

By: Senator(s) Canon

To: Public Property

## SENATE BILL NO. 2712

1 AN ACT TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT WHEN THE LEGISLATURE AUTHORIZES A STATE AGENCY TO  
3 CONVEY SPECIFICALLY DESCRIBED REAL PROPERTY TO ANOTHER STATE  
4 AGENCY OR OTHER ENTITY SUCH AS A COUNTY, MUNICIPALITY, ECONOMIC  
5 DEVELOPMENT DISTRICT OR SIMILAR ENTITY, WITHOUT PROVIDING THAT THE  
6 CONVEYANCE MAY NOT BE MADE FOR LESS THAN THE FAIR MARKET VALUE OF  
7 THE PROPERTY, THEN THE STATE AGENCY AUTHORIZED TO CONVEY SUCH  
8 PROPERTY MUST SATISFY CERTAIN REQUIREMENTS BEFORE CONVEYING THE  
9 PROPERTY; AND FOR RELATED PURPOSES.

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

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

13 29-1-1. (1) Except as otherwise provided in subsection (7)  
14 and subsection (8) of this section, the title to all lands held by  
15 any agency of the State of Mississippi which were acquired solely  
16 by the use of funds appropriated by the state shall appear on all  
17 deeds and land records under the name of the "State of  
18 Mississippi." For the purpose of this section, the term "agency"  
19 shall be defined as set forth in Section 31-7-1(a). The  
20 provisions of this section shall not affect the authority of any  
21 agency to use any land held by the agency. No assets or property  
22 of the Public Employees' Retirement System of Mississippi shall be  
23 transferred in violation of Section 272A of the Mississippi  
24 Constitution of 1890. Before September 1, 1993, each state agency  
25 shall inventory any state-held lands which were acquired solely by  
26 the use of funds appropriated by the state, and which are titled  
27 in the name of the agency. The agency shall execute quitclaim  
28 deeds and any other necessary documents to transfer the name and  
29 title of the property to the State of Mississippi.



30       (2) The Secretary of State, under the general direction of  
31 the Governor and as authorized by law, shall sell and convey the  
32 public lands in the manner and on the terms provided herein for  
33 the several classes thereof; he shall perform all the  
34 administrative and executive duties appertaining to the selection,  
35 location, surveying, platting, listing, and registering these  
36 lands or otherwise concerning them; and he shall investigate the  
37 status of the various "per cent" funds accrued and accruing to the  
38 state from the sale of lands by the United States, and shall  
39 collect and pay the funds into the treasury in the manner provided  
40 by law.

41       (3) In accordance with Sections 7-11-11 and 7-11-13, the  
42 Secretary of State shall be required to sign all conveyances of  
43 all state-held land. For purposes of this section, the term  
44 "conveyance" shall mean any sale or purchase of land by the State  
45 of Mississippi for use by any agency, board or commission thereof.  
46 Failure to obtain legislative approval pursuant to subsection (4)  
47 of this section and the signature of the Secretary of State on any  
48 conveyance regarding the sale or purchase of lands for the state  
49 including any agency, board or commission thereof, shall render  
50 the attempted sale or purchase of the lands void. Nothing in this  
51 section shall be construed to authorize any state agency, board,  
52 commission or public official to convey any state-held land unless  
53 this authority is otherwise granted by law. The Secretary of  
54 State shall not withhold arbitrarily his signature from any  
55 purchase or sale authorized by the Mississippi State Legislature.  
56 All sales of state-held lands, except those lands forfeited to the  
57 state for the nonpayment of taxes and those lands acquired by the  
58 Mississippi Transportation Commission under Section 65-1-123,  
59 shall be sold for not less than the fair market value as  
60 determined by two (2) professional appraisers selected by the  
61 State Department of Finance and Administration, who are certified  
62 general appraisers of the State of Mississippi. The proceeds from



63 any sale by an agency, board, commission or public official of  
64 state-held lands shall be deposited into the State General Fund  
65 unless otherwise provided by law.

66 (4) Before any state-held land is sold to any individual or  
67 private entity, thirty (30) days' advance notice of the intended  
68 sale shall be provided by the Secretary of State to the state  
69 Legislature, to all state agencies and to all governing  
70 authorities within the state for the purpose of ascertaining  
71 whether an agency or governing authority has a need for the land  
72 and for the purpose of ascertaining whether the sale of the land  
73 was authorized by law. If no agency or governing authority within  
74 the state expresses in writing to the Secretary of State by the  
75 end of the thirty-day period a desire to use the land, then the  
76 Secretary of State, with the prior approval of the Mississippi  
77 Legislature to sell the state-held land, may offer the land for  
78 sale to any individual or private entity.

79 (5) A cultural resources survey may be performed on any  
80 state-held land before the disposition of the land if the State  
81 Department of Archives and History deems this survey necessary.  
82 The cost of the survey and any archaeological studies deemed  
83 necessary by the State Department of Archives and History shall be  
84 paid by the selling agency and recouped from the proceeds of the  
85 sale.

86 (6) Before any land may be purchased by the state for the  
87 benefit of any state agency, the Secretary of State, or his  
88 designee, shall search and examine all state land records to  
89 determine whether the state owns any land that may fit the  
90 particular need of the agency. The Secretary of State, or his  
91 designee, shall notify the agency if it is determined that any  
92 state-held land is available for use by the agency. The agency  
93 shall determine if such land accommodates its needs and shall  
94 determine whether to make an official request to the proper  
95 authorities to have the use of the land.



(7) Any lands purchased or acquired for construction and maintenance of highways or highway rights-of-way by the Mississippi Department of Transportation shall be excluded from the provisions of this section.

(8) This section shall not apply to any agency of the State of Mississippi that holds title to lands purchased solely by the use of federal funds or whose authority to transfer or dispose of these lands is governed by federal law or federal regulations.

(9) The Secretary of State may recover from any agency, corporation, board, commission, entity or individual any cost that is incurred by his office for the record-keeping responsibilities regarding the sale or purchase of any state-held lands.

(10) Subsections (3), (4), (5) and (6) of this section shall not apply to sales or purchases of land when the Legislature expressly authorizes or directs a state agency to sell, purchase or lease-purchase a specifically described property. However, when the Legislature authorizes a state agency to sell or otherwise convey specifically described real property to another state agency or other entity such as a county, municipality, economic development district created under Section 19-5-99 or similar entity, without providing that the conveyance may not be made for less than the fair market value of the property, then the state agency authorized to convey such property must make the following determinations before conveying the property:

(a) That the state agency or other entity to which the proposed conveyance is to be made has an immediate need for the property;

(b) That there are quantifiable benefits that will inure to the state agency or other entity to which the proposed conveyance is to be made which outweigh any quantifiable costs to the state agency authorized to make the conveyance; and



127                    (c) That the state agency or other entity to which the  
128 proposed conveyance is to be made lacks available funds to pay  
129 fair market value for the property.  
130 If the state agency authorized to convey such property fails to  
131 make such determinations, then it shall not convey the property  
132 for less than the fair market value of the property.

133                    **SECTION 2.** This act shall take effect and be in force from  
134 and after July 1, 2002.

