

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1143

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

33 shall 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
36 township in which funds are available for distribution and where
37 one or more school districts embrace all or part of any such
38 township, such 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. The custodial school district shall make
59 its books and records pertaining to the leasing, income and funds
60 of any shared township available for inspection and copying to all
61 other school districts sharing in the income from the township
62 upon reasonable notice of such request. Any district entitled to
63 such funds which is not paid promptly may assert a claim against
64 the custodial school district for its share of the funds not later
65 than twelve (12) months from the end of the calendar year in which

99\SS02\HB1143A.J *SS02/HB1143AJ*

66 the custodial school district collected such funds.

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

69 29-3-121. It shall be the duty of the superintendent of each
70 school district to make or cause to be made annual lists of the
71 children enrolled in the schools of such district and who reside
72 in such district, which lists shall be based upon the end of the
73 first month enrollment required to be reported to the State
74 Department of Education for the then current school year. The
75 lists shall be made separately as to the townships in which such
76 children reside. On or before December 31 of each year, such
77 lists shall be filed with the * * * superintendents of each school
78 district sharing in the revenues of the township and the lists
79 shall be used in making the division of the available funds of
80 each township during the ensuing calendar year, as provided by
81 Section 29-3-119. Any school district failing to timely provide
82 the list to the other superintendents of school districts sharing
83 in the revenue of the township shall forfeit its right to such
84 funds unless the school board of the custodial school district and
85 the school board of the other district or districts entitled to
86 such funds have executed a written agreement providing for the
87 distribution of such funds in a manner agreed upon by the school
88 districts. All such lists shall be retained and preserved by
89 the * * * superintendent of the custodial school district as a
90 public record. Such lists shall not be made, however, as to any
91 township which is wholly within one (1) school district. If any
92 superintendent of a school district participating in the division
93 of such funds shall challenge in writing the accuracy of any such
94 list, the Office of the State Auditor, upon receipt of such
95 challenge, may, in its discretion, order and arrange for and
96 supervise a recount of the children enrolled in the schools of
97 such district and who reside in such district. All costs incurred
98 in conducting the recount shall be borne by the challenging

99\SS02\HB1143A.J *SS02/HB1143AJ*

99 district and the district in which the recount is conducted on a
100 pro rata basis, as determined from the results of the recount.
101 Such costs may be paid from the school district's share of the
102 available township funds. Such recount, when obtained, shall
103 supersede the original list for the purposes of Sections 29-3-115
104 through 29-3-123.

105 SECTION 3. Section 29-3-123, Mississippi Code of 1972, is
106 amended as follows:

107 29-3-123. It shall be unlawful for any township funds to be
108 expended by the custodial school district or paid over to school
109 districts as provided in Sections 29-3-115 through 29-3-123, where
110 there are two (2) or more school districts or parts of school
111 districts in the township until lists of the * * * children
112 residing in each district or part of district within such
113 township * * * who are * * * enrolled in the schools thereof * * *
114 have been made as required under Section 29-3-121. Such lists
115 shall be made annually before any payment of the expendable
116 sixteenth section revenues shall be made to school districts as
117 provided in * * * Sections 29-3-115 through 29-3-123. Any member
118 of a local school board * * * or any * * * superintendent of a
119 school district who shall order the payment of such funds or who
120 shall issue a pay certificate therefor in violation of the
121 provisions of this section shall be liable upon his bond for the
122 amount so paid.

123 Nothing in * * * Sections 29-3-115 through 29-3-123 shall
124 repeal or restrict the expenditure of funds by the Board of
125 Supervisors of Claiborne County under Chapters 661, 662 and 663,
126 Laws of 1950; or the expenditure by the Board of Supervisors of
127 Adams County of any funds under Chapter 615, Laws of 1950.

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