

**\*\*\* Pending \*\*\***

**COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1383**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

50           **SECTION 1.** Section 37-7-203, Mississippi Code of 1972, is  
51 amended as follows:  
52           37-7-203. (1) The boards of trustees of all municipal  
53 separate school districts created under the provisions of Article  
54 1 of this chapter, either with or without added territory, shall  
55 consist of five (5) members \* \* \*. On the first Tuesday after the  
56 first Monday in June 2009, and every four (4) years thereafter, an  
57 election shall be held in each municipal separate school district  
58 in this state, in the same manner and at the same time as the  
59 regular municipal elections are held, for the purpose of electing  
60 the members of the boards of trustees established under the  
61 provisions of this article. Provided, however, that in any  
62 special charter municipality where the general municipal election  
63 date is different from June 2009, the members of the school board  
64 of the municipal separate school district shall be elected as  
65 provided in this section in the same manner and at the same time  
66 as the general municipal elections are held in such special  
67 charter municipality. All members of the boards of trustees as  
68 herein constituted shall take office on the first Monday of July

69 following the date of their election and shall serve for a term of  
70 four (4) years. The five (5) members of the board of trustees of  
71 such school district shall be elected from special trustee  
72 election districts by the qualified electors thereof, as herein  
73 provided. The board of trustees of such school district shall  
74 apportion the municipal separate school district, including added  
75 territory, into five (5) special trustee election districts as  
76 nearly equal as possible according to population, incumbency and  
77 other factors heretofore pronounced by the courts. The board of  
78 trustees shall place upon its minutes the boundaries determined  
79 for the new five-trustee election districts. The board of  
80 trustees shall thereafter publish the same in a newspaper of  
81 general circulation within said school district for at least three  
82 (3) consecutive weeks; and after having given notice of  
83 publication and recording the same upon the minutes of the board  
84 of trustees. When the orders of the board of trustees adopting  
85 the special trustee election district lines have been entered and  
86 are final, the new district lines shall be submitted to the  
87 Attorney General of the United States for preclearance or to the  
88 United States District Court for the District of Columbia for a  
89 declaratory judgment in accordance with the provisions of the  
90 Voting Rights Act of 1965, as amended and extended. In the event  
91 the new trustee election districts are either precleared by the  
92 United States Department of Justice, or approved by the United  
93 States District Court, the board of trustees shall formally  
94 declare the new districts as effective. All incumbent trustees  
95 holding office at the time of the creation of such trustee  
96 election districts shall continue holding their respective  
97 offices, provided they reside within the new district, for the  
98 remainder of the term of office to which they have heretofore been  
99 selected, and their successors shall be elected from the new

100 trustee election districts constituted herein in the manner  
101 provided for in this section.

102       (2) Vacancies in the membership of the board of trustees of  
103 any municipal separate school district shall be filled by  
104 appointment, within sixty (60) days after the vacancy occurs, by  
105 the governing authorities of such municipality. Such appointee  
106 shall be selected from the qualified electors of the district in  
107 which the vacancy occurs. The president of the municipal  
108 governing authority shall certify to the Secretary of State the  
109 fact of the appointment, and the person so appointed shall be  
110 commissioned by the Governor; and if the unexpired term be longer  
111 than six (6) months, such appointee shall serve until a successor  
112 is elected as hereinafter provided, unless the vacancy shall occur  
113 before ninety (90) days prior to the general election in a year in  
114 which an election would normally be held for that office as  
115 provided by law, in which case the person so appointed shall serve  
116 the unexpired portion of the term. Such vacancies shall be filled  
117 for the unexpired term by the qualified electors at the next  
118 regular special election day occurring more than ninety (90) days  
119 after the occurrence of the vacancy. The president of the  
120 municipal governing authority shall, within ten (10) days after  
121 the happening of the vacancy, make an order, in writing, directed  
122 to the commissioners of election, commanding an election to be  
123 held on the next regular special election day to fill the vacancy.  
124 The election commissioners shall require each candidate to qualify  
125 at least sixty (60) days before the date of the election, and  
126 shall give a certificate of election to the person elected, and  
127 shall return to the Secretary of State a copy of the order of  
128 holding the election showing the results thereof, certified by the  
129 president of the municipal governing authority. Such election  
130 shall be held in the same manner provided for other municipal

131 office vacancies. The person elected shall be commissioned by the  
132 Governor.

133 Provided, however, where only one (1) person shall have  
134 qualified with the commissioners of election to be a candidate  
135 within the time provided by law, the commissioners of election  
136 shall certify to the municipal governing authority that there is  
137 but one (1) candidate. Thereupon, the municipal governing  
138 authority shall dispense with the election and shall appoint the  
139 candidate so certified to fill the unexpired term. The president  
140 of the municipal governing authority shall certify to the  
141 Secretary of State the candidate so appointed to serve in such  
142 office and that candidate shall be commissioned by the Governor.  
143 In the event that no person shall have qualified at least sixty  
144 (60) days prior to the date of the election, the commissioners of  
145 election shall certify that fact to the municipal governing  
146 authority which shall dispense with the election and fill the  
147 vacancy by appointment. The president of the municipal governing  
148 authority shall certify to the Secretary of State the fact of the  
149 appointment, and the person so appointed shall be commissioned by  
150 the Governor.

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

153 37-7-703. In all such special municipal separate school  
154 districts \* \* \*, the board of trustees of such special municipal  
155 separate school district shall be elected in the manner provided  
156 by subsection (1) of Section 37-7-203, and all of the provisions  
157 thereof shall be fully applicable in all respects to the selection  
158 and constitution of such board of trustees. Provided, however,  
159 that the board of trustees of any special municipal separate  
160 school district shall have the authority to apportion the new  
161 trustee election districts as provided in Section 37-7-203(1).

162           **SECTION 3.** Section 37-5-9, Mississippi Code of 1972, is  
163 amended as follows:

164           37-5-9. The name of any qualified elector who is a candidate  
165 for the county board of education shall be placed on the ballot  
166 used in the general elections by the county election  
167 commissioners, provided that the candidate files with the county  
168 election commissioners, not more than ninety (90) days and not  
169 less than sixty (60) days prior to the date of such general  
170 election, a petition of nomination signed by not less than fifty  
171 (50) qualified electors of the county residing within each  
172 supervisors district or special county board of education election  
173 district, as the case may be. Where there are less than one  
174 hundred (100) qualified electors in said supervisors district, it  
175 shall only be required that said petition of nomination be signed  
176 by at least twenty percent (20%) of the qualified electors of such  
177 supervisors district or special county board of education election  
178 district, as the case may be. The candidate in each supervisors  
179 district who receives the highest number of votes cast in the  
180 district shall be declared elected.

181           \* \* \*

182           In no case shall any qualified elector residing within a  
183 municipal separate school district or special municipal separate  
184 school district be eligible to sign a petition of nomination for  
185 any candidate for the county board of education under any of the  
186 provisions of this section.

187           **SECTION 4.** Section 37-7-211, Mississippi Code of 1972, is  
188 amended as follows:

189           37-7-211. Any person otherwise eligible under the provisions  
190 of subsection (1) of Section 37-7-203 who shall desire to be a  
191 candidate for the office of trustee must qualify in the following  
192 manner in order to be allowed to be considered for election. By  
193 5:00 p.m. not more than ninety (90) days and at least sixty (60)

194 days before the election he shall file with the office of the  
195 superintendent of the municipal separate school district, or the  
196 special municipal separate school district, as the case may be, a  
197 petition signed by not less than fifty (50) qualified electors of  
198 the area represented by the office which he seeks, either for a  
199 full term or an unexpired term, as the case may be, and an  
200 affidavit by the candidate offering for election stating his  
201 qualifications under the terms of said sections. Where there are  
202 less than one hundred (100) qualified electors in said area  
203 represented by the trustee, it shall only be required that said  
204 petition of nomination be signed by at least twenty percent (20%)  
205 of the qualified electors in said area. The petition shall  
206 contain an affidavit certifying that all signatures are the  
207 personal signatures of each person whose name appears on the  
208 petition and that each person is a qualified elector.

209 Unless the petition and affidavit required above shall be  
210 filed by 5:00 p.m. not less than sixty (60) days prior to the  
211 election, the name of the candidate shall not be considered in the  
212 election, and votes cast for any person who has failed to qualify  
213 shall not be counted in the election.

214 If after the time for candidates to file the petition and  
215 affidavit provided for herein there should be only one (1) person  
216 to qualify for the office of trustee, then no election or notice  
217 of election shall be necessary and such person shall, if otherwise  
218 qualified, be declared elected without opposition.

219 **SECTION 5.** Section 37-7-711, Mississippi Code of 1972, is  
220 amended as follows:

221 37-7-711. In all such special municipal separate school  
222 districts which may be so organized, reorganized or reconstituted  
223 to embrace the entire county in which the majority of the  
224 inhabitants of the county reside outside the corporate limits of  
225 the municipality or less than the entire county, the name of any

226 qualified elector who is a candidate for the board of trustees of  
227 such special municipal separate school district, whether such  
228 person be a candidate for an unexpired term or for a full term,  
229 shall be placed on the ballot used in the elections, provided that  
230 the candidate files with the county election commissioners, not  
231 more than ninety (90) days and not less than sixty (60) days prior  
232 to the date of such general election, a petition of nomination  
233 signed by not less than fifty (50) qualified electors of the  
234 trustee election district. Where there are less than one hundred  
235 (100) qualified electors in the trustee election district, it  
236 shall only be required that such petition of nomination be signed  
237 by at least twenty percent (20%) of the qualified electors of the  
238 trustee election district. The candidate in each election who  
239 receives the highest number of votes cast in the election shall be  
240 declared to have been elected.

241 **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,  
242 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide  
243 certain methods for electing trustees of municipal separate school  
244 districts from added territory, are repealed.

245 **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
246 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which  
247 provide certain methods for selecting trustees of special  
248 municipal separate school districts, are repealed.

249 **SECTION 8.** Section 37-9-13, Mississippi Code of 1972, is  
250 amended as follows:

251 **[Until December 31, 2007, this section will read as follows:]**

252 37-9-13. Each school district shall have a superintendent of  
253 schools, selected in the manner provided by law. No person shall  
254 be eligible to the office of superintendent of schools unless such  
255 person shall hold a valid administrator's license issued by the  
256 State Department of Education and shall have had not less than  
257 four (4) years of classroom or administrative experience.

258 [From and after January 1, 2008, this section will read as  
259 follows:]

260 37-9-13. (1) In all public school districts, except in  
261 countywide school districts wherein the incumbent county  
262 superintendent of education chooses to seek reelection, the school  
263 board shall appoint the superintendent of schools of such  
264 district. Any county superintendent of education serving on July  
265 1, 2007, may choose to seek reelection, and if he is reelected in  
266 the manner provided by law, the office of county superintendent of  
267 education shall remain an elective office in such county until the  
268 incumbent vacates the office or is not reelected. If the  
269 incumbent vacates the office prior to the expiration of the term,  
270 the office of superintendent shall become an appointed office  
271 beginning immediately. If the incumbent is not reelected, the  
272 office of superintendent shall become an appointed office at the  
273 end of the four-year term of the person who was elected.

274 (2) No person shall be eligible to the office of  
275 superintendent of schools unless such person shall hold a valid  
276 administrator's license issued by the State Department of  
277 Education and shall have had not less than four (4) years of  
278 classroom or administrative experience.

279 **SECTION 9.** Section 37-5-61, Mississippi Code of 1972, is  
280 amended as follows:

281 [In counties wherein the county superintendent of education  
282 serving on July 1, 2007, chooses to seek reelection and is  
283 reelected, this section shall read as follows:]

284 37-5-61. (1) There shall be a county superintendent of  
285 education in each county.

286 (2) Said superintendent shall serve as the executive  
287 secretary of the county board of education, but shall have no vote  
288 in the proceedings before the board and no voice in fixing the  
289 policies thereof.



290 (3) In addition, said superintendent shall be the director  
291 of all schools in the county outside the municipal separate school  
292 districts.

293 (4) Said superintendent shall be elected at the same time  
294 and in the same manner as other county officers are elected and  
295 shall hold office for a term of four (4) years.

296 **[In counties wherein the county superintendent of education**  
297 **serving on July 1, 2007, chooses not to seek reelection, this**  
298 **Section 37-5-61 shall have no force or effect.]**

299 **SECTION 10.** Section 37-5-71, Mississippi Code of 1972, is  
300 amended as follows:

301 **[In counties wherein the county superintendent of education**  
302 **serving on July 1, 2007, chooses to seek reelection and is**  
303 **reelected, this section shall read as follows:]**

304 37-5-71. (1) The county superintendents of education shall  
305 be elected in the manner prescribed by the provisions of this  
306 chapter, unless such office be made appointive as provided in this  
307 chapter, in which case the county superintendent shall be  
308 appointed by the county board of education or by the trustees of a  
309 separate school district embracing an entire county with a  
310 population of fifteen thousand (15,000) or less, as provided in  
311 subsection (2) of Section 37-7-203. In all cases he shall have  
312 such qualifications as prescribed by Section 37-9-13 and receive  
313 such compensation as established under Section 37-9-37.

314 (2) All qualified electors residing within any municipal  
315 separate or special municipal separate school district shall not  
316 vote in the election for the county superintendent of education:

317 (a) In all counties of the second class which have a  
318 population, according to the 1960 federal decennial census of at  
319 least thirty-three thousand (33,000) and less than thirty-four  
320 thousand (34,000), and having a city located therein which is the  
321 Southern Division of the A.T.&S.F. Railroad Company;

322           (b) In all counties of the fourth class which have a  
323 population, according to the 1960 federal decennial census, in  
324 excess of twenty-six thousand (26,000) and less than twenty-seven  
325 thousand (27,000), and having located therein the Mississippi  
326 State University of Agriculture and Applied Science;

327           (c) In all counties of the first class which have a  
328 population, according to the 1960 federal decennial census, in  
329 excess of forty-six thousand (46,000) and less than forty-seven  
330 thousand (47,000), and having located therein the Mississippi  
331 University for Women;

332           (d) In any county bordering on the Mississippi Sound  
333 and having a population in excess of one hundred thousand  
334 (100,000), according to the 1960 federal decennial census, and  
335 having an assessed valuation in excess of Seventy Million Dollars  
336 (\$70,000,000.00);

337           (e) In any county having a population in excess of  
338 eight thousand (8,000) and less than nine thousand (9,000), and  
339 having an assessed valuation in excess of Five Million Dollars  
340 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)  
341 in 1960;

342           (f) In any county having a population in excess of  
343 twenty-two thousand (22,000) and less than twenty-three thousand  
344 (23,000) in 1960, and having a total assessed valuation in excess  
345 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

346           (g) In any county having a population in excess of  
347 fifty-nine thousand (59,000) but less than sixty thousand  
348 (60,000), according to the 1960 federal decennial census;

349           (h) In any county bordered on the east by the Alabama  
350 line and on the south by the Mississippi Sound;

351           (i) In any county where Mississippi Highway 35 crosses  
352 U.S. Highway 80 and whose population, according to the 1960  
353 regular census, was between twenty-one thousand (21,000) and

354 twenty-two thousand (22,000), and in which there are located four  
355 (4) or more chicken packing plants, one (1) zipper plant and one  
356 or more factories manufacturing Sunbeam electrical appliances;

357 (j) In any county having a population of twenty-six  
358 thousand one hundred ninety-eight (26,198) according to the 1970  
359 census wherein Highways 51 and 84 intersect;

360 (k) In any county having a municipal separate school  
361 district lying therein, having a population in excess of  
362 twenty-one thousand (21,000) but less than twenty-one thousand  
363 five hundred (21,500), according to the 1960 decennial census, and  
364 having a combined assessed valuation in 1963 in excess of Sixteen  
365 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less  
366 than Seventeen Million Dollars (\$17,000,000.00) according to the  
367 State Tax Commission's compilation;

368 (l) In any county where Mississippi Highway 15 crosses  
369 Mississippi Highway 16, whose population was more than twenty  
370 thousand (20,000) and less than twenty-one thousand (21,000),  
371 according to the regular 1960 census, and within which there is  
372 located a Choctaw Indian reservation and school operated by the  
373 United States government;

374 (m) In any county where U.S. Highway 45W Alternate  
375 intersects Mississippi Highway 50, and having a population of  
376 eighteen thousand nine hundred thirty-three (18,933), according to  
377 the 1960 federal census;

378 (n) In any county having a population in excess of  
379 forty thousand five hundred (40,500), according to the 1960  
380 federal decennial census, wherein U.S. Highways 78 and 45  
381 intersect, and wherein there is a United States fish hatchery;

382 (o) In any county being traversed by Mississippi  
383 Highway 15 and U.S. Interstate Highway 20;

384 (p) In all counties wherein there is located a national  
385 military park and a national cemetery;

386           (q) In any county where U.S. Highway 82 crosses U.S.  
387 Interstate Highway 55 and having a population of twelve thousand  
388 three hundred eighty-seven (12,387) according to the 1990 federal  
389 decennial census;

390           (r) In any county where U.S. Highway 49E and U.S.  
391 Highway 82 intersect, and having a population of thirty-seven  
392 thousand three hundred forty-one (37,341) according to the 1990  
393 federal decennial census.

394           In any such county, however, the county superintendent of  
395 education may be a resident of a municipal separate school  
396 district or special municipal separate school district.

397           (3) The qualified electors residing within the municipal  
398 separate school districts shall not participate in the election of  
399 the county superintendent of education:

400           (a) In any county having a population of more than  
401 twenty-seven thousand (27,000) and less than twenty-eight thousand  
402 (28,000) and containing therein a municipality having a population  
403 in excess of three thousand (3,000), according to the 1960 federal  
404 decennial census;

405           (b) In any Class 1 county wherein is located a  
406 state-supported university and a National Guard camp, and in which  
407 Interstate Highway 59 and U.S. Highway 49 intersect;

408           (c) In any Class 4 county having two (2) judicial  
409 districts, wherein is partially located a national forest, and  
410 wherein Mississippi Highways 8 and 15 intersect;

411           (d) In any Class 2 county, the southern boundary of  
412 which partially borders on the State of Louisiana, traversed by  
413 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
414 land area of five hundred fifty (550) square miles and having a  
415 population of twenty-three thousand two hundred ninety-three  
416 (23,293) in the 1960 federal decennial census;

417           (e) In any county bordering on the Gulf of Mexico or  
418 the Mississippi Sound having therein a test facility operated by  
419 the National Aeronautics and Space Administration;

420           (f) In any county having a population in excess of  
421 twenty-seven thousand one hundred seventy-nine (27,179) according  
422 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
423 72 intersect; and

424           (g) In any Class 1 county bordering on the Pearl River  
425 in which U.S. Highway 80 intersects Mississippi Highway 18 and  
426 having a population, according to the federal decennial census of  
427 1970, of forty-three thousand nine hundred thirty-three (43,933).

428           (4) The county superintendent of education, with the  
429 approval of the county board of education by its first having  
430 adopted a resolution of approval and spread upon its minutes,  
431 shall be elected from the county at large, exclusive of the  
432 municipal separate school district boundaries:

433           (a) In any county bordering on the State of Tennessee  
434 having a land area of seven hundred ten (710) square miles,  
435 wherein is located part of a national forest, and wherein U.S.  
436 Highway 78 and Mississippi Highway 7 intersect;

437           (b) In any Class 4 county wherein is located the  
438 state's oldest state-supported university, in which Mississippi  
439 Highways 6 and 7 intersect; and

440           (c) In any county having a population in excess of  
441 seventeen thousand (17,000) and less than eighteen thousand  
442 (18,000), according to the 1970 federal decennial census, wherein  
443 Mississippi Highways 6 and 9 intersect.

444           (5) In any county having a municipality of between  
445 forty-nine thousand (49,000) and fifty thousand (50,000)  
446 population according to the 1960 federal census, and adjoining the  
447 Alabama line, wherein U.S. Highways 80 and 45 intersect, the  
448 qualified electors residing within any municipal separate school

449 district shall not participate in the election of the county  
450 superintendent of education, and such county superintendent of  
451 education shall not be a resident of a municipal separate school  
452 district.

453 (6) In any county traversed by the Natchez Trace Parkway  
454 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and  
455 having a population of seventeen thousand nine hundred forty-nine  
456 (17,949) according to the 1960 federal census, the qualified  
457 electors residing within any municipal separate school district  
458 shall not participate in the election of the county superintendent  
459 of education, and such county superintendent of education shall  
460 not be a resident of a municipal separate school district.

461 [In counties wherein the county superintendent of education  
462 serving on July 1, 2007, chooses not to seek reelection, this  
463 Section 37-5-71 shall have no force and effect.]

464 **SECTION 11.** Section 37-9-25, Mississippi Code of 1972, is  
465 amended as follows:

466 [Until December 31, 2007, this section will read as follows:]

467 37-9-25. The school board shall have the power and  
468 authority, in its discretion, to employ the superintendent, unless  
469 such superintendent is elected, for not exceeding four (4)  
470 scholastic years and the principals or licensed employees for not  
471 exceeding three (3) scholastic years. In such case, contracts  
472 shall be entered into with such superintendents, principals and  
473 licensed employees for the number of years for which they have  
474 been employed. All such contracts with licensed employees shall  
475 for the years after the first year thereof be subject to the  
476 contingency that the licensed employee may be released if, during  
477 the life of the contract, the average daily attendance should  
478 decrease from that existing during the previous year and thus  
479 necessitate a reduction in the number of licensed employees during  
480 any year after the first year of the contract. However, in all

481 such cases the licensed employee must be released before July 1 or  
482 at least thirty (30) days prior to the beginning of the school  
483 term, whichever date should occur earlier. The salary to be paid  
484 for the years after the first year of such contract shall be  
485 subject to revision, either upward or downward, in the event of an  
486 increase or decrease in the funds available for the payment  
487 thereof, but, unless such salary is revised prior to the beginning  
488 of a school year, it shall remain for such school year at the  
489 amount fixed in such contract. However, where school district  
490 funds, other than minimum education program funds, are available  
491 during the school year in excess of the amount anticipated at the  
492 beginning of the school year the salary to be paid for such year  
493 may be increased to the extent that such additional funds are  
494 available and nothing herein shall be construed to prohibit same.

495 **[From and after January 1, 2008, this section will read as**  
496 **follows:]**

497 37-9-25. The school board shall have the power and  
498 authority, in its discretion, to employ the superintendent \* \* \*  
499 for not exceeding four (4) scholastic years and the principals or  
500 licensed employees for not exceeding three (3) scholastic years.  
501 In such case, contracts shall be entered into with such  
502 superintendents, principals and licensed employees for the number  
503 of years for which they have been employed. All such contracts  
504 with licensed employees shall for the years after the first year  
505 thereof be subject to the contingency that the licensed employee  
506 may be released if, during the life of the contract, the average  
507 daily attendance should decrease from that existing during the  
508 previous year and thus necessitate a reduction in the number of  
509 licensed employees during any year after the first year of the  
510 contract. However, in all such cases the licensed employee must  
511 be released before July 1 or at least thirty (30) days prior to  
512 the beginning of the school term, whichever date should occur

513 earlier. The salary to be paid for the years after the first year  
514 of such contract shall be subject to revision, either upward or  
515 downward, in the event of an increase or decrease in the funds  
516 available for the payment thereof, but, unless such salary is  
517 revised prior to the beginning of a school year, it shall remain  
518 for such school year at the amount fixed in such contract.  
519 However, where school district funds, other than minimum education  
520 program funds, are available during the school year in excess of  
521 the amount anticipated at the beginning of the school year the  
522 salary to be paid for such year may be increased to the extent  
523 that such additional funds are available and nothing herein shall  
524 be construed to prohibit same.

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

529       **SECTION 13.** Sections 37-5-63, 37-5-65, 37-5-67 and 37-5-69,  
530 Mississippi Code of 1972, which provide for the election of county  
531 superintendents of education, are hereby repealed.

532       **SECTION 14.** (1) (a) In any Mississippi county in which is  
533 located six (6) or more school districts, there shall be an  
534 administrative consolidation of all of the school districts in the  
535 county into not more than three (3) school districts with three  
536 (3) administrative units and three (3) school boards. This  
537 consolidation shall not require closing school facilities. In  
538 such county, there shall be a new county board of education  
539 elected in the November 2007 general election which shall be  
540 elected as provided in Section 37-5-7, Mississippi Code of 1972.  
541 The new county board of education shall provide for the  
542 administrative consolidation of all school districts in the county  
543 into not more than three (3) school districts on or before July 1  
544 next following the November election. The new county board of



545 education shall serve as the school board for one (1) of the three  
546 (3) school districts in the county. Any school district affected  
547 by the required administrative consolidation that does not  
548 voluntarily consolidate with the new school district ordered by  
549 the county board of education shall be administratively  
550 consolidated by the State Board of Education with the appropriate  
551 school district in which such district is located, to be effective  
552 on July 1 following the election of the new county board of  
553 education. The State Board of Education shall promptly move on  
554 its own motion to administratively consolidate a school district  
555 which does not voluntarily consolidate in order to enable the  
556 affected school districts to reasonably accomplish the resulting  
557 administrative consolidation into three (3) school districts by  
558 July 1 following the election of the new county board of  
559 education. All affected school districts shall comply with any  
560 consolidation order issued by the county board of education or the  
561 State Board of Education, as the case may be, on or before July 1  
562 following the election of the new county board of education.

563 (b) On July 1 following the election of the new county  
564 board of education, the former county board of education, the  
565 board of trustees of any municipal separate, special municipal  
566 separate, consolidated or line consolidated school district  
567 located in such county shall be abolished. All real and personal  
568 property which is owned or titled in the name of a school district  
569 located in such county shall be transferred to the new reorganized  
570 school district of the county in which such school district is  
571 located. Each affected school board shall be responsible for  
572 establishing the contracts for teachers and principals for the  
573 next school year following the required administrative  
574 consolidation with the consultation of the newly elected successor  
575 county board of education. The selection of the appointed county  
576 superintendent of education and the assistant superintendent of

577 education in the central administration office of the successor  
578 countywide school district shall be the responsibility of the  
579 successor county board of education. No such administratively  
580 consolidated school district shall have more than two (2)  
581 assistant superintendents of education. It shall be the  
582 responsibility of the successor county board of education to  
583 prepare and approve the budget of the new reorganized districts,  
584 and the county board of education may use staff from the former  
585 school districts to prepare the budget. Any proposed order of the  
586 successor county board of education directing the transfer of the  
587 assets, real or personal property of an affected school district  
588 in the county, shall be submitted and approved by the State Board  
589 of Education. The finding of the State Board of Education shall  
590 be final and conclusive for the purposes of the transfer of  
591 property required by such administrative consolidation. Any  
592 person or school district aggrieved by an order of the successor  
593 county school board of education pursuant to the required  
594 administrative consolidation may appeal therefrom to the State  
595 Board of Education within ten (10) days from the date of the  
596 adjournment of the meeting at which such order is entered. Such  
597 appeal shall be de novo, and the finding of the State Board of  
598 Education upon such question shall be final and conclusive for the  
599 purpose of the approval or disapproval of the action by said  
600 county board of education.

601 (c) When any school district in such county is  
602 abolished under the provisions of this section, the abolition  
603 thereof shall not impair or release the property of such former  
604 school district from liability for the payment of the bonds or  
605 other indebtedness of such district and it shall be the duty of  
606 the board of supervisors of said county to levy taxes on the  
607 property of said district so abolished from year to year according  
608 to the terms of such indebtedness until same shall be fully paid.

609           (d) In the administratively consolidated countywide  
610 school district created under this section, the ad valorem tax  
611 rate shall be determined as set forth under Section 37-57-1 et  
612 seq.

613           (e) Nothing in this section shall be construed to  
614 require the closing of any school or school facility, unless such  
615 facility is an unneeded administrative office located within a  
616 school district which has been abolished under the provisions of  
617 this section. All administrative consolidations under this  
618 section shall be accomplished so as not to delay or in any manner  
619 negatively affect the desegregation of another school district in  
620 the county pursuant to court order.

621           (f) The State Board of Education shall promulgate rules  
622 and regulations to facilitate the administrative consolidation of  
623 the school districts in a county pursuant to this section. When  
624 the orders of the successor county board of education adopting the  
625 boundaries of the successor countywide school district have been  
626 entered and are final, as approved by the State Board of  
627 Education, the new district lines shall be submitted by the State  
628 Board of Education with the assistance of the Attorney General to  
629 the Attorney General of the United States for preclearance or to  
630 the United States District Court for the District of Columbia for  
631 a declaratory judgment in accordance with the provisions of the  
632 Voting Rights Act of 1965, as amended and extended. In the event  
633 the change in the school district lines are precleared or  
634 approved, the State Board of Education shall formally declare the  
635 new lines as the new boundaries of the consolidated countywide  
636 school district.

637           **SECTION 15.** The Attorney General of the State of Mississippi  
638 shall submit this act, immediately upon approval by the Governor,  
639 or upon approval by the Legislature subsequent to a veto, to the  
640 Attorney General of the United States or to the United States

641 District Court for the District of Columbia in accordance with the  
642 provisions of the Voting Rights Act of 1965, as amended and  
643 extended.

644 **SECTION 16.** This act shall take effect and be in force from  
645 and after the date it is effectuated under Section 5 of the Voting  
646 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL  
3 DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS  
4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICT BEGINNING WITH THE  
5 MUNICIPAL ELECTIONS IN THE YEAR 2009; TO PROVIDE THAT SUCH  
6 ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS  
7 ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO PROVIDE THAT  
8 THE LOCAL SCHOOL BOARD SHALL APPORTION THE NEW TRUSTEE ELECTION  
9 DISTRICTS; TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972, TO  
10 PROVIDE THAT THE TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL  
11 DISTRICTS SHALL BE ELECTED IN THE SAME MANNER AS TRUSTEES OF  
12 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO AMEND SECTIONS 37-5-9,  
13 37-7-211 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO PROVIDE A  
14 UNIFORM NUMBER OF SIGNATURES ON PETITIONS OF NOMINATION TO RUN FOR  
15 THE OFFICE OF ELECTED SCHOOL BOARD AND TO REQUIRE PETITIONS TO BE  
16 FILED AT LEAST 60 DAYS PRIOR TO THE ELECTION; TO REPEAL SECTIONS  
17 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE  
18 CERTAIN METHODS FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL  
19 DISTRICTS FROM ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705  
20 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN  
21 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE  
22 SCHOOL DISTRICTS; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF  
23 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF  
24 SCHOOLS FROM AND AFTER JANUARY 1, 2008, UNLESS THE INCUMBENT  
25 COUNTY SUPERINTENDENT OF EDUCATION CHOOSES TO SEEK REELECTION; TO  
26 AMEND SECTIONS 37-5-61, 37-5-71 AND 37-9-25, MISSISSIPPI CODE OF  
27 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,  
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE  
29 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY  
30 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH  
31 37-5-69, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION  
32 OF COUNTY SUPERINTENDENTS OF EDUCATION; TO PROVIDE THAT IN ANY  
33 MISSISSIPPI COUNTY HAVING 6 OR MORE SCHOOL DISTRICTS, THERE SHALL  
34 BE AN ADMINISTRATIVE CONSOLIDATION INTO NOT MORE THAN 3 SCHOOL  
35 DISTRICTS; TO PROVIDE FOR A NEW COUNTY BOARD OF EDUCATION TO BE  
36 ELECTED IN SUCH COUNTY IN THE NOVEMBER 2007 GENERAL ELECTION; TO  
37 PROVIDE THAT THE NEW COUNTY BOARD OF EDUCATION SHALL SERVE AS THE  
38 LEAD AGENCY TO CONSOLIDATE THE SCHOOL DISTRICTS IN SUCH COUNTY AND  
39 TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY  
40 CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW  
41 THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS  
42 FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE  
43 TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR  
44 EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS IN THE  
45 NEW SCHOOL DISTRICTS AND TO PROVIDE FOR THE PREPARATION OF SCHOOL  
46 DISTRICT BUDGETS IN THE NEW SCHOOL DISTRICTS; TO DIRECT THE STATE

47 BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH  
48 ADMINISTRATIVE CONSOLIDATION; AND FOR RELATED PURPOSES.