SENATE BILL NO. 2519

AN ACT TO CREATE THE MISSISSIPPI RAILROAD AUTHORITY TO OPERATE THE RAIL LINE ACQUIRED PURSUANT TO CHAPTER 585, LAWS OF 2001, UNDER THE OVERSIGHT OF THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE POWERS AND DUTIES OF THE MISSISSIPPI DEVELOPMENT AUTHORITY AND THE MISSISSIPPI RAILROAD AUTHORITY; AND FOR RELATED PURPOSES.

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

SECTION 1. This act may be cited as the "Mississippi Railroad Authority Law."

SECTION 2. As used in this act:

(a) "MDA" means the Mississippi Development Authority.

(b) "Authority" means the Mississippi Railroad Authority.

(d) "Rail line" means the rail line acquired pursuant to Chapter 585, Laws of 2001.

SECTION 3. (1) This act shall be construed liberally and broadly to effectuate the policy and purposes herein set out.

(2) This act shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 4. The carrying out of the corporate purposes of the MDA and the Mississippi Railroad Authority created under this act is in all respects for the benefit of the people of the State of Mississippi and is a public purpose, and the MDA and the Mississippi Railroad Authority will be performing an essential governmental function in the exercise of the powers conferred upon them by this act.
SECTION 5. The MDA shall have power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, and operate machinery and equipment and any other facilities required and incidental to the operation of the rail line.

SECTION 6. The rail line, or any part thereof, and all facilities, structures, lands or other improvements, acquired by or conveyed pursuant to Chapter 585, Laws of 2001, shall be operated by the MDA acting through the authority, except as may be otherwise provided in this act. The authority shall be an agency of the state. The authority shall consist of five (5) members. The initial terms of the members of the authority shall be staggered, one (1) member thereof, to be appointed by the governing authorities of the City of Gulfport to serve for an initial term of one (1) year, one (1) member thereof, to be appointed by the Board of Supervisors of Harrison County, to serve for an initial term of two (2) years, and three (3) members thereof, to be appointed by the Governor, to serve for initial terms of three (3), four (4) and five (5) years, respectively, but all succeeding appointments shall be for terms of five (5) years. Members of the authority shall be entitled to compensation pursuant to Section 25-3-69 and travel expenses pursuant to Section 25-3-41. In its operation of the rail line, or any part thereof, the authority shall not be responsible to the city or county in which the rail line, or any part thereof, may be located, but shall be responsible solely to the MDA. Before entering upon the duties of the office, each member of the authority shall take and subscribe to the oath of office required by Section 268 of the Constitution of the State of Mississippi, and shall file same with the Secretary of State, and shall give bond in the sum of Ten Thousand Dollars ($10,000.00), with a surety company or companies, authorized to do business in this state, conditioned according to law, and to be delivered to and
approved by the Treasurer of the State of Mississippi; the
premiums on said bonds shall be paid from rail line funds.

SECTION 7. The MDA or the authority, in the performance of
its duties, may employ such personnel and make all contracts and
purchases incidental to or necessary for the advancement,
promotion, development, establishment, insurance, maintenance,
repair, improvement and operation of the rail line including, if
required for its protection, retirement benefits, workers'
compensation insurance and other employee benefits for the benefit
of any employees of the MDA or authority. The MDA or the
authority may establish a development and promotion account to pay
all direct and necessary expenses for the promotion and
development of the rail line. The authority is granted the power
to sue and be sued in its own name.

The MDA or the authority may, in its discretion, make such
contracts or purchases according to the state purchasing laws.

SECTION 8. For the acquiring of rights-of-way, land and
property including existing easements, restrictive covenants and
reversionary estates necessary for the purposes herein authorized,
the MDA shall have the right and power to acquire the same by
purchase, negotiation or condemnation, and should it elect to
exercise the right of eminent domain, it may proceed in the manner
provided by the general laws of the State of Mississippi for
procedure by any county, municipality or corporation organized
under the laws of this state, or in any other manner provided by
law. The power of eminent domain shall apply not only as to all
property of private persons or corporations, but also as to
property already devoted to public use including leaseholds,
excepting interests in property owned by levee boards, drainage
districts or other flood control agencies. The title to all land
or property acquired under the authority of this act shall vest in
the State of Mississippi. Nothing contained in this section shall
be construed to authorize the taking by eminent domain of any private property except for necessary public use.

SECTION 9. This act shall take effect and be in force from and after its passage.