

By: Representative Roberson

To: Ways and Means

HOUSE BILL NO. 1230

1 AN ACT TO AMEND SECTION 37-7-104.3, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE BONDING AUTHORITY OF THE SCHOOL BOARD FOR THE
3 STARKVILLE-OKTIBBEHA CONSOLIDATED SCHOOL DISTRICT UNTIL JULY 1,
4 2027; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-7-104.3, Mississippi Code of 1972, is
7 amended as follows:

8 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which
9 are located, as of January 1, 2013, two (2) school districts,
10 there shall be an administrative consolidation of all of those
11 school districts in the county into one (1) new countywide
12 municipal separate school district to be designated as
13 Starkville-Oktibbeha Consolidated School District which shall
14 consist of the territory of the former Oktibbeha County School
15 District and the Starkville School District, effective on July 1,
16 2015. Until June 30, 2015, preceding the effective date of the
17 required administrative consolidation of school districts in the
18 county, the Oktibbeha County School District shall remain in
19 conservatorship, under the authority and control of the



20 Mississippi Recovery School District of the State Department of
21 Education. At such time that the administrative consolidation
22 becomes effective, the central administrative office of the
23 Starkville-Oktibbeha Consolidated School District shall be located
24 in Starkville, Mississippi.

25 (2) (a) On or before July 1, 2014, the State Board of
26 Education shall serve the local school board of the Starkville
27 School District with notice and instructions regarding the
28 timetable for action to be taken to comply with the administrative
29 consolidation required in this section.

30 (b) In the new consolidated school district there shall
31 be a countywide municipal separate school district board of
32 trustees, which shall consist of the existing members of the Board
33 of Trustees of the Starkville School District. However, upon the
34 first occurrence of a vacancy on the board as a result of an
35 expired term of an appointed board member, that vacancy shall
36 become an elected position and shall be filled by the election of
37 a board member as follows: the 2016 expiring term board member
38 shall remain in office until January 1, 2017. In November 2016,
39 an election will be held for a board member who resides outside of
40 the incorporated municipal limits in the manner prescribed in
41 Section 37-7-203, and the elected board member will take office
42 for a five-year term beginning January 1, 2017. Subsequent board
43 members shall be selected in the manner prescribed in Section
44 37-7-203. The Board of Supervisors of Oktibbeha County shall



45 publish notice of the school board elections in some newspaper of
46 general circulation in the county for at least three (3)
47 consecutive weeks.

48 (c) Any school district affected by the required
49 administrative consolidation in the county that does not
50 voluntarily consolidate as ordered by the State Board of Education
51 shall be administratively consolidated by the State Board of
52 Education, to be effective immediately upon action of the State
53 Board of Education. The State Board of Education shall promptly
54 move on its own motion to administratively consolidate a school
55 district which does not voluntarily consolidate in order to enable
56 the affected school districts to reasonably accomplish the
57 resulting administrative consolidation into one (1) consolidated
58 school district by July 1 following the motion to consolidate.
59 The affected school districts shall comply with any consolidation
60 order issued by the State Board of Education.

61 (3) On July 1, 2015, following the motion of the State Board
62 of Education to consolidate school districts in Oktibbeha County,
63 the Oktibbeha County School District shall be abolished. All real
64 and personal property which is owned or titled in the name of the
65 school district located in such former school district shall be
66 transferred to the Starkville-Oktibbeha Consolidated School
67 District as of July 1, 2015. The Conservator of the Oktibbeha
68 County School District is authorized and directed to execute and
69 record all documents and conveyances necessary to convey title to



70 all real and personal property of the Oktibbeha County School
71 District to the Starkville-Oktibbeha Consolidated School District.
72 The conservator is further authorized and directed to sign all
73 documents and to take all actions necessary to assign contracts
74 and other property, contract rights and obligations of the
75 Oktibbeha County School District to the Starkville-Oktibbeha
76 Consolidated School District. The Board of Trustees of the
77 Starkville School District shall be responsible for establishing
78 the contracts for operations, teachers, principals, clerical and
79 administrative staff personnel for the 2015-2016 school year prior
80 to July 1, 2015, and shall consult with the conservator for the
81 establishment of contracts for teachers, principals, clerical and
82 administrative staff personnel located in the former Oktibbeha
83 County School District for the 2015-2016 school year. In order to
84 prepare for the efficient staffing of the Starkville-Oktibbeha
85 Consolidated School District, the Conservator of the Oktibbeha
86 County School District and the Superintendent of the Starkville
87 School District shall have full authority to nonrenew the
88 employment contract of any teacher, principal, clerical or
89 administrative staff located within their respective school
90 districts for the 2015-2016 school year. The superintendent and
91 assistant superintendent(s) of schools of the former Starkville
92 School District shall continue to serve in like administrative
93 capacities of the Starkville-Oktibbeha Consolidated School
94 District, but in no instance shall the administrative leadership



95 of the Starkville-Oktibbeha Consolidated School District exceed
96 three (3) assistant superintendents to be appointed by the
97 superintendent of the former Starkville School District. No
98 superintendent serving in the former Oktibbeha County School
99 District shall be eligible for appointment as a superintendent or
100 assistant superintendent in the Starkville-Oktibbeha Consolidated
101 School District. Likewise, no trustee serving in the former
102 Oktibbeha County School District shall be eligible for election to
103 the new Board of Trustees of the Starkville-Oktibbeha Consolidated
104 School District. It shall be the responsibility of the board of
105 trustees to prepare and approve the budget of the respective new
106 reorganized district, and the board of trustees may use staff from
107 the former school district to prepare the budget. Any transfer of
108 the assets, real or personal property of the Oktibbeha County
109 School District mandated by this section shall be final and
110 conclusive for the purposes of the transfer of property required
111 by this section to effectuate the administrative consolidation.

112 (4) Nothing in this section shall be construed to require
113 the closing of any school or school facility, unless the facility
114 is an unneeded administrative office located within a school
115 district which has been abolished under the provisions of this
116 section. All administrative consolidations under this section
117 shall be accomplished so as not to delay or in any manner
118 negatively affect the desegregation of another school district in
119 the county pursuant to court order.



120 (5) The State Board of Education shall promulgate rules and
121 regulations to facilitate the administrative consolidation of the
122 school districts in Oktibbeha County pursuant to the requirements
123 of this section. Beginning with the insurance cafeteria plan year
124 of November 1, 2014, the consolidated districts shall fall under
125 all insurance plans and policies elected by the Starkville Public
126 School District, including the group term life insurance described
127 in Section 25-15-9(7).

128 (6) For the initial three (3) years following the
129 administrative consolidation required by this section, the State
130 Department of Education shall grant a waiver of accountability and
131 state assessment requirements to the Starkville-Oktibbeha
132 Consolidated School District, subject to the approval of the State
133 Board of Education.

134 (7) As soon as practicable after March 31, 2015, the
135 Conservator of the Oktibbeha County School District shall initiate
136 the issuance of notes or certificates of indebtedness of the
137 Oktibbeha County School District for the purpose of purchasing
138 school buses, textbooks, computers and software and other
139 equipment and fixtures for school facilities, and for any purposes
140 enumerated in Section 37-59-3, Mississippi Code of 1972, and
141 making repairs, alterations, utility upgrades and additions to two
142 (2) elementary school buildings located in the Oktibbeha County
143 School District in order to meet the same physical and educational
144 standards as the elementary school buildings in Starkville, and to



145 contribute funds to the Starkville School District for capital
146 improvements to accommodate county school district students and
147 increase capacity for the consolidation. The contribution of such
148 funds to the Starkville School District is hereby authorized.
149 Said notes or certificates of indebtedness shall be issued under
150 the authority of Sections 37-59-101 through 37-59-115, Mississippi
151 Code of 1972, including all notice requirements, however, the
152 resolution as to the necessity for the issuance of the notes and
153 the execution of the documents shall be made by the Conservator of
154 the Oktibbeha County School District. The term of any notes or
155 certificates of indebtedness issued under this section may not
156 exceed the useful life of the financed project as determined
157 according to the upper limit of useful life and depreciation
158 guidelines established under the United States Internal Revenue
159 Code and regulations. The levying authority for the Oktibbeha
160 County School District, and after July 1, 2015, the levying
161 authority for the Starkville-Oktibbeha Consolidated School
162 District, shall annually levy a special tax on all taxable
163 property of the former Oktibbeha County School District, and after
164 July 1, 2015, on all taxable property of the Starkville-Oktibbeha
165 Consolidated School District, in an amount sufficient to pay the
166 principal of and interest on such negotiable notes or certificates
167 of indebtedness as the same shall respectively mature and accrue.
168 Said tax shall be levied as provided in Section 37-59-107,
169 Mississippi Code of 1972, except that the levy shall not exceed



170 three (3) mills on the dollar for the payment of all notes that
171 are subject to the levy under Section 37-59-107. Any notes or
172 certificates of indebtedness issued pursuant to this subsection
173 (7) shall become indebtedness of the new Starkville-Oktibbeha
174 Consolidated School District from and after July 1, 2015, and the
175 mandatory special ad valorem tax levied to pay the notes or
176 certificates of indebtedness by the levying authority pursuant to
177 Section 37-59-107, Mississippi Code of 1972, shall be levied upon
178 all of the taxable property within the Starkville-Oktibbeha
179 Consolidated School District.

180 (8) For a period beginning July 1, 2014, and ending June 30,
181 2015, the Conservator of the Oktibbeha County School District
182 shall issue negotiable bonds of the Oktibbeha County School
183 District for the purpose of purchasing school buses, textbooks,
184 computers and software and other equipment and fixtures for school
185 facilities, and making repairs, alterations and additions and
186 utility upgrades, and for any purposes allowed by Section 37-59-3,
187 Mississippi Code of 1972, to school facilities in the Oktibbeha
188 County School District and in the Starkville School District to
189 accommodate students in the former Oktibbeha County School
190 District who will be attending school in the new
191 Starkville-Oktibbeha Consolidated School District and the
192 increased capacity needs under the consolidation. Said bonds
193 shall be issued under the authority of Sections 37-59-1 through
194 37-59-45, however, any resolutions as to the necessity for the



195 issuance of any bonds and execution of the documents may be made
196 periodically by the Conservator of the Oktibbeha County School
197 District. Provided further, that the conservator shall publish
198 each resolution of necessity and intent to issue any bonds once
199 each week for at least three (3) consecutive weeks in a newspaper
200 having general circulation in the Oktibbeha County School
201 District, with the first publication thereof to be made not less
202 than fifteen (15) days prior to the date upon which the
203 conservator is to take final action upon the question of
204 authorizing the issuance of said bonds. If no petition requesting
205 an election is filed prior to the date and time of the meeting at
206 which the conservator is to take final action on the issuance of
207 said bonds, then the conservator shall authorize the issuance of
208 the bonds. If at any time prior to the date and time of the
209 meeting at which the conservator is to take final action upon the
210 question of issuing such bonds a petition signed by not less than
211 twenty percent (20%) of the qualified electors of the Oktibbeha
212 County School District shall be filed with the Conservator of the
213 Oktibbeha County School District requesting that an election be
214 called on the question of issuing the bonds, then the conservator
215 shall either rescind the applicable resolution of intent or adopt
216 a resolution calling an election to be held within the territory
217 of the Oktibbeha County School District upon such question. The
218 election shall be called and held, and notice thereof shall be
219 given, in the same manner for elections upon the question of bond



220 issues under Sections 37-59-11, 37-59-13, 37-59-15 and 37-59-17,
221 and the results thereof shall be certified by the Oktibbeha County
222 Election Commission to the Conservator of the Oktibbeha County
223 School District. If three-fifths (3/5) of the qualified electors
224 of the Oktibbeha County School District who voted in such election
225 vote in favor of the issuance of such bonds, then the conservator
226 shall authorize the Oktibbeha County School District to issue such
227 bonds. Notwithstanding any provision to the contrary, the
228 Oktibbeha County School District may issue bonds pursuant to this
229 subsection (8) in an amount which, when added to all of the
230 Oktibbeha County School District's then outstanding bonded
231 indebtedness, shall not result in the imposition on any of the
232 property in said district of an indebtedness for school purposes
233 of more than twenty percent (20%) of the assessed value of the
234 taxable property within said district, according to the then last
235 completed assessment for taxation. Any bonds issued pursuant to
236 this subsection (8) shall become indebtedness of the new
237 Starkville-Oktibbeha Consolidated School District from and after
238 July 1, 2015, and the mandatory special ad valorem tax to be
239 levied by the levying authority pursuant to Section 37-59-23,
240 Mississippi Code of 1972, to pay the bonds shall be levied upon
241 all taxable property within the Starkville-Oktibbeha Consolidated
242 School District.

243 (9) For a period beginning July 1, 2015, and ending July 1,
244 * * *2027, the new Starkville-Oktibbeha Consolidated School



245 District Board of Trustees may periodically issue negotiable bonds
246 in one or more series of the Starkville-Oktibbeha Consolidated
247 School District for the purpose of purchasing school buses,
248 textbooks, computers and software and other equipment and fixtures
249 for school facilities and for any purposes enumerated in Section
250 37-59-3, Mississippi Code of 1972. The term of any such bonds may
251 not exceed the useful life of the financed project as determined
252 according to the upper limit of useful life and depreciation
253 guidelines established under the United States Internal Revenue
254 Code and regulations. Said bonds shall be issued under the
255 authority of Sections 37-59-1 through 37-59-45, including all
256 notice and publication requirements, however, the necessity for
257 the issuance of the bonds shall be made pursuant to a reverse
258 referendum procedure to be followed by the Starkville-Oktibbeha
259 Consolidated School District Board of Trustees as follows: the
260 board of trustees shall publish each resolution of necessity and
261 intent to issue bonds once each week for at least three (3)
262 consecutive weeks in a newspaper having general circulation in the
263 Starkville-Oktibbeha Consolidated School District, with the first
264 publication thereof to be made not less than fifteen (15) days
265 prior to the date on which the board of trustees is to take final
266 action authorizing the issuance of the bonds. If no petition
267 requesting an election is filed prior to the date and time of the
268 meeting at which the board of trustees is to take final action on
269 the issuance of the bonds, the board of trustees shall authorize



270 the issuance of the bonds. If at any time prior to the date and
271 time of the meeting at which the board of trustees is to take
272 final action authorizing the issuance of the bonds a petition
273 signed by not less than twenty percent (20%) of the qualified
274 electors of the Starkville-Oktibbeha Consolidated School District
275 shall be filed with the Board of Trustees of the
276 Starkville-Oktibbeha Consolidated School District requesting that
277 an election be called on the question of issuing the bonds, then
278 the board of trustees shall, not later than its next regular
279 meeting, adopt a resolution calling an election to be held within
280 the Starkville-Oktibbeha Consolidated School District upon such
281 question. The election shall be called and held, and notice
282 thereof shall be given, in the same manner for elections upon the
283 question of bond issues under Sections 37-59-11, 37-59-13,
284 37-59-15 and 37-59-17, and the results thereof shall be certified
285 to the Starkville-Oktibbeha Consolidated School District Board of
286 Trustees, as the case may be. If three-fifths (3/5) of the
287 qualified electors of the Starkville-Oktibbeha Consolidated School
288 District who voted in such election vote in favor of the issuance
289 of such bonds, then the board of trustees shall issue such bonds.
290 Notwithstanding any provision to the contrary, the
291 Starkville-Oktibbeha Consolidated School District may issue bonds
292 pursuant to this subsection (9) in an amount which, when added to
293 all of the Starkville-Oktibbeha Consolidated School District's
294 then outstanding bonded indebtedness, shall not result in the



295 imposition on any of the property in said district of an
296 indebtedness for school purposes of more than twenty percent (20%)
297 of the assessed value of the taxable property within said
298 district, according to the then last completed assessment for
299 taxation. Any bonds issued pursuant to this subsection (9) shall
300 be indebtedness of the new Starkville-Oktibbeha Consolidated
301 School District. The mandatory special ad valorem tax to be
302 levied by the levying authority pursuant to Section 37-59-23,
303 Mississippi Code of 1972, shall be levied on all taxable property
304 of the Starkville-Oktibbeha Consolidated School District.

305 (10) Notwithstanding any law or any provision of any law to
306 the contrary, from and after July 1, 2015, all outstanding debt of
307 the former Oktibbeha County School District and the former
308 Starkville School District shall be assumed by and become the debt
309 of the new Starkville-Oktibbeha Consolidated School District. Any
310 debt assumed by the Starkville-Oktibbeha Consolidated School
311 District secured by a special ad valorem tax shall become secured
312 by and payable from a mandatory, special ad valorem tax which
313 shall be levied on all taxable property in the
314 Starkville-Oktibbeha Consolidated School District by the levying
315 authority of the Starkville-Oktibbeha Consolidated School
316 District. All debt secured by a pledge by either district of its
317 education enhancement funds pursuant to Section 37-61-33,
318 Mississippi Code of 1972, or by a pledge of its Mississippi
319 Adequate Education Program funds will continue to be secured by



320 and payable from the same funds after the debt is assumed by the
321 Starkville-Oktibbeha Consolidated School District as of July 1,
322 2015. It is the intent of the Legislature that any such pledges
323 will remain in effect and that the pledged funds will be available
324 to the Starkville-Oktibbeha Consolidated School District to pay
325 its debt to which the funds are pledged.

326 (11) It shall be the responsibility of the Board of
327 Supervisors of Oktibbeha County to provide office, furnishing and
328 utilities for the administrative Office of the Superintendent of
329 the Starkville-Oktibbeha Consolidated School District.

330 (12) The new Starkville-Oktibbeha Consolidated School
331 District is authorized and encouraged to develop a partnership
332 with Mississippi State University to create a model rural
333 education school to serve all sixth- and seventh-grade students
334 from Oktibbeha County and a model prekindergarten program which
335 shall also serve as a model for the education of teachers and
336 administrators. The Starkville-Oktibbeha Consolidated School
337 District and Mississippi State University are authorized and
338 empowered, in each's discretion, to enter into an agreement for
339 the purpose of designing, constructing, maintaining and operating
340 a model rural education school to serve all sixth- and
341 seventh-grade students from Oktibbeha County. The
342 Starkville-Oktibbeha Consolidated School District and Mississippi
343 State University are further authorized and empowered, in each's
344 discretion, to transfer funds to the other and expend such funds



345 on mutually agreeable terms and conditions for the construction,
346 maintenance and operation of such school.

347 (13) The Board of Supervisors of Oktibbeha County shall be
348 the "levying authority" for the Starkville-Oktibbeha Consolidated
349 School District.

350 **SECTION 2.** This act shall take effect and be in force from
351 and after July 1, 2024.

