HOUSE BILL NO. 374

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. ____, 2003 Regular Session. The municipal governing authorities shall place upon its 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. ____, 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 authority 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. (1) 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.
(2) No person shall be eligible to the office of superintendent of schools unless such person shall hold a valid administrator's license 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).
(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.