To: Ways and Means

MISSISSIPPI LEGISLATURE  REGULAR SESSION 2003
By: Representative Simpson  To: Ways and Means

HOUSE BILL NO. 909

AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO
DELETE THE REQUIREMENT THAT APPLICATIONS TO PURCHASE TAX FORFEITED
LAND BE NOTARIZED; TO ENABLE CERTAIN TRANSFERS TO BE PROCESSED
MORE QUICKLY; TO AMEND SECTION 29-1-81, MISSISSIPPI CODE OF 1972,
TO ALLOW FILING OF PATENTS WITH THE CHANCERY CLERK; TO PROVIDE FOR
A FEE TO COVER THE COST OF FILING ORIGINAL PATENTS; AND FOR
RELATED PURPOSES.

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

SECTION 1. Section 29-1-37, Mississippi Code of 1972, is
amended as follows:

29-1-37. (1) Except as otherwise provided in subsection (2)
of this section, any person desiring to purchase any state
forfeited tax land shall make application in writing to the
Secretary of State for the purchase of such land, and shall state
in such application:

(a) A correct description of the land sought to be
purchased.

(b) The name of the former owner and the name of the
person to whom such land was assessed at the time of such tax
sale, and the post office address of such former owner and the
post office address of the person to whom such land was assessed
at the time of such sale, if known to the applicant.

(c) Whether or not such land is occupied at the date of
the filing of such application, and the name of the person
occupying such land, if any.

(d) The nature and value of the improvements on such
land.

(e) The approximate quantity of the merchantable timber
on such land, if any.
(f) Such other special information as the Secretary of State with the approval of the Governor may require.

Each such application shall be signed by the applicant and shall contain a declaration that the statements and information submitted in the application are true and correct and are made under penalty of perjury. The Secretary of State may require such additional information with reference to the value of such lands, the nature and condition of the buildings and improvements on such lands, and the value of the timber on such lands as he may deem necessary. Such applications shall be filed by the Secretary of State in the order in which they are received. Each application shall be given a serial number and shall be entered on a record book on the day it is received. Such record book shall show the name of the applicant, the serial number of the application, and the county in which the property is situated.

Such application so filed shall remain on file with the Secretary of State at least thirty (30) days before same is acted upon and finally approved or disapproved. Applications made by the State Transportation Commission or the boards of supervisors of the various counties of the state for rights-of-way over and across tax-forfeited land may be acted upon immediately after filing, and shall not be required to be on file the thirty (30) days herein provided. Likewise, transfers of any tax land to another state agency, county, municipality or political subdivision of the state made under authority of Section 29-1-21 may be acted on immediately and shall not be required to be on file the thirty (30) days provided herein.

(2) The Secretary of State, with the approval of the Governor, may dispose of any state forfeited tax land by sealed bids after three (3) weeks' advertisement in a newspaper in the county in which such land is located.

SECTION 2. Section 29-1-81, Mississippi Code of 1972, is amended as follows:
29-1-81. All conveyances of land by the state in fee shall be by patent issued from the Secretary of State's office; every patent issued shall be under the great seal, signed by the Secretary of State.

Such patent shall be issued in triplicate by the Office of the Secretary of State, the original of which shall be delivered to the patentee, one (1) copy thereof retained by the Secretary of State among the records of his office, and the third copy shall be mailed to the tax assessor of the county in which the land so patented is located on or before the fifteenth day of the month succeeding the date upon which the same was issued. Any patent issued under the provisions of this chapter which is not filed with the chancery clerk for recording within six (6) months from the date of the issuance of said patent shall be null and void and of no effect. Upon request by the patentee, the Secretary of State may file the original patent with the chancery clerk and such filing shall constitute delivery of the patent to the patentee. Prior to filing the original patent, the Secretary of State shall collect from the patentee a sum sufficient to cover the cost of filing the original patent.

All contracts of sale of public lands shall be issued from the Secretary of State's office in duplicate; and every contract issued shall be under the great seal, signed by the Secretary of State and countersigned by the Governor.

No more than one-quarter (1/4) section of land shall be embraced in the same patent or contract, except as otherwise provided by law.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.