AN ACT TO AMEND SECTION 29-3-45, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT IF A MEMBER OF A LOCAL SCHOOL BOARD HAS ANY INTEREST IN THE MANAGEMENT OR SALE OF TIMBER OR SIXTEENTH SECTION LANDS, THEN THE SCHOOL BOARD MAY NOT TAKE ANY ACTION REGARDING TIMBER MANAGEMENT ISSUES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 29-3-45, Mississippi Code of 1972, is amended as follows:

29-3-45. The board of education shall, by order placed upon its minutes, enter into an agreement with the State Forestry Commission for the general supervision and management of all lands classified as forest lands, as hereinabove provided, and of all timber under the control of the board on sixteenth section lands, and lieu lands which have not been so classified; however, any school board may contract with private persons or businesses for the reforestation of sixteenth section lands. When such agreement has been entered into, no timber shall be sold from any of the sixteenth section lands or lieu lands except such as have been marked for cutting by the State Forestry Commission's employees, and the State Forestry Commission, or its designated employee, shall fix the minimum total cash price or minimum price per unit, one thousand (1,000) feet or other measure, at which the marked timber shall be sold. The sales may be made for a lump sum or upon a unit price as in the opinion of the board may be calculated to bring the greatest return. Sales shall be made upon such other terms and conditions as to manner of cutting, damages for cutting of unmarked trees, damages to trees not cut and other pertinent matters as the board of education shall approve.
Any member of the board of education who has an interest in the management or sale of timber on sixteenth section lands under the control of that board which may create a conflict of interest under Section 109 of the Mississippi Constitution of 1890 or Section 25-4-105 must recuse himself or herself from participating in any action of the board relating to the management or sale of the timber. If any member of the board of education is required to recuse himself from the decision of the board regarding a timber management issue, the board may not take any action relating to the management or sale of the timber, and the superintendent of the school district shall forward the matter to the Secretary of State, who as supervisory trustee, shall have authority to make all decisions and take any action within the authority of the board of education relating to the issue.

The State Forestry Commission shall have the sole authority and control in prescribing the forestry management practices and scheduling of all cutting and harvesting of timber when such timber stands are determined by the State Forestry Commission to be economically ready for cutting and harvesting; however, any school board may contract with private persons or businesses for the reforestation of sixteenth section lands. Should a school board disagree with the State Forestry Commission concerning the time of cutting and harvesting, the board may make an appeal to the State Forestry Commission at a regular monthly scheduled meeting of the commission. If the school board is not satisfied after the appeal to the commission, the board may then appeal to the Secretary of State who will make the final decision as to the time for cutting and harvesting.

It is *** the duty of the State Forestry Commission, from time to time, to mark timber which should be cut from the sixteenth section lands, to determine what planting, deadening or other forestry improvements should be made, giving due consideration to food and habitat for wildlife, and to report to
the appropriate board of education. The State Forestry Commission
and the board of education shall supervise the cutting of any
timber sold from those lands herein designated and shall have
authority to require any timber-cutting operations on the lands to
cease until proper adjustment is made, whenever it shall appear
that timber is being cut in violation of the terms of the sale.
In the event that it is desired to lease any of such lands or
standing timber for turpentine purposes, such lease shall only
cover such trees as the State Forestry Commission shall designate,
and the commission through its employees shall approve the
number of faces, method of chipping and boxing of such timber, and
shall fix a minimum total cash price or minimum price per unit.
No sale of any timber, sand or gravel or turpentine lease
shall be made until notice of the sale or lease has been published
once a week for three (3) consecutive weeks in at least one (1)
newspaper published in such county. The first publication of such
notice shall be made not less than twenty-one (21) days prior to
the date fixed for the sale or lease, and the last publication
shall be made not more than seven (7) days prior to such date. If
no newspaper is published in such county, then such notice shall
be given by publishing the same for the required time in some
newspaper having a general circulation in such county and, in
addition * * *, by posting a copy of such notice for at least
twenty-one (21) days next preceding such sale or lease at three
(3) public places in such county.
* * * However, in the case of damage by fire, windstorm or
other natural causes which would require immediate sale of the
timber, because the time involved for advertisement as prescribed
in this section would allow decay, rot or destruction
substantially decreasing the purchase price to be received had not
such delay occurred, the advertisement provisions of this section
shall not apply. The board of education, with a written
recommendation from a designated employee of the State Forestry

Commission filed in the minutes of the board of education, shall determine when immediate sale of the timber is required. When the board of education shall find an immediate sale necessary for the causes stated in this section, it shall, in its discretion, set the time for receipt of bids on the purchase of the timber, but shall show due diligence in notifying competitive bidders so that a true competitive bid shall be received.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.