

By: Senator(s) McCaughn

To: Education

SENATE BILL NO. 2559

1 AN ACT TO AMEND SECTIONS 29-3-1, 29-3-29, AND 29-3-82,  
 2 MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL CHANGES  
 3 RELATED TO THE LEASING AND SALE OF 16TH SECTION LAND; TO  
 4 SUBSTITUTE THE SECRETARY OF STATE FOR BOARDS OF SUPERVISORS FOR  
 5 THE LEASING AND SALE OF 16TH SECTION LAND; TO DELETE CERTAIN  
 6 PROVISIONS RELATED TO THE BOARD OF SUPERVISORS OF COUNTIES  
 7 APPROVING SUCH LEASES OR SALES; AND FOR RELATED PURPOSES.

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

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

11 29-3-1. \* \* \* Sixteenth section school lands, or lands  
 12 granted in lieu thereof, constitute property held in trust for the  
 13 benefit of the public schools and must be treated as such. The  
 14 board of education under the general supervision of the State Land  
 15 Commissioner, shall have control and jurisdiction of said school  
 16 trust lands and of all funds arising from any disposition thereof  
 17 heretofore or hereafter made. It shall be the duty of the board  
 18 of education to manage the school trust lands and all funds  
 19 arising therefrom as trust property. Accordingly, the board shall



20 assure that adequate compensation is received for all uses of the  
21 trust lands, except for uses by the public schools.

22 (2) In the event the \* \* \* Secretary of State declines to  
23 approve the rental value of the land set by the board of  
24 education, the board of education shall within ten (10) days  
25 appoint one (1) appraiser, the \* \* \* Secretary of State shall  
26 within twenty (20) days appoint one (1) appraiser and the two (2)  
27 appraisers so appointed shall within twenty (20) days appoint a  
28 third appraiser whose duty it shall be to appraise the land,  
29 exclusive of buildings and improvements, the title to which is not  
30 held in trust for the public schools, and to file a written  
31 report \* \* \* setting forth their recommendation for the rental  
32 value of the land within thirty (30) days. The cost of the  
33 appraisal shall be paid from any available sixteenth section  
34 school funds or other school funds of the district. If no appeal  
35 is taken within twenty (20) days as provided hereunder, the lease  
36 shall be executed in accordance with said recommended rental value  
37 within thirty (30) days of the receipt of the appraisers' report.  
38 In the event any party is aggrieved by the decision of the  
39 appraisers setting forth the appraised rental value, the party so  
40 aggrieved shall be entitled to an appeal to the chancery court in  
41 which the land is located. Such appeal shall be taken within  
42 twenty (20) days following the decision. The chancery court, on  
43 appeal, may review all of the proceedings, may receive additional  
44 evidence, and make findings of fact, as well as conclusions of law



45 to insure that a fair and reasonable return may be obtained on the  
46 sixteenth section lands or lands in lieu thereof.

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

49 29-3-29. Before any sixteenth section school land or land  
50 granted in lieu thereof may be sold or leased for industrial  
51 development thereon, therein or thereunder under the provisions of  
52 this chapter, the board of education controlling such land shall  
53 first determine that such sale or lease will be fair market value.  
54 In the determination of the fair market value of said land the  
55 comparative sales method shall be used, and the highest and best  
56 use of said sixteenth section lands shall be determined on the  
57 basis of finding that said land shall be susceptible to any use  
58 that comparative land in private ownership may be used, that there  
59 will be prompt and substantial industrial development on, in, or  
60 under said land after the sale or lease, that the acreage to be  
61 sold or leased is not in excess of the amount of land reasonably  
62 required for immediate use and for such future expansion as may be  
63 reasonably anticipated, and that such sale or lease will be  
64 beneficial to and in the best interest of the schools of the  
65 district for which said land is held. All of said findings,  
66 including the amount of the sale price or gross rental for said  
67 land, shall be spread on the minutes of the board of education.  
68 Also, if the board of education proposes to sell said land, said  
69 board shall first enter into a contract or obtain a legal option



70 to purchase, for a specified price not in excess of fair market  
71 value, other land in the county of acreage of equivalent fair  
72 market value, and such contract or option shall be spread on the  
73 minutes of said board. However, not more than one hundred (100)  
74 acres in any one (1) sixteenth section school lands in any county  
75 may be sold under this chapter for the purpose of being made an  
76 industrial park or a part of such industrial park, provided the  
77 provisions of this section and Sections 57-5-1 and 57-5-23 are  
78 fully complied with.

79 A certified copy of the resolution or order of the board of  
80 education, setting out the foregoing findings, together with a  
81 certified copy of the order approving and setting out the terms of  
82 the contract or option to purchase other lands where a sale of  
83 land is proposed and an application to the Mississippi \* \* \*  
84 Secretary of State for the certificate authorizing said sale or  
85 lease \* \* \*.

86 If \* \* \* the Secretary of State shall concur in the finding  
87 of fact of the board of education, and shall find that it is to  
88 the best interests of the schools of the district to enter into  
89 such sale or lease, \* \* \* he may \* \* \* approve the action of the  
90 board of education.

91 If the \* \* \* Secretary of State shall not concur in the  
92 findings of the board of education, or shall find that the  
93 proposed sale or lease will not be in the best interest of the  
94 schools of the district, then \* \* \* he may, by resolution or



95 order, disapprove the proposed sale or lease, and such action  
96 shall be final.

97       Except as otherwise permitted by Section 57-75-37(4)(f),  
98 there shall be reserved all minerals in, on, and under any lands  
99 conveyed under the provisions hereof. Provided, however, that in  
100 any county bordering on the State of Alabama, traversed by the  
101 Tombigbee River, in which U.S. Highway 82 intersects U.S. Highway  
102 45 and in which is situated a state supported institution of  
103 higher learning, upon the sale of any sixteenth section lands for  
104 industrial purposes as provided by law, the board of education,  
105 the Superintendent of Education and the \* \* \* Secretary of State,  
106 may sell and convey all minerals except oil, gas, sulphur and  
107 casinghead gas on, in and under the said sixteenth section lands  
108 so sold for industrial purposes. Said oil, gas, sulphur and  
109 casinghead gas shall be reserved together with such rights of use,  
110 ingress and egress as shall not unreasonably interfere with the  
111 use of the lands by the purchaser. Prior written approval for  
112 such use, ingress and egress, shall be obtained from the surface  
113 owner or, if such approval is unreasonably withheld, may be  
114 obtained from the chancery court of the county in which said land  
115 is located.

116       Certified copies of the resolutions or orders of \* \* \* the  
117 board of education and of the application to the \* \* \* Secretary  
118 of State shall be transmitted to the county Superintendent of  
119 Education, if there be one in the county, who, if he approves the



120 proposed sale or lease, shall so certify and forward same to  
121 the \* \* \* Secretary of State. If there be no county  
122 Superintendent of Education in the county, then the board of  
123 education whose district embraces the entire county shall so  
124 certify and transmit said copies to the \* \* \* Secretary of State.

125       Upon receipt of the aforesaid application and certified  
126 copies of the said resolution and orders, the \* \* \* Secretary of  
127 State shall make investigation to determine whether or not the  
128 proposed sale or lease of said land will promote prompt and  
129 substantial industrial development thereon, therein, or  
130 thereunder. If the \* \* \* Secretary of State finds that such sale  
131 or lease will promote prompt and substantial industrial  
132 development thereon, therein or thereunder, and further finds that  
133 the person, firm or corporation who proposes to establish said  
134 industry is financially responsible, and that the acreage to be  
135 sold or leased is not in excess of the amount of land reasonably  
136 required for immediate use and for such future expansion as may be  
137 reasonably anticipated, then the \* \* \* Secretary of State,  
138 in \* \* \* his discretion, may issue a certificate to the board of  
139 education of said district so certifying, and said certificate  
140 shall be the authority for the board of education to enter into  
141 the proposed sale or lease. If the \* \* \* Secretary of State does  
142 not so find, then it shall decline to issue said certificate which  
143 action shall be final.



144           The \* \* \* Secretary of State, when issuing a certificate to  
145 the county board of education certifying \* \* \* his findings and  
146 authorizing said sale or lease, may, nevertheless, in \* \* \* his  
147 discretion, make such sale or lease conditioned on and subject to  
148 the vote of the qualified electors of said district. Upon receipt  
149 of a certificate so conditioned upon an election, or upon a  
150 petition as hereinafter provided for, the board of education, by  
151 resolution spread upon its minutes, shall forward a copy of the  
152 certificate to the board of supervisors who by resolution upon its  
153 minutes, shall call an election to be held in the manner now  
154 provided by law for holding county elections, and shall fix in  
155 such resolution a date upon which such an election shall be held,  
156 of which not less than three (3) weeks notice shall be given by  
157 the clerk of said board of supervisors by publishing a notice in a  
158 newspaper published in said county once each week for three (3)  
159 consecutive weeks preceding the same, or if no newspaper is  
160 published in said county, then in a newspaper having a general  
161 circulation therein, and by posting a notice for three (3) weeks  
162 preceding said election at three (3) public places in said county.  
163 At such election, all qualified voters of the county may vote, and  
164 the ballots used shall have printed thereon a brief statement of  
165 the proposed sale or lease of said land, including the description  
166 and price, together with the words "For the proposed sale or  
167 lease" and the words "Against the proposed sale or lease," and the  
168 voter shall vote by placing a cross (x) or check (✓) opposite his



169 choice of the proposition. Should the election provided for  
170 herein result in favor of the proposed sale or lease by at least  
171 two-thirds (2/3) of the votes cast being in favor of the said  
172 proposition, the board of supervisors shall notify the board of  
173 education who may proceed forthwith to sell or lease said land in  
174 accordance with the proposition so submitted to the electors. If  
175 less than two-thirds (2/3) of those voting in such special  
176 election vote in favor of the said sale or lease, then said land  
177 shall not be sold or leased.

178 The board of education shall further be required, prior to  
179 passing of a resolution expressing its intent to sell said land,  
180 to publish a notice of intent to sell said land for three (3)  
181 consecutive weeks in a newspaper published in said county or, if  
182 there be none, in a newspaper having a general circulation in said  
183 county, and to post three (3) notices thereof in three (3) public  
184 places in said county, one (1) of which shall be at the  
185 courthouse, for said time. If within the period of three (3)  
186 weeks following the first publication of said intent, a petition  
187 signed by twenty percent (20%) of the qualified electors of said  
188 county shall be filed with the board of supervisors requesting an  
189 election concerning the sale, then an election shall be called as  
190 hereinabove provided.

191 **SECTION 3.** Section 29-3-82, Mississippi Code of 1972, is  
192 amended as follows:





193           29-3-82. The following procedure shall be followed for the  
194 leasing of sixteenth section school lands or lands granted in lieu  
195 thereof which are not classified as forest land or agricultural  
196 land or leased under Section 29-3-99:

197           (a) Any present leaseholder who desires to renew his  
198 lease, or any person who desires to lease sixteenth section or  
199 lieu lands, shall make application to the Superintendent of  
200 Education.

201           (b) Upon receipt of an application for the lease of  
202 such lands, the Superintendent of Education shall promptly give  
203 consideration to the application and he shall record his  
204 recommendation in writing and present it to the board of education  
205 at the next regular meeting of the board.

206           (c) The board of education, at its meeting, shall  
207 consider the application and recommendation of the Superintendent  
208 of Education and may receive any other information which it  
209 considers bearing upon the approval of the application and lease  
210 of such land. Within thirty (30) days of the receipt of an  
211 application, the board shall act on the application and if such  
212 action is favorable, the board of education shall submit to the  
213 Superintendent of Education a suggested lease agreement.

214           (d) The Superintendent of Education shall then present  
215 the lease to the \* \* \* Secretary of State. Within thirty (30)  
216 days of the receipt of the lease, the \* \* \* Secretary of State  
217 shall accept or reject the proposed rental amount.



218 (e) If the \* \* \* Secretary of State accepts the lease  
219 as proposed by the board of education, the Superintendent of  
220 Education shall execute the lease to the applicant under the terms  
221 and conditions set forth in the lease.

222 (f) If the \* \* \* Secretary of State refuses to accept  
223 the rental value set by the board of education in the proposed  
224 lease, the rental value of the lease shall be determined under the  
225 provisions set forth in Section 29-3-1(2).

226 (g) All sixteenth section or lieu land leases shall be  
227 reduced to writing and signed by the \* \* \* Secretary of State, the  
228 president of the board of education and the Superintendent of  
229 Education. The chancery clerk shall record the original on the  
230 deed records of the county, abstract the lease as a mesne  
231 conveyance, and record it on the minutes of the board of  
232 supervisors. The chancery clerk shall charge and collect from the  
233 lessee the full recording fees. \* \* \*

234 **SECTION 4.** This act shall take effect and be in force from  
235 and after July 1, 2024.

