

By: Representative Cummings

To: Ports, Harbors and
Airports; Judiciary A

HOUSE BILL NO. 1209

1 AN ACT TO AMEND SECTION 59-17-29, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE INLAND PORT AUTHORITY TO SELL REAL PROPERTY
3 OWNED BY IT AND ACQUIRED THROUGH CONDEMNATION OR EMINENT DOMAIN
4 PROCEEDINGS TO THE ORIGINAL OWNER OR THE ORIGINAL OWNER'S CHILDREN
5 IF THE PROPERTY IS NOT USED OR PLANNED FOR USE FOR A PUBLIC
6 PURPOSE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 59-17-29, Mississippi Code of 1972, is
9 amended as follows:

10 59-17-29. (1) The board, acting jointly with the state
11 inland port authority, is authorized to set aside, or lease all or
12 portions of any lands, roads, docks, sheds, warehouses, elevators,
13 compresses, floating dry docks, graving docks, marine railways,
14 tugboats, or any other necessary or useful improvements
15 constructed or acquired by it to individuals, firms, or
16 corporations, public or private, for port, harbor, commercial or
17 industrial purposes for a period not to exceed ninety-nine (99)
18 years, or to execute a conveyance of sale, except as otherwise
19 limited by law, on such terms and conditions and with such
20 safeguards as would best promote and protect the public interest.
21 Any industrial lease of lands may be executed upon such terms and
22 conditions and for such monetary rental or other consideration as
23 may be found adequate and approved by the board in orders or
24 resolutions authorizing the same. Any covenants and agreements
25 shall require the lessee to make expenditures in determined
26 amounts, and within such time or times, for improvements to be
27 erected upon the land, by such lessee and to conduct thereon
28 industrial and/or other operations in such aggregate payroll
29 amounts and for such period of time as may be determined and

30 defined in such lease. Such instrument may contain reasonable
31 provisions giving the lessee the right to remove its or his
32 improvements upon the termination of the lease.

33 (2) (a) The state inland port authority, in its discretion,
34 may sell any real property acquired by it through condemnation or
35 eminent domain proceedings to the person or persons who held
36 record title to and ownership of the property at the time it was
37 condemned, or to a child or children of any such person, upon
38 making a written finding and entering upon its official minutes a
39 statement indicating that the property is not being used for a
40 public purpose and that there are no definitive plans by the port
41 authority for use of the property for a public purpose in the
42 immediate future. The price to be paid to the port authority for
43 the property shall be the price that was paid to the owner at the
44 time that it was acquired by the port authority.

45 (b) Before the property may be conveyed, the state
46 inland port authority shall:

47 (i) Require the previous owner and/or his child or
48 children to provide the port authority with a clear description of
49 the property to be conveyed and all documentation necessary to
50 identify and prove that the person or persons to whom the property
51 is to be conveyed is the original owner of the property or his
52 child or children; and

53 (ii) Provide notice of the proposed conveyance of
54 the property to all persons to whom the property is authorized
55 under this subsection to be sold. Such notice shall be given in
56 the same manner and in accordance with the same procedure as
57 authorized for service of process in civil cases.

58 (c) Upon making the finding required under paragraph
59 (a) of this subsection, receiving and verifying the documentation
60 presented to the port authority under paragraph (b)(i) of this
61 subsection and providing the notice required under paragraph
62 (b)(ii) of this subsection, the state inland port authority may

63 execute all documents and take such actions as may be necessary to
64 convey the property as authorized under this subsection. Any such
65 conveyance may be made by quitclaim deed signed by the presiding
66 officer of the state inland port authority.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2007.