MISSISSIPPI LEGISLATURE

By: Representative Martinson

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

To: Public Buildings, Grounds and Lands

HOUSE BILL NO. 881

AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONVEY TO THE STATE FAIR COMMISSION CERTAIN STATE-OWNED REAL PROPERTY IN THE CITY OF JACKSON, MISSISSIPPI, FOR USE AS ADDITIONAL STATE FAIRGROUNDS; TO BRING FORWARD SECTION 29-1-1, MISSISSIPPI CODE OF 1972, WHICH IMPOSES CERTAIN RESTRICTIONS ON STATE AUTHORIZED CONVEYANCES OF STATE PROPERTY; TO BRING FORWARD SECTION 69-7-109, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE POWERS AND DUTIES OF THE CENTRAL MARKET BOARD; AND FOR RELATED PURPOSES.

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

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

Beginning at the intersection of the east right-of-way line of the abandoned Illinois Central Gulf's 100-foot railroad right-of-way and the east right-of-way line of Jefferson Street, proceed in a northerly direction along the east right-of-way of Jefferson Street to a point on the south right-of-way line of High Street; thence turning through a 90 degree angle, run easterly along the south right-of-way line of High Street to a point on the east right-of-way line of the Illinois Central Gulf's abandoned railroad; thence run southwesterly along the east line of the said right-of-way to the west right-of-way line of Camp Street; thence run south along the west right-of-way line of Camp Street to a point on
the north right-of-way line of Mississippi Street;  

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

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

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

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

(3) In accordance with Sections 7-11-11 and 7-11-13, the Secretary of State shall be required to sign all conveyances of all state-held land. For purposes of this section, the term "conveyance" shall mean any sale or purchase of land by the State of Mississippi for use by any agency, board or commission thereof. Failure to obtain legislative approval pursuant to subsection (4) of this section and the signature of the Secretary of State on any conveyance regarding the sale or purchase of lands for the state including any agency, board or commission thereof, shall render the attempted sale or purchase of the lands void. Nothing in this section shall be construed to authorize any state agency, board, commission or public official to convey any state-held land unless this authority is otherwise granted by law. The Secretary of State shall not withhold arbitrarily his signature from any purchase or sale authorized by the Mississippi State Legislature.

All sales of state-held lands, except those lands forfeited to the state for the nonpayment of taxes and those lands acquired by the Mississippi Transportation Commission under Section 65-1-123, shall be sold for not less than the fair market value as determined by two (2) professional appraisers selected by the State Department of Finance and Administration, who are certified general appraisers of the State of Mississippi. The proceeds from any sale by an agency, board, commission or public official of state-held lands shall be deposited into the State General Fund unless otherwise provided by law.

(4) Before any state-held land is sold to any individual or private entity, thirty (30) days' advance notice of the intended sale shall be provided by the Secretary of State to the State Legislature, to all state agencies and to all governing authorities within the state for the purpose of ascertaining whether an agency or governing authority has a need for the land
and for the purpose of ascertaining whether the sale of the land
was authorized by law. If no agency or governing authority within
the state expresses in writing to the Secretary of State by the
end of the thirty-day period a desire to use the land, then the
Secretary of State, with the prior approval of the Mississippi
Legislature to sell the state-held land, may offer the land for
sale to any individual or private entity.

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

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

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

(8) This section shall not apply to any agency of the State
of Mississippi that holds title to lands purchased solely by the
use of federal funds or whose authority to transfer or dispose of
these lands is governed by federal law or federal regulations.
(9) The Secretary of State may recover from any agency, corporation, board, commission, entity or individual any cost that is incurred by his office for the record-keeping responsibilities regarding the sale or purchase of any state-held lands.

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

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

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

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

SECTION 3. Section 69-7-109, Mississippi Code of 1972, is brought forward as follows:

69-7-109. The board shall have the power to:
(a) Fix salaries of any authorized employees of the market;

(b) Fix rentals and charges for each type of facility constructed in the market, taking into consideration the cost of such facility, the interest and amortization period required, a proper relationship between types of operators in the market, cost of operation, and the need for reasonable reserves, expansion and the like;

(c) Make investigations and hold hearings and conferences necessary to formulate and adopt a financial building and operating program for a market and make revisions from time to time;

(d) Make rules and regulations which shall govern all such business and all persons and vehicles coming upon the market;

(e) Provide and enforce penalties and liquidated damages relative to breaches of such rules and regulations and any contracts entered into;

(f) Lease the buildings and facilities to farmers, wholesale dealers and other persons engaged in the wholesale marketing of perishable farm products;

(g) Determine and set the hours when the market may open and close during any day or night throughout the year;

(h) Plan, build, construct or cause to be built or constructed, or lease any facilities, on the grounds under the control of the Mississippi Central Market Board, that are deemed necessary for the successful operation of a wholesale market for farm products;

(i) Rent or lease any necessary property, real or personal, on the grounds under the control of the Mississippi Central Market Board, as may be deemed advisable by the board for the successful operation of the market. However, that before leasing or renting any property for use as a filling station or the sale of similar supplies and accessories, the board shall
advertise and receive sealed bids therefor, and shall have the power to reject any and all of such bids, or to accept the highest and best bid made therefor, and the lessee shall erect such buildings and add such facilities as necessary to carry out the provisions of this article at the expense of the lessee in addition to any other monies paid as lease money to said board for the purpose of operating a service station. Such establishment shall not be tax exempt. No filling station shall be leased for a monthly rental less than One Cent (1¢) per gallon for each gallon of gasoline sold.

(j) Employ an attorney as prescribed in Section 69-1-14.

The said board shall also have full power and authority to rent or lease real property, on the grounds under the control of the Mississippi Central Market Board, not otherwise used, for a period not to exceed twenty-five (25) years to private concerns for the purpose of processing agricultural products, and providing such facilities found necessary by the board to carry out the purposes of this article, and such facilities, structures, buildings, or other improvements erected or placed thereon by private concerns shall be subject to taxation the same as private property, provided, however, that improvements or facilities erected thereon for processing agricultural products shall not be assessed or taxed until five (5) years after completion of construction. The improvements and facilities erected on said leased property shall be liable for ad valorem taxes and shall be assessed and levied against said leasehold separately from the fee of said lands, and upon failure to pay taxes upon same when due, said facilities and improvements shall be sold by the tax collector as other property is sold for the nonpayment of taxes, but only such rights of the lessee under said lease contract shall be so sold. Upon the failure to pay taxes promptly when due on said lease, said board shall have the power to cancel and
terminate said lease immediately and shall thereupon be authorized
to lease or re-lease same to another private individual or concern
as herein provided.

The provisions hereof regarding taxation shall not apply to
those buildings, structures and facilities erected on said
property by the board.

The Central Market Board shall maintain or operate local
market, after the local board or members of any local market have
voted to transfer its activity to the state market board. However,
such local market shall be in the sale of produce or farm
products, and the Central Market Board shall not be required to
assume any outstanding indebtedness in connection with the
acquisition of such local market facilities.

SECTION 4. This act shall take effect and be in force from
and after its passage.