

By: Representative Martinson

To: Education

HOUSE BILL NO. 597

1 AN ACT TO AMEND SECTIONS 29-3-27 AND 29-3-29, MISSISSIPPI  
 2 CODE OF 1972, TO PROVIDE THAT IF SIXTEENTH SECTION LAND, OR LAND  
 3 GRANTED IN LIEU THEREOF, IS SOLD ON OR BEFORE JULY 1, 2004, FOR  
 4 USE RELATED TO CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR  
 5 ECONOMIC IMPACT ACT, IT SHALL NOT BE NECESSARY THAT THE LAND  
 6 PURCHASED OR OTHERWISE OBTAINED IN LIEU THEREOF HAVE AN EQUIVALENT  
 7 FAIR MARKET VALUE OF THE SIXTEENTH SECTION LAND, OR LAND GRANTED  
 8 IN LIEU THEREOF, SOLD; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 29-3-27, Mississippi Code of 1972, is  
 11 amended as follows:

12 29-3-27. No sixteenth section lands or lands granted in lieu  
 13 thereof, in whole or in part, situated within the school district  
 14 holding or owning the same shall ever be sold, except that the  
 15 board of education may, under the procedures hereinafter provided,  
 16 sell such lands for industrial development thereon, therein, or  
 17 thereunder to any persons, firms, or corporations in fee simple,  
 18 or any lesser estate therein, for a purchase price not less than  
 19 the fair market value thereof; and when any such sale is made, the  
 20 deed shall be executed in the name of the State of Mississippi by  
 21 the superintendent of the said board of education.

22 As used in this section and in Sections 29-3-29 and 29-3-61,  
 23 the term "industrial development" shall include restoration as a  
 24 tourist attraction the place where an organization was founded,  
 25 which said organization has since been expanded to be national or  
 26 international in its membership, scope, and influence.

27 The proceeds of the sale in fee simple of any sixteenth  
 28 section, or lands granted in lieu thereof, in whole or in part, or  
 29 such part of said proceeds as may be required to purchase acreage  
 30 of equivalent fair market value, shall be used by the board of



31 education, to purchase other land in the county, which land shall  
32 be held and reserved by the State of Mississippi for the support  
33 of the township schools in lieu of the land thus sold, as other  
34 sixteenth section lieu land is held, and shall be subject to all  
35 laws applicable thereto. However, if any sixteenth section land,  
36 or land granted in lieu thereof, is sold on or before July 1,  
37 2004, for use related to a project as defined in Section  
38 57-75-5(f)(iv) or a facility related to the project as defined in  
39 Section 57-75-5(d), or both, it is not necessary that the land  
40 purchased or otherwise obtained in lieu thereof have an equivalent  
41 fair market value of the sixteenth section land, or land granted  
42 in lieu thereof, sold. Every such sale and every such purchase of  
43 land in lieu thereof shall be reported by the secretary of the  
44 board of education to the Secretary of State and to the State  
45 Forestry Commission within ninety (90) days after the consummation  
46 of each such sale and purchase. Any funds from a sale in fee  
47 simple of any sixteenth section land, or land granted in lieu  
48 thereof, in excess of any amount used to purchase said land in  
49 lieu thereof, shall be treated as corpus and shall be invested by  
50 the board of education as provided by law. Only the income from  
51 such investment shall be expended for current operating expenses  
52 of the schools.

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

55 29-3-29. Before any sixteenth section school land or land  
56 granted in lieu thereof may be sold or leased for industrial  
57 development thereon, therein or thereunder under the provisions of  
58 this chapter, the board of education controlling such land shall  
59 first determine that such sale or lease will be fair market value.  
60 In the determination of the fair market value of said land the  
61 comparative sales method shall be used, and the highest and best  
62 use of said sixteenth section lands shall be determined on the  
63 basis of finding that said land shall be susceptible to any use



64 that comparative land in private ownership may be used, that there  
65 will be prompt and substantial industrial development on, in, or  
66 under said land after the sale or lease, that the acreage to be  
67 sold or leased is not in excess of the amount of land reasonably  
68 required for immediate use and for such future expansion as may be  
69 reasonably anticipated, and that such sale or lease will be  
70 beneficial to and in the best interest of the schools of the  
71 district for which said land is held. All of said findings,  
72 including the amount of the sale price or gross rental for said  
73 land, shall be spread on the minutes of the board of education.  
74 Also, if the board of education proposes to sell said land, said  
75 board shall first enter into a contract or obtain a legal option  
76 to purchase, for a specified price not in excess of fair market  
77 value, other land in the county of acreage of equivalent fair  
78 market value (except as otherwise provided in Section 29-3-27),  
79 and such contract or option shall be spread on the minutes of said  
80 board. However, not more than one hundred (100) acres in any one  
81 (1) sixteenth section school lands in any county may be sold under  
82 this chapter for the purpose of being made an industrial park or a  
83 part of such industrial park, provided the provisions of this  
84 section and Sections 57-5-1 and 57-5-23 are fully complied with.

85 A certified copy of the resolution or order of the board of  
86 education, setting out the foregoing findings, together with a  
87 certified copy of the order approving and setting out the terms of  
88 the contract or option to purchase other lands where a sale of  
89 land is proposed and an application to the Mississippi Development  
90 Authority for the certificate authorizing said sale or lease,  
91 shall be forwarded to the county board of supervisors, which board  
92 shall make an independent investigation of the proposed sale or  
93 lease and of the proposed purchase of other land.

94 If said county board of supervisors shall concur in the  
95 finding of fact of the board of education, and shall find that it  
96 is to the best interests of the schools of the district to enter



97 into such sale or lease, it may enter on its minutes a resolution  
98 or order approving the action of the board of education.

99 If the said county board of supervisors shall not concur in  
100 the findings of the board of education, or shall find that the  
101 proposed sale or lease will not be in the best interest of the  
102 schools of the district, then it may, by resolution or order,  
103 disapprove the proposed sale or lease, and such action shall be  
104 final.

105 There shall be reserved all minerals in, on, and under any  
106 lands conveyed under the provisions hereof. Provided, however,  
107 that in any county bordering on the State of Alabama, traversed by  
108 the Tombigbee River, in which U.S. Highway 82 intersects U.S.  
109 Highway 45 and in which is situated a state supported institution  
110 of higher learning, upon the sale of any sixteenth section lands  
111 for industrial purposes as provided by law, the board of  
112 education, the superintendent of education and the Mississippi  
113 Development Authority, may sell and convey all minerals except  
114 oil, gas, sulphur and casinghead gas on, in and under the said  
115 sixteenth section lands so sold for industrial purposes. Said  
116 oil, gas, sulphur and casinghead gas shall be reserved together  
117 with such rights of use, ingress and egress as shall not  
118 unreasonably interfere with the use of the lands by the purchaser.  
119 Prior written approval for such use, ingress and egress, shall be  
120 obtained from the surface owner or, if such approval is  
121 unreasonably withheld, may be obtained from the chancery court of  
122 the county in which said land is located.

123 Certified copies of the resolutions or orders of the board of  
124 supervisors and of the board of education and of the application  
125 to the Mississippi Development Authority shall be transmitted to  
126 the county superintendent of education, if there be one in the  
127 county, who, if he approves the proposed sale or lease, shall so  
128 certify and forward same to the Mississippi Development Authority.  
129 If there be no county superintendent of education in the county,



130 then the board of education whose district embraces the entire  
131 county shall so certify and transmit said copies to the  
132 Mississippi Development Authority for further action.

133       Upon receipt of the aforesaid application and certified  
134 copies of the said resolution and orders, the Mississippi  
135 Development Authority shall make investigation to determine  
136 whether or not the proposed sale or lease of said land will  
137 promote prompt and substantial industrial development thereon,  
138 therein, or thereunder. If the Mississippi Development Authority  
139 finds that such sale or lease will promote prompt and substantial  
140 industrial development thereon, therein or thereunder, and further  
141 finds that the person, firm or corporation who proposes to  
142 establish said industry is financially responsible, and that the  
143 acreage to be sold or leased is not in excess of the amount of  
144 land reasonably required for immediate use and for such future  
145 expansion as may be reasonably anticipated, then the Mississippi  
146 Development Authority, in its discretion, may issue a certificate  
147 to the board of education of said district so certifying, and said  
148 certificate shall be the authority for the board of education to  
149 enter into the proposed sale or lease. If the Mississippi  
150 Development Authority does not so find, then it shall decline to  
151 issue said certificate which action shall be final.

152       The Mississippi Development Authority, when issuing a  
153 certificate to the county board of education certifying its  
154 findings and authorizing said sale or lease, may, nevertheless, in  
155 its discretion, make such sale or lease conditioned on and subject  
156 to the vote of the qualified electors of said district. Upon  
157 receipt of a certificate so conditioned upon an election, or upon  
158 a petition as hereinafter provided for, the board of education, by  
159 resolution spread upon its minutes, shall forward a copy of the  
160 certificate to the board of supervisors who by resolution upon its  
161 minutes, shall call an election to be held in the manner now  
162 provided by law for holding county elections, and shall fix in



163 such resolution a date upon which such an election shall be held,  
164 of which not less than three (3) weeks notice shall be given by  
165 the clerk of said board of supervisors by publishing a notice in a  
166 newspaper published in said county once each week for three (3)  
167 consecutive weeks preceding the same, or if no newspaper is  
168 published in said county, then in a newspaper having a general  
169 circulation therein, and by posting a notice for three (3) weeks  
170 preceding said election at three (3) public places in said county.  
171 At such election, all qualified voters of the county may vote, and  
172 the ballots used shall have printed thereon a brief statement of  
173 the proposed sale or lease of said land, including the description  
174 and price, together with the words "For the proposed sale or  
175 lease" and the words "Against the proposed sale or lease," and the  
176 voter shall vote by placing a cross (x) or check (v) opposite his  
177 choice of the proposition. Should the election provided for  
178 herein result in favor of the proposed sale or lease by at least  
179 two-thirds (2/3) of the votes cast being in favor of the said  
180 proposition, the board of supervisors shall notify the board of  
181 education who may proceed forthwith to sell or lease said land in  
182 accordance with the proposition so submitted to the electors. If  
183 less than two-thirds (2/3) of those voting in such special  
184 election vote in favor of the said sale or lease, then said land  
185 shall not be sold or leased.

186 The board of education shall further be required, prior to  
187 passing of a resolution expressing its intent to sell said land,  
188 to publish a notice of intent to sell said land for three (3)  
189 consecutive weeks in a newspaper published in said county or, if  
190 there be none, in a newspaper having a general circulation in said  
191 county, and to post three (3) notices thereof in three (3) public  
192 places in said county, one (1) of which shall be at the  
193 courthouse, for said time. If within the period of three (3)  
194 weeks following the first publication of said intent, a petition  
195 signed by twenty percent (20%) of the qualified electors of said



196 county shall be filed with the board of supervisors requesting an  
197 election concerning the sale, then an election shall be called as  
198 hereinabove provided.

199         **SECTION 3.** This act shall take effect and be in force from  
200 and after its passage.

