

By: Representative Monsour

To: Judiciary A

HOUSE BILL NO. 713

1 AN ACT TO AMEND SECTION 27-45-21, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE LIST OF LANDS STRUCK OFF TO THE STATE FOR
 3 TAXES MAY BE SUBMITTED BY THE CHANCERY CLERKS TO THE SECRETARY OF
 4 STATE AS ELECTRONIC RECORDS; TO AMEND SECTION 29-1-37, MISSISSIPPI
 5 CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO ESTABLISH
 6 PROCEDURES FOR ONLINE AUCTIONS OF TAX FORFEITED LANDS; TO AMEND
 7 SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER
 8 PLACED ON CORPORATE AND NONRESIDENT ALIEN PURCHASES OF TAX
 9 FORFEITED LANDS; TO AMEND SECTION 29-1-81, MISSISSIPPI CODE OF
 10 1972, TO CLARIFY THE PROCEDURE AND THE PATENTS ISSUED FOR
 11 CONVEYANCES OF LAND BY THE SECRETARY OF STATE; AND FOR RELATED
 12 PURPOSES.

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

14 **SECTION 1.** Section 27-45-21, Mississippi Code of 1972, is
 15 amended as follows:

16 27-45-21. (1) It shall be the duty of the chancery clerk,
 17 within thirty (30) days after the period of redemption has
 18 expired, to certify to the * * * Secretary of State a list, on
 19 forms provided by the * * * Secretary of State, of all lands
 20 struck off to the state for taxes, which have not been redeemed.

21 Such list shall show a description of the land, all costs,
 22 officer's and printer's fees, the tax for which it sold,
 23 segregated as to state, county, levee and drainage districts, and



24 of all taxes due on such lands for the year in which it was struck
25 off to the state, segregated as to state, county, levee and
26 drainage districts, a total of two (2) years' taxes listed
27 separately (the taxes for which it sold and accrued taxes for one
28 (1) year). If any chancery clerk shall fail or neglect to
29 transmit such lists within the time specified, he shall be liable
30 to the state on his official bond in the penalty of Fifty Dollars
31 (\$50.00) for each day that he is in default, * * * the penalty to
32 be collected by the * * * Department of Revenue, or by the
33 Attorney General, in a suit instituted for that purpose upon
34 request of the * * * Secretary of State; provided that the * * *
35 Secretary of State, if so requested by any chancery clerk before
36 the expiration of ten (10) days and for good cause shown, may
37 grant a reasonable extension of the time within which such clerk
38 shall transmit his list.

39 (2) The Secretary of State may provide the forms as
40 described in subsection (1) for certifying lands struck off to the
41 state for taxes to the chancery clerk as an electronic record.
42 The chancery clerk may certify the list of all lands struck off to
43 the state by providing an electronic signature on the form
44 submitted to the Secretary of State. An electronic record of the
45 list submitted by the chancery clerk to the Secretary of State in
46 the prescribed form and containing the electronic signature of the
47 chancery clerk, shall vest good title in the State of Mississippi
48 to all lands listed in the record.



49 **SECTION 2.** Section 29-1-37, Mississippi Code of 1972, is
50 amended as follows:

51 29-1-37 (1) Except as otherwise provided in subsection (2)
52 of this section, any person desiring to purchase any state
53 forfeited tax land shall make application in writing to the
54 Secretary of State for the purchase of such land, and shall state
55 in such application:

56 (a) A correct description of the land sought to be
57 purchased.

58 (b) The name of the former owner and the name of the
59 person to whom such land was assessed at the time of such tax
60 sale, and the post office address of such former owner and the
61 post office address of the person to whom such land was assessed
62 at the time of such sale, if known to the applicant.

63 (c) Whether or not such land is occupied at the date of
64 the filing of such application, and the name of the person
65 occupying such land, if any.

66 (d) The nature and value of the improvements on such
67 land.

68 (e) The approximate quantity of the merchantable timber
69 on such land, if any.

70 (f) Any other special information as the Secretary of
71 State, with the approval of the Governor, may require.

72 Each application shall be signed by the applicant and shall
73 contain a declaration that the statements and information



74 submitted in the application are true and correct and are made
75 under penalty of perjury. The Secretary of State may require any
76 additional information with reference to the value of such lands,
77 the nature and condition of the buildings and improvements on such
78 lands, and the value of the timber on such lands as he may deem
79 necessary. Such applications shall be filed by the Secretary of
80 State in the order in which they are received. Each application
81 shall be given a serial number and shall be entered on a record
82 book on the day it is received. The record book shall show the
83 name of the applicant, the serial number of the application, and
84 the county in which the property is situated.

85 An application so filed shall remain on file with the
86 Secretary of State at least thirty (30) days before it is acted
87 upon and finally approved or disapproved. Applications made by
88 state agencies, counties, municipalities or other political
89 subdivisions of the state may be acted upon immediately after
90 filing, and shall not be required to be on file the thirty (30)
91 days herein provided.

92 (2) The Secretary of State, with the approval of the
93 Governor, may dispose of any state forfeited tax land by sealed
94 bids after three (3) weeks' advertisement in a newspaper in the
95 county in which such land is located.

96 (3) The Secretary of State may establish procedures and
97 adopt administrative rules for the sale of tax forfeited land by
98 online auction.



99 **SECTION 3.** Section 29-1-75, Mississippi Code of 1972, is
100 amended as follows:

101 29-1-75. (1) Except as otherwise provided in this section,
102 neither a corporation nor a nonresident alien, nor any association
103 of persons composed in whole or in part of nonresident aliens,
104 shall directly or indirectly purchase or become the owner of any
105 of the public lands; and every patent issued in contravention
106 hereof shall be void.

107 (2) (a) A banking corporation owning such tax-forfeited
108 lands or holding a mortgage or deed of trust thereon at the time
109 of the sale to the state, and whose mortgage or deed of trust is
110 still in force and effect, may purchase such lands, regardless of
111 acreage, owned by it as aforesaid or on which it held a mortgage
112 or deed of trust. In event of a purchase by such corporation as a
113 mortgagee, such lands shall be held for the benefit of the
114 mortgagor subject to all the terms and conditions of the mortgage
115 or deed of trust held by the purchasing banking corporation and,
116 upon payment of the debt secured by such mortgage or deed of
117 trust, together with interest and incidents, such banking
118 corporation shall in that event reconvey such lands to the
119 original mortgagor, his heirs or assigns.

120 (b) Any other nonbanking corporation may purchase lands
121 sold or forfeited to the state for delinquent taxes under any
122 section of Chapter 1, Title 29, specifically relating to the sale
123 of such tax-forfeited lands by the Secretary of State. A



124 nonbanking corporation purchasing land sold or forfeited to the
125 state shall be subject to the acreage limitations of Section
126 29-1-73.

127 (c) Nonresident aliens may acquire and hold not to
128 exceed three hundred twenty (320) acres of public lands in this
129 state for the purpose of industrial development thereon. In
130 addition, any nonresident alien may acquire and hold not to exceed
131 five (5) acres of public lands for residential purposes. If any
132 land acquired by a nonresident alien for the purpose of industrial
133 development ceases to be used for industrial development, it shall
134 escheat to the public body that sold such land to the nonresident
135 alien.

136 * * *

137 **SECTION 4.** Section 29-1-81, Mississippi Code of 1972, is
138 amended as follows:

139 29-1-81. (1) All conveyances of land by the state in fee
140 shall be by patent issued from the Secretary of State's office;
141 every patent issued shall be under the great seal, signed by the
142 Secretary of State.

143 (2) (a) The patent shall be issued * * * by the Office of
144 the Secretary of State * * * and delivered to the patentee * * *.
145 * * * A copy * * * of the patent shall be retained by the
146 Secretary of State among the records of his office * * *.

147 (b) The Secretary of State may file the original patent
148 with the chancery clerk and such filing shall constitute the



149 delivery of the patent to the patentee. Prior to filing the
150 original patent, the Secretary of State shall collect from the
151 patentee the sum of Twenty Dollars (\$20.00) to cover the cost of
152 filing the patent. Failure of the Secretary of State to file the
153 patent shall not affect its validity.

154 (3) All contracts of sale of public lands shall be issued
155 from the Secretary of State's office in duplicate; and every
156 contract issued shall be under the great seal, signed by the
157 Secretary of State and countersigned by the Governor.

158 (4) No more than one-quarter (1/4) section of land shall be
159 embraced in the same patent or contract, except as otherwise
160 provided by law.

161 **SECTION 5.** This act shall take effect and be in force from
162 and after July 1, 2016.

