MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Jordan, Jackson (11th), Thomas

To: Finance

# SENATE BILL NO. 2629

AN ACT TO AMEND SECTION 27-41-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE EVENT ANY LAND IS SOLD FOR TAXES FOR AN AMOUNT IN EXCESS OF THE AMOUNT OF TAXES DUE AND ALL COSTS AND THE COUNTY HAS ENTERED INTO AN INTERLOCAL AGREEMENT TO COLLECT AD VALOREM TAXES FOR A MUNICIPALITY OR A MUNICIPAL SCHOOL DISTRICT, THE EXCESS SHALL BE PRORATED AND THE PROPER AMOUNT PAID TO THE MUNICIPALITY OR MUNICIPAL SCHOOL DISTRICT; TO PROVIDE THE PROCEDURE TO FOLLOW IN THE EVENT OF REFUNDS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 27-41-77, Mississippi Code of 1972, is amended as follows:

27-41-77. Except as otherwise provided in this section, if any land be sold for more than the amount of taxes due and all costs, the tax collector shall report the amount of excess to the chancery clerk, and on his receipt warrant therefor, shall pay the same into the county treasury. The board of supervisors is directed to transfer all such funds so received to the general funds of the county. If the land be redeemed, or the title of the purchaser be defeated or set aside in any way or for any reason, such excess shall be retained by the county. If only a part of the land be redeemed, the excess shall be apportioned ratably to the amount of taxes due at the time of the sale on the respective parts. The owner of the land may demand of the tax collector a memorandum or receipt showing the amount of excess if any, and, upon the expiration of the period of redemption, without the property being redeemed, such excess shall, upon the request of the owner, be paid to the owner. If the owner of the property does not request payment of the excess within two (2) years from the expiration of the period of redemption, the excess shall be

retained by the county. Whenever any person shall present a claim against the excess fund, within the time period provided, certified to by the chancery clerk, the board of supervisors shall order a warrant to issue therefor on the county general fund.

If a county enters into an interlocal agreement for the collection of taxes for a municipality or municipal separate school district, such excess shall be prorated and the tax collector shall pay the proper amount to the municipality or municipal school district upon settlement of the proceeds of the land sale. If the purchaser is entitled to a refund of the excess for any reason, the prorated amount that is attributable to such refund shall be deducted from the next settlement to the municipality or municipal school district by the chancery clerk.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2004.