

By: Senator(s) Hewes

To: Education

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2713

1 AN ACT TO REQUIRE A REFERENDUM ON THE QUESTION OF THE  
2 ADMINISTRATIVE CONSOLIDATION OF THE EXISTING PUBLIC SCHOOL  
3 DISTRICTS IN CERTAIN COUNTIES BORDERING THE MISSISSIPPI GULF COAST  
4 INTO ONE COUNTYWIDE SCHOOL DISTRICT; TO PROVIDE THAT ALL SCHOOL  
5 DISTRICTS IN SUCH COUNTY SHALL BE ABOLISHED AND MERGED INTO A  
6 COUNTYWIDE SCHOOL DISTRICT WITH ONE NEWLY ELECTED COUNTY BOARD OF  
7 EDUCATION AND ONE APPOINTED COUNTY SUPERINTENDENT OF EDUCATION IN  
8 THE EVENT THE REFERENDUM IS APPROVED; TO REQUIRE ALL SUCH SCHOOL  
9 DISTRICTS TO COMPLY WITH ADMINISTRATIVE CONSOLIDATION ORDERS  
10 ISSUED BY THE SUCCESSOR COUNTY BOARD OF EDUCATION AND THE STATE  
11 BOARD OF EDUCATION IN SUCH COUNTIES; TO PROVIDE FOR THE TRANSFER  
12 OF REAL AND PERSONAL PROPERTY OF AFFECTED SCHOOL DISTRICTS; TO  
13 PROVIDE FOR EMPLOYEE CONTRACTS IN SCHOOL DISTRICTS SUBJECT TO SUCH  
14 ADMINISTRATIVE CONSOLIDATION; TO PROVIDE FOR THE DUTY TO PAY THE  
15 OUTSTANDING DEBT OF SCHOOL DISTRICTS AFFECTED BY SUCH  
16 CONSOLIDATION; TO PROVIDE THAT SUCH ADMINISTRATIVE CONSOLIDATION  
17 SHALL NOT REQUIRE THE CLOSING OF ANY SCHOOL OR FACILITY EXCEPT FOR  
18 ABOLISHED ADMINISTRATIVE OFFICES; TO REQUIRE THE CONTINUED FUNDING  
19 OF THE INSTRUCTIONAL PROGRAMS FROM LOCAL AD VALOREM AND GAMING  
20 SOURCES IN THE ABOLISHED DISTRICTS IN SUCH COUNTIES AT THE SAME  
21 LEVEL AS PRIOR TO THE REQUIRED CONSOLIDATION; TO PROVIDE FOR THE  
22 RULEMAKING AUTHORITY OF THE STATE BOARD OF EDUCATION REGARDING  
23 SUCH CONSOLIDATION AND THE SUBMISSION OF THE REORGANIZATION TO THE  
24 UNITED STATES JUSTICE DEPARTMENT; TO AMEND SECTION 37-7-103,  
25 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
26 37-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE NEW ELECTION  
27 OF MEMBERS OF THE COUNTY BOARD OF EDUCATION IN THE NOVEMBER  
28 ELECTION FOLLOWING THE PASSAGE OF THE REFERENDUM; TO AMEND SECTION  
29 37-5-67, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN APPOINTED  
30 COUNTY SUPERINTENDENT OF EDUCATION IN SUCH ADMINISTRATIVELY  
31 CONSOLIDATED COUNTY; TO AMEND SECTION 37-15-13, MISSISSIPPI CODE  
32 OF 1972, TO PROVIDE THAT NO CHANGE IN THE ATTENDANCE ZONE OF ANY  
33 SCHOOL DISTRICT SHALL BE MADE BY A NEWLY ELECTED COUNTY BOARD OF  
34 EDUCATION WHICH SUCCEEDS TO THE TERRITORY OF A SCHOOL DISTRICT  
35 WHICH IS ADMINISTRATIVELY CONSOLIDATED; TO AMEND SECTION  
36 37-57-105, 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.** (1) **Referendum.** In any Mississippi county  
40 bordering the Gulf of Mexico having a population in excess of one  
41 hundred eighty-nine thousand (189,000) according to the latest  
42 federal decennial census, in which is located a countywide school  
43 district and at least four (4) municipal separate school  
44 districts, there shall be held a referendum on the question of the

45 administrative consolidation of all of the school districts in the  
46 county into a single countywide school district with one (1)  
47 administrative unit and one (1) school board, that is not required  
48 to close school facilities. The date of the referendum shall be  
49 on the first Tuesday after the first Monday in November 2005.  
50 Notice of such referendum shall be published by the board of  
51 supervisors of such county once each week for at least three (3)  
52 consecutive weeks in a newspaper published or having a general  
53 circulation in the county, with the first publication of such  
54 notice to be made not less than twenty-one (21) days before the  
55 date fixed for the referendum and the last publication to be made  
56 not more than seven (7) days before the referendum. At the  
57 referendum, all qualified electors of such county may vote, and  
58 the ballots used in such referendum shall have printed thereon the  
59 words "FOR THE ADMINISTRATIVE CONSOLIDATION OF ALL SCHOOL  
60 DISTRICTS IN \_\_\_\_\_ COUNTY INTO ONE (1) COUNTYWIDE SCHOOL  
61 DISTRICT", and, on a separate line, "AGAINST THE ADMINISTRATIVE  
62 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN \_\_\_\_\_ COUNTY  
63 INTO ONE (1) COUNTYWIDE SCHOOL DISTRICT", and the voters shall  
64 vote by placing a cross (X) or check (✓) opposite their choice on  
65 the proposition. When the results of any such referendum shall  
66 have been canvassed by the county election commission and  
67 certified, the school districts in the county shall be  
68 administratively consolidated under the procedures specified in  
69 subsection (3) of this section, only if a majority of the  
70 qualified electors who vote in the election vote in favor of the  
71 proposition. In the event that a majority of the qualified  
72 electors who vote at the referendum vote in opposition to the  
73 proposition, a subsequent referendum on the issue of  
74 administrative consolidation shall be held within two (2) years  
75 from the date of the first referendum on a date to be established  
76 by the board of supervisors of such county. If the proposition is  
77 denied at the second referendum, no further referendum may be held

78 on the question for a period of five (5) years. No public funds  
79 shall be used for the purpose of promoting the adoption of the  
80 referendum.

81 (2) **Definitions.** As used in this section:

82 (a) "Administrative annexation" means the joining of an  
83 affected school district or a part of the school district with a  
84 receiving district;

85 (b) "Administrative consolidation" means the joining of  
86 two (2) or more school districts to create a new single countywide  
87 school district with one (1) administrative unit pursuant to  
88 referendum, and one (1) school board that is not required to close  
89 school facilities;

90 (c) "Affected district" means a school district that  
91 loses territory or students as a result of administrative  
92 annexation or consolidation;

93 (d) "Resulting district" means the new countywide  
94 school district created from an affected district or districts as  
95 a result of administrative consolidation required pursuant to  
96 referendum.

97 (3) **Administrative consolidation.**

98 (a) There shall be an administrative consolidation of  
99 all school districts located in the county affected by the  
100 referendum required under subsection (1) if a majority of the  
101 qualified electors who vote in the election vote in favor of the  
102 proposition, as provided in this subsection (3). There shall be a  
103 new county board of education elected in the November general or  
104 special elections following the date of the referendum, which  
105 shall be elected as provided in Section 37-5-7, Mississippi Code  
106 of 1972. The new county board of education shall provide for the  
107 administrative consolidation of all school districts in the county  
108 into one (1) countywide school district embracing the entire  
109 county on or before July 1 next following the November election.  
110 Any school district affected by the required administrative

111 consolidation that does not voluntarily consolidate with the  
112 countywide school district shall be administratively consolidated  
113 by the State Board of Education with the countywide school  
114 district in which such district is located, to be effective on  
115 July 1 following the election of the new county board of  
116 education. The State Board of Education shall promptly move on  
117 its own motion to administratively consolidate a school district  
118 which does not voluntarily consolidate in order to enable the  
119 affected school districts to reasonably accomplish the resulting  
120 administrative consolidation into one (1) countywide school  
121 district by July 1 following the election of the new county board  
122 of education. All affected school districts shall comply with any  
123 consolidation order issued by the county board of education or the  
124 State Board of Education, as the case may be, on or before July 1  
125 following the election of the new county board of education.

126 (b) On July 1 following the election of the new county  
127 board of education, the former county board of education, the  
128 board of trustees of any municipal separate, special municipal  
129 separate, consolidated or line consolidated school district  
130 located in such county shall be abolished. All real and personal  
131 property which is owned or titled in the name of a school district  
132 located in such county shall be transferred to the countywide  
133 school district of the county in which such school district is  
134 located. Each affected school board shall be responsible for  
135 establishing the contracts for teachers and principals for the  
136 next school year following the required administrative  
137 consolidation with the consultation of the newly elected successor  
138 county board of education. The selection of the appointed county  
139 superintendent of education and the assistant superintendent of  
140 education in the central administration office of the successor  
141 countywide school district shall be the responsibility of the  
142 successor county board of education. No such administratively  
143 consolidated countywide school district shall have more than three

144 (3) assistant county superintendents of education. It shall be  
145 the responsibility of the successor county board of education to  
146 prepare and approve the budget of the new countywide district, and  
147 the county board of education may use staff from the former school  
148 districts to prepare the budget. Any proposed order of the  
149 successor county board of education directing the transfer of the  
150 assets, real or personal property of an affected school district  
151 in the county, shall be submitted and approved by the State Board  
152 of Education. The finding of the State Board of Education shall  
153 be final and conclusive for the purposes of the transfer of  
154 property required by such administrative consolidation. Any  
155 person or school district aggrieved by an order of the successor  
156 county school board of education pursuant to the required  
157 administrative consolidation may appeal therefrom to the State  
158 Board of Education within ten (10) days from the date of the  
159 adjournment of the meeting at which such order is entered. Such  
160 appeal shall be de novo, and the finding of the State Board of  
161 Education upon such question shall be final and conclusive for the  
162 purpose of the approval or disapproval of the action by said  
163 county board of education.

164 (c) When any school district in such county is  
165 abolished under the provisions of this section, the abolition  
166 thereof shall not impair or release the property of such former  
167 school district from liability for the payment of the bonds or  
168 other indebtedness of such district and it shall be the duty of  
169 the board of supervisors of said county to levy taxes on the  
170 property of said district so abolished from year to year according  
171 to the terms of such indebtedness until same shall be fully paid.

172 (d) In the administratively consolidated countywide  
173 school district created under this section, the ad valorem tax  
174 rate shall be determined as set forth under Section 37-57-1 et  
175 seq. When any school district in such county is abolished under  
176 the provisions of this section, the successor county board of

177 education and the levying authority for the county shall levy a  
178 local ad valorem tax effort in dollars pursuant to the authority  
179 of Sections 37-57-1 et seq., which shall be sufficient to produce  
180 no less than the same amount provided by the abolished school  
181 districts in the county to the schools in such former districts  
182 for instructional purposes in the school year prior to such  
183 consolidation. Monies from gross revenue fee and license tax  
184 collections on legal gaming activities, which are allocated by  
185 local and private law to the schools located within school  
186 districts in the county which have been abolished under the  
187 provisions of this section, shall continue to receive the same  
188 allocations of funds according to the provisions of said local and  
189 private laws.

190           (e) Nothing in this section shall be construed to  
191 require the closing of any school or school facility, unless such  
192 facility is an unneeded administrative office located within a  
193 school district which has been abolished under the provisions of  
194 this section. All administrative consolidations under this  
195 section shall be accomplished so as not to delay or in any manner  
196 negatively affect the desegregation of another school district in  
197 the county pursuant to court order. Individual schools and  
198 attendance centers in operation and located within a school  
199 district which has been abolished under the provisions of this  
200 section may continue to operate under the same name for a period  
201 of ten (10) years following such administrative consolidation, but  
202 may be merged or consolidated with other school facilities in the  
203 discretion of the successor county board of education pursuant to  
204 law following such ten-year period.

205           (f) The State Board of Education shall promulgate rules  
206 and regulations to facilitate the administrative consolidation of  
207 the school districts in a county pursuant to this section. When  
208 the orders of the successor county board of education adopting the  
209 boundaries of the successor countywide school district have been

210 entered and are final, as approved by the State Board of  
211 Education, the new district lines shall be submitted by the State  
212 Board of Education with the assistance of the Attorney General to  
213 the Attorney General of the United States for preclearance or to  
214 the United States District Court for the District of Columbia for  
215 a declaratory judgment in accordance with the provisions of the  
216 Voting Rights Act of 1965, as amended and extended. In the event  
217 the change in the school district lines are precleared or  
218 approved, the State Board of Education shall formally declare the  
219 new lines as the new boundaries of the consolidated countywide  
220 school district.

221 **SECTION 2.** Section 37-7-103, Mississippi Code of 1972, is  
222 amended as follows:

223 37-7-103. From and after July 1, 1987, the school board of  
224 any school district shall have full jurisdiction, power and  
225 authority, at any regular meeting thereof or at any special  
226 meeting called for that purpose, to abolish such existing  
227 district, or to reorganize, change or alter the boundaries of any  
228 such district. In addition thereto, with the consent of the  
229 school board of the school district involved, the school board may  
230 add to such school district any part of the school district  
231 adjoining same, and with the consent of the school board of the  
232 school district involved, may detach territory from such school  
233 district and annex same to an adjoining district. Provided,  
234 however, that in any county having a referendum on the question of  
235 the administrative consolidation of the existing public school  
236 districts in the county into one (1) countywide school district as  
237 provided in Senate Bill No. 2713, 2005 Regular Session, the  
238 reorganization of such school districts shall follow the  
239 procedures specified in Section 1 thereof.

240 **SECTION 3.** Section 37-5-7, Mississippi Code of 1972, is  
241 amended as follows:

242           37-5-7. (1) On the first Tuesday after the first Monday in  
243 May 1954, an election shall be held in each county in this state  
244 in the same manner as general state and county elections are held  
245 and conducted, which election shall be held for the purpose of  
246 electing the county boards of education established under the  
247 provisions of this chapter. At such election, the members of the  
248 said board from Supervisors Districts One and Two shall be elected  
249 for the term expiring on the first Monday of January 1957; members  
250 of the board from Supervisors Districts Three and Four shall be  
251 elected for a term expiring on the first Monday of January 1959;  
252 and the member of the board from Supervisors District Five shall  
253 be elected for a term expiring on the first Monday of January  
254 1955. Except as otherwise provided in subsection (2), all  
255 subsequent members of the board shall be elected for a term of six  
256 (6) years at the regular general election held on the first Monday  
257 in November next preceding the expiration of the term of office of  
258 the respective member or members of such board. All members of  
259 the county board of education as herein constituted, shall take  
260 office on the first Monday of January following the date of their  
261 election.

262           (2) On the first Tuesday after the first Monday in November,  
263 in any year in which any county shall elect to utilize the  
264 authority contained in Section 37-5-1(2), an election shall be  
265 held in each such county in this state for the purpose of electing  
266 the county boards of education in such counties. At said election  
267 the members of the said county board of education from Districts  
268 One and Two shall be elected for a term of four (4) years, the  
269 members from Districts Three and Four shall be elected for a term  
270 of six (6) years, and the member from District Five shall be  
271 elected for a term of (2) years. Thereafter, members shall be  
272 elected at general elections as vacancies occur for terms of six  
273 (6) years each. All members of the county board of education



274 shall take office on the first Monday of January following the  
275 date of their election.

276 (3) Provided, however, that if a majority of the qualified  
277 electors vote in favor of the administrative consolidation of all  
278 school districts located in the county affected in Section 1 of  
279 Senate Bill No. 2713, 2005 Regular Session, there shall be a new  
280 county board of education elected in the November general or  
281 special election following the date of the referendum. The new  
282 county board of education shall be elected in the manner provided  
283 in Section 37-5-1 et seq., and shall be elected for terms of  
284 office consistent with the provisions of this section.

285 **SECTION 4.** Section 37-5-67, Mississippi Code of 1972, is  
286 amended as follows:

287 37-5-67. The county superintendent of education shall be  
288 appointed by the county board of education:

289 (a) In any county of the first class lying wholly  
290 within a levee district and within which there is situated a city  
291 of more than forty thousand (40,000) population according to the  
292 last federal decennial census;

293 (b) In any county bordering on the Gulf of Mexico or  
294 Mississippi Sound, having therein a test facility operated by the  
295 National Aeronautics and Space Administration;

296 (c) In any county bordering on the Alabama state line,  
297 traversed by the Tombigbee River, and in which is situated a  
298 senior institution of higher learning;

299 (d) In any county of the second class wherein  
300 Interstate Highway 55 and State Highway 22 intersect and which is  
301 also traversed in whole or in part by U.S. Highways 49 and 51, and  
302 State Highways 16, 17 and 43 and the Natchez Trace;

303 (e) In any Class 4 county having population in excess  
304 of twenty-five thousand (25,000) according to the 1960 federal  
305 census, traversed by U.S. Highway 55 and wherein State Highways 12  
306 and 17 intersect;

307 (f) In any county created after 1916 through which the  
308 Yazoo River flows;

309 (g) In any Class 4 county having a land area of six  
310 hundred ninety-five (695) square miles, bordering on the State of  
311 Alabama, wherein the Treaty of Dancing Rabbit was signed and  
312 wherein U.S. Highway 45 and State Highway 14 intersect;

313 (h) In any county bordering on the Mississippi River  
314 wherein lies the campus of a land-grant institution or lands  
315 contiguous thereto owned by the institution;

316 (i) In any county lying within the Yazoo-Mississippi  
317 Delta Levee District, bordering upon the Mississippi River, and  
318 having a county seat with a population in excess of twenty-one  
319 thousand (21,000) according to the federal census of 1960;

320 (j) In any Class 3 county wherein is partially located  
321 a national forest and wherein U.S. Highway 51 and State Highway 28  
322 intersect, with a 1960 federal census of twenty-seven thousand  
323 fifty-one (27,051) and a 1963 assessed valuation of Sixteen  
324 Million Six Hundred Ninety-two Thousand Three Hundred Four Dollars  
325 (\$16,692,304.00); \* \* \*

326 (k) In any Class 1 county wherein U.S. Highway 49 and  
327 State Highway 16 intersect, having a land area in excess of nine  
328 hundred thirty (930) square miles; and

329 (l) In any county wherein the electors have voted in  
330 favor of an administrative consolidation of all school districts  
331 located in the county into one (1) countywide school district  
332 pursuant to the referendum required in Section 1 of Senate Bill  
333 No. 2713, 2005 Regular Session.

334 **SECTION 5.** Section 37-15-13, Mississippi Code of 1972, is  
335 amended as follows:

336 37-15-13. When any child qualified under the requirements of  
337 Section 37-15-9 shall apply or present himself for enrollment in  
338 or admission to the public schools of any school district of this  
339 state, the school board of such school district shall have the

340 power and authority to designate the particular school or  
341 attendance center of the district in which such child shall be  
342 enrolled and which he shall attend; no enrollment of a child in a  
343 school shall be final or permanent until such designation shall be  
344 made by said school board. No child shall be entitled to attend  
345 any school or attendance center except that to which he has been  
346 assigned by the school board; however, the principal of a school  
347 or superintendent of the district may, in proper cases, permit a  
348 child to attend a school temporarily until a permanent assignment  
349 is made by the school board. Provided, that no change in the  
350 attendance zone of any school district shall be made by a newly  
351 elected county board of education which succeeds to the territory  
352 of a school district which is administratively consolidated under  
353 the requirements of Section 1 of Senate Bill No. 2713, 2005  
354 Regular Session.

355       **SECTION 6.** Section 37-57-105, Mississippi Code of 1972, is  
356 amended as follows:

357       37-57-105. (1) In addition to the taxes levied under  
358 Section 37-57-1, the levying authority for the school district, as  
359 defined in Section 37-57-1, upon receipt of a certified copy of an  
360 order adopted by the school board of the school district  
361 requesting an ad valorem tax effort in dollars for the support of  
362 the school district, shall, at the same time and in the same  
363 manner as other ad valorem taxes are levied, levy an annual ad  
364 valorem tax in the amount fixed in such order upon all of the  
365 taxable property of such school district, which shall not be less  
366 than the millage rate certified by the State Board of Education as  
367 the uniform minimum school district ad valorem tax levy for the  
368 support of the adequate education program in such school district  
369 under Section 37-57-1. Provided, however, that any school  
370 district levying less than the uniform minimum school district ad  
371 valorem tax levy on July 1, 1997, shall only be required to  
372 increase its local district maintenance levy in four (4) mill

373 annual increments in order to attain such millage requirements.  
374 In making such levy, the levying authority shall levy an  
375 additional amount sufficient to cover anticipated delinquencies  
376 and costs of collection so that the net amount of money to be  
377 produced by such levy shall be equal to the amount which is  
378 requested by said school board. The proceeds of such tax levy,  
379 excluding levies for the payment of the principal of and interest  
380 on school bonds or notes and excluding levies for costs of  
381 collection, shall be placed in the school depository to the credit  
382 of the school district and shall be expended in the manner  
383 provided by law for the purpose of supplementing teachers'  
384 salaries, extending school terms, purchasing furniture, supplies  
385 and materials, and for all other lawful operating and incidental  
386 expenses of such school district, funds for which are not provided  
387 by adequate education program fund allotments.

388 The monies authorized to be received by school districts from  
389 the School Ad Valorem Tax Reduction Fund pursuant to Section  
390 37-61-35 shall be included as ad valorem tax receipts. The  
391 levying authority for the school district, as defined in Section  
392 37-57-1, shall reduce the ad valorem tax levy for such school  
393 district in an amount equal to the amount distributed to such  
394 school district from the School Ad Valorem Tax Reduction Fund each  
395 calendar year pursuant to said Section 37-61-35. Such reduction  
396 shall not be less than the millage rate necessary to generate a  
397 reduction in ad valorem tax receipts equal to the funds  
398 distributed to such school district from the School Ad Valorem Tax  
399 Reduction Fund pursuant to Section 37-61-35. Such reduction shall  
400 not be deemed to be a reduction in the aggregate amount of support  
401 from ad valorem taxation for purposes of Section 37-19-11. The  
402 millage levy certified by the State Board of Education as the  
403 uniform minimum ad valorem tax levy or the millage levy that would  
404 generate funds in an amount equal to a school district's district

405 entitlement, as defined in Section 37-22-1(2)(e), shall be subject  
406 to the provisions of this paragraph.

407         In any county where there is located a nuclear generating  
408 power plant on which a tax is assessed under Section 27-35-309(3),  
409 such required levy and revenue produced thereby may be reduced by  
410 the levying authority in an amount in proportion to a reduction in  
411 the base revenue of any such county from the previous year. Such  
412 reduction shall be allowed only if the reduction in base revenue  
413 equals or exceeds five percent (5%). "Base revenue" shall mean  
414 the revenue received by the county from the ad valorem tax levy  
415 plus the revenue received by the county from the tax assessed  
416 under Section 27-35-309(3) and authorized to be used for any  
417 purposes for which a county is authorized by law to levy an ad  
418 valorem tax. For purposes of determining if the reduction equals  
419 or exceeds five percent (5%), a levy of millage equal to the prior  
420 year's millage shall be hypothetically applied to the current  
421 year's ad valorem tax base to determine the amount of revenue to  
422 be generated from the ad valorem tax levy. For the purposes of  
423 this section and Section 37-57-107, the portion of the base  
424 revenue used for the support of any school district shall be  
425 deemed to be the aggregate receipts from ad valorem taxes for the  
426 support of any school district. This paragraph shall apply to  
427 taxes levied for the 1987 fiscal year and for each fiscal year  
428 thereafter. If the Mississippi Supreme Court or another court  
429 finally adjudicates that the tax levied under Section 27-35-309(3)  
430 is unconstitutional, then this paragraph shall stand repealed.

431         (2) When the tax is levied upon the territory of any school  
432 district located in two (2) or more counties, the order of the  
433 school board requesting the levying of such tax shall be certified  
434 to the levying authority of each of the counties involved, and  
435 each of the levying authorities shall levy the tax in the manner  
436 specified herein. The taxes so levied shall be collected by the  
437 tax collector of the levying authority involved and remitted by

438 the tax collector to the school depository of the home county to  
439 the credit of the school district involved as provided above,  
440 except that taxes for collection fees may be retained by the  
441 levying authority for deposit into its general fund.

442 (3) The aggregate receipts from ad valorem taxes levied for  
443 school district purposes, excluding collection fees, pursuant to  
444 this section and Section 37-57-1 shall be subject to the increased  
445 limitation under Section 37-57-107; however, if the ad valorem tax  
446 effort in dollars requested by the school district for the fiscal  
447 year exceeds the next preceding fiscal year's ad valorem tax  
448 effort in dollars by more than four percent (4%) but not more than  
449 seven percent (7%), then the school board shall publish notice  
450 thereof once each week for at least three (3) consecutive weeks in  
451 a newspaper having general circulation in the school district  
452 involved, with the first publication thereof to be made not less  
453 than fifteen (15) days prior to the final adoption of the budget  
454 by the school board. If at any time prior to said adoption a  
455 petition signed by not less than twenty percent (20%) or fifteen  
456 hundred (1500), whichever is less, of the qualified electors of  
457 the school district involved shall be filed with the school board  
458 requesting that an election be called on the question of exceeding  
459 the next preceding fiscal year's ad valorem tax effort in dollars  
460 by more than four percent (4%) but not more than seven percent  
461 (7%), then the school board shall, not later than the next regular  
462 meeting, adopt a resolution calling an election to be held within  
463 such school district upon such question. The election shall be  
464 called and held, and notice thereof shall be given, in the same  
465 manner for elections upon the questions of the issuance of the  
466 bonds of school districts, and the results thereof shall be  
467 certified to the school board. The ballot shall contain the  
468 language "For the School Tax Increase Over Four Percent (4%)" and  
469 "Against the School Tax Increase Over Four Percent (4%)." If a  
470 majority of the qualified electors of the school district who

471 voted in such election shall vote in favor of the question, then  
472 the stated increase requested by the school board shall be  
473 approved. For the purposes of this paragraph, the revenue sources  
474 excluded from the increased limitation under Section 37-57-107  
475 shall also be excluded from the limitation described herein in the  
476 same manner as they are excluded under Section 37-57-107.

477 (4) When any school district is abolished pursuant to a  
478 mandatory administrative consolidation of school districts ordered  
479 by referendum of the electors of the county, as provided in  
480 Section 1 of Senate Bill No. 2713, 2005 Regular Session, the  
481 successor county board of education shall request and the levying  
482 authority for the county shall levy a local ad valorem tax effort  
483 in dollars which shall be sufficient to produce no less than the  
484 same amount provided by the abolished school districts in the  
485 county to the schools in such former districts for instructional  
486 purposes in the school year prior to such consolidation.

487 **SECTION 7.** The Attorney General of the State of Mississippi  
488 shall submit this act, immediately upon approval by the Governor,  
489 or upon approval by the Legislature subsequent to a veto, to the  
490 Attorney General of the United States or to the United States  
491 District Court for the District of Columbia in accordance with the  
492 provisions of the Voting Rights Act of 1965, as amended and  
493 extended.

494 **SECTION 8.** This act shall take effect and be in force from  
495 and after the date it is effectuated under Section 5 of the Voting  
496 Rights Act of 1965, as amended and extended.