

Senate Amendments to House Bill No. 431

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 47-5-66, Mississippi Code of 1972, is amended as follows:

47-5-66. (1) It shall be the duty of the * * * Department of Finance and Administration, with the approval of the Public Procurement Review Board, to lease lands at public contract upon the submission of two (2) or more sealed bids to the * * * Department of Finance and Administration after having advertised the land for rent in newspapers of general circulation published in Jackson, Mississippi; Memphis, Tennessee; the county in which the land is located; and contiguous counties for a period of not less than two (2) successive weeks. The first publication shall be made not less than ten (10) days before the date of the public contract, and the last publication shall be made not more than seven (7) days before that date. The * * * Department of Finance and Administration may reject any and all bids. If all bids on a tract or parcel of land are rejected, the * * * Department of Finance and Administration may then advertise for new bids on that tract or parcel of land. Successful bidders shall take possession of their leaseholds at the time authorized by the * * * Department of Finance and Administration. However, rent shall be due no later than the day upon which the lessee shall assume possession of the leasehold, and shall be due on the anniversary date for each following year of the lease. The * * * Department of Finance and Administration may provide in any lease that rent shall be paid in full in advance or paid in installments, as may be necessary or appropriate. In addition, the * * * Department of

33 Finance and Administration may accept, and the lease may provide
34 for, assignments of federal, state or other agricultural support
35 payments, growing crops or the proceeds from the sale thereof,
36 promissory notes, or any other good and valuable consideration
37 offered by any lessee to meet the rent requirements of the lease.
38 If a promissory note is offered by a lessee, it shall be secured
39 by a first lien on the crop of the lessee, or the proceeds from
40 the sale thereof. The lien shall be filed pursuant to Article 9
41 of the * * * Uniform Commercial Code and Section 1324 of the Food
42 Security Act of 1985, as enacted or amended. If the note is not
43 paid at maturity, it shall bear interest at the rate provided for
44 judgments and decrees in Section 75-17-7 from its maturity date
45 until the note is paid. The note shall provide for the payment of
46 all costs of collection and reasonable attorney's fees if default
47 is made in the payment of the note. The payment of rent by
48 promissory note or any means other than cash in advance shall be
49 subject to the approval of the Public Procurement Review Board,
50 which shall place the approval of record in the minutes of the
51 board. There is created a special fund to be designated as the
52 "Prison Agricultural Enterprises Fund." Any monies in hand or due
53 from the leasing of Penitentiary lands and the sales of timber as
54 provided in Section 47-5-56 and earmarked for the Prison
55 Industries Fund shall be deposited to the special fund for prison
56 agricultural enterprises. All monies in each fiscal year derived
57 from the leasing of the Penitentiary lands and the sales of timber
58 as provided in Section 47-5-56 shall be deposited into the special
59 fund for the purpose of conducting, operating and managing the
60 prison agricultural enterprises of the department. All profits
61 derived from the prison agricultural enterprises shall be
62 deposited into the Prison Agricultural Enterprises Fund. All
63 profits derived from prison industries shall be placed in a
64 special fund in the State Treasury to be known as the "Prison
65 Industries Fund," to be appropriated each year by the Legislature
66 to the nonprofit corporation, which is required to be organized
67 under the provisions of Section 47-5-535, for the purpose of

68 operating and managing the prison industries. The state shall
69 have the rights and remedies for the security and collection of
70 the rents given by law to landlords. Lands leased for
71 agricultural purposes under Section 47-5-64 shall be subject to a
72 fee in lieu of ad valorem taxes, including taxes levied for school
73 purposes. The fee in lieu shall be Nine Dollars (\$9.00) per acre.
74 Upon the execution of the agricultural leases to private entities
75 as authorized by Section 47-5-64, the Department of Finance and
76 Administration shall collect the in lieu fee and shall forward the
77 fees to the tax collector in which the land is located. The tax
78 collector shall disburse the fees to the appropriate county or
79 municipal governing authority on a pro rata basis. The sum
80 apportioned to a school district shall not be less than the school
81 district's pro rata share based upon the proportion that the
82 millage imposed for the school district by the appropriate levying
83 authority bears to the millage imposed by the levying authority
84 for all other county or municipal purposes. Any funds obtained by
85 the corporation as a result of sale of goods and services
86 manufactured and provided by it shall be accounted for separate
87 and apart from any funds received by the corporation through
88 appropriation from the State Legislature. All nonappropriated
89 funds generated by the corporation shall not be subject to
90 appropriation by the State Legislature.

91 (2) This section shall be repealed from and after July 1,
92 2008.

93 **SECTION 2.** This act shall take effect and be in force from
94 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-66, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE REPEALER ON THE AUTHORIZATION TO LEASE PRISON LANDS FOR
3 AGRICULTURE; TO PROVIDE THAT A PER ACRE FEE SHALL BE COLLECTED IN
4 LIEU OF AD VALOREM TAXES ON LANDS LEASED FOR AGRICULTURAL
5 PURPOSES; AND FOR RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate