

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.

