

By: Minor

To: Finance

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 ANY OR ALL PROPERTY ACQUIRED BY THE
4 AUTHORITY TO A PUBLIC ENTITY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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33 eminent domain shall be repealed by operation of law on July 1,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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

164 schools and curricula within the project area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

223 (g) If the authority identifies any land owned by the
224 state as being necessary, for the location or use of the project,
225 or any facility related to the project, to recommend to the
226 Legislature the conveyance of such land or any interest therein,
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228 (h) To make or cause to be made such examinations and
229 surveys as may be necessary to the planning, design, construction

230 and operation of the project.

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

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243 authority shall not acquire minerals or royalties in minerals
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245 certified that the acquisition of such minerals and royalties in
246 minerals is necessary for purposes of the project; provided that
247 limestone, clay, chalk, sand and gravel shall not be considered as
248 minerals within the meaning of this section; and

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

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

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

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

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282 maintained, and reconstructed, and to use and operate any and all
283 components of the project or any facility related to the project,
284 with the concurrence of the affected public agency, within the
285 project area, necessary to the project and to the exercise of such
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289 the project acquired or constructed by any public agency.

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294 perfection of title, title insurance and recording fees as may be
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314 project.

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318 rates and to impose penalties for failure to pay such rates and
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321 affected public agency all necessary and reasonable rules and
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324 the project area, including but not limited to rules, regulations,
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336 and programs to mitigate impacts on the natural environment caused
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360 property from the project described in Section 57-75-5(f)(vii)
361 pursuant to the powers exercised under this section.

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

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

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