To: Education; Apportionment and Elections

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2003

By: Representative Eads

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HOUSE BILL NO. 297

AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS; TO PROVIDE THAT SUCH ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED IN THE SAME MANNER AS TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM ADDED TERRITORY; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER THE EFFECTIVE DATE OF THIS ACT, SECTIONS 37-5-61 THROUGH 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-7-203, Mississippi Code of 1972, is amended as follows:

    37-7-203. (1) The boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members. On the first Tuesday after the first Monday in June 2005, and every four (4) years thereafter, an election shall be held in each municipal separate school district in this state, in the same manner and at the same time as the regular municipal elections are held, for the purpose of electing the members of the boards of trustees established under the
provisions of this article. All members of the boards of trustees
as constituted in this section shall take office on the first
Monday of July following the date of their election and shall
serve for a term of four (4) years. The five (5) members of the
board of trustees of the school district shall be elected from
special trustee election districts by the qualified electors of
the district, as provided in this section. The governing
authorities of the municipality shall apportion the municipal
separate school district, including added territory, into five (5)
special trustee election districts as nearly equal as possible
according to population, incumbency and other factors pronounced
by the courts before the effective date of House Bill No. 1, 2003 Regular Session. The municipal governing authorities shall
place upon their minutes the boundaries determined for the new
five (5) trustee election districts. The municipal governing
authorities shall thereafter publish the same in a newspaper of
general circulation within the school district for at least three
(3) consecutive weeks; and after having given notice of
publication and recording the same upon the minutes of the
municipal governing authorities, the new district lines shall
thereafter be effective. All incumbent trustees holding office at
the time of the creation of the trustee election districts shall
continue holding their respective offices, provided they reside
within the new district, for the remainder of the term of office
to which they were selected before the effective date of House
Bill No. 1, 2003 Regular Session, and their successors shall be
elected from the new trustee election districts constituted in
this section in the manner provided for in this section.

(2) Vacancies in the membership of the board of trustees of
any municipal separate school district shall be filled by
appointment, within sixty (60) days after the vacancy occurs, by
the governing authorities of the municipality. The appointee
shall be selected from the qualified electors of the district in
which the vacancy occurs. The president of the municipal
governing authorities shall certify to the Secretary of State the
fact of the appointment, and the Governor shall commission the
person appointed. If the unexpired term is longer than six (6)
months, the appointee shall serve until a successor is elected as
provided in this section, unless the vacancy occurs ninety (90)
days before the general election in a year in which an election
would normally be held for that office as provided by law, in
which case the person appointed shall serve the unexpired portion
of the term. The vacancies shall be filled for the unexpired term
by the qualified electors at the next regular special election day
occurring more than ninety (90) days after the occurrence of the
vacancy. The president of the municipal governing authorities,
within ten (10) days after the happening of the vacancy, shall
make an order, in writing, directed to the commissioners of
election, commanding an election to be held on the next regular
special election day to fill the vacancy. The election
commissioners shall require each candidate to qualify at least
sixty (60) days before the date of the election, and shall give a
certificate of election to the person elected, and shall return to
the Secretary of State a copy of the order of holding the election
and the results of the election, certified by the president of the
municipal governing authorities. The election shall be held in
the same manner provided for other municipal office vacancies.
The Governor shall commission the person elected.

However, where only one (1) person has qualified with the
commissioners of election to be a candidate within the time
provided by law, the commissioners of election shall certify to
the municipal governing authorities that there is but one (1)
candidate. The municipal governing authorities shall dispense
with the election and shall appoint the certified candidate to
fill the unexpired term. The president of the municipal governing
authorities shall certify to the Secretary of State the candidate
so appointed to serve in the office and the Governor shall commission the candidate. If no person has qualified at least sixty (60) days before the date of the election, the commissioners of election shall certify that fact to the municipal governing authorities, which shall dispense with the election and fill the vacancy by appointment. The president of the municipal governing authorities shall certify to the Secretary of State the fact of the appointment, and the Governor shall commission the appointed person.

SECTION 2. Section 37-7-703, Mississippi Code of 1972, is amended as follows:

37-7-703. In all special municipal separate school districts, the board of trustees of such special municipal separate school district shall be elected in the manner provided by subsection (1) of Section 37-7-203, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees.

SECTION 3. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215, 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide certain methods for electing trustees of municipal separate school districts from added territory, are repealed.

SECTION 4. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711, 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide certain methods for selecting trustees of special municipal separate school districts, are repealed.

SECTION 5. Section 37-9-13, Mississippi Code of 1972, is amended as follows:

37-9-13. From and after January 1, 2004, in all public school districts, the school board, on or before January 15 of each year, shall appoint the superintendent of schools of the district, except in those cases where the superintendent has been selected previously and has a contract which is valid for the ensuing scholastic year. No person shall be eligible to the
office of superintendent of schools unless such person shall hold
a valid administrator's license issued by the State Department of
Education and shall have had not less than four (4) years of
classroom or administrative experience.

SECTION 6. Section 37-9-25, Mississippi Code of 1972, is
amended as follows:

37-9-25. The school board shall have the power and
authority, in its discretion, to employ the superintendent ***
for not exceeding four (4) scholastic years and the principals or
licensed employees for not exceeding three (3) scholastic years.

In such case, contracts shall be entered into with such
superintendents, principals and licensed employees for the number
of years for which they have been employed. All such contracts
with licensed employees shall for the years after the first year
thereof be subject to the contingency that the licensed employee
may be released if, during the life of the contract, the average
daily attendance should decrease from that existing during the
previous year and thus necessitate a reduction in the number of
licensed employees during any year after the first year of the
contract. However, in all such cases the licensed employee must
be released before July 1 or at least thirty (30) days prior to
the beginning of the school term, whichever date should occur
earlier. The salary to be paid for the years after the first year
of such contract shall be subject to revision, either upward or
downward, in the event of an increase or decrease in the funds
available for the payment thereof, but, unless such salary is
revised prior to the beginning of a school year, it shall remain
for such school year at the amount fixed in such contract.

However, where school district funds, other than adequate
education program funds, are available during the school year in
excess of the amount anticipated at the beginning of the school
year the salary to be paid for such year may be increased to the
extent that such additional funds are available and nothing herein shall be construed to prohibit same.

SECTION 7. Section 37-9-12, Mississippi Code of 1972, which provides for a referendum on the question of retaining the elective method of choosing the county superintendent of education, is repealed.

SECTION 8. Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for the election of county superintendents of education, are repealed from and after the effective date of Sections 5 through 9 of this act.

SECTION 9. Section 23-15-297, Mississippi Code of 1972, is amended as follows:

23-15-297. All candidates upon entering the race for party nominations for office shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election the following amounts:

(a) Candidates for Governor not to exceed Three Hundred Dollars ($300.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, not to exceed Two Hundred Dollars ($200.00).

(c) Candidates for district attorney, not to exceed One Hundred Dollars ($100.00).

(d) Candidates for State Senator, State Representative, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney * * * and board of supervisors, not to exceed Fifteen Dollars ($15.00).

(e) Candidates for county surveyor, county coroner, justice court judge and constable, not to exceed Ten Dollars ($10.00).
ST: School districts; provide for elected trustees and appointed superintendents.

(f) Candidates for United States Senator, not to exceed Three Hundred Dollars ($300.00).

(g) Candidates for United States Representative, not to exceed Two Hundred Dollars ($200.00).

SECTION 10. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 11. Sections 1 through 4 of this act shall take effect and be in force from and after January 1, 2005, or the date they are effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is later. Sections 5 through 9 of this act shall take effect and be in force from and after the date they are effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.