

By: Representative Weathersby

To: Public Property

HOUSE BILL NO. 735

1 AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE THE WAITING PERIOD FOR ACTION ON APPLICATIONS FOR THE
3 PURCHASE OF TAX FORFEITED LANDS FROM THE SECRETARY OF STATE; TO
4 AMEND SECTIONS 29-1-85 AND 29-1-87, MISSISSIPPI CODE OF 1972, TO
5 CLARIFY THE REFUND PROCEDURE FOR CANCELLATION OF PATENTS; AND FOR
6 RELATED PURPOSES.

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

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

10 29-1-37 (1) Except as otherwise provided in subsection (2)
11 of this section, any person desiring to purchase any
12 state-forfeited tax land shall make application in writing to the
13 Secretary of State for the purchase of such land, and shall state
14 in such application:

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

17 (b) The name of the former owner and the name of the
18 person to whom such land was assessed at the time of such tax
19 sale, and the post office address of such former owner and the



20 post office address of the person to whom such land was assessed
21 at the time of such sale, if known to the applicant.

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

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

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

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

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

44 * * *



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

50 (3) The Secretary of State may sell state-forfeited tax land
51 by online auction. The Secretary of State may establish
52 procedures and adopt administrative rules for the sale of
53 state-forfeited tax land by online auction.

54 **SECTION 2.** Section 29-1-85, Mississippi Code of 1972, is
55 amended as follows:

56 29-1-85. If the title to any public land * * * sold by the
57 state through the * * * State Fiscal Officer or * * * Secretary of
58 State or by any municipality shall fail, or shall have failed, not
59 including land forfeited to the state for the nonpayment of ad
60 valorem taxes, the state or such municipality, as the case may be,
61 shall refund the purchase money to its vendee or his heirs or
62 assigns; and if no profits have been received from said lands,
63 then all taxes shall be returned also, and all fees paid, with
64 interest at six * * * percent (6%) per annum. Except as provided
65 in this chapter, the question of failure of title can only be
66 determined in a suit filed in the county in which the land is
67 situated, and the * * * Secretary of State or the municipality, as
68 the case may be, shall be made a party to every such suit. Where
69 such failure of title shall have been caused by the cancellation



70 of a contract or a patent issued by the state, or a deed from the
71 municipality, under the requirements of any law or decree of a
72 chancery court of this state, directing cancellation in favor of
73 prior purchasers, or through the failure of the state's title, or
74 the title of the municipality, as the case may be, where such
75 failure shall have been caused by the striking of the land from
76 the state land rolls under the requirements of any law of this
77 state, the failure of title so caused shall not be required to be
78 determined by decree of court.

79 **SECTION 3.** Section 29-1-87, Mississippi Code of 1972, is
80 amended as follows:

81 29-1-87. (1) If the State of Mississippi, through the * * *
82 State Fiscal Officer or * * * Secretary of State's office, has
83 heretofore issued or shall hereafter issue a patent or patents for
84 any lands to which the state holds no title, or which did not
85 belong to it at the time of the issuance of such patent or
86 patents, or any part of which land may have caved into the river
87 before the issuance of such patent or patents, or by oversight or
88 otherwise two (2) patents may have been or may hereafter be issued
89 therefor, the * * * Secretary of State shall investigate the case
90 and report to the Attorney General, who, if he shall find the
91 lands so patented did not belong to the state, shall so report to
92 the * * * Secretary of State. If the * * * Secretary of State
93 shall find that such lands or any part thereof had caved into the
94 river before the issuance of such patent, or that the patentee did



95 not acquire any land or title under such patent, he shall mark
96 such patent or patents or, in case of the loss of the original, a
97 certified copy of such patents, "cancelled," and * * * refund to
98 the purchaser the amount paid to and retained by the state for
99 such cancelled patent or patents, if any. The * * * Secretary of
100 State shall certify all such cancellations to the clerk of the
101 chancery court of the county in which said patents have been
102 recorded, and said clerk shall thereupon cancel the record of it.
103 That part of the purchase price paid to the * * * local government
104 entities by the * * * Secretary of State shall be refunded to the
105 purchaser of such lands by the * * * local governmental entities
106 having received such funds. Any fees paid to the local
107 governmental entities shall be refunded to the purchaser by the
108 recipient of such fees. When only a part of the purchase money is
109 refunded, it shall be first noted by the * * * Secretary of State
110 in ink across the face of such patent and then noted by the
111 chancery clerk upon the record of patent, cancelling it in such
112 proportion only.

113 (2) Except as provided in this chapter, the question of
114 failure of title can only be determined in a suit filed in the
115 county in which the land is situated, and the Secretary of State
116 or municipality, as the case may be, shall be made a party to
117 every such suit. Where such failure of title shall have been
118 caused by the cancellation of a contract or a patent issued by the
119 state, under the requirements of any law or decree of a chancery



120 court of this state, directing cancellation in favor of prior
121 purchasers, or through the failure of the state's title, as the
122 case may be, where such failure shall have been caused by the
123 striking of the land from the state land rolls under the
124 requirements of any law of this state, the failure of title so
125 caused shall not be required to be determined by decree of court.

126 **SECTION 4.** This act shall take effect and be in force from
127 and after July 1, 2018.

