

By: Representative Banks

To: County Affairs;
Municipalities

HOUSE BILL NO. 1019

1 AN ACT TO CREATE THE "LAND BANK ACT" TO FACILITATE THE
2 CONVERSION OF VACANT, ABANDONED OR LAND STRUCK OFF TO THE STATE
3 PROPERTY INTO PRODUCTIVE USE; TO AUTHORIZE THE CREATION OF
4 MUNICIPAL AND COUNTY LAND BANK AUTHORITIES AND TO AUTHORIZE
5 COUNTIES AND MUNICIPALITIES TO CREATE JOINT LAND BANK AUTHORITIES;
6 TO PROVIDE THE POWERS AND DUTIES OF SUCH AUTHORITIES; TO AUTHORIZE
7 SUCH AUTHORITIES TO ACQUIRE AND DISPOSE OF PROPERTY; TO PROVIDE AN
8 EXPEDITED PROCEDURE TO CONFIRM AND QUIET TITLE TO PROPERTY
9 ACQUIRED BY SUCH AUTHORITIES; TO AUTHORIZE AUTHORITIES CREATED
10 UNDER THIS ACT TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR
11 CERTAIN PURPOSES; TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO
12 CREATE LOCAL LAND BANK AUTHORITIES TO BORROW MONEY AND ISSUE BONDS
13 AND NOTES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** This act shall be known and may be cited as the
16 "Land Bank Act."

17 **SECTION 2.** The Legislature finds that there exists in this
18 state a continuing need to strengthen and revitalize the economy
19 of this state and local units of government in this state and that
20 it is in the best interests of this state and local units of
21 government in this state to assemble or dispose of public property
22 in a coordinated manner to foster the development of that property
23 and to promote economic growth in this state and local units of



government in this state. It is declared to be a valid public purpose for a land bank authority created under this act to acquire, assemble, dispose of, and quiet title to property under this act. It is further declared to be a valid public purpose for a land bank authority created under this act to provide for the financing of the acquisition, assembly, disposition, and quieting of title to property, and for a land bank authority to exercise other powers granted to a land bank authority under this act. The Legislature finds that a land bank authority created under this act and powers conferred by this act constitute a necessary program and serve a necessary public purpose.

SECTION 3. As used in this act:

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

(b) "Casino" means a casino regulated by this state under the Gaming Control Act, or a casino at which gaming is conducted under the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467, and all property associated or affiliated with the operation of the casino, including, but not limited to, a parking lot, hotel, motel, or retail store.

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



(d) "Local unit of government" means a municipality, 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, an 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 an 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



74 state, or an intergovernmental entity created under the laws of
75 this state or participate in any other way in a program of the
76 federal government, this state, a political subdivision of this
77 state, or an intergovernmental entity created under the laws of
78 this state.

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

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

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

96 (i) Contract for goods and services and engage
97 personnel as necessary and engage the services of private
98 consultants, managers, legal counsel, engineers, accountants, and



99 auditors for rendering professional financial assistance and
100 advice payable out of any money of the authority.

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

105 (k) Enter into contracts for the management of, the
106 collection of rent from, or the sale of real property held by an
107 authority.

108 (l) Do all other things necessary or convenient to
109 achieve the objectives and purposes of the authority or other laws
110 that relate to the purposes and responsibility of the authority.

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

115 (3) An authority, in its discretion, may contract with
116 others, public or private, for the provision of all or a portion
117 of the services necessary for the management and operation of the
118 authority.

119 (4) The property of an authority and its income and
120 operations are exempt from all taxation by this state or any of
121 its political subdivisions.

122 (5) An authority shall not assist or expend any funds for,
123 or related to, the development of a casino.



(6) An authority shall not levy any tax or special assessment.

(7) An authority shall not exercise the power of eminent domain or condemn property.

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

(9) An authority shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest. The governing body of an 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(7) of this act, an 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 an authority by purchase may be by purchase contract, lease-purchase agreement, installment sales contract, land contract, or otherwise, except as provided in Section 4(7) 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) An 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 an 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) An 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. An authority may take or



perform the following with respect to property held or owned by the authority:

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

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

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

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

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

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

SECTION 7. (1) Except as an authority otherwise agrees by interlocal agreement or otherwise, on terms and conditions, and in a manner and for an amount of consideration an authority considers proper, fair, and valuable, including for no monetary consideration, the authority may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of property or rights or



198 interests in property in which the authority holds a legal
199 interest to any public or private person for value determined by
200 the authority. If the Department of Environmental Quality
201 determines that conditions on a property transferred to an
202 authority represent an acute threat to public health, safety, and
203 welfare, or to the environment, the authority shall not convey,
204 sell, transfer, exchange, lease, or otherwise dispose of the
205 property until after a determination by the Department of
206 Environmental Quality that the acute threat has been eliminated
207 and that conveyance, sale, transfer, exchange, lease, or other
208 disposal of the property by the authority will not interfere with
209 any response activities by the department. The transfer and use
210 of property under this section and the exercise by the authority
211 of powers and duties under this act shall be considered a
212 necessary public purpose and for the benefit of the public.

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

216 (3) A document, including, but not limited to, a deed,
217 evidencing the transfer under this act of one or more parcels of
218 property to an authority by this state or a political subdivision
219 of this state may be recorded with the chancery clerk of the
220 county in which the property is located without the payment of a
221 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 an authority otherwise agrees, any proceeds received by the authority may be retained by the authority for the purposes of this act.

SECTION 9.

(1) An 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 an 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, an 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) An 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 ninety (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, an 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



297 interest in property subject to the action, or if the authority
298 discovers a deficiency in notice under subsection (10) of this
299 section, the following shall be considered reasonable steps by the
300 authority to ascertain the addresses of persons with a property
301 interest in the property subject to the action or to ascertain an
302 address necessary to correct a deficiency in notice under
303 subsection (10) of this section:

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

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

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

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

318 (7) Not less than thirty (30) days before the hearing under
319 this section, the authority or its authorized representative or
320 authorized agent shall visit each parcel of property subject to
321 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 _____ LAND BANK AUTHORITY AND IS SUBJECT TO AN EXPEDITED CONFIRM AND QUIET TITLE ACTION. PERSONS WITH INFORMATION REGARDING THE PRIOR OWNER OF THE PROPERTY ARE REQUESTED TO CONTACT THE LAND BANK AUTHORITY AT _____."

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

(11) If a petition for an expedited confirm and quiet title action is filed under subsection (3) of this section, before the hearing, the authority shall file with the clerk of the chancery court proof of notice by certified mail under subsection (6) of



396 this section, proof of notice by posting on the property under
397 subsection (7) of this section, and proof of notice by
398 publication, if applicable. A person claiming an interest in a
399 parcel of property set forth in the petition to confirm and quiet
400 title who desires to contest that petition shall file written
401 objections with the clerk of the chancery court and serve those
402 objections on the authority before the date of the hearing. The
403 chancery court may appoint and utilize, as the court considers
404 necessary, a special master for assistance with the resolution of
405 any objections to the petition or questions regarding the title to
406 property subject to the petition. If the court withholds property
407 from the action, an authority's ability to include the property in
408 a subsequent petition for an expedited confirm and quiet title
409 action is not prejudiced. No injunction shall issue to stay an
410 expedited confirm and quiet title action under this section. The
411 chancery court shall enter judgment on a petition to be filed
412 under subsection (3) of this section not more than ten (10) days
413 after the conclusion of the hearing or contested case, and the
414 judgment shall be effective ten (10) days after the conclusion of
415 the hearing or contested case. The chancery court's judgment
416 shall specify all of the following:

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

419 (b) That fee simple title to property foreclosed by the
420 judgment is vested absolutely in the authority, except as



otherwise provided in paragraph (e) of this subsection, without any further rights of redemption.

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

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

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

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

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

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



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

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

(13) An authority or a person claiming to have a property interest under subsection (2) of this section in property subject to an action under this section may within twenty-one (21) days of the effective date of the judgment under subsection (12) of this section appeal the chancery court's order or the chancery court's judgment. An appeal under this subsection is limited to the record of the proceedings in the chancery court under this section. The chancery court's judgment shall be stayed until the judgment is finally adjudicated. If an appeal under this subsection stays the chancery court's judgment, the chancery



471 court's judgment is stayed only as to the property that is the
472 subject of that appeal and the chancery court's judgment regarding
473 other property that is not the subject of that appeal is not
474 stayed. To appeal the circuit court's judgment, a person
475 appealing the judgment shall pay to the authority any taxes,
476 interest, penalties, and fees due on the property and provide
477 notice of the appeal to the authority within twenty-one (21) days
478 after the chancery court's judgment is effective. If the chancery
479 court's judgment is affirmed on appeal, the amount determined to
480 be due shall be refunded to the person who appealed the judgment.
481 If the chancery court's judgment is reversed or modified on
482 appeal, the authority shall refund the amount determined to be due
483 to the person who appealed the judgment, if any, and forward the
484 balance to the appropriate taxing jurisdictions in accordance with
485 the order of the appellate court.

486 (14) The authority shall record a notice of judgment for
487 each parcel of property in the office of the chancery clerk of the
488 county in which the property is located in a form prescribed by
489 the Secretary of State. If an authority records a notice of
490 judgment in error, the authority may subsequently record a
491 certificate of correction. A notice or certificate under this
492 subsection need not be notarized and may be authenticated by a
493 digital signature or other electronic means. After the entry of a
494 judgment under this section, if the property has not been
495 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



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

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

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

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

542 (17) The failure of an authority to comply with any
543 provision of this section shall not invalidate any proceeding
544 under this section if a person with a interest in the property was



545 accorded the minimum due process required under the Mississippi
546 Constitution and the Constitution of the United States.

547 (18) It is the intent of the Legislature that the provisions
548 of this section relating to the expedited confirming and quieting
549 title of property by an authority satisfy the minimum requirements
550 of due process required under the Mississippi Constitution and the
551 Constitution of the United States but that the provisions do not
552 create new rights beyond those required under the Mississippi
553 Constitution or the Constitution of the United States. The
554 failure of an authority, this state, a political subdivision of
555 this state, or a local unit of government to follow a requirement
556 of this section relating to the expedited confirming and quieting
557 title of property held by an authority shall not be construed to
558 create a claim or cause of action against an authority, this
559 state, a political subdivision of this state, or a local unit of
560 government unless the minimum requirements of due process accorded
561 under the Mississippi Constitution or the Constitution of the
562 United States are violated.

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

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

567 (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 an 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. An 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. An 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 an 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 an authority, any restrictions, standards, conditions, or prerequisites of a municipality or county otherwise applicable to an authority and enacted after the effective date of this act shall not apply to an authority. This subsection is intended to prohibit special local legislation or ordinances applicable exclusively or primarily to an authority and not to exempt an



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 an authority from local zoning or land use controls.

SECTION 15. (1) An authority 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) A county or municipality may enter into an intergovernmental agreement with the Secretary of State providing for the transfer to the authority of property in the county or municipality 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 county or municipality.

(3) A county may create a county authority to exercise the powers, duties, functions, and responsibilities of an authority under this act. If a county authority is created under this subsection, the chancery clerk of the county shall be a member of the authority board.



642 (4) A municipality may create a municipal authority to
643 exercise the powers, duties, functions, and responsibilities of an
644 authority under this act and for the creation of a local authority
645 to exercise those functions.

646 (5) Counties and municipalities may enter into an
647 intergovernmental agreement with other counties or municipalities
648 to form a joint authority to exercise the powers, duties,
649 functions, and responsibilities of an authority under this act.

650 (6) The ordinances or agreements that establish an authority
651 under subsection (3), (4) or (5) of this subsection shall provide
652 for all of the following:

653 (a) The incorporation of the authority as a public body
654 corporate.

655 (b) The name of the authority.

656 (c) The size of the initial governing body of the
657 authority, which shall be composed of an odd number of members.

658 (d) The qualifications, method of selection, and terms
659 of office of the initial board members.

660 (e) A method for the adoption of articles of
661 incorporation by the governing body of the authority.

662 (f) A method for the distribution of proceeds from the
663 activities of the authority.

664 (g) A method for the dissolution of the authority and
665 for the withdrawal from the authority of any governmental agencies
666 involved.



667 (h) Any other matters considered advisable by the
668 participating governmental agencies, consistent with this act.

669 (7) A county or municipality may authorize the transfer with
670 or without consideration of any real property or interest in real
671 property to a local authority held or acquired after the creation
672 of the authority, with the consent of the authority.

673 (8) A county or municipality and any agency or department of
674 a county or municipality, or any other official public body, may
675 do one or more of the following:

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

678 (b) Lend, grant, transfer, appropriate or contribute
679 funds to an authority in furtherance of its purposes.

680 (c) Lend, grant, transfer or convey funds to an
681 authority that are received from the federal government or this
682 state or from any nongovernmental entity in aid of the purposes of
683 this act.

684 (9) An authority may reimburse advances made by a county or
685 municipality under subsection (8) of this section or by any other
686 person for costs eligible to be incurred by the authority with any
687 source of revenue available for use of the authority under this
688 act and enter into agreements related to these reimbursements.

689 (10) An authority may enter into agreements with the county
690 tax collectors of the county for the collection of property taxes
691 or the enforcement and consolidation of tax liens within that



county for any property or interest in property transferred to the local authority.

(11) Unless specifically reserved or conditioned upon the approval of the governing body of a county or municipality, all powers granted under this act to an authority may be exercised by the authority without the approval of the governing body of the county or municipality.

SECTION 16. (1) By resolution of its board, an authority may borrow money and issue bonds and notes, subject to limitations set forth in this section, for the purpose of achieving the purposes of and objectives incident to and necessary or convenient to carry out the purposes and objectives of the authority, including, but not limited to, necessary administrative and operational costs. The bonds or notes shall mature in not more than thirty (30) years and shall bear interest and be sold and be payable in the manner and upon the terms and conditions determined, or within the parameters specified, by the authority in the resolution authorizing issuance of the bonds or notes. The bonds or notes may include capitalized interest, an amount sufficient to fund costs of the issuance of the bonds or notes, and a sum to provide a reasonable reserve for payment of principal and interest on the bonds or notes. The resolution authorizing the obligations shall create a lien on revenues pledged by the resolution that shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may



717 provide the terms upon which additional bonds or notes may be
718 issued of equal standing and parity of lien as to revenues pledged
719 under the resolution.

720 (2) The municipalities or counties which authorized the
721 formation of an authority under this act may, by a majority vote
722 of its governing body, make a limited tax pledge to support the
723 authority's bonds or notes, or if authorized by the voters of the
724 municipality or county, may pledge its unlimited tax full faith
725 and credit for the payment of principal of and interest on the
726 authority's bonds or notes.

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

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



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

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

752 (7) Bonds and notes issued by an authority under this
753 section and the interest on and income from the bonds and notes
754 are exempt from taxation by this state or a political subdivision
755 of this state.

756 **SECTION 17.** This act shall take effect and be in force from
757 and after July 1, 2025.

