

By: Representative Warren

To: Education

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

10 SECTION 1. Section 29-3-31, Mississippi Code of 1972, is
 11 amended as follows:

12 29-3-31. It is * * * the duty of the local board of
 13 education, using the services of all appropriate public agencies,
 14 to survey and classify all sixteenth section lands in the Choctaw
 15 purchase and lands granted in lieu thereof reserved for the
 16 support of township schools. The sixteenth section lands and lieu
 17 lands shall be classified into eight (8) categories, as follows:
 18 (1) forest land; (2) agricultural land; (3) industrial land; (4)
 19 commercial land; (5) farm-residential land; (6) residential land;
 20 (7) recreational land; and (8) other land. The classifications
 21 shall be applied to the sixteenth section and lieu lands based
 22 upon the finding of the highest and best use of each parcel or
 23 tract for producing a maximum of revenue by proper utilization.
 24 In determining the highest and best use of these lands, the same
 25 principles shall be followed as are applied in determining the
 26 highest and best use of land in private ownership. * * * All land
 27 that is being used as "residential land" or "farm-residential
 28 land" shall * * * to be classified as "residential land" or
 29 "farm-residential land" while such land is used as a residence.



30 All sixteenth section lands in the Choctaw purchase and lands
31 granted in lieu thereof, regardless of classification, shall be
32 deemed to contain oil, gas and minerals, including the following:
33 (a) oil, gas, carbon dioxide and other gaseous substances; (b)
34 metals, compounds of metals or metal-bearing ores; (c) coal,
35 including anthracite, bituminous, subbituminous, lignite and their
36 constituent components and products and minerals intermingled or
37 associated therewith; and (d) sulphur, salt, sand, gravel, fill
38 dirt and clay.

39 Such oil, gas and minerals shall be leased for exploration,
40 mining, production and development as provided for in Section
41 29-3-99, regardless of the classifications of the lands in, on or
42 under which such oil, gas and minerals are situated. Statutory
43 procedures for the leasing of the surface of the land in such
44 eight (8) classifications shall not apply to such oil, gas and
45 minerals in, on or under such lands.

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

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

51 29-3-33. For the purpose of determining the proper category
52 for sixteenth section lands and lands granted in lieu thereof and
53 the oil, gas and other minerals in, on and under such lands, the
54 following definitions shall be controlling unless the context
55 clearly indicates otherwise:

56 (a) "Forest land" shall mean all land, at least ninety
57 percent (90%) of the total area of which is at present forest or
58 wasteland, or land which will produce a maximum of revenue by
59 utilization to produce timber or other forest products. All such
60 land shall be classified as forest land. The unit of measurement
61 to be used in arriving at the classification of forest land shall
62 be the smallest division of the government survey covering those



63 lands in counties where such government survey has been made, and
64 in other counties shall be forty (40) acres.

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

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

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

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

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

93 (g) "Recreational land" shall mean land most suitable
94 for uses which provide for activities or services of a
95 recreational nature. The term "recreational nature" shall



96 include, but not be limited to, parks, campsites, lodges and
97 similar uses and facilities.

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

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

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

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

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

