AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY MAY NOT ACQUIRE BY CONDEMNATION REAL PROPERTY THAT IS NOT NECESSARY FOR THE SITE OF CERTAIN PROJECTS OR ACQUIRE BY CONDEMNATION LAND FOR THE PURPOSE OF ACQUIRING FILL DIRT FOR CERTAIN PROJECTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

(d) To apply for, accept and utilize grants, gifts and other funds or aid from any source for any purpose contemplated by the act, and to comply, subject to the provisions of this act, with the terms and conditions thereof.
(e) (i) To acquire by purchase, lease, gift, or in other manner, including quick-take eminent domain, or obtain options to acquire, and to own, maintain, use, operate and convey any and all property of any kind, real, personal, or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project. The provisions of this paragraph that allow the acquisition of property by quick-take eminent domain shall be repealed by operation of law on July 1, 1994; and

(ii) Notwithstanding any other provision of this paragraph (e), from and after the effective date of House Bill No. 1, 2000 Third Extraordinary Session, to exercise the right of immediate possession pursuant to the provisions of Sections 11-27-81 through 11-27-89 for the purpose of acquiring land, property and/or rights-of-way in the county in which a project as defined in Section 57-75-5(f)(iv)1 is located, that are necessary for such project or any facility related to the project.

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

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

(h) To make or cause to be made such examinations and surveys as may be necessary to the planning, design, construction and operation of the project.
(i) From and after the date of notification to the authority by the enterprise that the state has been finally selected as the site of the project, to acquire by condemnation and to own, maintain, use, operate and convey or otherwise dispose of any and all property of any kind, real, personal or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project, with the concurrence of the affected public agency, and the exercise of the powers granted by this act, according to the procedures provided by Chapter 27, Title 11, Mississippi Code of 1972, except as modified by this act; provided, however, that the authority may not acquire by condemnation real property that is not necessary for the site of the project or any facility related to the project or that is not necessary for access to the project.

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

(iii) In acquiring lands by condemnation, including the exercise of immediate possession, for a project, as defined in Section 57-75-5(f)(iv), the authority may acquire minerals or royalties in minerals; provided, however, that the authority may not acquire land by condemnation, including the exercise of the right of immediate possession, for the purpose of acquiring fill dirt for such project.

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

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

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

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

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

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

(p) To enter into contracts with any person or public
agency including, but not limited to, contracts authorized by
Section 57-75-17, in furtherance of any of the purposes authorized
by this act upon such consideration as the authority and such
person or public agency may agree. Any such contract may extend
over any period of time, notwithstanding any rule of law to the
contrary, may be upon such terms as the parties thereto shall
agree, and may provide that it shall continue in effect until
bonds specified therein, refunding bonds issued in lieu of such
bonds, and all other obligations specified therein are paid or
terminated. Any such contract shall be binding upon the parties
thereto according to its terms. Such contracts may include an
agreement to reimburse the enterprise, its successors and assigns
for any assistance provided by the enterprise in the acquisition
of real property for the project or any facility related to the
project.

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

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

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

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

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

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

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

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

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

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

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

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

(aa) To negotiate a fee-in-lieu with the owners of the
project.

(bb) To enter into contractual agreements to warrant
any site work for a project defined in Section 57-75-5(f)(iv);1
provided, however, that the amount of any such warranty shall not
exceed Ten Million Dollars ($10,000,000.00).

(cc) To provide grant funds to an enterprise operating
a project defined in Section 57-75-5(f)(iv)1 in an amount not to
exceed Seventeen Million Dollars ($17,000,000.00).

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

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

(a) To maintain an office at a place or places within
the state.
(b) To employ or contract with architects, engineers, attorneys, accountants, construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix and pay their compensation.

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

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

(e) (i) To acquire by purchase, lease, gift, or in other manner, including quick-take eminent domain, or obtain options to acquire, and to own, maintain, use, operate and convey any and all property of any kind, real, personal, or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project. The provisions of this paragraph that allow the acquisition of property by quick-take eminent domain shall be repealed by operation of law on July 1, 1994; and

(ii) Notwithstanding any other provision of this paragraph (e), from and after the effective date of House Bill No. 1, 2000 Third Extraordinary Session, to exercise the right of immediate possession pursuant to the provisions of Sections 11-27-81 through 11-27-89 for the purpose of acquiring land, property and/or rights-of-way in the county in which a project as defined in Section 57-75-5(f)(iv) is located, that are necessary for such project or any facility related to the project.

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

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

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

(i) From and after the date of notification to the
authority by the enterprise that the state has been finally
selected as the site of the project, to acquire by condemnation
and to own, maintain, use, operate and convey or otherwise dispose
of any and all property of any kind, real, personal or mixed, or
any interest or estate therein, within the project area, necessary
for the project or any facility related to the project, with the
concurrence of the affected public agency, and the exercise of the
powers granted by this act, according to the procedures provided
by Chapter 27, Title 11, Mississippi Code of 1972, except as
modified by this act; provided, however, that the authority may
not acquire by condemnation real property that is not necessary
for the site of the project or any facility related to the project
or that is not necessary for access to the project.

(i) Except as otherwise provided in subparagraph
(iii) of this paragraph (i), in acquiring lands by condemnation,
the authority shall not acquire minerals or royalties in minerals
unless a competent registered professional engineer shall have
certified that the acquisition of such minerals and royalties in
minerals is necessary for purposes of the project; provided that
limestone, clay, chalk, sand and gravel shall not be considered as
minerals for the purposes of subparagraphs (i) and (ii) of this paragraph (i);

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

(iii) In acquiring lands by condemnation, including the exercise of immediate possession, for a project, as defined in Section 57-75-5(f)(iv)1, the authority may acquire minerals or royalties in minerals; provided, however, that the authority may not acquire land by condemnation, including the exercise of the right of immediate possession, for the purpose of acquiring fill dirt for such project.

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

(k) To negotiate the necessary relocation of graves and cemeteries and to pay all reasonable costs thereof.
(l) To perform or have performed any and all acts and make all payments necessary to comply with all applicable federal laws, rules or regulations including, but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651 to 4655) and relocation rules and regulations promulgated by any agency or department of the federal government.

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

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

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

(p) To enter into contracts with any person or public agency including, but not limited to, contracts authorized by Section 57-75-17, in furtherance of any of the purposes authorized by this act upon such consideration as the authority and such person or public agency may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the contrary, may be upon such terms as the parties thereto shall agree, and may provide that it shall continue in effect until
bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any such contract shall be binding upon the parties thereto according to its terms. Such contracts may include an agreement to reimburse the enterprise, its successors and assigns for any assistance provided by the enterprise in the acquisition of real property for the project or any facility related to the project.

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

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

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

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

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

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

(w) To consult with the Office of Minority Business
Enterprise Development and other public agencies for the purpose
of developing plans for technical assistance and loan programs to
maximize the economic impact related to the project for minority
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(x) To deposit into the "Yellow Creek Project Area
Fund" created pursuant to Section 57-75-31:

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

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

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

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

(aa) To negotiate a fee-in-lieu with the owners of the
project.

(bb) To enter into contractual agreements to warrant
any site work for a project defined in Section 57-75-5(f)(iv);1
provided, however, that the amount of any such warranty shall not
exceed Ten Million Dollars ($10,000,000.00).
(cc) To provide grant funds to an enterprise operating a project defined in Section 57-75-5(f)(iv) in an amount not to exceed Seventeen Million Dollars ($17,000,000.00).

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