

By: Representatives Yates, Summers

To: Municipalities;
Appropriations A

HOUSE BILL NO. 1220

1 AN ACT TO AMEND SECTION 29-1-145, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE THE SECRETARY OF STATE TO REIMBURSE COUNTIES AND
 3 MUNICIPALITIES FOR THE COST OF REMOVING TREES POSING A DANGER FROM
 4 TAX FORFEITED PROPERTY THAT HAS BEEN CERTIFIED TO THE STATE; TO
 5 PRESCRIBE THE MANNER IN WHICH FUNDS COLLECTED FOR THE MAINTENANCE
 6 OF TAX FORFEITED PARCELS ARE TO BE ALLOCATED TO COUNTIES AND
 7 MUNICIPALITIES; TO BRING FORWARD SECTION 29-1-95, MISSISSIPPI CODE
 8 OF 1972, WHICH CREATES THE LAND RECORDS MAINTENANCE FUND AND
 9 REQUIRES UNOBLIGATED FUNDS REMAINING AT THE END OF A FISCAL YEAR
 10 TO LAPSE INTO THE GENERAL FUND, FOR PURPOSES OF POSSIBLE
 11 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

15 29-1-145. (1) The chancery clerk or municipal clerk shall
 16 report to the Secretary of State any reasonable costs incurred by
 17 the county or municipality in maintaining * * * lands sold for
 18 taxes * * * which have been certified to the state. The Secretary
 19 of State shall pay the maintenance costs out of the money
 20 deposited into the Land Records Maintenance Fund. The Secretary
 21 of State shall certify to the Department of Finance and
 22 Administration and to the State Treasurer the amount of



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

29 (2) (a) If the chancery clerk or municipal clerk notifies
30 the Secretary of State of a tree located on tax forfeited property
31 that has been certified to the state, which tree poses an
32 immediate harm to life or property of the adjoining parcels, the
33 chancery clerk or municipal clerk may have the tree removed and
34 submit the cost of removal to the Secretary of State for
35 reimbursement.

36 (b) The Secretary of State may withhold up to ten
37 percent (10%) of its proceeds from the sales of tax forfeited
38 properties to pay for the removal of trees on tax forfeited
39 properties certified to the state.

40 (3) (a) From the remaining balance of funds collected for
41 the reasonable cost of cleanup or maintenance of those tax
42 forfeited properties certified to the state which, in the opinion
43 of the governing authorities, constitute a threat to public health
44 or safety, the Secretary of State shall allocate reimbursements,
45 subject to the provisions of paragraph (c), as follows: thirty
46 percent (30%) to the county or municipality in which the highest
47 number of tax forfeited parcels are located; and seventy percent



48 (70%) equally divided between the counties and municipalities in
49 which the second through tenth highest number of parcels are
50 located.

51 (b) The Secretary of State may adopt rules for the
52 distribution of those funds that are intended for the governmental
53 entities having the first through tenth highest number of parcels
54 under paragraph (a) which are remaining for reimbursement for the
55 reasonable cost of cleanup or maintenance of tax forfeited
56 properties.

57 (c) In reimbursing counties and municipalities under
58 this subsection, priority must be given to tax forfeited parcels
59 adjacent to public universities and colleges and areas with
60 increased economic growth.

61 (d) In effort to ensure adequate funding is available
62 to improve the tax forfeited properties for resale throughout the
63 entire state, a county or municipality may not receive funding
64 under this subsection for more than three (3) consecutive years.
65 After the expiration of a period of three (3) years following the
66 final year in which a county or municipality has received funding
67 during consecutive years, the county or municipality is again
68 eligible for reimbursement.

69 (e) A reimbursement under this subsection may not
70 exceed fifty percent (50%) of the market value of the property.



71 (5) If at any time the Land Records Maintenance Fund is
72 exhausted, the obligation of the Secretary of State to make
73 disbursements under this section is suspended.

74 **SECTION 2.** Section 29-1-95, Mississippi Code of 1972, is
75 brought forward as follows:

76 29-1-95. (1) All taxes due the county, municipality, public
77 school district, drainage district or levee board on lands sold to
78 the state for taxes and listed into the Secretary of State's
79 office shall remain in abeyance until the land be sold, and
80 thereafter such taxes shall be paid out of the purchase money; but
81 state, county, municipality, public school district, drainage
82 district or levee board taxes shall not accrue on such lands after
83 the fiscal year in which it was certified to the state. Upon the
84 payment of the purchase money of any tax land into the Treasury,
85 the Secretary of State shall certify to the Department of Finance
86 and Administration and to the Treasurer the amount of fees and
87 costs allowed to the county tax collector and chancery clerk, as
88 in cases of the redemption of lands from tax sales, under the
89 provisions of Section 25-7-21; and the Department of Finance and
90 Administration shall issue warrants in favor of such county tax
91 collector and chancery clerk for the amount of such fees. The
92 Secretary of State shall also certify to the Department of Finance
93 and Administration and the Treasurer the amount of the county,
94 municipality, public school district, drainage district and levee
95 board taxes for which said land was sold to the state, and all



96 taxes accruing on said land until the year in which it was
97 certified to the state; and the Department of Finance and
98 Administration shall issue warrants in favor of the proper county,
99 municipality, public school district, drainage district, and levee
100 board for the said four (4) years' taxes. The balance of the
101 purchase money shall be deposited into a special fund to be known
102 as the "Land Records Maintenance Fund," that is hereby created in
103 the State Treasury. The fund shall be administered by the
104 Secretary of State. Any amount on hand in said Land Records
105 Maintenance Fund at the end of the fiscal year that is not
106 necessary to pay any obligations to local governmental units set
107 out in this subsection shall, after June 30 of each year, be
108 transferred to the General Fund, and shall not be authorized for
109 expenditure by the Secretary of State to reimburse or otherwise
110 defray the expenses of any office administered by the Secretary of
111 State.

112 (2) If, after the payment of the fees and costs allowed to
113 the county tax collector and the chancery clerk, as aforesaid, the
114 balance of the purchase money of any tax land paid into the
115 Treasury shall be insufficient to cover the amount of the state,
116 county, municipality, public school district, drainage district or
117 levee board taxes due thereon, or if the records of the Secretary
118 of State fail to show the amount of state, county, municipality,
119 public school district, drainage district or levee board taxes
120 accruing for the years until said land was certified to the state,



121 on lands sold by the Secretary of State, he shall apportion the
122 balance of the purchase money derived from the sale of such lands
123 between the state, county, municipality, public school district,
124 drainage district and levee board upon the basis of the amount of
125 taxes due the state, county, municipality, public school district,
126 drainage district and levee board, respectively, at the time said
127 land was struck off to the state for delinquent taxes by the
128 sheriff and tax collector, and for which said lands were struck
129 off to the state.

130 (3) All funds derived from the sale of properties under the
131 provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35,
132 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through
133 29-1-87 shall be handled in the manner provided herein for funds
134 derived from the sale of lands.

135 (4) From and after July 1, 2016, the expenses of this agency
136 shall be defrayed by appropriation from the State General Fund and
137 all user charges and fees authorized under this section shall be
138 deposited into the State General Fund as authorized by law. The
139 requirements of this subsection (4) shall not apply to
140 disbursements made to local governmental units from the Land
141 Records Maintenance Fund, and to any funds which by law are to be
142 collected and deposited to the Land Records Maintenance Fund.

143 (5) From and after July 1, 2016, no state agency shall
144 charge another state agency a fee, assessment, rent or other
145 charge for services or resources received by authority of this



146 section. This prohibition shall not apply to payments made from
147 the Land Records Maintenance Fund provided for in subsection (1)
148 of this section.

149 **SECTION 3.** This act shall take effect and be in force from
150 and after July 1, 2024.

