

By: Senator(s) Nunnelee

To: Judiciary

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

76 (b) Upon request of the patentee, the Secretary of
77 State may file the original patent with the chancery clerk and
78 such filing shall constitute the delivery of the patent to the
79 patentee. Prior to filing the original patent, the Secretary of
80 State shall collect for the patentee a sum sufficient to cover the
81 cost of filing the patent.

82 (c) Any patent issued under the provisions of this
83 chapter which is not filed with the chancery clerk for recording
84 within six (6) months from the date of the issuance of said patent
85 shall be null and void and of no effect.

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

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

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

