

By: Representative Hines

To: Technology;  
Appropriations

HOUSE BILL NO. 122

1 AN ACT TO ESTABLISH A GOAL FOR THE STATE OF MISSISSIPPI THAT  
 2 BY NO LATER THAN THE YEAR 2026, ALL RESIDENTS AND BUSINESSES HAVE  
 3 ACCESS TO BROADBAND AT CERTAIN SPECIFIED DOWNLOAD AND UPLOAD  
 4 SPEEDS; TO REQUIRE THE LOCAL GOVERNING AUTHORITIES OF CERTAIN  
 5 IMPOVERISHED COUNTIES AND MUNICIPALITIES TO ENTER INTO  
 6 PUBLIC-PRIVATE PARTNERSHIPS WITH SELECT COMMUNICATIONS AND  
 7 INFORMATION TECHNOLOGY SERVICE PROVIDERS AND "TELECOMMUNICATIONS  
 8 ENTERPRISES" FOR PURPOSES OF PROVIDING BROADBAND SERVICES TO THOSE  
 9 IMPOVERISHED AREAS; TO AUTHORIZE THE USE OF LOCAL AND STATE FUNDS  
 10 FOR THE IMPLEMENTATION OF THE BROADBAND INITIATIVE; TO AUTHORIZE  
 11 THE LOCAL GOVERNING AUTHORITIES TO APPLY FOR LOANS AND GRANTS FROM  
 12 THE RURAL UTILITY SERVICE OF THE UNITED STATES DEPARTMENT OF  
 13 AGRICULTURE; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF INFORMATION  
 14 TECHNOLOGY SERVICES TO SERVE AS THE NETWORK BACKBONE AND CENTRAL  
 15 SERVER TO SATELLITE NETWORKS; TO REQUIRE LOCAL SCHOOL DISTRICTS TO  
 16 SERVE AS THE LOCAL HUB FOR THE IMPOVERISHED AREAS; TO AMEND  
 17 SECTIONS 19-3-41, 21-17-1 AND 37-7-301, MISSISSIPPI CODE OF 1972,  
 18 IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD  
 19 SECTIONS 57-87-3, 57-87-5 AND 57-87-7, MISSISSIPPI CODE OF 1972,  
 20 WHICH ESTABLISH THE MISSISSIPPI BROADBAND TECHNOLOGY DEVELOPMENT  
 21 ACT; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** (1) The goal of the State of Mississippi is that  
 24 as soon as possible, but no later than 2026, all residents and  
 25 businesses have access to high-speed broadband that provides  
 26 minimum download speeds of ten (10) to twenty (20) megabits per



27 second and minimum upload speeds of five (5) to ten (10) megabits  
28 per second.

29 (2) In addition to the goal provided in subsection (1) of  
30 this section, the goal of the state by 2026, and thereafter, is  
31 that the state be in the following:

32 (a) The top five (5) states of the United States for  
33 broadband speed universally accessible to residents and  
34 businesses;

35 (b) The top five (5) states for broadband access; and

36 (c) The top fifteen (15) political entities when  
37 compared to countries globally for broadband penetration.

38 **SECTION 2.** (1) The local governing authorities of each  
39 county and municipality in any area of the state with a median  
40 household income below two hundred percent (200%) of the federal  
41 poverty guideline are authorized to enter into public-private  
42 partnerships with select communications and information technology  
43 service providers and/or "telecommunications enterprises" as  
44 defined in Section 58-73-21(14), for purposes of providing  
45 broadband services to rural and impoverished areas of the state.  
46 Such entities with whom counties and municipalities may enter into  
47 public-private partnership agreements as specified in this  
48 subsection shall include, but not be limited to the following:

49 (a) Harris Communications;

50 (b) E.F. Johnson Technologies, Inc.; and

51 (c) Motorola.



52           (2) To effectuate the provisions of subsection (1) of this  
53 section, applicable county and municipal governing authorities  
54 may, in addition to the funds generated from local revenue stream  
55 or state appropriated funds, submit applications for loans or  
56 grants to the Rural Utility Service of the United States  
57 Department of Agriculture, which such loan or grant funds shall be  
58 used for purposes of developing the necessary infrastructure and  
59 delivering broadband services to rural and impoverished areas of  
60 the state.

61           (3) The Mississippi Department of Information Technology  
62 Services shall serve as the telecommunications backbone and  
63 central server for the broadband network for providing high-speed  
64 data, video and audio communications to satellite networks. There  
65 shall be established in each of the congressional districts as  
66 constituted by the final order of the United States District Court  
67 for the Southern District of Mississippi dated December 30, 2011,  
68 satellite networks, which shall serve each local school district  
69 within its assigned congressional district. Each local school  
70 district shall then serve as the local hub to the central server.

71           **SECTION 3.** Section 19-3-41, Mississippi Code of 1972, is  
72 amended as follows:

73           19-3-41. (1) The boards of supervisors shall have within  
74 their respective counties full jurisdiction over roads, ferries  
75 and bridges, except as otherwise provided by Section 170 of the  
76 Constitution, and all other matters of county police. They shall



77 have jurisdiction over the subject of paupers. They shall have  
78 power to levy such taxes as may be necessary to meet the demands  
79 of their respective counties, upon such persons and property as  
80 are subject to state taxes for the time being, not exceeding the  
81 limits that may be prescribed by law. They shall cause to be  
82 erected and kept in good repair, in their respective counties, a  
83 good and convenient courthouse and a jail. A courthouse shall be  
84 erected and kept in good repair in each judicial district and a  
85 jail may be erected in each judicial district. They may close a  
86 jail in either judicial district, at their discretion, where one  
87 (1) jail will suffice. They shall have the power, in their  
88 discretion, to prohibit or regulate the sale and use of  
89 firecrackers, roman candles, torpedoes, skyrockets, and any and  
90 all explosives commonly known and referred to as fireworks,  
91 outside the confines of municipalities. They shall have and  
92 exercise such further powers as are or shall be conferred upon  
93 them by law. They shall have authority to negotiate with and  
94 contract with licensed real estate brokers for the purpose of  
95 advertising and showing and procuring prospective purchasers for  
96 county-owned real property offered for sale in accordance with the  
97 provisions of Section 19-7-3.

98 (2) The board of supervisors of any county, in its  
99 discretion, may contract with a private attorney or private  
100 collection agent or agency to collect any type of delinquent  
101 payment owed to the county including, but not limited to, past-due



102 fees, fines and assessments, delinquent ad valorem taxes on  
103 personal property and delinquent ad valorem taxes on mobile homes  
104 that are entered as personal property on the mobile home rolls,  
105 collection fees associated with the disposal or collection of  
106 garbage, rubbish and solid waste, or with the district attorney of  
107 the circuit court district in which the county is located to  
108 collect any delinquent fees, fines and other assessments. Any  
109 such contract may provide for payment contingent upon successful  
110 collection efforts or payment based upon a percentage of the  
111 delinquent amount collected; however, the entire amount of all  
112 delinquent payments collected shall be remitted to the county and  
113 shall not be reduced by any collection costs or fees. There shall  
114 be due to the county from any person whose delinquent payment is  
115 collected pursuant to a contract executed under this subsection an  
116 amount, in addition to the delinquent payment, of not to exceed  
117 twenty-five percent (25%) of the delinquent payment for  
118 collections made within this state and not to exceed fifty percent  
119 (50%) of the delinquent payment for collections made outside of  
120 this state. However, in the case of delinquent fees owed to the  
121 county for garbage or rubbish collection or disposal, only the  
122 amount of the delinquent fees, which may include an additional  
123 amount not to exceed up to One Dollar (\$1.00) or ten percent (10%)  
124 per month, whichever is greater, on the current monthly bill on  
125 the balance of delinquent monthly fees as prescribed under  
126 Sections 19-5-21 and 19-5-22, may be collected and no amount in



127 addition to such delinquent fees may be collected if the board of  
128 supervisors of the county has notified the county tax collector  
129 under Section 19-5-22 for the purpose of prohibiting the issuance  
130 of a motor vehicle road and bridge privilege license tag to the  
131 person delinquent in the payment of such fees. Any private  
132 attorney or private collection agent or agency contracting with  
133 the county under the provisions of this subsection shall give bond  
134 or other surety payable to the county in such amount as the board  
135 of supervisors deems sufficient. Any private attorney with whom  
136 the county contracts under the provisions of this subsection must  
137 be a member in good standing of The Mississippi Bar. Any private  
138 collection agent or agency with whom the county contracts under  
139 the provisions of this subsection must meet all licensing  
140 requirements for doing business in the State of Mississippi.  
141 Neither the county nor any officer or employee of the county shall  
142 be liable, civilly or criminally, for any wrongful or unlawful act  
143 or omission of any person or business with whom the county has  
144 contracted under the provisions of this subsection. The  
145 Mississippi Department of Audit shall establish rules and  
146 regulations for use by counties in contracting with persons or  
147 businesses under the provisions of this subsection.

148 (3) In addition to the authority granted under subsection  
149 (2) of this section, the board of supervisors of any county, in  
150 its discretion, may contract with one or more of the constables of  
151 the county to collect delinquent criminal fines imposed in the



152 justice court of the county. Any such contract shall provide for  
153 payment contingent upon successful collection efforts, and the  
154 amount paid to a constable may not exceed twenty-five percent  
155 (25%) of the amount which the constable collects. The entire  
156 amount of all delinquent criminal fines collected under such a  
157 contract shall be remitted by the constable to the clerk of the  
158 justice court for deposit into the county general fund as provided  
159 under Section 9-11-19. Any payments made to a constable pursuant  
160 to a contract executed under the provisions of this section may be  
161 paid only after presentation to and approval by the board of  
162 supervisors of the county.

163 (4) If a county uses its own employees to collect any type  
164 of delinquent payment owed to the county, then from and after July  
165 1, 1999, the county may charge an additional fee for collection of  
166 the delinquent payment provided the payment has been delinquent  
167 for ninety (90) days. The collection fee may not exceed  
168 twenty-five percent (25%) of the delinquent payment if the  
169 collection is made within this state and may not exceed fifty  
170 percent (50%) of the delinquent payment if the collection is made  
171 outside this state. In conducting collection of delinquent  
172 payments, the county may utilize credit cards or electronic fund  
173 transfers. The county may pay any service fees for the use of  
174 such methods of collection from the collection fee, but not from  
175 the delinquent payment.



176 (5) In addition to such authority as is otherwise granted  
177 under this section, the board of supervisors of any county may  
178 expend funds necessary to maintain and repair, and to purchase  
179 liability insurance, tags and decals for, any personal property  
180 acquired under the Federal Excess Personal Property Program that  
181 is used by the local volunteer fire department.

182 (6) The board of supervisors of any county, in its  
183 discretion, may expend funds to provide for training and education  
184 of newly elected or appointed county officials before the  
185 beginning of the term of office or employment of such officials.  
186 Any expenses incurred for such purposes may be allowed only upon  
187 prior approval of the board of supervisors. Any payments or  
188 reimbursements made under the provisions of this subsection may be  
189 paid only after presentation to and approval by the board of  
190 supervisors.

191 (7) The board of supervisors of any county may expend funds  
192 to purchase, maintain and repair equipment for the electronic  
193 filing and storage of filings, files, instruments, documents and  
194 records using microfilm, microfiche, data processing, magnetic  
195 tape, optical discs, computers or other electronic process which  
196 correctly and legibly stores and reproduces or which forms a  
197 medium for storage, copying or reproducing documents, files and  
198 records for use by one (1), all or any combination of county  
199 offices, employees and officials, whether appointed or elected.





200 (8) In addition to the authority granted in this section,  
201 the board of supervisors of any county may expend funds as  
202 provided in Section 29-3-23(2).

203 (9) The board of supervisors of any county may perform and  
204 exercise any duty, responsibility or function, may enter into  
205 agreements and contracts, may provide and deliver any services or  
206 assistance, and may receive, expend and administer any grants,  
207 gifts, matching funds, loans or other monies, in accordance with  
208 and as may be authorized by any federal law, rule or regulation  
209 creating, establishing or providing for any program, activity or  
210 service. The provisions of this subsection shall not be construed  
211 as authorizing any county, the board of supervisors of any county  
212 or any member of a board of supervisors to perform any function or  
213 activity that is specifically prohibited under the laws of this  
214 state or as granting any authority in addition to or in conflict  
215 with the provisions of any federal law, rule or regulation.

216 (10) The board of supervisors of any county may provide  
217 funds from any available source to assist in defraying the actual  
218 expenses to maintain an office as provided in Section 9-1-36. The  
219 authority provided in this subsection shall apply to any office  
220 regardless of ownership of such office or who may be making any  
221 lease payments for such office.

222 (11) The board of supervisors of any county may reimburse  
223 the cost of an insured's deductible for an automobile insurance  
224 coverage claim if the claim has been paid for damages to the



225 insured's property arising from the negligence of a duly  
226 authorized officer, agent, servant, attorney or employee of the  
227 county in the performance of his or her official duties, and the  
228 officer, agent, servant, attorney or employee owning or operating  
229 the motor vehicle is protected by immunity under the Mississippi  
230 Tort Claims Act, Section 11-46-1 et seq.

231 (12) In addition to the authority granted under this  
232 section, the board of supervisors of any county may take any  
233 actions it deems necessary to effectuate and implement the  
234 provisions of Sections 1 and 2 of this act.

235 **SECTION 4.** Section 21-17-1, Mississippi Code of 1972, is  
236 amended as follows:

237 21-17-1. (1) Every municipality of this state shall be a  
238 municipal corporation and shall have power to sue and be sued; to  
239 purchase and hold real estate, either within or without the  
240 corporate limits, for all proper municipal purposes, including  
241 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
242 waterworks, electric lights, sewers and other proper municipal  
243 purposes; to purchase and hold personal property for all proper  
244 municipal purposes; to sell or dispose of personal property or  
245 real property owned by it consistent with Section 17-25-25; to  
246 acquire equipment and machinery by lease-purchase agreement and to  
247 pay interest thereon, if contracted, when needed for proper  
248 municipal purposes; and to sell and convey any real property owned  
249 by it, and make such order respecting the same as may be deemed



250 conducive to the best interest of the municipality, and exercise  
251 jurisdiction over the same.

252 (2) (a) In case any of the real property belonging to a  
253 municipality shall cease to be used for municipal purposes, the  
254 governing authority of the municipality may sell, convey or lease  
255 the same on such terms as the municipal authority may elect. In  
256 case of a sale on a credit, the municipality shall charge  
257 appropriate interest as contracted and shall have a lien on the  
258 same for the purchase money, as against all persons, until paid  
259 and may enforce the lien as in such cases provided by law. The  
260 deed of conveyance in such cases shall be executed in the name of  
261 the municipality by the governing authority of the municipality  
262 pursuant to an order entered on the minutes. In any sale or  
263 conveyance of real property, the municipality shall retain all  
264 mineral rights that it owns, together with the right of ingress  
265 and egress to remove same. Except as otherwise provided in this  
266 section, before any such lease, deed or conveyance is executed,  
267 the governing authority of the municipality shall publish at least  
268 once each week for three (3) consecutive weeks, in a public  
269 newspaper of the municipality in which the real property is  
270 located, or if no newspaper be published as such, then in a  
271 newspaper having general circulation therein, the intention to  
272 lease or sell, as the case may be, the municipally owned real  
273 property and to accept sealed competitive bids for the leasing or  
274 sale. The governing authority of the municipality shall



275 thereafter accept bids for the lease or sale and shall award the  
276 lease or sale to the highest bidder in the manner provided by law.  
277 However, whenever the governing authority of the municipality  
278 shall find and determine, by resolution duly and lawfully adopted  
279 and spread upon its minutes (i) that any municipally owned real  
280 property is no longer needed for municipal or related purposes and  
281 is not to be used in the operation of the municipality, (ii) that  
282 the sale of such property in the manner otherwise provided by law  
283 is not necessary or desirable for the financial welfare of the  
284 municipality, and (iii) that the use of such property for the  
285 purpose for which it is to be sold, conveyed or leased will  
286 promote and foster the development and improvement of the  
287 community in which it is located and the civic, social,  
288 educational, cultural, moral, economic or industrial welfare  
289 thereof, the governing authority of the municipality shall be  
290 authorized and empowered, in its discretion, to sell, convey or  
291 lease same for any of the purposes set forth herein without having  
292 to advertise for and accept competitive bids.

293 (b) In any case in which a municipality proposes to  
294 sell, convey or lease real property under the provisions of this  
295 subsection (2) without advertising for and accepting competitive  
296 bids, the governing authority may sell, convey or lease the  
297 property as follows:

298 (i) Consideration for the purchase, conveyance or  
299 lease of the property shall be not less than the average of the



300 fair market price for such property as determined by at least two  
301 (2) professional property appraisers selected by the municipality  
302 and approved by the purchaser or lessee. Appraisal fees shall be  
303 shared equally by the municipality and the purchaser or lessee;

304 (ii) The governing authority of a municipality may  
305 contract for the professional services of a Mississippi licensed  
306 real estate broker to assist the municipality in the marketing and  
307 sale or lease of the property, and may provide the broker  
308 reasonable compensation for services rendered to be paid from the  
309 sale or lease proceeds. The reasonable compensation shall not  
310 exceed the usual and customary compensation for similar services  
311 within the municipality; or

312 (iii) The governing authority of a municipality  
313 may lease property of less than one thousand five hundred (1,500)  
314 square feet to any person or legal entity by having two (2)  
315 appraisals establish the fair market value of the lease, and on  
316 such other terms and conditions as the parties may agree, such  
317 lease being lawfully adopted and spread upon its official minutes.

318 (3) Whenever the governing authority of the municipality  
319 shall find and determine by resolution duly and lawfully adopted  
320 and spread upon the minutes that municipally owned real property  
321 is not used for municipal purposes and therefore surplus as set  
322 forth in subsection (2) of this section:

323 (a) (i) Except as otherwise provided in subparagraph  
324 (ii) of this paragraph (a), the governing authority may donate



325 such lands to a bona fide not-for-profit civic or eleemosynary  
326 corporation organized and existing under the laws of the State of  
327 Mississippi and granted tax-exempt status by the Internal Revenue  
328 Service and may donate such lands and necessary funds related  
329 thereto to the public school district in which the land is  
330 situated for the purposes set forth herein. Any deed or  
331 conveyance executed pursuant hereto shall contain a clause of  
332 reverter providing that the bona fide not-for-profit corporation  
333 or public school district may hold title to such lands only so  
334 long as they are continued to be used for the civic, social,  
335 educational, cultural, moral, economic or industrial welfare of  
336 the community, and that title shall revert to the municipality in  
337 the event of the cessation of such use for a period of two (2)  
338 years. In any such deed or conveyance, the municipality shall  
339 retain all mineral rights that it owns, together with the right of  
340 ingress and egress to remove same;

341 (ii) If the governing authority of a municipality  
342 with a total population of greater than forty thousand (40,000)  
343 but not more than forty-two thousand five hundred (42,500)  
344 according to the 2010 federal decennial census, donates real  
345 property to a bona fide not-for-profit civic or eleemosynary  
346 corporation and such civic or eleemosynary corporation commits Two  
347 Million Dollars (\$2,000,000.00) to renovate or make capital  
348 improvements to the property by an agreement between a certain  
349 state institution of higher learning and the civic or eleemosynary



350 corporation, then the clause of reverter required by this  
351 paragraph shall provide that title of such real property shall  
352 revert 1. to the bona fide not-for-profit civic or eleemosynary  
353 corporation, if a certain state institution of higher learning  
354 ceases to use the property for the purposes required by this  
355 paragraph (a) for donated lands, or 2. to the municipality, if a  
356 certain state institution of higher learning ceases to use the  
357 property for the purposes required by this paragraph (a) and the  
358 not-for-profit civic or eleemosynary corporation or its successor  
359 ceases to exist;

360 (b) (i) The governing authority may donate such lands  
361 to a bona fide not-for-profit corporation (such as Habitat for  
362 Humanity) which is primarily engaged in the construction of  
363 housing for persons who otherwise can afford to live only in  
364 substandard housing. In any such deed or conveyance, the  
365 municipality shall retain all mineral rights that it owns,  
366 together with the right of ingress and egress to remove same;

367 (ii) In the event the governing authority does not  
368 wish to donate title to such lands to the bona fide not-for-profit  
369 civic or eleemosynary corporation, but wishes to retain title to  
370 the lands, the governing authority may lease the lands to a bona  
371 fide not-for-profit corporation described in paragraph (a) or this  
372 paragraph (b) for less than fair market value;

373 (c) The governing authority may donate any municipally  
374 owned lot measuring twenty-five (25) feet or less along the



375 frontage line as follows: the governing authority may cause the  
376 lot to be divided in half along a line running generally  
377 perpendicular to the frontage line and may convey each one-half  
378 (1/2) of that lot to the owners of the parcels laterally adjoining  
379 the municipally owned lot. All costs associated with a conveyance  
380 under this paragraph (c) shall be paid by the person or entity to  
381 whom the conveyance is made. In any such deed or instrument of  
382 conveyance, the municipality shall retain all mineral rights that  
383 it owns, together with the right of ingress and egress to remove  
384 same;

385 (d) Nothing contained in this subsection (3) shall be  
386 construed to prohibit, restrict or to prescribe conditions with  
387 regard to the authority granted under Section 17-25-3.

388 (4) Every municipality shall also be authorized and  
389 empowered to loan to private persons or entities, whether  
390 organized for profit or nonprofit, funds received from the United  
391 States Department of Housing and Urban Development (HUD) under an  
392 urban development action grant or a community development block  
393 grant under the Housing and Community Development Act of 1974  
394 (Public Law 93-383), as amended, and to charge interest thereon if  
395 contracted, provided that no such loan shall include any funds  
396 from any revenues other than the funds from the United States  
397 Department of Housing and Urban Development; to make all contracts  
398 and do all other acts in relation to the property and affairs of  
399 the municipality necessary to the exercise of its governmental,





400 corporate and administrative powers; and to exercise such other or  
401 further powers as are otherwise conferred by law.

402 (5) (a) The governing authority of any municipality may  
403 establish an employer-assisted housing program to provide funds to  
404 eligible employees to be used toward the purchase of a home. This  
405 assistance may be applied toward the down payment, closing costs  
406 or any other fees or costs associated with the purchase of a home.  
407 The housing assistance may be in the form of a grant, forgivable  
408 loan or repayable loan. The governing authority of a municipality  
409 may contract with one or more public or private entities to  
410 provide assistance in implementing and administering the program  
411 and shall adopt rules and regulations regarding the eligibility of  
412 a municipality for the program and for the implementation and  
413 administration of the program. However, no general funds of a  
414 municipality may be used for a grant or loan under the program.

415 (b) Participation in the program established under this  
416 subsection (5) shall be available to any eligible municipal  
417 employee as determined by the governing authority of the  
418 municipality. Any person who receives financial assistance under  
419 the program must purchase a house and reside within certain  
420 geographic boundaries as determined by the governing authority of  
421 the municipality.

422 (c) If the assistance authorized under this subsection  
423 (5) is structured as a forgivable loan, the participating employee  
424 must remain as an employee of the municipality for an agreed upon



425 period of time, as determined by the rules and regulations adopted  
426 by the governing authority of the municipality, in order to have  
427 the loan forgiven. The forgiveness structure, amount of  
428 assistance and repayment terms shall be determined by the  
429 governing authority of the municipality.

430 (6) The governing authority of any municipality may contract  
431 with a private attorney or private collection agent or agency to  
432 collect any type of delinquent payment owed to the municipality,  
433 including, but not limited to, past-due fees, fines and other  
434 assessments, or with the district attorney of the circuit court  
435 district in which the municipality is located to collect any  
436 delinquent fees, fines and other assessments. Any such contract  
437 debt may provide for payment contingent upon successful collection  
438 efforts or payment based upon a percentage of the delinquent  
439 amount collected; however, the entire amount of all delinquent  
440 payments collected shall be remitted to the municipality and shall  
441 not be reduced by any collection costs or fees. Any private  
442 attorney or private collection agent or agency contracting with  
443 the municipality under the provisions of this subsection shall  
444 give bond or other surety payable to the municipality in such  
445 amount as the governing authority of the municipality deems  
446 sufficient. Any private attorney with whom the municipality  
447 contracts under the provisions of this subsection must be a member  
448 in good standing of The Mississippi Bar. Any private collection  
449 agent or agency with whom the municipality contracts under the



450 provisions of this subsection must meet all licensing requirements  
451 for doing business in the State of Mississippi. Neither the  
452 municipality nor any officer or employee of the municipality shall  
453 be liable, civilly or criminally, for any wrongful or unlawful act  
454 or omission of any person or business with whom the municipality  
455 has contracted under the provisions of this subsection. The  
456 Mississippi Department of Audit shall establish rules and  
457 regulations for use by municipalities in contracting with persons  
458 or businesses under the provisions of this subsection. If a  
459 municipality uses its own employees to collect any type of  
460 delinquent payment owed to the municipality, then from and after  
461 July 1, 2000, the municipality may charge an additional fee for  
462 collection of the delinquent payment provided the payment has been  
463 delinquent for ninety (90) days. The collection fee may not  
464 exceed twenty-five percent (25%) of the delinquent payment if the  
465 collection is made within this state and may not exceed fifty  
466 percent (50%) of the delinquent payment if the collection is made  
467 outside this state. In conducting collection of delinquent  
468 payments, the municipality may utilize credit cards or electronic  
469 fund transfers. The municipality may pay any service fees for the  
470 use of such methods of collection from the collection fee, but not  
471 from the delinquent payment. There shall be due to the  
472 municipality from any person whose delinquent payment is collected  
473 under a contract executed as provided in this subsection an  
474 amount, in addition to the delinquent payment, \* \* \* not to exceed



475 twenty-five percent (25%) of the delinquent payment for  
476 collections made within this state, and not to exceed fifty  
477 percent (50%) of the delinquent payment for collections made  
478 outside of this state.

479 (7) In addition to such authority as is otherwise granted  
480 under this section, the governing authority of any municipality  
481 may expend funds necessary to maintain and repair, and to purchase  
482 liability insurance, tags and decals for, any personal property  
483 acquired under the Federal Excess Personal Property Program that  
484 is used by the local volunteer fire department.

485 (8) In addition to the authority to expend matching funds  
486 under Section 21-19-65, the governing authority of any  
487 municipality, in its discretion, may expend municipal funds to  
488 match any state, federal or private funding for any program  
489 administered by the State of Mississippi, the United States  
490 government or any nonprofit organization that is exempt under 26  
491 USCS Section 501(c) (3) from paying federal income tax.

492 (9) The governing authority of any municipality that owns  
493 and operates a gas distribution system, as defined in Section  
494 21-27-11(b), and the governing authority of any public natural gas  
495 district are authorized to contract for the purchase of the supply  
496 of natural gas for a term of up to ten (10) years with any public  
497 nonprofit corporation which is organized under the laws of this  
498 state or any other state.



499           (10) The governing authority of any municipality may perform  
500 and exercise any duty, responsibility or function, may enter into  
501 agreements and contracts, may provide and deliver any services or  
502 assistance, and may receive, expend and administer any grants,  
503 gifts, matching funds, loans or other monies, in accordance with  
504 and as may be authorized by any federal law, rule or regulation  
505 creating, establishing or providing for any program, activity or  
506 service. The provisions of this subsection shall not be construed  
507 as authorizing any municipality or the governing authority of such  
508 municipality to perform any function or activity that is  
509 specifically prohibited under the laws of this state or as  
510 granting any authority in addition to or in conflict with the  
511 provisions of any federal law, rule or regulation.

512           (11) (a) In addition to such authority as is otherwise  
513 granted under this section, the governing authority of a  
514 municipality, in its discretion, may sell, lease, donate or  
515 otherwise convey property to any person or legal entity without  
516 public notice, without having to advertise for and accept  
517 competitive bids and without appraisal, with or without  
518 consideration, and on such terms and conditions as the parties may  
519 agree if the governing authority finds and determines, by  
520 resolution duly and lawfully adopted and spread upon its official  
521 minutes:

522                           (i) The subject property is real property acquired  
523 by the municipality:



524                   1. By reason of a tax sale;

525                   2. Because the property was abandoned or

526 blighted; or

527                   3. In a proceeding to satisfy a municipal

528 lien against the property;

529                   (ii) The subject property is blighted and is

530 located in a blighted area;

531                   (iii) The subject property is not needed for

532 governmental or related purposes and is not to be used in the

533 operation of the municipality;

534                   (iv) That the sale of the property in the manner

535 otherwise provided by law is not necessary or desirable for the

536 financial welfare of the municipality; and

537                   (v) That the use of the property for the purpose

538 for which it is to be conveyed will promote and foster the

539 development and improvement of the community in which it is

540 located or the civic, social, educational, cultural, moral,

541 economic or industrial welfare thereof; the purpose for which the

542 property is conveyed shall be stated.

543                   (b) Any deed or instrument of conveyance executed

544 pursuant to the authority granted under this subsection shall

545 contain a clause of reverter providing that title to the property

546 will revert to the municipality if the person or entity to whom

547 the property is conveyed does not fulfill the purpose for which



548 the property was conveyed and satisfy all conditions imposed on  
549 the conveyance within two (2) years of the date of the conveyance.

550 (c) In any such deed or instrument of conveyance, the  
551 municipality shall retain all mineral rights that it owns,  
552 together with the right of ingress and egress to remove same.

553 (12) The governing authority of any municipality may enter  
554 into agreements and contracts with any housing authority, as  
555 defined in Section 43-33-1, to provide extra police protection in  
556 exchange for the payment of compensation or a fee to the  
557 municipality.

558 (13) The governing authority of any municipality may  
559 reimburse the cost of an insured's deductible for an automobile  
560 insurance coverage claim if the claim has been paid for damages to  
561 the insured's property arising from the negligence of a duly  
562 authorized officer, agent, servant, attorney or employee of the  
563 municipality in the performance of his or her official duties, and  
564 the officer, agent, servant, attorney or employee owning or  
565 operating the motor vehicle is protected by immunity under the  
566 Mississippi Tort Claims Act, Section 11-46-1 et seq.

567 (14) The powers conferred by this section shall be in  
568 addition and supplemental to the powers conferred by any other  
569 law, and nothing contained in this section shall be construed to  
570 prohibit, or to prescribe conditions concerning, any practice or  
571 practices authorized under any other law.



572           (15) In addition to the authority granted under this  
573 section, the governing authority of any municipality may take any  
574 actions it deems necessary to effectuate and implement the  
575 provisions of Sections 1 and 2 of this act.

576           **SECTION 5.** Section 37-7-301, Mississippi Code of 1972, is  
577 amended as follows:

578           37-7-301. The school boards of all school districts shall  
579 have the following powers, authority and duties in addition to all  
580 others imposed or granted by law, to wit:

581           (a) To organize and operate the schools of the district  
582 and to make such division between the high school grades and  
583 elementary grades as, in their judgment, will serve the best  
584 interests of the school;

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

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

591           (d) To have responsibility for the erection, repairing  
592 and equipping of school facilities and the making of necessary  
593 school improvements;

594           (e) To suspend or to expel a pupil or to change the  
595 placement of a pupil to the school district's alternative school  
596 or homebound program for misconduct in the school or on school





597 property, as defined in Section 37-11-29, on the road to and from  
598 school, or at any school-related activity or event, or for conduct  
599 occurring on property other than school property or other than at  
600 a school-related activity or event when such conduct by a pupil,  
601 in the determination of the school superintendent or principal,  
602 renders that pupil's presence in the classroom a disruption to the  
603 educational environment of the school or a detriment to the best  
604 interest and welfare of the pupils and teacher of such class as a  
605 whole, and to delegate such authority to the appropriate officials  
606 of the school district;

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

610 (g) To support, within reasonable limits, the  
611 superintendent, principal and teachers where necessary for the  
612 proper discipline of the school;

613 (h) To exclude from the schools students with what  
614 appears to be infectious or contagious diseases; provided,  
615 however, such student may be allowed to return to school upon  
616 presenting a certificate from a public health officer, duly  
617 licensed physician or nurse practitioner that the student is free  
618 from such disease;

619 (i) To require those vaccinations specified by the  
620 State Health Officer as provided in Section 41-23-37;



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

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

626 (l) To prescribe and enforce rules and regulations not  
627 inconsistent with law or with the regulations of the State Board  
628 of Education for their own government and for the government of  
629 the schools, and to transact their business at regular and special  
630 meetings called and held in the manner provided by law;

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

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

636 (o) To make orders directed to the superintendent of  
637 schools for the issuance of pay certificates for lawful purposes  
638 on any available funds of the district and to have full control of  
639 the receipt, distribution, allotment and disbursement of all funds  
640 provided for the support and operation of the schools of such  
641 school district whether such funds be derived from state  
642 appropriations, local ad valorem tax collections, or otherwise.  
643 The local school board shall be authorized and empowered to  
644 promulgate rules and regulations that specify the types of claims  
645 and set limits of the dollar amount for payment of claims by the



646 superintendent of schools to be ratified by the board at the next  
647 regularly scheduled meeting after payment has been made;

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

652 (q) To provide athletic programs and other school  
653 activities and to regulate the establishment and operation of such  
654 programs and activities;

655 (r) To join, in their discretion, any association of  
656 school boards and other public school-related organizations, and  
657 to pay from local funds other than minimum foundation funds, any  
658 membership dues;

659 (s) To expend local school activity funds, or other  
660 available school district funds, other than minimum education  
661 program funds, for the purposes prescribed under this paragraph.  
662 "Activity funds" shall mean all funds received by school officials  
663 in all school districts paid or collected to participate in any  
664 school activity, such activity being part of the school program  
665 and partially financed with public funds or supplemented by public  
666 funds. The term "activity funds" shall not include any funds  
667 raised and/or expended by any organization unless commingled in a  
668 bank account with existing activity funds, regardless of whether  
669 the funds were raised by school employees or received by school  
670 employees during school hours or using school facilities, and



671 regardless of whether a school employee exercises influence over  
672 the expenditure or disposition of such funds. Organizations shall  
673 not be required to make any payment to any school for the use of  
674 any school facility if, in the discretion of the local school  
675 governing board, the organization's function shall be deemed to be  
676 beneficial to the official or extracurricular programs of the  
677 school. For the purposes of this provision, the term  
678 "organization" shall not include any organization subject to the  
679 control of the local school governing board. Activity funds may  
680 only be expended for any necessary expenses or travel costs,  
681 including advances, incurred by students and their chaperons in  
682 attending any in-state or out-of-state school-related programs,  
683 conventions or seminars and/or any commodities, equipment, travel  
684 expenses, purchased services or school supplies which the local  
685 school governing board, in its discretion, shall deem beneficial  
686 to the official or extracurricular programs of the district,  
687 including items which may subsequently become the personal  
688 property of individuals, including yearbooks, athletic apparel,  
689 book covers and trophies. Activity funds may be used to pay  
690 travel expenses of school district personnel. The local school  
691 governing board shall be authorized and empowered to promulgate  
692 rules and regulations specifically designating for what purposes  
693 school activity funds may be expended. The local school governing  
694 board shall provide (i) that such school activity funds shall be  
695 maintained and expended by the principal of the school generating



696 the funds in individual bank accounts, or (ii) that such school  
697 activity funds shall be maintained and expended by the  
698 superintendent of schools in a central depository approved by the  
699 board. The local school governing board shall provide that such  
700 school activity funds be audited as part of the annual audit  
701 required in Section 37-9-18. The State Department of Education  
702 shall prescribe a uniform system of accounting and financial  
703 reporting for all school activity fund transactions;

704 (t) To enter into an energy performance contract,  
705 energy services contract, on a shared-savings, lease or  
706 lease-purchase basis, for energy efficiency services and/or  
707 equipment as provided for in Section 31-7-14;

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

710 (v) (i) To lease a school building from an individual,  
711 partnership, nonprofit corporation or a private for-profit  
712 corporation for the use of such school district, and to expend  
713 funds therefor as may be available from any nonminimum program  
714 sources. The school board of the school district desiring to  
715 lease a school building shall declare by resolution that a need  
716 exists for a school building and that the school district cannot  
717 provide the necessary funds to pay the cost or its proportionate  
718 share of the cost of a school building required to meet the  
719 present needs. The resolution so adopted by the school board  
720 shall be published once each week for three (3) consecutive weeks



721 in a newspaper having a general circulation in the school district  
722 involved, with the first publication thereof to be made not less  
723 than thirty (30) days prior to the date upon which the school  
724 board is to act on the question of leasing a school building. If  
725 no petition requesting an election is filed prior to such meeting  
726 as hereinafter provided, then the school board may, by resolution  
727 spread upon its minutes, proceed to lease a school building. If  
728 at any time prior to said meeting a petition signed by not less  
729 than twenty percent (20%) or fifteen hundred (1500), whichever is  
730 less, of the qualified electors of the school district involved  
731 shall be filed with the school board requesting that an election  
732 be called on the question, then the school board shall, not later  
733 than the next regular meeting, adopt a resolution calling an  
734 election to be held within such school district upon the question  
735 of authorizing the school board to lease a school building. Such  
736 election shall be called and held, and notice thereof shall be  
737 given, in the same manner for elections upon the questions of the  
738 issuance of the bonds of school districts, and the results thereof  
739 shall be certified to the school board. If at least three-fifths  
740 (3/5) of the qualified electors of the school district who voted  
741 in such election shall vote in favor of the leasing of a school  
742 building, then the school board shall proceed to lease a school  
743 building. The term of the lease contract shall not exceed twenty  
744 (20) years, and the total cost of such lease shall be either the  
745 amount of the lowest and best bid accepted by the school board



746 after advertisement for bids or an amount not to exceed the  
747 current fair market value of the lease as determined by the  
748 averaging of at least two (2) appraisals by certified general  
749 appraisers licensed by the State of Mississippi. The term "school  
750 building" as used in this paragraph (v) (i) shall be construed to  
751 mean any building or buildings used for classroom purposes in  
752 connection with the operation of schools and shall include the  
753 site therefor, necessary support facilities, and the equipment  
754 thereof and appurtenances thereto such as heating facilities,  
755 water supply, sewage disposal, landscaping, walks, drives and  
756 playgrounds. The term "lease" as used in this paragraph (v) (i)  
757 may include a lease-purchase contract;

758 (ii) If two (2) or more school districts propose  
759 to enter into a lease contract jointly, then joint meetings of the  
760 school boards having control may be held but no action taken shall  
761 be binding on any such school district unless the question of  
762 leasing a school building is approved in each participating school  
763 district under the procedure hereinabove set forth in paragraph  
764 (v) (i). All of the provisions of paragraph (v) (i) regarding the  
765 term and amount of the lease contract shall apply to the school  
766 boards of school districts acting jointly. Any lease contract  
767 executed by two (2) or more school districts as joint lessees  
768 shall set out the amount of the aggregate lease rental to be paid  
769 by each, which may be agreed upon, but there shall be no right of  
770 occupancy by any lessee unless the aggregate rental is paid as



771 stipulated in the lease contract. All rights of joint lessees  
772 under the lease contract shall be in proportion to the amount of  
773 lease rental paid by each;

774 (w) To employ all noninstructional and noncertificated  
775 employees and fix the duties and compensation of such personnel  
776 deemed necessary pursuant to the recommendation of the  
777 superintendent of schools;

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

780 (y) Subject to rules and regulations of the State Board  
781 of Education, to purchase, own and operate trucks, vans and other  
782 motor vehicles, which shall bear the proper identification  
783 required by law;

784 (z) To expend funds for the payment of substitute  
785 teachers and to adopt reasonable regulations for the employment  
786 and compensation of such substitute teachers;

787 (aa) To acquire in its own name by purchase all real  
788 property which shall be necessary and desirable in connection with  
789 the construction, renovation or improvement of any public school  
790 building or structure. Whenever the purchase price for such real  
791 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
792 school board shall not purchase the property for an amount  
793 exceeding the fair market value of such property as determined by  
794 the average of at least two (2) independent appraisals by  
795 certified general appraisers licensed by the State of Mississippi.





796 If the board shall be unable to agree with the owner of any such  
797 real property in connection with any such project, the board shall  
798 have the power and authority to acquire any such real property by  
799 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
800 Mississippi Code of 1972, and for such purpose, the right of  
801 eminent domain is hereby conferred upon and vested in said board.  
802 Provided further, that the local school board is authorized to  
803 grant an easement for ingress and egress over sixteenth section  
804 land or lieu land in exchange for a similar easement upon  
805 adjoining land where the exchange of easements affords substantial  
806 benefit to the sixteenth section land; provided, however, the  
807 exchange must be based upon values as determined by a competent  
808 appraiser, with any differential in value to be adjusted by cash  
809 payment. Any easement rights granted over sixteenth section land  
810 under such authority shall terminate when the easement ceases to  
811 be used for its stated purpose. No sixteenth section or lieu land  
812 which is subject to an existing lease shall be burdened by any  
813 such easement except by consent of the lessee or unless the school  
814 district shall acquire the unexpired leasehold interest affected  
815 by the easement;

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

819 (cc) Subject to rules and regulations of the State  
820 Board of Education, to purchase relocatable classrooms for the use



821 of such school district, in the manner prescribed in Section  
822 37-1-13;

823 (dd) Enter into contracts or agreements with other  
824 school districts, political subdivisions or governmental entities  
825 to carry out one or more of the powers or duties of the school  
826 board, or to allow more efficient utilization of limited resources  
827 for providing services to the public;

828 (ee) To provide for in-service training for employees  
829 of the district;

830 (ff) As part of their duties to prescribe the use of  
831 textbooks, to provide that parents and legal guardians shall be  
832 responsible for the textbooks and for the compensation to the  
833 school district for any books which are not returned to the proper  
834 schools upon the withdrawal of their dependent child. If a  
835 textbook is lost or not returned by any student who drops out of  
836 the public school district, the parent or legal guardian shall  
837 also compensate the school district for the fair market value of  
838 the textbooks;

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

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



846 (ii) Fund-raising activities conducted or  
847 authorized by the board for the sale of school pictures, the  
848 rental of caps and gowns or the sale of graduation invitations for  
849 which the school board receives a commission, rebate or fee shall  
850 contain a disclosure statement advising that a portion of the  
851 proceeds of the sales or rentals shall be contributed to the  
852 student activity fund;

853 (hh) To allow individual lessons for music, art and  
854 other curriculum-related activities for academic credit or  
855 nonacademic credit during school hours and using school equipment  
856 and facilities, subject to uniform rules and regulations adopted  
857 by the school board;

858 (ii) To charge reasonable fees for participating in an  
859 extracurricular activity for academic or nonacademic credit for  
860 necessary and required equipment such as safety equipment, band  
861 instruments and uniforms;

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

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

867 (ll) To expend funds for the services of nonprofit arts  
868 organizations or other such nonprofit organizations who provide  
869 performances or other services for the students of the school  
870 district;



871 (mm) To expend federal No Child Left Behind Act funds,  
872 or any other available funds that are expressly designated and  
873 authorized for that use, to pay training, educational expenses,  
874 salary incentives and salary supplements to employees of local  
875 school districts; except that incentives shall not be considered  
876 part of the local supplement as defined in Section 37-151-5(o),  
877 nor shall incentives be considered part of the local supplement  
878 paid to an individual teacher for the purposes of Section  
879 37-19-7(1). Mississippi Adequate Education Program funds or any  
880 other state funds may not be used for salary incentives or salary  
881 supplements as provided in this paragraph (mm);

882 (nn) To use any available funds, not appropriated or  
883 designated for any other purpose, for reimbursement to the  
884 state-licensed employees from both in state and out of state, who  
885 enter into a contract for employment in a school district, for the  
886 expense of moving when the employment necessitates the relocation  
887 of the licensed employee to a different geographical area than  
888 that in which the licensed employee resides before entering into  
889 the contract. The reimbursement shall not exceed One Thousand  
890 Dollars (\$1,000.00) for the documented actual expenses incurred in  
891 the course of relocating, including the expense of any  
892 professional moving company or persons employed to assist with the  
893 move, rented moving vehicles or equipment, mileage in the amount  
894 authorized for county and municipal employees under Section  
895 25-3-41 if the licensed employee used his personal vehicle or



896 vehicles for the move, meals and such other expenses associated  
897 with the relocation. No licensed employee may be reimbursed for  
898 moving expenses under this section on more than one (1) occasion  
899 by the same school district. Nothing in this section shall be  
900 construed to require the actual residence to which the licensed  
901 employee relocates to be within the boundaries of the school  
902 district that has executed a contract for employment in order for  
903 the licensed employee to be eligible for reimbursement for the  
904 moving expenses. However, the licensed employee must relocate  
905 within the boundaries of the State of Mississippi. Any individual  
906 receiving relocation assistance through the Critical Teacher  
907 Shortage Act as provided in Section 37-159-5 shall not be eligible  
908 to receive additional relocation funds as authorized in this  
909 paragraph;

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

916           (pp) Consistent with the report of the Task Force to  
917 Conduct a Best Financial Management Practices Review, to improve  
918 school district management and use of resources and identify cost  
919 savings as established in Section 8 of Chapter 610, Laws of 2002,  
920 local school boards are encouraged to conduct independent reviews



921 of the management and efficiency of schools and school districts.  
922 Such management and efficiency reviews shall provide state and  
923 local officials and the public with the following:

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

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

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

929 (iv) An assessment of facilities utilization,  
930 planning and maintenance;

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

933 (vi) An assessment of instructional and  
934 administrative technology;

935 (vii) A review of the instructional management and  
936 the efficiency and effectiveness of existing instructional  
937 programs; and

938 (viii) Recommended methods for increasing  
939 efficiency and effectiveness in providing educational services to  
940 the public;

941 (qq) To enter into agreements with other local school  
942 boards for the establishment of an educational service agency  
943 (ESA) to provide for the cooperative needs of the region in which  
944 the school district is located, as provided in Section 37-7-345;



945           (rr) To implement a financial literacy program for  
946 students in Grades 10 and 11. The board may review the national  
947 programs and obtain free literature from various nationally  
948 recognized programs. After review of the different programs, the  
949 board may certify a program that is most appropriate for the  
950 school districts' needs. If a district implements a financial  
951 literacy program, then any student in Grade 10 or 11 may  
952 participate in the program. The financial literacy program shall  
953 include, but is not limited to, instruction in the same areas of  
954 personal business and finance as required under Section  
955 37-1-3(2) (b). The school board may coordinate with volunteer  
956 teachers from local community organizations, including, but not  
957 limited to, the following: United States Department of  
958 Agriculture Rural Development, United States Department of Housing  
959 and Urban Development, Junior Achievement, bankers and other  
960 nonprofit organizations. Nothing in this paragraph shall be  
961 construed as to require school boards to implement a financial  
962 literacy program;

963           (ss) To collaborate with the State Board of Education,  
964 Community Action Agencies or the Department of Human Services to  
965 develop and implement a voluntary program to provide services for  
966 a prekindergarten program that addresses the cognitive, social,  
967 and emotional needs of four-year-old and three-year-old children.  
968 The school board may utilize any source of available revenue to  
969 fund the voluntary program. Effective with the 2013-2014 school



970 year, to implement voluntary prekindergarten programs under the  
971 Early Learning Collaborative Act of 2013 pursuant to state funds  
972 awarded by the State Department of Education on a matching basis;

973 (tt) With respect to any lawful, written obligation of  
974 a school district, including, but not limited to, leases  
975 (excluding leases of sixteenth section public school trust land),  
976 bonds, notes, or other agreement, to agree in writing with the  
977 obligee that the Department of Revenue or any state agency,  
978 department or commission created under state law may:

979 (i) Withhold all or any part (as agreed by the  
980 school board) of any monies which such local school board is  
981 entitled to receive from time to time under any law and which is  
982 in the possession of the Department of Revenue, or any state  
983 agency, department or commission created under state law; and

984 (ii) Pay the same over to any financial  
985 institution, trustee or other obligee, as directed in writing by  
986 the school board, to satisfy all or part of such obligation of the  
987 school district.

988 The school board may make such written agreement to withhold  
989 and transfer funds irrevocable for the term of the written  
990 obligation and may include in the written agreement any other  
991 terms and provisions acceptable to the school board. If the  
992 school board files a copy of such written agreement with the  
993 Department of Revenue, or any state agency, department or  
994 commission created under state law then the Department of Revenue





995 or any state agency, department or commission created under state  
996 law shall immediately make the withholdings provided in such  
997 agreement from the amounts due the local school board and shall  
998 continue to pay the same over to such financial institution,  
999 trustee or obligee for the term of the agreement.

1000 This paragraph (tt) shall not grant any extra authority to a  
1001 school board to issue debt in any amount exceeding statutory  
1002 limitations on assessed value of taxable property within such  
1003 school district or the statutory limitations on debt maturities,  
1004 and shall not grant any extra authority to impose, levy or collect  
1005 a tax which is not otherwise expressly provided for, and shall not  
1006 be construed to apply to sixteenth section public school trust  
1007 land;

1008 (uu) With respect to any matter or transaction that is  
1009 competitively bid by a school district, to accept from any bidder  
1010 as a good-faith deposit or bid bond or bid surety, the same type  
1011 of good-faith deposit or bid bond or bid surety that may be  
1012 accepted by the state or any other political subdivision on  
1013 similar competitively bid matters or transactions. This paragraph  
1014 (uu) shall not be construed to apply to sixteenth section public  
1015 school trust land. The school board may authorize the investment  
1016 of any school district funds in the same kind and manner of  
1017 investments, including pooled investments, as any other political  
1018 subdivision, including community hospitals;



1019 (vv) To utilize the alternate method for the conveyance  
1020 or exchange of unused school buildings and/or land, reserving a  
1021 partial or other undivided interest in the property, as  
1022 specifically authorized and provided in Section 37-7-485;

1023 (ww) To delegate, privatize or otherwise enter into a  
1024 contract with private entities for the operation of any and all  
1025 functions of nonacademic school process, procedures and operations  
1026 including, but not limited to, cafeteria workers, janitorial  
1027 services, transportation, professional development, achievement  
1028 and instructional consulting services materials and products,  
1029 purchasing cooperatives, insurance, business manager services,  
1030 auditing and accounting services, school safety/risk prevention,  
1031 data processing and student records, and other staff services;  
1032 however, the authority under this paragraph does not apply to the  
1033 leasing, management or operation of sixteenth section lands.  
1034 Local school districts, working through their regional education  
1035 service agency, are encouraged to enter into buying consortia with  
1036 other member districts for the purposes of more efficient use of  
1037 state resources as described in Section 37-7-345;

1038 (xx) To partner with entities, organizations and  
1039 corporations for the purpose of benefiting the school district;

1040 (yy) To borrow funds from the Rural Economic  
1041 Development Authority for the maintenance of school buildings;

1042 (zz) To fund and operate voluntary early childhood  
1043 education programs, defined as programs for children less than



1044 five (5) years of age on or before September 1, and to use any  
1045 source of revenue for such early childhood education programs.  
1046 Such programs shall not conflict with the Early Learning  
1047 Collaborative Act of 2013;

1048 (aaa) To issue and provide for the use of procurement  
1049 cards by school board members, superintendents and licensed school  
1050 personnel consistent with the rules and regulations of the  
1051 Mississippi Department of Finance and Administration under Section  
1052 31-7-9; \* \* \*

1053 (bbb) To conduct an annual comprehensive evaluation of  
1054 the superintendent of schools consistent with the assessment  
1055 components of paragraph (pp) of this section and the assessment  
1056 benchmarks established by the Mississippi School Board Association  
1057 to evaluate the success the superintendent has attained in meeting  
1058 district goals and objectives, the superintendent's leadership  
1059 skill and whether or not the superintendent has established  
1060 appropriate standards for performance, is monitoring success and  
1061 is using data for improvement \* \* \*; and

1062 (ccc) With respect to providing information technology  
1063 to rural and impoverished areas within a local school district,  
1064 the local school board shall authorize its local school district  
1065 to serve as the local hub for broadband services in accordance  
1066 with the provisions of Section 2 of this act.

1067 **SECTION 6.** Section 57-87-3, Mississippi Code of 1972, is  
1068 brought forward as follows:



1069           57-87-3. (1) The Legislature finds that the long-standing  
1070 telecommunications policy of this state has been to ensure that  
1071 all citizens have access to telephone service. The increasing  
1072 reliance upon access to computer information services for jobs,  
1073 housing and other necessities requires that this concept be  
1074 broadened to include high-speed access to the Internet as well.

1075           (2) The Legislature further finds that the ability of the  
1076 citizens in all parts of this state to access the Internet, also  
1077 known as the information superhighway, is an important component  
1078 in the ability of the state to remain competitive in the fields of  
1079 business and education, as well as the ability of government to  
1080 provide services to these people both now and in the future. The  
1081 ability of the citizens of Mississippi to access the full  
1082 potential of the Internet is predicated on having the most  
1083 advanced telecommunications infrastructure, the backbone to the  
1084 information superhighway.

1085           (3) The Legislature further finds and declares that it is  
1086 the policy of the state to provide incentives for  
1087 "telecommunications enterprises" (as defined in Section 57-73-21  
1088 (14)) to invest in the infrastructure needed to provide broadband  
1089 technology throughout the state to keep this state competitive and  
1090 to promote economic development within the state.

1091           (4) The Legislature further finds that despite the  
1092 significant growth of computer ownership and usage, the growth has  
1093 occurred to a greater extent within developed areas within this



1094 state, thereby leading to what has been termed a "digital divide"  
1095 between Tier One areas within the state and areas within this  
1096 state that are Tier Two and Tier Three areas (as such areas are  
1097 designated in accordance with Section 57-73-21(1)).

1098 (5) The Legislature further finds that it is in the public  
1099 interest for people living in Tier Two areas and people living in  
1100 Tier Three areas of the state to have high-speed access to the  
1101 Internet and to adequate technology, infrastructure and advanced  
1102 telecommunications service.

1103 (6) The Legislature further finds and declares that  
1104 additional incentives are warranted to encourage  
1105 telecommunications enterprises to invest in the infrastructure  
1106 needed to provide broadband technology in Tier Two and Tier Three  
1107 areas of the state.

1108 **SECTION 7.** Section 57-87-5, Mississippi Code of 1972, is  
1109 brought forward as follows:

1110 57-87-5. (1) For purposes of this section:

1111 (a) "Telecommunications enterprises" shall have the  
1112 meaning ascribed to such term in Section 57-73-21(14);

1113 (b) "Tier One areas" mean counties designated as Tier  
1114 One areas pursuant to Section 57-73-21(1);

1115 (c) "Tier Two areas" mean counties designated as Tier  
1116 Two areas pursuant to Section 57-73-21(1);

1117 (d) "Tier Three areas" mean counties designated as Tier  
1118 Three areas pursuant to Section 57-73-21(1); and



1119           (e) "Equipment used in the deployment of broadband  
1120 technologies" means any equipment capable of being used for or in  
1121 connection with the transmission of information at a rate, prior  
1122 to taking into account the effects of any signal degradation, that  
1123 is not less than three hundred eighty-four (384) kilobits per  
1124 second in at least one (1) direction, including, but not limited  
1125 to, asynchronous transfer mode switches, digital subscriber line  
1126 access multiplexers, routers, servers, multiplexers, fiber optics  
1127 and related equipment.

1128           (2) With respect to the investment in each year by a  
1129 telecommunications enterprise after June 30, 2003, and before July  
1130 1, 2020, there shall be allowed annually as a credit against the  
1131 aggregate tax imposed by Chapters 7 and 13 of Title 27,  
1132 Mississippi Code of 1972, an amount equal to:

1133           (a) Five percent (5%) of the cost of equipment used in  
1134 the deployment of broadband technologies in Tier One areas;

1135           (b) Ten percent (10%) of the cost of equipment used in  
1136 the deployment of broadband technologies in Tier Two areas; and

1137           (c) Fifteen percent (15%) of the cost of equipment used  
1138 in the deployment of broadband technologies in Tier Three areas.

1139           (3) Such annual credits shall be allowed commencing with the  
1140 taxable year in which such property is placed in service and  
1141 continue for nine (9) consecutive years thereafter. The aggregate  
1142 credit established by this section taken in any one (1)



1143 tax year shall be limited to an amount not greater than fifty  
1144 percent (50%) of the taxpayer's tax liabilities under Chapters 7  
1145 and 13 of Title 27, Mississippi Code of 1972; however, any tax  
1146 credit claimed under this section, but not used in any taxable  
1147 year, may be carried forward for ten (10) consecutive years from  
1148 the close of the tax year in which the credits were earned.

1149 (4) The maximum aggregate amount of credits that may be  
1150 claimed under this section shall not exceed the original  
1151 investment made by a telecommunications enterprise in the  
1152 qualifying equipment used in the deployment of broadband  
1153 technologies.

1154 (5) For purposes of this section, the tier in which  
1155 broadband technology is deployed shall be determined in the year  
1156 in which such technology is deployed in a county and such tier  
1157 shall not change if the county is later designated in another  
1158 tier.

1159 **SECTION 8.** Section 57-87-7, Mississippi Code of 1972, is  
1160 brought forward as follows:

1161 57-87-7. Equipment used in the deployment of broadband  
1162 technologies by a telecommunications enterprise (as defined in  
1163 Section 57-73-21(14)), that is placed in service after June 30,  
1164 2003, and before July 1, 2020, shall be exempt from ad valorem  
1165 taxation for a period of ten (10) years after the date such  
1166 equipment is placed in service. For purposes of this section,  
1167 "equipment used in the deployment of broadband technologies" means



1168 any equipment capable of being used for or in connection with the  
1169 transmission of information at a rate, prior to taking into  
1170 account the effects of any signal degradation, that is not less  
1171 than three hundred eighty-four (384) kilobits per second in at  
1172 least one direction, including, but not limited to, asynchronous  
1173 transfer mode switches, digital subscriber line access  
1174 multiplexers, routers, servers, multiplexers, fiber optics and  
1175 related equipment.

1176         **SECTION 9.** This act shall take effect and be in force from  
1177 and after July 1, 2018.

