

By: Senator(s) Huggins

To: Corrections

SENATE BILL NO. 2484
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-66, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES FOR THE AGRICULTURAL LEASING OF PRISON LANDS, BY
3 REMOVING THE REPEALER; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 47-5-66, Mississippi Code of 1972, is
6 amended as follows:

7 47-5-66. * * * It shall be the duty of the State Department
8 of Finance and Administration, with the approval of the Public
9 Procurement Review Board, to lease lands at public contract upon
10 the submission of two (2) or more sealed bids to the State
11 Department of Finance and Administration after having advertised
12 the land for rent in newspapers of general circulation published
13 in Jackson, Mississippi; Memphis, Tennessee; the county in which
14 the land is located, and contiguous counties for a period of not
15 less than two (2) successive weeks. The first publication shall
16 be made not less than ten (10) days before the date of the public
17 contract, and the last publication shall be made not more than
18 seven (7) days before that date. The State Department of Finance
19 and Administration may reject any and all bids. If all bids on a
20 tract or parcel of land are rejected, the State Department of
21 Finance and Administration may then advertise for new bids on that
22 tract or parcel of land. Successful bidders shall take possession
23 of their leaseholds at the time authorized by the State Department
24 of Finance and Administration. However, rent shall be due no
25 later than the day upon which the lessee shall assume possession
26 of the leasehold, and shall be due on the anniversary date for

27 each following year of the lease. The State Department of Finance
28 and Administration may provide in any lease that rent shall be
29 paid in full in advance or paid in installments, as may be
30 necessary or appropriate. In addition, the State Department of
31 Finance and Administration may accept, and the lease may provide
32 for, assignments of federal, state, or other agricultural support
33 payments, growing crops or the proceeds from the sale thereof,
34 promissory notes, or any other good and valuable consideration
35 offered by any lessee to meet the rent requirements of the lease.

36 If a promissory note is offered by a lessee, it shall be secured
37 by a first lien on the crop of the lessee, or the proceeds from
38 the sale thereof. The lien shall be filed pursuant to Article 9
39 of the Mississippi Uniform Commercial Code and Section 1324 of the
40 Food Security Act of 1985, as enacted or amended. If the note is
41 not paid at maturity, it shall bear interest at the rate provided
42 for judgments and decrees in Section 75-17-7 from its maturity
43 date until the note is paid. The note shall provide for the
44 payment of all costs of collection and reasonable attorney's fees
45 if default is made in the payment of the note. The payment of
46 rent by promissory note or any means other than cash in advance
47 shall be subject to the approval of the Public Procurement Review
48 Board, which shall place the approval of record in the minutes of
49 the board. There is created a special fund to be designated as
50 the "Prison Agricultural Enterprises Fund." Any monies in hand or
51 due from the leasing of penitentiary lands and the sales of timber
52 by the State Forestry Commission as provided in Section 47-5-56
53 and earmarked for the Prison Industries Fund shall be deposited to
54 the special fund for prison agricultural enterprises. All monies
55 in each fiscal year derived from the leasings of the penitentiary
56 lands and the sales of timber by the State Forestry Commission as
57 provided in Section 47-5-56 shall be deposited into the special
58 fund for the purpose of conducting, operating and managing the
59 prison agricultural enterprises of the department. All profits
60 derived from the prison agricultural enterprises shall be
61 deposited into the Prison Agricultural Enterprises Fund. All
62 profits derived from prison industries shall be placed in a
63 special fund in the State Treasury to be known as the Prison

64 Industries Funds, to be appropriated each year by the Legislature
65 to the nonprofit corporation, which is required to be organized
66 under the provisions of Section 47-5-535, for the purpose of
67 operating and managing the prison industries. The state shall
68 have the rights and remedies for the security and collection of
69 the rents given by law to landlords. Upon the execution of the
70 agricultural leases to private entities as authorized by Section
71 47-5-64, the leased land shall be liable to be taxed as other
72 lands are taxed during the continuance of the lease, but in case
73 of sale thereon for taxes, only the title of the leaseholder or
74 his heirs or assigns shall pass by the sale. Any funds obtained
75 by the corporation as a result of sale of goods and services
76 manufactured and provided by it shall be accounted for separate
77 and apart from any funds received by the corporation through
78 appropriation from the state Legislature. All nonappropriated
79 funds generated by the corporation shall not be subject to
80 appropriation by the state Legislature.

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82 SECTION 2. This act shall take effect and be in force from
83 and after its passage.