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

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

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

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

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

In each school district having need of tree planting and timber stand improvement, the board of education is authorized to place additional amounts in the forestry escrow fund to reimburse the State Forestry Commission for actual expenses incurred in performing this work, or to pay for any work done under private contract under the supervision of the commission. Such additional
amounts may be made available from forest products sales receipts, funds borrowed from the sixteenth section principal fund as is provided for in Section 29-3-113, or any other funds available to the board of education excluding Minimum Foundation or Adequate Education Program funds. Expenditures from the forestry escrow fund for tree planting, timber stand improvement, and other forestry work will be limited to payment for work recommended by the State Forestry Commission and agreed to by the board of education.

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

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

29-3-85. In all surface leases of sixteenth section land made by the board of education, whether such leases be original leases or extensions of existing leases, title to all timber, minerals, oil, and gas on such lands shall be reserved, together with the right of ingress and egress to remove same, whether such provisions be included in the terms of any such lease or not; and no timber shall be cut and used by the lessees except for fuel and necessary repairs and improvements on the leased premises. The board of education, notwithstanding the fact that such land may have been leased for other purposes, shall have the right, from time to time, to sell all merchantable timber on such lands in the manner hereinabove provided. In all cases where surface leases were outstanding on June 28, 1958, and have at least five (5) years remaining of the term thereof wherein the right to sell timber has not been reserved, either expressly or by operation of
law, the board, by agreement with the lessee, may sell such
63 timber under the procedure set out in this section. In all
64 such cases, the State Forestry Commission shall only cause to be
65 marked for cutting such timber as, in its judgment, should be
66 harvested in the best interest of the reversionary estate, and the
67 board may agree to pay to the lessee a portion of the proceeds of
68 such sales from time to time, not to exceed fifty percent (50%) of
69 the proceeds after the deduction of the escrow money
70 required to be reserved under Section 29-3-47, and all other costs
71 of the sale. In any surface lease, the board of education shall
72 reserve the right to grant or sell rights-of-way across any of the
73 sixteenth section land for a road, highway, railroad, or any
74 public utility line, provided only that the leaseholder be paid a
75 reasonable rental for the unexpired term of his lease by the
76 grantee of such right-of-way. If any surface lessee of any such
77 sixteenth section land shall commit, cause to be committed, or
78 permit the commission of any act of waste on any sixteenth section
79 lands under lease to such lessee, then such lease shall cease and terminate and be null and void
80 from the time the act of waste is committed; and the board of
81 education shall have the right to institute an action in any court
82 of competent jurisdiction to secure the cancellation of same of
83 record, to recover damages for such waste, and to maintain an
84 action in ejectment to recover possession of the same. To this
85 end, the board of education may employ competent counsel to
86 institute and maintain any such action or actions on behalf of the
87 board.
88
89 SECTION 3. This act shall take effect and be in force from
90 and after July 1, 2001.