

By: Representative Cummings

To: Ports, Harbors and  
Airports; Judiciary A

HOUSE BILL NO. 1209  
(As Passed the House)

1 AN ACT TO AMEND SECTION 59-17-29, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE STATE INLAND PORT AUTHORITY TO SELL REAL PROPERTY  
3 OWNED BY IT AND ACQUIRED THROUGH CONDEMNATION OR EMINENT DOMAIN  
4 PROCEEDINGS TO THE ORIGINAL OWNER OR THE ORIGINAL OWNER'S CHILDREN  
5 IF THE PROPERTY IS NOT USED OR PLANNED FOR USE FOR A PUBLIC  
6 PURPOSE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 59-17-29, Mississippi Code of 1972, is  
9 amended as follows:

10 59-17-29. (1) The board, acting jointly with the state  
11 inland port authority, is authorized to set aside, or lease all or  
12 portions of any lands, roads, docks, sheds, warehouses, elevators,  
13 compresses, floating dry docks, graving docks, marine railways,  
14 tugboats, or any other necessary or useful improvements  
15 constructed or acquired by it to individuals, firms, or  
16 corporations, public or private, for port, harbor, commercial or  
17 industrial purposes for a period not to exceed ninety-nine (99)  
18 years, or to execute a conveyance of sale, except as otherwise  
19 limited by law, on such terms and conditions and with such  
20 safeguards as would best promote and protect the public interest.  
21 Any industrial lease of lands may be executed upon such terms and  
22 conditions and for such monetary rental or other consideration as  
23 may be found adequate and approved by the board in orders or  
24 resolutions authorizing the same. Any covenants and agreements  
25 shall require the lessee to make expenditures in determined  
26 amounts, and within such time or times, for improvements to be  
27 erected upon the land, by such lessee and to conduct thereon  
28 industrial and/or other operations in such aggregate payroll  
29 amounts and for such period of time as may be determined and

30 defined in such lease. Such instrument may contain reasonable  
31 provisions giving the lessee the right to remove its or his  
32 improvements upon the termination of the lease.

33 (2) (a) The state inland port authority, in its discretion,  
34 may sell any real property acquired by it through condemnation or  
35 eminent domain proceedings to the person or persons who held  
36 record title to and ownership of the property at the time it was  
37 condemned, or to a child or children of any such person, upon  
38 making a written finding and entering upon its official minutes a  
39 statement indicating that the property is not being used for a  
40 public purpose and that there are no definitive plans by the port  
41 authority for use of the property for a public purpose in the  
42 immediate future. The price to be paid to the port authority for  
43 the property shall be the price that was paid to the owner at the  
44 time that it was acquired by the port authority plus the fair  
45 market value of any improvements to such property.

46 (b) Before the property may be conveyed, the state  
47 inland port authority shall:

48 (i) Require the previous owner and/or his child or  
49 children to provide the port authority with a clear description of  
50 the property to be conveyed and all documentation necessary to  
51 identify and prove that the person or persons to whom the property  
52 is to be conveyed is the original owner of the property or his  
53 child or children; and

54 (ii) Provide notice of the proposed conveyance of  
55 the property to all persons to whom the property is authorized  
56 under this subsection to be sold. Such notice shall be given in  
57 the same manner and in accordance with the same procedure as  
58 authorized for service of process in civil cases.

59 (c) Upon making the finding required under paragraph  
60 (a) of this subsection, receiving and verifying the documentation  
61 presented to the port authority under paragraph (b)(i) of this  
62 subsection and providing the notice required under paragraph

63 (b)(ii) of this subsection, the state inland port authority may  
64 execute all documents and take such actions as may be necessary to  
65 convey the property as authorized under this subsection. Any such  
66 conveyance may be made by quitclaim deed signed by the presiding  
67 officer of the state inland port authority.

68       **SECTION 2.** This act shall take effect and be in force from  
69 and after July 1, 2007.