

By: Representative Watson

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1302

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
2 TO ALLOW SCHOOL BOARDS TO CONTRACT WITH FINANCIAL INSTITUTIONS TO
3 ALLOW THE WITHHOLDING OF FUNDS BY STATE AGENCIES WITH RESPECT TO
4 THE ISSUANCE OF BONDS, NOTES OR OTHER OBLIGATIONS, TO ALLOW THE
5 WITHHOLDING OF FUNDS BY STATE AGENCIES IN THE EVENT OF DEFAULT BY
6 A LOCAL SCHOOL BOARD; TO AUTHORIZE A SCHOOL BOARD TO ACCEPT THE
7 SAME TYPE GOOD FAITH DEPOSIT OR BID BOND OR BID SURETY THAT MAY BE
8 ACCEPTED BY THE STATE OR OTHER POLITICAL SUBDIVISIONS; TO
9 AUTHORIZE SCHOOL BOARDS TO CONTRACT WITH UNIVERSITIES, COLLEGES
10 AND OTHERS FOR THE JOINT OPERATION OF ECONOMIC DEVELOPMENT
11 PROJECTS; TO AUTHORIZE A SCHOOL BOARD TO PLEDGE REVENUES RECEIVED
12 UNDER SECTIONS 37-7-471 THROUGH 37-7-483 FOR THE REPAYMENT OF
13 NOTES AND OTHER OBLIGATIONS; TO AMEND SECTION 37-7-471,
14 MISSISSIPPI CODE OF 1972, TO ALLOW A SCHOOL DISTRICT TO RETAIN AN
15 UNDIVIDED INTEREST IN PROPERTY DISPOSED BY THE SCHOOL BOARD IF IT
16 MAY YIELD A HIGHER LONG TERM ECONOMIC BENEFIT; TO AMEND SECTION
17 37-7-473, MISSISSIPPI CODE OF 1972, TO ALLOW SCHOOL PROPERTY TO BE
18 USED AS PART OF DEVELOPMENT ACTIVITIES; TO AMEND SECTION 37-7-475,
19 MISSISSIPPI CODE OF 1972, TO ALLOW CONVEYANCES TO INCLUDE A
20 RETENTION OF A PARTIAL INTEREST BY THE SCHOOL BOARD; TO AMEND
21 SECTION 37-7-477, MISSISSIPPI CODE OF 1972, TO MAKE REVERSION OF
22 INTERESTS DISCRETIONARY IF THE SCHOOL BOARD RETAINS A PARTIAL
23 INTEREST IN THE PROPERTY; TO AMEND SECTION 37-7-479, MISSISSIPPI
24 CODE OF 1972, TO PROVIDE THAT A REVERTER IS DISCRETIONARY IF THE
25 SCHOOL BOARD RETAINS A PARTIAL INTEREST IN THE PROPERTY; TO AMEND
26 SECTION 37-7-481, MISSISSIPPI CODE OF 1972, TO ALLOW SCHOOL BOARDS
27 TO CONTRACT WITH OTHER GOVERNMENTAL ENTITIES; TO AMEND SECTION
28 37-7-483, MISSISSIPPI CODE OF 1972, TO CLARIFY LEGISLATIVE INTENT
29 WITH RESPECT TO DEVELOPMENT OF SCHOOL PROPERTY; AND FOR RELATED
30 PURPOSES.

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

32 **SECTION 1.** This Act shall be referred to as the "School
33 Property Development Act of 2005."

34 **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is
35 amended as follows:

36 37-7-301. The school boards of all school districts shall
37 have the following powers, authority and duties in addition to all
38 others imposed or granted by law, to wit:

39 (a) To organize and operate the schools of the district
40 and to make such division between the high school grades and

41 elementary grades as, in their judgment, will serve the best
42 interests of the school;

43 (b) To introduce public school music, art, manual
44 training and other special subjects into either the elementary or
45 high school grades, as the board shall deem proper;

46 (c) To be the custodians of real and personal school
47 property and to manage, control and care for same, both during the
48 school term and during vacation;

49 (d) To have responsibility for the erection, repairing
50 and equipping of school facilities and the making of necessary
51 school improvements;

52 (e) To suspend or to expel a pupil or to change the
53 placement of a pupil to the school district's alternative school
54 or home-bound program for misconduct in the school or on school
55 property, as defined in Section 37-11-29, on the road to and from
56 school, or at any school-related activity or event, or for conduct
57 occurring on property other than school property or other than at
58 a school-related activity or event when such conduct by a pupil,
59 in the determination of the school superintendent or principal,
60 renders that pupil's presence in the classroom a disruption to the
61 educational environment of the school or a detriment to the best
62 interest and welfare of the pupils and teacher of such class as a
63 whole, and to delegate such authority to the appropriate officials
64 of the school district;

65 (f) To visit schools in the district, in their
66 discretion, in a body for the purpose of determining what can be
67 done for the improvement of the school in a general way;

68 (g) To support, within reasonable limits, the
69 superintendent, principal and teachers where necessary for the
70 proper discipline of the school;

71 (h) To exclude from the schools students with what
72 appears to be infectious or contagious diseases; provided,
73 however, such student may be allowed to return to school upon

74 presenting a certificate from a public health officer, duly
75 licensed physician or nurse practitioner that the student is free
76 from such disease;

77 (i) To require those vaccinations specified by the
78 State Health Officer as provided in Section 41-23-37, Mississippi
79 Code of 1972;

80 (j) To see that all necessary utilities and services
81 are provided in the schools at all times when same are needed;

82 (k) To authorize the use of the school buildings and
83 grounds for the holding of public meetings and gatherings of the
84 people under such regulations as may be prescribed by said board;

85 (l) To prescribe and enforce rules and regulations not
86 inconsistent with law or with the regulations of the State Board
87 of Education for their own government and for the government of
88 the schools, and to transact their business at regular and special
89 meetings called and held in the manner provided by law;

90 (m) To maintain and operate all of the schools under
91 their control for such length of time during the year as may be
92 required;

93 (n) To enforce in the schools the courses of study and
94 the use of the textbooks prescribed by the proper authorities;

95 (o) To make orders directed to the superintendent of
96 schools for the issuance of pay certificates for lawful purposes
97 on any available funds of the district and to have full control of
98 the receipt, distribution, allotment and disbursement of all funds
99 provided for the support and operation of the schools of such
100 school district whether such funds be derived from state
101 appropriations, local ad valorem tax collections, or otherwise;

102 (p) To select all school district personnel in the
103 manner provided by law, and to provide for such employee fringe
104 benefit programs, including accident reimbursement plans, as may
105 be deemed necessary and appropriate by the board;

106 (q) To provide athletic programs and other school
107 activities and to regulate the establishment and operation of such
108 programs and activities;

109 (r) To join, in their discretion, any association of
110 school boards and other public school-related organizations, and
111 to pay from local funds other than minimum foundation funds, any
112 membership dues;

113 (s) To expend local school activity funds, or other
114 available school district funds, other than minimum education
115 program funds, for the purposes prescribed under this paragraph.
116 "Activity funds" shall mean all funds received by school officials
117 in all school districts paid or collected to participate in any
118 school activity, such activity being part of the school program
119 and partially financed with public funds or supplemented by public
120 funds. The term "activity funds" shall not include any funds
121 raised and/or expended by any organization unless commingled in a
122 bank account with existing activity funds, regardless of whether
123 the funds were raised by school employees or received by school
124 employees during school hours or using school facilities, and
125 regardless of whether a school employee exercises influence over
126 the expenditure or disposition of such funds. Organizations shall
127 not be required to make any payment to any school for the use of
128 any school facility if, in the discretion of the local school
129 governing board, the organization's function shall be deemed to be
130 beneficial to the official or extracurricular programs of the
131 school. For the purposes of this provision, the term
132 "organization" shall not include any organization subject to the
133 control of the local school governing board. Activity funds may
134 only be expended for any necessary expenses or travel costs,
135 including advances, incurred by students and their chaperons in
136 attending any in-state or out-of-state school-related programs,
137 conventions or seminars and/or any commodities, equipment, travel
138 expenses, purchased services or school supplies which the local

139 school governing board, in its discretion, shall deem beneficial
140 to the official or extracurricular programs of the district,
141 including items which may subsequently become the personal
142 property of individuals, including yearbooks, athletic apparel,
143 book covers and trophies. Activity funds may be used to pay
144 travel expenses of school district personnel. The local school
145 governing board shall be authorized and empowered to promulgate
146 rules and regulations specifically designating for what purposes
147 school activity funds may be expended. The local school governing
148 board shall provide (i) that such school activity funds shall be
149 maintained and expended by the principal of the school generating
150 the funds in individual bank accounts, or (ii) that such school
151 activity funds shall be maintained and expended by the
152 superintendent of schools in a central depository approved by the
153 board. The local school governing board shall provide that such
154 school activity funds be audited as part of the annual audit
155 required in Section 37-9-18. The State Auditor shall prescribe a
156 uniform system of accounting and financial reporting for all
157 school activity fund transactions;

158 (t) To contract, on a shared savings, lease or
159 lease-purchase basis, for energy efficiency services and/or
160 equipment as provided for in Section 31-7-14, not to exceed ten
161 (10) years;

162 (u) To maintain accounts and issue pay certificates on
163 school food service bank accounts;

164 (v) (i) To lease a school building from an individual,
165 partnership, nonprofit corporation or a private for-profit
166 corporation for the use of such school district, and to expend
167 funds therefor as may be available from any nonminimum program
168 sources. The school board of the school district desiring to
169 lease a school building shall declare by resolution that a need
170 exists for a school building and that the school district cannot
171 provide the necessary funds to pay the cost or its proportionate

172 share of the cost of a school building required to meet the
173 present needs. The resolution so adopted by the school board
174 shall be published once each week for three (3) consecutive weeks
175 in a newspaper having a general circulation in the school district
176 involved, with the first publication thereof to be made not less
177 than thirty (30) days prior to the date upon which the school
178 board is to act on the question of leasing a school building. If
179 no petition requesting an election is filed prior to such meeting
180 as hereinafter provided, then the school board may, by resolution
181 spread upon its minutes, proceed to lease a school building. If
182 at any time prior to said meeting a petition signed by not less
183 than twenty percent (20%) or fifteen hundred (1500), whichever is
184 less, of the qualified electors of the school district involved
185 shall be filed with the school board requesting that an election
186 be called on the question, then the school board shall, not later
187 than the next regular meeting, adopt a resolution calling an
188 election to be held within such school district upon the question
189 of authorizing the school board to lease a school building. Such
190 election shall be called and held, and notice thereof shall be
191 given, in the same manner for elections upon the questions of the
192 issuance of the bonds of school districts, and the results thereof
193 shall be certified to the school board. If at least three-fifths
194 (3/5) of the qualified electors of the school district who voted
195 in such election shall vote in favor of the leasing of a school
196 building, then the school board shall proceed to lease a school
197 building. The term of the lease contract shall not exceed twenty
198 (20) years, and the total cost of such lease shall be either the
199 amount of the lowest and best bid accepted by the school board
200 after advertisement for bids or an amount not to exceed the
201 current fair market value of the lease as determined by the
202 averaging of at least two (2) appraisals by certified general
203 appraisers licensed by the State of Mississippi. The term "school
204 building" as used in this item (v) shall be construed to mean any

205 building or buildings used for classroom purposes in connection
206 with the operation of schools and shall include the site therefor,
207 necessary support facilities, and the equipment thereof and
208 appurtenances thereto such as heating facilities, water supply,
209 sewage disposal, landscaping, walks, drives and playgrounds. The
210 term "lease" as used in this item (v)(i) may include a
211 lease/purchase contract;

212 (ii) If two (2) or more school districts propose
213 to enter into a lease contract jointly, then joint meetings of the
214 school boards having control may be held but no action taken shall
215 be binding on any such school district unless the question of
216 leasing a school building is approved in each participating school
217 district under the procedure hereinabove set forth in item (v)(i).
218 All of the provisions of item (v)(i) regarding the term and amount
219 of the lease contract shall apply to the school boards of school
220 districts acting jointly. Any lease contract executed by two (2)
221 or more school districts as joint lessees shall set out the amount
222 of the aggregate lease rental to be paid by each, which may be
223 agreed upon, but there shall be no right of occupancy by any
224 lessee unless the aggregate rental is paid as stipulated in the
225 lease contract. All rights of joint lessees under the lease
226 contract shall be in proportion to the amount of lease rental paid
227 by each;

228 (w) To employ all noninstructional and noncertificated
229 employees and fix the duties and compensation of such personnel
230 deemed necessary pursuant to the recommendation of the
231 superintendent of schools;

232 (x) To employ and fix the duties and compensation of
233 such legal counsel as deemed necessary;

234 (y) Subject to rules and regulations of the State Board
235 of Education, to purchase, own and operate trucks, vans and other
236 motor vehicles, which shall bear the proper identification
237 required by law;

238 (z) To expend funds for the payment of substitute
239 teachers and to adopt reasonable regulations for the employment
240 and compensation of such substitute teachers;

241 (aa) To acquire in its own name by purchase all real
242 property which shall be necessary and desirable in connection with
243 the construction, renovation or improvement of any public school
244 building or structure. Whenever the purchase price for such real
245 property is greater than Fifty Thousand Dollars (\$50,000.00), the
246 school board shall not purchase the property for an amount
247 exceeding the fair market value of such property as determined by
248 the average of at least two (2) independent appraisals by
249 certified general appraisers licensed by the State of Mississippi.
250 If the board shall be unable to agree with the owner of any such
251 real property in connection with any such project, the board shall
252 have the power and authority to acquire any such real property by
253 condemnation proceedings pursuant to Section 11-27-1 et seq.,
254 Mississippi Code of 1972, and for such purpose, the right of
255 eminent domain is hereby conferred upon and vested in said board.
256 Provided further, that the local school board is authorized to
257 grant an easement for ingress and egress over sixteenth section
258 land or lieu land in exchange for a similar easement upon
259 adjoining land where the exchange of easements affords substantial
260 benefit to the sixteenth section land; provided, however, the
261 exchange must be based upon values as determined by a competent
262 appraiser, with any differential in value to be adjusted by cash
263 payment. Any easement rights granted over sixteenth section land
264 under such authority shall terminate when the easement ceases to
265 be used for its stated purpose. No sixteenth section or lieu land
266 which is subject to an existing lease shall be burdened by any
267 such easement except by consent of the lessee or unless the school
268 district shall acquire the unexpired leasehold interest affected
269 by the easement;

270 (bb) To charge reasonable fees related to the
271 educational programs of the district, in the manner prescribed in
272 Section 37-7-335;

273 (cc) Subject to rules and regulations of the State
274 Board of Education, to purchase relocatable classrooms for the use
275 of such school district, in the manner prescribed in Section
276 37-1-13;

277 (dd) Enter into contracts or agreements with other
278 school districts, political subdivisions or governmental entities
279 to carry out one or more of the powers or duties of the school
280 board, or to allow more efficient utilization of limited resources
281 for providing services to the public;

282 (ee) To provide for in-service training for employees
283 of the district. Until June 30, 1994, the school boards may
284 designate two (2) days of the minimum school term, as defined in
285 Section 37-19-1, for employee in-service training for
286 implementation of the new statewide testing system as developed by
287 the State Board of Education. Such designation shall be subject
288 to approval by the State Board of Education pursuant to uniform
289 rules and regulations;

290 (ff) As part of their duties to prescribe the use of
291 textbooks, to provide that parents and legal guardians shall be
292 responsible for the textbooks and for the compensation to the
293 school district for any books which are not returned to the proper
294 schools upon the withdrawal of their dependent child. If a
295 textbook is lost or not returned by any student who drops out of
296 the public school district, the parent or legal guardian shall
297 also compensate the school district for the fair market value of
298 the textbooks;

299 (gg) To conduct fund-raising activities on behalf of
300 the school district that the local school board, in its
301 discretion, deems appropriate or beneficial to the official or
302 extracurricular programs of the district; provided that:

303 (i) Any proceeds of the fund-raising activities
304 shall be treated as "activity funds" and shall be accounted for as
305 are other activity funds under this section; and

306 (ii) Fund-raising activities conducted or
307 authorized by the board for the sale of school pictures, the
308 rental of caps and gowns or the sale of graduation invitations for
309 which the school board receives a commission, rebate or fee shall
310 contain a disclosure statement advising that a portion of the
311 proceeds of the sales or rentals shall be contributed to the
312 student activity fund;

313 (hh) To allow individual lessons for music, art and
314 other curriculum-related activities for academic credit or
315 nonacademic credit during school hours and using school equipment
316 and facilities, subject to uniform rules and regulations adopted
317 by the school board;

318 (ii) To charge reasonable fees for participating in an
319 extracurricular activity for academic or nonacademic credit for
320 necessary and required equipment such as safety equipment, band
321 instruments and uniforms;

322 (jj) To conduct or participate in any fund-raising
323 activities on behalf of or in connection with a tax-exempt
324 charitable organization;

325 (kk) To exercise such powers as may be reasonably
326 necessary to carry out the provisions of this section;

327 (ll) To expend funds for the services of nonprofit arts
328 organizations or other such nonprofit organizations who provide
329 performances or other services for the students of the school
330 district;

331 (mm) To expend federal No Child Left Behind Act funds,
332 or any other available funds that are expressly designated and
333 authorized for that use, to pay training, educational expenses,
334 salary incentives and salary supplements to employees of local
335 school districts; except that incentives shall not be considered

336 part of the local supplement as defined in Section 37-151-5(o),
337 nor shall incentives be considered part of the local supplement
338 paid to an individual teacher for the purposes of Section
339 37-19-7(1). Mississippi Adequate Education Program funds or any
340 other state funds may not be used for salary incentives or salary
341 supplements as provided in this paragraph (mm);

342 (nn) To use any available funds, not appropriated or
343 designated for any other purpose, for reimbursement to the
344 state-licensed employees from both in-state and out-of-state, who
345 enter into a contract for employment in a school district, for the
346 expense of moving when the employment necessitates the relocation
347 of the licensed employee to a different geographical area than
348 that in which the licensed employee resides before entering into
349 the contract. The reimbursement shall not exceed One Thousand
350 Dollars (\$1,000.00) for the documented actual expenses incurred in
351 the course of relocating, including the expense of any
352 professional moving company or persons employed to assist with the
353 move, rented moving vehicles or equipment, mileage in the amount
354 authorized for county and municipal employees under Section
355 25-3-41 if the licensed employee used his personal vehicle or
356 vehicles for the move, meals and such other expenses associated
357 with the relocation. No licensed employee may be reimbursed for
358 moving expenses under this section on more than one (1) occasion
359 by the same school district. Nothing in this section shall be
360 construed to require the actual residence to which the licensed
361 employee relocates to be within the boundaries of the school
362 district that has executed a contract for employment in order for
363 the licensed employee to be eligible for reimbursement for the
364 moving expenses. However, the licensed employee must relocate
365 within the boundaries of the State of Mississippi. Any individual
366 receiving relocation assistance through the Critical Teacher
367 Shortage Act as provided in Section 37-159-5 shall not be eligible

368 to receive additional relocation funds as authorized in this
369 paragraph;

370 (oo) To use any available funds, not appropriated or
371 designated for any other purpose, to reimburse persons who
372 interview for employment as a licensed employee with the district
373 for the mileage and other actual expenses incurred in the course
374 of travel to and from the interview at the rate authorized for
375 county and municipal employees under Section 25-3-41;

376 (pp) Consistent with the report of the Task Force to
377 Conduct a Best Financial Management Practices Review, to improve
378 school district management and use of resources and identify cost
379 savings as established in Section 8 of Chapter 610, Laws of 2002,
380 local school boards are encouraged to conduct independent reviews
381 of the management and efficiency of schools and school districts.
382 Such management and efficiency reviews shall provide state and
383 local officials and the public with the following:

384 (i) An assessment of a school district's
385 governance and organizational structure;

386 (ii) An assessment of the school district's
387 financial and personnel management;

388 (iii) An assessment of revenue levels and sources;

389 (iv) An assessment of facilities utilization,
390 planning and maintenance;

391 (v) An assessment of food services, transportation
392 and safety/security systems;

393 (vi) An assessment of instructional and
394 administrative technology;

395 (vii) A review of the instructional management and
396 the efficiency and effectiveness of existing instructional
397 programs; and

398 (viii) Recommended methods for increasing
399 efficiency and effectiveness in providing educational services to
400 the public;

401 (qq) To enter into agreements with other local school
402 boards for the establishment of an educational service agency
403 (ESA) to provide for the cooperative needs of the region in which
404 the school district is located, as provided in Section 37-7-345.
405 This paragraph shall repeal on July 1, 2007;

406 (rr) To implement a financial literacy program for
407 students in Grades 10 and 11. The board may review the national
408 programs and obtain free literature from various nationally
409 recognized programs. After review of the different programs, the
410 board may certify a program that is most appropriate for the
411 school districts' needs. If a district implements a financial
412 literacy program, then any student in Grade 10 or 11 may
413 participate in the program. The financial literacy program shall
414 include, but is not limited to, instruction in the same areas of
415 personal business and finance as required under Section
416 37-1-3(2)(b). The school board may coordinate with volunteer
417 teachers from local community organizations, including, but not
418 limited to, the following: United States Department of
419 Agriculture Rural Development, United States Department of Housing
420 and Urban Development, Junior Achievement, bankers and other
421 nonprofit organizations. Nothing in this paragraph shall be
422 construed as to require school boards to implement a financial
423 literacy program;

424 (ss) To collaborate with the State Board of Education,
425 Community Action Agencies or the Department of Human Services to
426 develop and implement a voluntary program to provide services for
427 a full day prekindergarten program that addresses the cognitive,
428 social, and emotional needs of four-year-old and three-year-old
429 children. The school board may utilize nonstate source special
430 funds, grants, donations or gifts to fund the voluntary program;

431 (tt) With respect to any lawful, written obligation of
432 a school district, including but not limited to leases, bonds,
433 notes, or other agreement, to agree in writing with the obligee

434 that the State Tax Commission or any state agency, department or
435 commission created under state law shall:

436 (i) Withhold all or any part (as agreed by the
437 school board) of any monies which such local school board is
438 entitled to receive from time to time under any law and which is
439 in the possession of the State Tax Commission, or any state
440 agency, department or commission created under state law; and

441 (ii) Pay the same over to any financial
442 institution, trustee or other obligee, as directed in writing by
443 the school board, to satisfy all or part of such obligation of the
444 school district.

445 The school board may make such written agreement to withhold
446 and transfer funds irrevocable for the term of the written
447 obligation and may include in the written agreement any other
448 terms and provisions acceptable to the school board. If the
449 school board files a copy of such written agreement with the
450 State Tax Commission, or any state agency, department or
451 commission created under state law then the State Tax Commission
452 or any state agency, department or commission created under state
453 law shall immediately make the withholdings provided in such
454 agreement from the amounts due the local school board and shall
455 continue to pay the same over to such financial institution,
456 trustee or obligee for the term of the agreement;

457 (uu) With respect to any matter or transaction that is
458 competitively bid by a school district, to accept from any bidder
459 as a good faith deposit or bid bond or bid surety, the same type
460 of good faith deposit or bid bond or bid surety that may be
461 accepted by the State or any other political subdivision on
462 similar competitively bid matters or transactions;

463 (vv) To contract with any other governmental entity,
464 university or community college, corporation, person or other
465 legal entity for the joint construction, financing, ownership or
466 operation of any project, development or activity that, in the

467 discretion of the school board, will have the potential for
468 fostering economic development activities, increasing property
469 values, increasing student development or enhancing public safety.
470 A school district may pledge any revenues it is to receive from
471 contracts under this subsection or under Sections 37-7-471 through
472 37-7-483 to secure the repayment of any notes, leases, bonds or
473 other written obligations of the district issued under any
474 provision of State law. It is the intention of the Legislature
475 that any such pledge of revenues or other monies shall be valid
476 and binding from the date the pledge is made; that such revenues
477 or other monies so pledged and thereafter received by the school
478 district shall immediately be subject to the lien of such pledge
479 without any physical delivery thereof or further act, and that the
480 lien of any such pledge shall be valid and binding as against all
481 parties having claims of any kind in tort, contract or otherwise
482 against the school district irrespective of whether such parties
483 have notice thereof; and neither the resolutions, contracts or any
484 other instrument by which a pledge is created need be recorded.
485 Furthermore, any debt secured in whole or in part by a pledge of
486 such revenues or other monies shall not be subject to or included
487 in any debt limitation imposed on the issuance of such debt;
488 (ww) To mandate that the school board use sound
489 business practices when entering into contracts as provided in
490 paragraphs (tt), (uu) or (vv) of this section. The Mississippi
491 Development Authority or the local school board may require that
492 any entity, who enters into contracts with the school board as
493 provided in paragraphs (tt), (uu) or (vv) of this section, provide
494 the following information, at a minimum:
495 (i) A two-year business plan (which shall include
496 proforma balance sheets, income statements and monthly cash flow
497 statements);

498 (ii) Financial statements or tax returns for the
499 three (3) years immediately prior to the date the contract is
500 formed;

501 (iii) Credit reports on all persons or entities
502 with a twenty percent (20%) or greater interest in the entity;

503 (iv) Data supporting the expertise of the entity's
504 principals;

505 (v) A cost benefit analysis of the project
506 performed by a state institution of higher learning or other
507 entity selected by the Mississippi Development Authority or the
508 local school board; and

509 (vi) Any other information required by the
510 Mississippi Development Authority or the local school board; and

511 (xx) To make public record any final and signed
512 contract created under paragraphs (tt), (uu) or (vv) of this
513 section.

514 **SECTION 3.** Section 37-7-471, Mississippi Code of 1972, is
515 amended as follows:

516 37-7-471. Whenever the school board of any school district
517 shall find and determine, by resolution duly and lawfully adopted
518 and spread upon its minutes:

519 (a) That any school building, land, property or other
520 school facility is no longer needed for school or related purposes
521 and is not to be used in the operation of the schools of the
522 district, or that such school building, land, property or other
523 school facility may yield a higher long term economic value to the
524 district, in the discretion of the local school board;

525 (b) That the sale of the property in the manner
526 otherwise provided by law is not necessary or desirable for the
527 financial welfare of the school district; and

528 (c) That the use of the school building, land, property
529 or other school facility for the purpose for which it is to be
530 sold, conveyed or leased will promote and foster the development

531 and improvement of the community in which it is located and the
532 civic, social, educational, cultural, moral, economic or
533 industrial welfare thereof, the school board of such school
534 district shall be authorized and empowered, in its discretion, and
535 upon the terms and conditions set forth in Section 37-7-477, to
536 sell, convey, lease or otherwise dispose of same for any of the
537 purposes set forth herein. Such sale, conveyance, lease or other
538 disposition, including retention of partial ownership, shall be
539 made upon such terms and conditions and for such consideration,
540 nominal or otherwise, as the school board may, in its discretion,
541 deem proper in consideration of the benefits which will inure to
542 the school district or the community in which the school building,
543 property or other facility is located by the use thereof for the
544 purpose for which it is to be sold, conveyed, leased or otherwise
545 disposed of. The authority conferred by Sections 37-7-471 through
546 37-7-483 may be exercised by a school board in the sale,
547 conveyance or lease of relocatable classrooms to the school board
548 of another school district. Said sections without reference to
549 another statute shall be deemed full and complete power for the
550 exercise of the authority conferred hereby.

551 **SECTION 4.** Section 37-7-473, Mississippi Code of 1972, is
552 amended as follows:

553 37-7-473. School buildings, land, property and related
554 facilities may be sold, conveyed, leased or otherwise disposed of
555 under Sections 37-7-471 through 37-7-483, to any group of persons,
556 to any association, club or corporation, or to any county,
557 municipality or other political subdivision, to be used as a
558 civic, community, recreational or youth center, or to be used by
559 any county or district fair association in connection with its
560 activities, or to be used for church purposes, or to be used as a
561 library or other public building, or to be used as a factory or
562 otherwise in connection with an industrial enterprise, or to be
563 used as part of a development activity to stimulate economic

564 development activities within the district, or to enhance property
565 values within the district, or to be used for any similar or
566 related purpose or activity.

567 **SECTION 5.** Section 37-7-475, Mississippi Code of 1972, is
568 amended as follows:

569 37-7-475. Upon being authorized by a resolution of the
570 school board as is provided by Section 37-7-471, the president and
571 secretary shall be authorized and empowered to execute, for and on
572 behalf of the school district, a conveyance or lease of the
573 property for the purposes, upon the terms and conditions, and for
574 the consideration provided and specified by the school board,
575 including retention of partial ownership in the property, in the
576 discretion of the school board. It shall not be necessary or
577 requisite that competitive bids be advertised for or received in
578 connection with such sale, conveyance, leasing or other
579 disposition of property.

580 **SECTION 6.** Section 37-7-477, Mississippi Code of 1972, is
581 amended as follows:

582 37-7-477. Unless a school board retains partial ownership in
583 the school property being conveyed, any instrument conveying or
584 leasing any school property under the provisions of Sections
585 37-7-471 through 37-7-483, shall provide that the title to such
586 property shall automatically revert to the school district, if
587 such property shall cease to be used for the purpose for which it
588 is conveyed or leased. Said instrument shall also contain the
589 condition that the grantee or lessee shall keep and maintain said
590 property in a good state of repair and shall keep said property
591 insured in a reasonable amount against loss by fire, windstorm and
592 other hazards. Upon breach of any of said conditions, the school
593 board shall have the right of reentry upon said property as for
594 condition broken and shall have the power and authority to bring
595 and maintain such actions as shall be necessary and appropriate
596 for such purpose in its own name. However, the provisions of this

597 section shall not be mandatory in the event that the school board
598 retains partial ownership in the school property being conveyed.

599 **SECTION 7.** Section 37-7-479, Mississippi Code of 1972, is
600 amended as follows:

601 37-7-479. Any group of persons, any association, club or
602 corporation, or any county, municipality or other political
603 subdivision having acquired school buildings, land, property or
604 related facilities under the provisions of Sections 37-7-471
605 through 37-7-483, may, by resolution duly adopted at a regular or
606 special meeting called and convened for such purpose, determine
607 that such school buildings, land, property or related facilities,
608 or any portion thereof, are no longer needed or used for the
609 purpose for which such was acquired, and may by such resolution
610 provide for the sale of such school buildings, land, property or
611 related facilities, or any portion thereof. Said resolution shall
612 be forwarded to the school board of the school district involved,
613 and if the said board shall adopt a resolution determining that
614 such school buildings, land, property or related facilities, or
615 such portion thereof as is sought to be sold, is no longer needed
616 or used by the school district involved, then such school
617 buildings, land, property or related facilities, or any portion
618 thereof, may be sold in accordance with the procedure set forth in
619 Section 37-7-455.

620 The school board of such district shall by order entered on
621 its minutes, provide for the distribution of the proceeds received
622 from the sale of such property in such proportions as the said
623 school board may, in its discretion, determine reasonable as the
624 interests may appear between the district and the group of
625 persons, association, club, corporation, county, municipality or
626 other political subdivision having an interest in such property at
627 the time of such sale.

628 However, the provisions of this section shall not be
629 mandatory in the event that the school board retains partial
630 ownership in the school property being conveyed.

631 **SECTION 8.** Section 37-7-481, Mississippi Code of 1972, is
632 amended as follows:

633 37-7-481. The authority conferred by Sections 37-7-471
634 through 37-7-483, may be exercised by the existing school board of
635 any school district in which any such school building, land,
636 property or other school facility is located or situated. Such
637 school board may contract with any other school board, or any
638 other governmental entity, to assign and transfer its right and
639 duties under this chapter, under such terms and conditions as the
640 school board may determine, in its discretion, to further the
641 public interest. The sections, without reference to any other
642 statute, shall be deemed full, complete and exclusive power for
643 the exercise of the authority conferred hereby.

644 **SECTION 9.** Section 37-7-483, Mississippi Code of 1972, is
645 amended as follows:

646 37-7-483. The Legislature hereby declares that it is its
647 intention and purpose to authorize and permit each and every type
648 of disposition of property permitted in Sections 37-7-471 through
649 37-7-481 and by each and every type of transfer mentioned, and by
650 every combination possible thereunder.

651 Said sections shall be construed to be supplemental to
652 Sections 37-7-451 through 37-7-457 and Sections 37-7-501 through
653 37-7-511, and to all other statutes dealing with the subject
654 matter thereof, and shall be deemed to provide a supplemental,
655 additional and alternate method for the disposition of school
656 buildings, land, property and other school facilities which are no
657 longer to be used for school purposes and are not needed in the
658 operation of the schools of the district, based on an objective
659 cost/benefit analysis as to whether the proposal shall maximize
660 the interest of the taxpayers.

661 **SECTION 10.** This act shall take effect and be in force from
662 and after its passage.