

By: Representative Huddleston

To: Education

HOUSE BILL NO. 1411
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 29-3-23 AND 29-3-113, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT ANY COUNTY HAVING LIEU LANDS WHICH
3 WERE SOLD AND THE SALE PROCEEDS PAID TO THE COUNTY AND INVESTED IN
4 BONDS, THE LAST OF WHICH MATURED BEFORE 1977, AND THE COUNTY
5 FAILED TO REMIT SUCH PROCEEDS TO THE SCHOOL DISTRICT ENTITLED TO
6 SAME, THE COUNTY MAY MAKE RESTITUTION TO THE SCHOOL DISTRICT FOR
7 THE PRINCIPAL AMOUNT OF THE BONDS; TO AMEND SECTION 19-3-41,
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
9 PURPOSES.

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

11 SECTION 1. Section 29-3-23, Mississippi Code of 1972, is
12 amended as follows:

13 29-3-23. (1) The proceeds derived from such sales shall be
14 used for the benefit of the schools situated in the township
15 owning the lands. The principal derived from the sale of such
16 land shall not be spent, but only the interest and income derived
17 from such funds may be spent.

18 (2) In any county having lieu lands which were sold, where
19 the proceeds of such sale were paid to the county and the county
20 invested the proceeds in bonds, the last of which matured before
21 1977, and the county failed to remit such proceeds to the school
22 district entitled to same, such county may make restitution to the
23 school district for the principal amount of the bonds from the
24 general fund of the county or from other available funds of the
25 county. This subsection (2) shall be repealed from and after
26 December 31, 2001.

27 SECTION 2. Section 29-3-113, Mississippi Code of 1972, is
28 amended as follows:

29 29-3-113. The principal fund shall be a permanent township

30 fund which shall consist of funds heretofore or hereafter derived
31 from certain uses or for certain resources of school trust lands
32 which shall be invested and, except as otherwise provided in this
33 section, only the interest and income derived from such funds
34 shall be expendable by the school district.

35 The principal fund shall consist of:

36 (a) Funds received for easements and rights-of-way
37 pursuant to Section 29-3-91;

38 (b) Funds received for sales of lieu land pursuant to
39 Sections 29-3-15 through 29-3-25;

40 (c) Funds received from any permanent damage to the
41 school trust land;

42 (d) Funds received from the sale of nonrenewable
43 resources including but not limited to the sale of sand, gravel,
44 dirt, clays and royalties received from the sale of mineral ores,
45 coal, oil and gas;

46 (e) Funds received from the sale of buildings pursuant
47 to Section 29-3-77; * * *

48 (f) Funds received from the sale of timber; and

49 (g) Funds received pursuant to Section 29-3-23(2).

50 It shall be the duty of the Board of Education to keep the
51 principal fund invested in any direct obligation issued by or
52 guaranteed in full as to principal and interest by the United
53 States of America or in certificates of deposit issued by a
54 qualified depository of the State of Mississippi as approved by
55 the State Treasurer. The certificates of deposit may bear
56 interest at any rate per annum which may be mutually agreed upon
57 but in no case shall said rate be less than that paid on passbook
58 savings.

59 The Board of Education is likewise authorized to invest said
60 funds in interest bearing deposits or other obligations of the
61 types described in Section 27-105-33, as the same now is or may
62 hereafter be amended, or in any other type investment in which any

63 other agency, instrumentality or subdivision of the State of
64 Mississippi may invest, except that one hundred percent (100%) of
65 said funds are hereby authorized to be so invested. For the
66 purposes of investment, the principal fund of each township may be
67 combined into one or more district accounts; however, the docket
68 book of the county superintendent shall at all times reflect the
69 proper source of such funds. Provided that funds received from
70 the sale of timber shall be placed in a separate principal fund
71 account, and may be expended for any of the purposes authorized by
72 law.

73 The Board of Education shall have authority to borrow such
74 funds at a rate of interest not less than four percent (4%) per
75 annum and for a term not exceeding twenty (20) years, for the
76 erection, equipment or repair of said district schools, to provide
77 local funds for any building project approved by the State Board
78 of Education or to provide additional funds for forest stand
79 improvement as set forth in Section 29-3-47. In addition, the
80 board may borrow such funds under the same interest restrictions
81 for a term not exceeding ten (10) years to provide funds for the
82 purchase of school buses. The Board of Education of any school
83 district in any county that has an aggregate amount of assets in
84 its principal fund in excess of Five Million Dollars
85 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred
86 Thousand Dollars (\$500,000.00) for the purpose of covering the
87 cost of asbestos removal from school district buildings. Such
88 asbestos removal shall be construed to constitute the repair of
89 school district facilities as prescribed in Section 29-3-115.

90 No school land trust funds may be expended after the annual
91 payment date until the payment is made on such loan. The annual
92 payment can be made from any funds available to the school
93 district except minimum foundation program funds.

94 It shall be unlawful for the Board of Education to borrow any
95 sixteenth section school funds in any other manner than that

96 prescribed herein, and if any such funds shall be borrowed or
97 invested in any other manner, any officer concerned in making such
98 loan and investment or suffering the same to be made in violation
99 of the provisions of this section, shall be liable personally and
100 on his official bond for the safety of the funds so loaned.

101 SECTION 3. Section 19-3-41, Mississippi Code of 1972, is
102 amended as follows:

103 19-3-41. (1) The boards of supervisors shall have within
104 their respective counties full jurisdiction over roads, ferries
105 and bridges, except as otherwise provided by Section 170 of the
106 Constitution, and all other matters of county police. They shall
107 have jurisdiction over the subject of paupers. They shall have
108 power to levy such taxes as may be necessary to meet the demands
109 of their respective counties, upon such persons and property as
110 are subject to state taxes for the time being, not exceeding the
111 limits that may be prescribed by law. They shall cause to be
112 erected and kept in good repair, in their respective counties, a
113 good and convenient courthouse and a jail. A courthouse shall be
114 erected and kept in good repair in each judicial district and a
115 jail may be erected in each judicial district. They may close a
116 jail in either judicial district, at their discretion, where one
117 (1) jail will suffice. They shall have the power, in their
118 discretion, to prohibit or regulate the sale and use of
119 firecrackers, roman candles, torpedoes, skyrocketes, and any and
120 all explosives commonly known and referred to as fireworks,
121 outside the confines of municipalities. They shall have and
122 exercise such further powers as are or shall be conferred upon
123 them by law. They shall have authority to negotiate with and
124 contract with licensed real estate brokers for the purpose of
125 advertising and showing and procuring prospective purchasers for
126 county-owned real property offered for sale in accordance with the
127 provisions of Section 19-7-3.

128 (2) The board of supervisors of any county, in its

129 discretion, may contract with a private attorney or private
130 collection agent or agency to collect any type of delinquent
131 payment owed to the county including, but not limited to, past due
132 fees and fines, delinquent ad valorem taxes on personal property
133 and delinquent ad valorem taxes on mobile homes that are entered
134 as personal property on the mobile home rolls. Any such contract
135 may provide for payment contingent upon successful collection
136 efforts or payment based upon a percentage of the delinquent
137 amount collected; however, the entire amount of all delinquent
138 payments collected shall be remitted to the county and shall not
139 be reduced by any collection costs or fees. There shall be due to
140 the county from any person whose delinquent payment is collected
141 pursuant to a contract executed under this subsection an amount,
142 in addition to the delinquent payment, of not to exceed
143 twenty-five percent (25%) of the delinquent payment for
144 collections made within this state and not to exceed fifty percent
145 (50%) of the delinquent payment for collections made outside of
146 this state. However, in the case of delinquent fees owed to the
147 county for garbage or rubbish collection or disposal, only the
148 amount of the delinquent fees may be collected and no amount in
149 addition to the delinquent fees may be collected if the board of
150 supervisors of the county has notified the county tax collector
151 under Section 19-5-22 for the purpose of prohibiting the issuance
152 of a motor vehicle road and bridge privilege license tag to the
153 person delinquent in the payment of such fees. Any private
154 attorney or private collection agent or agency contracting with
155 the county under the provisions of this subsection shall give bond
156 or other surety payable to the county in such amount as the board
157 of supervisors deems sufficient. Any private attorney with whom
158 the county contracts under the provisions of this subsection must
159 be a member in good standing of The Mississippi Bar. Any private
160 collection agent or agency with whom the county contracts under
161 the provisions of this subsection must meet all licensing

162 requirements for doing business in the State of Mississippi.
163 Neither the county nor any officer or employee of the county shall
164 be liable, civilly or criminally, for any wrongful or unlawful act
165 or omission of any person or business with whom the county has
166 contracted under the provisions of this subsection. The
167 Mississippi Department of Audit shall establish rules and
168 regulations for use by counties in contracting with persons or
169 businesses under the provisions of this subsection.

170 (3) In addition to the authority granted under subsection
171 (2) of this section, the board of supervisors of any county, in
172 its discretion, may contract with one or more of the constables of
173 the county to collect delinquent criminal fines imposed in the
174 justice court of the county. Any such contract shall provide for
175 payment contingent upon successful collection efforts, and the
176 amount paid to a constable may not exceed twenty-five percent
177 (25%) of the amount which the constable collects. The entire
178 amount of all delinquent criminal fines collected under such a
179 contract shall be remitted by the constable to the clerk of the
180 justice court for deposit into the county general fund as provided
181 under Section 9-11-19. Any payments made to a constable pursuant
182 to a contract executed under the provisions of this section may be
183 paid only after presentation to and approval by the board of
184 supervisors of the county. This subsection shall stand repealed
185 from and after July 1, 1999.

186 (4) In addition to such authority as is otherwise granted
187 under this section, the board of supervisors of any county may
188 expend funds necessary to maintain and repair, and to purchase
189 liability insurance, tags and decals for, any personal property
190 acquired under the Federal Excess Personal Property Program that
191 is used by the local volunteer fire department.

192 (5) The board of supervisors of any county may expend funds
193 to purchase, maintain and repair equipment for the electronic
194 filing and storage of filings, files, instruments, documents and

195 records using microfilm, microfiche, data processing, magnetic
196 tape, optical discs, computers or other electronic process which
197 correctly and legibly stores and reproduces or which forms a
198 medium for storage, copying or reproducing documents, files and
199 records for use by one, all or any combination of county offices,
200 employees and officials, whether appointed or elected.

201 (6) In addition to the authority granted in this section,
202 the board of supervisors of any county may expend funds as
203 provided in Section 29-3-23(2).

204 SECTION 4. This act shall take effect and be in force from
205 and after its passage.