-products as a result of sewage treatment; and to  
731 construct and operate connecting, intercepting or outlet sewers  
732 and sewer mains and pipes and water mains, conduits or pipelines  
733 in, along or under any street, alleys, highways or other public  
734 places or ways within the development area, when deemed necessary  
735 or desirable by the authority and the proper public agency in  
736 accomplishing the purposes of this act.

737           (c) To own, acquire, construct, reconstruct, equip,  
738 operate, maintain, extend and improve a waste collection and  
739 disposal system, and to sell or otherwise dispose of any effluent,  
740 residue or other by-products of such systems, provided that such  
741 actions comply with existing state and federal laws and  
742 regulations.

743           (d) To provide, acquire, construct, equip, operate,  
744 maintain, if necessary, extend and improve parks, playgrounds,  
745 picnic grounds, golf courses, auditoriums, libraries, recreational

746 centers, convention halls and facilities, and cultural,  
747 recreational and other appropriate projects.

748 (e) To own, acquire, construct, reconstruct, equip,  
749 operate, maintain, extend and improve parking facilities, to  
750 install or cause to be installed parking meters at or near the  
751 curbs of streets, roads and other public ways within the  
752 development area, and to adopt such regulations and impose such  
753 charges in connection with any parking facilities as the authority  
754 may deem necessary or desirable.

755 (f) To provide for or own, acquire, construct,  
756 reconstruct, equip, maintain, operate, extend and improve fire  
757 control facilities for the development area, including fire  
758 stations, water mains and plugs, fire trucks and other vehicles  
759 and equipment, and to undertake such works and construct such  
760 facilities as may be determined necessary by the authority to  
761 carry out a program of fire prevention and fire control within the  
762 development area.

763 (g) To designate, set aside and maintain lands and  
764 areas within the development area as conservation areas; to  
765 promulgate and enforce rules and regulations with respect thereto  
766 and to protect and preserve the natural beauty thereof.

767 (2) The authority may contract with the county or a unit of  
768 local government located within the county for any services  
769 authorized by this section when doing so would result in lower or  
770 comparable costs to the authority.

771 Section 20. The authority shall not have the power to  
772 exercise eminent domain. The authority shall have the authority  
773 to request and pursue eminent domain through the county for the  
774 development area. However, before the exercise of this power, the  
775 authority shall enter on its minutes the determination of the need  
776 to pursue the power of eminent domain through the county for the  
777 acquisition of the part of the development involved, and the  
778 authority shall so specify in its minutes.



779           Section 21. The authority at any time may obtain loans, in  
780 such amount and on such terms and conditions as the authority may  
781 approve, for the purpose of paying any of the expenses of the  
782 authority or any costs incurred or that may be incurred in  
783 connection with any of the projects of the authority within the  
784 development area, which loans shall have a term not exceeding two  
785 (2) years from the date of issuance thereof, and may be renewable  
786 for a like term or terms, and may be payable from and secured by a  
787 pledge of such funds, revenues and assessments, other than a levy  
788 of ad valorem taxes, as the authority may determine.

789           Section 22. (1) The State of Mississippi and the county,  
790 municipalities within the county and other political subdivisions  
791 and public bodies and agencies thereof, or any of them, whether  
792 now existing or hereafter created, are authorized to aid and  
793 cooperate with the authority in carrying out any of the purposes  
794 and projects of the authority to enter into cooperation agreements  
795 with the authority, to provide in any such cooperation agreement  
796 for the making of loans, gifts, grants or contributions to the  
797 authority and the granting and conveyance to the authority of real  
798 or personal property of any kind or nature, or any interest  
799 therein, for the carrying out of the purposes and projects of the  
800 authority, to covenant in any such cooperation agreement to pay  
801 all or any part of the costs of acquisition, construction,  
802 reconstruction, extension, improvement, operation and maintenance  
803 of any of the projects of the authority, and to pay all or any  
804 part of the principal and interest on any bonds of the authority  
805 and all or any part of the deposits required to be made into any  
806 reserve, renewal and replacement or other funds created and  
807 established by the indenture, resolution, deed of trust or other  
808 instrument securing such bonds.

809           (2) The authority is empowered to enter into a joint venture  
810 development agreement or other agreement to provide services,  
811 facilities or to invest such available funds of the authority in a

812 project which contributes to the economic growth and development  
813 of Marshall County, Mississippi, as may be determined by the  
814 authority.

815           Section 23. The authority is authorized to cooperate and  
816 coordinate with economic development commissions, travel, and  
817 other similar commissions and boards, or other similar agencies of  
818 other states, the federal government, and with county, municipal,  
819 and regional economic development, travel, and other similar  
820 commissions or boards, or other agencies thereof, for the purposes  
821 of securing economic development within the State of Mississippi,  
822 and to accomplish this purpose.

823           Section 24. It shall be the duty of the authority to  
824 prepare and execute a program of publicity and advertising that  
825 will bring into favorable notice the industrial, commercial,  
826 recreational, educational and social advantages, opportunities,  
827 possibilities, resources and facilities of the development area,  
828 and in the preparation and execution of such program the authority  
829 may use any funds which may be appropriated or otherwise made  
830 available.

831           Section 25. The authority is empowered, in its discretion,  
832 to sell, lease or otherwise dispose of any industrial enterprise  
833 or other enterprises of the authority, in whole or in part, on  
834 such terms and conditions and with such safeguards as will best  
835 promote and protect the public interest. Further, the authority  
836 is authorized to transfer title or possession to such industry or  
837 to any property utilized therein, by warranty deed, lease, bill of  
838 sale, contract or other customary business instrument, in the same  
839 manner and to the same extent that any private corporation,  
840 association or person may contract, with reference to such  
841 property of a similar nature. Such disposition shall not be made  
842 except by the affirmative vote of at least two-thirds (2/3) of the  
843 membership of the authority, and all votes shall be of record.  
844 All income from any lease or contract for the operation or from

845 the disposition of an industrial enterprise may be used by the  
846 authority for any authorized purpose, except that if bonds have  
847 been issued for the enterprise, the proceeds shall be paid into  
848 the bond sinking funds provided for any bonds issued for the  
849 retirement of such bonds if any are outstanding for the sale year  
850 and the interest thereon. Such income or proceeds related to a  
851 bond issue shall not be used by the authority for any other  
852 purpose except as to disposition of surplus income authorized  
853 above, and shall be subject to all of the provisions regarding the  
854 sinking fund.

855 Section 26. (1) Before the leasing of any project,  
856 enterprise or facilities for which bonds have been issued, the  
857 authority must determine and find the following:

858 (a) The amount necessary in each year to pay the  
859 principal of and the interest on the bonds proposed to be issued  
860 to finance such project;

861 (b) The amount necessary to be paid each year into any  
862 reserve funds, which amounts may include deposits in escrow or  
863 reserve amounts as advance sums for the payment of insurance,  
864 which the authority may deem it advisable to establish in  
865 connection with the retirement of the proposed bonds and the  
866 maintenance of the project; and

867 (c) Unless the terms under which the project is to be  
868 leased provide that the lessee shall maintain the project and  
869 carry all proper insurance with respect thereto, the estimated  
870 cost of maintaining the project in good repair and keeping it  
871 properly insured.

872 (2) The determinations and findings of the authority  
873 required to be made in subsection (1) of this section shall be set  
874 forth in the proceedings under which the proposed bonds are to be  
875 issued; and before the issuance of such bonds, the authority shall  
876 lease the project to a lessee under an agreement conditioned upon  
877 completion of the project and providing for payment to the

878 authority of such rentals as, upon the basis of such  
879 determinations and findings, will be sufficient:

880 (a) To pay the principal of and interest on the bonds  
881 issued to finance the project;

882 (b) To build up and maintain any reserve deemed by the  
883 authority to be advisable in connection therewith; and

884 (c) Unless the agreement of the lease obligated the  
885 lessee to pay for the maintenance and insurance of the project, to  
886 pay the cost of maintaining the project in good repair and keeping  
887 it properly insured.

888 (3) Such lease shall be made upon such other terms and  
889 conditions and for the time which may be determined by the  
890 authority and may contain provisions authorizing the purchase of  
891 the entire project or any portion thereof by the industry or its  
892 assignee after all bonds issued thereunder have been paid in full,  
893 for such consideration and upon such terms and conditions as the  
894 authority may determine.

895 Section 27. The authority is authorized and empowered to  
896 formulate plans for industrial plant training, workplace skills or  
897 other educational activities to aid in recruitment for new and  
898 expanded industries, or both, and to enter into agreements for  
899 such training with a college, university or training institution.

900 Section 28. Any agreement made under this act may provide  
901 that the project will be owned by the authority, and leased to the  
902 industry; may provide the industry with an option to purchase the  
903 project upon such terms and conditions as the authority and the  
904 industry shall agree upon, at a price which represents the fair  
905 market value at the time of purchase or may provide that the  
906 project shall become the property of the industry upon the  
907 acquisition thereof. Any such agreement may also, but is not  
908 required to, include a guaranty agreement whereby a corporation,  
909 foreign or domestic, other than the industry guarantees in whole  
910 or in part the obligations of the industry under the lease or sale

911 upon such terms and conditions as the authority may deem  
912 appropriate.

913         Section 29. The authority conferred by this act shall not be  
914 construed as an exemption from the provisions of Section 77-3-1 et  
915 seq., Mississippi Code of 1972, as to the requirements for  
916 obtaining a certificate of public convenience and necessity, the  
917 jurisdiction of the Mississippi Public Service Commission to  
918 regulate rates or any other provisions of the laws of the state.  
919 Furthermore, nothing in this act shall be construed to deprive,  
920 prevent, or hinder an electric or other public utility from  
921 exclusively providing its services in those portions of the  
922 development area that are now or hereafter included within a  
923 certificate of public convenience and necessity issued to the  
924 public utility by the Mississippi Public Service Commission or  
925 other appropriate regulatory agency. The authority conferred by  
926 this act shall not be construed as a grant of authority to provide  
927 electric, telephone, telegraph, telecommunications services, cable  
928 television, video transmission, video programming services or  
929 other similar service, and this act shall be subject to all  
930 federal, state and local laws, ordinances, rules and regulations  
931 governing such services.

932         Section 30. This act shall take effect and be in force from  
933 and after its passage.

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