

By: Senator(s) Doxey

To: Corrections

SENATE BILL NO. 2615  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-66, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE AUTHORIZATION TO LEASE PRISON LANDS FOR  
3 AGRICULTURE; TO PROVIDE THAT A PER ACRE FEE SHALL BE COLLECTED IN  
4 LIEU OF AD VALOREM TAXES ON LANDS LEASED FOR AGRICULTURAL  
5 PURPOSES; AND FOR RELATED PURPOSES.

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

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

9 47-5-66. (1) It shall be the duty of the \* \* \* Department  
10 of Finance and Administration, with the approval of the Public  
11 Procurement Review Board, to lease lands at public contract upon  
12 the submission of two (2) or more sealed bids to the \* \* \*  
13 Department of Finance and Administration after having advertised  
14 the land for rent in newspapers of general circulation published  
15 in Jackson, Mississippi; Memphis, Tennessee; the county in which  
16 the land is located; and contiguous counties for a period of not  
17 less than two (2) successive weeks. The first publication shall  
18 be made not less than ten (10) days before the date of the public  
19 contract, and the last publication shall be made not more than  
20 seven (7) days before that date. The \* \* \* Department of Finance  
21 and Administration may reject any and all bids. If all bids on a  
22 tract or parcel of land are rejected, the \* \* \* Department of  
23 Finance and Administration may then advertise for new bids on that  
24 tract or parcel of land. Successful bidders shall take possession  
25 of their leaseholds at the time authorized by the \* \* \* Department  
26 of Finance and Administration. However, rent shall be due no  
27 later than the day upon which the lessee shall assume possession  
28 of the leasehold, and shall be due on the anniversary date for

29 each following year of the lease. The \* \* \* Department of Finance  
30 and Administration may provide in any lease that rent shall be  
31 paid in full in advance or paid in installments, as may be  
32 necessary or appropriate. In addition, the \* \* \* Department of  
33 Finance and Administration may accept, and the lease may provide  
34 for, assignments of federal, state or other agricultural support  
35 payments, growing crops or the proceeds from the sale thereof,  
36 promissory notes, or any other good and valuable consideration  
37 offered by any lessee to meet the rent requirements of the lease.  
38 If a promissory note is offered by a lessee, it shall be secured  
39 by a first lien on the crop of the lessee, or the proceeds from  
40 the sale thereof. The lien shall be filed pursuant to Article 9  
41 of the \* \* \* Uniform Commercial Code and Section 1324 of the Food  
42 Security Act of 1985, as enacted or amended. If the note is not  
43 paid at maturity, it shall bear interest at the rate provided for  
44 judgments and decrees in Section 75-17-7 from its maturity date  
45 until the note is paid. The note shall provide for the payment of  
46 all costs of collection and reasonable attorney's fees if default  
47 is made in the payment of the note. The payment of rent by  
48 promissory note or any means other than cash in advance shall be  
49 subject to the approval of the Public Procurement Review Board,  
50 which shall place the approval of record in the minutes of the  
51 board. There is created a special fund to be designated as the  
52 "Prison Agricultural Enterprises Fund." Any monies in hand or due  
53 from the leasing of Penitentiary lands and the sales of timber as  
54 provided in Section 47-5-56 and earmarked for the Prison  
55 Industries Fund shall be deposited to the special fund for prison  
56 agricultural enterprises. All monies in each fiscal year derived  
57 from the leasing of the Penitentiary lands and the sales of timber  
58 as provided in Section 47-5-56 shall be deposited into the special  
59 fund for the purpose of conducting, operating and managing the  
60 prison agricultural enterprises of the department. All profits  
61 derived from the prison agricultural enterprises shall be

62 deposited into the Prison Agricultural Enterprises Fund. All  
63 profits derived from prison industries shall be placed in a  
64 special fund in the State Treasury to be known as the "Prison  
65 Industries Fund," to be appropriated each year by the Legislature  
66 to the nonprofit corporation, which is required to be organized  
67 under the provisions of Section 47-5-535, for the purpose of  
68 operating and managing the prison industries. The state shall  
69 have the rights and remedies for the security and collection of  
70 the rents given by law to landlords. Lands leased for  
71 agricultural purposes under Section 47-5-64 shall be subject to a  
72 fee in lieu of ad valorem taxes, including taxes levied for school  
73 purposes. The fee in lieu shall be Nine Dollars (\$9.00) per acre.  
74 Upon the execution of the agricultural leases to private entities  
75 as authorized by Section 47-5-64, the Department of Finance and  
76 Administration shall collect the in lieu fee and shall forward the  
77 fees to the tax collector in which the land is located. The tax  
78 collector shall disburse the fees to the appropriate county or  
79 municipal governing authority on a pro rata basis. The sum  
80 apportioned to a school district shall not be less than the school  
81 district's pro rata share based upon the proportion that the  
82 millage imposed for the school district by the appropriate levying  
83 authority bears to the millage imposed by the levying authority  
84 for all other county or municipal purposes. Any funds obtained by  
85 the corporation as a result of sale of goods and services  
86 manufactured and provided by it shall be accounted for separate  
87 and apart from any funds received by the corporation through  
88 appropriation from the State Legislature. All nonappropriated  
89 funds generated by the corporation shall not be subject to  
90 appropriation by the State Legislature.

91 (2) This section shall be repealed from and after July 1,  
92 2008.

93 **SECTION 2.** This act shall take effect and be in force from  
94 and after its passage.