

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 146

By Senator(s) Committee

41 Amend by striking all after the enacting clause and inserting
42 in lieu thereof the following:

43
44 SECTION 1. Section 55-13-5, Mississippi Code of 1972, is
45 amended as follows:

46 55-13-5. The right-of-way * * * for the Natchez Trace
47 Parkway shall be of such size and dimension as may be required by
48 the United States government or its subsidiaries in charge of any
49 such parkway. The amount of right-of-way held in fee simple shall
50 not exceed one hundred (100) acres on the average to the mile of
51 such roadway * * *. Scenic easements in combination with any
52 right-of-way held in fee simple shall not exceed one hundred fifty
53 (150) acres on the average to the mile of such roadway * * *.

54 SECTION 2. Section 55-13-7, Mississippi Code of 1972, is
55 amended as follows:

56 55-13-7. The Mississippi Transportation Commission, in the
57 acquisition of the lands for the Natchez Trace Parkway, shall have
58 full power and authority to consensually purchase and to condemn
59 such lands for the right-of-way for the Natchez Trace Parkway to
60 the full extent allowed by other provisions of the laws of the
61 State of Mississippi * * *. * * *

62 SECTION 3. Section 55-13-13, Mississippi Code of 1972, is
63 amended as follows:

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

SECTION 4. Section 55-13-15, Mississippi Code of 1972, is amended as follows:

55-13-15. * * *

The Mississippi Transportation Commission is authorized and empowered to convey right-of-way acquired by it for the Natchez Trace Parkway to the United States of America without any consideration if the federal government requires as a precondition to it providing financial assistance for operations on such right-of-way the transfer of such right-of-way to the federal government. The Transportation Commission is authorized to convey the right-of-way to the United States of America by warranty, special warranty or quitclaim deed and to retain whatever present or reversionary interests in the right-of-way it deems appropriate.

SECTION 5. Section 55-13-17, Mississippi Code of 1972, is amended as follows:

55-13-17. The Natchez Trace Parkway * * * is hereby made a

part of the state highway system. * * * Full jurisdiction over the Natchez Trace Parkway is * * * conferred upon the Mississippi Transportation Commission for the purpose of assisting the agents and employees of the federal government in route selection, lane placement, design, right-of-way limit selection, right-of-way acquisition (including, but not limited to, all eminent domain matters), soil testing, engineering, contractor selection and contractor management.

* * *

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

SECTION 6. Section 55-13-19, Mississippi Code of 1972, is amended as follows:

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

SECTION 7. Section 55-13-33, Mississippi Code of 1972, is amended as follows:

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

* * *

(a) Historic markers erected by duly constituted and authorized public authorities;

(b) Highway markers and signs erected or caused to be erected by the Mississippi State Highway Department or other authorized authorities in accordance with the law; and

134 (c) Directional and official signs or notices erected
135 and maintained by public officers or agencies pursuant to and in
136 accordance with lawful authorization for the purpose of carrying
137 out an official duty or responsibility.

138 * * *

139 SECTION 8. Section 55-13-35, Mississippi Code of 1972, is
140 amended as follows:

141 55-13-35. It shall be unlawful to construct or erect any
142 structure or advertisement sign of more than three (3) stories or
143 thirty-five (35) feet in height, whichever is lesser, within one
144 thousand (1,000) feet of the outside boundary of the Natchez Trace
145 Parkway. Such restrictions on any structure or advertisement sign
146 shall apply notwithstanding that such area is located inside or
147 outside a municipality and notwithstanding any other provisions of
148 law to the contrary. * * * This section shall not apply to any
149 building in existence on July 1, 1988. Construction of and
150 improvements to churches and schools, based on building permits
151 issued prior to July 1, 2000, are exempted from the application of
152 this section.

153 SECTION 9. Section 55-13-41, Mississippi Code of 1972, is
154 amended as follows:

155 55-13-41. * * *

156 The Mississippi Transportation Commission may utilize any
157 remedy available to it under the laws of this state to remove
158 junkyards and to remove any advertising that does not comply with
159 the provisions of this chapter.

160 SECTION 10. Sections 55-13-1, 55-13-9, 55-13-11, 55-13-21,
161 55-13-23, 55-13-27, 55-13-29, 55-13-31, 55-13-37, 55-13-39,
162 55-13-43 and 55-13-45, Mississippi Code of 1972, which create and
163 provide for the powers and duties of the Natchez Trace
164 Parkway Commission; provide for the payment of the costs of
165 acquisition of right-of-way by counties; require the Attorney
166 General, district attorneys and county attorneys to assist in the
167 acquisition of right-of-way; provide for payments for timber on
168 acquired land; provide for the condemnation of property; provide

169 for the sale of mineral interests to former owners and provide for
170 certain regulation of advertising structures, are hereby repealed.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 AMEND SECTIONS 55-13-33 AND
24 55-13-35, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN EXEMPTIONS
25 FROM THE SIGN, ADVERTISEMENT AND BUILDING RESTRICTIONS IN
26 PROXIMITY OF OR ADJACENT TO THE NATCHEZ TRACE PARKWAY; TO EXEMPT
27 CONSTRUCTION OF OR IMPROVEMENTS TO CHURCHES AND SCHOOLS BASED ON A
28 BUILDING PERMIT ISSUED PRIOR TO JULY 1, 2000; TO REPEAL SECTIONS
29 55-13-1, 55-13-9, 55-13-11, 55-13-21, 55-13-23, 55-13-27,
30 55-13-29, 55-13-31, 55-13-37, 55-13-39, 55-13-43 AND 55-13-45,
31 MISSISSIPPI CODE OF 1972, WHICH CREATE AND PROVIDE FOR THE POWERS
32 AND DUTIES OF THE NATCHEZ TRACE PARKWAY COMMISSION; PROVIDE FOR
33 THE PAYMENT OF THE COSTS OF ACQUISITION OF RIGHT-OF-WAY BY
34 COUNTIES; REQUIRE THE ATTORNEY GENERAL, DISTRICT ATTORNEYS AND
35 COUNTY ATTORNEYS TO ASSIST IN THE ACQUISITION OF RIGHT-OF-WAY;
36 PROVIDE FOR PAYMENTS FOR TIMBER ON ACQUIRED LAND; PROVIDE FOR THE
37 CONDEMNATION OF PROPERTY; PROVIDE FOR THE SALE OF MINERAL
38 INTERESTS TO FORMER OWNERS; AND PROVIDE FOR CERTAIN REGULATION OF
39 ADVERTISING STRUCTURES; AND FOR RELATED PURPOSES.