

By: Representative Bennett

To: Public Property

HOUSE BILL NO. 1247
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE STATE
2 INSTITUTIONS OF HIGHER LEARNING, ACTING BY AND THROUGH THE
3 UNIVERSITY OF SOUTHERN MISSISSIPPI, TO LEASE AND SUBLEASE PROPERTY
4 ADMINISTERED BY THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT;
5 TO AUTHORIZE THE UNIVERSITY TO NEGOTIATE ALL ASPECTS OF ANY LEASE
6 AND SUBLEASE PERTAINING TO SUCH PROPERTY; TO PROVIDE THE MAXIMUM
7 TERM OF THESE LEASES AND SUBLEASES; TO PROVIDE THAT THESE LEASES
8 AND SUBLEASES SHALL NOT BE CANCELLED BASED ON THE BINDING
9 SUCCESSOR DOCTRINE; TO AUTHORIZE THE MISSISSIPPI BOARD OF MENTAL
10 HEALTH, ACTING THROUGH THE DEPARTMENT OF MENTAL HEALTH AND ON
11 BEHALF OF THE EAST MISSISSIPPI STATE HOSPITAL TO SELL CERTAIN
12 STATE-OWNED REAL PROPERTY IN LAUDERDALE AND NEWTON COUNTIES,
13 WHICH, RESPECTIVELY, WERE FORMERLY USED BY THE HOSPITAL AS OFFICES
14 FOR THE COMMUNITY RESIDENTIAL SERVICES DIVISION AND AN ALZHEIMER'S
15 UNIT BY THE CENTRAL MISSISSIPPI RESIDENTIAL CENTER; TO AUTHORIZE
16 THE BOARD OF SUPERVISORS OF TALLAHATCHIE COUNTY TO CONVEY, LEASE
17 OR TRANSFER ANY COUNTY-OWNED REAL PROPERTY AND ANY IMPROVEMENTS
18 THEREON TO THE UNITED STATES GOVERNMENT OR ANY ENTITY THEREOF, OR
19 A NONPROFIT ORGANIZATION DEDICATED TO HISTORICAL PRESERVATION,
20 UNDER SUCH TERMS AND CONDITIONS THE BOARD DEEMS APPROPRIATE TO
21 PROMOTE THE HISTORICAL, EDUCATIONAL AND ECONOMIC WELFARE OF THE
22 COUNTY; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** (1) The Board of Trustees of State Institutions
25 of Higher Learning, acting by and through the University of
26 Southern Mississippi, may lease portions of the property
27 administered by the Mississippi State Port Authority at Gulfport.



28 (2) The University of Southern Mississippi may enter into
29 subleases with public and/or private entities for all or part of
30 such property.

31 (3) The University of Southern Mississippi, acting with the
32 approval of the Board of Trustees of State Institutions of Higher
33 Learning, may negotiate all aspects of any lease and sublease of
34 such property and any terms and ancillary agreements pertaining to
35 any lease and sublease of such property as may be reasonably
36 necessary to effectuate the intent and purposes of this section
37 and to ensure a fair and equitable return to the state.

38 (4) Any lease and sublease as provided for in this section
39 and approved and entered into by the University of Southern
40 Mississippi shall not exceed a term of forty (40) years and shall
41 not be cancelled by any successor boards on the basis of the
42 binding successor doctrine.

43 **SECTION 2.** (1) The Mississippi Board of Mental Health,
44 acting through the Department of Mental Health and on behalf of
45 the East Mississippi State Hospital, is authorized to sell certain
46 state-owned real property and any improvements thereon, which was
47 purchased in 2007 and formerly served as offices for the Community
48 Residential Services Division, consisting of approximately 8,000
49 square feet and situated on a lot containing 3.6 acres, located at
50 5800 North Hills Street in the City of Meridian, Lauderdale
51 County, Mississippi, such property being more particularly
52 described as follows:



53 Part of the NE1/4 of the SW1/4 and part of the NW1/4 of
54 Section 35, T7N, RI5E, Meridian, Lauderdale County,
55 Mississippi; and can be found in Deed Book 768 at page
56 16.

57 (2) The real property and any improvements thereon described
58 under subsection (1) of this section shall be sold for not less
59 than the fair market value as determined by the average of at
60 least two (2) appraisals by qualified appraisers, one (1) of which
61 shall be selected by the Department of Finance and Administration,
62 and both of whom shall be certified and licensed by the
63 Mississippi Real Estate Appraiser Licensing and Certification
64 Board.

65 (3) All monies derived from the sale of the property
66 described in subsection (1) of this section shall be deposited
67 into a special fund created in the State Treasury for the use and
68 benefit of the East Mississippi State Hospital. Unexpended
69 amounts remaining in the special fund at the end of the fiscal
70 year shall not lapse into the State General Fund, and any interest
71 earned on the amounts remaining in the special fund shall be
72 deposited to the credit of the special fund.

73 (4) The Department of Finance and Administration may correct
74 any discrepancies in the legal description provided in this
75 section.

76 (5) The State of Mississippi shall retain all mineral rights
77 to the property sold under this section.



78 **SECTION 3.** (1) The Mississippi Board of Mental Health,
79 acting through the Department of Mental Health and on behalf of
80 the East Mississippi State Hospital, is authorized to sell certain
81 state-owned real property and any improvements thereon, which
82 formerly served as an Alzheimer's unit by the Central Mississippi
83 Residential Center, and more recently occupied by Weems Community
84 Mental Health, consisting of approximately 3,800 square feet and
85 situated on a 1-acre lot, located at 851 Northside Drive in the
86 City of Newton, Newton County, Mississippi, such property being
87 more particularly described as follows:

88 Start at the southeast corner of Lot 1, Pinecrest
89 Subdivision, City of Newton, Newton County, Mississippi, and
90 run North 894 feet; thence South 88 degrees 40 minutes West
91 413 feet to the point of beginning: Thence South 88 degrees
92 40 minutes West, 165 feet, thence North 01 degrees 30 minutes
93 East, 260 feet to the South right-of-way line of U.S. Highway
94 No. 80; thence Northeasterly, 155 feet along said
95 right-of-way line; thence South 01 degree 22 minutes East,
96 299.7 feet to the point of beginning. The above-described
97 property is situated in the E 1/2 of SE ¼ of Section 28,
98 Township 6 North, Range 11 East, City of Newton, Newton
99 County, Mississippi, and contains 1 acre, more or less.

100 (2) The real property and any improvements thereon described
101 under subsection (1) of this section shall be sold for not less
102 than the fair market value as determined by the average of at



103 least two (2) appraisals by qualified appraisers, one (1) of which
104 shall be selected by the Department of Finance and Administration,
105 and both of whom shall be certified and licensed by the
106 Mississippi Real Estate Appraiser Licensing and Certification
107 Board.

108 (3) All monies derived from the sale of the property
109 described in subsection (1) of this section shall be deposited
110 into a special fund created in the State Treasury for the use and
111 benefit of the East Mississippi State Hospital. Unexpended
112 amounts remaining in the special fund at the end of the fiscal
113 year shall not lapse into the State General Fund, and any interest
114 earned on the amounts remaining in the special fund shall be
115 deposited to the credit of the special fund.

116 (4) The Department of Finance and Administration may correct
117 any discrepancies in the legal description provided in this
118 section.

119 (5) The State of Mississippi shall retain all mineral rights
120 to the property sold under this section.

121 **SECTION 4.** Notwithstanding any other provision of law to the
122 contrary, the Board of Supervisors of Tallahatchie County is
123 authorized to convey, lease or transfer, under such terms and
124 conditions the board deems appropriate to promote the historical,
125 educational and economic welfare of the county, any county-owned
126 real property and any improvements thereon to the United States
127 Government or any entity thereof, or a nonprofit organization



128 dedicated to the preservation of historical and cultural sites,
129 areas, items or artifacts of historical significance. The real
130 property which shall be taken into consideration for purposes of
131 conveyance, lease or transfer as authorized under this section are
132 more particularly described as follows: (a) The Second Judicial
133 Courthouse of Tallahatchie County, including the buildings and
134 grounds located in Sumner, Mississippi; (b) the annex building
135 located at 158 North Court Street in Sumner, Mississippi, which
136 houses the Emmett Till Interpretive Center; and (c) Graball
137 Landing on River Road in Tallahatchie County.

138 **SECTION 5.** Notwithstanding any other provision of law to the
139 contrary, the Department of Finance and Administration may
140 renegotiate any and all costs included in the lease provided for
141 by Section 39-25-1.

142 **SECTION 6.** This act shall take effect and be in force from
143 and after July 1, 2022.

