

38 (7) Transportation infrastructure to the property line,
39 including, but not limited to, the type of roads near the site and
40 whether the roads are local, state or U. S. roads.

41 (8) Electric infrastructure to the property line with its
42 capacity clearly identified.

43 (9) Natural gas infrastructure to the property line with its
44 capacity clearly identified.

45 (10) Water infrastructure to the property line with its
46 capacity clearly identified.

47 (11) Sewer infrastructure to the property line with its
48 capacity clearly identified.

49 (12) Telecommunications and/or high speed communications
50 infrastructure to the property line with its capacity clearly
51 identified.

52 (b) The complete list of certified sites criteria shall be
53 developed into a program application along with appropriate fees
54 for participation as the certified sites program is implemented,
55 and may be revised from time to time as warranted.

PART 5. LAND BANK PROGRAM.

§31-21-11. Land bank program.

1 (a) This article hereby authorizes the establishment of a
2 voluntary state land bank program. Under this program, the

3 corporation is authorized to acquire properties, hold title and
4 prepare them for future use. Prior to acquiring any properties, the
5 corporation shall conduct all appropriate inquiries to determine
6 the environmental conditions or issues associated with a
7 particular property. The corporation shall not acquire title to any
8 property unless all pending liens have been satisfied and
9 released. Liabilities, including, but not limited to, environmental
10 liabilities, shall not pass to the corporation by its acquisition of
11 title. Participation in the land bank program under this article
12 shall not relieve an entity of any of its liabilities.

13 (b) The objective of the land bank program is to assist state
14 and local government efforts for economic development by
15 accepting formerly used or developable properties and preparing
16 the properties so they can be conveyed to other parties to locate
17 or expand businesses and create or retain jobs in this state.

18 (c) The corporation may acquire by gift, devise, transfer,
19 exchange, foreclosure, purchase or otherwise on terms and
20 conditions and in a manner the corporation considers proper, real
21 or personal property or rights or interests in real or personal
22 property. The corporation may not accept by any conveyance or

23 other action, any liability for prior pollution or contamination
24 liabilities that occurred on the property prior to its conveyance
25 to the corporation.

26 (d) Real property acquired by the corporation may be by
27 purchase and sale agreement, lease purchase agreement,
28 installment sales contract, land contract or otherwise as may be
29 negotiated or structured. The corporation may acquire real
30 property or rights or interests in real property for any purpose the
31 corporation considers necessary to carry out the purposes of this
32 article including, but not limited to, one or more of the following
33 purposes:

34 (1) Use or development of property the corporation has
35 otherwise acquired;

36 (2) To facilitate the assembly of property for sale or lease to
37 any other public or private person, including, but not limited to,
38 a nonprofit or for profit corporation;

39 (3) To conduct environmental remediation and monitoring
40 activities.

41 (e) The corporation may also acquire by purchase, on terms
42 and conditions and in a manner the corporation considers proper,
43 property or rights or interests in property.

44 (f) The corporation may hold and own in its name any
45 property acquired by it or conveyed to it by this state, a
46 foreclosing governmental unit, a local unit of government, an
47 intergovernmental entity created under the laws of this state or
48 any other public or private person.

49 (g) All deeds, mortgages, contracts, leases, purchases or
50 other agreements regarding property of the corporation,
51 including agreements to acquire or dispose of real property, shall
52 be approved by the board of directors and executed in the name
53 of the corporation or any single purpose entity created by the
54 board for the transaction.

55 (h) All property held by the corporation or a single purpose
56 entity created by the board for a transaction shall be inventoried
57 and classified by the corporation according to title status and
58 suitability for use.

59 (i) A document including, but not limited to, a deed
60 evidencing the transfer under this article of one or more parcels
61 of property to the corporation by this state or a political
62 subdivision of this state may be recorded within the office of the
63 county clerk of the county in which the property is located
64 without the payment of a fee.

§31-21-12. Preserve property value.

1 (a) The corporation may, without the approval of a local unit
2 of government in which property held by the corporation is
3 located, control, hold, manage, maintain, operate, repair, lease as
4 lessor, secure, prevent the waste or deterioration of, demolish
5 and take all other actions necessary to preserve the value of the
6 property held or owned directly by the corporation or by a single
7 purpose entity created by the board for that purpose.

8 (b) The corporation may take or perform the following with
9 respect to property held or owned by the corporation or by any
10 special purpose entity created by the board:

11 (1) Grant or acquire a license, easement, or option with
12 respect to property as the corporation determines is reasonably
13 necessary to achieve the purposes of this article;

14 (2) Fix, charge, and collect rents, fees and charges for use of
15 property under the direct or indirect control of the corporation or
16 for services provided by the corporation;

17 (3) Take any action, provide any notice or institute any
18 proceeding required to clear or quiet title to property held by the
19 corporation in order to establish ownership by and vest title to

20 property in the corporation or a special purpose entity created by
21 the board; and

22 (4) Remediate environmental contamination on any property
23 held by the corporation.

24 (c) Except as the corporation otherwise agrees by agreement
25 or otherwise, on terms and conditions, and in a manner and for
26 an amount of consideration the corporation considers proper, fair
27 and valuable, including for no monetary consideration, the
28 corporation may convey, sell, transfer, exchange, lease as lessor
29 or otherwise dispose of property or rights or interests in property
30 in which the corporation directly or indirectly holds a legal
31 interest to any public or private person for value determined by
32 the corporation.

33 (d) The corporation shall be made a party to and shall defend
34 any action or proceeding concerning title claims against property
35 held directly or indirectly by the corporation.

§31-21-13. Contaminated property.

1 (a) If the DEP determines that conditions on a property
2 transferred to the corporation under this article present an
3 immediate threat to public health, safety and welfare, or to the

4 environment, the corporation may not convey, sell, transfer,
5 exchange, lease or otherwise dispose of the property until after
6 a determination by the DEP that the threat has been remediated
7 and/or eliminated and that conveyance, sale, transfer, exchange,
8 lease or other disposal of the property by the corporation will not
9 interfere with any of the DEP's response activities and will
10 coordinate with the DEP regarding the corporation's activities at
11 the property.

12 (b) If the corporation has reason to believe that property held
13 by the corporation may be the site of environmental
14 contamination, the corporation shall provide the DEP with any
15 information in the possession of the corporation that suggests
16 that the property may be the site of environmental
17 contamination.

18 (c) If property held directly or indirectly by the corporation
19 is a site impacted by contamination, pollution, hazardous
20 substances, hazardous or other wastes as defined in the
21 environmental acts described in section four of this article, prior
22 to the sale or transfer of the property under this section, the
23 property is subject to all of the following:

24 (1) Upon reasonable written notice from the DEP, the
25 corporation shall provide access to the DEP, its employees, its
26 contractors and any other person expressly authorized by the
27 DEP to conduct an investigation and/or response activities at the
28 property. Reasonable written notice may include, but is not
29 limited to, notice by electronic mail or facsimile, in advance of
30 access as the DEP and corporation may agree.

31 (2) If the DEP determines it is necessary to protect public
32 health, safety and welfare or the environment, the corporation
33 shall place and record deed restrictions on the property as
34 authorized under state environmental statutes.

§31-21-14. Liberal construction.

1 This article shall be construed liberally to effectuate the
2 legislative intent and the purposes as complete and independent
3 authorization for the performance of every act and thing
4 authorized by this article. All powers granted shall be broadly
5 interpreted to effectuate the intent and purposes of this article
6 and not as a limitation thereof. The corporation has complete
7 control as if it is a private property owner.

§31-21-15. Exemption from taxation.

1 The property of the corporation shall be exempt from ad
2 valorem property taxation. The corporation shall be exempt from

3 the taxes imposed by chapter eleven of this code, except that the
4 corporation shall comply with the employer withholding of tax
5 requirements in sections seventy-one through seventy-six, article
6 twenty-one of said chapter eleven. The corporation shall be
7 exempt from sales and use taxes, business and occupation taxes
8 and all other taxes imposed by a county commission, a municipal
9 corporation or other unit of local government, whether now or
10 hereinafter in effect.

§31-21-16. Audits and reports.

1 (a) As soon as possible after the close of each year, the
2 corporation shall cause an annual audit to be made by an
3 independent certified public accountant of its books, records,
4 accounts and operations. The person performing this audit shall
5 furnish copies of the audit report to the Governor, the secretary
6 of the DEP and the Joint Committee on Government and Finance
7 of the Legislature.

8 (b) The corporation shall report biannually to the Joint
9 Committee on Government and Finance of the Legislature on the
10 activities of the corporation. The first report shall be filed on or
11 before the second Wednesday in January, 2016.

§31-21-17. Completed purpose.

1 If the corporation has completed the purposes for which the
2 corporation was organized, the board of directors, by vote of at
3 least a majority of a quorum of the directors and with the written
4 consent of the Governor, may provide for the dissolution of the
5 corporation and may provide for the transfer of any property
6 held by the corporation as required by agreement or, if there are
7 no related agreements, then to the DEP or another state agency
8 or to another nonprofit corporation as directed by the DEP.

§31-21-18. Conflicts of interest.

1 Notwithstanding any other provision of this article to the
2 contrary, officers and employees of the corporation and its board
3 of directors may hold appointments to offices of any other
4 corporations or businesses and be corporate directors or officers
5 or employees of other entities but are prohibited to be a party or
6 otherwise participate in the transfer of real property and funds
7 from the corporation to the corporations or businesses for which
8 they serve.

§31-21-19. No waiver of sovereign immunity.

1 Nothing contained in this article may be determined or
2 construed to waive or abrogate in any way the sovereign

- 3 immunity of the state or to deprive the nonprofit corporation
- 4 created pursuant to this article, its board of directors, or any
- 5 officer or employee thereof of sovereign immunity.

§31-21-20. No obligation of the state.

- 1 Obligations of the corporation are not debts or obligations of
- 2 the DEP or the state.