

By: Representative Livingston

To: Education

## HOUSE BILL NO. 1143

1 AN ACT TO AMEND SECTION 29-3-119, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A SCHOOL DISTRICT ENTITLED TO EXPENDABLE SIXTEENTH  
3 SECTION TOWNSHIP FUNDS SHALL HAVE TWELVE MONTHS TO ASSERT A CLAIM  
4 FOR ITS SHARE OF SUCH FUNDS AGAINST THE CUSTODIAL SCHOOL DISTRICT;  
5 TO AMEND SECTION 29-3-121, MISSISSIPPI CODE OF 1972, TO PROVIDE  
6 THAT FOR PURPOSES OF DIVIDING TOWNSHIP FUNDS, SCHOOL DISTRICTS  
7 SHALL BASE THEIR LISTS OF SCHOOL CHILDREN ON THEIR END OF THE  
8 FIRST MONTH ENROLLMENT; TO AMEND SECTION 29-3-123, MISSISSIPPI  
9 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR  
10 RELATED PURPOSES.

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

12 SECTION 1. Section 29-3-119, Mississippi Code of 1972, is  
13 amended as follows:

14 29-3-119. (1) Where there is only one (1) school district  
15 in the township to which the available funds belong, such school  
16 district shall be entitled to the whole of such funds, and the  
17 funds shall be handled in the manner \* \* \* set forth in this  
18 section.

19 (2) In cases where a township having available funds is  
20 occupied by two (2) or more school districts or parts of school  
21 districts, the available funds of the township shall be divided  
22 between the districts lying wholly or partly within such township  
23 in proportion to the number of \* \* \* children residing in that  
24 portion of each district which lies within such township and who  
25 are \* \* \* enrolled in the schools of that district, as compared to  
26 the total number of \* \* \* children residing in such township  
27 and \* \* \* enrolled in the schools of all districts lying wholly or  
28 partly in that township. For such purpose, annual lists shall be  
29 made of all \* \* \* children who reside in the township and who  
30 are \* \* \* enrolled in the schools of each district lying wholly or

31 partly in that township, which lists shall be made in accordance  
32 with Section 29-3-121. Municipal separate school districts shall  
33 be entitled to their pro rata part of such funds in the same  
34 manner as other school districts.

35 (3) Where there is no \* \* \* child residing in a township in  
36 which funds are available for distribution and where one or more  
37 school districts embrace all or part of any such township, such  
38 funds shall be distributed in the following manner:

39 (a) Where any such township is located wholly within  
40 one (1) school district, the available township funds shall be  
41 distributed to that school district.

42 (b) Where any such township having such funds available  
43 for distribution is located either in whole or in part in two (2)  
44 or more school districts, such available funds shall be  
45 distributed to the two (2) or more school districts in proportion  
46 to the number of \* \* \* children residing in that part of the two  
47 (2) or more school districts which is common or coextensive to  
48 each of the school districts, distribution being made on the basis  
49 of the enrollment \* \* \* of the school children in their respective  
50 school districts.

51 (4) The school district having jurisdiction and control of  
52 the sixteenth section or lieu lands in the township (the  
53 "custodial school district") shall pay to each other school  
54 district lying wholly or partly in the township which is entitled  
55 to a part of the township funds the district's pro rata share of  
56 the available township funds, as determined from the lists of  
57 children prepared pursuant to Section 29-3-121, promptly after  
58 collecting such funds. Any district entitled to such funds which  
59 is not paid promptly may assert a claim against the custodial  
60 school district for its share of the funds not later than twelve  
61 (12) months from the date on which the custodial school district  
62 collected such funds.

63 SECTION 2. Section 29-3-121, Mississippi Code of 1972, is  
64 amended as follows:

65 29-3-121. It shall be the duty of the superintendent of each  
66 school district to make or cause to be made annual lists of the  
67 children enrolled in the schools of such district and who reside

68 in such district, which lists shall be based upon the end of the  
69 first month enrollment required to be reported to the State  
70 Department of Education for the then current school year. The  
71 lists shall be made separately as to the townships in which such  
72 children reside. Such lists shall be filed with the \* \* \*  
73 superintendent of the custodial school district on or before  
74 December 31 of each year and shall be used in making the division  
75 of the available funds of each township during the ensuing  
76 calendar year, as provided by Section 29-3-119. Any school  
77 district failing to timely provide the list to the superintendent  
78 of the custodial school district shall forfeit its right to such  
79 funds unless the school board of the custodial school district and  
80 the school board of the other district or districts entitled to  
81 such funds have executed a written agreement providing for the  
82 distribution of such funds in a manner agreed upon by the school  
83 districts. All such lists shall be retained and preserved by  
84 the \* \* \* superintendent of the custodial school district as a  
85 public record. Such lists shall not be made, however, as to any  
86 township which is wholly within one (1) school district. If any  
87 superintendent of a school district participating in the division  
88 of such funds shall challenge in writing the accuracy of any such  
89 list, the Office of the State Auditor, upon receipt of such  
90 challenge, may, in its discretion, order and arrange for and  
91 supervise a recount of the children enrolled in the schools of  
92 such district and who reside in such district. All costs incurred  
93 in conducting the recount shall be borne by the challenging  
94 district and the district in which the recount is conducted on a  
95 pro rata basis, as determined from the results of the recount.  
96 Such costs may be paid from the school district's share of the  
97 available township funds. Such recount, when obtained, shall  
98 supersede the original list for the purposes of Sections 29-3-115  
99 through 29-3-123.

100 SECTION 3. Section 29-3-123, Mississippi Code of 1972, is

101 amended as follows:

102           29-3-123. It shall be unlawful for any township funds to be  
103 paid over to school districts as provided in Sections 29-3-115  
104 through 29-3-123, where there are two (2) or more school districts  
105 or parts of school districts in the township until lists of  
106 the \* \* \* children residing in each district or part of district  
107 within such township \* \* \* who are \* \* \* enrolled in the schools  
108 thereof \* \* \* have been made as required under Section 29-3-121.  
109 Such lists shall be made annually before any payment of the  
110 expendable sixteenth section revenues shall be made to school  
111 districts as provided in \* \* \* Sections 29-3-115 through 29-3-123.

112 Any member of a local school board \* \* \* or any \* \* \*  
113 superintendent of a school district who shall order the payment of  
114 such funds or who shall issue a pay certificate therefor in  
115 violation of the provisions of this section shall be liable upon  
116 his bond for the amount so paid.

117           Nothing in \* \* \* Sections 29-3-115 through 29-3-123 shall  
118 repeal or restrict the expenditure of funds by the Board of  
119 Supervisors of Claiborne County under Chapters 661, 662 and 663,  
120 Laws of 1950; or the expenditure by the Board of Supervisors of  
121 Adams County of any funds under Chapter 615, Laws of 1950.

122           SECTION 4. This act shall take effect and be in force from  
123 and after July 1, 1999.