

By: Senator(s) Nunnelee

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2819

1 AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE APPLICATION FOR THE PURCHASE OF ANY STATE
3 FORFEITED TAX LANDS NEED NOT BE SWORN TO BUT SHALL CONTAIN A
4 DECLARATION THAT THE STATEMENTS AND INFORMATION SUBMITTED IN THE
5 APPLICATION ARE TRUE AND CORRECT AND ARE MADE UNDER PENALTY OF
6 PERJURY; TO AUTHORIZE THE SECRETARY OF STATE TO ACT UPON
7 APPLICATIONS MADE BY STATE AGENCIES, COUNTIES, MUNICIPALITIES AND
8 OTHER POLITICAL SUBDIVISIONS OF THE STATE, IMMEDIATELY AFTER THE
9 APPLICATION IS FILED; TO AMEND SECTION 29-1-81, MISSISSIPPI CODE
10 OF 1972, TO AUTHORIZE THE SECRETARY OF STATE, UPON REQUEST OF THE
11 PURCHASER, TO FILE THE ORIGINAL PATENT WITH THE CHANCERY CLERK
12 WHICH SHALL CONSTITUTE DELIVERY OF THE PATENT TO THE PURCHASER;
13 AND FOR RELATED PURPOSES.

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

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

17 29-1-37 (1) Except as otherwise provided in subsection (2)
18 of this section, any person desiring to purchase any state
19 forfeited tax land shall make application in writing to the
20 Secretary of State for the purchase of such land, and shall state
21 in such application:

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

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

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



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

34 (e) The approximate quantity of the merchantable timber
35 on such land, if any.

36 (f) Any other special information as the Secretary of
37 State with the approval of the Governor may require.

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

51 An application so filed shall remain on file with the
52 Secretary of State at least thirty (30) days before it is acted
53 upon and finally approved or disapproved. Applications made by
54 state agencies, counties, municipalities or other political
55 subdivisions of the state may be acted upon immediately after
56 filing, and shall not be required to be on file the thirty (30)
57 days herein provided.

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

62 **SECTION 2.** Section 29-1-81, Mississippi Code of 1972, is
63 amended as follows:



64 29-1-81. (1) All conveyances of land by the state in fee
65 shall be by patent issued from the Secretary of State's office;
66 every patent issued shall be under the great seal, signed by the
67 Secretary of State.

68 (2) (a) The patent shall be issued in triplicate by the
69 Office of the Secretary of State, the original of which shall be
70 delivered to the patentee, one (1) copy thereof retained by the
71 Secretary of State among the records of his office, and the third
72 copy shall be mailed to the tax assessor of the county in which
73 the land so patented is located on or before the fifteenth day of
74 the month succeeding the date upon which the patent was issued.

75 (b) The Secretary of State may file the original patent
76 with the chancery clerk and such filing shall constitute the
77 delivery of the patent to the patentee. Prior to filing the
78 original patent, the Secretary of State shall collect from the
79 patentee the sum of Twenty Dollars (\$20.00) to cover the cost of
80 filing the patent. Failure of the Secretary of State to file the
81 patent shall not affect its validity.

82 * * *

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

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

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

