

By: Senator(s) Blount

To: Public Property;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2111
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-45-21, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE CHANCERY CLERKS TO ELECTRONICALLY CERTIFY TO THE
3 SECRETARY OF STATE THE LIST OF ALL LANDS STRUCK OFF TO THE STATE
4 FOR TAXES; TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO
5 AUTHORIZE THE SECRETARY OF STATE TO SELL STATE-FORFEITED TAX LANDS
6 BY ONLINE AUCTION; TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF
7 1972, TO REMOVE THE JULY 1, 2016 REPEAL DATE ON THE PROVISION THAT
8 PLACES RESTRICTIONS ON THE PURCHASE OR OWNERSHIP OF TAX-FORFEITED
9 LANDS BY CORPORATIONS AND NONRESIDENT ALIENS; TO AMEND SECTION
10 29-1-81, MISSISSIPPI CODE OF 1972, TO MODIFY THE PROCEDURE FOR THE
11 CONVEYANCE OF LAND BY THE STATE IN FEE; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 27-45-21, Mississippi Code of 1972, is
14 amended as follows:

15 27-45-21. (1) It shall be the duty of the chancery clerk,
16 within thirty (30) days after the period of redemption has
17 expired, to certify to the * * * Secretary of State a list, on
18 forms provided by the * * * Secretary of State, of all lands
19 struck off to the state for taxes, which have not been
20 redeemed. * * * The list shall show a description of the land,
21 all costs, officer's and printer's fees, the tax for which it
22 sold, segregated as to state, county, levee and drainage



23 districts, and of all taxes due on * * * the lands for the year in
24 which it was struck off to the state, segregated as to state,
25 county, levee and drainage districts, a total of two (2) years'
26 taxes listed separately (the taxes for which it sold and accrued
27 taxes for one (1) year). If any chancery clerk shall fail or
28 neglect to transmit such lists within the time specified, he shall
29 be liable to the state on his official bond in the penalty of
30 Fifty Dollars (\$50.00) for each day that he is in default * * *.
31 The penalty to be collected by the * * * Department of Revenue, or
32 by the Attorney General, in a suit instituted for that purpose
33 upon request of the * * * Secretary of State; provided that
34 the * * * Secretary of State, if so requested by any chancery
35 clerk before the expiration of ten (10) days and for good cause
36 shown, may grant a reasonable extension of the time within
37 which * * * the clerk shall transmit his list.

38 (2) The Secretary of State may provide the forms described
39 in subsection (1) of this section for certifying lands struck off
40 to the state for taxes to the chancery clerk as an electronic
41 record. The chancery clerk may certify the list of all lands
42 struck off to the state by completing and submitting the form
43 containing the electronic signature of the chancery clerk to the
44 Secretary of State. An electronic record of the list submitted by
45 the chancery clerk to the Secretary of State in the prescribed
46 form and containing the electronic signature of the chancery clerk



47 shall vest good title in the State of Mississippi to all lands
48 listed in the form.

49 **SECTION 2.** Section 29-1-37, Mississippi Code of 1972, is
50 amended as follows:

51 29-1-37 (1) Except as otherwise provided in subsection (2)
52 of this section, any person desiring to purchase any
53 state-forfeited tax land shall make application in writing to the
54 Secretary of State for the purchase of such land, and shall state
55 in such application:

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

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

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

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

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

70 (f) Any other special information as the Secretary of
71 State, with the approval of the Governor, may require.



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

85 An application so filed shall remain on file with the
86 Secretary of State at least thirty (30) days before it is acted
87 upon and finally approved or disapproved. Applications made by
88 state agencies, counties, municipalities or other political
89 subdivisions of the state may be acted upon immediately after
90 filing, and shall not be required to be on file the thirty (30)
91 days herein provided.

92 (2) Except as otherwise provided in subsection (3) of this
93 section, the Secretary of State, with the approval of the
94 Governor, may dispose of any state-forfeited tax land by sealed
95 bids after three (3) weeks' advertisement in a newspaper in the
96 county in which such land is located.



97 (3) The Secretary of State may sell state-forfeited tax land
98 by online auction. The Secretary of State may establish
99 procedures and adopt administrative rules for the sale of
100 state-forfeited tax land by online auction.

101 **SECTION 3.** Section 29-1-75, Mississippi Code of 1972, is
102 amended as follows:

103 29-1-75. (1) Except as otherwise provided in this section,
104 neither a corporation nor a nonresident alien, nor any association
105 of persons composed in whole or in part of nonresident aliens,
106 shall directly or indirectly purchase or become the owner of any
107 of the public lands; and every patent issued in contravention
108 hereof shall be void.

109 (2) (a) A banking corporation owning such tax-forfeited
110 lands or holding a mortgage or deed of trust thereon at the time
111 of the sale to the state, and whose mortgage or deed of trust is
112 still in force and effect, may purchase such lands, regardless of
113 acreage, owned by it as aforesaid or on which it held a mortgage
114 or deed of trust. In event of a purchase by such corporation as a
115 mortgagee, such lands shall be held for the benefit of the
116 mortgagor subject to all the terms and conditions of the mortgage
117 or deed of trust held by the purchasing banking corporation and,
118 upon payment of the debt secured by such mortgage or deed of
119 trust, together with interest and incidents, such banking
120 corporation shall in that event reconvey such lands to the
121 original mortgagor, his heirs or assigns.



122 (b) Any other nonbanking corporation may purchase lands
123 sold or forfeited to the state for delinquent taxes under any
124 section of Chapter 1, Title 29, specifically relating to the sale
125 of such tax-forfeited lands by the Secretary of State. A
126 nonbanking corporation purchasing land sold or forfeited to the
127 state shall be subject to the acreage limitations of Section
128 29-1-73.

129 (c) Nonresident aliens may acquire and hold not to
130 exceed three hundred twenty (320) acres of public lands in this
131 state for the purpose of industrial development thereon. In
132 addition, any nonresident alien may acquire and hold not to exceed
133 five (5) acres of public lands for residential purposes. If any
134 land acquired by a nonresident alien for the purpose of industrial
135 development ceases to be used for industrial development, it shall
136 escheat to the public body that sold such land to the nonresident
137 alien.

138 *(3) This section shall stand repealed on July 1, *** 2019.*

139 **SECTION 4.** Section 29-1-81, Mississippi Code of 1972, is
140 amended as follows:

141 29-1-81. (1) All conveyances of land by the state in fee
142 shall be by patent issued from the Secretary of State's office;
143 every patent issued shall be under the great seal, signed by the
144 Secretary of State.

145 (2) (a) The patent shall be issued ******* by the Office of
146 the Secretary of State ******* and delivered to the patentee *******.



147 A copy thereof shall be retained by the Secretary of State among
148 the records of his office * * *.

149 (b) The Secretary of State may file the original patent
150 with the chancery clerk and such filing shall constitute the
151 delivery of the patent to the patentee. Prior to filing the
152 original patent, the Secretary of State shall collect from the
153 patentee the sum of Twenty Dollars (\$20.00) to cover the cost of
154 filing the patent. Failure of the Secretary of State to file the
155 patent shall not affect its validity.

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

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

163 **SECTION 5.** This act shall take effect and be in force from
164 and after July 1, 2016.

