

By: Warren

To: Education

HOUSE BILL NO. 374

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, 2000.