

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2577

1 AN ACT TO AMEND SECTION 29-3-33, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT MEMBERS OF THE IMMEDIATE FAMILY AND GRANDPARENTS OF  
3 ANY LEASEHOLDER OF SIXTEENTH SECTION SCHOOL LAND CLASSIFIED AS  
4 RESIDENTIAL LAND SHALL BE FULLY AUTHORIZED TO RESIDE ON SUCH LAND;  
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 29-3-33, Mississippi Code of 1972, is  
8 amended as follows:

9 29-3-33. For the purpose of determining the proper category  
10 for such lands and the oil, gas and other minerals in, on and  
11 under such lands, the following definitions shall be controlling  
12 unless the context clearly indicates otherwise:

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

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

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

26 (d) "Commercial land" shall mean land most suitable for  
27 wholesale or retail businesses, financial institutions,

28 professional offices and clinics, service trades and occupations,  
29 privately owned public utilities and similar businesses.

30 (e) "Residential land" shall mean any tract of land  
31 upon which the lessee or board-approved sub-lessee is residing.  
32 Such lands shall be set up, as nearly as possible, in a  
33 rectangular form so as to include the houses and such other  
34 permanent improvements as may have been placed thereon by said  
35 lessee or his predecessor in title; provided, however, that such  
36 tract of land shall not exceed five (5) acres. The immediate  
37 family members and grandparents of the lessee of any tract of land  
38 classified as residential shall be fully authorized to reside on  
39 such land if such family member or grandparent is not paying rent  
40 or other compensation to the lessee in order to reside thereon.

41 (f) "Farm residential land" shall mean any tract of  
42 land upon which a leaseholder resides not exceeding one hundred  
43 sixty (160) acres in size existing on July 1, 1978, which is  
44 utilized for agricultural purposes. Provided, however, that farm  
45 residential land may consist of two (2) noncontiguous tracts not  
46 exceeding one hundred sixty (160) acres in the aggregate (a) with  
47 reasonable easements connecting the residential and outlying  
48 tracts; or (b) with the residential tract situated a distance not  
49 exceeding one and one-half (1-1/2) miles from the outlying tract.  
50 Provided further that no sixteenth section lands or lands granted  
51 in lieu thereof, situated in a county lying wholly or partially  
52 within a levee district shall be classified as farm residential  
53 land.

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

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

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

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

74           SECTION 2. This act shall take effect and be in force from  
75 and after its passage.