

By: Senator(s) Blount

To: Public Property;
Appropriations

SENATE BILL NO. 2787

1 AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REQUIREMENT THAT CERTAIN APPLICATIONS FOR THE PURCHASE
3 OF STATE-FORFEITED TAX LAND MUST REMAIN ON FILE FOR 30 DAYS BEFORE
4 THEY MAY BE ACTED UPON AND FINALLY APPROVED OR DISAPPROVED; TO
5 AMEND SECTIONS 29-1-85 AND 29-1-87, MISSISSIPPI CODE OF 1972, TO
6 CLARIFY THE PROCEDURE FOR REFUNDS TO PURCHASERS OF AMOUNTS PAID TO
7 THE STATE FOR PATENTS ON LAND THAT HAVE BEEN CANCELLED; AND FOR
8 RELATED PURPOSES.

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

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

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

17 (a) A correct description of the land sought to be
18 purchased.

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



22 owner and the post office address of the person to whom * * * the
23 land was assessed at the time of * * * the sale, if known to the
24 applicant.

25 (c) Whether or not * * * the land is occupied at the
26 date of the filing of such application, and the name of the person
27 occupying * * * the land, if any.

28 (d) The nature and value of the improvements on * * *
29 the land.

30 (e) The approximate quantity of the merchantable timber
31 on * * * the land, if any.

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

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



47 * * *

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

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

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

59 29-1-85. If the title to any public land * * * sold by the
60 state through the * * * State Fiscal Officer or * * * Secretary of
61 State or by any municipality, except land forfeited to the state
62 for the nonpayment of ad valorem taxes, shall fail, or shall have
63 failed, the state or * * * the municipality, as the case may be,
64 shall refund the purchase-money to its vendee or his heirs or
65 assigns; and if no profits have been received from * * * the
66 lands, then all taxes shall be returned also, and all fees paid,
67 with interest at six * * * percent (6%) per annum. Except as
68 provided in this chapter, the question of failure of title can
69 only be determined in a suit filed in the county in which the land
70 is situated, and the * * * Secretary of State or the municipality,
71 as the case may be, shall be made a party to * * * the suit.



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

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

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



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

117 (2) Except as provided in this chapter, the question of
118 failure of title can only be determined in a suit filed in the
119 county in which the land is situated, and the Secretary of State
120 or municipality, as the case may be, shall be made a party to the
121 suit. Where the failure of title shall have been caused by the



122 cancellation of a contract or a patent issued by the state under
123 the requirements of any law or decree of a chancery court of this
124 state directing cancellation in favor of prior purchasers, or
125 through the failure of the state's title, as the case may be,
126 where the failure shall have been caused by the striking of the
127 land from the state land rolls under the requirements of any law
128 of this state, the failure of title so caused shall not be
129 required to be determined by decree of court.

130 **SECTION 4.** This act shall take effect and be in force from
131 and after its passage.

