

By: Representative Eaton

To: Education

HOUSE BILL NO. 1254

1 AN ACT TO AMEND SECTION 29-3-27, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE SALE OF A MAXIMUM OF THREE ACRES OF SIXTEENTH
3 SECTION OR LIEU LAND TO THE LEASEHOLDER OF SUCH LAND WHO OWNS A
4 HOME ON THE LAND WHICH HE OR SHE OCCUPIES AS A PERMANENT
5 RESIDENCE; TO PROVIDE FOR THE DISPOSITION OF PROCEEDS DERIVED FROM
6 SUCH SALES; TO AMEND SECTION 29-3-29, MISSISSIPPI CODE OF 1972, TO
7 REQUIRE CERTAIN ACTIONS BY THE BOARD OF EDUCATION BEFORE SIXTEENTH
8 SECTION OR LIEU LANDS MAY BE SOLD TO SUCH LEASEHOLDERS; TO PROVIDE
9 THAT THE BOARD OF EDUCATION SHALL BE THE SOLE APPROVING AUTHORITY
10 FOR SUCH SALES; TO AMEND SECTIONS 29-3-1, 29-3-3, 29-3-11,
11 29-3-25, 29-3-41, 29-3-71, 29-3-73, 29-3-111 AND 29-3-113,
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
13 19-3-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY BOARD OF
14 SUPERVISORS TO PUBLISH A LIST OF ALL SIXTEENTH SECTION OR LIEU
15 LANDS SOLD; AND FOR RELATED PURPOSES.

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

17 SECTION 1. Section 29-3-27, Mississippi Code of 1972, is
18 amended as follows:

19 29-3-27. No sixteenth section lands or lands granted in lieu
20 thereof, in whole or in part, situated within the school district
21 holding or owning the same shall ever be sold, except that the
22 board of education may, under the procedures hereinafter provided,
23 sell such lands:

24 (a) For industrial development, * * * to any persons,
25 firms, or corporations in fee simple, or any lesser estate, * * *
26 for a purchase price not less than the fair market value thereof;
27 or

28 (b) Sell a maximum of three (3) acres to the
29 leaseholder of the land who owns a home on the land which he or
30 she occupies as a permanent residence. Any sale authorized
31 pursuant to this paragraph shall be in fee simple or any lesser
32 estate for a purchase price not less than the fair market value.

33 When any such sale is made, the deed shall be executed in the
34 name of the State of Mississippi by the superintendent of
35 the * * * board of education.

36 As used in this section and in Sections 29-3-29 and 29-3-61,
37 the term "industrial development" shall include restoration as a
38 tourist attraction the place where an organization was founded,
39 which said organization has since been expanded to be national or
40 international in its membership, scope, and influence.

41 The proceeds of the sale in fee simple of any sixteenth
42 section, or lands granted in lieu thereof, in whole or in part, or
43 such part of said proceeds as may be required to purchase acreage
44 of equivalent fair market value, shall be used by the board of
45 education, to purchase other land in the county, which land shall
46 be held and reserved by the State of Mississippi for the support
47 of the township schools in lieu of the land thus sold, as other
48 sixteenth section lieu land is held, and shall be subject to all
49 laws applicable thereto. However, proceeds from a sale of land to
50 the leaseholder of the land who owns a home on the land which he
51 or she occupies as a permanent residence shall be deposited into
52 the principal fund under Section 29-3-113. Every such sale and
53 every such purchase of land in lieu thereof shall be reported by
54 the secretary of the board of education to the Secretary of State
55 and to the State Forestry Commission within ninety (90) days after
56 the consummation of each such sale and purchase. Except as
57 otherwise provided, any funds from a sale in fee simple of any
58 sixteenth section land, or land granted in lieu thereof, in excess
59 of any amount used to purchase said land in lieu thereof, shall be
60 treated as corpus and shall be invested by the board of education
61 as provided by law. Only the income from such investment shall be
62 expended for current operating expenses of the schools.

63 SECTION 2. Section 29-3-29, Mississippi Code of 1972, is
64 amended as follows:

65 29-3-29. Before any sixteenth section school land or land

66 granted in lieu thereof may be sold or leased for industrial
67 development or sold to a homeowner under * * * this chapter, the
68 board of education controlling such land shall first determine
69 that such sale or lease will be fair market value. Fair market
70 value of land sold to the leaseholder of the land who owns a home
71 on the land which he or she occupies as a permanent residence
72 shall be determined by taking the average of three (3) appraisals
73 of the land. The leaseholder shall pay the costs of the three (3)
74 appraisals which shall be performed by two (2) appraisers selected
75 by the school board and one (1) appraiser selected by the
76 leaseholder. In the determination of the fair market value of
77 other land the comparative sales method shall be used, and the
78 highest and best use of said sixteenth section lands shall be
79 determined on the basis of finding that said land shall be
80 susceptible to any use that comparative land in private ownership
81 may be used, * * * that the acreage to be sold or leased is not in
82 excess of the amount of land authorized in Section 29-3-27 or an
83 amount reasonably required for immediate use and for such future
84 expansion as may be reasonably anticipated, * * * that such sale
85 or lease will be beneficial to and in the best interest of the
86 schools of the district for which said land is held and if sold or
87 leased for industrial development, that there will be prompt and
88 substantial industrial development on, in, or under said land
89 after the sale or lease. All of said findings, including the
90 amount of the sale price or gross rental for said land, shall be
91 spread on the minutes of the board of education. Also, if the
92 board of education proposes to sell said land, said board shall
93 first enter into a contract or obtain a legal option to purchase,
94 for a specified price not in excess of fair market value, other
95 land in the county of acreage of equivalent fair market value, and
96 such contract or option shall be spread on the minutes of said
97 board. However, not more than one hundred (100) acres in any one
98 (1) sixteenth section school lands in any county may be sold under

99 this chapter for the purpose of being made an industrial park or a
100 part of such industrial park, provided the provisions of this
101 section and Sections 57-5-1 and 57-5-23 are fully complied with.
102 The board of education shall have the sole authority to approve or
103 disapprove a sale of land to the leaseholder of the land who owns
104 a home on the land which he or she occupies as a permanent
105 residence.

106 A certified copy of the resolution or order of the board of
107 education, setting out the foregoing findings, together with a
108 certified copy of the order approving and setting out the terms of
109 the contract or option to purchase other lands where a sale of
110 land is proposed, * * * shall be forwarded to the county board of
111 supervisors, which board shall make an independent investigation
112 of the proposed sale or lease and of the proposed purchase of
113 other land. The board of supervisors shall not take any action
114 regarding a sale of land to the leaseholder of the land who owns a
115 home on the land which he or she occupies as a permanent
116 residence. If the land is being sold or leased for industrial
117 development, an application to the Department of Economic and
118 Community Development for the certificate authorizing said sale or
119 lease shall be forwarded to the county board of supervisors in
120 addition to the other items required in this section.

121 If said county board of supervisors shall concur in the
122 finding of fact of the board of education, and shall find that it
123 is to the best interests of the schools of the district to enter
124 into such sale or lease, it may enter on its minutes a resolution
125 or order approving the action of the board of education. The board
126 of supervisors shall not make any finding regarding a sale of land
127 to the leaseholder of the land who owns a home on the land which
128 he or she occupies as a permanent residence.

129 If the said county board of supervisors shall not concur in
130 the findings of the board of education, or shall find that the
131 proposed sale or lease will not be in the best interest of the

132 schools of the district, then it may, by resolution or order,
133 disapprove the proposed sale or lease, and such action shall be
134 final. The board of supervisors shall have no authority to
135 disapprove a sale of land to the leaseholder of the land who owns
136 a home on the land which he or she occupies as a permanent
137 residence.

138 There shall be reserved all minerals in, on, and under any
139 lands conveyed under the provisions of this section. * * *
140 However, * * * in any county bordering on the State of Alabama,
141 traversed by the Tombigbee River, in which U.S. Highway 82
142 intersects U.S. Highway 45 and in which is situated a state
143 supported institution of higher learning, upon the sale of any
144 sixteenth section lands for industrial purposes as provided by
145 law, the board of education, the superintendent of education and
146 the Department of Economic and Community Development, may sell and
147 convey all minerals except oil, gas, sulphur and casinghead gas
148 on, in and under the said sixteenth section lands so sold for
149 industrial purposes. Said oil, gas, sulphur and casinghead gas
150 shall be reserved together with such rights of use, ingress and
151 egress as shall not unreasonably interfere with the use of the
152 lands by the purchaser. Prior written approval for such use,
153 ingress and egress, shall be obtained from the surface owner or,
154 if such approval is unreasonably withheld, may be obtained from
155 the chancery court of the county in which said land is located.

156 If the land is being sold or leased for industrial
157 development, certified copies of the resolutions or orders of the
158 board of supervisors and of the board of education and of the
159 application to the Department of Economic and Community
160 Development shall be transmitted to the county superintendent of
161 education, if there be one in the county, who, if he approves the
162 proposed sale or lease, shall so certify and forward same to the
163 Department of Economic and Community Development. If there be no
164 county superintendent of education in the county, then the board

165 of education whose district embraces the entire county shall so
166 certify and transmit said copies to the Department of Economic and
167 Community Development for further action.

168 Upon receipt of the aforesaid application and certified
169 copies of the said resolution and orders, the Department of
170 Economic and Community Development shall make investigation to
171 determine whether or not the proposed sale or lease of said land
172 for industrial development will promote prompt and substantial
173 industrial development thereon, therein, or thereunder. If the
174 department finds that such sale or lease will promote prompt and
175 substantial industrial development, * * * and further finds that
176 the person, firm or corporation who proposes to establish said
177 industry is financially responsible, and that the acreage to be
178 sold or leased is not in excess of the amount of land reasonably
179 required for immediate use and for such future expansion as may be
180 reasonably anticipated, then the department, in its discretion,
181 may issue a certificate to the board of education of said district
182 so certifying, and said certificate shall be the authority for the
183 board of education to enter into the proposed sale or lease. If
184 the Department of Economic and Community Development does not so
185 find, then it shall decline to issue said certificate which action
186 shall be final.

187 The Department of Economic and Community Development, when
188 issuing a certificate to the county board of education certifying
189 its findings and authorizing said sale or lease for industrial
190 development, * * * in its discretion, may make such sale or lease
191 conditioned on and subject to the vote of the qualified electors
192 of said district. Upon receipt of a certificate so conditioned
193 upon an election, or upon a petition as hereinafter provided for,
194 the board of education, by resolution spread upon its minutes,
195 shall forward a copy of the certificate to the board of
196 supervisors who by resolution upon its minutes, shall call an
197 election to be held in the manner now provided by law for holding

198 county elections, and shall fix in such resolution a date upon
199 which such an election shall be held, of which not less than three
200 (3) weeks notice shall be given by the clerk of said board of
201 supervisors by publishing a notice in a newspaper published in
202 said county once each week for three (3) consecutive weeks
203 preceding the same, or if no newspaper is published in said
204 county, then in a newspaper having a general circulation therein,
205 and by posting a notice for three (3) weeks preceding said
206 election at three (3) public places in said county. At such
207 election, all qualified voters of the county may vote, and the
208 ballots used shall have printed thereon a brief statement of the
209 proposed sale or lease of said land, including the description and
210 price, together with the words "For the proposed sale or lease"
211 and the words "Against the proposed sale or lease," and the voter
212 shall vote by placing a cross (x) or check (v) opposite his choice
213 of the proposition. Should the election provided for herein
214 result in favor of the proposed sale or lease by at least
215 two-thirds (2/3) of the votes cast being in favor of the said
216 proposition, the board of supervisors shall notify the board of
217 education who may proceed forthwith to sell or lease said land in
218 accordance with the proposition so submitted to the electors. If
219 less than two-thirds (2/3) of those voting in such special
220 election vote in favor of the said sale or lease, then said land
221 shall not be sold or leased.

222 The board of education shall * * * be required, prior to
223 passing of a resolution expressing its intent to sell said land
224 for industrial development or to a veteran of the Armed Forces of
225 the United States, to publish a notice of intent to sell said land
226 for three (3) consecutive weeks in a newspaper published in said
227 county or, if there be none, in a newspaper having a general
228 circulation in said county, and to post three (3) notices thereof
229 in three (3) public places in said county, one (1) of which shall
230 be at the courthouse, for said time. If within the period of

231 three (3) weeks following the first publication of said intent, a
232 petition signed by twenty percent (20%) of the qualified electors
233 of said county shall be filed with the board of supervisors
234 requesting an election concerning the sale, then an election shall
235 be called as hereinabove provided.

236 SECTION 3. Section 29-3-1, Mississippi Code of 1972, is
237 amended as follows:

238 29-3-1. (1) Sixteenth section school lands, or lands
239 granted in lieu thereof, constitute property held in trust for the
240 benefit of the public schools and must be treated as such. The
241 board of education under the general supervision of the Secretary
242 of State, shall have control and jurisdiction of said school trust
243 lands and of all funds arising from any disposition thereof
244 heretofore or hereafter made. It shall be the duty of the board
245 of education to manage the school trust lands and all funds
246 arising therefrom as trust property. Accordingly, the board shall
247 assure that adequate compensation is received for all sales and
248 uses of the trust lands, except for uses by the public schools.

249 (2) In the event the board of supervisors declines to
250 approve the rental value of the land set by the board of
251 education, the board of education shall within ten (10) days
252 appoint one (1) appraiser, the board of supervisors shall within
253 twenty (20) days appoint one (1) appraiser and the two (2)
254 appraisers so appointed shall within twenty (20) days appoint a
255 third appraiser whose duty it shall be to appraise the land,
256 exclusive of buildings and improvements, the title to which is not
257 held in trust for the public schools, and to file a written report
258 with each board setting forth their recommendation for the rental
259 value of the land within thirty (30) days. The cost of the
260 appraisal shall be paid from any available sixteenth section
261 school funds or other school funds of the district. If no appeal
262 is taken within twenty (20) days as provided hereunder, the lease
263 shall be executed in accordance with said recommended rental value

264 within thirty (30) days of the receipt of the appraisers' report.
265 In the event any party is aggrieved by the decision of the
266 appraisers setting forth the appraised rental value, the party so
267 aggrieved shall be entitled to an appeal to the chancery court in
268 which the land is located. Such appeal shall be taken within
269 twenty (20) days following the decision. The chancery court, on
270 appeal, may review all of the proceedings, may receive additional
271 evidence, and make findings of fact, as well as conclusions of law
272 to insure that a fair and reasonable return may be obtained on the
273 sixteenth section lands or lands in lieu thereof.

274 SECTION 4. Section 29-3-3, Mississippi Code of 1972, is
275 amended as follows:

276 29-3-3. The board of education may employ one or more
277 competent persons to ascertain the true condition of the title and
278 to institute and prosecute, in the chancery court of the county
279 where the land lies, all necessary suits to establish and confirm
280 the title to each parcel of such land and to fix the date of the
281 expiration of any lease of the same. If any person other than an
282 individual authorized in Section 29-3-27 to purchase sixteenth
283 section or lieu lands claims any of said land in fee simple or
284 upon any other terms than that of a lease to expire at a fixed
285 date with absolute reversion to the state in trust, or if the
286 title to such lands rest in parol by destruction of records or
287 otherwise, suit shall be instituted at once or as soon as
288 practicable to test the legality of such claims or to reestablish
289 the lost record.

290 SECTION 5. Section 29-3-11, Mississippi Code of 1972, is
291 amended as follows:

292 29-3-11. It shall likewise be the duty of the board of
293 education to ascertain whether or not such county has title to all
294 lieu lands to which it may, by law, be entitled. If it is
295 determined that such county does not have title to all such lands,
296 the board of education shall certify the fact to the Secretary of

297 State who shall institute proper proceedings to secure such lands
298 for such county unless title to the lieu lands has been conveyed
299 by a sale authorized under Section 29-3-27.

300 SECTION 6. Section 29-3-25, Mississippi Code of 1972, is
301 amended as follows:

302 29-3-25. The Secretary of State shall make a report to the
303 Legislature every year, setting forth a statement of all sixteenth
304 section and lieu lands sold during that year, and shall maintain a
305 copy of said report within his office.

306 SECTION 7. Section 29-3-41, Mississippi Code of 1972, is
307 amended as follows:

308 29-3-41. After any parcels of sixteenth section lands have
309 been classified as hereinabove provided, all land which has been
310 classified as forest land and which is not under lease shall * * *
311 not be sold or leased. The lands classified as forest lands which
312 may be under a lease that has a fixed date of expiration shall not
313 be re-leased when said lease expires; nor shall the lessee be
314 permitted to cut or remove any timber therefrom except according
315 to the terms of his lease. Such lands shall be reserved and kept
316 as forest lands. * * * The mineral rights in all such lands may be
317 leased for oil, gas, or mineral purposes, and the board of
318 education may grant leases to the surface of said lands classified
319 as forest, which are limited to hunting and fishing rights and
320 activities in relation thereto, and which shall not extend for a
321 period longer than fifteen (15) years. It shall be the duty of
322 the board of education to lease said hunting and fishing rights at
323 public contract after having advertised same for rent in a
324 newspaper published in said county or, if no newspaper be
325 published in said county, then in a newspaper having a general
326 circulation therein, for two (2) successive weeks, the first being
327 at least ten (10) days prior to said public contract. Said
328 hunting and fishing rights shall be leased to the person offering
329 the highest annual rental.

330 * * * If the board of education receives an acceptable bid,
331 the most recent holder of said hunting and fishing rights, if it
332 shall have made an offer, shall have the final right to extend its
333 lease for the term advertised at the annual rental equal to said
334 highest offer received by the board of education.

335 If no bid acceptable to the board of education is received
336 after said advertisement, the board of education may, within
337 ninety (90) days, lease same by private contract for an amount
338 greater than the highest bid previously rejected.

339 If the board of education determines to lease the land by
340 private contract, the most recent holder of said hunting and
341 fishing rights, if it shall have made an offer, shall have the
342 final right to extend its lease on the same terms and conditions
343 as those contained in the private contract proposed to be accepted
344 by the board of education.

345 SECTION 8. Section 29-3-71, Mississippi Code of 1972, is
346 amended as follows:

347 29-3-71. Sixteenth section lands reserved for the use of
348 schools, or lands reserved or granted in lieu of or as a
349 substitute for the sixteenth sections, shall be liable, after the
350 same shall have been sold or leased, to be taxed as other lands
351 are taxed. * * * In case of sale thereof for taxes, only the title
352 of the lessee or his heirs or assigns shall pass by the sale.

353 SECTION 9. Section 29-3-73, Mississippi Code of 1972, is
354 amended as follows:

355 29-3-73. Where any school land, generally known as sixteenth
356 sections, reserved for the use of schools, or land reserved or
357 granted in lieu of or substituted for sixteenth sections lies
358 within or partly within any drainage district created under the
359 laws of this state, and will be benefited by such drainage
360 district, such land so benefited shall be liable for its pro rata
361 share of the costs, expenses, taxes and assessments relating to
362 said district as if owned by an individual, and shall be assessed

363 accordingly, as other lands are assessed. But in case of a sale
364 of such lands for such taxes or assessments, only the title of the
365 lessee holding such lands under lease at the time of the sale
366 shall pass by the sale.

367 If title to any sixteenth section or lieu land lying within a
368 drainage district is conveyed by a sale authorized under Section
369 29-3-27, the titleholder of the land shall be liable for the pro
370 rata share of the costs, expenses, taxes and assessments relating
371 to the district, and the land shall be assessed accordingly.

372 Where such sixteenth section land, or land taken in lieu
373 thereof, shall be held by any lessee, whether his lease shall have
374 heretofore been acquired or shall hereafter be acquired, all such
375 drainage taxes and assessments accruing thereon during such lease
376 shall, in the discretion of the board of education, either be paid
377 by the lessee, his grantees or assigns, or by the board of
378 education, but the liability for such drainage taxes shall be
379 fixed by the lease contract when said lands are leased. Where
380 said lands have been leased by the superintendent of education,
381 with the consent of the board of education in open session, and
382 said lease contract provides that the lessee shall pay all such
383 drainage taxes and assessments, and the lessee has actually
384 entered upon and occupied said lands as lessee and is recognized
385 as such, the school district in which said sixteenth section is
386 located shall not be liable for such drainage taxes on account of
387 the negligence of the secretary in failing to enter the order of
388 the board approving said lease contract on its minutes. All such
389 drainage taxes and assessments accruing on any such lands that
390 have not been sold or while the same are not leased shall be paid
391 by the board of education of the school district in which such
392 lands are situated, out of any sixteenth section funds belonging
393 to the township in which such lands are located, which may be on
394 hand at the time when such drainage taxes or assessments become
395 due or which may be thereafter at any time collected or acquired.

396 For the purpose of paying such drainage taxes and assessments, the
397 board of education may borrow all money necessary to pay the same.
398 When any such funds are borrowed as aforesaid, for the purposes
399 aforesaid, the same shall be repaid out of the first sixteenth
400 section fund thereafter derived from the sixteenth section lands
401 so taxed and assessed.

402 SECTION 10. Section 29-3-111, Mississippi Code of 1972, is
403 amended as follows:

404 29-3-111. All moneys heretofore or hereafter derived from
405 the leasing of said lands for oil, gas and mineral purposes,
406 including any bonus or delay rental payable under such leases, and
407 all moneys derived from the annual payment of rents from the
408 leasing of said lands for agricultural, residential, commercial,
409 industrial, grazing or other purposes, or derived as interest upon
410 loans or investments of principal funds, and all moneys heretofore
411 or hereafter derived from the sale of sixteenth section or lieu
412 lands or the sale of timber, may be expended for any of the
413 purposes authorized by law. In cases where said moneys have been
414 transferred to the principal fund and it is determined to expend
415 same for any of the purposes authorized by law, such moneys shall
416 be transferred to the proper fund for expenditure upon order of
417 the board of education.

418 SECTION 11. Section 29-3-113, Mississippi Code of 1972, is
419 amended as follows:

420 29-3-113. The principal fund shall be a permanent township
421 fund which shall consist of funds heretofore or hereafter derived
422 from certain uses or for certain resources of school trust lands
423 which shall be invested and, except as otherwise provided in this
424 section, only the interest and income derived from such funds
425 shall be expendable by the school district.

426 The principal fund shall consist of:

427 (a) Funds received for easements and rights-of-way
428 pursuant to Section 29-3-91;

429 (b) Funds received for sales of lieu land pursuant to
430 Sections 29-3-15 through 29-3-25;

431 (c) Funds received from any permanent damage to the
432 school trust land;

433 (d) Funds received from the sale of nonrenewable
434 resources including but not limited to the sale of sand, gravel,
435 dirt, clays and royalties received from the sale of mineral ores,
436 coal, oil and gas;

437 (e) Funds received from the sale of buildings pursuant
438 to Section 29-3-77; * * *

439 (f) Funds received from the sale of timber; and

440 (g) Funds received from the sale of land to the
441 leaseholder of the land who owns a home on the land which he or
442 she occupies as a permanent residence.

443 It shall be the duty of the Board of Education to keep the
444 principal fund invested in any direct obligation issued by or
445 guaranteed in full as to principal and interest by the United
446 States of America or in certificates of deposit issued by a
447 qualified depository of the State of Mississippi as approved by
448 the State Treasurer. The certificates of deposit may bear
449 interest at any rate per annum which may be mutually agreed upon
450 but in no case shall said rate be less than that paid on passbook
451 savings.

452 The Board of Education is likewise authorized to invest said
453 funds in interest bearing deposits or other obligations of the
454 types described in Section 27-105-33, as the same now is or may
455 hereafter be amended, or in any other type investment in which any
456 other agency, instrumentality or subdivision of the State of
457 Mississippi may invest, except that one hundred percent (100%) of
458 said funds are hereby authorized to be so invested. For the
459 purposes of investment, the principal fund of each township may be
460 combined into one or more district accounts; however, the docket
461 book of the county superintendent shall at all times reflect the

462 proper source of such funds. Provided that funds received from
463 the sale of timber shall be placed in a separate principal fund
464 account, and may be expended for any of the purposes authorized by
465 law.

466 The Board of Education shall have authority to borrow such
467 funds at a rate of interest not less than four percent (4%) per
468 annum and for a term not exceeding twenty (20) years, for the
469 erection, equipment or repair of said district schools, to provide
470 local funds for any building project approved by the State Board
471 of Education or to provide additional funds for forest stand
472 improvement as set forth in Section 29-3-47. In addition, the
473 board may borrow such funds under the same interest restrictions
474 for a term not exceeding ten (10) years to provide funds for the
475 purchase of school buses. The Board of Education of any school
476 district in any county that has an aggregate amount of assets in
477 its principal fund in excess of Five Million Dollars
478 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred
479 Thousand Dollars (\$500,000.00) for the purpose of covering the
480 cost of asbestos removal from school district buildings. Such
481 asbestos removal shall be construed to constitute the repair of
482 school district facilities as prescribed in Section 29-3-115.

483 No school land trust funds may be expended after the annual
484 payment date until the payment is made on such loan. The annual
485 payment can be made from any funds available to the school
486 district except minimum foundation program funds.

487 It shall be unlawful for the Board of Education to borrow any
488 sixteenth section school funds in any other manner than that
489 prescribed herein, and if any such funds shall be borrowed or
490 invested in any other manner, any officer concerned in making such
491 loan and investment or suffering the same to be made in violation
492 of the provisions of this section, shall be liable personally and
493 on his official bond for the safety of the funds so loaned.

494 SECTION 12. Section 19-3-35, Mississippi Code of 1972, is

495 amended as follows:

496 19-3-35. The board of supervisors after each meeting shall
497 have an itemized statement made of allowances, to whom, for what,
498 and the amounts; a list of all contracts providing for the
499 expenditure of money and the terms of payment thereof; a statement
500 of all loans from sixteenth section funds, lieu land funds, and
501 sinking, and other trust funds, setting forth to whom made, the
502 amount, and the kind of security approved; a statement or list of
503 all sales of timber, of all leases upon, including all leases for
504 oil, gas and minerals upon, sixteenth section or lieu lands
505 situated in the county or belonging to the county, showing to whom
506 sold or made, description of land involved, the length of the term
507 of any such lease, and the consideration therefor; a statement or
508 list of all sales of sixteenth section or lieu lands situated in
509 the county or belonging to the county, showing to whom sold, a
510 description of the land involved and the consideration therefor;
511 and it shall also publish a recapitulation of all expenditures
512 according to districts and also the county as a whole, and in such
513 recapitulation the total expenses for each item shall be listed
514 for each district, and in the total county recapitulation the
515 total expended from each item shall be listed and same shall be
516 published within fifteen (15) days after adjournment in some
517 newspaper of general circulation published in the county, and if
518 no such newspaper is published in the county, then in a newspaper
519 published elsewhere in the state and having a general circulation
520 in such county. The cost of publishing the same shall be paid for
521 out of the general fund of the county. The cost of such
522 publication shall not exceed one-half (1/2) of the rate now fixed
523 by law for publishing legal notices, and in no event shall the
524 cost of such publication exceed One Hundred Dollars (\$100.00) in
525 any one (1) month, save, however, in counties of Classes 1 and 2
526 the board of supervisors may expend an amount not to exceed One
527 Hundred Seventy-five Dollars (\$175.00) per month for the

528 publication of said cumulative digest of its proceedings as
529 provided for above. If there be more than one (1) newspaper
530 published in the county, the board of supervisors shall advertise,
531 as provided by law, for contracts for publishing such proceedings,
532 and shall award the contract to the lowest bidder for a period of
533 two (2) years. If no bid be made for the price above mentioned,
534 then the proceedings shall be posted at the courthouse door as
535 hereinafter provided. If there be no newspaper published in such
536 county, then such proceedings shall be posted at the front
537 courthouse door.

538 If any member of a board of supervisors or the chancery clerk
539 shall fail, refuse or neglect to comply with the provisions of
540 this section, he shall, upon conviction, be guilty of a
541 misdemeanor and shall be fined not more than Five Hundred Dollars
542 (\$500.00) for such failure, refusal or neglect for each offense
543 and, in addition thereto, shall be liable to a penalty of Five
544 Hundred Dollars (\$500.00), recoverable on his official bond by
545 suit filed by any county or district attorney or any interested
546 citizen, upon his official bond.

547 This shall not be construed to repeal Section 19-3-33, and
548 where the verbatim proceedings are published as therein provided,
549 this section shall not apply, it being intended hereby to provide
550 a method of publishing the proceedings of the board of supervisors
551 in addition to that now provided for by Section 19-3-33. Where
552 publication is made under Section 19-3-33, this section shall not
553 be construed so as to require any other and additional
554 publication, or notice.

555 SECTION 13. This act shall take effect and be in force from
556 and after ratification by the electorate of the amendment to the
557 Mississippi Constitution of 1890 set forth in House Concurrent
558 Resolution No. _____, 1999 Regular Session.