

By: Representatives McCoy, Morris, Smith
(39th)

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 1285

1 AN ACT TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT CERTAIN PURCHASES OF LAND UNDER THE MISSISSIPPI MAJOR
3 ECONOMIC IMPACT ACT FROM THE PROVISIONS THAT REQUIRE THE TITLE OF
4 ALL LAND HELD BY A STATE AGENCY TO APPEAR UNDER THE NAME OF THE
5 STATE, THAT GIVE THE SECRETARY OF STATE CERTAIN POWERS AND DUTIES
6 WITH REGARD TO THE SALE AND PURCHASE OF LAND BY A STATE AGENCY AND
7 THAT REQUIRE CERTAIN NOTICE TO BE GIVEN BEFORE THE PURCHASE OR
8 SALE OF LAND BY A STATE AGENCY; AND FOR RELATED PURPOSES.

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

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

12 29-1-1. (1) Except as otherwise provided in subsection (7)
13 and subsections (7), (8) and (9) of this section, the title to all
14 lands held by any agency of the State of Mississippi which were
15 acquired solely by the use of funds appropriated by the state
16 shall appear on all deeds and land records under the name of the
17 "State of Mississippi." For the purpose of this section, the term
18 "agency" shall be defined as set forth in Section 31-7-1(a). The
19 provisions of this section shall not affect the authority of any
20 agency to use any land held by the agency. No assets or property
21 of the Public Employees' Retirement System of Mississippi shall be
22 transferred in violation of Section 272A of the Mississippi
23 Constitution of 1890. Before September 1, 1993, each state agency
24 shall inventory any state-held lands which were acquired solely by
25 the use of funds appropriated by the state, and which are titled
26 in the name of the agency. The agency shall execute quitclaim
27 deeds and any other necessary documents to transfer the name and
28 title of the property to the State of Mississippi.

29 (2) The Secretary of State, under the general direction of
30 the Governor and as authorized by law, shall sell and convey the



31 public lands in the manner and on the terms provided herein for
32 the several classes thereof; he shall perform all the
33 administrative and executive duties appertaining to the selection,
34 location, surveying, platting, listing, and registering these
35 lands or otherwise concerning them; and he shall investigate the
36 status of the various "percent" funds accrued and accruing to the
37 state from the sale of lands by the United States, and shall
38 collect and pay the funds into the treasury in the manner provided
39 by law.

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



63 state-held lands shall be deposited into the State General Fund
64 unless otherwise provided by law.

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

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

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



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

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

103 (9) Any lands purchased by the Mississippi Major Economic
104 Impact Authority for a "project" as defined in Section 57-75-5,
105 are excluded from the provisions of this section.

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

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

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

125 (b) That there are quantifiable benefits that will
126 inure to the state agency or other entity to which the proposed



127 conveyance is to be made which outweigh any quantifiable costs to
128 the state agency authorized to make the conveyance; and

129 (c) That the state agency or other entity to which the
130 proposed conveyance is to be made lacks available funds to pay
131 fair market value for the property. If the state agency
132 authorized to convey such property fails to make such
133 determinations, then it shall not convey the property for less
134 than the fair market value of the property.

135 **SECTION 2.** This act shall take effect and be in force from
136 and after July 1, 2003.

