

By: Senator(s) Tollison

To: Public Property;
Appropriations

SENATE BILL NO. 3005

1 AN ACT TO AMEND SECTION 47-5-66, MISSISSIPPI CODE OF 1972, TO
2 TRANSFER AUTHORITY TO LEASE PENITENTIARY LANDS FROM THE DEPARTMENT
3 OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF CORRECTIONS AND
4 TO REQUIRE THAT SUCH LANDS ARE LEASED IN THE SAME MANNER AS
5 SIXTEENTH SECTION LANDS; TO AMEND SECTION 47-5-64, MISSISSIPPI
6 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

10 47-5-66. (1) It shall be the duty of the department * * *
11 to lease the Penitentiary lands in the same manner and under the
12 same requirements for the leasing of sixteenth section lands under
13 Chapter 3 of Title 29, Mississippi Code of 1972. * * *

14 (2) There is created a special fund to be designated as the
15 Prison Agricultural Enterprises Fund. Any monies in hand or due
16 from the leasing of Penitentiary lands and the sales of timber as
17 provided in Section 47-5-56 and earmarked for the Prison
18 Industries Fund shall be deposited to the special fund for prison
19 agricultural enterprises. All monies in each fiscal year derived
20 from the leasing of the Penitentiary lands and the sales of timber
21 as provided in Section 47-5-56 shall be deposited into the special
22 fund for the purpose of conducting, operating and managing the
23 prison agricultural enterprises of the department. All profits
24 derived from the prison agricultural enterprises shall be
25 deposited into the Prison Agricultural Enterprises Fund. All
26 profits derived from prison industries shall be placed in a
27 special fund in the State Treasury to be known as the Prison
28 Industries Funds, to be appropriated each year by the Legislature
29 to the nonprofit corporation, which is required to be organized

30 under the provisions of Section 47-5-535, for the purpose of
31 operating and managing the prison industries. The state shall
32 have the rights and remedies for the security and collection of
33 the rents given by law to landlords. Upon the execution of the
34 agricultural leases to private entities as authorized by Section
35 47-5-64, the leased land shall be liable to be taxed as other
36 lands are taxed during the continuance of the lease, but in case
37 of sale thereon for taxes, only the title of the leaseholder or
38 his heirs or assigns shall pass by the sale. Any funds obtained
39 by the corporation as a result of sale of goods and services
40 manufactured and provided by it shall be accounted for separate
41 and apart from any funds received by the corporation through
42 appropriation from the State Legislature. All nonappropriated
43 funds generated by the corporation shall not be subject to
44 appropriation by the State Legislature.

45 (3) This section shall be repealed from and after July 1,
46 2007.

47 **SECTION 2.** Section 47-5-64, Mississippi Code of 1972, is
48 amended as follows:

49 47-5-64. The * * * commissioner * * * is hereby directed to
50 determine the number of acres and location of land under its
51 jurisdiction which are needed for security purposes and for Prison
52 Agricultural Enterprises. The commissioner * * * shall designate
53 and reserve such additional land for agricultural enterprise
54 projects of the department * * *, as he deems necessary. * * *

55 **SECTION 3.** This act shall take effect and be in force from
56 and after July 1, 2004.