

By: Minor

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3006

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO
3 LEASE, SELL OR CONVEY CERTAIN PROPERTY ACQUIRED BY THE AUTHORITY
4 TO A PUBLIC ENTITY; TO PROHIBIT THE AUTHORITY FROM LEASING,
5 SELLING OR CONVEYING UNDEVELOPED LAND; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 57-75-11, Mississippi Code of 1972, is
8 amended as follows:[WAN1]

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

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

14 (a) To maintain an office at a place or places within
15 the state.

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

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

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

27 (e) To acquire by purchase, lease, gift, or in other

28 manner, including quick-take eminent domain, or obtain options to
29 acquire, and to own, maintain, use, operate and convey any and all
30 property of any kind, real, personal, or mixed, or any interest or
31 estate therein, within the project area, necessary for the project
32 or any facility related to the project. The provisions of this
33 paragraph that allow the acquisition of property by quick-take
34 eminent domain shall be repealed by operation of law on July 1,
35 1994.

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

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

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

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

61 by Chapter 27, Title 11, Mississippi Code of 1972, except as
62 modified by this act.

63 (i) In acquiring lands by condemnation, the
64 authority shall not acquire minerals or royalties in minerals
65 unless a competent registered professional engineer shall have
66 certified that the acquisition of such minerals and royalties in
67 minerals is necessary for purposes of the project; provided that
68 limestone, clay, chalk, sand and gravel shall not be considered as
69 minerals within the meaning of this section; and

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

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

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

94 (1) To perform or have performed any and all acts and
95 make all payments necessary to comply with all applicable federal
96 laws, rules or regulations including but not limited to the
97 Uniform Relocation Assistance and Real Property Acquisition
98 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
99 to 4655) and relocation rules and regulations promulgated by any
100 agency or department of the federal government.

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

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

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

121 (p) To enter into contracts with any person or public
122 agency including, but not limited to, contracts authorized by
123 Section 57-75-17, in furtherance of any of the purposes authorized
124 by this act upon such consideration as the authority and such
125 person or public agency may agree. Any such contract may extend
126 over any period of time, notwithstanding any rule of law to the

127 contrary, may be upon such terms as the parties thereto shall
128 agree, and may provide that it shall continue in effect until
129 bonds specified therein, refunding bonds issued in lieu of such
130 bonds, and all other obligations specified therein are paid or
131 terminated. Any such contract shall be binding upon the parties
132 thereto according to its terms. Such contracts may include an
133 agreement to reimburse the enterprise, its successors and assigns
134 for any assistance provided by the enterprise in the acquisition
135 of real property for the project or any facility related to the
136 project.

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

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

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

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

164 (u) To consult with the State Department of Education
165 and other public agencies for the purpose of improving public
166 schools and curricula within the project area.

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

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

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

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

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

184 (y) To manage and develop the project described in
185 Section 57-75-5(f)(vii) subject to the provisions of Section
186 57-75-29.

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

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

191 57-75-11. The authority, in addition to any and all powers
192 now or hereafter granted to it, is empowered and shall exercise

193 discretion and the use of these powers depending on the
194 circumstances of the project or projects:

195 (a) To maintain an office at a place or places within
196 the state.

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

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

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

208 (e) To acquire by purchase, lease, gift, or in other
209 manner, including quick-take eminent domain, or obtain options to
210 acquire, and to own, maintain, use, operate and convey any and all
211 property of any kind, real, personal, or mixed, or any interest or
212 estate therein, within the project area, necessary for the project
213 or any facility related to the project. The provisions of this
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222 industrial development thereon and such acquisition will serve a
223 higher public interest in accordance with the purposes of this
224 act.

225 (g) If the authority identifies any land owned by the

226 state as being necessary, for the location or use of the project,
227 or any facility related to the project, to recommend to the
228 Legislature the conveyance of such land or any interest therein,
229 as the Legislature deems appropriate.

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

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

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245 authority shall not acquire minerals or royalties in minerals
246 unless a competent registered professional engineer shall have
247 certified that the acquisition of such minerals and royalties in
248 minerals is necessary for purposes of the project; provided that
249 limestone, clay, chalk, sand and gravel shall not be considered as
250 minerals within the meaning of this section; and

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

259 reasonable regulation by the authority as will adequately protect
260 the project contemplated by this act as provided in subparagraph
261 (t) of this section.

262 (j) To negotiate the necessary relocation or rerouting
263 of roads and highways, railroad, telephone and telegraph lines and
264 properties, electric power lines, pipelines and related
265 facilities, or to require the anchoring or other protection of any
266 of these, provided due compensation is paid to the owners thereof
267 or agreement is had with such owners regarding the payment of the
268 cost of such relocation, and to acquire by condemnation or
269 otherwise easements or rights-of-way for such relocation or
270 rerouting and to convey the same to the owners of the facilities
271 being relocated or rerouted in connection with the purposes of
272 this act.

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

275 (l) To perform or have performed any and all acts and
276 make all payments necessary to comply with all applicable federal
277 laws, rules or regulations including but not limited to the
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281 agency or department of the federal government.

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

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291 the project acquired or constructed by any public agency.

292 (o) To lease, sell or convey any or all property
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295 to a public entity, and in connection therewith to pay the costs
296 of title search, perfection of title, title insurance and
297 recording fees as may be required. The authority may provide in
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324 affected public agency all necessary and reasonable rules and

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329 any other activity the occurrence of which may endanger the
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363 property from the project described in Section 57-75-5(f)(vii)
364 pursuant to the powers exercised under this section.

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

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

369 SECTION 2. This act shall take effect and be in force from
370 and after its passage.