

By: McCoy

To: Education

HOUSE BILL NO. 293

1 AN ACT TO AMEND SECTION 37-7-431, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE RESTRICTION ON EXCHANGES OF SCHOOL PROPERTY FOR
3 NEEDED PROPERTY WHICH REQUIRES THE NEEDED PROPERTY TO ADJOIN
4 SCHOOL GROUNDS; TO AMEND SECTIONS 37-7-433 AND 37-7-435,
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THIS ACT; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 37-7-431, Mississippi Code of 1972, is
9 amended as follows:[HS1]

10 37-7-431. Whenever the school board of any school district
11 * * * finds and determines, by resolution duly and lawfully
12 adopted and spread upon its minutes, (a) that it * * * needs lands
13 * * * in the school district for school purposes, (b) that the
14 district owns lands of equal value to such needed lands which
15 could be exchanged for such needed lands, (c) that the value of
16 the two (2) tracts is equal according to qualified appraisals, and
17 (d) that the owners of the needed lands are agreeable to such
18 exchange, the school board of such school district * * *, in its
19 discretion, may negotiate a trade of lands upon such terms and
20 conditions as the school board * * *, in its discretion, deems
21 proper in consideration of the needs of the district and of the
22 benefits which will inure to the * * * school district.

23 Any such trade of lands shall be subject to approval by the

24 chancery court of the county in which the school lands lie. Notice
25 of the hearing before the chancery court shall be published in a
26 newspaper of general circulation in the school district for three
27 (3) consecutive weeks, the first notice to be at least thirty (30)
28 days prior to the hearing.

29 SECTION 2. Section 37-7-433, Mississippi Code of 1972, is
30 amended as follows:[HS2]

31 37-7-433. Upon being authorized by a resolution of the
32 school board as is provided by Section 37-7-431, the president and
33 secretary shall be authorized and empowered to execute, for and on
34 behalf of the school district, a conveyance of the school property
35 for the purposes, upon the terms and conditions provided and
36 specified by the school board, and for the consideration of the
37 execution of a deed to the needed lands being exchanged for the
38 school property. It shall not be necessary or requisite that
39 competitive bids be advertised for or received in connection with
40 such exchange of property.

41 SECTION 3. Section 37-7-435, Mississippi Code of 1972, is
42 amended as follows:[HS3]

43 37-7-435. The * * * lands conveyed to the school district
44 shall be conveyed by warranty deed to the school board members or
45 their successors in office of the school district and shall be
46 conveyed by fee simple absolute.

47 SECTION 4. This act shall take effect and be in force from
48 and after July 1, 2000.