3/21/19 2:09 P.M.

Chapter No. 363
19/HR26/R1306SG
LL / NN

HOUSE BILL NO. 1533

Originated in House _____ Clerk

HOUSE BILL NO. 1533

AN ACT TO AMEND SECTION 1, CHAPTER 386, LAWS OF 2017, AS AMENDED BY SECTION 3, CHAPTER 449, LAWS OF 2018, TO AUTHORIZE THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT TO TRANSFER AND CONVEY WITHOUT COST CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF MARION COUNTY FOR THE PURPOSE OF LAW ENFORCEMENT TRAINING; TO AUTHORIZE CERTAIN EXEMPTIONS REGARDING THE PURPOSES FOR WHICH THE PROPERTY TRANSFERRED AND CONVEYED MAY BE USED; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT FOR THE PURPOSE OF PROVIDING UNOBSTRUCTED ACCESS FOR THE INDUSTRIAL DEVELOPMENT OF THE MARION COUNTY AIRPLEX; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING FORWARD SECTION 19-5-99, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OF ECONOMIC DEVELOPMENT DISTRICTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 1, Chapter 386, Laws of 2017, as amended by Section 3, Chapter 449, Laws of 2018, is amended as follows:

Section 1. (1) The Department of Finance and Administration may transfer and convey to the Columbia-Marion County Airport Authority certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains

approximately two hundred four (204) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

Commencing at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence continue to run along parcel boundary east a distance of 1,320 feet, more or less, thence continue to run along said City of Columbia parcel boundary north a distance of 1,612 feet, more or less, to the Point of Beginning; thence run N 61°40'00" E a distance of 4,470 feet, more or less, to the east boundary of Section 15; thence run along said Section line north a distance of 2,954 feet, more or less; thence leaving said Section line run S 48°06'08" W a distance of 5,296 feet, more or less, to the east boundary of a parcel owned by The City of Columbia; thence run along said boundary South a distance of 1,539 feet, more or less, back to the Point of Beginning. Said parcel containing 204 acres, more or less, and being located in the South $^1/_2$ and the NE $^1/_4$ of Section 15, Township 4 North, Range 18 West, Marion County, Mississippi, and the NE $^1/_4$ of the NW $^1/_4$ of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(2) (a) The Department of Finance and Administration may transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately four hundred six (406) acres, more or less, lying North of Highway 44 and is more particularly described as follows:

> Beginning at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run north along said section line a distance of 3,350 feet, more or less, to the south boundary of a parcel owned by The City of Columbia; thence run east a distance of 5,280 feet, more or less, to the east boundary of Section 22; thence run south along said section line a distance of 3,350 feet, more or less, to the southeast corner of Section 22; thence run west a distance of 5,280 feet, more or less, back to the Point of Beginning. Said parcel containing 406 acres, more or less, and being located in the South $^1/_2$ and the South $^1/_2$ of the North $^1/_2$ of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(b) (i) The Marion County Economic Development District is authorized to transfer and convey without cost a certain portion of the real property described in paragraph (a) of this subsection (2) located at Columbia Training School in Marion

County, Mississippi, to the Board of Supervisors of Marion County for the purpose of law enforcement training. The real property contains approximately eighteen (18) acres, more or less, and is more particularly described as follows:

Commencing at a found concrete marker at the Southwest corner of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi; thence run along said section line North 00 degrees 04 minutes 43 seconds West a distance of 1,859.88 feet to the Point of Beginning of an easement described as follows: Thence continue North 00 degrees 04 minutes 43 seconds West a distance of 1,484.29 feet; thence run North 89 degrees 44 minutes 14 seconds East a distance of 1,060.04 feet, thence run South 35 degrees 23 minutes 33 seconds West a distance of 1,826.72 feet, back to the Point of Beginning; said easement containing 18.0 acres, more or less, and being located in the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 22, Township 4 North, Range 18 West, Marion County, Mississippi.

(ii) The property transaction authorized in subparagraph (i) of this paragraph (b) shall not be subject to the monetary consideration requirements set forth in Section 19-5-99(5)(a). Additionally, the property transferred and conveyed under subparagraph (i) of this paragraph (b) shall not be

subject to the use restrictions set forth in Section 19-5-99(5)(a) and in subsection (3) of this section.

(3) The aggregate of parcels described in subsections (1) and (2) of this section consists of six hundred ten (610) acres, more or less, of the Columbia Training School Property, which the entirety of such section whereon the named property is situated consists of one thousand eight hundred twenty-three (1,823) acres, more or less. Except as otherwise provided in subsection (2)(b) of this section, the remaining property transferred and conveyed under subsections (1) and (2) of this section shall only be used to make improvements to the Marion County Airport and to construct an adjacent industrial park or other aviation-related facility.

(4) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsections (1) and (2) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsections (1) and (2) of this section.

(5) (a) The parcels of property conveyed under this section must be conveyed to the Columbia-Marion County Airport Authority and to the Marion County Economic Development District without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the respective recipients, in their individual

capacities, shall indemnify the State of Mississippi for any damage, injury or loss.

(b) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall provide the Mississippi Department of Human Services six (6) months to harvest and sell any timber located on the property transferred using a company of the department's preference prior to any improvement or development being made on the property by such entities, the revenue generated from which shall be deposited into the State Treasury and earmarked for use by the Department of Human Services for all administrative and program purposes deemed necessary by the executive director. Upon harvesting the timber upon the property within the time specified in this paragraph, the department shall forfeit all future rights to any timber remaining on or regrown on the property, as well as any right of easement for accessing the land.

(6) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall each grant the Department of Human Services an easement of ingress and egress to access the remaining parcels of property retained by the Department of Human Services if reasonable access to such remaining parcels is not otherwise available.

SECTION 2. Chapter 386, Laws of 2017, as amended by Section 3, Chapter 449, Laws of 2018, is amended as follows:

Section 2. (1) The Department of Finance and Administration, acting on behalf of the Mississippi Department of Human Services, is authorized to transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi, for the purpose of providing unobstructed access for the industrial development of the Marion County AirPlex on the property transferred under subsection (2)(a) of Section 1 of this chapter. The real property contains approximately forty (40) acres, more or less, and is more particularly described as follows:

Beginning at a found concrete monument at the Southeast corner of Section 21, Township 4 North, Range 18 West, Marion County, Mississippi, and run westerly along the southern boundary of Section 21 for a distance of 975.58 feet, more or less, to the easternmost right-of-way line of Airport Road. Thence run in a southeasterly direction along said right-of-way line the following calls; run along a curve to the right having an arc length of 261.47 feet, a radius of 735.00 feet, a chord distance of 260.09 feet, and a chord bearing of South 31 degrees 52 minutes 25 seconds East; thence continue along said right-of-way line South 21 degrees 40 minutes 56 seconds East a distance of 1,480.92 feet; thence leaving said right-of-way line run North 43 degrees 58 minutes 36 seconds East a distance of 2,219.24 feet,

more or less, to the north boundary line of Section 27; thence run westerly along said north boundary line of Section 27 for a distance of 1,249.87 feet back to the Point of Beginning. Said parcel containing 40.0 acres, more or less, and being located in the SE 1/4 of the NE 1/4 of Section 28 and the NE 1/4 of the NE 1/4 of Section 28 and the SE 1/4 of the NE 1/4 of Section 28 and the NW 1/4 of the NW 1/4 of Section 27, Township 4 North, Range 18 West, Marion County, Mississippi.

(2) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsection (1) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsection (1) of this section.

(3) The parcels of property conveyed under this section must be conveyed to the Marion County Economic Development District without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the Marion County Economic Development District shall indemnify the State of Mississippi for any damage, injury or loss.

SECTION 3. Section 43-27-39, Mississippi Code of 1972, is amended as follows:

43-27-39. (1) The purpose of this section is to ensure that Mississippi's juvenile justice system is cost-efficient and effective at reducing juvenile crime and to create a continuum of options for Mississippi's youth court judges so that they are better equipped to protect our communities and to care for our children.

(2) The Columbia Training School shall no longer operate as a secure training school for juvenile delinquents. All youth, both male and female, committed to the custody of the Department of Human Services and adjudicated to training school shall be housed at the Oakley Youth Development Center. The Oakley Youth Development Center shall provide gender-specific treatment for youth who are adjudicated delinquent.

(3) Any portion of Columbia Training School property and facilities described in Section 1 of Chapter 553, Laws of 2012, may be conveyed or transferred to the Board of Supervisors of Marion County, Mississippi.

(4) Any portion of Columbia Training School property and facilities described in Section 2 of Chapter 386, Laws of 2017, may be conveyed or transferred to the Marion County Economic Development District for the purposes prescribed under that section.

SECTION 4. Section 19-5-99, Mississippi Code of 1972, is brought forward as follows:

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

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

also be placed in the county treasury and be expended in the support and maintenance of such district.

At the option of such board of supervisors, or boards of supervisors if more than one (1) county is embraced in such economic development district, it may provide for the management of such economic development district by appointing not more than twenty-five (25) nor less than five (5) trustees, or if a multicounty district not more than five (5) trustees per participating county, who shall be qualified electors residing within such economic development district, to manage the affairs of such district, and in which event the funds made available by the county or counties for the support and maintenance of such economic development district may be expended by a majority vote of such trustees so appointed to manage such economic development district. Each trustee who is an officer of the economic development district shall qualify by giving bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to Fifty Thousand Dollars ($50,000.00), the premiums on all such surety bonds being paid by such economic development district. If this option is exercised and such districts operated and maintained under this paragraph, then in such event the employees of such economic development district shall not be considered as employees of the county for state retirement or any other purposes.

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

Notwithstanding any provision of this section to the contrary, the board of supervisors of a county having therein an economic development district established under this section or any other law and the governing authorities of any municipality located within the economic development district in such county may enter into a contract providing for the contribution of funds by the municipality or other local and private economic development groups to the economic development district and providing for the appointment by the municipal governing authorities or other local and private economic development groups of a number of trustees, as determined by the parties to the contract, to assist in the management of the district. In like manner, any economic or industrial development foundation or private economic development group may enter into a contract with the board of supervisors of the county or jointly with the board of supervisors of the county and municipal governing authorities providing for the contribution of funds by the economic or industrial development foundation or private economic development group to the economic development district and providing for the appointment by the officials or governing board of the foundation

of a number of trustees, as determined by the parties to the contract, to assist in the management of the district.

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

(3) (a) Any economic development district established under this section shall have the authority to acquire by gift, purchase or otherwise, and to own, hold, maintain, control and develop real estate situated within the county or counties comprising such district for the development, use and operation of industrial parks or other industrial development purposes. The district is further authorized and empowered to engage in works of internal improvement therefor including, but not limited to, construction or contracting for the construction of streets, roads, railroads, spur tracks, site improvements, water, sewerage, drainage, pollution control and other related facilities necessary or required for industrial development purposes or the development of industrial park complexes; to acquire, purchase, install, lease, construct, own, hold, equip, control, maintain, use, operate and

repair other structures and facilities necessary and convenient for the planning, development, use, operation and maintenance of an industrial park or parks or for other industrial development purposes, including, but not limited to, utility installations, elevators, compressors, warehouses, buildings and air, rail and other transportation terminals and pollution control facilities.

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

(4) For the development of such projects, the board of supervisors of any county that establishes an economic development district under this section or that establishes an economic development district in cooperation with one or more other counties, or municipalities or other local and private economic groups, may, upon receipt of a resolution duly adopted by the trustees of such district, issue, secure and manage its bonds in the manner prescribed by Sections 19-9-5, 19-9-7, 19-9-9, 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23, 19-9-25 and 19-9-29. Such bonds shall be sold in accordance with the provisions of Section 31-19-25. The full faith, credit and resources of the county shall be irrevocably pledged for the payment of the principal of and interest on the bonds issued under this section. Any income derived from the sale or lease of the property authorized to be acquired under this section shall be

applied in one or more of the following manners: (a) the retirement of bonds authorized to be issued under this section; (b) further improvement or development of such industrial parks or other related industrial development activities; or (c) payment into the general fund of the county to be used for any lawful purpose. Any amounts so paid into the general fund shall be included in the computation of total receipts and subject to the restrictions of Section 27-39-321. The board of supervisors may covenant with or for the benefit of the registered owners of any bonds issued under this section with respect to the application of any or all of such income and shall, by resolution adopted before or promptly after receipt of any such income, determine, in its discretion subject only to the restrictions set forth above and any covenants made to or for the benefit of any registered owners of bonds issued under this section, the manner in which such income shall be applied.

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

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

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

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

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

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

(6) Any county board of supervisors authorized to issue bonds under this section is hereby authorized, either separately or jointly with the governing authority of any municipality within the county, to acquire, enlarge, expand, renovate or improve an existing building or buildings located in the county or municipality and to issue bonds for such purpose in the manner provided by this section.

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

(8) The enumeration of any specific rights and powers contained in this section where followed by general powers shall

not be construed in a restrictive sense, but rather in as broad and comprehensive a sense as possible to effectuate the purposes of this section.

SECTION 5. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 4, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2019

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

3/21/2019 2:09 pm