SENATE BILL NO. 2621

AN ACT TO AMEND SECTION 29-3-113, MISSISSIPPI CODE OF 1972, TO DEFINE THE ALLOWABLE INVESTMENTS OF THE SIXTEENTH SECTION SCHOOL LAND PRINCIPAL FUND WHICH MAY BE MADE BY LOCAL SCHOOL BOARDS, AND TO AUTHORIZE COMMON INVESTMENTS OF THE PRINCIPAL FUND BY ONE OR MORE SCHOOL BOARDS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 29-3-113, Mississippi Code of 1972, is amended as follows:

29-3-113. The principal fund shall be a permanent township fund which shall consist of funds heretofore or hereafter derived from certain uses or for certain resources of school trust lands which shall be invested and, except as otherwise provided in this section, only the interest and income derived from such funds shall be expendable by the school district.

The principal fund shall consist of:

(a) Funds received for easements and rights-of-way pursuant to Section 29-3-91;

(b) Funds received for sales of lieu land pursuant to Sections 29-3-15 through 29-3-25;

(c) Funds received from any permanent damage to the school trust land;

(d) Funds received from the sale of nonrenewable resources including but not limited to the sale of sand, gravel, dirt, clays and royalties received from the sale of mineral ores, coal, oil and gas;

(e) Funds received from the sale of buildings pursuant to Section 29-3-77;

(f) Funds received from the sale of timber; and
(g) Funds received pursuant to Section 29-3-23(2).

It shall be the duty of the board of education to keep the principal fund invested in any direct obligation issued by or guaranteed in full as to principal and interest by the United States of America or in certificates of deposit issued by a qualified depository of the State of Mississippi as approved by the State Treasurer. The certificates of deposit may bear interest at any rate per annum which may be mutually agreed upon but in no case shall said rate be less than that paid on passbook savings.

The board of education is likewise authorized to invest individually or in concert with other school districts, said funds in interest bearing deposits or other obligations of the types described in Section 27-105-33, as the same now is or may hereafter be amended, or in any other type investment in which any political subdivision of the State of Mississippi may invest, including, but not limited to as permitted by Sections 19-9-29, 21-33-323 and 27-105-365, as amended, except that one hundred percent (100%) of said funds are hereby authorized to be so invested. For the purposes of investment, the principal fund of each township may be combined into one or more district accounts or may be invested in a common investment with one or more other districts; however, the docket book of the county superintendent shall at all times reflect the proper source and amount of such funds. Provided that funds received from the sale of timber shall be placed in a separate principal fund account, and may be expended for any of the purposes authorized by law.

The board of education shall have authority to borrow such funds at a rate of interest not less than four percent (4%) per annum and for a term not exceeding twenty (20) years, for the erection, equipment or repair of said district schools, to provide local funds for any building project approved by the State Board of Education or to provide additional funds for forest stand
improvement as set forth in Section 29-3-47. In addition, the
board may borrow such funds under the same interest restrictions
for a term not exceeding ten (10) years to provide funds for the
purchase of school buses. The board of education of any school
district in any county that has an aggregate amount of assets in
its principal fund in excess of Five Million Dollars
($5,000,000.00), may deduct an amount not to exceed Five Hundred
Thousand Dollars ($500,000.00) for the purpose of covering the
cost of asbestos removal from school district buildings. Such
asbestos removal shall be construed to constitute the repair of
school district facilities as prescribed in Section 29-3-115.

No school land trust funds may be expended after the annual
payment date until the payment is made on such loan. The annual
payment can be made from any funds available to the school
district except minimum foundation program funds.

It shall be unlawful for the board of education to borrow any
sixteenth section school funds in any other manner than that
prescribed herein, and if any such funds shall be borrowed or
invested in any other manner, any officer concerned in making such
loan and investment or suffering the same to be made in violation
of the provisions of this section, shall be liable personally and
on his official bond for the safety of the funds so loaned.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.