

By: West, Green

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1303

1 AN ACT TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE BOARD OF TRUSTEES OF CERTAIN SPECIAL MUNICIPAL  
3 SEPARATE SCHOOL DISTRICTS TO BE APPOINTED BY THE BOARD OF  
4 SUPERVISORS, TO REQUIRE EACH OF THE TRUSTEES TO REPRESENT A  
5 DIFFERENT SUPERVISORS DISTRICT, AND TO PROVIDE THAT UPON THE  
6 EXPIRATION OF THE INITIAL TRUSTEES' TERMS, THE TERMS OF ALL  
7 TRUSTEES SHALL BE FOUR YEARS; TO AMEND SECTION 37-7-715,  
8 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY AGREEMENTS SETTING  
9 FORTH THE CONSTITUTION OF SUCH BOARDS OF TRUSTEES SHALL REMAIN IN  
10 EFFECT UNTIL AMENDED OR RESCINDED BY THE PARTIES TO THE SPECIFIC  
11 AGREEMENT OR UNTIL THE LEGISLATURE REVISES THE AUTHORITY FOR  
12 ORGANIZING THE BOARDS OF TRUSTEES PURSUANT TO SUCH AGREEMENTS; TO  
13 AMEND SECTION 37-7-717, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO  
14 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 37-7-703, Mississippi Code of 1972, is  
17 amended as follows:[BD1]

18 37-7-703. (1) Except as otherwise provided in subsection  
19 (2) of this section, in all \* \* \* special municipal separate  
20 school districts which embrace the entire county in which,  
21 according to the latest available federal census, a majority of  
22 the inhabitants of the county reside within the corporate limits  
23 of the municipality, the board of trustees of such special  
24 municipal separate school district shall be chosen and selected in  
25 the manner provided by subsection (1) of Section 37-7-203, and all  
26 of the provisions thereof shall be fully applicable in all  
27 respects to the selection and constitution of such board of  
28 trustees.

29 (2) In each special municipal separate school district that  
30 embraces an entire county in which, according to the latest  
31 available federal census, a majority of the inhabitants of the  
32 county reside within the corporate limits of the municipality and

33 in which, on the effective date of House Bill No. 1303, 2000  
34 Regular Session, all members of the board of trustees of such  
35 special municipal separate school district are appointed, from and  
36 after the effective date of House Bill No. 1303, 2000 Regular  
37 Session, the board of trustees of the special municipal separate  
38 school district shall be appointed in the manner prescribed in  
39 this subsection.

40 The board of trustees of each special municipal separate  
41 school district described in this subsection shall consist of five  
42 (5) members, one (1) of whom shall be a resident qualified elector  
43 of each supervisors district of the county, to be appointed by the  
44 board of supervisors of the county. Each supervisor shall  
45 recommend to the board of supervisors a person to represent that  
46 district on the board of trustees of the school district. Initial  
47 appointments pursuant to this subsection shall be made within  
48 thirty (30) days of the effective date of House Bill No. 1303,  
49 2000 Regular Session, and shall be for a term to expire in January  
50 2004. In 2004 and every four (4) years thereafter, appointments  
51 shall be made within thirty (30) days after the commencement of  
52 the new term of the board of supervisors for a term of four (4)  
53 years. Each incumbent trustee holding office on the effective  
54 date of House Bill No. 1303, 2000 Regular Session, may be  
55 appointed to continue holding his or her respective office,  
56 provided the trustee resides within the supervisors district  
57 represented by that trustee's office.

58 A vacancy in the board of trustees shall be filled for the  
59 unexpired term by appointment of the board of supervisors, upon a  
60 recommendation by the supervisor of the district in which the  
61 vacancy exists of a person qualified to hold such office from  
62 within the same supervisors district.

63 SECTION 2. Section 37-7-715, Mississippi Code of 1972, is  
64 amended as follows:[BD2]

65 37-7-715. Upon the organization, reorganization or  
66 reconstitution of any special municipal separate school district,  
67 the board of supervisors of the county wherein such special  
68 municipal separate school district is located and the governing  
69 authorities of the municipality may, by an order spread upon their

70 minutes within sixty (60) days after such organization,  
71 reorganization or reconstitution shall have become final,  
72 expressing an agreement between both such governing authorities,  
73 choose to constitute the board of such special municipal separate  
74 school district under one (1) of the optional methods of  
75 organization set out in Section 37-7-717. In the event that both  
76 the governing authorities hereinabove referred to shall enter such  
77 an order within said period, then the \* \* \* board of trustees  
78 shall be thereafter constituted and selected according to the  
79 terms of such agreement, provided such agreement is in conformity  
80 with the terms of Section 37-7-717. The board of trustees  
81 constituted pursuant to such agreement shall continue to exist  
82 until such time that both governing authorities, by order spread  
83 upon their minutes, enter into an agreement amending or rescinding  
84 the original agreement or until the Legislature revises the  
85 authority for such governing authorities to enter into an  
86 agreement on the organization and constitution of the board of  
87 trustees or provides the specific manner in which such board of  
88 trustees shall be organized and constituted. It is further  
89 expressly provided that irregularities of a procedural nature in  
90 the adoption of such orders shall not affect the validity of the  
91 same or the validity of any acts of the board of trustees which  
92 may be constituted by virtue thereof.

93 SECTION 3. Section 37-7-717, Mississippi Code of 1972, is  
94 amended as follows:[BD3]

95 37-7-717. Upon complying with, and subject to, the terms and  
96 provisions of Section 37-7-715, hereof, the board of supervisors  
97 of any county wherein there is a special municipal separate school  
98 district and the governing authorities of the municipality may  
99 provide that the board of trustees of such special municipal  
100 separate school district shall be organized and constituted in one  
101 (1) of the following manners:

102 (a) The \* \* \* board may consist of five (5) members,

103 all of whom shall be bona fide residents of and qualified electors  
104 of such school districts and who shall be appointed by either the  
105 board of supervisors, the governing authorities of the  
106 municipality, or by both of said bodies in such proportion as the  
107 governing bodies may agree upon. The first such board shall be  
108 appointed so that one (1) trustee shall be appointed to serve for  
109 one (1) year, one (1) for one (1) year longer, one (1) for two (2)  
110 years longer, one (1) for three (3) years longer, and one (1) for  
111 four (4) years longer. Upon the expiration of each such original  
112 term, each appointment shall be for five (5) years and shall be  
113 made by the authority making the original appointment. In case of  
114 the occurrence of a vacancy, the authority which made the  
115 appointment of the trustee responsible for such vacancy shall  
116 appoint a successor to serve the remainder of the term of such  
117 trustee.

118 (b) In case of a special municipal separate school  
119 district which embraces the entire county, the board of trustees  
120 may be constituted and selected in accordance with the terms and  
121 provisions of Sections 37-7-707 through 37-7-711, with the  
122 exception that one (1) member of such board shall be elected by  
123 each supervisors district and shall be a resident and qualified  
124 elector of the district from which he is elected.

125 (c) In case of a special municipal separate school  
126 district embracing the entire county, the board of trustees may be  
127 constituted and selected in accordance with the terms and  
128 provisions of Section 37-7-713.

129 SECTION 4. The Attorney General of the State of Mississippi  
130 shall submit this act, immediately upon approval by the Governor,  
131 or upon approval by the Legislature subsequent to a veto, to the  
132 Attorney General of the United States or to the United States  
133 District Court for the District of Columbia in accordance with the  
134 provisions of the Voting Rights Act of 1965, as amended and  
135 extended.

136 SECTION 5. This act shall take effect and be in force from  
137 and after July 1, 2001, if it is effectuated on or before that  
138 date under Section 5 of the Voting Rights Act of 1965, as amended  
139 and extended. If it is effectuated under Section 5 of the Voting  
140 Rights Act of 1965, as amended and extended, after July 1, 2001,  
141 this act shall take effect and be in force from and after the date  
142 it is effectuated under Section 5 of the Voting Rights Act of  
143 1965, as amended and extended.