MISSISSIPPI LEGISLATURE  REGULAR SESSION 2002

By: Senator(s) Canon  To: Public Property

SENATE BILL NO. 2712

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
14  29-1-1. (1) Except as otherwise provided in subsection (7)
15 and subsection (8) of this section, the title to all lands held by
16 any agency of the State of Mississippi which were acquired solely
17 by the use of funds appropriated by the state shall appear on all
18 deeds and land records under the name of the "State of
19 Mississippi." For the purpose of this section, the term "agency"
20 shall be defined as set forth in Section 31-7-1(a). The
21 provisions of this section shall not affect the authority of any
22 agency to use any land held by the agency. No assets or property
23 of the Public Employees' Retirement System of Mississippi shall be
24 transferred in violation of Section 272A of the Mississippi
25 Constitution of 1890. Before September 1, 1993, each state agency
26 shall inventory any state-held lands which were acquired solely by
27 the use of funds appropriated by the state, and which are titled
28 in the name of the agency. The agency shall execute quitclaim
29 deeds and any other necessary documents to transfer the name and
30 title of the property to the State of Mississippi.
(2) The Secretary of State, under the general direction of the Governor and as authorized by law, shall sell and convey the public lands in the manner and on the terms provided herein for the several classes thereof; he shall perform all the administrative and executive duties appertaining to the selection, location, surveying, platting, listing, and registering these lands or otherwise concerning them; and he shall investigate the status of the various "per cent" funds accrued and accruing to the state from the sale of lands by the United States, and shall collect and pay the funds into the treasury in the manner provided by law.

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

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

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

(6) Before any land may be purchased by the state for the benefit of any state agency, the Secretary of State, or his designee, shall search and examine all state land records to determine whether the state owns any land that may fit the particular need of the agency. The Secretary of State, or his designee, shall notify the agency if it is determined that any state-held land is available for use by the agency. The agency shall determine if such land accommodates its needs and shall determine whether to make an official request to the proper authorities to have the use of the land.
(7) Any lands purchased or acquired for construction and maintenance of highways or highway rights-of-way by the Mississippi Department of Transportation shall be excluded from the provisions of this section.

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

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

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

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

(b) That there are quantifiable benefits that will inure to the state agency or other entity to which the proposed conveyance is to be made which outweigh any quantifiable costs to the state agency authorized to make the conveyance; and
(c) That the state agency or other entity to which the proposed conveyance is to be made lacks available funds to pay fair market value for the property.

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

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