

By: Representative Holland

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 685

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
2 ADMINISTRATION TO CONVEY TO THE STATE FAIR COMMISSION CERTAIN
3 STATE-OWNED REAL PROPERTY IN THE CITY OF JACKSON, MISSISSIPPI, FOR
4 USE AS ADDITIONAL STATE FAIRGROUNDS; TO BRING FORWARD SECTION
5 29-1-1, MISSISSIPPI CODE OF 1972, WHICH IMPOSES CERTAIN
6 RESTRICTIONS ON STATE AUTHORIZED CONVEYANCES OF STATE PROPERTY;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The Department of Finance and Administration is
10 hereby authorized and empowered to convey to the State Fair
11 Commission for additional state fairgrounds all of the right,
12 title and interest in certain state-owned real property, and my
13 improvements located thereon, being situated in the City of
14 Jackson, First Judicial District of Hinds County, Mississippi, and
15 more particularly described as follows to wit:

16 Beginning at the intersection of the east right-of-way
17 line of the abandoned Illinois Central Gulf's 100-foot
18 railroad right-of-way and the east right-of-way line of
19 Jefferson Street, proceed in a northerly direction along
20 the east right-of-way of Jefferson Street to a point on
21 the south right-of-way line of High Street; thence
22 turning through a 90 degree angle, run easterly along
23 the south right-of-way line of High Street to a point on
24 the east right-of-way line of the Illinois Central
25 Gulf's abandoned railroad; thence run southwesterly
26 along the east line of the said right-of-way to the west
27 right-of-way line of Camp Street; thence run south along
28 the west right-of-way line of Camp Street to a point on
29 the north right-of-way line of Mississippi Street;



30 thence turning through a 90 degree angle, run westerly
31 to the point of beginning, being a parcel of land
32 containing 6.3 acres more or less.

33 **SECTION 2.** Section 29-1-1, Mississippi Code of 1972, is
34 brought forward as follows:

35 29-1-1. (1) Except as otherwise provided in subsection (7)
36 and subsection (8) of this section, the title to all lands held by
37 any agency of the State of Mississippi which were acquired solely
38 by the use of funds appropriated by the state shall appear on all
39 deeds and land records under the name of the "State of
40 Mississippi." For the purpose of this section, the term "agency"
41 shall be defined as set forth in Section 31-7-1(a). The
42 provisions of this section shall not affect the authority of any
43 agency to use any land held by the agency. No assets or property
44 of the Public Employees' Retirement System of Mississippi shall be
45 transferred in violation of Section 272A of the Mississippi
46 Constitution of 1890. Before September 1, 1993, each state agency
47 shall inventory any state-held lands which were acquired solely by
48 the use of funds appropriated by the state, and which are titled
49 in the name of the agency. The agency shall execute quitclaim
50 deeds and any other necessary documents to transfer the name and
51 title of the property to the State of Mississippi.

52 (2) The Secretary of State, under the general direction of
53 the Governor and as authorized by law, shall sell and convey the
54 public lands in the manner and on the terms provided herein for
55 the several classes thereof; he shall perform all the
56 administrative and executive duties appertaining to the selection,
57 location, surveying, platting, listing, and registering these
58 lands or otherwise concerning them; and he shall investigate the
59 status of the various "percent" funds accrued and accruing to the
60 state from the sale of lands by the United States, and shall
61 collect and pay the funds into the treasury in the manner provided
62 by law.



63 (3) In accordance with Sections 7-11-11 and 7-11-13, the
64 Secretary of State shall be required to sign all conveyances of
65 all state-held land. For purposes of this section, the term
66 "conveyance" shall mean any sale or purchase of land by the State
67 of Mississippi for use by any agency, board or commission thereof.
68 Failure to obtain legislative approval pursuant to subsection (4)
69 of this section and the signature of the Secretary of State on any
70 conveyance regarding the sale or purchase of lands for the state
71 including any agency, board or commission thereof, shall render
72 the attempted sale or purchase of the lands void. Nothing in this
73 section shall be construed to authorize any state agency, board,
74 commission or public official to convey any state-held land unless
75 this authority is otherwise granted by law. The Secretary of
76 State shall not withhold arbitrarily his signature from any
77 purchase or sale authorized by the Mississippi State Legislature.
78 All sales of state-held lands, except those lands forfeited to the
79 state for the nonpayment of taxes and those lands acquired by the
80 Mississippi Transportation Commission under Section 65-1-123,
81 shall be sold for not less than the fair market value as
82 determined by two (2) professional appraisers selected by the
83 State Department of Finance and Administration, who are certified
84 general appraisers of the State of Mississippi. The proceeds from
85 any sale by an agency, board, commission or public official of
86 state-held lands shall be deposited into the State General Fund
87 unless otherwise provided by law.

88 (4) Before any state-held land is sold to any individual or
89 private entity, thirty (30) days' advance notice of the intended
90 sale shall be provided by the Secretary of State to the State
91 Legislature, to all state agencies and to all governing
92 authorities within the state for the purpose of ascertaining
93 whether an agency or governing authority has a need for the land
94 and for the purpose of ascertaining whether the sale of the land
95 was authorized by law. If no agency or governing authority within



96 the state expresses in writing to the Secretary of State by the
97 end of the thirty-day period a desire to use the land, then the
98 Secretary of State, with the prior approval of the Mississippi
99 Legislature to sell the state-held land, may offer the land for
100 sale to any individual or private entity.

101 (5) A cultural resources survey may be performed on any
102 state-held land before the disposition of the land if the State
103 Department of Archives and History deems this survey necessary.
104 The cost of the survey and any archaeological studies deemed
105 necessary by the State Department of Archives and History shall be
106 paid by the selling agency and recouped from the proceeds of the
107 sale.

108 (6) Before any land may be purchased by the state for the
109 benefit of any state agency, the Secretary of State, or his
110 designee, shall search and examine all state land records to
111 determine whether the state owns any land that may fit the
112 particular need of the agency. The Secretary of State, or his
113 designee, shall notify the agency if it is determined that any
114 state-held land is available for use by the agency. The agency
115 shall determine if such land accommodates its needs and shall
116 determine whether to make an official request to the proper
117 authorities to have the use of the land.

118 (7) Any lands purchased or acquired for construction and
119 maintenance of highways or highway rights-of-way by the
120 Mississippi Department of Transportation shall be excluded from
121 the provisions of this section.

122 (8) This section shall not apply to any agency of the State
123 of Mississippi that holds title to lands purchased solely by the
124 use of federal funds or whose authority to transfer or dispose of
125 these lands is governed by federal law or federal regulations.

126 (9) The Secretary of State may recover from any agency,
127 corporation, board, commission, entity or individual any cost that



128 is incurred by his office for the record-keeping responsibilities
129 regarding the sale or purchase of any state-held lands.

130 (10) Subsections (3), (4), (5) and (6) of this section shall
131 not apply to sales or purchases of land when the Legislature
132 expressly authorizes or directs a state agency to sell, purchase
133 or lease-purchase a specifically described property. However,
134 when the Legislature authorizes a state agency to sell or
135 otherwise convey specifically described real property to another
136 state agency or other entity such as a county, municipality,
137 economic development district created under Section 19-5-99 or
138 similar entity, without providing that the conveyance may not be
139 made for less than the fair market value of the property, then the
140 state agency authorized to convey such property must make the
141 following determinations before conveying the property:

142 (a) That the state agency or other entity to which the
143 proposed conveyance is to be made has an immediate need for the
144 property;

145 (b) That there are quantifiable benefits that will
146 inure to the state agency or other entity to which the proposed
147 conveyance is to be made which outweigh any quantifiable costs to
148 the state agency authorized to make the conveyance; and

149 (c) That the state agency or other entity to which the
150 proposed conveyance is to be made lacks available funds to pay
151 fair market value for the property. If the state agency
152 authorized to convey such property fails to make such
153 determinations, then it shall not convey the property for less
154 than the fair market value of the property.

155 **SECTION 3.** This act shall take effect and be in force from
156 and after its passage.

