

By: Senator(s) Jackson (32nd), Robertson,
Nunnelee

To: Public Property; Finance

SENATE BILL NO. 3048

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
2 ADMINISTRATION TO LEASE FOR A CERTAIN NUMBER OF YEARS THE
3 PROPERTY, FORMERLY KNOWN AS THE "OLD SCHOOL FOR THE BLIND,"
4 LOCATED NORTH OF EASTOVER DRIVE IN THE CITY OF JACKSON, HINDS
5 COUNTY, MISSISSIPPI; TO REQUIRE THE PROPERTY TO BE LEASED FOR
6 PRIVATE REDEVELOPMENT RESULTING IN THE HIGHEST AND BEST USE AS
7 DETERMINED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO
8 AMEND SECTIONS 27-33-17 AND 27-33-19, MISSISSIPPI CODE OF 1972, TO
9 ALLOW HOMESTEAD EXEMPTION FOR PERSONS WHO SUBLEASE SUCH LAND FROM
10 THE LESSEE AND OCCUPIES AND USES THE PROPERTY AS A HOME; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** (1) The Department of Finance and Administration
14 is hereby authorized to lease for a period not to exceed sixty
15 (60) years with an option to renew not to exceed twenty (20) years
16 all of the land, formerly known as the "Old School for the Blind,"
17 located north of Eastover Drive in the City of Jackson, Hinds
18 County, Mississippi, and more particularly described as follows:

19 Starting at a concrete monument that is the SE
20 corner of the SW 1/4 of the SW 1/4 of Section
21 24, T6N, R1E in the First Judicial District, Hinds
22 County, Mississippi, run thence N 00°-01' E along
23 the line between the E 1/2 and the W 1/2 of the
24 SW 1.4 of Section 24, T6N, R1E for a distance of
25 194.40 feet to a point on the north line of Eastover
26 Drive, as said drive is now laid out and improved, the
27 point of beginning.

28 Run thence N 56°-46' W along said north line of said
29 Eastover Drive for a distance of 3.02 feet to the P.C.
30 of a curve to the left with a radius (chord) of 5769.65
31 feet (angle of curve was omitted, 04°-00'-0r"); Run thence

32 along said curve and said north line of Eastover Drive for
33 a distance of 402.91 feet to the P.T. of said curve; Run
34 thence N 60°-46' W along said north line of said Eastover
35 Drive for a distance of 684.92 feet to a point on the east
36 right-of-way line of U.S. Highway No. 51, as said highway
37 is now laid out and improved, Run thence N 29°-14'E along
38 said east right of way line of U.S. Highway No. 51 for a
39 distance of 1422.24 feet to a point; Run thence N 87°-06'
40 E for a distance of 251.28 feet to a point on the line
41 between the E 1/2 and the W 1/2 of the SW 1/4 of Section
42 24, T6N, R1E, and also being a point on the south line
43 of share 1 of the Mosal partition; Run thence S 00°-01'
44 W along said line between the E1/2 and the W1/2 of the
45 SW 1.4 of Section 24, T6N, R1E for a distance of 1796.17
46 feet to the point of beginning.

47 All the above described land being situated in the W 1/2
48 of the SW 1/4 of Section 24, T6N, R1E in the First
49 Judicial District of Hinds County, Mississippi, and being
50 wholly within the corporate limits of the City of Jackson
51 and containing 22.822 acres.

52 (2) The property described in subsection (1) shall be leased
53 for private redevelopment to result in the highest and best use
54 as determined by the Department of Finance and Administration. It
55 is the intent of the Legislature that such property will be leased
56 to a private developer for the benefit of creating value while
57 also preserving the local environment, promoting growth in the
58 area and generating a constant revenue stream for the State of
59 Mississippi. The Department of Finance and Administration is
60 authorized to make such terms and agreements as may be reasonably
61 necessary to effect such intent, and to ensure a fair and
62 equitable return to the state.

63 (3) The lessee of the property described in subsection (1)
64 shall be allowed to sublease all or a portion of such property

65 subject to the terms and conditions agreed to by the Department
66 and Finance and Administration.

67 (4) All lease and rental monies from the lease authorized in
68 this section shall be deposited into the State General Fund.

69 (5) Oil, gas and mineral rights in the property described in
70 subsection (1) shall be reserved to the State of Mississippi.

71 (6) Nothing in this section shall be construed to authorize
72 the sale or transfer of title to the property described in
73 subsection (1).

74 **SECTION 2.** Section 27-33-17, Mississippi Code of 1972, is
75 amended as follows:

76 27-33-17. The meaning of the words "own," "owned,"
77 "ownership," and similar words, for the purpose of this article,
78 shall be limited to real estate, and to title, as follows:

79 (a) "Fee title," meaning inheritable title (whether by
80 inheritance, gift or purchase), limited to only ownerships known
81 as (1) "absolute" (freehold) or (2) "tenancy for life" (life
82 estate), or (3) "tenancy in common," "joint tenancy," "joint
83 ownership," and "common title"; the conditions of none of which
84 may be restricted during the life of the owner as to possession,
85 occupancy and use; and, the words "joint owner," "joint tenant" or
86 "joint tenancy," when used in this article shall include "tenant
87 in common," "tenancy in common," and "estate in common," unless a
88 different meaning is clearly indicated by the context.

89 (b) "An express trust of record," meaning a trust
90 created in express terms in a recorded deed, will, or other
91 writing, with reference to the land to which it applies, the
92 beneficiary of which trust is the head of a family, who under the
93 terms of the trust, is entitled to and does occupy and use the
94 property as a home, which property is assessed for taxation to the
95 beneficiary and on which property the beneficiary pays the taxes,
96 unless otherwise provided in the trust.

97 (c) "School lands legally leased," meaning a legal
98 lease of school land which is perpetually renewable, or school
99 land legally leased for a term of ten (10) years or more under the
100 provisions of Section 211 of the Mississippi Constitution, the
101 owner of which lease is the head of a family who is entitled to
102 and does occupy and use the property as a home, and who renders
103 the property for assessment and pays the taxes thereon, as
104 required by law.

105 (d) "Pearl River Valley Water Supply District lands,
106 legally leased," meaning a legal lease of lands owned in fee by
107 the Pearl River Valley Water Supply District, an agency of the
108 State of Mississippi, for a period of twenty (20) years or more,
109 with the option of renewal for successive periods of ten (10)
110 years, to a person, individually or in joint tenancy, who is the
111 head of a family and is entitled to and does occupy and use the
112 property as a home, and who renders the property for assessment
113 and pays the taxes thereon, as required by law.

114 (e) "Mississippi-Yazoo Delta Levee Board lands, legally
115 leased," meaning a legal lease of lands owned in fee title by the
116 Mississippi-Yazoo Delta Levee Board, an agency of the State of
117 Mississippi, for a period of five (5) years or more, with the
118 option of renewal for successive periods of five (5) years, to a
119 person, individually or in joint tenancy, who is the head of a
120 family and is entitled to and does occupy and use the property as
121 a home, and who renders the property for assessment and pays the
122 taxes thereon, as required by law. This exemption shall include
123 all leases in existence that were entered into prior to July 1,
124 1992.

125 (f) If title is held by deed or other grant, such
126 instrument shall be dated and acknowledged on or before January 1
127 of the year for which homestead exemption is applied and shall be
128 filed for record with the chancery clerk on or before January 7 of
129 the year for which homestead exemption is applied and the book and

130 page of such recordation shall be noted on the application. If
131 title is held by will, inheritance, adverse possession or any
132 means other than grant, same may be proved by affidavit, citation
133 of any court record, or such other evidence as may be required by
134 the commission. However, nothing shall prevent homestead
135 exemptions where it shall be shown that title was derived through
136 inheritance and the recording evidence otherwise necessary was
137 later recorded.

138 (g) "Fraternal or benevolent organization land legally
139 leased," meaning a legal lease of land from any fraternal or
140 benevolent organization owning land exempt from ad valorem
141 taxation under the provisions of Section 27-31-1, leased for ten
142 (10) years or more or for life, the owner of which lease is a head
143 of a family who is entitled to and does occupy and uses the
144 property as a home, and who renders the property for assessment
145 and pays the tax thereon, as required by law. This paragraph
146 shall not apply to any leased land if the dwelling located thereon
147 is owned by the fraternal or benevolent organization.

148 (h) "A remainder interest in the dwelling and eligible
149 land" meaning an interest held by the children of a testator in a
150 dwelling and the eligible land on which it is located, created by
151 the express terms of the will of the testator, in which the
152 children of the testator are granted the use of property only upon
153 the death or remarriage of the spouse of the testator or the
154 occurrence of certain other contingencies and such dwelling and
155 the eligible land on which it is located is assessed for taxation
156 to the children of the testator and on which dwelling and eligible
157 land the children of the testator pay the taxes thereon, as
158 required by law.

159 (i) "Old School for the Blind land legally subleased,"
160 meaning a legal sublease of land leased pursuant to Section 1,
161 Senate Bill No. 3048, 2007 Regular Session, subleased for twenty
162 (20) years or more, the owner of which lease is a head of a family

163 who is entitled to and does occupy and uses the property as a
164 home, and who renders the property for assessment and pays the tax
165 thereon, as required by law.

166 **SECTION 3.** Section 27-33-19, Mississippi Code of 1972, is
167 amended as follows:

168 27-33-19. The word "home" or "homestead" whenever used in
169 this article shall mean the dwelling, the essential outbuildings
170 and improvements, and the eligible land assessed on the land roll
171 actually occupied as the primary home of a family group, eligible
172 title to which is owned by the head of the family, a bona fide
173 resident of this state, and when the dwelling is separately
174 assessed on the land roll for the year in which the application is
175 made, subject to the limitations and conditions contained in this
176 article. And the meaning of the word is hereby extended to
177 specifically include:

178 (a) One or more separate, bona fide dwellings and the
179 land on which they are located, each occupied under eligible
180 ownership rights by the widow or the widower, or the children of a
181 deceased parent, each separate home being property or a portion of
182 property owned by a deceased person whose estate has not been
183 distributed or divided or vested in a person or persons for life.
184 But in each case the property for which exemption is sought may
185 not be more than the applicant's inherited portion, and must be
186 accurately described on the application and the conditions
187 explained in writing. But the heirs may elect to accept one (1)
188 homestead for the estate. The home occupied by the surviving
189 spouse as provided by the laws of this state shall be preferred
190 over the homes claimed by the children, and the exemption to any
191 other heir shall not exceed the remaining amount obtained by
192 deducting the assessed value of the surviving spouse's portion
193 from the assessed value of the whole, divided by the number of
194 heirs other than the surviving spouse. Each heir claiming
195 exemption shall meet the requirements as to occupancy, residence

196 and head of a family, and no part of the undivided inherited lands
197 shall be combined with other lands and included in a homestead
198 exemption under this article except in the case of the surviving
199 spouse.

200 (b) One or more separated dwellings and eligible land,
201 not apartments, occupied each by a family group as a bona fide
202 home, eligible title to which entire property is held jointly by
203 purchase or otherwise by the heads of the families, and each joint
204 owner shall be allowed exemption on the proportion of the total
205 assessed value of all the property, equal to his fractional
206 interest (except as otherwise provided in paragraph (r) of this
207 section), provided no part of the jointly owned property shall be
208 exempted to a joint owner who has been allowed an exemption on
209 another home in the state.

210 (c) A dwelling and eligible lands owned jointly or
211 severally by a husband and wife, if they are actually and legally
212 living together. But if husband and wife are living apart, not
213 divorced, as provided by paragraphs (c) and (d) of Section
214 27-33-13, jointly owned land shall not be included except that the
215 dwelling occupied as a home at the time of separation shall be
216 eligible if owned jointly or severally.

217 (d) The dwelling and eligible land on which it is
218 located, owned and actually occupied as a home by a minister of
219 the gospel or by a licensed school teacher actively engaged whose
220 duties as such require them to be away from the home for the major
221 part of each year, including January 1, provided it was eligible
222 before such absence, and no income is derived therefrom, and no
223 part of the dwelling claimed as a home is rented, leased or
224 occupied by another family group, and when the home is eligible
225 except for the temporary absence of the owner.

226 (e) The dwelling and the eligible land on which it is
227 located, consisting of not more than four (4) apartments; provided
228 (1) if one (1) apartment is actually occupied as a home by the

229 owner the exemption shall be limited to one-fourth (1/4) the
230 exemption granted pursuant to this article, or (2) if the dwelling
231 and land is owned by four (4) persons and the four (4) owners each
232 occupy one (1) apartment as a home, the exemption shall be granted
233 equally to each owner; provided revenue is not derived from any
234 part of the property except as permitted by paragraphs (g) and (h)
235 of this section. If the dwelling and the eligible land on which
236 it is located consists of not more than three (3) apartments, and
237 one (1) apartment is actually occupied as a home by the owner, the
238 exemption shall be limited to one-third (1/3) the exemption
239 granted pursuant to this article, or if the dwelling and land is
240 owned by three (3) persons and the three (3) owners each occupy
241 one (1) apartment as a home, the exemption shall be granted
242 equally to each owner; provided revenue is not derived from any
243 part of the property except as permitted by paragraphs (g) and (h)
244 of this section. If the dwelling and the eligible land on which
245 it is located consists of not more than two (2) apartments and one
246 (1) apartment is actually occupied as a home by the owner, the
247 exemption shall be limited to one-half (1/2) the exemption granted
248 pursuant to this article, or if the dwelling and land is owned by
249 two (2) persons and the two (2) owners each occupy one (1)
250 apartment as a home, the exemption shall be granted equally to
251 each owner; provided revenue is not derived from any part of the
252 property except as permitted by paragraphs (g) and (h) of this
253 section.

254 (f) The dwelling and eligible land on which it is
255 located, actually occupied as the bona fide home of a family group
256 owned by the head of the family whereof five (5) and not more than
257 six (6) rooms are rented to tenants or boarders, and where there
258 are rented rooms and an apartment, the apartment shall be counted
259 as three (3) rooms; provided the exemption shall be limited to
260 one-half (1/2) the exemption granted pursuant to this article.

261 (g) The dwelling and eligible land being the bona fide
262 home of a family group owned by the head of the family used partly
263 as a boarding house, or for the entertainment of paying guests, if
264 the number of boarders or paying guests does not exceed eight (8).

265 (h) The dwelling and eligible land being the bona fide
266 home of a family group owned by the head of the family wherein
267 activity of a business nature is carried on, but where the
268 assessed value of the property associated with the business
269 activity is less than one-fifth (1/5) of the total assessed value
270 of the bona fide home; provided, however, that when the owner's
271 full-time business is located in the bona fide home of the head of
272 the family, such owner shall be limited to one-half (1/2) of the
273 exemption granted pursuant to this article.

274 (i) The dwelling and the eligible land on which it is
275 located and other eligible land even though ownership of and title
276 to the dwelling and the land on which it is located has been
277 conveyed to a housing authority for the purpose of obtaining the
278 benefits of the Housing Authorities Law as authorized by Sections
279 43-33-1 through 43-33-53 or related laws.

280 (j) A dwelling and the eligible land on which it is
281 located owned by a person who is physically or mentally unable to
282 care for himself and confined in an institution for treatment
283 shall be eligible notwithstanding the absence of the owner unless
284 the home is excluded under other provisions of this article. The
285 exemption is available for a period of ten (10) years from the day
286 of confinement.

287 (k) The dwelling and the eligible land on which it is
288 located owned by two (2) or more persons of a group, as defined in
289 paragraph (f) of Section 27-33-13, when two (2) or more of the
290 group have eligible title, or if the group holds a life estate, a
291 joint estate or an estate in common; provided the title of the
292 several owners shall be of the same class.

293 (1) A dwelling and the eligible land on which it is
294 located under a lease of sixty (60) years by the Pearl River
295 Valley Water Supply District at the reservoir known as the "Ross
296 Barnett Reservoir" actually occupied as the home or homestead of a
297 family or person as defined heretofore in this article. However,
298 no such family group or any other person heretofore qualified and
299 defined in this article shall be allowed to establish more than
300 one (1) home or homestead for the purpose and intent of this
301 article.

302 (m) Units of a condominium constructed in accordance
303 with Section 89-9-1 et seq., Mississippi Code of 1972, known as
304 the "Mississippi Condominium Law," and actually occupied as the
305 home or homestead of a family or person as defined heretofore in
306 this article. However, no such family group or any other person
307 heretofore qualified and defined in this article shall be allowed
308 to establish more than one (1) home or homestead for the purpose
309 and intent of this article.

310 (n) A dwelling and the eligible land on which it is
311 located held under a lease of ten (10) years or more or for life,
312 from a fraternal or benevolent organization and actually occupied
313 as the home or homestead of a family or person as defined
314 heretofore in this article. No such family group or any other
315 person heretofore qualified and defined in this article shall be
316 allowed to establish more than one (1) home or homestead for the
317 purpose and intent of this article.

318 (o) A dwelling being the bona fide home of a family
319 group owned by the head of the family and located on land owned by
320 a corporation incorporated more than fifty (50) years ago and in
321 which the homeowner is a shareholder, and which corporation owns
322 no land outside Monroe and Itawamba Counties. No family group or
323 any other person heretofore qualified and defined in this article
324 shall be allowed to establish more than one (1) home or homestead
325 for the purpose and intent of this article.

326 (p) A dwelling and the eligible land on which it is
327 located under a lease of five (5) years or more by the
328 Mississippi-Yazoo Delta Levee Board actually occupied as the home
329 or homestead of a family or person as defined pursuant to this
330 article. However, no such family group or any other person
331 qualified and defined pursuant to this article shall be allowed to
332 establish more than one (1) home or homestead for the purpose and
333 intent of this article. The definition shall include all leases
334 in existence that were entered into prior to July 1, 1992.

335 (q) A dwelling and the eligible land on which the
336 spouse of a testator is granted the use of such dwelling for life
337 or until the occurrence of certain contingencies and the children
338 of such testator are granted a remainder interest in the dwelling
339 and eligible land. Such dwelling and eligible land will only
340 qualify as a home or homestead if (i) the spouse of the testator
341 would otherwise qualify as head of a family if the interest were a
342 tenancy for life (life estate) and (ii) the dwelling and eligible
343 land is actually occupied as the home of the spouse of the
344 testator. The children of the testator shall be allowed to
345 establish an additional homestead for purposes of this article.

346 (r) A dwelling and the eligible land actually occupied
347 as the bona fide home of a family group. If a person has been
348 granted use and possession of a home in a divorce decree, that
349 individual is eligible for full exemption, regardless of whether
350 the property is jointly owned.

351 (s) A dwelling being the bona fide home of a family
352 group located on land owned by a corporation incorporated more
353 than forty (40) years ago and in which the head of the family
354 group is a shareholder, and which corporation owns no land outside
355 Lee County, Mississippi. No family group or any other person
356 qualified and defined in this article shall be allowed to
357 establish more than one (1) home or homestead for the purpose and
358 intent of this article.

359 (t) The floor or floors of a building used solely for
360 the residence of a family group when the building is owned by the
361 head of the family and another floor or floors of the building are
362 used for business activity.

363 (u) A dwelling being the bona fide home of a family
364 group located on land owned by an incorporated club and in which
365 the head of the family group is a shareholder, and which
366 incorporated club owns no land outside Union County, Mississippi;
367 provided, the incorporated club pays all ad valorem taxes levied
368 on the land upon which the dwelling is located. No family group
369 or any other person qualified and defined in this article shall be
370 allowed to establish more than one (1) home or homestead for the
371 purpose and intent of this article.

372 (v) A dwelling and the eligible land on which it is
373 located under a sublease of twenty (20) years or more on land
374 leased pursuant to Section 1, Senate Bill No. 3048, 2007 Regular
375 Session, actually occupied as the home or homestead of a family or
376 person as defined pursuant to this article. However, no such
377 family group or any other person qualified and defined pursuant to
378 this article shall be allowed to establish more than one (1) home
379 or homestead for the purpose and intent of this article.

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