

By: Representatives Yates, Mansell, Bell  
(65th), Butler-Washington, Crudup, Ford  
(73rd), Foster, McMillan, Nelson, Newman,  
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To: Judiciary A

## HOUSE BILL NO. 1199

1 AN ACT TO AMEND SECTIONS 29-1-145, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE SECRETARY OF STATE TO UTILIZE MONIES IN THE LAND  
3 RECORDS MAINTENANCE FUND TO CONTRACT WITH VENDORS TO MAINTAIN  
4 LANDS STRUCK OFF TO THE STATE; TO AMEND SECTIONS 29-1-95 AND  
5 27-104-205, MISSISSIPPI CODE OF 1972, TO RESTRICT MONIES IN THE  
6 LAND RECORDS MAINTENANCE FUND FROM LAPSING INTO THE GENERAL FUND  
7 AT THE END OF THE FISCAL YEAR; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 29-1-145, Mississippi Code of 1972, is  
10 amended as follows:

11 29-1-145. (1) The chancery clerk or municipal clerk shall  
12 report to the Secretary of State any reasonable costs incurred by  
13 the county or municipality in maintaining unredeemed lands sold  
14 for taxes while those lands remain unsold. The Secretary of State  
15 shall pay the maintenance costs out of the money deposited into  
16 the Land Records Maintenance Fund. The Secretary of State shall  
17 certify to the Department of Finance and Administration and to the  
18 State Treasurer the amount of maintenance costs allowed to the  
19 county and municipality, and the Department of Finance and  
20 Administration shall issue a warrant in favor of the county or



21 municipality for the amount of those costs. In no event shall the  
22 maintenance costs allowed the county or municipality exceed the  
23 market value of the lands or the purchase money received from the  
24 sale of those lands, unless the potential damage to the property  
25 or any adjacent property requires the costs to exceed the market  
26 value of the lands or the purchase money received from the sale of  
27 those lands.

28 (2) The Secretary of State is authorized to use, upon  
29 appropriation by the Legislature, any monies deposited into the  
30 Land Records Maintenance Fund to contract with a vendor in  
31 accordance with state competitive bidding process to maintain  
32 unredeemed lands sold for taxes while those lands remain unsold  
33 and lands sold for taxes that have been certified to the state.  
34 For purposes of this section, the term "maintain" means cutting  
35 grass, trees and/or limbs, or repairing, clearing or demolishing  
36 structures and/or cleaning rubbish and debris.

37 **SECTION 2.** Section 29-1-95, Mississippi Code of 1972, is  
38 amended as follows:

39 29-1-95. (1) All taxes due the county, municipality, public  
40 school district, drainage district or levee board on lands sold to  
41 the state for taxes and listed into the Secretary of State's  
42 office shall remain in abeyance until the land be sold, and  
43 thereafter such taxes shall be paid out of the purchase money; but  
44 state, county, municipality, public school district, drainage  
45 district or levee board taxes shall not accrue on such lands after



46 the fiscal year in which it was certified to the state. Upon the  
47 payment of the purchase money of any tax land into the Treasury,  
48 the Secretary of State shall certify to the Department of Finance  
49 and Administration and to the Treasurer the amount of fees and  
50 costs allowed to the county tax collector and chancery clerk, as  
51 in cases of the redemption of lands from tax sales, under the  
52 provisions of Section 25-7-21; and the Department of Finance and  
53 Administration shall issue warrants in favor of such county tax  
54 collector and chancery clerk for the amount of such fees. The  
55 Secretary of State shall also certify to the Department of Finance  
56 and Administration and the Treasurer the amount of the county,  
57 municipality, public school district, drainage district and levee  
58 board taxes for which said land was sold to the state, and all  
59 taxes accruing on said land until the year in which it was  
60 certified to the state; and the Department of Finance and  
61 Administration shall issue warrants in favor of the proper county,  
62 municipality, public school district, drainage district, and levee  
63 board for the said four (4) years' taxes. The balance of the  
64 purchase money shall be deposited into a special fund to be known  
65 as the "Land Records Maintenance Fund," that is hereby created in  
66 the State Treasury. The fund shall be administered by the  
67 Secretary of State, upon appropriation by the Legislature, to  
68 reimburse municipalities and counties for maintenance of  
69 unredeemed lands sold for taxes while those lands remain unsold;  
70 to contract with vendors in accordance with state competitive



bidding procedures to maintain lands sold for taxes that have been  
certified to the state and to maintain unredeemed lands sold for  
taxes while those lands remain unsold. \* \* \* Any amount on hand  
in the Land Records Maintenance Fund at the end of the fiscal year  
that is not necessary to pay obligations to local governmental  
units set out in this subsection, after June 30 of each year,  
shall not lapse into the General Fund, but shall remain in the  
Land Records Maintenance Fund to be used for maintenance of.

(2) If, after the payment of the fees and costs allowed to  
the county tax collector and the chancery clerk, as aforesaid, the  
balance of the purchase money of any tax land paid into the  
Treasury shall be insufficient to cover the amount of the state,  
county, municipality, public school district, drainage district or  
levee board taxes due thereon, or if the records of the Secretary  
of State fail to show the amount of state, county, municipality,  
public school district, drainage district or levee board taxes  
accruing for the years until said land was certified to the state,  
on lands sold by the Secretary of State, he shall apportion the  
balance of the purchase money derived from the sale of such lands  
between the state, county, municipality, public school district,  
drainage district and levee board upon the basis of the amount of  
taxes due the state, county, municipality, public school district,  
drainage district and levee board, respectively, at the time said  
land was struck off to the state for delinquent taxes by the



sheriff and tax collector, and for which said lands were struck off to the state.

(3) All funds derived from the sale of properties under the provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35, 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through 29-1-87 shall be handled in the manner provided herein for funds derived from the sale of lands.

(4) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees, except the Land Records Maintenance Fund, authorized under this section shall be deposited into the State General Fund as authorized by law. The requirements of this subsection (4) shall not apply to disbursements \* \* \* by the Secretary of State from the Land Records Maintenance Fund, and to any funds which by law are to be collected and deposited to the Land Records Maintenance Fund.

(5) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section. This prohibition shall not apply to payments made from the Land Records Maintenance Fund provided for in subsection (1) of this section.

**SECTION 3.** Section 27-104-205, Mississippi Code of 1972, is amended as follows:



27-104-205. (1) From and after July 1, 2016, the expenses of the following enumerated state agencies shall be defrayed by appropriation of the Legislature from the State General Fund: the State Fire Marshal, the State Fire Academy (not including the State Fire Academy Workforce Program Fund), the Office of Secretary of State (not including the Preneed Contracts Loss Recovery Fund, Land Records Maintenance Fund), the Mississippi Public Service Commission, the Mississippi Department of Information Technology Services, (not including the Mississippi Department of Information Technology Services Revolving Fund), the State Personnel Board, the Mississippi Department of Insurance (not including the Municipal Fire Protection Fund, Section 83-1-37, the County Volunteer Fire Department Fund, Section 83-1-39, and the Mississippi Propane Education and Research Fund, Section 75-57-119), the Mississippi Law Enforcement Officers' Minimum Standards Board, the Mississippi Gaming Commission, the Office of the State Public Defender, the Mississippi Workers' Compensation Commission (not including the Second Injury Trust Fund) and the Office of Attorney General. Beginning July 1, 2016, any fees, assessments or other revenues charged for the support of the above-named state agencies shall be deposited into the State General Fund, and any special fund or depository established within the State Treasury for the deposit of such fees, assessments or revenues shall be abolished and the balance transferred to the State General Fund. Expenses heretofore drawn



144 from such special funds or other depositories shall be drawn from  
145 the agencies' General Fund Account.

146 (2) Beginning with the fiscal year ending June 30, 2016, the  
147 amount to be appropriated annually from the State General Fund for  
148 the support of each of the above-named state agencies shall not  
149 exceed the amount appropriated for such purpose in the preceding  
150 fiscal year, plus any increases in or additional fees, assessments  
151 or other charges authorized by act of the Legislature for the  
152 succeeding fiscal year.

153 (3) The provisions of this section shall not apply to any  
154 trust fund account that is maintained by any above-named agency.

155 (4) The provisions of this section shall not prohibit any of  
156 the above-named agencies from maintaining clearing accounts in  
157 approved depositories.

158 (5) The provisions of this section shall not apply to any  
159 trust fund accounts maintained by the Public Employees' Retirement  
160 System and protected under Section 272A of the Mississippi  
161 Constitution of 1890.

162 **SECTION 4.** This act shall take effect and be in force from  
163 and after July 1, 2025.

