

By: Representative Moak

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 35

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 211, MISSISSIPPI CONSTITUTION OF 1890, TO AUTHORIZE THE SALE OF
3 SIXTEENTH SECTION LANDS AT A FAIR MARKET VALUE TO CERTAIN RETIRED
4 OR 100% DISABLED VETERANS OF THE UNITED STATES ARMED FORCES; AND
5 FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 211, Mississippi Constitution of 1890, to read
11 as follows:

12 "Section 211. (1) The Legislature shall enact such laws as
13 may be necessary to ascertain the true condition of the title to
14 the sixteenth section lands in this state, or lands granted in
15 lieu thereof, in the Choctaw Purchase, and shall provide that the
16 sixteenth section lands reserved for the support of township
17 schools, except as hereinafter provided, shall not be sold nor
18 shall they be leased for a longer term than ten (10) years for
19 lands situated outside municipalities and for lands situated
20 within municipalities for a longer term than ninety-nine (99)
21 years, for a gross sum; provided further, that existing leases of
22 the sixteenth section lands situated in the municipalities of the
23 state may, for a gross sum, be extended for a term of years not
24 exceeding ninety-nine (99) years from the date of such extension,
25 but the Legislature may provide for the lease of sixteenth section
26 lands for a term of years not exceeding twenty-five (25) years for
27 forest and agricultural lands and not exceeding forty (40) years
28 for all other classifications of such lands for a ground rental,



29 payable annually, and in the case of uncleared lands may lease
30 them for such short terms as may be deemed proper in consideration
31 of the improvement thereof, with right thereafter to lease for a
32 term or to hold on payment of ground rent; provided however, that
33 land granted in lieu of sixteenth section lands in this state and
34 situated outside of the county holding or owning same may be sold
35 and the proceeds from such sale may be invested in a manner to be
36 prescribed by the Legislature; but provided further, however, that
37 the Legislature, for industrial development thereon, may authorize
38 the sale, in whole or in part for a gross sum or otherwise, of
39 sixteenth section lands, or lands granted in lieu thereof situated
40 within the county; and the Legislature shall either provide for
41 the purchase of other lands within the county to be held for the
42 benefit of the township schools in lieu of the lands sold or shall
43 provide for the investment of the proceeds of such sale for the
44 benefit of the township schools, or the Legislature may provide
45 for both purchase of other lands to be so held and investment of
46 proceeds for the benefit of the township schools; and the
47 Legislature, for industrial development thereon, may authorize the
48 granting of leases on sixteenth section lands, or lands granted in
49 lieu thereof, in whole or in part, for a gross sum or otherwise,
50 for terms not to exceed ninety-nine (99) years, and the
51 Legislature shall provide for the investment of the proceeds of
52 such leases for the benefit of the township schools. The
53 Legislature may authorize the lease of not more than three (3)
54 acres of sixteenth section lands or lands granted in lieu thereof
55 for a term not exceeding ninety-nine (99) years for a ground
56 rental, payable annually, to any church, having its principal
57 place of worship situated on such lands, which has been in
58 continuous operation at that location for not less than
59 twenty-five (25) years at the time of the lease.

60 (2) Notwithstanding any limitation on the terms of leases
61 provided in subsection (1) of this section, the Legislature may



62 provide, by general law, for leases on liquid, solid or gaseous
63 minerals with terms coextensive with the operations to produce
64 such minerals.

65 (3) Notwithstanding any other provisions of this section to
66 the contrary, the Legislature, by general law, may authorize the
67 Secretary of State to sell individual tracts of sixteenth section
68 land, or lands granted in lieu thereof, not exceeding five (5)
69 acres, to any legal resident of the State of Mississippi who is a
70 retired veteran of active duty service in the Armed Forces of the
71 United States or a veteran rated as having one hundred percent
72 (100%) permanent service-connected disability by the Veterans
73 Administration, and who has continuously leased, improved and
74 actually occupied the specific tract of land as his primary
75 residence for no less than ten (10) years. Any sale authorized
76 pursuant to this subsection may be in fee simple or any lesser
77 estate and shall be for a purchase price of not less than the fair
78 market value."

79 BE IT FURTHER RESOLVED, That this proposed amendment shall be
80 submitted by the Secretary of State to the qualified electors at
81 an election to be held on the first Tuesday after the first Monday
82 of November 2002, as provided by Section 273 of the Constitution
83 and by general law.

84 BE IT FURTHER RESOLVED, That the explanation of this proposed
85 amendment for the ballot shall read as follows: "This proposed
86 constitutional amendment authorizes the sale of sixteenth section
87 lands, or lands granted in lieu thereof, for a fair market value
88 to a retired or one hundred percent (100%) disabled veteran of the
89 United States Armed Forces after that person has continuously
90 leased and occupied a tract of sixteenth section land, or land
91 granted in lieu thereof, for no less than ten (10) years as his
92 primary residence."

