

By: Representatives Peranich, Weathersby

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 1540
(As Passed the House)

1 AN ACT TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT WHEN THE LEGISLATURE AUTHORIZES A STATE AGENCY TO
3 CONVEY SPECIFICALLY DESCRIBED REAL PROPERTY TO ANOTHER STATE
4 AGENCY OR OTHER ENTITY SUCH AS A COUNTY, MUNICIPALITY, ECONOMIC
5 DEVELOPMENT DISTRICT OR SIMILAR ENTITY, WITHOUT PROVIDING THAT THE
6 CONVEYANCE MAY NOT BE MADE FOR LESS THAN THE FAIR MARKET VALUE OF
7 THE PROPERTY, THEN THE STATE AGENCY AUTHORIZED TO CONVEY SUCH
8 PROPERTY MUST SATISFY CERTAIN REQUIREMENTS BEFORE CONVEYING THE
9 PROPERTY; AND FOR RELATED PURPOSES.

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

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

13 29-1-1. (1) Except as otherwise provided in subsection (7)
14 and subsection (8) of this section, the title to all lands held by
15 any agency of the State of Mississippi which were acquired solely
16 by the use of funds appropriated by the state shall appear on all
17 deeds and land records under the name of the "State of
18 Mississippi." For the purpose of this section, the term "agency"
19 shall be defined as set forth in Section 31-7-1(a). The
20 provisions of this section shall not affect the authority of any
21 agency to use any land held by the agency. No assets or property
22 of the Public Employees' Retirement System of Mississippi shall be
23 transferred in violation of Section 272A of the Mississippi
24 Constitution of 1890. Before September 1, 1993, each state agency
25 shall inventory any state-held lands which were acquired solely by
26 the use of funds appropriated by the state, and which are titled
27 in the name of the agency. The agency shall execute quitclaim
28 deeds and any other necessary documents to transfer the name and
29 title of the property to the State of Mississippi.



30 (2) The Secretary of State, under the general direction of
31 the Governor and as authorized by law, shall sell and convey the
32 public lands in the manner and on the terms provided herein for
33 the several classes thereof; he shall perform all the
34 administrative and executive duties appertaining to the selection,
35 location, surveying, platting, listing, and registering these
36 lands or otherwise concerning them; and he shall investigate the
37 status of the various "per cent" funds accrued and accruing to the
38 state from the sale of lands by the United States, and shall
39 collect and pay the funds into the treasury in the manner provided
40 by law.

41 (3) In accordance with Sections 7-11-11 and 7-11-13, the
42 Secretary of State shall be required to sign all conveyances of
43 all state-held land. For purposes of this section, the term
44 "conveyance" shall mean any sale or purchase of land by the State
45 of Mississippi for use by any agency, board or commission thereof.
46 Failure to obtain legislative approval pursuant to subsection (4)
47 of this section and the signature of the Secretary of State on any
48 conveyance regarding the sale or purchase of lands for the state
49 including any agency, board or commission thereof, shall render
50 the attempted sale or purchase of the lands void. Nothing in this
51 section shall be construed to authorize any state agency, board,
52 commission or public official to convey any state-held land unless
53 this authority is otherwise granted by law. The Secretary of
54 State shall not withhold arbitrarily his signature from any
55 purchase or sale authorized by the Mississippi State Legislature.
56 All sales of state-held lands, except those lands forfeited to the
57 state for the nonpayment of taxes and those lands acquired by the
58 Mississippi Transportation Commission under Section 65-1-123,
59 shall be sold for not less than the fair market value as
60 determined by two (2) professional appraisers selected by the
61 State Department of Finance and Administration, who are certified
62 general appraisers of the State of Mississippi. The proceeds from



63 any sale by an agency, board, commission or public official of
64 state-held lands shall be deposited into the State General Fund
65 unless otherwise provided by law.

66 (4) Before any state-held land is sold to any individual or
67 private entity, thirty (30) days' advance notice of the intended
68 sale shall be provided by the Secretary of State to the State
69 Legislature, to all state agencies and to all governing
70 authorities within the state for the purpose of ascertaining
71 whether an agency or governing authority has a need for the land
72 and for the purpose of ascertaining whether the sale of the land
73 was authorized by law. If no agency or governing authority within
74 the state expresses in writing to the Secretary of State by the
75 end of the thirty-day period a desire to use the land, then the
76 Secretary of State, with the prior approval of the Mississippi
77 Legislature to sell the state-held land, may offer the land for
78 sale to any individual or private entity.

79 (5) A cultural resources survey may be performed on any
80 state-held land before the disposition of the land if the State
81 Department of Archives and History deems this survey necessary.
82 The cost of the survey and any archaeological studies deemed
83 necessary by the State Department of Archives and History shall be
84 paid by the selling agency and recouped from the proceeds of the
85 sale.

86 (6) Before any land may be purchased by the state for the
87 benefit of any state agency, the Secretary of State, or his
88 designee, shall search and examine all state land records to
89 determine whether the state owns any land that may fit the
90 particular need of the agency. The Secretary of State, or his
91 designee, shall notify the agency if it is determined that any
92 state-held land is available for use by the agency. The agency
93 shall determine if such land accommodates its needs and shall
94 determine whether to make an official request to the proper
95 authorities to have the use of the land.



96 (7) Any lands purchased or acquired for construction and
97 maintenance of highways or highway rights-of-way by the
98 Mississippi Department of Transportation shall be excluded from
99 the provisions of this section.

100 (8) This section shall not apply to any agency of the State
101 of Mississippi that holds title to lands purchased solely by the
102 use of federal funds or whose authority to transfer or dispose of
103 these lands is governed by federal law or federal regulations.

104 (9) The Secretary of State may recover from any agency,
105 corporation, board, commission, entity or individual any cost that
106 is incurred by his office for the record-keeping responsibilities
107 regarding the sale or purchase of any state-held lands.

108 (10) Subsections (3), (4), (5) and (6) of this section shall
109 not apply to sales or purchases of land when the Legislature
110 expressly authorizes or directs a state agency to sell, purchase
111 or lease-purchase a specifically described property. However,
112 when the Legislature authorizes a state agency to sell or
113 otherwise convey specifically described real property to another
114 state agency or other entity such as a county, municipality,
115 economic development district created under Section 19-5-99 or
116 similar entity, without providing that the conveyance may not be
117 made for less than the fair market value of the property, then the
118 state agency authorized to convey such property must make the
119 following determinations before conveying the property:

120 (a) That the state agency or other entity to which the
121 proposed conveyance is to be made has an immediate need for the
122 property;

123 (b) That there are quantifiable benefits that will
124 inure to the state agency or other entity to which the proposed
125 conveyance is to be made which outweigh any quantifiable costs to
126 the state agency authorized to make the conveyance; and

127 (c) That the state agency or other entity to which the
128 proposed conveyance is to be made lacks available funds to pay



129 fair market value for the property. If the state agency
130 authorized to convey such property fails to make such
131 determinations, then it shall not convey the property for less
132 than the fair market value of the property.

133 **SECTION 2.** This act shall take effect and be in force from
134 and after July 1, 2002.

