

By: Representative Yancey

To: Municipalities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1072

1 AN ACT TO AMEND SECTION 29-1-145, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF A CHANCERY CLERK OR MUNICIPAL CLERK NOTIFIES
3 THE SECRETARY OF STATE OF A HAZARDOUS TREE ON CERTIFIED TAX
4 FORFEITED PROPERTY AND SUCH TREE IS REMOVED, THEN THE COST OF THE
5 REMOVAL MAY BE SUBMITTED TO THE SECRETARY OF STATE FOR
6 REIMBURSEMENT; TO PROVIDE THAT THE MAINTENANCE COSTS SHALL BE PAID
7 WITH PROCEEDS FROM THE SALES OF TAX FORFEITED PROPERTIES FROM THE
8 PRECEDING YEAR RATHER THAN FROM FUNDS DEPOSITED INTO THE LAND
9 RECORDS MAINTENANCE FUND; TO AUTHORIZE THE SECRETARY OF STATE TO
10 WITHHOLD A CERTAIN PERCENTAGE OF ITS PROCEEDS FROM THE SALES OF
11 TAX FORFEITED LAND TO PAY FOR THE REMOVAL; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** Section 29-1-145, Mississippi Code of 1972, is
15 amended as follows:

16 29-1-145. The chancery clerk or municipal clerk shall report
17 to the Secretary of State any reasonable costs incurred by the
18 county or municipality in maintaining * * * lands sold for
19 taxes * * * that have been certified to the state. The Secretary
20 of State shall pay the maintenance costs * * * with the proceeds
21 from the sales of tax forfeited properties from the preceding
22 fiscal year. The Secretary of State shall certify to the
23 Department of Finance and Administration and to the State



24 Treasurer the amount of maintenance costs allowed to the county
25 and municipality, and the Department of Finance and Administration
26 shall issue a warrant in favor of the county or municipality for
27 the amount of those costs. In no event shall the maintenance
28 costs allowed the county or municipality exceed the market value
29 of the lands or the purchase money received from the sale of those
30 lands.

31 (2) (a) In the event the chancery clerk or municipal clerk
32 notifies the Secretary of State of a tree located on tax forfeited
33 property that has been certified to the state, which poses an
34 immediate harm to life or property of the adjoining parcels, the
35 chancery clerk or municipal clerk is authorized to remove the tree
36 and submit the cost of removal to the Secretary of State for
37 reimbursement.

38 (b) To pay for the removal of trees, the Secretary of
39 State is authorized to withhold up to ten percent (10%) of its
40 proceeds from the sales of tax forfeited properties.

41 (c) At the end of each fiscal year, remaining funds
42 held by the Secretary of State to pay for tree removal shall be
43 turned back into the State General Fund. If at any time the fund
44 is exhausted, the Secretary of State is not obligated to make
45 disbursements.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2023.

