

By: Representative Martinson

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 881

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; TO
7 BRING FORWARD SECTION 69-7-109, MISSISSIPPI CODE OF 1972, WHICH
8 PROVIDES FOR THE POWERS AND DUTIES OF THE CENTRAL MARKET BOARD;
9 AND FOR RELATED PURPOSES.

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

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

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



31 the north right-of-way line of Mississippi Street;
32 thence turning through a 90 degree angle, run westerly
33 to the point of beginning, being a parcel of land
34 containing 6.3 acres more or less.

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

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

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



63 collect and pay the funds into the treasury in the manner provided
64 by law.

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

90 (4) Before any state-held land is sold to any individual or
91 private entity, thirty (30) days' advance notice of the intended
92 sale shall be provided by the Secretary of State to the State
93 Legislature, to all state agencies and to all governing
94 authorities within the state for the purpose of ascertaining
95 whether an agency or governing authority has a need for the land



96 and for the purpose of ascertaining whether the sale of the land
97 was authorized by law. If no agency or governing authority within
98 the state expresses in writing to the Secretary of State by the
99 end of the thirty-day period a desire to use the land, then the
100 Secretary of State, with the prior approval of the Mississippi
101 Legislature to sell the state-held land, may offer the land for
102 sale to any individual or private entity.

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

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

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

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



128 (9) The Secretary of State may recover from any agency,
129 corporation, board, commission, entity or individual any cost that
130 is incurred by his office for the record-keeping responsibilities
131 regarding the sale or purchase of any state-held lands.

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

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

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

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

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

159 69-7-109. The board shall have the power to:



- 160 (a) Fix salaries of any authorized employees of the
161 market;
- 162 (b) Fix rentals and charges for each type of facility
163 constructed in the market, taking into consideration the cost of
164 such facility, the interest and amortization period required, a
165 proper relationship between types of operators in the market, cost
166 of operation, and the need for reasonable reserves, expansion and
167 the like;
- 168 (c) Make investigations and hold hearings and
169 conferences necessary to formulate and adopt a financial building
170 and operating program for a market and make revisions from time to
171 time;
- 172 (d) Make rules and regulations which shall govern all
173 such business and all persons and vehicles coming upon the market;
- 174 (e) Provide and enforce penalties and liquidated
175 damages relative to breaches of such rules and regulations and any
176 contracts entered into;
- 177 (f) Lease the buildings and facilities to farmers,
178 wholesale dealers and other persons engaged in the wholesale
179 marketing of perishable farm products;
- 180 (g) Determine and set the hours when the market may
181 open and close during any day or night throughout the year;
- 182 (h) Plan, build, construct or cause to be built or
183 constructed, or lease any facilities, on the grounds under the
184 control of the Mississippi Central Market Board, that are deemed
185 necessary for the successful operation of a wholesale market for
186 farm products;
- 187 (i) Rent or lease any necessary property, real or
188 personal, on the grounds under the control of the Mississippi
189 Central Market Board, as may be deemed advisable by the board for
190 the successful operation of the market. However, that before
191 leasing or renting any property for use as a filling station or
192 the sale of similar supplies and accessories, the board shall



193 advertise and receive sealed bids therefor, and shall have the
194 power to reject any and all of such bids, or to accept the highest
195 and best bid made therefor, and the lessee shall erect such
196 buildings and add such facilities as necessary to carry out the
197 provisions of this article at the expense of the lessee in
198 addition to any other monies paid as lease money to said board for
199 the purpose of operating a service station. Such establishment
200 shall not be tax exempt. No filling station shall be leased for a
201 monthly rental less than One Cent (1¢) per gallon for each gallon
202 of gasoline sold.

203 (j) Employ an attorney as prescribed in Section
204 69-1-14.

205 The said board shall also have full power and authority to
206 rent or lease real property, on the grounds under the control of
207 the Mississippi Central Market Board, not otherwise used, for a
208 period not to exceed twenty-five (25) years to private concerns
209 for the purpose of processing agricultural products, and providing
210 such facilities found necessary by the board to carry out the
211 purposes of this article, and such facilities, structures,
212 buildings, or other improvements erected or placed thereon by
213 private concerns shall be subject to taxation the same as private
214 property, provided, however, that improvements or facilities
215 erected thereon for processing agricultural products shall not be
216 assessed or taxed until five (5) years after completion of
217 construction. The improvements and facilities erected on said
218 leased property shall be liable for ad valorem taxes and shall be
219 assessed and levied against said leasehold separately from the fee
220 of said lands, and upon failure to pay taxes upon same when due,
221 said facilities and improvements shall be sold by the tax
222 collector as other property is sold for the nonpayment of taxes,
223 but only such rights of the lessee under said lease contract shall
224 be so sold. Upon the failure to pay taxes promptly when due on
225 said lease, said board shall have the power to cancel and



226 terminate said lease immediately and shall thereupon be authorized
227 to lease or re-lease same to another private individual or concern
228 as herein provided.

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

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

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

