

By: Representative Turner

To: Public Property

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1439

1 AN ACT TO AMEND SECTION 29-1-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE SCHOOL DISTRICT OFFICIALS TO REPORT INFORMATION ON THE
3 MANAGEMENT OF SIXTEENTH SECTION LAND LEASES AS REQUESTED BY THE
4 SECRETARY OF STATE AND TO REVISE THE INFORMATION THAT MUST BE
5 INCLUDED IN SUCH REPORTS; TO AMEND SECTION 29-3-82, MISSISSIPPI
6 CODE OF 1972, TO REVISE THE MANNER IN WHICH CERTAIN SIXTEENTH
7 SECTION LAND LEASES ARE EXECUTED AND PROVIDED TO THE SECRETARY OF
8 STATE; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 29-1-3, Mississippi Code of 1972, is
11 amended as follows:

12 29-1-3. (1) The * * * Secretary of State has a supervisory
13 power over sixteenth section lands or lands granted in lieu
14 thereof; and he shall supply to the members of the Legislature,
15 the boards of supervisors, the boards of education and other
16 interested persons information concerning those lands and make
17 such recommendations and suggestions as he may deem proper.

18 (2) The * * * Secretary of State shall prepare a * * *
19 report which shall include the terms of all leases on sixteenth
20 section school lands, or lands granted in lieu thereof, the
21 condition of the title to all such lands and the current income



22 from all sources earned by such lands, and he shall maintain such
23 report in his office for examination by any interested person.

24 (3) Any state, county * * *, municipal or school district
25 official shall supply annually to the * * * Secretary of State
26 such sixteenth section management information as shall be
27 requested by the * * * secretary. Such information shall include,
28 but not be limited to, the following items pertaining to all new
29 leases, rights-of-way, easements and sales of school trust lands:
30 the number of acres in each parcel; the consideration paid for
31 each transaction; the length and expiration of each lease,
32 easement, or right-of-way; and the use to be made of each parcel.
33 The applicable public official shall likewise report information
34 requested by the * * * Secretary of State on schedule of revenue
35 and expenses and principal fund investments. Such information
36 shall include, but not be limited to, the following items:
37 revenues received from various sources; expenses; escrow funds;
38 principal funds; amounts of monies invested; dates of investment;
39 where invested; form of investment; rate of return of each
40 investment; and the amount of revenue earned upon each investment.
41 The information must be submitted in electronic format in the
42 manner required by the Secretary of State.

43 The action of mandamus shall lie as is provided under Section
44 29-3-9 to compel the transmittal of information under this
45 subsection by any public official to the best of his knowledge and
46 belief.



47 **SECTION 2.** Section 29-3-82, Mississippi Code of 1972, is
48 amended as follows:

49 29-3-82. The following procedure shall be followed for the
50 leasing of sixteenth section school lands or lands granted in lieu
51 thereof which are not classified as forest land or agricultural
52 land or leased under Section 29-3-99:

53 (a) Any present leaseholder who desires to renew his
54 lease, or any person who desires to lease sixteenth section or
55 lieu lands, shall make application to the superintendent of
56 education.

57 (b) Upon receipt of an application for the lease of
58 such lands, the superintendent of education shall promptly give
59 consideration to the application and he shall record his
60 recommendation in writing and present it to the board of education
61 at the next regular meeting of the board.

62 (c) The board of education, at its meeting, shall
63 consider the application and recommendation of the superintendent
64 of education and may receive any other information which it
65 considers bearing upon the approval of the application and lease
66 of such land. Within thirty (30) days of the receipt of an
67 application, the board shall act on the application and if such
68 action is favorable, the board of education shall submit to the
69 superintendent of education a suggested lease agreement.

70 (d) The superintendent of education shall then present
71 the lease to the board of supervisors of the county where such



72 land is located. Within thirty (30) days of the receipt of the
73 lease, the board of supervisors shall accept or reject the
74 proposed rental amount.

75 (e) If the board of supervisors accepts the lease as
76 proposed by the board of education, the superintendent of
77 education shall execute the lease to the applicant under the terms
78 and conditions set forth in the lease.

79 (f) If the board of supervisors refuses to accept the
80 rental value set by the board of education in the proposed lease,
81 the rental value of the lease shall be determined under the
82 provisions set forth in Section 29-3-1(2).

83 (g) All sixteenth section or lieu land leases shall be
84 reduced to writing and signed * * * by the president of the board
85 of supervisors, the president of the board of education and the
86 superintendent of education. The chancery clerk * * * shall
87 record the original on the deed records of the county, abstract
88 the lease as a mesne conveyance, and record it on the minutes of
89 the board of supervisors. The chancery clerk shall charge and
90 collect from the lessee the full recording fees. A certified copy
91 of the lease must be provided to the Secretary of State in the
92 format requested.

93 **SECTION 3.** This act shall take effect and be in force from
94 and after July 1, 2020.

