

By: Representative Baker

To: Education

HOUSE BILL NO. 410

1 AN ACT TO AMEND SECTION 29-3-91, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE AUTHORITY OF LOCAL SCHOOL BOARDS TO CONSTRUCT OR MAKE
 3 MODIFYING IMPROVEMENTS TO EXISTING ROADS ON SIXTEENTH SECTION LAND
 4 OR LIEU LAND FOR THE PURPOSE OF PROVIDING ACCESS TO SUCH LAND OR
 5 GRANTING AN EASEMENT FOR THE INSTALLATION OF UTILITIES; TO BRING
 6 FORWARD SECTIONS 29-3-133, 29-3-135 AND 29-3-155, MISSISSIPPI CODE
 7 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** Section 29-3-91, Mississippi Code of 1972, is
 11 amended as follows:

12 29-3-91. (1) Except as otherwise provided in subsection (2)
 13 of this section, whenever the United States or any agency thereof,
 14 or the state or any agency or subdivision thereof, or any private
 15 organization, corporation, association, or person acquires, by
 16 condemnation or otherwise, any easement or right-of-way across any
 17 sixteenth section land or lieu land, then adequate compensation
 18 therefor shall be paid by the party acquiring the same to the
 19 board of education concerned; and the sum or sums so received
 20 shall be placed in the principal fund or funds of the school
 21 district or districts concerned.



22 (2) If the local board of education, by resolution duly
23 adopted and spread upon its minutes, determines that a new road is
24 necessary to provide access to and on sixteenth section land or
25 lieu land, or that an existing road requires widening or other
26 modifications to provide better access to sixteenth section land
27 or lieu land, or that utilities are necessary to provide services
28 to and on sixteenth section land or lieu land, and that the new
29 road, existing road widened or otherwise modified, or utilities
30 installed will enhance the value of the sixteenth section land or
31 lieu land, and requests that a county * * *, city or utility
32 provider construct and maintain the road or utilities, or both the
33 road and utilities, then, upon agreement by the county * * *, city
34 or utility provider to bear all costs of construction and
35 maintenance, the local board of education may provide a
36 right-of-way for the new road, for widening or other modifications
37 of an existing road or for an easement for utilities without
38 compensation from the county * * *, city or utility provider if
39 the * * * cost of constructing the new road * * *, widening or
40 modifying an existing road or constructing and installing
41 utilities is reasonable in relation to the value of the
42 right-of-way. In determining value in this respect, the local
43 school board may consider the direct and indirect positive
44 economic, social and other relevant impact the improvements will
45 provide to the value of the sixteenth section land or lieu land
46 upon which the improvements are constructed and installed and to



47 such other sixteenth section land or lieu land or other land owned
48 or controlled by the local school district which may be positively
49 impacted by such improvements. The local board of education shall
50 have sole discretion in determining the location of any new road,
51 any widened road or otherwise modified road and any utilities
52 constructed under the authority of this subsection. Except as
53 otherwise provided herein, this subsection shall not apply to
54 state road projects or to any change or improvement to or
55 relocation of existing roads under the jurisdiction of a county or
56 city without the consent of the State Aid Road division of the
57 Mississippi Department of Transportation, or the county or city as
58 applicable.

59 **SECTION 2.** Section 29-3-133, Mississippi Code of 1972, is
60 brought forward as follows:

61 29-3-133. The board of supervisors of any county within the
62 state having a population of more than two hundred thousand
63 (200,000) according to the latest federal census, upon receipt of
64 a resolution adopted by the county board of education of any such
65 county requesting it so to do, is authorized and empowered to
66 construct roads or streets upon any sixteenth section lands lying
67 within the boundaries of any municipality in such county having a
68 population of more than one hundred fifty thousand (150,000)
69 according to the latest federal census.

70 **SECTION 3.** Section 29-3-135, Mississippi Code of 1972, is
71 brought forward as follows:



72 29-3-135. The cost of the construction of any roads or
73 streets performed under the terms of Section 29-3-133 shall be
74 paid upon the order of the board of supervisors of any such county
75 by the county board of education of such county out of any funds
76 which would otherwise be paid over to the school district entitled
77 to the revenues from the sixteenth section land upon which any
78 such construction is done.

79 **SECTION 4.** Section 29-3-155, Mississippi Code of 1972, is
80 brought forward as follows:

81 29-3-155. The board of supervisors of any county with a
82 population of two hundred thousand (200,000) or more shall have
83 the authority to create, by appropriate order spread on its
84 minutes and approved by vote of at least three-fifths (3/5) of its
85 members, a sixteenth section development authority for the purpose
86 of developing all or any part of a sixteenth section, or lands
87 granted in lieu thereof, controlled by the board; provided,
88 however, that said authority shall not be created by said board
89 unless and until the county school board and, in the event the
90 sixteenth section or lands granted in lieu thereof is located
91 within a municipal separate school district, the trustees of the
92 municipal separate school district submit to the board a
93 resolution, properly adopted, requesting the creation of said
94 authority and designating the sixteenth section, or lands granted
95 in lieu thereof, to be developed and leased. The order shall
96 designate the sixteenth section, or lands granted in lieu thereof,



97 to be developed, in whole or in part, by the authority; provided,
98 however, that the order shall designate only one (1) sixteenth
99 section, or one (1) section of land granted in lieu thereof, to be
100 developed, in whole or in part, by the authority.

101 The board of supervisors of the county may acquire by
102 condemnation any necessary easements for traffic thoroughfares or
103 utility rights-of-way upon specific recommendation and request by
104 the trustees, but for no other purpose shall the right of
105 condemnation be allowed. Any condemnation award shall be paid
106 from the funds of the authority.

107 The county school board and, in the event the sixteenth
108 section or lands granted in lieu thereof is located within a
109 municipal separate school district, the trustees of the municipal
110 separate school district are specifically authorized to lend to
111 the authority such funds for interim financing of development as
112 may be available to the said board and trustees and deemed
113 desirable. In the event that any such loan is made by the county
114 school board and the trustees of the municipal separate school
115 district, the participation of each in such loan shall be
116 determined by the percentage of revenue from the sixteenth
117 section, or lands granted in lieu thereof, to be developed by the
118 authority which each received in the most prior year of receipt.

119 **SECTION 5.** This act shall take effect and be in force from
120 and after July 1, 2018.

