

By: Representative Chism

To: Education;  
Appropriations

## HOUSE BILL NO. 255

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF MUNICIPAL  
 3 SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE  
 4 ELECTION DISTRICTS BY THE QUALIFIED ELECTORS OF THOSE DISTRICTS;  
 5 TO PROVIDE THAT THE ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE  
 6 SAME MANNER AND AT THE SAME TIME AS ELECTIONS ARE HELD FOR OTHER  
 7 MUNICIPAL OFFICERS; TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF  
 8 1972, TO PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF  
 9 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS THAT INCLUDE THE  
 10 ENTIRE COUNTY SHALL BE ELECTED IN THE SAME MANNER AS TRUSTEES OF  
 11 MUNICIPAL SEPARATE SCHOOL DISTRICTS AT THE SAME TIME AS GENERAL  
 12 STATE AND COUNTY ELECTIONS ARE HELD; TO AMEND SECTION 37-7-713,  
 13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS  
 14 OF THE BOARDS OF TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL  
 15 DISTRICTS IN THE SAME MANNER AND AT THE SAME TIME AS MUNICIPAL  
 16 ELECTIONS AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE;  
 17 TO REPEAL SECTIONS 37-7-204, 37-7-209 AND 37-7-213 THROUGH  
 18 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS  
 19 FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM  
 20 ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,  
 21 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR  
 22 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;  
 23 TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO DELETE THE  
 24 PROVISION OF LAW THAT PROVIDES THAT COUNTY SUPERINTENDENTS OF  
 25 EDUCATION SHALL BE ELECTED IN THE SAME MANNER AND TIME AS OTHER  
 26 COUNTY OFFICERS AND FOR A TERM OF FOUR YEARS; TO AMEND SECTION  
 27 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT  
 28 OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2008;  
 29 TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
 30 THERETO; TO REPEAL SECTION 37-9-12, MISSISSIPPI CODE OF 1972,  
 31 WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE  
 32 ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF  
 33 EDUCATION; TO REPEAL, ON JANUARY 1, 2008, SECTIONS 37-5-63 THROUGH  
 34 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION  
 35 OF COUNTY SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION  
 36 23-15-297, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND  
 37 FOR RELATED PURPOSES.

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

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

41 37-7-203. (1) The boards of trustees of all municipal  
 42 separate school districts created under the provisions of Article  
 43 1 of this chapter, either with or without added territory, shall  
 44 consist of five (5) members. On the first Tuesday after the first

45 Monday in June 2009, and every four (4) years thereafter, an  
46 election shall be held in each municipal separate school district  
47 in this state, in the same manner and at the same time as the  
48 regular municipal elections are held, for the purpose of electing  
49 the members of the boards of trustees established under the  
50 provisions of this article. All members of the boards of trustees  
51 as constituted in this section shall take office on the first  
52 Monday of July following the date of their election and shall  
53 serve for a term of four (4) years. The five (5) members of the  
54 board of trustees shall be elected from trustee election districts  
55 by the qualified electors of the district, as provided in this  
56 section. The governing authorities of the municipality shall  
57 apportion the municipal separate school district, including added  
58 territory, into five (5) trustee election districts as nearly  
59 equal as possible according to population, incumbency and other  
60 factors pronounced by the courts before the effective date of  
61 House Bill No. \_\_\_\_\_, 2007 Regular Session. The municipal  
62 governing authorities shall place upon their minutes the  
63 boundaries determined for the five (5) new trustee election  
64 districts. The municipal governing authorities shall thereafter  
65 publish the same in a newspaper having general circulation within  
66 the school district for at least three (3) consecutive weeks; and  
67 after having given notice of publication and recording the same  
68 upon the minutes of the municipal governing authorities, the new  
69 district lines shall be effective thereafter. The term of each  
70 incumbent trustee serving on the date that House Bill No. \_\_\_\_\_,  
71 2007 Regular Session, becomes effective that otherwise would  
72 expire after the first Monday of July 2009, shall expire on the  
73 first Monday of July 2009. Each incumbent trustee whose term  
74 expires after the effective date of House Bill No. \_\_\_\_\_, 2007  
75 Regular Session, but before the first Monday of July 2009 shall  
76 continue to serve for the remainder of the unexpired term, at

77 which time the vacancy shall be filled in the manner provided by  
78 subsection (2) of this section.

79       (2) Vacancies in the membership of the board of trustees of  
80 any municipal separate school district shall be filled by  
81 appointment, within sixty (60) days after the vacancy occurs, by  
82 the governing authorities of the municipality. The appointee  
83 shall be selected from the qualified electors of the district in  
84 which the vacancy occurs. The president of the municipal  
85 governing authorities shall certify to the Secretary of State the  
86 fact of the appointment, and the Governor shall commission the  
87 person appointed. If the unexpired term is longer than six (6)  
88 months, the appointee shall serve until a successor is elected as  
89 provided in this section, unless the vacancy occurs ninety (90) or  
90 fewer days before the general election in a year in which an  
91 election would normally be held for that office as provided by  
92 law, in which case the person appointed shall serve the unexpired  
93 portion of the term. The vacancies shall be filled for the  
94 unexpired term by the qualified electors at the next regular  
95 special election day occurring more than ninety (90) days after  
96 the occurrence of the vacancy. The president of the municipal  
97 governing authorities, within ten (10) days after the occurrence  
98 of the vacancy, shall make an order, in writing, directed to the  
99 commissioners of election, directing an election to be held on the  
100 next regular special election day to fill the vacancy. The  
101 election commissioners shall require each candidate to qualify at  
102 least sixty (60) days before the date of the election, and shall  
103 give a certificate of election to the person elected, and shall  
104 return to the Secretary of State a copy of the order of holding  
105 the election and the results of the election, certified by the  
106 president of the municipal governing authorities. The election  
107 shall be held in the same manner provided for other municipal  
108 office vacancies. The Governor shall commission the person  
109 elected.

110 However, where only one (1) person has qualified with the  
111 commissioners of election to be a candidate within the time  
112 provided by law, the commissioners of election shall certify to  
113 the municipal governing authorities that there is only one (1)  
114 candidate. The municipal governing authorities shall dispense  
115 with the election and shall appoint the certified candidate to  
116 fill the unexpired term. The president of the municipal governing  
117 authorities shall certify to the Secretary of State the candidate  
118 so appointed to serve in the office and the Governor shall  
119 commission the candidate. If no person has qualified at least  
120 sixty (60) days before the date of the election, the commissioners  
121 of election shall certify that fact to the municipal governing  
122 authorities, which shall dispense with the election and fill the  
123 vacancy by appointment. The president of the municipal governing  
124 authorities shall certify to the Secretary of State the fact of  
125 the appointment, and the Governor shall commission the appointed  
126 person.

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

129 37-7-703. The boards of trustees of all \* \* \* special  
130 municipal separate school districts which embrace the entire  
131 county, regardless of whether a majority of the inhabitants of the  
132 county reside within or outside the corporate limits of the  
133 municipality, shall consist of five (5) members. On the first  
134 Tuesday after the first Monday in November 2011 and every four (4)  
135 years thereafter, an election shall be held in the same manner and  
136 at the same time as general state and county elections are held  
137 and conducted, for the purpose of electing the members of the  
138 boards of trustees in all special municipal separate school  
139 districts that embrace the entire county. All members of the  
140 boards of trustees of special municipal separate school districts  
141 as constituted in this section shall take office on the first  
142 Monday of January following the date of their election and shall

143 serve for a term of four (4) years. Vacancies in the membership  
144 of the board of trustees of any special municipal separate school  
145 district shall be filled in the manner provided in subsection (2)  
146 of Section 37-7-203. The five (5) members of the board of  
147 trustees shall be elected from trustee election districts by the  
148 qualified electors of the district, as provided in this section.  
149 The governing authorities of the municipality shall apportion the  
150 municipal separate school district, including added territory,  
151 into five (5) trustee election districts as nearly equal as  
152 possible according to population, incumbency and other factors  
153 pronounced by the courts before the effective date of House Bill  
154 No. \_\_\_\_\_, 2007 Regular Session. The municipal governing  
155 authorities shall place upon their minutes the boundaries  
156 determined for the five (5) new trustee election districts. The  
157 municipal governing authorities shall thereafter publish the same  
158 in a newspaper having general circulation within the school  
159 district for at least three (3) consecutive weeks; and after  
160 having given notice of publication and recording the same upon the  
161 minutes of the municipal governing authorities, the new district  
162 lines shall be effective thereafter. The term of each incumbent  
163 trustee serving on the date that House Bill No. \_\_\_\_\_, 2007 Regular  
164 Session, becomes effective that otherwise would expire after the  
165 first Monday of January 2012, shall expire on the first Monday of  
166 January 2012. Each incumbent trustee whose term expires after the  
167 effective date of House Bill No. \_\_\_\_\_, 2007 Regular Session, but  
168 before the first Monday of January 2012 shall continue to serve  
169 for the remainder of the unexpired term, at which time the vacancy  
170 shall be filled in the manner provided in subsection (2) of  
171 Section 37-7-203.

172 **SECTION 3.** Section 37-7-713, Mississippi Code of 1972, is  
173 amended as follows:

174 37-7-713. (1) In all special municipal separate school  
175 districts where the district embraces less than the entire area of

176 the county and where the majority of the educable children of such  
177 district reside outside the limits of the municipality, \* \* \*  
178 the \* \* \* special municipal separate school district shall be  
179 governed by a board of trustees consisting of five (5) members, to  
180 be elected by the qualified electors of such municipal separate  
181 school district \* \* \* in the manner provided by this section.  
182 On the first Tuesday after the first Monday in June 2009, and  
183 every four (4) years thereafter, an election shall be held in each  
184 special municipal separate school district as constituted in this  
185 section, in the same manner and at the same time as the regular  
186 municipal elections are held and conducted, for the purpose of  
187 electing the members of the boards of trustees established under  
188 the provisions of this section. All members of the boards of  
189 trustees as constituted in this section shall take office on the  
190 first Monday of July following the date of their election and  
191 shall serve for a term of four (4) years. The five (5) members of  
192 the board of trustees shall be elected from trustee election  
193 districts by the qualified electors of the district, as provided  
194 in this section. The governing authorities of the municipality  
195 shall apportion the special municipal separate school district  
196 into five (5) special trustee election districts as nearly equal  
197 as possible according to population, incumbency and other factors  
198 pronounced by the courts before the effective date of House Bill  
199 No. \_\_\_\_\_, 2007 Regular Session. The municipal governing  
200 authorities shall place upon their minutes the boundaries  
201 determined for the five (5) new trustee election districts. The  
202 municipal governing authorities shall thereafter publish the same  
203 in a newspaper having general circulation within the school  
204 district for at least three (3) consecutive weeks; and after  
205 having given notice of publication and recording the same upon the  
206 minutes of the municipal governing authorities, the new district  
207 lines shall be effective thereafter. The term of each incumbent  
208 trustee serving on the date that House Bill No. \_\_\_\_\_, 2007 Regular

209 Session, becomes effective that otherwise would expire after the  
210 first Monday of July 2009, shall expire on the first Monday of  
211 July 2009. Each incumbent trustee whose term expires after the  
212 effective date of House Bill No. \_\_\_\_\_, 2007 Regular Session, but  
213 before the first Monday of July 2009 shall continue to serve for  
214 the remainder of the unexpired term, at which time the vacancy  
215 shall be filled in the manner provided by subsection (2) of  
216 Section 37-7-203.

217 (2) Vacancies in the membership of the board of trustees of  
218 any special municipal separate school district as constituted in  
219 this section shall be filled in the manner provided by subsection  
220 (2) of Section 37-7-203.

221 **SECTION 4.** Sections 37-7-204, 37-7-209, 37-7-213, 37-7-215,  
222 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide  
223 certain methods for electing trustees of municipal separate school  
224 districts from added territory, are repealed.

225 **SECTION 5.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
226 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide  
227 certain methods for selecting trustees of special municipal  
228 separate school districts, are repealed.

229 **SECTION 6.** Section 37-5-61, Mississippi Code of 1972, is  
230 amended as follows:

231 37-5-61. (1) There shall be a county superintendent of  
232 education in each county.

233 (2) The superintendent shall serve as the executive  
234 secretary of the county board of education, but shall have no vote  
235 in the proceedings before the board and no voice in fixing the  
236 policies thereof.

237 (3) In addition, the superintendent shall be the director of  
238 all schools in the county outside the municipal separate school  
239 districts.

240 \* \* \*

241           **SECTION 7.** Section 37-9-13, Mississippi Code of 1972, is  
242 amended as follows:

243           37-9-13. (1) From and after January 1, 2008, in all public  
244 school districts, the school board, on or before January 15 of  
245 each year, shall appoint the superintendent of schools of the  
246 district.

247           (2) No person shall be eligible to the office of  
248 superintendent of schools unless such person shall hold a valid  
249 administrator's license by the State Department of Education and  
250 shall have had not less than four (4) years of classroom or  
251 administrative experience.

252           **SECTION 8.** Section 37-9-25, Mississippi Code of 1972, is  
253 amended as follows:

254           37-9-25. The school board shall have the power and  
255 authority, in its discretion, to employ the superintendent \* \* \*  
256 for not exceeding four (4) scholastic years and the principals or  
257 licensed employees for not exceeding three (3) scholastic years.  
258 In such case, contracts shall be entered into with such  
259 superintendents, principals and licensed employees for the number  
260 of years for which they have been employed. All such contracts  
261 with licensed employees shall for the years after the first year  
262 thereof be subject to the contingency that the licensed employee  
263 may be released if, during the life of the contract, the average  
264 daily attendance should decrease from that existing during the  
265 previous year and thus necessitate a reduction in the number of  
266 licensed employees during any year after the first year of the  
267 contract. However, in all such cases the licensed employee must  
268 be released before July 1 or at least thirty (30) days prior to  
269 the beginning of the school term, whichever date should occur  
270 earlier. The salary to be paid for the years after the first year  
271 of such contract shall be subject to revision, either upward or  
272 downward, in the event of an increase or decrease in the funds  
273 available for the payment thereof, but, unless such salary is



274 revised prior to the beginning of a school year, it shall remain  
275 for such school year at the amount fixed in such contract.  
276 However, where school district funds, other than adequate  
277 education program funds, are available during the school year in  
278 excess of the amount anticipated at the beginning of the school  
279 year the salary to be paid for such year may be increased to the  
280 extent that such additional funds are available and nothing herein  
281 shall be construed to prohibit same.

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

286       **SECTION 10.** Sections 37-5-63, 37-5-65, 37-5-67, 37-5-69,  
287 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for  
288 the election of county superintendents of education, are repealed.

289       **SECTION 11.** Section 23-15-297, Mississippi Code of 1972, is  
290 amended as follows:

291       23-15-297. All candidates upon entering the race for party  
292 nominations for office shall first pay to the proper officer as  
293 provided for in Section 23-15-299 for each primary election the  
294 following amounts:

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

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

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

304               (d) Candidates for State Senator, State Representative,  
305 sheriff, chancery clerk, circuit clerk, tax assessor, tax

306 collector, county attorney \* \* \* and board of supervisors, not to  
307 exceed Fifteen Dollars (\$15.00).

308 (e) Candidates for county surveyor, county coroner,  
309 justice court judge and constable, not to exceed Ten Dollars  
310 (\$10.00).

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

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

315 **SECTION 12.** The Attorney General of the State of Mississippi  
316 shall submit this act, immediately upon approval by the Governor,  
317 or upon approval by the Legislature subsequent to a veto, to the  
318 Attorney General of the United States or to the United States  
319 District Court for the District of Columbia in accordance with the  
320 provisions of the Voting Rights Act of 1965, as amended and  
321 extended.

322 **SECTION 13.** Sections 1 through 7 of this act shall take  
323 effect and be in force from and after July 1, 2007, or the date  
324 they are effectuated under Section 5 of the Voting Rights Act of  
325 1965, as amended and extended, whichever is later. Sections 8  
326 through 11 of this act shall take effect and be in force from and  
327 after January 1, 2008, or the date they are effectuated under  
328 Section 5 of the Voting Rights Act of 1965, as amended and  
329 extended, whichever is later.