

By: Senator(s) Dawkins

To: Accountability,
Efficiency, Transparency;
Elections

SENATE BILL NO. 2635

1 AN ACT TO CODIFY SECTION 7-11-1, MISSISSIPPI CODE OF 1972, TO
2 REESTABLISH THE OFFICE OF STATE LAND COMMISSIONER AND PROVIDE FOR
3 HIS ELECTION AT THE SAME TIME AND MANNER AS OTHER STATE OFFICIALS
4 ARE ELECTED; TO EMPOWER AND AUTHORIZE THE STATE LAND COMMISSIONER
5 TO HAVE GENERAL SUPERVISION OVER PUBLIC LANDS, SIXTEENTH SECTION
6 OR LIEU LANDS, CHICKASAW SCHOOL LANDS AND LANDS FORFEITED TO THE
7 STATE FOR NONPAYMENT OF TAXES TO THE SAME EXTENT AS SUCH LANDS ARE
8 SUPERVISED BY THE SECRETARY OF STATE; TO AMEND SECTIONS 7-11-2,
9 7-11-3, 7-11-4, 7-11-6, 7-11-8, 7-11-11, 7-11-13, 7-11-15,
10 7-11-17, 7-11-19, 7-11-25 AND 29-3-1.1, MISSISSIPPI CODE OF 1972,
11 IN CONFORMITY; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** The following provision shall be codified as
14 Section 7-11-1, Mississippi Code of 1972:

15 7-11-1. (1) Effective with the November 2019 general
16 election, there shall be a State Land Commissioner, who shall be
17 elected as other state officers are in the general election, whose
18 term of office shall be four (4) years, and until his successor
19 shall have been qualified. He shall possess the same
20 qualifications as are required of the Secretary of State, and
21 shall qualify as other state officers, and shall be paid a salary
22 equal to the Secretary of State per year out of the State Treasury



for his services. The State Land Commissioner may also employ such clerks and may employ necessary stenographic help. The salaries of the clerks and the stenographic help shall be fixed by the State Land Commissioner and paid out of any money appropriated to the State Land Commissioner's office for such purposes.

(2) The State Land Commissioner shall have charge of the swamp and the overflowed lands and indemnity lands in lieu thereof, the internal improvement lands, the Chickasaw school lands, for supervisory purposes the Choctaw school or sixteenth section lands, the lands forfeited to the state for nonpayment of taxes after the time allowed by law for redemption shall have expired, and of all other public lands belonging to or under the control of the Secretary of State; and the regulation, sale and disposition of all such lands, except the sixteenth section school lands, shall be made through the State Land Office.

SECTION 2. Section 7-11-2, Mississippi Code of 1972, is amended as follows:

7-11-2. Effective January 1, 2020, the Public Lands Division of the Office of * * * Secretary of State as heretofore existing is hereby abolished, and all the duties, responsibilities and title of said office are transferred to the Office of * * * the State Land Commissioner, who shall perform the duties heretofore performed by the * * * Public Lands Division of the Office of Secretary of State for the State of Mississippi.



47 **SECTION 3.** Section 7-11-3, Mississippi Code of 1972, is
48 amended as follows:

49 7-11-3. The * * * State Land Commissioner shall have custody
50 of the records of the Surveyor General's office turned over to
51 this state by the United States, all field notes, plats and maps
52 of surveys of lands belonging to the old Office of Swamp Land
53 Commissioner and all other papers, documents and records which
54 were formerly kept in the land office. All such records now in
55 the possession of any other officer shall be delivered to
56 the * * * State Land Commissioner.

57 **SECTION 4.** Section 7-11-4, Mississippi Code of 1972, is
58 amended as follows:

59 7-11-4. The words * * * "Secretary of State," "State Land
60 Office" and "land office" shall mean the * * * reestablished
61 Office of the State Land Commissioner wherever they appear in
62 Sections 3-5-11, 21-33-69, 21-37-49, 25-7-83, 27-3-43, 27-29-1,
63 27-35-65, 27-35-69, 27-39-319, 27-45-21, 29-1-1, 29-1-5, 29-1-7,
64 29-1-9, 29-1-13, 29-1-17, 29-1-21, 29-1-25, 29-1-27, 29-1-31,
65 29-1-33, 29-1-35, 29-1-37, 29-1-43, 29-1-49, 29-1-51, 29-1-53,
66 29-1-55, 29-1-57, 29-1-59, 29-1-61, 29-1-63, 29-1-65, 29-1-67,
67 29-1-69, 29-1-71, 29-1-77, 29-1-79, 29-1-83, 29-1-85, 29-1-87,
68 29-1-89, 29-1-91, 29-1-93, 29-1-95, 29-1-99, 29-1-101, 29-1-107,
69 29-1-111, 29-1-113, 29-1-115, 29-1-119, 29-1-123, 29-1-131,
70 29-1-133, 33-11-11, 49-5-1, 51-29-81, 51-29-85, 51-29-87,
71 51-33-43, 51-33-45, 51-35-159, 55-3-9, 55-7-13, 55-13-31, 59-9-21,



59-9-67, 89-11-3, 89-11-15, 89-11-19, 89-11-21, 89-11-27 and
89-11-29, Mississippi Code of 1972, or in any other place where
they appear in the laws of this state.

SECTION 5. Section 7-11-6, Mississippi Code of 1972, is
amended as follows:

7-11-6. The * * * State Land Commissioner shall appoint a
competent attorney to be designated as an Assistant * * * State
Land Commissioner, who shall have the responsibilities of
performing the function of the former * * * Public Lands Division
of the Office of Secretary of State in addition to any other
duties as assigned by the * * * State Land Commissioner.

The * * * State Land Commissioner is empowered and authorized
to employ such other office assistants, clerical employees and
field inspectors on either a temporary or permanent basis as shall
be necessary to perform the former duties and functions of the
State Land Office. * * * The * * * Secretary of State shall
deliver the seal, all records, reports and other property of
the * * * Public Lands Division of the Office of Secretary of
State to the * * * State Land Commissioner prior to the expiration
of his term of office.

SECTION 6. Section 7-11-8, Mississippi Code of 1972, is
amended as follows:

7-11-8. It is the intent of the Legislature that the
functions formerly assigned to the Secretary of State by this
chapter shall be merged and coordinated with similar functions



being exercised by the reestablished State Land Office on * * *
January 1, 2020.

SECTION 7. Section 7-11-11, Mississippi Code of 1972, is
amended as follows:

7-11-11. The * * * State Land Commissioner shall have charge
of the swamp and the overflowed lands and indemnity lands in lieu
thereof, the internal improvement lands, the lands forfeited to
the state for nonpayment of taxes after the time allowed by law
for redemption shall have expired, and of all other public lands
belonging to or under the control of the state. The regulation,
sale and disposition of all such lands shall be made through
the * * * State Land Commissioner's office.

The * * * State Land Commissioner shall sign all conveyances
and leases of any and all state-owned lands and shall record same
in a book kept in his office for such purposes.

SECTION 8. Section 7-11-13, Mississippi Code of 1972, is
amended as follows:

7-11-13. All state land records, all levee land records, and
all other land records, except assessment rolls, shall be kept in
the Office of the * * * State Land Commissioner and be held by
him.

The * * * State Land Commissioner shall keep a record of all
state-owned lands in a separate and well-bound book. He is
authorized and empowered to request of any board, commission,
department or other state agency having under its jurisdiction



state-owned lands the records herein required to be recorded in his office, and it shall be the duty of any state agency to comply with the request of the * * * State Land Commissioner.

SECTION 9. Section 7-11-15, Mississippi Code of 1972, is amended as follows:

7-11-15. The * * * State Land Commissioner shall secure a sufficient number of suitable and well-bound books for each county, so that the lands now or hereafter owned by the state may be complied therein. The books, in addition to the necessary columns on which to list all necessary information with reference to the lands owned, shall contain a column on which to number all patents or contracts issued and any other information. The order of arrangement and all other matters pertaining thereto are hereby specifically left to the discretion of the * * * State Land Commissioner.

In addition to the foregoing records, the * * * State Land Commissioner shall provide and cause to be kept a separate register of the several different classes of lands, with appropriate references to other records or documents for information concerning the whole class, and of each parcel, if need be. He may cause correct township maps to be prepared from the field notes of original surveys, with all errors in the location of natural objects, if any there be, corrected, which maps may be supplied to the several counties at reasonable prices;



and he may, in like manner, have maps and plats lithographed and sold.

The * * * State Land Commissioner shall procure a sufficient number of forms of certificates which shall be used by the chancery clerks of each of the various counties in certifying to the * * * State Land Commissioner's office lands sold to the state for unpaid taxes in his county, and the * * * State Land Commissioner shall provide such certificates in such form that they may be bond by him and used as a part of the permanent records of his office. The said chancery clerks shall use only such forms of certificates in certifying said lands to the * * * State Land Commissioner's office, and failure to do so shall subject such chancery clerk so refusing or failing to do so, and his bondsman, to a penalty of Five Hundred Dollars (\$500.00), which penalty shall be collected by the Attorney General in a suit therefor filed in the name of the State of Mississippi. Such certificates, before being filed by the * * * State Land Commissioner, shall be examined by the Attorney General. The Secretary of State, with the approval of the Attorney General, shall strike from such certificates all lands which, by reason of insufficient description or other cause, in the opinion of the Attorney General are not the property of the state; and the title of the state to such lands as may be thus stricken off shall be thereby relinquished.



170 **SECTION 10.** Section 7-11-17, Mississippi Code of 1972, is
171 amended as follows:

172 7-11-17. The land records in the * * * State Land
173 Commissioner's office shall be carefully preserved and valuable
174 records shall be bound and rebound when necessary.

175 **SECTION 11.** Section 7-11-19, Mississippi Code of 1972, is
176 amended as follows:

177 7-11-19. The * * * State Land Commissioner shall furnish to
178 any party interested therein a copy or exemplification of any
179 record, patent, plat, diagram, township plat or map, field notes,
180 surveys or other paper or document deposited in the Office of
181 the * * * State Land Commissioner and relating to the selection,
182 location and survey of the public lands or otherwise concerning
183 the same, upon the party paying therefor the fees allowed by law.

184 **SECTION 12.** Section 7-11-25, Mississippi Code of 1972, is
185 amended as follows:

186 7-11-25. The * * * State Land Commissioner shall make a
187 report to the legislature at each regular session of all the
188 business transactions in the * * * State Land Commissioner's
189 office pertaining to public lands for the preceding fiscal year.
190 He shall state therein the monthly sale of land, of what class and
191 where situated, amount of purchase-money received for each, the
192 totals of his monthly reports to the Auditor of fees collected;
193 and he shall make such recommendations as may seem proper.



194 **SECTION 13.** Section 29-3-1.1, Mississippi Code of 1972, is
195 amended as follows:

196 29-3-1.1. For purposes of this chapter, the following terms
197 shall have the meaning ascribed herein, unless the context shall
198 otherwise require * * *:

199 (a) "Board of education" shall mean that school board
200 of the school district in whose present jurisdiction (i) is
201 situated a sixteenth section of land, or (ii) was originally
202 situated a sixteenth section of land for which land has been
203 granted in lieu thereof. Provided, however, that in the event a
204 sixteenth section is situated within two (2) or more school
205 districts, the term "board of education" shall mean that school
206 board whose school district embraces the greatest land area within
207 the township in which said sixteenth section is located.

208 (b) "Superintendent of education" shall mean that
209 superintendent of schools of a school district whose board of
210 education has control and jurisdiction over any sixteenth section
211 lands or lands granted in lieu thereof.

212 (c) "Secretary of State" shall mean the reestablished
213 State Land Office of the State Land Commissioner elected under
214 Section 7-11-1.

215 **SECTION 14.** Section 1 of this act shall take effect and be
216 in force from and after July 1, 2019. Sections 2 through 13 of
217 this act shall take effect and be in force from and after January
218 1, 2020.

