

By: Representative Myers

To: Education;
Municipalities

HOUSE BILL NO. 605

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IN THE EVENT THE ADDED TERRITORY OF A MUNICIPAL
3 SEPARATE SCHOOL DISTRICT FURNISHES FIFTEEN PERCENT (15%) OR MORE
4 OF THE PUPILS ENROLLED IN THE SCHOOLS OF SUCH DISTRICT, THEN NOT
5 MORE THAN ONE (1) MEMBER OF THE BOARD OF TRUSTEES OF SUCH SCHOOL
6 DISTRICT SHALL BE A RESIDENT OF THE ADDED TERRITORY OUTSIDE THE
7 CORPORATE LIMITS; AND FOR RELATED PURPOSES.

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

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

11 37-7-203. (1) The boards of trustees of all municipal
12 separate school districts created under the provisions of Article
13 1 of this chapter, either with or without added territory, shall
14 consist of five (5) members, each to be chosen for a term of five
15 (5) years, but so chosen that the term of office of one (1) member
16 shall expire each year. In the event the added territory of a
17 municipal separate school district furnishes fifteen percent (15%)
18 or more of the pupils enrolled in the schools of such district,
19 then not more than one (1) member of the board of trustees of such
20 school district shall be a resident of the added territory outside
21 the corporate limits. In the event the added territory of a
22 municipal separate school district furnishes thirty percent (30%)
23 or more of the pupils enrolled in the schools of such district,
24 then not more than two (2) members of the board of trustees of
25 such school district shall be residents of the added territory
26 outside the corporate limits. In the event the added territory of
27 a municipal separate school district in a county in which
28 Mississippi Highways 8 and 15 intersect furnishes thirty percent
29 (30%) or more of the pupils enrolled in the schools of such

30 district, then the five (5) members of the board of trustees of
31 such school district shall be elected at large from such school
32 district for a term of five (5) years each except that the two (2)
33 elected trustees presently serving on such board shall continue to
34 serve for their respective terms of office. The three (3)
35 appointed trustees presently serving on such board shall continue
36 to serve until their successors are elected in March of 1975 in
37 the manner provided for in Section 37-7-215. At such election,
38 one (1) trustee shall be elected for a term of two (2) years, one
39 (1) for a term of three (3) years and one (1) for a term of five
40 (5) years. Subsequent terms for each successor trustee shall be
41 for five (5) years. In the event one (1) of two (2) municipal
42 separate school districts located in any county with two (2)
43 judicial districts, District 1 being comprised of Supervisors
44 Districts 1, 2, 4 and 5, and District 2 being comprised of
45 Supervisors District 3, with added territory embraces three (3)
46 full supervisors districts of a county, one (1) trustee shall be
47 elected from each of the three (3) supervisors districts outside
48 the corporate limits of the municipality. In the further event
49 that the territory of a municipal separate school district located
50 in any county with two (2) judicial districts, District 1 being
51 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
52 being comprised of Supervisors District 3, with added territory
53 embraces four (4) full supervisors districts in the county, and in
54 any county in which a municipal separate school district embraces
55 the entire county in which Highways 14 and 15 intersect, one (1)
56 trustee shall be elected from each supervisors district.

57 Except as otherwise provided herein, the trustees of such a
58 municipal separate school district shall be elected by a majority
59 of the governing authorities of the municipality at the first
60 meeting of the governing authorities held in the month of February
61 of each year, and the term of office of the member so elected
62 shall commence on the first Saturday of March following. In the

63 case of a member of said board of trustees who is required to come
64 from the added territory outside the corporate limits as is above
65 provided, such member of the board of trustees shall be elected by
66 the qualified electors of the school district residing in such
67 added territory outside the corporate limits at the same time and
68 in the same manner as is otherwise provided in this article for
69 the election of trustees of school districts other than municipal
70 separate school districts.

71 In the event that a portion of a county school district is
72 reconstituted, in the manner provided by law, into a municipal
73 separate school district with added territory and in the event
74 that the trustees to be elected from the added territory are
75 requested to be elected from separate election districts within
76 the added territory, instead of elected at large, by the Attorney
77 General of the United States as a result of and pursuant to
78 preclearance under Section 5 of the Voting Rights Act of 1965 as
79 amended and extended, and in the event the added territory of a
80 municipal separate school district of a municipality furnishes
81 thirty percent (30%) or more of the pupils enrolled in the schools
82 of such district, then two (2) members of the board of trustees
83 shall be residents of the added territory outside the corporate
84 limits of such municipality and shall be elected from special
85 trustee election districts by the qualified electors thereof as
86 herein provided. The board of trustees of the school district
87 shall apportion the added territory into two (2) special trustee
88 election districts as nearly as possible according to population
89 and other factors heretofore pronounced by the courts. The board
90 of trustees of the school district shall thereafter publish the
91 same in a newspaper of general circulation within said school
92 district for at least two (2) consecutive weeks; and after having
93 given notice of publication and recording the same upon the
94 minutes of the board of trustees of the school district, said new
95 district lines shall thereafter be effective. Any person elected

96 from the new trustee election districts constituted herein shall
97 be elected in the manner provided for in Section 37-7-215 for a
98 term of five (5) years. Any vacancy in the office of a trustee
99 elected from such trustee election district, whether occasioned by
100 redistricting or by other cause, shall be filled by appointment of
101 the governing authorities of the municipality, provided that the
102 person so appointed shall serve only until the first Saturday of
103 March following his appointment, at which time a person shall be
104 elected for the remainder of the unexpired term in the manner
105 provided in Section 37-7-215.

106 In any county organizing a countywide municipal separate
107 school district after January 1, 1965, the trustees thereof to be
108 elected from outside the municipality, such trustees shall be
109 elected by the board of supervisors of such county, and the
110 superintendent of such school district shall have authority to pay
111 out and distribute the funds of said district. In the event a
112 municipal separate school district should occupy territory in a
113 county other than that in which the municipality is located and
114 fifteen percent (15%) or more of the pupils enrolled in the
115 schools of such district shall come from the territory of the
116 district in the county other than that in which the municipality
117 is located, the territory of such county in which the municipality
118 is not located shall be entitled to one (1) member on the board of
119 trustees of such school district. Said trustee shall be a
120 resident of the territory of that part of the district lying in
121 the county in which the municipality is not located and shall be
122 elected by the qualified electors of the territory of such county
123 at the same time and in the same manner as is provided for the
124 election of trustees of school districts other than municipal
125 separate school districts having territory in two (2) or more
126 counties.

127 All vacancies shall be filled for the unexpired terms by
128 appointment of the governing authorities of the municipality;

129 except that in the case of the trustees coming from the added
130 territory outside the corporate limits, the person so appointed
131 shall serve only until the first Saturday of March following his
132 appointment, at which time a person shall be elected for the
133 remainder of the unexpired term in the manner otherwise provided
134 herein.

135 No person who is a member of such governing body, or who is
136 an employee of the municipality, or who is a member of the county
137 board of education, or who is a trustee of any public, private or
138 sectarian school or college located in the county, inclusive of
139 the municipal separate school district, or who is a teacher in or
140 a trustee of said school district, shall be eligible for
141 appointment to said board of trustees.

142 (2) In counties of less than fifteen thousand (15,000)
143 people having a municipal separate school district with added
144 territory which embraces all the territory of a county, one (1) or
145 more trustees of such district shall be nominated from each
146 supervisors district upon petition of fifty (50) qualified
147 electors of said district, or twenty percent (20%) of the
148 qualified electors of such district, whichever number shall be
149 smaller, and shall be elected by a plurality of the vote of the
150 qualified electors of said county. One (1) trustee so elected
151 shall reside in each supervisors district of the county. In such
152 counties embraced entirely by a municipal separate school district
153 there shall be no county board of education after the formation of
154 such district and the county superintendent of education shall act
155 as superintendent of schools of said district and shall be
156 appointed by the board of trustees of said district, and the
157 provisions of subsection (1) of this section and the first
158 paragraph of Section 37-7-211 shall not apply to such districts.

159 **SECTION 2.** This act shall take effect and be in force from
160 and after July 1, 2005.