

By: Dearing

To: Highways and
TransportationSENATE BILL NO. 2305
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 55-13-5, 55-13-7, 55-13-13,
2 55-13-15, 55-13-17, 55-13-19, 55-13-33, 55-13-35 AND 55-13-41,
3 MISSISSIPPI CODE OF 1972, TO CLARIFY THE LAWS GOVERNING THE
4 CONSTRUCTION OF THE NATCHEZ TRACE PARKWAY; TO CLARIFY THE
5 AUTHORITY OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO
6 CONSENSUALLY PURCHASE AND CONDEMN PROPERTY FOR THE RIGHT-OF-WAY OF
7 THE NATCHEZ TRACE PARKWAY; TO PROVIDE THAT THE PURCHASE AND
8 CONDEMNATION OF SUCH PROPERTY MAY BE CONDUCTED TO THE FULL EXTENT
9 ALLOWED BY OTHER PROVISIONS OF THE LAWS OF THE STATE; TO CLARIFY
10 THE SOURCES OF FUNDING FOR THE COSTS OF ACQUIRING SUCH
11 RIGHT-OF-WAY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION
12 COMMISSION TO CONVEY RIGHT-OF-WAY ACQUIRED BY IT FOR THE NATCHEZ
13 TRACE PARKWAY TO THE UNITED STATES; TO CLARIFY THE ASSISTANCE THAT
14 THE MISSISSIPPI TRANSPORTATION COMMISSION IS AUTHORIZED TO GIVE
15 THE FEDERAL GOVERNMENT REGARDING THE CONSTRUCTION OF THE NATCHEZ
16 TRACE PARKWAY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION
17 COMMISSION TO ACQUIRE THE RIGHT-OF-WAY AND SCENIC EASEMENTS THAT
18 IT CONSIDERS APPROPRIATE TO COMPLETE THE TERMINUS OF THE NATCHEZ
19 TRACE PARKWAY IN NATCHEZ, MISSISSIPPI; TO AUTHORIZE THE
20 MISSISSIPPI TRANSPORTATION COMMISSION TO UTILIZE ANY LAWS
21 AVAILABLE TO IT UNDER THE LAWS OF THE STATE OF MISSISSIPPI TO
22 REMOVE JUNKYARDS AND TO REMOVE ADVERTISING THAT IS PROHIBITED
23 ALONG THE NATCHEZ TRACE PARKWAY; TO REPEAL SECTIONS 55-13-1,
24 55-13-9, 55-13-11, 55-13-21, 55-13-23, 55-13-27, 55-13-29,
25 55-13-31, 55-13-37, 55-13-39, 55-13-43 AND 55-13-45, MISSISSIPPI
26 CODE OF 1972, WHICH CREATE AND PROVIDE FOR THE POWERS AND DUTIES
27 OF THE NATCHEZ TRACE PARKWAY COMMISSION; PROVIDE FOR THE PAYMENT
28 OF THE COSTS OF ACQUISITION OF RIGHT-OF-WAY BY COUNTIES; REQUIRE
29 THE ATTORNEY GENERAL, DISTRICT ATTORNEYS AND COUNTY ATTORNEYS TO
30 ASSIST IN THE ACQUISITION OF RIGHT-OF-WAY; PROVIDE FOR PAYMENTS
31 FOR TIMBER ON ACQUIRED LAND; PROVIDE FOR THE CONDEMNATION OF
32 PROPERTY; PROVIDE FOR THE SALE OF MINERAL INTERESTS TO FORMER
33 OWNERS; AND PROVIDE FOR CERTAIN REGULATION OF ADVERTISING
34 STRUCTURES; AND FOR RELATED PURPOSES.

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

36 SECTION 1. Section 55-13-5, Mississippi Code of 1972, is
37 amended as follows:[WAN1]

38 55-13-5. The right-of-way * * * for the Natchez Trace
39 Parkway shall be of such size and dimension as may be required by
40 the United States government or its subsidiaries in charge of any
41 such parkway. The amount of right-of-way held in fee simple shall
42 not exceed one hundred (100) acres on the average to the mile of

43 such roadway * * *. Scenic easements in combination with any
44 right-of-way held in fee simple shall not exceed one hundred fifty
45 (150) acres on the average to the mile of such roadway * * *.

46 SECTION 2. Section 55-13-7, Mississippi Code of 1972, is
47 amended as follows:[WAN2]

48 55-13-7. The Mississippi Transportation Commission, in the
49 acquisition of the lands for the Natchez Trace Parkway, shall have
50 full power and authority to consensually purchase and to condemn
51 such lands for the right-of-way for the Natchez Trace Parkway to
52 the full extent allowed by other provisions of the laws of the
53 State of Mississippi * * *. * * *

54 SECTION 3. Section 55-13-13, Mississippi Code of 1972, is
55 amended as follows:[WAN3]

56 55-13-13. Whenever the Governor of the State of Mississippi
57 and the Mississippi Transportation Commission shall deem it to be
58 in the best interest of the State of Mississippi to proceed to
59 purchase additional right-of-way for the Natchez Trace Parkway so
60 that such rights-of-way may be available for any contemplated or
61 proposed appropriation to be made by the United States government
62 looking toward the completion of such Natchez Trace Parkway, then
63 the Mississippi Transportation Commission is authorized, directed
64 and empowered to proceed to purchase such additional rights-of-way
65 as the * * * Mississippi Transportation Commission and the
66 Governor of the State of Mississippi may deem necessary. * * *
67 The cost of such right-of-way for Natchez Trace Parkway, including
68 the making of surveys and the preparation of plans and
69 specifications and eminent domain proceedings and other necessary
70 expenses may be paid * * * out of any funds made available * * *
71 for use by the Mississippi Department of Transportation regardless
72 of whether such funds are designated for construction or
73 maintenance * * *.

74 SECTION 4. Section 55-13-15, Mississippi Code of 1972, is
75 amended as follows:[WAN4]

76 55-13-15. * * *

77 The Mississippi Transportation Commission is authorized and
78 empowered to convey right-of-way acquired by it for the Natchez
79 Trace Parkway to the United States of America without any

80 consideration if the federal government requires as a precondition
81 to it providing financial assistance for operations on such
82 right-of-way the transfer of such right-of-way to the federal
83 government. The Transportation Commission is authorized to convey
84 the right-of-way to the United States of America by warranty,
85 special warranty or quitclaim deed and to retain whatever present
86 or reversionary interests in the right-of-way it deems
87 appropriate.

88 SECTION 5. Section 55-13-17, Mississippi Code of 1972, is
89 amended as follows:[WAN5]

90 55-13-17. The Natchez Trace Parkway * * * is hereby made a
91 part of the state highway system. * * * Full jurisdiction over
92 the Natchez Trace Parkway is * * * conferred upon the Mississippi
93 Transportation Commission for the purpose of assisting the agents
94 and employees of the federal government in route selection, lane
95 placement, design, right-of-way limit selection, right-of-way
96 acquisition (including, but not limited to, all eminent domain
97 matters), soil testing, engineering, contractor selection and
98 contractor management.

99 * * *

100 The Mississippi Transportation Commission may receive on
101 behalf of and in the name of the State of Mississippi all
102 rights-of-way and scenic easements necessary or appropriate for
103 the Natchez Trace Parkway by fee simple title or any inferior
104 title.

105 SECTION 6. Section 55-13-19, Mississippi Code of 1972, is
106 amended as follows:[WAN6]

107 55-13-19. * * * The Mississippi Transportation Commission
108 is * * * authorized * * * to acquire by purchase or eminent domain
109 the right-of-way and scenic easements it considers appropriate to
110 complete the terminus of the Natchez Trace Parkway in Natchez,
111 Mississippi, and to transfer such right-of-way to the United
112 States of America for the construction of the Natchez Trace

113 Parkway. * * *

114 SECTION 7. Section 55-13-33, Mississippi Code of 1972, is
115 amended as follows:[WAN7]

116 55-13-33. No advertisement or advertising structure shall be
117 erected, constructed, installed, maintained or operated within one
118 thousand (1,000) feet of the outside boundary of the Natchez Trace
119 Parkway outside the limits of any municipality except as follows:

120 (a) Signs, displays or devices which advertise sale,
121 lease, rental or development of the property on which it is
122 located;

123 (b) Signs, displays or devices which carry only
124 advertisements strictly related to the lawful use of the property
125 on which it is located including signs, displays and devices which
126 identify the business transacted, services rendered, goods sold or
127 produced on the property, name of the business or name of the
128 person, firm or corporation occupying or owning the property. The
129 size of signs advertising the major activity of a business is not
130 regulated under Sections 55-13-33, 55-13-35 and 55-13-41; however,
131 signs which advertise brand name products or service sold or
132 offered for sale on the property shall not be displayed unless
133 such signs are on or attached to the building in which such
134 products are sold. All signs permitted under this paragraph shall
135 be located not more than one hundred fifty (150) feet from the
136 building in which such business activity is carried on;

137 (c) Historic markers erected by duly constituted and
138 authorized public authorities;

139 (d) Highway markers and signs erected or caused to be
140 erected by the Mississippi Department of Transportation or other
141 authorized authorities in accordance with the law;

142 (e) Directional and official signs or notices erected
143 and maintained by public officers or agencies pursuant to and in
144 accordance with lawful authorization for the purpose of carrying
145 out an official duty or responsibility;

146 (f) * * * Signs located within a one thousand (1,000)
147 foot radius of intersections created by the crossing of the
148 boundary of the Natchez Trace Parkway with the right-of-way lines
149 of components of the National System of Interstate and Defense
150 Highways, the Federal Aid Primary Highway System or the
151 Mississippi System of Primary Highways;

152 (g) Signs located within the limits of any
153 municipality;

154 (h) Advertising structures in existence on July 1,
155 1988, as long as they are within the average life span for such
156 structures but in no event longer than twenty-five (25) years.

157 SECTION 8. Section 55-13-35, Mississippi Code of 1972, is
158 amended as follows:[WAN8]

159 55-13-35. It shall be unlawful to construct or erect a
160 building of more than three (3) stories or thirty-five (35) feet
161 in height, whichever is lesser, within one thousand (1,000) feet
162 of the outside boundary of the Natchez Trace Parkway. Such
163 restrictions on buildings shall apply notwithstanding that such
164 area is located inside or outside a municipality and
165 notwithstanding any other provisions of law to the contrary. * * *

166 This section shall not apply to:

167 (a) Any building in existence on July 1, 1988;

168 (b) Silos and buildings designed for agricultural use
169 which serve only one (1) farm; and

170 (c) Churches * * *.

171 SECTION 9. Section 55-13-41, Mississippi Code of 1972, is
172 amended as follows:[WAN9]

173 55-13-41. * * *

174 The Mississippi Transportation Commission may utilize any
175 remedy available to it under the laws of this state to remove
176 junkyards and to remove any advertising that does not comply with
177 the provisions of this chapter.

178 SECTION 10. Sections 55-13-1, 55-13-9, 55-13-11, 55-13-21,

179 55-13-23, 55-13-27, 55-13-29, 55-13-31, 55-13-37, 55-13-39,
180 55-13-43 and 55-13-45, Mississippi Code of 1972, which create and
181 provide for the powers and duties of the Natchez Trace
182 Parkway Commission; provide for the payment of the costs of
183 acquisition of right-of-way by counties; require the Attorney
184 General, district attorneys and county attorneys to assist in the
185 acquisition of right-of-way; provide for payments for timber on
186 acquired land; provide for the condemnation of property; provide
187 for the sale of mineral interests to former owners and provide for
188 certain regulation of advertising structures, are hereby repealed.

189 SECTION 11. This act shall take effect and be in force from
190 and after its passage.