



Eric Clark

Eric Clark is now serving his third term as Mississippi's Secretary of State. He was elected to the statewide office in 1995 and re-elected in 1999 and 2003. A native of Smith County, born in 1951, Eric Clark has focused the Secretary of State's office on four primary goals: protecting the integrity of the state's elections; promoting sound land management; strengthening Mississippi's business climate; and safeguarding the investments and charitable donations of Mississippians.

Clark oversees more than 1.3 million acres of state-owned land, including 16th Section Lands for the support of public education. These lands, set aside at statehood, generate approximately \$50 million dollars annually for schools in Mississippi.

Clark is a member of the Mississippi Economic Council, Mississippi Farm Bureau, Mississippi Forestry Association, and Mississippi Historical Society. He received a bachelor's degree from Millsaps College, a master's degree from the University of Mississippi, and a doctorate in history from Mississippi State University. A former public school and community college teacher, Clark taught history and government at Mississippi College from 1989-1995. He also manages his family tree farm in Smith County.

16th SECTION SCHOOL TRUST LANDS: PAST, PRESENT, AND FUTURE

By Eric Clark, Mississippi Secretary of State

The story of 16th Section Land management is one of the great success stories in modern Mississippi government. As Secretary of State, a tree farmer in Smith County, and a former history teacher, I thought it would be interesting to provide a brief overview of 16th section lands, or public school trust lands, from its beginnings to recent state history.

PAST

The origin of 16th Section Public School Trust Lands in the United States can be traced back to the first colonies. In keeping with English tradition, New England colonists reserved land in their settlements for the support of public schools.

After the formation of the Union, the tradition of reserving land for the public schools was incorporated into the Land Ordinance of 1785 written by Thomas Jefferson, which provided for the survey and sale of land in this area known as the Northwest Territory.

In 1803, Congress provided for the survey and sale of all land south of the state of Tennessee, and made provision for the reservation of Section Sixteen in each township for the support of public schools, that is one square mile (the 16th section) out of the 36 square miles in each township would not be sold to settlers. Mississippi was granted statehood in 1817, with Congress reserving the 16th section.

In integrating the treaties for removal of Indian tribes from Mississippi in the early 1800s, the 16th Section Lands were generally reserved and not sold across the state. In one case that was not done. In the Chickasaw Cession-northeast of a line from Monroe to DeSoto Counties-officials failed to reserve these lands, and they were sold. As a result, the Legislature now annually appropriates approximately \$12 million annually to those counties' schools to make up for the lease money they should have received.

Unfortunately, the next 150 years would see Mississippi squander most of the potential benefit that might have been gained from our 16th Section Lands. Mismanagement of school lands, including frequent corruption and scandals, would be the rule.

The modern 16th Section reform movement began in Smith County in about 1970. A young Superintendent of Education named Joe Tally concluded that the school children were being badly short-changed. He and the attorney for the Smith County School Board, Larry Clark, sued the county Board of Supervisors and the case went to the state Supreme Court. Tally argued-and the Supreme Court agreed-on two key points.

First, leases of school lands should generate no less than leases on identical private lands. Second, if the county officials who were the trustees of these lands leased them for less than they were worth, those officials were personally liable to pay the difference to the school children. The adoption of those two principles broke the back of the old "sweetheart leases" that had been the rule in Mississippi for 150 years.

For much of the 20th century, 16th Section leases were for pennies an acre. The entire state collected only about \$3 million from 16th Section leases. Mississippi school children were getting short-changed, and local property taxes were raised to make up for the lost revenue.

In 1975, John Ed Ainsworth was elected State Land Commissioner on a platform of reforming 16th Section Land management. At his urging, the Legislature passed the historic 16th Section Reform Act of 1978, with Lieutenant Governor Evelyn Gandy casting the critical tie-breaking vote in the Senate.

The opening sentence of that law states that "16th Section School Lands, or lands granted in lieu thereof, constitute property held in trust for the benefit of the public schools and must be treated as such." The act transferred control and jurisdiction of public school trust lands to the local Boards of Education, under the general supervision of the Secretary of State.

Secretary of State Dick Molpus, who served from 1984 to 1996, aggressively enforced the new law. Molpus threatened legal action against dozens of school districts and pushed the re-negotiation of thousands of give-away leases. These old leases amounted to donation of state property and violated Section 95 of the Mississippi Constitution. Because of these efforts, local school districts saw revenue increase significantly. Under the 1978 reform act, leasing of 16th Section Lands is based on a system of land classification. The number of land classifications was expanded from two (Forest and Other) under prior law to eight. In 1995, a ninth category, "Catfish Farming" land was added.

16th Section Land, continued on page 30

PRESENT

Since the 1978 reform act, great strides have been made in the leasing of 16th Section Land. Through hard work and good management practices, 16th Section leases which brought in only about \$3 million a year in the late 1960s now generate more than \$50 million annually for our public schools.

A little over one-third of this amount was from timber leases. In 1986, revenue from timber sales totaled just more than \$5 million. In Fiscal Year 2005, revenue from timber sales totaled \$21.4 million, with \$17.8 million to be spent by the local school districts. Clearly, timber grown on 16th Section Land has a positive financial impact on school districts' budgets. This dramatic increase over the past twenty years is due to use of sound forestry management practices and the hard work of people in the forestry profession.

An additional benefit to school districts classifying their 16th Section Lands as forest lands and planting them in timber is the leasing of the land for hunting and fishing purposes. Currently, local school districts receive an additional approximately \$2.3 million from forest land leased for hunting and fishing. This equates to \$8.87 per acre, per year. For a number of school districts, timber and the associated hunting and fishing leases are the sole sources of revenue.

FUTURE

As we move forward after Hurricane Katrina, school districts and the Secretary of State's Office face new challenges in 16th Section timber management. Some school districts, which were in the middle of long-term forestry management plans (to correct past school board over-cutting) are re-evaluating those plans due to timber damage or school district financial need. Also, as information is gathered about the effects of Katrina, we are hearing about potential emphasis on different species and new management practices. The current "buzz" is that some areas may consider moving away from slash and loblolly and toward longleaf pines. There are also discussions about changing our laws to minimize loss from future hurricanes and storms.

Other new issues, which might create new management challenges, are arising. For example, recently our office received notification of a coordinated pilot project headed by the United States Forest Service called the "Woody Biomass Utilization Team." This pilot project's goal is better inter-agency coordination, which could "re-invite investment back to forest-based communities." We will be working with the Mississippi Forestry Commission and the Mississippi Forestry Association on this issue.

As we move into the future, it is vitally important that we remember the history of 16th Section Land management in Mississippi and how far we have come. We must never forget that our 16th Section Lands belong to the schoolchildren of our state and held "in trust" for their benefit. All of us who are involved in 16th Section Land management must always be faithful to that trust. ❁



INSULATION & REFRACTORIES SERVICES, INC.

SINCE 1968 • 462 DECATUR, MEMPHIS, TENNESSEE 38105-2498

PHONE: (901) 522-4300 • FAX: (901) 522-4303 • WATS: (800) 346-2545

**Contracting Services
Distribution Representatives**

**Serving the Pulp, Paper and Wood Products Industries
Since 1968**