

By: Senator(s) Tate

To: Highways and  
Transportation

SENATE BILL NO. 2566

1 AN ACT TO AMEND SECTION 61-3-19, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DISPOSAL PROCEDURE OF AIRPORT TRASH; AND FOR RELATED  
3 PURPOSES.

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

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

7 61-3-19. (1) (a) Except as may be limited by the terms and  
8 conditions of any grant, loan or agreement authorized by Section  
9 61-3-25, an authority may, by sale, lease or otherwise, dispose of  
10 any airport, air navigation facility or other property, real or  
11 personal, or portion thereof or interest therein, acquired  
12 pursuant to this chapter. If Section 29-1-1 is applicable to a  
13 sale of real property, the sale shall comply with Section 29-1-1.

14 (b) If Section 29-1-1 is not applicable, the disposal  
15 by sale, lease or otherwise, shall be in accordance with the  
16 following procedure. The authority shall find and determine by  
17 resolution duly and lawfully adopted and spread upon its minutes  
18 that:



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

21 (ii) There is no state agency, board, commission  
22 or any governing authority within the state that has expressed a  
23 need or use for the property and the federal government has not  
24 expressed a need or use for the property; and

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

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

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

41 (b) The authority may sell, lease or otherwise dispose  
42 of the property to the highest bidder after publishing at least  
43 once each week for three (3) consecutive weeks in a public



44 newspaper published in the county in which the property is  
45 located, or if no newspaper is published in the county, then in a  
46 newspaper having general circulation therein, the authority's  
47 intention to lease, sell or otherwise dispose of the property and  
48 to accept sealed competitive bids for the sale, lease or disposal  
49 of the property. The authority shall thereafter accept bids for  
50 the sale, lease or disposal of the property and shall award the  
51 sale, lease or disposal to the highest bidder.

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

63 (d) The authority may sell and dispose of personal  
64 property by use of an internet web service available to the  
65 public, including, but not limited to, an internet auction  
66 website, for cash or irrevocable electronic transfer of funds, to  
67 the highest bidder after publishing at least once each week for  
68 three (3) consecutive weeks in a public newspaper published in the



69 county in which the property is located, or if no newspaper is  
70 published in the county, then in a newspaper having general  
71 circulation therein, the following information:

72 (i) The authority's intention to sell and dispose  
73 of the personal property through use of the internet web service;

74 (ii) The location on the internet website where  
75 the personal property will be listed; and

76 (iii) The listing date and closing date of the  
77 internet sale.

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

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

91 (e) (i) The authority may sell or otherwise convey  
92 real property thereof to an enterprise operating a project that  
93 has been certified by the Mississippi Major Economic Impact



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

108 (ii) The authority may lease real property thereof  
109 to an enterprise operating a project that has been certified by  
110 the Mississippi Major Economic Impact Authority as a project as  
111 defined in Section 57-75-5(f)(xxxi)1 for a term of up to  
112 ninety-nine (99) years pursuant to a lease agreement between the  
113 authority and the enterprise, which shall provide that the rental  
114 consideration for the lease of the property is not less than the  
115 fair market rent for the property as of the commencement of such  
116 lease as determined by an appraisal performed by a professional  
117 appraiser approved by the authority. Any such lease agreement  
118 shall be binding, according to its terms, on future boards of



119 commissioners of the authority for the duration of the lease  
120 agreement.

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

136 (4) Notwithstanding any other provision herein to the  
137 contrary, if the authority finds that the fair market value of the  
138 property is zero and this finding is entered on the minutes of the  
139 authority, then the governing authority may dispose of such  
140 property in the manner it deems appropriate and in its best  
141 interest. However, no official or employee of the governing  
142 authority shall derive any personal economic benefit from such  
143 disposal.



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

