

By: Representative Perkins

To: Local and Private
Legislation

HOUSE BILL NO. 2

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LOWNDES
2 COUNTY, MISSISSIPPI, TO EXERCISE CERTAIN POWERS WITH REGARD TO
3 CERTAIN PROJECTS DEFINED IN THE MISSISSIPPI MAJOR ECONOMIC IMPACT
4 ACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** With regard to a project as defined in Section
7 57-75-5(f)(xxii), the Board of Supervisors of Lowndes County,
8 Mississippi, is authorized and empowered to exercise the following
9 additional powers:

10 (a) To acquire by purchase, lease, gift or
11 condemnation, including quick-take eminent domain pursuant to
12 Sections 11-27-81 through 11-27-89, or obtain options to acquire,
13 and to own, maintain, use, operate and convey any and all property
14 of any kind, real, personal or mixed, or any interest or estate
15 therein, including, but not limited to, leasehold interests,
16 within the project site, necessary for the project. In acquiring
17 lands by condemnation, including the exercise of quick-take
18 eminent domain, for the project the Board of Supervisors of
19 Lowndes County may acquire oil, gas and other minerals, mineral
20 rights, including severed mineral leasehold interests, mineral
21 rights and mineral royalty interests. The provisions of this
22 paragraph (a) that allow the acquisition of property by quick-take
23 eminent domain or condemnation shall be repealed by operation of
24 law on July 1, 2012.

25 (b) To negotiate the necessary relocation or rerouting
26 of roads and highways, railroad, telephone and telegraph lines and
27 properties, electric power lines, pipelines and related
28 facilities, cellular towers and related facilities, or to require

29 the anchoring or other protection of any of these, provided due
30 compensation is paid to the owners thereof or agreement is had
31 with such owners regarding the payment of the cost of such
32 relocation, and to acquire by condemnation or otherwise easements
33 or rights-of-way for such relocation or rerouting and to convey
34 the same to the owners of the facilities being relocated or
35 rerouted in connection with the purposes of the project.

36 (c) To negotiate the necessary relocation of graves and
37 cemeteries and to pay all reasonable costs thereof as necessary
38 for the project.

39 (d) To lease, sell or convey any or all property
40 acquired by Lowndes County, its agencies or political
41 subdivisions, to the enterprise owning or operating the project,
42 its affiliates, successors or assigns, and in connection therewith
43 to warrant title to pay the costs of title search, perfection of
44 title, title insurance and recording fees as may be required for
45 the project.

46 (e) To execute contractual agreements to warrant the
47 project site for any and all preexisting environmental issues and
48 to indemnify an enterprise owning or operating a project on that
49 site for such preexisting environmental issues.

50 (f) To adopt and enforce all necessary and reasonable
51 rules and regulations and restrictions to carry out and effectuate
52 the implementation of the project concerning mining or any other
53 activity the occurrence of which may endanger the structure or
54 operation of the project. These rules may be enforced in Lowndes
55 County within the project area and without the project area as
56 necessary to protect the structure and operation of the project.

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