

By: Representative Hines

To: Public Utilities

HOUSE BILL NO. 170

1 AN ACT TO ESTABLISH A GOAL FOR THE STATE OF MISSISSIPPI THAT
 2 BY NO LATER THAN THE YEAR 2027, 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 2027, 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 2027, 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 and
181 the Firefighter Property Program that is used by the local
182 volunteer fire department.

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

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



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

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

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

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



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

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

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

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



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

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



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

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

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



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

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

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

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

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



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

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



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

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

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

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



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

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

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



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

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

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

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



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

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



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



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

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

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

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



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

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

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



525 1. By reason of a tax sale;

526 2. Because the property was abandoned or

527 blighted; or

528 3. In a proceeding to satisfy a municipal

529 lien against the property;

530 (ii) The subject property is blighted and is

531 located in a blighted area;

532 (iii) The subject property is not needed for

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

534 operation of the municipality;

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

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

537 financial welfare of the municipality; and

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

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

540 development and improvement of the community in which it is

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

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

543 property is conveyed shall be stated.

544 (b) Any deed or instrument of conveyance executed

545 pursuant to the authority granted under this subsection shall

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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



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

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

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

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



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



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

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



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

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

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

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

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

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



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

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

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



822 of such school district, in the manner prescribed in Section
823 37-1-13;

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

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

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

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

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



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

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

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

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

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

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



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

883 (nn) To use any available funds, not appropriated or
884 designated for any other purpose, for reimbursement to the
885 state-licensed employees from both in state and out of state, who
886 enter into a contract for employment in a school district, for the
887 expense of moving when the employment necessitates the relocation
888 of the licensed employee to a different geographical area than
889 that in which the licensed employee resides before entering into
890 the contract. The reimbursement shall not exceed One Thousand
891 Dollars (\$1,000.00) for the documented actual expenses incurred in
892 the course of relocating, including the expense of any
893 professional moving company or persons employed to assist with the
894 move, rented moving vehicles or equipment, mileage in the amount
895 authorized for county and municipal employees under Section
896 25-3-41 if the licensed employee used his personal vehicle or



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

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

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



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

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

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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



996 or any state agency, department or commission created under state
997 law shall immediately make the withholdings provided in such
998 agreement from the amounts due the local school board and shall
999 continue to pay the same over to such financial institution,
1000 trustee or obligee for the term of the agreement.

1001 This paragraph (tt) shall not grant any extra authority to a
1002 school board to issue debt in any amount exceeding statutory
1003 limitations on assessed value of taxable property within such
1004 school district or the statutory limitations on debt maturities,
1005 and shall not grant any extra authority to impose, levy or collect
1006 a tax which is not otherwise expressly provided for, and shall not
1007 be construed to apply to sixteenth section public school trust
1008 land;

1009 (uu) With respect to any matter or transaction that is
1010 competitively bid by a school district, to accept from any bidder
1011 as a good-faith deposit or bid bond or bid surety, the same type
1012 of good-faith deposit or bid bond or bid surety that may be
1013 accepted by the state or any other political subdivision on
1014 similar competitively bid matters or transactions. This paragraph
1015 (uu) shall not be construed to apply to sixteenth section public
1016 school trust land. The school board may authorize the investment
1017 of any school district funds in the same kind and manner of
1018 investments, including pooled investments, as any other political
1019 subdivision, including community hospitals;



1020 (vv) To utilize the alternate method for the conveyance
1021 or exchange of unused school buildings and/or land, reserving a
1022 partial or other undivided interest in the property, as
1023 specifically authorized and provided in Section 37-7-485;

1024 (ww) To delegate, privatize or otherwise enter into a
1025 contract with private entities for the operation of any and all
1026 functions of nonacademic school process, procedures and operations
1027 including, but not limited to, cafeteria workers, janitorial
1028 services, transportation, professional development, achievement
1029 and instructional consulting services materials and products,
1030 purchasing cooperatives, insurance, business manager services,
1031 auditing and accounting services, school safety/risk prevention,
1032 data processing and student records, and other staff services;
1033 however, the authority under this paragraph does not apply to the
1034 leasing, management or operation of sixteenth section lands.
1035 Local school districts, working through their regional education
1036 service agency, are encouraged to enter into buying consortia with
1037 other member districts for the purposes of more efficient use of
1038 state resources as described in Section 37-7-345;

1039 (xx) To partner with entities, organizations and
1040 corporations for the purpose of benefiting the school district;

1041 (yy) To borrow funds from the Rural Economic
1042 Development Authority for the maintenance of school buildings;

1043 (zz) To fund and operate voluntary early childhood
1044 education programs, defined as programs for children less than



1045 five (5) years of age on or before September 1, and to use any
1046 source of revenue for such early childhood education programs.
1047 Such programs shall not conflict with the Early Learning
1048 Collaborative Act of 2013;

1049 (aaa) To issue and provide for the use of procurement
1050 cards by school board members, superintendents and licensed school
1051 personnel consistent with the rules and regulations of the
1052 Mississippi Department of Finance and Administration under Section
1053 31-7-9; * * *

1054 (bbb) To conduct an annual comprehensive evaluation of
1055 the superintendent of schools consistent with the assessment
1056 components of paragraph (pp) of this section and the assessment
1057 benchmarks established by the Mississippi School Board Association
1058 to evaluate the success the superintendent has attained in meeting
1059 district goals and objectives, the superintendent's leadership
1060 skill and whether or not the superintendent has established
1061 appropriate standards for performance, is monitoring success and
1062 is using data for improvement * * *; and

1063 (ccc) With respect to providing information technology
1064 to rural and impoverished areas within a local school district,
1065 the local school board shall authorize its local school district
1066 to serve as the local hub for broadband services in accordance
1067 with the provisions of Section 2 of this act.

1068 **SECTION 6.** Section 57-87-3, Mississippi Code of 1972, is
1069 brought forward as follows:



1070 57-87-3. (1) The Legislature finds that the long-standing
1071 telecommunications policy of this state has been to ensure that
1072 all citizens have access to telephone service. The increasing
1073 reliance upon access to computer information services for jobs,
1074 housing and other necessities requires that this concept be
1075 broadened to include high-speed access to the Internet as well.

1076 (2) The Legislature further finds that the ability of the
1077 citizens in all parts of this state to access the Internet, also
1078 known as the information superhighway, is an important component
1079 in the ability of the state to remain competitive in the fields of
1080 business and education, as well as the ability of government to
1081 provide services to these people both now and in the future. The
1082 ability of the citizens of Mississippi to access the full
1083 potential of the Internet is predicated on having the most
1084 advanced telecommunications infrastructure the backbone to the
1085 information superhighway.

1086 (3) The Legislature further finds and declares that it is
1087 the policy of the state to provide incentives for
1088 "telecommunications enterprises" (as defined in Section 57-73-21
1089 (14)) to invest in the infrastructure needed to provide broadband
1090 technology throughout the state to keep this state competitive and
1091 to promote economic development within the state.

1092 (4) The Legislature further finds that despite the
1093 significant growth of computer ownership and usage, the growth has
1094 occurred to a greater extent within developed areas within this



1095 state, thereby leading to what has been termed a "digital divide"
1096 between Tier One areas within the state and areas within this
1097 state that are Tier Two and Tier Three areas (as such areas are
1098 designated in accordance with Section 57-73-21(1)).

1099 (5) The Legislature further finds that it is in the public
1100 interest for people living in Tier Two areas and people living in
1101 Tier Three areas of the state to have high-speed access to the
1102 Internet and to adequate technology, infrastructure and advanced
1103 telecommunications service.

1104 (6) The Legislature further finds and declares that
1105 additional incentives are warranted to encourage
1106 telecommunications enterprises to invest in the infrastructure
1107 needed to provide broadband technology in Tier Two and Tier Three
1108 areas of the state.

1109 **SECTION 7.** Section 57-87-5, Mississippi Code of 1972, is
1110 brought forward as follows:

1111 57-87-5. (1) For purposes of this section:

1112 (a) "Telecommunications enterprises" shall have the
1113 meaning ascribed to such term in Section 57-73-21(14);

1114 (b) "Tier One areas" mean counties designated as Tier
1115 One areas pursuant to Section 57-73-21(1);

1116 (c) "Tier Two areas" mean counties designated as Tier
1117 Two areas pursuant to Section 57-73-21(1);

1118 (d) "Tier Three areas" mean counties designated as Tier
1119 Three areas pursuant to Section 57-73-21(1); and



1120 (e) "Equipment used in the deployment of broadband
1121 technologies" means any equipment capable of being used for or in
1122 connection with the transmission of information at a rate, prior
1123 to taking into account the effects of any signal degradation, that
1124 is not less than three hundred eighty-four (384) kilobits per
1125 second in at least one (1) direction, including, but not limited
1126 to, asynchronous transfer mode switches, digital subscriber line
1127 access multiplexers, routers, servers, multiplexers, fiber optics
1128 and related equipment.

1129 (2) With respect to the investment in each year by a
1130 telecommunications enterprise after June 30, 2003, and before July
1131 1, 2020, there shall be allowed annually as a credit against the
1132 aggregate tax imposed by Chapters 7 and 13 of Title 27,
1133 Mississippi Code of 1972, an amount equal to:

1134 (a) Five percent (5%) of the cost of equipment used in
1135 the deployment of broadband technologies in Tier One areas;

1136 (b) Ten percent (10%) of the cost of equipment used in
1137 the deployment of broadband technologies in Tier Two areas; and

1138 (c) Fifteen percent (15%) of the cost of equipment used
1139 in the deployment of broadband technologies in Tier Three areas.

1140 (3) Such annual credits shall be allowed commencing with the
1141 taxable year in which such property is placed in service and
1142 continue for nine (9) consecutive years thereafter. The aggregate
1143 credit established by this section taken in any one (1)



1144 tax year shall be limited to an amount not greater than fifty
1145 percent (50%) of the taxpayer's tax liabilities under Chapters 7
1146 and 13 of Title 27, Mississippi Code of 1972; however, any tax
1147 credit claimed under this section, but not used in any taxable
1148 year, may be carried forward for ten (10) consecutive years from
1149 the close of the tax year in which the credits were earned.

1150 (4) The maximum aggregate amount of credits that may be
1151 claimed under this section shall not exceed the original
1152 investment made by a telecommunications enterprise in the
1153 qualifying equipment used in the deployment of broadband
1154 technologies.

1155 (5) For purposes of this section, the tier in which
1156 broadband technology is deployed shall be determined in the year
1157 in which such technology is deployed in a county and such tier
1158 shall not change if the county is later designated in another
1159 tier.

1160 **SECTION 8.** Section 57-87-7, Mississippi Code of 1972, is
1161 brought forward as follows:

1162 57-87-7. Equipment used in the deployment of broadband
1163 technologies by a telecommunications enterprise (as defined in
1164 Section 57-73-21(14)), that is placed in service after June 30,
1165 2003, and before July 1, 2020, shall be exempt from ad valorem
1166 taxation for a period of ten (10) years after the date such
1167 equipment is placed in service. For purposes of this section,
1168 "equipment used in the deployment of broadband technologies" means



1169 any equipment capable of being used for or in connection with the
1170 transmission of information at a rate, prior to taking into
1171 account the effects of any signal degradation, that is not less
1172 than three hundred eighty-four (384) kilobits per second in at
1173 least one direction, including, but not limited to, asynchronous
1174 transfer mode switches, digital subscriber line access
1175 multiplexers, routers, servers, multiplexers, fiber optics and
1176 related equipment.

1177 **SECTION 9.** This act shall take effect and be in force from
1178 and after July 1, 2019.

