

By: Morris

To: Ways and Means

HOUSE BILL NO. 1371
(As Passed the House)

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY CERTAIN POWERS AND DUTIES OF THE MISSISSIPPI MAJOR
3 ECONOMIC IMPACT AUTHORITY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 57-75-11, Mississippi Code of 1972, is
6 amended as follows:

7 **[Through June 30, 2001, this section shall read as follows:]**

8 57-75-11. The authority, in addition to any and all powers
9 now or hereafter granted to it, is empowered and shall exercise
10 discretion and the use of these powers depending on the
11 circumstances of the project or projects:

12 (a) To maintain an office at a place or places within
13 the state.

14 (b) To employ or contract with architects, engineers,
15 attorneys, accountants, construction and financial experts and
16 such other advisors, consultants and agents as may be necessary in
17 its judgment and to fix and pay their compensation.

18 (c) To make such applications and enter into such
19 contracts for financial assistance as may be appropriate under
20 applicable federal or state law.

21 (d) To apply for, accept and utilize grants, gifts and
22 other funds or aid from any source for any purpose contemplated by
23 the act, and to comply, subject to the provisions of this act,
24 with the terms and conditions thereof.

25 (e) To acquire by purchase, lease, gift, or in other
26 manner, including quick-take eminent domain, or obtain options to

27 acquire, and to own, maintain, use, operate and convey any and all
28 property of any kind, real, personal, or mixed, or any interest or
29 estate therein, within the project area, necessary for the project
30 or any facility related to the project. The provisions of this
31 paragraph that allow the acquisition of property by quick-take
32 eminent domain shall be repealed by operation of law on July 1,
33 1994.

34 (f) To acquire by purchase or lease any public lands
35 and public property, including sixteenth section lands and lieu
36 lands, within the project area, which are necessary for the
37 project. Sixteenth section lands or lieu lands acquired under
38 this act shall be deemed to be acquired for the purposes of
39 industrial development thereon and such acquisition will serve a
40 higher public interest in accordance with the purposes of this
41 act.

42 (g) If the authority identifies any land owned by the
43 state as being necessary, for the location or use of the project,
44 or any facility related to the project, to recommend to the
45 Legislature the conveyance of such land or any interest therein,
46 as the Legislature deems appropriate.

47 (h) To make or cause to be made such examinations and
48 surveys as may be necessary to the planning, design, construction
49 and operation of the project.

50 (i) From and after the date of notification to the
51 authority by the enterprise that the state has been finally
52 selected as the site of the project, to acquire by condemnation
53 and to own, maintain, use, operate and convey or otherwise dispose
54 of any and all property of any kind, real, personal or mixed, or
55 any interest or estate therein, within the project area, necessary
56 for the project or any facility related to the project, with the
57 concurrence of the affected public agency, and the exercise of the
58 powers granted by this act, according to the procedures provided
59 by Chapter 27, Title 11, Mississippi Code of 1972, except as
60 modified by this act.

61 (i) In acquiring lands by condemnation, the
62 authority shall not acquire minerals or royalties in minerals
63 unless a competent registered professional engineer shall have

64 certified that the acquisition of such minerals and royalties in
65 minerals is necessary for purposes of the project; provided that
66 limestone, clay, chalk, sand and gravel shall not be considered as
67 minerals within the meaning of this section; and

68 (ii) Unless minerals or royalties in minerals have
69 been acquired by condemnation or otherwise, no person or persons
70 owning the drilling rights or the right to share in production of
71 minerals shall be prevented from exploring, developing, or
72 producing oil or gas with necessary rights-of-way for ingress and
73 egress, pipelines and other means of transporting interests on any
74 land or interest therein of the authority held or used for the
75 purposes of this act; but any such activities shall be under such
76 reasonable regulation by the authority as will adequately protect
77 the project contemplated by this act as provided in subparagraph
78 (t) of this section.

79 (j) To negotiate the necessary relocation or rerouting
80 of roads and highways, railroad, telephone and telegraph lines and
81 properties, electric power lines, pipelines and related
82 facilities, or to require the anchoring or other protection of any
83 of these, provided due compensation is paid to the owners thereof
84 or agreement is had with such owners regarding the payment of the
85 cost of such relocation, and to acquire by condemnation or
86 otherwise easements or rights-of-way for such relocation or
87 rerouting and to convey the same to the owners of the facilities
88 being relocated or rerouted in connection with the purposes of
89 this act.

90 (k) To negotiate the necessary relocation of cemeteries
91 and to pay all reasonable costs thereof.

92 (l) To perform or have performed any and all acts and
93 make all payments necessary to comply with all applicable federal
94 laws, rules or regulations including but not limited to the
95 Uniform Relocation Assistance and Real Property Acquisition
96 Policies Act of 1970 (42 U.S.C. 4601, 4602, 4621 to 4638, and 4651

97 to 4655) and relocation rules and regulations promulgated by any
98 agency or department of the federal government.

99 (m) To construct, extend, improve, maintain, and
100 reconstruct, to cause to be constructed, extended, improved,
101 maintained, and reconstructed, and to use and operate any and all
102 components of the project or any facility related to the project,
103 with the concurrence of the affected public agency, within the
104 project area, necessary to the project and to the exercise of such
105 powers, rights, and privileges granted the authority.

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

109 (o) To lease, sell or convey any or all property
110 acquired by the authority under the provisions of this act to the
111 enterprise or any public agency, its successors or assigns, and in
112 connection therewith to pay the costs of title search, perfection
113 of title, title insurance and recording fees as may be required.
114 The authority may provide in the instrument conveying such
115 property a provision that such property shall revert to the
116 authority if, as and when the property is declared by the
117 enterprise to be no longer needed.

118 (p) To enter into contracts with any person or public
119 agency including, but not limited to, contracts authorized by
120 Section 57-75-17, in furtherance of any of the purposes authorized
121 by this act upon such consideration as the authority and such
122 person or public agency may agree. Any such contract may extend
123 over any period of time, notwithstanding any rule of law to the
124 contrary, may be upon such terms as the parties thereto shall
125 agree, and may provide that it shall continue in effect until
126 bonds specified therein, refunding bonds issued in lieu of such
127 bonds, and all other obligations specified therein are paid or
128 terminated. Any such contract shall be binding upon the parties
129 thereto according to its terms. Such contracts may include an

130 agreement to reimburse the enterprise, its successors and assigns
131 for any assistance provided by the enterprise in the acquisition
132 of real property for the project or any facility related to the
133 project.

134 (q) To establish and maintain reasonable rates and
135 charges for the use of any facility within the project area owned
136 or operated by the authority, and from time to time to adjust such
137 rates and to impose penalties for failure to pay such rates and
138 charges when due.

139 (r) To adopt and enforce with the concurrence of the
140 affected public agency all necessary and reasonable rules and
141 regulations to carry out and effectuate the implementation of the
142 project and any land use plan or zoning classification adopted for
143 the project area, including but not limited to rules, regulations,
144 and restrictions concerning mining, construction, excavation or
145 any other activity the occurrence of which may endanger the
146 structure or operation of the project. Such rules may be enforced
147 within the project area and without the project area as necessary
148 to protect the structure and operation of the project. The
149 authority is authorized to plan or replan, zone or rezone, and
150 make exceptions to any regulations, whether local or state, with
151 the concurrence of the affected public agency which are
152 inconsistent with the design, planning, construction or operation
153 of the project and facilities related to the project.

154 (s) To plan, design, coordinate and implement measures
155 and programs to mitigate impacts on the natural environment caused
156 by the project or any facility related to the project.

157 (t) To develop plans for technology transfer activities
158 to ensure private sector conduits for exchange of information,
159 technology and expertise related to the project to generate
160 opportunities for commercial development within the state.

161 (u) To consult with the State Department of Education
162 and other public agencies for the purpose of improving public

163 schools and curricula within the project area.

164 (v) To consult with the State Board of Health and other
165 public agencies for the purpose of improving medical centers,
166 hospitals and public health centers in order to provide
167 appropriate health care facilities within the project area.

168 (w) To consult with the Office of Minority Business
169 Enterprise Development and other public agencies for the purpose
170 of developing plans for technical assistance and loan programs to
171 maximize the economic impact related to the project for minority
172 business enterprises within the State of Mississippi.

173 (x) To deposit into the "Yellow Creek Project Area
174 Fund" created pursuant to Section 57-75-31:

175 (i) Any funds or aid received as authorized in
176 this section for the project described in Section 57-75-5(f)(vii),
177 and

178 (ii) Any funds received from the sale or lease of
179 property from the project described in Section 57-75-5(f)(vii)
180 pursuant to the powers exercised under this section.

181 (y) To manage and develop the project described in
182 Section 57-75-5(f)(vii) subject to the provisions of Section
183 57-75-29.

184 (z) To promulgate rules and regulations necessary to
185 effectuate the purposes of this act.

186 **[From and after July 1, 2001, this section shall read as**
187 **follows:]**

188 57-75-11. The authority, in addition to any and all powers
189 now or hereafter granted to it, is empowered and shall exercise
190 discretion and the use of these powers depending on the
191 circumstances of the project or projects:

192 (a) To maintain an office at a place or places within
193 the state.

194 (b) To employ or contract with architects, engineers,
195 attorneys, accountants, construction and financial experts and

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

198 (c) To make such applications and enter into such
199 contracts for financial assistance as may be appropriate under
200 applicable federal or state law.

201 (d) To apply for, accept and utilize grants, gifts and
202 other funds or aid from any source for any purpose contemplated by
203 the act, and to comply, subject to the provisions of this act,
204 with the terms and conditions thereof.

205 (e) To acquire by purchase, lease, gift, or in other
206 manner, including quick-take eminent domain, or obtain options to
207 acquire, and to own, maintain, use, operate and convey any and all
208 property of any kind, real, personal, or mixed, or any interest or
209 estate therein, within the project area, necessary for the project
210 or any facility related to the project. The provisions of this
211 paragraph that allow the acquisition of property by quick-take
212 eminent domain shall be repealed by operation of law on July 1,
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215 and public property, including sixteenth section lands and lieu
216 lands, within the project area, which are necessary for the
217 project. Sixteenth section lands or lieu lands acquired under
218 this act shall be deemed to be acquired for the purposes of
219 industrial development thereon and such acquisition will serve a
220 higher public interest in accordance with the purposes of this
221 act.

222 (g) If the authority identifies any land owned by the
223 state as being necessary, for the location or use of the project,
224 or any facility related to the project, to recommend to the
225 Legislature the conveyance of such land or any interest therein,
226 as the Legislature deems appropriate.

227 (h) To make or cause to be made such examinations and
228 surveys as may be necessary to the planning, design, construction

229 and operation of the project.

230 (i) From and after the date of notification to the
231 authority by the enterprise that the state has been finally
232 selected as the site of the project, to acquire by condemnation
233 and to own, maintain, use, operate and convey or otherwise dispose
234 of any and all property of any kind, real, personal or mixed, or
235 any interest or estate therein, within the project area, necessary
236 for the project or any facility related to the project, with the
237 concurrence of the affected public agency, and the exercise of the
238 powers granted by this act, according to the procedures provided
239 by Chapter 27, Title 11, Mississippi Code of 1972, except as
240 modified by this act.

241 (i) In acquiring lands by condemnation, the
242 authority shall not acquire minerals or royalties in minerals
243 unless a competent registered professional engineer shall have
244 certified that the acquisition of such minerals and royalties in
245 minerals is necessary for purposes of the project; provided that
246 limestone, clay, chalk, sand and gravel shall not be considered as
247 minerals within the meaning of this section; and

248 (ii) Unless minerals or royalties in minerals have
249 been acquired by condemnation or otherwise, no person or persons
250 owning the drilling rights or the right to share in production of
251 minerals shall be prevented from exploring, developing, or
252 producing oil or gas with necessary rights-of-way for ingress and
253 egress, pipelines and other means of transporting interests on any
254 land or interest therein of the authority held or used for the
255 purposes of this act; but any such activities shall be under such
256 reasonable regulation by the authority as will adequately protect
257 the project contemplated by this act as provided in subparagraph
258 (t) of this section.

259 (j) To negotiate the necessary relocation or rerouting
260 of roads and highways, railroad, telephone and telegraph lines and
261 properties, electric power lines, pipelines and related

262 facilities, or to require the anchoring or other protection of any
263 of these, provided due compensation is paid to the owners thereof
264 or agreement is had with such owners regarding the payment of the
265 cost of such relocation, and to acquire by condemnation or
266 otherwise easements or rights-of-way for such relocation or
267 rerouting and to convey the same to the owners of the facilities
268 being relocated or rerouted in connection with the purposes of
269 this act.

270 (k) To negotiate the necessary relocation of cemeteries
271 and to pay all reasonable costs thereof.

272 (l) To perform or have performed any and all acts and
273 make all payments necessary to comply with all applicable federal
274 laws, rules or regulations including but not limited to the
275 Uniform Relocation Assistance and Real Property Acquisition
276 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
277 to 4655) and relocation rules and regulations promulgated by any
278 agency or department of the federal government.

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280 reconstruct, to cause to be constructed, extended, improved,
281 maintained, and reconstructed, and to use and operate any and all
282 components of the project or any facility related to the project,
283 with the concurrence of the affected public agency, within the
284 project area, necessary to the project and to the exercise of such
285 powers, rights, and privileges granted the 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.

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292 connection therewith to pay the costs of title search, perfection
293 of title, title insurance and recording fees as may be required.
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305 agree, and may provide that it shall continue in effect until
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313 project.

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315 charges for the use of any facility within the project area owned
316 or operated by the authority, and from time to time to adjust such
317 rates and to impose penalties for failure to pay such rates and
318 charges when due.

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320 affected public agency all necessary and reasonable rules and
321 regulations to carry out and effectuate the implementation of the
322 project and any land use plan or zoning classification adopted for
323 the project area, including but not limited to rules, regulations,
324 and restrictions concerning mining, construction, excavation or
325 any other activity the occurrence of which may endanger the
326 structure or operation of the project. Such rules may be enforced
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328 to protect the structure and operation of the project. The
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332 inconsistent with the design, planning, construction or operation
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335 and programs to mitigate impacts on the natural environment caused
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340 opportunities for commercial development within the state.

341 (u) To consult with the State Department of Education
342 and other public agencies for the purpose of improving public
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358 (ii) Any funds received from the sale or lease of
359 property from the project described in Section 57-75-5(f)(vii)
360 pursuant to the powers exercised under this section.

361 (y) To manage and develop the project described in
362 Section 57-75-5(f)(vii).

363 (z) To promulgate rules and regulations necessary to
364 effectuate the purposes of this act.

365 SECTION 2. This act shall take effect and be in force from
366 and after July 1, 2000.