

By: Representative Warren

To: Education

HOUSE BILL NO. 1054

1 AN ACT TO AMEND SECTION 29-3-39, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE SCHOOL BOARD OF ANY SCHOOL DISTRICT TO RECLASSIFY
3 CERTAIN SIXTEENTH SECTION AGRICULTURAL LAND AS FARM RESIDENTIAL
4 LAND; TO AMEND SECTION 29-3-33, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY THERETO; TO AMEND SECTION 29-3-65, MISSISSIPPI CODE OF
6 1972, TO CLARIFY THAT EACH PARCEL OF SIXTEENTH SECTION LAND MUST
7 BE APPRAISED INDEPENDENTLY OF OTHER SUCH LANDS IN A SCHOOL
8 DISTRICT; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 29-3-39, Mississippi Code of 1972, is
11 amended as follows:

12 29-3-39. It shall be the duty of the board of education to
13 survey periodically the classification of all sixteenth section
14 land under its jurisdiction and to reclassify the land as it may
15 deem advisable because of changes of conditions, and when any land
16 is so reclassified, the board of education shall file a report
17 thereof with the Secretary of State. The school board of any
18 school district, in its discretion, may reclassify those sixteenth
19 section or lieu lands classified as agricultural land as farm
20 residential land when the leaseholder has established residency on
21 such land and the land meets all of the qualifications required
22 for classification as farm residential land under Section 29-3-33.
23 From time to time the Secretary of State may institute proceedings
24 to reclassify any sixteenth section lands which he may deem
25 advisable and when any land is so reclassified, the Secretary of
26 State shall file a report thereof with the board of education.
27 When any land is reclassified under this section, notice thereof,
28 rights to object thereto and rights to appeal therefrom shall be
29 given in the same manner provided in Section 29-3-37 with

30 reference to the original classification. Provided, however, that
31 all sixteenth section land shall be classified, or reclassified as
32 is necessary, within one (1) year prior to the expiration date of
33 any existing lease, and within sixty (60) days of the terminating
34 of any lease of sixteenth section land by final court order. In
35 all litigation which may result from the classification or
36 reclassification of lands by the Secretary of State under Sections
37 29-3-31 through 29-3-39, the Secretary of State shall be
38 represented by the Attorney General, who shall have control of the
39 litigation, but it shall be the duty of the various boards of
40 education to furnish local legal assistance when requested so to
41 do by the Attorney General.

42 SECTION 2. Section 29-3-33, Mississippi Code of 1972, is
43 amended as follows:

44 29-3-33. For the purpose of determining the proper category
45 for such lands and the oil, gas and other minerals in, on and
46 under such lands, the following definitions shall be controlling
47 unless the context clearly indicates otherwise:

48 (a) "Forest land" shall mean all land at least ninety
49 percent (90%) of the total area of which is at present forest or
50 wasteland, or land which will produce a maximum of revenue by
51 utilization to produce timber or other forest products, shall be
52 classified as forest land. The unit of measurement to be used in
53 arriving at the classification of forest land shall be the
54 smallest division of the government survey covering said lands in
55 counties where such government survey has been made, and in other
56 counties shall be forty (40) acres.

57 (b) "Agricultural land" shall mean land most suitable
58 for pasturage or cultivation.

59 (c) "Industrial land" shall mean land most suitable for
60 port, harbor, industrial, manufacturing or warehousing use.

61 (d) "Commercial land" shall mean land most suitable for
62 wholesale or retail businesses, financial institutions,
63 professional offices and clinics, service trades and occupations,
64 privately owned public utilities and similar businesses.

65 (e) "Residential land" shall mean any tract of land
66 upon which the lessee or board-approved sub-lessee is residing.

67 Such lands shall be set up, as nearly as possible, in a
68 rectangular form so as to include the houses and such other
69 permanent improvements as may have been placed thereon by said
70 lessee or his predecessor in title; * * * however, * * * such
71 tract of land shall not exceed five (5) acres.

72 (f) "Farm residential land" shall mean any tract of
73 land upon which a leaseholder resides not exceeding one hundred
74 sixty (160) acres in size * * *, which is utilized for
75 agricultural purposes. * * * However, * * * farm residential land
76 may consist of two (2) noncontiguous tracts not exceeding one
77 hundred sixty (160) acres in the aggregate: (a) with reasonable
78 easements connecting the residential and outlying tracts; or (b)
79 with the residential tract situated a distance not exceeding one
80 and one-half (1-1/2) miles from the outlying tract. * * * No
81 sixteenth section lands or lands granted in lieu thereof, situated
82 in a county lying wholly or partially within a levee district,
83 shall be classified as farm residential land.

84 (g) "Recreational land" shall mean land most suitable
85 for uses which provide for activities or services of a
86 recreational nature. Recreational nature shall include, but not
87 be limited to, parks, campsites, lodges and similar uses and
88 facilities.

89 (h) "Catfish farming land" shall mean land most
90 suitable for the construction of catfish ponds and for wholesale
91 or retail catfish farm raising and harvesting.

92 (i) "Other land" shall mean any land which is not
93 suitable for any of the uses described above.

94 (j) "Oil, gas and minerals" shall mean the following:
95 (i) oil, gas, carbon dioxide and other gaseous substances; (ii)
96 metals, compounds of metals, or metal-bearing ores; (iii) coal,
97 including anthracite, bituminous, subbituminous, lignite and their
98 constituent components and products and minerals intermingled or
99 associated therewith; and (iv) sulphur, salt, sand, gravel, fill

100 dirt and clay, in, on and under the lands classified above. Such
101 oil, gas and minerals shall be a classification of land separate
102 and distinct from the classifications set forth above in
103 paragraphs (a) through (h) inclusive.

104 SECTION 3. Section 29-3-65, Mississippi Code of 1972, is
105 amended as follows:

106 29-3-65. One (1) year prior to the date when any parcel of
107 such lands not subject to competitive bid procedures shall become
108 available for lease, the board of education shall appoint a
109 competent appraiser to appraise that parcel of the land and report
110 to the board his recommendation for the fair market rental amount
111 for that parcel. The board shall then determine whether the same
112 be a reasonable amount for that parcel, and shall grant the lease
113 pursuant to Section 29-3-63. However, if any such parcel of land
114 becomes available for lease prior to July 1, 1979, an appraisal
115 shall be required prior to the granting of the lease.

116 The board of education may use rent escalation clauses or
117 other such devices to adjust rental amounts during the lease term.
118 Owners of leaseholds under a lease granted prior to July 1, 1978,
119 which have improvements constructed thereon, shall not be charged
120 for such improvements in successive lease periods unless the lease
121 contract clearly specifies otherwise. The cost of the appraisal
122 of each parcel of such lands under this section shall be paid from
123 any available sixteenth section school funds or other school funds
124 of the district.

125 The appraisal pertaining to renewal oil, gas and mineral
126 leases executed pursuant to Section 29-3-63 may be made either
127 before or after the expiration of the original lease and shall
128 appraise the fair market value for the bonus to be paid for a
129 renewal lease containing the terms and conditions agreed upon by
130 the holder of the lease and the board of education.

131 SECTION 4. This act shall take effect and be in force from
132 and after July 1, 1999.