

By: Representatives Warren, Maples

To: Education

HOUSE BILL NO. 923

1 AN ACT TO AMEND SECTION 29-3-47, MISSISSIPPI CODE OF 1972, TO
2 DECREASE THE FUNDS REQUIRED TO BE PAID BY LOCAL SCHOOL BOARDS INTO
3 A FORESTRY ESCROW FUND FOR PAYING THE STATE FORESTRY COMMISSION
4 FOR MANAGING SIXTEENTH SECTION FORESTRY LANDS; TO AMEND SECTION
5 29-3-85, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS
6 OF THIS ACT; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 29-3-47, Mississippi Code of 1972, is
9 amended as follows:

10 29-3-47. For its services, the State Forestry Commission
11 shall be entitled to receive its actual expenses incurred in the
12 discharge of the duties * * * imposed in this chapter. In order
13 to provide funds with which to pay for the general supervision and
14 sale of forest products, seven and one-half percent (7½%) of all
15 receipts from the sales of forest products shall be placed by the
16 school board in a forestry escrow fund and reserved to pay for
17 work performed by the State Forestry Commission. Such payments
18 shall be equal to the actual expenses incurred by the commission
19 as substantiated by itemized bills presented to the school board.

20 Money in the forestry escrow fund may be used to pay for any
21 forestry work authorized during the period of the agreement and
22 shall not be subject to lapse by reason of county budget
23 limitations.

24 In each school district having need of tree planting and
25 timber stand improvement, the board of education is authorized to
26 place additional amounts in the forestry escrow fund to reimburse
27 the State Forestry Commission for actual expenses incurred in
28 performing this work, or to pay for any work done under private
29 contract under the supervision of the commission. Such additional



30 amounts may be made available from forest products sales receipts,
31 funds borrowed from the sixteenth section principal fund as is
32 provided for in Section 29-3-113, or any other funds available to
33 the board of education excluding Minimum Foundation or Adequate
34 Education Program funds. Expenditures from the forestry escrow
35 fund for tree planting, timber stand improvement, and other
36 forestry work will be limited to payment for work recommended by
37 the State Forestry Commission and agreed to by the board of
38 education.

39 When it becomes evident that the amount of money in the
40 forestry escrow fund is in excess of the amount necessary to
41 accomplish the work needed to achieve the goals set by the board
42 of education and the State Forestry Commission, the State Forestry
43 Commission shall advise the school board to release any part of
44 such funds as will not be needed, which may then be spent for any
45 purpose authorized by law.

46 SECTION 2. Section 29-3-85, Mississippi Code of 1972, is
47 amended as follows:

48 29-3-85. In all surface leases of sixteenth section land
49 made by the board of education, whether such leases be original
50 leases or extensions of existing leases, title to all timber,
51 minerals, oil, and gas on such lands shall be reserved, together
52 with the right of ingress and egress to remove same, whether such
53 provisions be included in the terms of any such lease or not; and
54 no timber shall be cut and used by the lessees except for fuel and
55 necessary repairs and improvements on the leased premises. The
56 board of education, notwithstanding the fact that such land may
57 have been leased for other purposes, shall have the right, from
58 time to time, to sell all merchantable timber on such lands in the
59 manner hereinabove provided. In all cases where surface leases
60 were outstanding on June 28, 1958, and have at least five (5)
61 years remaining of the term thereof wherein the right to sell
62 timber has not been reserved, either expressly or by operation of



63 law, the board * * *, by agreement with the lessee, may sell such
64 timber under the procedure * * * set out in this section. In all
65 such cases, the State Forestry Commission shall only cause to be
66 marked for cutting such timber as, in its judgment, should be
67 harvested in the best interest of the reversionary estate, and the
68 board may agree to pay to the lessee a portion of the proceeds of
69 such sales from time to time, not to exceed fifty percent (50%) of
70 the proceeds after the deduction of the * * * escrow money
71 required to be reserved under Section 29-3-47, and all other costs
72 of the sale. In any surface lease, the board of education shall
73 reserve the right to grant or sell rights-of-way across any of the
74 sixteenth section land for a road, highway, railroad, or any
75 public utility line, provided only that the leaseholder be paid a
76 reasonable rental for the unexpired term of his lease by the
77 grantee of such right-of-way. If any surface lessee of any such
78 sixteenth section land shall commit, cause to be committed, or
79 permit the commission of any act of waste on any sixteenth section
80 lands under lease to such lessee, then such lease * * *, as to
81 such lessee, shall cease and terminate and * * * be null and void
82 from the time the act of waste is committed; and the board of
83 education shall have the right to institute an action in any court
84 of competent jurisdiction to secure the cancellation of same of
85 record, to recover damages for such waste, and to maintain an
86 action in ejectment to recover possession of the same. To this
87 end, the board of education may employ competent counsel to
88 institute and maintain any such action or actions on behalf of the
89 board.

90 SECTION 3. This act shall take effect and be in force from
91 and after July 1, 2001.

