HOUSE BILL NO. 543

1 AN ACT TO AMEND SECTION 29-3-31, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT LOCAL SCHOOL BOARDS MAY CLASSIFY SIXTEENTH SECTION
3 LANDS AS "RESIDENTIAL LAND" OR "FARM-RESIDENTIAL LAND" REGARDLESS
4 OF WHETHER OR NOT THE LESSEE LIVED ON THE TRACT ON JULY 1, 1978;
5 TO AMEND SECTION 29-3-33, MISSISSIPPI CODE OF 1972, TO CLARIFY
6 THAT A LESSEE OF SIXTEENTH SECTION LAND CLASSIFIED AS
7 FARM-RESIDENTIAL LAND IS NOT REQUIRED TO RESIDE ON SIXTEENTH
8 SECTION LAND; AND FOR RELATED PURPOSES.
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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12 SECTION 1. Section 29-3-31, Mississippi Code of 1972, is
13 amended as follows:
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15 29-3-31. It is * * * the duty of the local board of
16 education, using the services of all appropriate public agencies,
17 to survey and classify all sixteenth section lands in the Choctaw
18 purchase and lands granted in lieu thereof reserved for the
19 support of township schools. The sixteenth section lands and lieu
20 lands shall be classified into eight (8) categories, as follows:
21 (1) forest land; (2) agricultural land; (3) industrial land; (4)
22 commercial land; (5) farm-residential land; (6) residential land;
23 (7) recreational land; and (8) other land. The classifications
24 shall be applied to the sixteenth section and lieu lands based
25 upon the finding of the highest and best use of each parcel or
26 tract for producing a maximum of revenue by proper utilization.
27 In determining the highest and best use of these lands, the same
28 principles shall be followed as are applied in determining the
29 highest and best use of land in private ownership. * * * All land
30 that is being used as "residential land" or "farm-residential
31 land" shall * * * to be classified as "residential land" or
32 "farm-residential land" while such land is used as a residence.
All sixteenth section lands in the Choctaw purchase and lands granted in lieu thereof, regardless of classification, shall be deemed to contain oil, gas and minerals, including the following:
(a) oil, gas, carbon dioxide and other gaseous substances; (b) metals, compounds of metals or metal-bearing ores; (c) coal, including anthracite, bituminous, subbituminous, lignite and their constituent components and products and minerals intermingled or associated therewith; and (d) sulphur, salt, sand, gravel, fill dirt and clay.

Such oil, gas and minerals shall be leased for exploration, mining, production and development as provided for in Section 29-3-99, regardless of the classifications of the lands in, on or under which such oil, gas and minerals are situated. Statutory procedures for the leasing of the surface of the land in such eight (8) classifications shall not apply to such oil, gas and minerals in, on or under such lands.

Such oil, gas and minerals shall be deemed a separate classification of sixteenth section lands for the purpose of Section 211 of the Mississippi Constitution.

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

29-3-33. For the purpose of determining the proper category for sixteenth section lands and lands granted in lieu thereof and the oil, gas and other minerals in, on and under such lands, the following definitions shall be controlling unless the context clearly indicates otherwise:

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

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

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

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

(e) "Residential land" shall mean any tract of land
upon which the lessee or board-approved sublessee is residing.
Such lands shall be set up, as nearly as possible, in a
rectangular form so as to include the houses and such other
permanent improvements as may have been placed thereon by a lessee
or his predecessor in title; however, such tract of
land shall not exceed five (5) acres.

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

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

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

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

(j) "Oil, gas and minerals" shall mean the following:

(i) oil, gas, carbon dioxide and other gaseous substances; (ii) metals, compounds of metals, or metal-bearing ores; (iii) coal, including anthracite, bituminous, subbituminous, lignite and their constituent components and products and minerals intermingled or associated therewith; and (iv) sulphur, salt, sand, gravel, fill dirt and clay, in, on and under the lands classified above. Such oil, gas and minerals shall be a classification of land separate and distinct from the classifications set forth above in paragraphs (a) through (h) inclusive.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.