

By: Senator(s) Nunnelee

To: Education; Finance

SENATE BILL NO. 2121

1 AN ACT TO CREATE THE MISSISSIPPI PUBLIC SCHOOL RELIEF ACT; TO  
2 PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS WHO MAKE CASH  
3 CONTRIBUTIONS TO SCHOOL TUITION ORGANIZATIONS OR PUBLIC SCHOOLS;  
4 TO AMEND SECTIONS 37-7-301 AND 37-151-93, MISSISSIPPI CODE OF  
5 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Sections 1 through 3 of this act shall be known  
8 and may be cited as the Mississippi Public School Relief Act.

9 **SECTION 2.** It is the intent and purpose of Sections 1  
10 through 3 of this act to: (a) provide greater financial resources  
11 from Mississippi taxpayers for Mississippi public schools, (b)  
12 provide assistance for families of low or limited financial  
13 resources who want expanded educational opportunities for their  
14 children, (c) affirm that all children are unique and learn  
15 differently and may benefit from these expanded educational  
16 opportunities, and (d) enable Mississippi to achieve a greater  
17 level of educational excellence.

18 **SECTION 3.** (1) Except as otherwise provided in subsection  
19 (3) of this section, for any taxpayer who makes a voluntary cash  
20 contribution to a school tuition organization or a qualified  
21 school that is a public school, a credit against the income taxes  
22 imposed by Section 27-7-1 et seq., Mississippi Code of 1972, shall  
23 be allowed in the amount provided in subsection (2) of this  
24 section. For purposes of this section:

25 (a) "School tuition organization" means a charitable  
26 organization in this state which is exempt from federal taxation  
27 under Section 501(c)(3) of the Internal Revenue Code and which  
28 allocates at least ninety percent (90%) of its annual revenue for

29 educational scholarships or tuition grants to children in order to  
30 allow them to attend any qualified school of their parent's or  
31 guardian's choice, or for reimbursement to public qualified  
32 schools for expenses incurred in enrolling students lawfully  
33 transferred to such a school from outside the school district, or  
34 both.

35 (b) "Qualified school" means a public or nonpublic  
36 primary or secondary school in this state. In the case of a  
37 nonpublic school, the school must not discriminate on the basis of  
38 race, color, sex, handicap or national origin, and the school must  
39 maintain educational standards equivalent to the standards  
40 established by the State Department of Education for the state  
41 schools as outlined in the Approval Requirements of the State  
42 Board of Education for Nonpublic Schools.

43 (2) (a) The income tax credit provided in subsection (1) of  
44 this section for a voluntary cash contribution to a school tuition  
45 organization shall be equal to the amount of the contribution to  
46 such organization during the taxable year, not to exceed the  
47 lesser of Five Hundred Dollars (\$500.00) or the amount of income  
48 tax imposed upon the taxpayer for the taxable year reduced by the  
49 sum of all other credits allowable to such taxpayer under the  
50 state income tax laws, except credit for tax payments made by or  
51 on behalf of the taxpayer. In the case of married individuals  
52 filing separate returns, each person may claim an amount not to  
53 exceed one-half (1/2) of the tax credit which would have been  
54 allowed for a joint return. Any unused portion of the credit may  
55 be carried forward for the next five (5) succeeding tax years.

56 (b) The income tax credit provided in subsection (1) of  
57 this section for a voluntary cash contribution to a qualified  
58 school that is a public school shall be equal to the amount of the  
59 contribution to such school during the taxable year, not to exceed  
60 the lesser of Two Hundred Dollars (\$200.00) or the amount of  
61 income tax imposed upon the taxpayer for the taxable year reduced

62 by the sum of all other credits allowable to such taxpayer under  
63 the state income tax laws, except credit for tax payments made by  
64 or on behalf of the taxpayer. In the case of married individuals  
65 filing separate returns, each person may claim an amount not to  
66 exceed one-half (1/2) of the tax credit which would have been  
67 allowed for a joint return. Any unused portion of the credit may  
68 be carried forward for the next five (5) succeeding tax years.

69 (3) Any amount of a cash contribution made by a taxpayer  
70 that is applied toward the credit provided in this section may not  
71 be used as a deduction by the taxpayer for state income tax  
72 purposes.

73 (4) The tax credit provided for in this section shall not be  
74 allowed if the taxpayer designates the taxpayer's cash  
75 contribution to the school tuition organization for the direct  
76 benefit of any dependent of the taxpayer.

77 **SECTION 4.** Section 37-7-301, Mississippi Code of 1972, is  
78 amended as follows:

79 37-7-301. The school boards of all school districts shall  
80 have the following powers, authority and duties in addition to all  
81 others imposed or granted by law, to wit:

82 (a) To organize and operate the schools of the district  
83 and to make such division between the high school grades and  
84 elementary grades as, in their judgment, will serve the best  
85 interests of the school;

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

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

92 (d) To have responsibility for the erection, repairing  
93 and equipping of school facilities and the making of necessary  
94 school improvements;

95           (e) To suspend or to expel a pupil or to change the  
96 placement of a pupil to the school district's alternative school  
97 or home-bound program for misconduct in the school or on school  
98 property, as defined in Section 37-11-29, on the road to and from  
99 school, or at any school-related activity or event, or for conduct  
100 occurring on property other than school property or other than at  
101 a school-related activity or event when such conduct by a pupil,  
102 in the determination of the school superintendent or principal,  
103 renders that pupil's presence in the classroom a disruption to the  
104 educational environment of the school or a detriment to the best  
105 interest and welfare of the pupils and teacher of such class as a  
106 whole, and to delegate such authority to the appropriate officials  
107 of the school district;

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

111           (g) To support, within reasonable limits, the  
112 superintendent, principal and teachers where necessary for the  
113 proper discipline of the school;

114           (h) To exclude from the schools students with what  
115 appears to be infectious or contagious diseases; provided,  
116 however, such student may be allowed to return to school upon  
117 presenting a certificate from a public health officer, duly  
118 licensed physician or nurse practitioner that the student is free  
119 from such disease;

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

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

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

128           (1) To prescribe and enforce rules and regulations not  
129 inconsistent with law or with the regulations of the State Board  
130 of Education for their own government and for the government of  
131 the schools, and to transact their business at regular and special  
132 meetings called and held in the manner provided by law;

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

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

138           (o) To make orders directed to the superintendent of  
139 schools for the issuance of pay certificates for lawful purposes  
140 on any available funds of the district and to have full control of  
141 the receipt, distribution, allotment and disbursement of all funds  
142 provided for the support and operation of the schools of such  
143 school district whether such funds be derived from state  
144 appropriations, local ad valorem tax collections, or otherwise.  
145 The local school board shall be authorized and empowered to  
146 promulgate rules and regulations that specify the types of claims  
147 and set limits of the dollar amount for payment of claims by the  
148 superintendent of schools to be ratified by the board at the next  
149 regularly scheduled meeting after payment has been made;

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

154           (q) To provide athletic programs and other school  
155 activities and to regulate the establishment and operation of such  
156 programs and activities;

157           (r) To join, in their discretion, any association of  
158 school boards and other public school-related organizations, and  
159 to pay from local funds other than minimum foundation funds, any  
160 membership dues;

161           (s) To expend local school activity funds, or other  
162 available school district funds, other than minimum education  
163 program funds, for the purposes prescribed under this paragraph.  
164 "Activity funds" shall mean all funds received by school officials  
165 in all school districts paid or collected to participate in any  
166 school activity, such activity being part of the school program  
167 and partially financed with public funds or supplemented by public  
168 funds. The term "activity funds" shall not include any funds  
169 raised and/or expended by any organization unless commingled in a  
170 bank account with existing activity funds, regardless of whether  
171 the funds were raised by school employees or received by school  
172 employees during school hours or using school facilities, and  
173 regardless of whether a school employee exercises influence over  
174 the expenditure or disposition of such funds. Organizations shall  
175 not be required to make any payment to any school for the use of  
176 any school facility if, in the discretion of the local school  
177 governing board, the organization's function shall be deemed to be  
178 beneficial to the official or extracurricular programs of the  
179 school. For the purposes of this provision, the term  
180 "organization" shall not include any organization subject to the  
181 control of the local school governing board. Activity funds may  
182 only be expended for any necessary expenses or travel costs,  
183 including advances, incurred by students and their chaperons in  
184 attending any in-state or out-of-state school-related programs,  
185 conventions or seminars and/or any commodities, equipment, travel  
186 expenses, purchased services or school supplies which the local  
187 school governing board, in its discretion, shall deem beneficial  
188 to the official or extracurricular programs of the district,  
189 including items which may subsequently become the personal  
190 property of individuals, including yearbooks, athletic apparel,  
191 book covers and trophies. Activity funds may be used to pay  
192 travel expenses of school district personnel. The local school  
193 governing board shall be authorized and empowered to promulgate

194 rules and regulations specifically designating for what purposes  
195 school activity funds may be expended. The local school governing  
196 board shall provide (i) that such school activity funds shall be  
197 maintained and expended by the principal of the school generating  
198 the funds in individual bank accounts, or (ii) that such school  
199 activity funds shall be maintained and expended by the  
200 superintendent of schools in a central depository approved by the  
201 board. The local school governing board shall provide that such  
202 school activity funds be audited as part of the annual audit  
203 required in Section 37-9-18. The State Auditor shall prescribe a  
204 uniform system of accounting and financial reporting for all  
205 school activity fund transactions;

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

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

212 (v) (i) To lease a school building from an individual,  
213 partnership, nonprofit corporation or a private for-profit  
214 corporation for the use of such school district, and to expend  
215 funds therefor as may be available from any nonminimum program  
216 sources. The school board of the school district desiring to  
217 lease a school building shall declare by resolution that a need  
218 exists for a school building and that the school district cannot  
219 provide the necessary funds to pay the cost or its proportionate  
220 share of the cost of a school building required to meet the  
221 present needs. The resolution so adopted by the school board  
222 shall be published once each week for three (3) consecutive weeks  
223 in a newspaper having a general circulation in the school district  
224 involved, with the first publication thereof to be made not less  
225 than thirty (30) days prior to the date upon which the school  
226 board is to act on the question of leasing a school building. If

227 no petition requesting an election is filed prior to such meeting  
228 as hereinafter provided, then the school board may, by resolution  
229 spread upon its minutes, proceed to lease a school building. If  
230 at any time prior to said meeting a petition signed by not less  
231 than twenty percent (20%) or fifteen hundred (1500), whichever is  
232 less, of the qualified electors of the school district involved  
233 shall be filed with the school board requesting that an election  
234 be called on the question, then the school board shall, not later  
235 than the next regular meeting, adopt a resolution calling an  
236 election to be held within such school district upon the question  
237 of authorizing the school board to lease a school building. Such  
238 election shall be called and held, and notice thereof shall be  
239 given, in the same manner for elections upon the questions of the  
240 issuance of the bonds of school districts, and the results thereof  
241 shall be certified to the school board. If at least three-fifths  
242 (3/5) of the qualified electors of the school district who voted  
243 in such election shall vote in favor of the leasing of a school  
244 building, then the school board shall proceed to lease a school  
245 building. The term of the lease contract shall not exceed twenty  
246 (20) years, and the total cost of such lease shall be either the  
247 amount of the lowest and best bid accepted by the school board  
248 after advertisement for bids or an amount not to exceed the  
249 current fair market value of the lease as determined by the  
250 averaging of at least two (2) appraisals by certified general  
251 appraisers licensed by the State of Mississippi. The term "school  
252 building" as used in this paragraph (v)(i) shall be construed to  
253 mean any building or buildings used for classroom purposes in  
254 connection with the operation of schools and shall include the  
255 site therefor, necessary support facilities, and the equipment  
256 thereof and appurtenances thereto such as heating facilities,  
257 water supply, sewage disposal, landscaping, walks, drives and  
258 playgrounds. The term "lease" as used in this paragraph (v)(i)  
259 may include a lease/purchase contract;



260                   (ii) If two (2) or more school districts propose  
261 to enter into a lease contract jointly, then joint meetings of the  
262 school boards having control may be held but no action taken shall  
263 be binding on any such school district unless the question of  
264 leasing a school building is approved in each participating school  
265 district under the procedure hereinabove set forth in paragraph  
266 (v)(i). All of the provisions of paragraph (v)(i) regarding the  
267 term and amount of the lease contract shall apply to the school  
268 boards of school districts acting jointly. Any lease contract  
269 executed by two (2) or more school districts as joint lessees  
270 shall set out the amount of the aggregate lease rental to be paid  
271 by each, which may be agreed upon, but there shall be no right of  
272 occupancy by any lessee unless the aggregate rental is paid as  
273 stipulated in the lease contract. All rights of joint lessees  
274 under the lease contract shall be in proportion to the amount of  
275 lease rental paid by each;

276                   (w) To employ all noninstructional and noncertificated  
277 employees and fix the duties and compensation of such personnel  
278 deemed necessary pursuant to the recommendation of the  
279 superintendent of schools;

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

282                   (y) Subject to rules and regulations of the State Board  
283 of Education, to purchase, own and operate trucks, vans and other  
284 motor vehicles, which shall bear the proper identification  
285 required by law;

286                   (z) To expend funds for the payment of substitute  
287 teachers and to adopt reasonable regulations for the employment  
288 and compensation of such substitute teachers;

289                   (aa) To acquire in its own name by purchase all real  
290 property which shall be necessary and desirable in connection with  
291 the construction, renovation or improvement of any public school  
292 building or structure. Whenever the purchase price for such real

293 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
294 school board shall not purchase the property for an amount  
295 exceeding the fair market value of such property as determined by  
296 the average of at least two (2) independent appraisals by  
297 certified general appraisers licensed by the State of Mississippi.  
298 If the board shall be unable to agree with the owner of any such  
299 real property in connection with any such project, the board shall  
300 have the power and authority to acquire any such real property by  
301 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
302 Mississippi Code of 1972, and for such purpose, the right of  
303 eminent domain is hereby conferred upon and vested in said board.  
304 Provided further, that the local school board is authorized to  
305 grant an easement for ingress and egress over sixteenth section  
306 land or lieu land in exchange for a similar easement upon  
307 adjoining land where the exchange of easements affords substantial  
308 benefit to the sixteenth section land; provided, however, the  
309 exchange must be based upon values as determined by a competent  
310 appraiser, with any differential in value to be adjusted by cash  
311 payment. Any easement rights granted over sixteenth section land  
312 under such authority shall terminate when the easement ceases to  
313 be used for its stated purpose. No sixteenth section or lieu land  
314 which is subject to an existing lease shall be burdened by any  
315 such easement except by consent of the lessee or unless the school  
316 district shall acquire the unexpired leasehold interest affected  
317 by the easement;

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

321 (cc) Subject to rules and regulations of the State  
322 Board of Education, to purchase relocatable classrooms for the use  
323 of such school district, in the manner prescribed in Section  
324 37-1-13;

325           (dd) Enter into contracts or agreements with other  
326 school districts, political subdivisions or governmental entities  
327 to carry out one or more of the powers or duties of the school  
328 board, or to allow more efficient utilization of limited resources  
329 for providing services to the public;

330           (ee) To provide for in-service training for employees  
331 of the district. Until June 30, 1994, the school boards may  
332 designate two (2) days of the minimum school term, as defined in  
333 Section 37-19-1, for employee in-service training for  
334 implementation of the new statewide testing system as developed by  
335 the State Board of Education. Such designation shall be subject  
336 to approval by the State Board of Education pursuant to uniform  
337 rules and regulations;

338           (ff) As part of their duties to prescribe the use of  
339 textbooks, to provide that parents and legal guardians shall be  
340 responsible for the textbooks and for the compensation to the  
341 school district for any books which are not returned to the proper  
342 schools upon the withdrawal of their dependent child. If a  
343 textbook is lost or not returned by any student who drops out of  
344 the public school district, the parent or legal guardian shall  
345 also compensate the school district for the fair market value of  
346 the textbooks;

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

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

354                 (ii) Fund-raising activities conducted or  
355 authorized by the board for the sale of school pictures, the  
356 rental of caps and gowns or the sale of graduation invitations for  
357 which the school board receives a commission, rebate or fee shall

358 contain a disclosure statement advising that a portion of the  
359 proceeds of the sales or rentals shall be contributed to the  
360 student activity fund;

361 (hh) To allow individual lessons for music, art and  
362 other curriculum-related activities for academic credit or  
363 nonacademic credit during school hours and using school equipment  
364 and facilities, subject to uniform rules and regulations adopted  
365 by the school board;

366 (ii) To charge reasonable fees for participating in an  
367 extracurricular activity for academic or nonacademic credit for  
368 necessary and required equipment such as safety equipment, band  
369 instruments and uniforms;

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

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

375 (ll) To expend funds for the services of nonprofit arts  
376 organizations or other such nonprofit organizations who provide  
377 performances or other services for the students of the school  
378 district;

379 (mm) To expend federal No Child Left Behind Act funds,  
380 or any other available funds that are expressly designated and  
381 authorized for that use, to pay training, educational expenses,  
382 salary incentives and salary supplements to employees of local  
383 school districts; except that incentives shall not be considered  
384 part of the local supplement as defined in Section 37-151-5(o),  
385 nor shall incentives be considered part of the local supplement  
386 paid to an individual teacher for the purposes of Section  
387 37-19-7(1). Mississippi Adequate Education Program funds or any  
388 other state funds may not be used for salary incentives or salary  
389 supplements as provided in this paragraph (mm);

390           (nn) To use any available funds, not appropriated or  
391 designated for any other purpose, for reimbursement to the  
392 state-licensed employees from both in-state and out-of-state, who  
393 enter into a contract for employment in a school district, for the  
394 expense of moving when the employment necessitates the relocation  
395 of the licensed employee to a different geographical area than  
396 that in which the licensed employee resides before entering into  
397 the contract. The reimbursement shall not exceed One Thousand  
398 Dollars (\$1,000.00) for the documented actual expenses incurred in  
399 the course of relocating, including the expense of any  
400 professional moving company or persons employed to assist with the  
401 move, rented moving vehicles or equipment, mileage in the amount  
402 authorized for county and municipal employees under Section  
403 25-3-41 if the licensed employee used his personal vehicle or  
404 vehicles for the move, meals and such other expenses associated  
405 with the relocation. No licensed employee may be reimbursed for  
406 moving expenses under this section on more than one (1) occasion  
407 by the same school district. Nothing in this section shall be  
408 construed to require the actual residence to which the licensed  
409 employee relocates to be within the boundaries of the school  
410 district that has executed a contract for employment in order for  
411 the licensed employee to be eligible for reimbursement for the  
412 moving expenses. However, the licensed employee must relocate  
413 within the boundaries of the State of Mississippi. Any individual  
414 receiving relocation assistance through the Critical Teacher  
415 Shortage Act as provided in Section 37-159-5 shall not be eligible  
416 to receive additional relocation funds as authorized in this  
417 paragraph;

418           (oo) To use any available funds, not appropriated or  
419 designated for any other purpose, to reimburse persons who  
420 interview for employment as a licensed employee with the district  
421 for the mileage and other actual expenses incurred in the course

422 of travel to and from the interview at the rate authorized for  
423 county and municipal employees under Section 25-3-41;

424 (pp) Consistent with the report of the Task Force to  
425 Conduct a Best Financial Management Practices Review, to improve  
426 school district management and use of resources and identify cost  
427 savings as established in Section 8 of Chapter 610, Laws of 2002,  
428 local school boards are encouraged to conduct independent reviews  
429 of the management and efficiency of schools and school districts.  
430 Such management and efficiency reviews shall provide state and  
431 local officials and the public with the following:

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

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

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

437 (iv) An assessment of facilities utilization,  
438 planning and maintenance;

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

441 (vi) An assessment of instructional and  
442 administrative technology;

443 (vii) A review of the instructional management and  
444 the efficiency and effectiveness of existing instructional  
445 programs; and

446 (viii) Recommended methods for increasing  
447 efficiency and effectiveness in providing educational services to  
448 the public;

449 (qq) To enter into agreements with other local school  
450 boards for the establishment of an educational service agency  
451 (ESA) to provide for the cooperative needs of the region in which  
452 the school district is located, as provided in Section 37-7-345.

453 This paragraph shall repeal on July 1, 2007;

454           (rr) To implement a financial literacy program for  
455 students in Grades 10 and 11. The board may review the national  
456 programs and obtain free literature from various nationally  
457 recognized programs. After review of the different programs, the  
458 board may certify a program that is most appropriate for the  
459 school districts' needs. If a district implements a financial  
460 literacy program, then any student in Grade 10 or 11 may  
461 participate in the program. The financial literacy program shall  
462 include, but is not limited to, instruction in the same areas of  
463 personal business and finance as required under Section  
464 37-1-3(2)(b). The school board may coordinate with volunteer  
465 teachers from local community organizations, including, but not  
466 limited to, the following: United States Department of  
467 Agriculture Rural Development, United States Department of Housing  
468 and Urban Development, Junior Achievement, bankers and other  
469 nonprofit organizations. Nothing in this paragraph shall be  
470 construed as to require school boards to implement a financial  
471 literacy program;

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

479           (tt) With respect to any lawful, written obligation of  
480 a school district, including, but not limited to, leases  
481 (excluding leases of sixteenth section public school trust land),  
482 bonds, notes, or other agreement, to agree in writing with the  
483 obligee that the State Tax Commission or any state agency,  
484 department or commission created under state law may:

485           (i) Withhold all or any part (as agreed by the  
486 school board) of any monies which such local school board is

487 entitled to receive from time to time under any law and which is  
488 in the possession of the State Tax Commission, or any state  
489 agency, department or commission created under state law; and

490 (ii) Pay the same over to any financial  
491 institution, trustee or other obligee, as directed in writing by  
492 the school board, to satisfy all or part of such obligation of the  
493 school district.

494 The school board may make such written agreement to withhold  
495 and transfer funds irrevocable for the term of the written  
496 obligation and may include in the written agreement any other  
497 terms and provisions acceptable to the school board. If the  
498 school board files a copy of such written agreement with the State  
499 Tax Commission, or any state agency, department or commission  
500 created under state law then the State Tax Commission or any state  
501 agency, department or commission created under state law shall  
502 immediately make the withholdings provided in such agreement from  
503 the amounts due the local school board and shall continue to pay  
504 the same over to such financial institution, trustee or obligee  
505 for the term of the agreement.

506 This paragraph (tt) shall not grant any extra authority to a  
507 school board to issue debt in any amount exceeding statutory  
508 limitations on assessed value of taxable property within such  
509 school district or the statutory limitations on debt maturities,  
510 and shall not grant any extra authority to impose, levy or collect  
511 a tax which is not otherwise expressly provided for, and shall not  
512 be construed to apply to sixteenth section public school trust  
513 land;

514 (uu) With respect to any matter or transaction that is  
515 competitively bid by a school district, to accept from any bidder  
516 as a good faith deposit or bid bond or bid surety, the same type  
517 of good faith deposit or bid bond or bid surety that may be  
518 accepted by the state or any other political subdivision on  
519 similar competitively bid matters or transactions. This paragraph



520 (uu) shall not be construed to apply to sixteenth section public  
521 school trust land. The school board may authorize the investment  
522 of any school district funds in the same kind and manner of  
523 investments, including pooled investments, as any other political  
524 subdivision, including community hospitals; \* \* \*

525 (vv) To utilize the alternate method for the conveyance  
526 or exchange of unused school buildings and/or land, reserving a  
527 partial or other undivided interest in the property, as  
528 specifically authorized and provided in Section 37-7-485,  
529 Mississippi Code of 1972; and

530 (ww) To accept any contribution or other term of  
531 financial assistance.

532 **SECTION 5.** Section 37-151-93, Mississippi Code of 1972, is  
533 amended as follows:

534 37-151-93. (1) Legally transferred students going from one  
535 school district to another shall be counted for adequate education  
536 program allotments by the school district wherein the pupils  
537 attend school, but shall be counted for transportation allotment  
538 purposes in the school district which furnishes or provides the  
539 transportation. The school boards of the school districts which  
540 approve the transfer of a student under the provisions of Section  
541 37-15-31 shall enter into an agreement and contract for the  
542 payment or nonpayment of any portion of their local maintenance  
543 funds which they deem fair and equitable in support of any  
544 transferred student. Except as provided in subsection (2) of this  
545 section, local maintenance funds shall be transferred only to the  
546 extent specified in the agreement and contract entered into by the  
547 affected school districts. The terms of any local maintenance  
548 fund payment transfer contract shall be spread upon the minutes of  
549 both of the affected school district school boards. The school  
550 district accepting any transfer students shall be authorized to  
551 accept tuition from such students under the provisions of Section  
552 37-15-31(1) and such agreement may remain in effect for any length

553 of time designated in the contract. Any voluntary cash  
554 contribution made to a school and any assistance provided by a  
555 school tuition organization as described in Section 3 of Senate  
556 Bill No. 2121, 2006 Regular Session, may be designated for such  
557 tuition payments. The terms of such student transfer contracts  
558 and the amounts of any tuition charged any transfer student shall  
559 be spread upon the minutes of both of the affected school boards.  
560 No school district accepting any transfer students under the  
561 provisions of Section 37-15-31(2), which provides for the transfer  
562 of certain school district employee dependents, shall be  
563 authorized to charge such transfer students any tuition fees.

564 (2) Local maintenance funds shall be paid by the home school  
565 district to the transferee school district for students granted  
566 transfers under the provisions of Sections 37-15-29(3) and  
567 37-15-31(3), Mississippi Code of 1972, not to exceed the "base  
568 student cost" as defined in Section 37-151-5, Mississippi Code of  
569 1972, multiplied by the number of such legally transferred  
570 students.

571 **SECTION 6.** Nothing in this act shall affect or defeat any  
572 claim, assessment, appeal, suit, right or cause of action for  
573 taxes due or accrued under the income tax laws before the date on  
574 which this act becomes effective, whether such claims,  
575 assessments, appeals, suits or actions have been begun before the  
576 date on which this act becomes effective or are begun thereafter;  
577 and the provisions of the income tax laws are expressly continued  
578 in full force, effect and operation for the purpose of the  
579 assessment, collection and enrollment of liens for any taxes due  
580 or accrued and the execution of any warrant under such laws before  
581 the date on which this act becomes effective, and for the  
582 imposition of any penalties, forfeitures or claims for failure to  
583 comply with such laws.

584 **SECTION 7.** The Legislature declares that the provisions of  
585 this act are not severable and that this act would not have been

586 enacted without the inclusion of all provisions. If any provision  
587 of this act is for any reason held invalid, the entire act is  
588 invalid.

589         **SECTION 8.** This act shall take effect and be in force from  
590 and after January 1, 2006.