

By: Senator(s) Hewes, Gollott

To: Public Utilities;
Finance

SENATE BILL NO. 2519

1 AN ACT TO CREATE THE MISSISSIPPI RAILROAD AUTHORITY TO
2 OPERATE THE RAIL LINE ACQUIRED PURSUANT TO CHAPTER 585, LAWS OF
3 2001, UNDER THE OVERSIGHT OF THE MISSISSIPPI DEVELOPMENT
4 AUTHORITY; TO PROVIDE FOR THE POWERS AND DUTIES OF THE MISSISSIPPI
5 DEVELOPMENT AUTHORITY AND THE MISSISSIPPI RAILROAD AUTHORITY; AND
6 FOR RELATED PURPOSES.

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

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

10 **SECTION 2.** As used in this act:

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

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

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

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

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

22 **SECTION 4.** The carrying out of the corporate purposes of the
23 MDA and the Mississippi Railroad Authority created under this act
24 is in all respects for the benefit of the people of the State of
25 Mississippi and is a public purpose, and the MDA and the
26 Mississippi Railroad Authority will be performing an essential
27 governmental function in the exercise of the powers conferred upon
28 them by this act.



29 **SECTION 5.** The MDA shall have power to acquire, purchase,
30 install, lease, construct, own, hold, maintain, equip, use,
31 control, and operate machinery and equipment and any other
32 facilities required and incidental to the operation of the rail
33 line.

34 **SECTION 6.** The rail line, or any part thereof, and all
35 facilities, structures, lands or other improvements, acquired by
36 or conveyed pursuant to Chapter 585, Laws of 2001, shall be
37 operated by the MDA acting through the authority, except as may be
38 otherwise provided in this act. The authority shall be an agency
39 of the state. The authority shall consist of five (5) members.
40 The initial terms of the members of the authority shall be
41 staggered, one (1) member thereof, to be appointed by the
42 governing authorities of the City of Gulfport to serve for an
43 initial term of one (1) year, one (1) member thereof, to be
44 appointed by the Board of Supervisors of Harrison County, to serve
45 for an initial term of two (2) years, and three (3) members
46 thereof, to be appointed by the Governor, to serve for initial
47 terms of three (3), four (4) and five (5) years, respectively, but
48 all succeeding appointments shall be for terms of five (5) years.
49 Members of the authority shall be entitled to compensation
50 pursuant to Section 25-3-69 and travel expenses pursuant to
51 Section 25-3-41. In its operation of the rail line, or any part
52 thereof, the authority shall not be responsible to the city or
53 county in which the rail line, or any part thereof, may be
54 located, but shall be responsible solely to the MDA. Before
55 entering upon the duties of the office, each member of the
56 authority shall take and subscribe to the oath of office required
57 by Section 268 of the Constitution of the State of Mississippi,
58 and shall file same with the Secretary of State, and shall give
59 bond in the sum of Ten Thousand Dollars (\$10,000.00), with a
60 surety company or companies, authorized to do business in this
61 state, conditioned according to law, and to be delivered to and



62 approved by the Treasurer of the State of Mississippi; the
63 premiums on said bonds shall be paid from rail line funds.

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

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

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



94 be construed to authorize the taking by eminent domain of any
95 private property except for necessary public use.

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

