

By: Representatives Calvert, Hulum

To: Ports, Harbors and Airports

HOUSE BILL NO. 1025

1 AN ACT TO AMEND SECTION 61-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT IF AN AIRPORT AUTHORITY FINDS THAT THE FAIR MARKET
3 VALUE OF AIRPORT PROPERTY IS ZERO AND THE FINDING IS ENTERED ON
4 THE MINUTES OF THE AUTHORITY, THEN THE AUTHORITY MAY DISPOSE OF
5 SUCH PROPERTY IN THE MANNER IT DEEMS APPROPRIATE AND IN ITS BEST
6 INTEREST, PROVIDED THAT NO OFFICIAL OR EMPLOYEE OF THE AUTHORITY
7 MAY DERIVE ANY PERSON ECONOMIC BENEFIT FROM THE DISPOSAL OF THE
8 PROPERTY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 61-3-19, Mississippi Code of 1972, is
11 amended as follows:

12 61-3-19. (1) (a) Except as may be limited by the terms and
13 conditions of any grant, loan or agreement authorized by Section
14 61-3-25, an authority may, by sale, lease or otherwise, dispose of
15 any airport, air navigation facility or other property, real or
16 personal, or portion thereof or interest therein, acquired
17 pursuant to this chapter. If Section 29-1-1 is applicable to a
18 sale of real property, the sale shall comply with Section 29-1-1.

19 (b) If Section 29-1-1 is not applicable, the disposal
20 by sale, lease or otherwise, shall be in accordance with the
21 following procedure. The authority shall find and determine by



22 resolution duly and lawfully adopted and spread upon its minutes
23 that:

24 (i) The property is no longer needed for authority
25 purposes and is not to be used in the authority's operation;

26 (ii) There is no state agency, board, commission
27 or any governing authority within the state that has expressed a
28 need or use for the property and the federal government has not
29 expressed a need or use for the property; and

30 (iii) The use of the property for the purpose for
31 which it is to be sold, leased or otherwise disposed of will
32 promote and foster the development and improvement of the
33 authority or of the community in which it is located and the
34 civic, social, educational, cultural, moral, economic or
35 industrial welfare thereof.

36 (2) After making the determinations, the authority may sell,
37 lease or otherwise dispose of the property in accordance with
38 applicable law and by any of the following methods:

39 (a) The authority may sell, lease or otherwise dispose
40 of the property if the consideration is not less than the fair
41 market price for the property as determined by averaging the
42 appraisals of two (2) professional property appraisers selected by
43 the authority and approved by the purchaser or lessee. Appraisal
44 fees shall be shared equally by the authority and the purchaser or
45 lessee.



46 (b) The authority may sell, lease or otherwise dispose
47 of the property to the highest bidder after publishing at least
48 once each week for three (3) consecutive weeks in a public
49 newspaper published in the county in which the property is
50 located, or if no newspaper is published in the county, then in a
51 newspaper having general circulation therein, the authority's
52 intention to lease, sell or otherwise dispose of the property and
53 to accept sealed competitive bids for the sale, lease or disposal
54 of the property. The authority shall thereafter accept bids for
55 the sale, lease or disposal of the property and shall award the
56 sale, lease or disposal to the highest bidder.

57 (c) The authority may sell and dispose of personal
58 property at public sale for cash to the highest bidder after
59 publishing at least once each week for three (3) consecutive weeks
60 in a public newspaper published in the county in which the
61 property is located, or if no newspaper is published in the
62 county, then in a newspaper having general circulation therein,
63 the authority's intention to sell and dispose of the personal
64 property at public sale for cash. Any public sale for cash may be
65 conducted by or on behalf of the authority. At the public sale
66 for cash, the personal property shall be sold and disposed of to
67 the highest bidder.

68 (d) The authority may sell and dispose of personal
69 property by use of an Internet web service available to the
70 public, including, but not limited to, an Internet auction



71 website, for cash or irrevocable electronic transfer of funds, to
72 the highest bidder after publishing at least once each week for
73 three (3) consecutive weeks in a public newspaper published in the
74 county in which the property is located, or if no newspaper is
75 published in the county, then in a newspaper having general
76 circulation therein, the following information:

77 (i) The authority's intention to sell and dispose
78 of the personal property through use of the Internet web service;

79 (ii) The location on the Internet website where
80 the personal property will be listed; and

81 (iii) The listing date and closing date of the
82 Internet sale.

83 At the Internet sale, the personal property shall be sold and
84 disposed of to the highest bidder; provided, all Internet sales
85 shall comply with federal law. In the event that any Internet
86 sale is not concluded for any reason, the authority may relist and
87 sell the personal property by use of the same Internet web service
88 without the public notice set forth in this paragraph.

89 Notwithstanding anything herein to the contrary, in the case
90 of a sale, lease or disposal of property to another authority, a
91 municipality or an agency of the state or federal government for
92 use and operation as a public airport, the sale, lease or other
93 disposal thereof may be effected in such manner and upon such
94 terms as the commissioners of the authority may deem to be in the
95 best interest of civil aviation.



96 (e) (i) The authority may sell or otherwise convey
97 real property thereof to an enterprise operating a project that
98 has been certified by the Mississippi Major Economic Impact
99 Authority as a project as defined in Section 57-75-5(f)(xxxi)1
100 provided that 1. the consideration for the property is not less
101 than its fair market value as determined by an appraisal performed
102 by a professional appraiser approved by the authority, or 2. the
103 authority receives in exchange for such real property one or more
104 other parcels of real property whose collective fair market value,
105 as determined by an appraisal performed by a professional
106 appraiser approved by the authority, is equal to or greater than
107 the fair market value, as determined by an appraisal performed by
108 a professional appraiser approved by the authority, of the
109 authority's property conveyed to the enterprise operating a
110 project that has been certified by the Mississippi Major Economic
111 Impact Authority as a project as defined in Section
112 57-75-5(f)(xxxi)1.

113 (ii) The authority may lease real property thereof
114 to an enterprise operating a project that has been certified by
115 the Mississippi Major Economic Impact Authority as a project as
116 defined in Section 57-75-5(f)(xxxi)1 for a term of up to
117 ninety-nine (99) years pursuant to a lease agreement between the
118 authority and the enterprise, which shall provide that the rental
119 consideration for the lease of the property is not less than the
120 fair market rent for the property as of the commencement of such



121 lease as determined by an appraisal performed by a professional
122 appraiser approved by the authority. Any such lease agreement
123 shall be binding, according to its terms, on future boards of
124 commissioners of the authority for the duration of the lease
125 agreement.

126 (3) The authority may lease lands owned by the authority for
127 oil, gas and mineral exploration and development upon the terms
128 and conditions and for consideration as the authority shall deem
129 proper and advisable. However, no oil, gas or mineral lease shall
130 be for a primary term of more than ten (10) years and the lease or
131 leases shall provide for annual rentals of not less than One
132 Dollar (\$1.00) per acre and shall provide for royalties of not
133 less than three-sixteenths (3/16) of all oil, gas and other
134 minerals produced, including sulphur. All rentals, royalties or
135 other revenue payable under any lease executed under this section
136 shall be paid to and collected by the authority. The leases shall
137 specifically provide that, in no event, shall any such lease or
138 the exercise of any rights thereunder, interfere with the use of
139 any airport or air navigational facilities for their intended
140 purposes.

141 (4) Notwithstanding any other provision herein to the
142 contrary, if the authority finds that the fair market value of the
143 property is zero (0) and the finding is spread upon the minutes of
144 the authority, then the authority may dispose of such property in
145 the manner it deems appropriate and in its best interest, provided



146 that no official or employee of the authority may derive any
147 person economic benefit from the disposal of the property.

148 **SECTION 2.** This act shall take effect and be in force from
149 and after July 1, 2023.

