

By: Representatives Dortch, Bell (65th),
Crudup, Yates, Summers, Foster

To: Local and Private
Legislation

HOUSE BILL NO. 1772

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 JACKSON, MISSISSIPPI, TO FACILITATE THE CONVERSION OF VACANT,
3 ABANDONED OR LAND STRUCK OFF TO THE STATE PROPERTY WITHIN THE CITY
4 INTO PRODUCTIVE USE BY UTILIZING THE LAND BANK PROCESS; TO
5 AUTHORIZE THE CREATION OF THE CITY OF JACKSON LAND BANK AUTHORITY;
6 TO PROVIDE THE POWERS AND DUTIES OF THE BOARD OF DIRECTORS OF THE
7 LAND BANK AUTHORITY; TO AUTHORIZE THE AUTHORITY TO ACQUIRE AND
8 DISPOSE OF PROPERTY; TO PROVIDE AN EXPEDITED PROCEDURE TO CONFIRM
9 AND QUIET TITLE TO PROPERTY ACQUIRED BY THE AUTHORITY; TO
10 AUTHORIZE THE AUTHORITY CREATED UNDER THIS ACT TO ENTER INTO
11 INTERGOVERNMENTAL AGREEMENTS FOR CERTAIN PURPOSES; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** This act shall be known and may be cited as the
15 "City of Jackson Land Bank Act."

16 **SECTION 2.** The governing authorities of the City of Jackson,
17 Mississippi, finds that there exists in the City of Jackson a
18 continuing need to strengthen and revitalize its economy, and that
19 it is in the best interests of the city to assemble or dispose of
20 public property in a coordinated manner to foster the development
21 of that property and to promote economic growth within the City of
22 Jackson as well as the state. It is declared to be a valid public
23 purpose for a land bank authority created under this act to



24 acquire, assemble, dispose of, and quiet title to property under
25 this act. It is further declared to be a valid public purpose for
26 a land bank authority created under this act to provide for the
27 financing of the acquisition, assembly, disposition, and quieting
28 of title to property, and for a land bank authority to exercise
29 other powers granted to a land bank authority under this act. The
30 governing authorities of the City of Jackson, Mississippi, finds
31 that a land bank authority created under this act and powers
32 conferred by this act constitute a necessary program and serve a
33 necessary public purpose.

34 **SECTION 3.** As used in this act:

35 (a) "Authority" means a land bank authority created
36 under this act.

37 (b) "City" means the City of Jackson, Mississippi.

38 (c) "County" means Hinds County, Mississippi.

39 (d) "Governing authorities" means the Mayor and City
40 Council of the City of Jackson, Mississippi.

41 (e) "Intergovernmental agreement" means a contractual
42 agreement between one or more governmental agencies, including,
43 but not limited to, an interlocal agreement, to jointly exercise
44 any power, privilege, or authority that the agencies share in
45 common.

46 (f) "Local unit of government" means a municipality,
47 county, or any intergovernmental, metropolitan, or local



department, agency, or authority, or other local political subdivision.

SECTION 4. (1) Except as otherwise provided in this act, the authority may do all things necessary or convenient to implement the purposes, objectives and provisions of this act, and the purposes, objectives and powers delegated to the board of directors of the authority by other laws or executive orders, including, but not limited to, all of the following:

(a) Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.

(b) Sue and be sued in its own name, including, but not limited to, defending the authority in an action to clear title to property conveyed by the authority.

(c) Borrow money and issue bonds and notes according to the provisions of this act.

(d) Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, intergovernmental or interlocal agreements.

(e) Solicit and accept gifts, grants, labor, loans, and other aid from any person, or the federal government, this state, or a political subdivision of this state or any agency of the federal government, this state, a political subdivision of this state, or an intergovernmental entity created under the laws of this state or participate in any other way in a program of the



73 federal government, this state, a political subdivision of this
74 state, or an intergovernmental entity created under the laws of
75 this state.

76 (f) Procure insurance against loss in connection with
77 the property, assets, or activities of the authority.

78 (g) Invest money of the authority, at the discretion of
79 the board of directors of the authority, in instruments,
80 obligations, securities, or property determined proper by the
81 board of directors of the authority, and name and use depositories
82 for its money.

83 (h) Employ legal and technical experts, other officers,
84 agents, or employees, permanent or temporary, paid from the funds
85 of the authority. The authority shall determine the
86 qualifications, duties, and compensation of those it employs. The
87 board of directors of the authority may delegate to one or more
88 members, officers, agents, or employees any powers or duties it
89 considers proper. Members of the board of directors of the
90 authority shall serve without compensation but shall be reimbursed
91 for actual and necessary expenses subject to available
92 appropriations.

93 (i) Contract for goods and services and engage
94 personnel as necessary and engage the services of private
95 consultants, managers, legal counsel, engineers, accountants, and
96 auditors for rendering professional financial assistance and
97 advice payable out of any money of the authority.



98 (j) Study, develop, and prepare the reports or plans
99 the authority considers necessary to assist it in the exercise of
100 its powers under this act and to monitor and evaluate progress
101 under this act.

102 (k) Enter into contracts for the management of, the
103 collection of rent from, or the sale of real property held by the
104 authority.

105 (1) Do all other things necessary or convenient to
106 achieve the objectives and purposes of the authority or other laws
107 that relate to the purposes and responsibility of the authority.

108 (2) The enumeration of a power in this act shall not be
109 construed as a limitation upon the general powers of the
110 authority. The powers granted under this act are in addition to
111 those powers granted by any other statute.

112 (3) The authority, in its discretion, may contract with
113 others, public or private, for the provision of all or a portion
114 of the services necessary for the management and operation of the
115 authority.

116 (4) The property of the authority and its income and
117 operations are exempt from all taxation by this state or any of
118 its political subdivisions.

119 (5) The authority shall not levy any tax or special
120 assessment.

121 (6) The authority shall not exercise the power of eminent
122 domain or condemn property.



(7) The authority shall adopt a code of ethics for its directors, officers, and employees.

(8) The authority shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest. The governing body of the authority shall require that any member of the governing body with a direct or indirect interest in any matter before the authority disclose the member's interest to the governing body before the board takes any action on the matter.

SECTION 5. (1) Except as provided in Section 4(6) of this act, the authority may acquire by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the authority considers proper, real or personal property, or rights or interests in real or personal property.

(2) Real property acquired by the authority by purchase may be by purchase contract, lease-purchase agreement, installment sales contract, land contract, or otherwise, except as provided in Section 4(6) of this act. The authority may acquire real property or rights or interests in real property for any purpose the authority considers necessary to carry out the purposes of this act, including, but not limited to, one or more of the following purposes:

(a) The use or development of property the authority has otherwise acquired.



(b) To facilitate the assembly of property for sale or lease to any other public or private person, including, but not limited to, a nonprofit or for-profit corporation.

(c) To protect or prevent the extinguishing of any lien held by the authority or imposed upon property held by the authority.

(3) The authority may hold and own in its name any property acquired by it or conveyed to it by this state or a local unit of government or any other public or private person, including, but not limited to, property struck off to the state for delinquent taxes and property with or without clear title.

(4) All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the authority, including agreements to acquire or dispose of real property, may be approved by and executed in the name of the authority.

SECTION 6. (1) The authority may, without the approval of a local unit of government in which property held by the authority is located, control, hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, demolish, and take all other actions necessary to preserve the value of the property it holds or owns. The authority may take or perform the following with respect to property held or owned by the authority:



171 (a) Grant or acquire a license, easement, or option
172 with respect to property as the authority determines is reasonably
173 necessary to achieve the purposes of this act.

174 (b) Fix, charge, and collect rents, fees, and charges
175 for use of property under the control of the authority or for
176 services provided by the authority.

177 (c) Pay any tax or special assessment due on property
178 acquired or owned by the authority.

179 (d) Take any action, provide any notice, or institute
180 any proceeding required to clear or quiet title to property held
181 by the authority in order to establish ownership by and vest title
182 to property in the authority.

183 (e) Remediate environmental contamination on any
184 property held by the authority.

185 (2) The authority shall be made a party to and shall defend
186 any action or proceeding concerning title claims against property
187 held by the authority.

188 **SECTION 7.** (1) Except as the authority otherwise agrees by
189 interlocal agreement or otherwise, on terms and conditions, and in
190 a manner and for an amount of consideration the authority
191 considers proper, fair, and valuable, including for no monetary
192 consideration, the authority may convey, sell, transfer, exchange,
193 lease as lessor, or otherwise dispose of property or rights or
194 interests in property in which the authority holds a legal
195 interest to any public or private person for value determined by



the authority. If the Department of Environmental Quality determines that conditions on a property transferred to the authority represent an acute threat to public health, safety, and welfare, or to the environment, the authority shall not convey, sell, transfer, exchange, lease, or otherwise dispose of the property until after a determination by the Department of Environmental Quality that the acute threat has been eliminated and that conveyance, sale, transfer, exchange, lease, or other disposal of the property by the authority will not interfere with any response activities by the department. The transfer and use of property under this section and the exercise by the authority of powers and duties under this act shall be considered a necessary public purpose and for the benefit of the public.

(2) All property held by the authority shall be inventoried and classified by the authority according to title status and suitability for use.

(3) A document, including, but not limited to, a deed, evidencing the transfer under this act of one or more parcels of property to the authority by this state or a political subdivision of this state may be recorded with the chancery clerk of the county in which the property is located without the payment of a fee.

SECTION 8. Except as otherwise provided in this act, as required by other law, as required under the provisions of a deed, or as the authority otherwise agrees, any proceeds received by the



authority may be retained by the authority for the purposes of this act.

SECTION 9. (1) The authority may initiate an expedited confirm and quiet title action under this section to confirm and quiet title to real property held by the authority or interests in property held by the authority by recording with the chancery clerk of the county in which the property subject to an expedited confirm and quiet title action is located a notice of pending expedited confirm and quiet title action in a form prescribed by the Secretary of State. The notice shall include a legal description of the property, the street address of the property if available, the name, address, and telephone number of the authority, a statement that the property is subject to expedited confirm and quiet title proceedings under this act, and a statement that any legal interests in the property may be extinguished by a chancery court order vesting title to the property in the authority. If a notice is recorded in error, the authority may correct the error by recording a certificate of correction with the chancery clerk. A notice or certificate under this subsection need not be notarized and may be authenticated by a digital signature or other electronic means. If the authority has reason to believe that a property subject to an expedited confirm and quiet title action under this section may be the site of environmental contamination, the authority shall provide the Department of Environmental Quality with any information in the



possession of the authority that suggests the property may be the site of environmental contamination.

(2) After recording the notice under subsection (1) of this section, the authority shall initiate a search of records identified in this subsection to identify the owners of a property interest in the property who are entitled to notice of the confirm and quiet title hearing under this section. The authority may enter into a contract with or may request from one or more authorized representatives a title search or other title product to identify the owners of a property interest in the property as required under this subsection or to perform the other functions set forth in this section required for the quieting of title to property under this act. The owner of a property interest is entitled to notice under this section if that owner's interest was identifiable before the date that the authority records the notice under subsection (1) of this section.

(3) The authority may file a single petition with the chancery clerk of the county in which property subject to the action under this section is located listing all property subject to an expedited confirm and quiet title action by the authority. If available to the authority, the list of properties shall include a legal description of a tax parcel identification number for, and the street address of each parcel of property. The petition shall seek a judgment in favor of the authority against each property listed and shall include a date, within (90) days,



on which the authority requests a hearing on the petition. The petition shall request that a judgment be entered vesting absolute title in the authority as provided in this section. Prior to the entry of judgment under this section, the authority may request the court to remove property erroneously included in the petition.

(4) The clerk of the chancery court in which a petition is filed under subsection (3) of this section shall immediately set the date, time, and place for a hearing on the petition. The date shall be set by the clerk and shall not be more than ten (10) days after the date requested by the authority in the petition. In no event may the clerk schedule the hearing later than ninety (90) days after the filing of a petition by the authority under subsection (3) of this section.

(5) After completing the records search under subsection (2) of this section, the authority shall determine the address or addresses reasonably calculated to inform those owners of a property interest in property subject to an expedited confirm and quiet title action under this section of the pendency of the hearing under subsection (11) of this section. If, after conducting the title search, the authority is unable to determine an address reasonably calculated to inform persons with a property interest in property subject to the action, or if the authority discovers a deficiency in notice under subsection (10) of this section, the following shall be considered reasonable steps by the authority to ascertain the addresses of persons with a property



interest in the property subject to the action or to ascertain an address necessary to correct a deficiency in notice under subsection (10) of this section:

(a) For an individual, a search of records of the chancery court for the county in which the property is located.

(b) For an individual, a search of the Statewide Elections Management System.

(c) For a business entity, a search of the records of the Secretary of State.

(6) Not less than thirty (30) days before the hearing under this section, the authority shall send notice by certified mail, return receipt requested, of the hearing to the persons identified under subsection (5) of this section with a property interest in property subject to the action. The authority shall also send a notice via regular mail addressed to the "Occupant" for each property subject to action if an address for the property is ascertainable.

(7) Not less than thirty (30) days before the hearing under this section, the authority or its authorized representative or authorized agent shall visit each parcel of property subject to the action and post conspicuously on the property notice of the hearing. In addition to the requirements of subsection (8) of this section, the notice shall also include the following statement: "THIS PROPERTY HAS BEEN TRANSFERRED TO THE CITY OF JACKSON LAND BANK AUTHORITY AND IS SUBJECT TO AN EXPEDITED CONFIRM



321 AND QUIET TITLE ACTION. PERSONS WITH INFORMATION REGARDING THE
322 PRIOR OWNER OF THE PROPERTY ARE REQUESTED TO CONTACT THE LAND BANK
323 AUTHORITY AT _____."

324 (8) The notice required under subsections (6) and (7) of
325 this section shall include:

326 (a) The date on which the authority recorded under
327 subsection (1) of this section notice of the pending expedited
328 confirm and quiet title action.

329 (b) A statement that a person with a property interest
330 in the property may lose his or her interest, if any, as a result
331 of the hearing under subsection (11) of this section.

332 (c) A legal description, parcel number of the property,
333 and the street address of the property, if available.

334 (d) The person to whom the notice is addressed.

335 (e) The date and time of the hearing under subsection
336 (11) of this section and a statement that the judgment of the
337 court may result in title to the property vesting in the
338 authority.

339 (f) An explanation of any rights of redemption and
340 notice that the judgment of the court may extinguish any ownership
341 interest in or right to redeem the property.

342 (g) The name, address, and telephone number of the
343 authority.



344 (h) A statement that persons with information regarding
345 the owner or prior owner of any of the properties are requested to
346 contact the authority.

347 (9) If the authority is unable to ascertain the address
348 reasonably calculated to inform the owners of a property interest
349 entitled to notice under this section, or is unable to provide
350 notice under subsection (6) or (7) of this section, the authority
351 shall provide notice by publication. Prior to the hearing, a
352 notice shall be published once a week for three (3) consecutive
353 weeks in a newspaper of general circulation in the county in which
354 the property is located. This publication shall substitute for
355 notice under subsection (6) or (7) of this section. The published
356 notice shall include all of the following:

357 (a) A legal description, parcel number of the property,
358 and the street address of the property, if available.

359 (b) The name of any person not notified under
360 subsection (6) or (7) of this section that the authority
361 reasonably believes may be entitled to notice under this section
362 of the hearing under this section.

363 (c) A statement that a person with a property interest
364 in the property may lose his or her interest, if any, as a result
365 of the proceeding under this section.

366 (d) The date and time of the hearing on the petition
367 under this section.



368 (e) A statement that the judgment of the court may
369 result in title to the property vesting in the authority.

370 (f) An explanation of any rights of redemption and
371 notice that judgment of the court may extinguish any ownership
372 interest in or right to redeem the property.

373 (g) The name, address, and telephone number of the
374 authority.

375 (h) A statement that persons with information regarding
376 the owner or prior owner of any of the properties are requested to
377 contact the authority.

378 (10) If prior to the hearing under this section the
379 authority discovers any deficiency in the provision of notice
380 under this section, the authority shall take reasonable steps in
381 good faith to correct the deficiency before the hearing. The
382 provisions of this section relating to notice of the confirm and
383 quiet title hearing are exclusive and exhaustive. Other
384 requirements relating to notice and proof of service under other
385 law, rule, or other legal requirement are not applicable to notice
386 or proof of service under this section.

387 (11) If a petition for an expedited confirm and quiet title
388 action is filed under subsection (3) of this section, before the
389 hearing, the authority shall file with the clerk of the chancery
390 court proof of notice by certified mail under subsection (6) of
391 this section, proof of notice by posting on the property under
392 subsection (7) of this section, and proof of notice by



publication, if applicable. A person claiming an interest in a parcel of property set forth in the petition to confirm and quiet title who desires to contest that petition shall file written objections with the clerk of the chancery court and serve those objections on the authority before the date of the hearing. The chancery court may appoint and utilize, as the court considers necessary, a special master for assistance with the resolution of any objections to the petition or questions regarding the title to property subject to the petition. If the court withholds property from the action, the authority's ability to include the property in a subsequent petition for an expedited confirm and quiet title action is not prejudiced. No injunction shall issue to stay an expedited confirm and quiet title action under this section. The chancery court shall enter judgment on a petition to filed under subsection (3) of this section not more than ten (10) days after the conclusion of the hearing or contested case, and the judgment shall be effective ten (10) days after the conclusion of the hearing or contested case. The chancery court's judgment shall specify all of the following:

(a) The legal description and, if known, the street address of the property foreclosed.

(b) That fee simple title to property foreclosed by the judgment is vested absolutely in the authority, except as otherwise provided in paragraph (e) of this subsection, without any further rights of redemption.



418 (c) That all liens against the property, including any
419 lien for unpaid taxes or special assessments are extinguished.

420 (d) That, except as otherwise provided in paragraph (e)
421 of this subsection, the authority has good and marketable fee
422 simple title to the property.

423 (e) That all existing recorded and unrecorded interests
424 in that property are extinguished, except a visible or recorded
425 easement or right-of-way, private deed restrictions, plat
426 restrictions, or restrictions or other governmental interests.

427 (f) A finding that all persons entitled to notice and
428 an opportunity to be heard have been provided that notice and
429 opportunity. A person shall be deemed to have been provided
430 notice and an opportunity to be heard if the authority followed
431 the procedures for provision of notice by mail, for visits to
432 property subject to the petition, and for publication under this
433 section, or if one or more of the following apply:

434 (i) The person had constructive notice of the
435 hearing by acquiring an interest in the property after the date of
436 the recording under subsection (1) of this section of the notice
437 of pending expedited confirm and quiet title action.

438 (ii) The person appeared at the hearing under this
439 subsection or submitted written objections to the clerk of the
440 chancery court under this subsection prior to the hearing.

441 (iii) Prior to the hearing under this subsection,
442 the person had actual notice of the hearing.



443 (12) Except as otherwise provided in subsection (11)(e) of
444 this section, fee simple title to property set forth in a petition
445 filed under subsection (3) of this section shall vest absolutely
446 in the authority upon the effective date of the judgment by the
447 chancery court and the authority shall have absolute title to the
448 property. The authority's title is not subject to any recorded or
449 unrecorded lien, except as provided in subsection (11) of this
450 section and shall not be stayed or held invalid except as provided
451 in subsection (13) of this section. A judgment entered under this
452 section is a final order with respect to the property affected by
453 the judgment and shall not be modified, stayed, or held invalid
454 after the effective date of the judgment, except as provided in
455 subsection (14) of this section.

456 (13) The authority or a person claiming to have a property
457 interest under subsection (2) of this section in property subject
458 to an action under this section may within twenty-one (21) days of
459 the effective date of the judgment under subsection (12) of this
460 section appeal the chancery court's order or the chancery court's
461 judgment. An appeal under this subsection is limited to the
462 record of the proceedings in the chancery court under this
463 section. The chancery court's judgment shall be stayed until the
464 judgment is finally adjudicated. If an appeal under this
465 subsection stays the chancery court's judgment, the chancery
466 court's judgment is stayed only as to the property that is the
467 subject of that appeal and the chancery court's judgment regarding



other property that is not the subject of that appeal is not stayed. To appeal the chancery court's judgment, a person appealing the judgment shall pay to the authority any taxes, interest, penalties, and fees due on the property and provide notice of the appeal to the authority within twenty-one (21) days after the chancery court's judgment is effective. If the chancery court's judgment is affirmed on appeal, the amount determined to be due shall be refunded to the person who appealed the judgment. If the chancery court's judgment is reversed or modified on appeal, the authority shall refund the amount determined to be due to the person who appealed the judgment, if any, and forward the balance to the appropriate taxing jurisdictions in accordance with the order of the appellate court.

(14) The authority shall record a notice of judgment for each parcel of property in the office of the chancery clerk of the county in which the property is located in a form prescribed by the Secretary of State. If the authority records a notice of judgment in error, the authority may subsequently record a certificate of correction. A notice or certificate under this subsection need not be notarized and may be authenticated by a digital signature or other electronic means. After the entry of a judgment under this section, if the property has not been transferred by the authority, the authority may cancel the judgment by recording with the chancery clerk of the county in which the property is located a certificate of error in a form



prescribed by the Secretary of State, if the authority discovers any of the following:

(a) The description of the property used in the expedited confirm and quiet title action was so indefinite or erroneous that the judgment as to that property was void.

(b) An owner of an interest in the property entitled to notice of the expedited confirm and quiet title action and proceedings against the property under this section was not provided notice sufficient to satisfy the minimum due process requirements of the Mississippi Constitution and the Constitution of the United States.

(c) A judgment was entered under this section in violation of an order issued by a United States bankruptcy court.

(15) If a judgment is entered under subsection (12) of this section, and all existing recorded and unrecorded interests in a parcel of property are extinguished as provided in subsection (12) of this section, the owner of any extinguished recorded or unrecorded interest in that property who claims that he or she did not receive notice of the expedited confirm and quiet title action shall not bring an action for possession of the property against any subsequent owner, but may only bring an action to recover monetary damages as provided in this subsection. The chancery court has original and exclusive jurisdiction in any action to recover monetary damages under this subsection. An action to recover monetary damages under this subsection shall not be



brought more than two (2) years after a judgment is entered under subsection (12) of this section. Any monetary damages recoverable under this subsection shall be determined as of the date a judgment is entered under subsection (12) of this section and shall not exceed the fair market value of the interest in the property held by the person bringing the action under this section on that date, less any taxes, interest, penalties, and fees owed on the property as of that date. The right to sue for monetary damages under this subsection shall not be transferable except by testate or intestate succession.

(16) The owner of a property interest with notice of the hearing under subsection (11) of this section may not assert any of the following:

(a) That notice to the owner was insufficient or inadequate in any way because some other owner of a property interest in the property was not notified.

(b) That any right to redeem property for delinquent taxes was extended in any way because some other person was not notified.

(17) The failure of the authority to comply with any provision of this section shall not invalidate any proceeding under this section if a person with an interest in the property was accorded the minimum due process required under the Mississippi Constitution and the Constitution of the United States.



(18) It is the intent of this act that the provisions of this section relating to the expedited confirming and quieting title of property by the authority satisfy the minimum requirements of due process required under the Mississippi Constitution and the Constitution of the United States but that the provisions do not create new rights beyond those required under the Mississippi Constitution or the Constitution of the United States. The failure of the authority, this state, a political subdivision of this state, or a local unit of government to follow a requirement of this section relating to the expedited confirming and quieting title of property held by the authority shall not be construed to create a claim or cause of action against the authority, this state, a political subdivision of this state, or a local unit of government unless the minimum requirements of due process accorded under the Mississippi Constitution or the Constitution of the United States are violated.

(19) As used in this section, "authorized representative" includes one or more of the following:

(a) A title insurance company or agent licensed to conduct business in this state.

(b) An attorney licensed to practice law in this state.

(c) A person accredited in land title search procedures by a nationally recognized organization in the field of land title searching.



(d) A person with demonstrated experience in the field of searching land title records, as determined by the authority.

SECTION 10. If the authority has reason to believe that property held by the authority may be the site of environmental contamination, the authority shall provide the Department of Environmental Quality with any information in the possession of the authority that suggests that the property may be the site of environmental contamination.

SECTION 11. The authority may institute a civil action to prevent, restrain, or enjoin the waste of or unlawful removal of any property from real property held by the authority.

SECTION 12. The authority shall be made a party to any action or proceeding instituted for the purpose of setting aside title to property held by the authority, the sale of property by the authority, or an expedited confirm and quiet title action under Section 9 of this act. A hearing in any such proceeding shall not be held until the authority is served with process and proper proof of service is filed.

SECTION 13. Property of the authority is public property devoted to an essential public and governmental function and purpose. Income of the authority is considered to be for a public and governmental purpose. The property of the authority and its income and operation are exempt from all taxes and special assessments of this state or a local unit of government of this state. Bonds or notes issued by the authority, and the interest



on and income from those bonds and notes, are exempt from all taxation of this state or a local unit of government.

SECTION 14. (1) This act shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the performance of each and every act and thing authorized by this act, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers. In the exercise of its powers and duties under this act and its powers relating to property held by the authority, the authority shall have complete control as fully and completely as if it represented a private property owner and shall not be subject to restrictions imposed on the authority by the charter, ordinances, or resolutions of a local unit of government.

(2) Unless permitted by this act or approved by the authority, any restrictions, standards, conditions, or prerequisites of a municipality or county otherwise applicable to the authority and enacted after the effective date of this act shall not apply to the authority. This subsection is intended to prohibit special local legislation or ordinances applicable exclusively or primarily to the authority and not to exempt the authority from laws generally applicable to other persons or entities.

(3) The provisions of this act apply notwithstanding any resolution, ordinance, or charter provision to the contrary. This



section is not intended to exempt the authority from local zoning or land use controls.

SECTION 15. (1) The city may enter into an intergovernmental agreement with the Mississippi Development Authority for the joint exercise of powers and duties under this act, of the powers and duties of the authority and the Mississippi Development Authority, and for the provision of economic development services related to the activities of the authority.

(2) The city may enter into an intergovernmental agreement with the Secretary of State providing for the transfer to the authority of property in the city struck off to the state, for the disposition of the proceeds from the sale of the property, and for other activities authorized under this act, including the return or transfer of property under the control of the authority to the city.

(3) The city may authorize the transfer with or without consideration of any real property or interest in real property to the local authority held or acquired after the creation of the authority, with the consent of the authority.

(4) The county or city and any agency or department of the county or city, or any other official public body, may do one or more of the following:

(a) Anything necessary or convenient to aid the authority in fulfilling its purposes under this act.



642 (b) Lend, grant, transfer, appropriate or contribute
643 funds to the authority in furtherance of its purposes.

644 (c) Lend, grant, transfer or convey funds to the
645 authority that are received from the federal government or this
646 state or from any nongovernmental entity in aid of the purposes of
647 this act.

648 (5) The authority may reimburse advances made by the county
649 or city under subsection (4) of this section or by any other
650 person for costs eligible to be incurred by the authority with any
651 source of revenue available for use of the authority under this
652 act and enter into agreements related to these reimbursements.

653 (6) The authority may enter into agreements with the Hinds
654 County Tax Collectors for the collection of property taxes or the
655 enforcement and consolidation of tax liens within the county for
656 any property or interest in property transferred to the authority.

657 (7) Unless specifically reserved or conditioned upon the
658 approval of the governing authorities of the city, all powers
659 granted under this act to the authority may be exercised by the
660 authority without the approval of the governing body of the county
661 or municipality.

662 **SECTION 16.** (1) By resolution of its board, the authority
663 may borrow money and issue bonds and notes, subject to limitations
664 set forth in this section, for the purpose of achieving the
665 purposes of and objectives incident to and necessary or convenient
666 to carry out the purposes and objectives of the authority,



667 including, but not limited to, necessary administrative and
668 operational costs. The bonds or notes shall mature in not more
669 than thirty (30) years and shall bear interest and be sold and be
670 payable in the manner and upon the terms and conditions
671 determined, or within the parameters specified, by the authority
672 in the resolution authorizing issuance of the bonds or notes. The
673 bonds or notes may include capitalized interest, an amount
674 sufficient to fund costs of the issuance of the bonds or notes,
675 and a sum to provide a reasonable reserve for payment of principal
676 and interest on the bonds or notes. The resolution authorizing
677 the obligations shall create a lien on revenues pledged by the
678 resolution that shall be a statutory lien and shall be a first
679 lien subject only to liens previously created. The resolution may
680 provide the terms upon which additional bonds or notes may be
681 issued of equal standing and parity of lien as to revenues pledged
682 under the resolution.

683 (2) The governing authorities of the city which authorized
684 the formation of the authority under this act may, by a majority
685 vote of its governing body, make a limited tax pledge to support
686 the authority's bonds or notes, or if authorized by the voters of
687 the municipality or county, may pledge its unlimited tax full
688 faith and credit for the payment of principal of and interest on
689 the authority's bonds or notes.



(3) The bonds or notes issued under this section shall be secured by one or more sources of revenue available to the authority, as provided by resolution of the authority.

(4) The bonds and notes of the authority may be invested in by the State Treasurer and all other public officers, state agencies, and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the State Treasurer and all other public officers and the agencies and political subdivisions of this state for one or more of the purposes for which the deposit of bonds or notes is authorized. The authorization granted by this section is supplemental and in addition to all other authority granted by law.

(5) The net present value of the principal and interest to be paid on an obligation issued by or incurred by the authority to refund an obligation incurred under this section, including the cost of issuance, shall be less than the net present value of the principal and interest to be paid on the obligation being refunded as calculated using a method approved by the State Treasurer.

(6) An obligation issued by the authority under this section shall not appreciate in principal amount or be sold at a discount of more than ten percent (10%) unless the obligation of the authority is issued to this state, an agency of this state, the county, or the municipality.



715 (7) Bonds and notes issued by the authority under this
716 section and the interest on and income from the bonds and notes
717 are exempt from taxation by this state or a political subdivision
718 of this state.

719 **SECTION 17.** This act shall take effect and be in force from
720 and after its passage.

