

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2818

1 AN ACT TO AMEND SECTION 1, CHAPTER 572, LAWS OF 2013, AND  
 2 SECTION 37-7-104.3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
 3 SUPERINTENDENT OF THE STARKVILLE SCHOOL DISTRICT SHALL BE THE  
 4 CONSERVATOR OF THE OKTIBBEHA COUNTY SCHOOL DISTRICT UNTIL THE  
 5 ESTABLISHMENT OF THE STARKVILLE CONSOLIDATED SCHOOL DISTRICT, TO  
 6 CLARIFY THE PROCEDURE FOR THE SELECTION OF THE NEW STARKVILLE  
 7 CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES, TO AUTHORIZE AND  
 8 DIRECT THE CONSERVATOR OF THE OKTIBBEHA COUNTY SCHOOL DISTRICT TO  
 9 ISSUE SHORT-TERM NOTES TO FUND INITIAL REPAIRS AND IMPROVEMENTS TO  
 10 CERTAIN ELEMENTARY SCHOOLS AND INCREASE CAPACITY FOR THE  
 11 CONSOLIDATION, TO AUTHORIZE THE CONSERVATOR OF THE OKTIBBEHA  
 12 COUNTY SCHOOL DISTRICT TO ISSUE SCHOOL BONDS TO UPGRADE CERTAIN  
 13 COUNTY SCHOOL FACILITIES SUBJECT TO A REVERSE REFERENDUM ON THE  
 14 BOND ISSUE, TO AUTHORIZE THE BOARD OF TRUSTEES OF THE STARKVILLE  
 15 CONSOLIDATED SCHOOL DISTRICT TO ISSUE SCHOOL BONDS IN THE NEW  
 16 DISTRICT ON A REVERSE REFERENDUM BASIS AND TO INCREASE THE DEBT  
 17 LIMIT CAP ON ASSESSED VALUATION FOR SUCH BONDS, TO DIRECT THE  
 18 ATTORNEY GENERAL TO REPRESENT THE TWO DISTRICTS IN THEIR  
 19 RESPECTIVE DESEGREGATION CASES TO OBTAIN APPROVAL FROM THE FEDERAL  
 20 COURT FOR THE NEW CONSOLIDATED DISTRICT, TO CLARIFY THAT THE  
 21 COUNTY BOARD OF SUPERVISORS SHALL PROVIDE ADMINISTRATIVE OFFICES  
 22 FOR THE NEW STARKVILLE CONSOLIDATED SCHOOL DISTRICT; TO AMEND  
 23 SECTIONS 37-59-7, 37-59-23 AND 37-59-107, MISSISSIPPI CODE OF  
 24 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 1, Chapter 572, Laws of 2013, is amended  
 27 as follows:

28 Section 1. (1) From and after July 1, 2014, the  
 29 Superintendent of the Starkville School District shall be the



30 Conservator of the Oktibbeha County School District who shall  
31 serve as conservator until the establishment of the Starkville  
32 Consolidated School District on July 1, 2015. The conservator  
33 shall assist the Oktibbeha County School District and the  
34 Starkville School District and the State Department of Education,  
35 as soon as practicable after the effective date of this act, with  
36 the planning and assignment of school grades, programs, services  
37 and alignment of curriculum for the new Starkville Consolidated  
38 School District. The State Board of Education shall provide for  
39 the appointment and support of the Superintendent of the  
40 Starkville School District as Conservator of the Oktibbeha County  
41 School District.

42 ( \* \* \*2) There is hereby created and established an  
43 advisory council to be known as the Commission on Starkville  
44 Consolidated School District Structure. It shall be the  
45 responsibility of the Commission on Starkville Consolidated School  
46 District Structure to review the current structure of the school  
47 districts and schools in Starkville, Mississippi, and in Oktibbeha  
48 County, Mississippi, and make recommendations on future actions of  
49 the provision and transition of service of the newly consolidated  
50 school district in order to improve both the quality of education  
51 and the efficiency with which it is delivered. The commission  
52 shall not decide the issue of whether or not the districts shall  
53 be consolidated. The commission shall be composed of seven (7)  
54 members as follows:



55           (a) The State Superintendent of Education, or his  
56 designee, who shall serve as Chairman of the Commission;

57           (b) Three (3) representatives of the Starkville School  
58 District appointed by the Board of Trustees of the Starkville  
59 School District and who may be members of the board or the  
60 Superintendent of Schools;

61           (c) One (1) resident of the former Oktibbeha County  
62 School District to be appointed by the State Superintendent of  
63 Education;

64           (d) The Conservator for the Oktibbeha County School  
65 District appointed by the State Board of Education; and

66           (e) One (1) representative of Mississippi State  
67 University appointed by the President of Mississippi State  
68 University.

69       (3) The Commission on Starkville Consolidated School  
70 District Structure shall meet within thirty (30) days of passage  
71 of this act upon the call of the State Superintendent of Education  
72 and shall hold hearings and meet as necessary and develop a report  
73 to the Legislature, the Governor and the State Board of Education  
74 on or before March 1, 2014, with recommendations to accomplish the  
75 following:

76           (a) Review the current structure of school districts  
77 and the location of schools in Starkville, Mississippi, and  
78 Oktibbeha County, Mississippi, and recommend how they can be  
79 consolidated into one (1) school district in order to improve both



80 the quality of education and the efficiency at which it is  
81 delivered.

82 (b) Review the capital facility needs of both school  
83 districts and recommend methods of financing necessary  
84 improvements, including the possibility of pledging Mississippi  
85 Adequate Education Program funds for capital improvement purposes.

86 (c) Detail in the report how best to implement  
87 consolidation and make any other recommendations on how to  
88 maximize education quality in Starkville and Oktibbeha County  
89 while eliminating duplicative and wasteful administrative  
90 spending.

91 (d) The commission shall also be authorized to  
92 recommend that portions of the Oktibbeha County School District be  
93 merged into districts in adjoining counties.

94 The commission shall have the authority to raise and to  
95 expend nonstate funds. The State Department of Education shall  
96 provide staff and such other support as the commission deems  
97 appropriate. After submitting its report on or before March 1,  
98 2014, the commission shall be dissolved.

99 **SECTION 2.** Section 37-7-104.3, Mississippi Code of 1972, is  
100 amended as follows:

101 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which  
102 are located, as of January 1, 2013, two (2) school districts,  
103 there shall be an administrative consolidation of all of those  
104 school districts in the county into one (1) new countywide



105 municipal separate school district to be designated as Starkville  
106 Consolidated School District which shall consist of the territory  
107 of the former Oktibbeha County School District and the Starkville  
108 School District, effective on July 1, 2015. Until June 30, 2015,  
109 preceding the effective date of the required administrative  
110 consolidation of school districts in the county, the Oktibbeha  
111 County School District shall remain in conservatorship, under the  
112 authority and control of the Mississippi Recovery School District  
113 of the State Department of Education. At such time that the  
114 administrative consolidation becomes effective, the central  
115 administrative office of the Starkville Consolidated School  
116 District shall be located in Starkville, Mississippi.

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

122 (b) In the new consolidated school district there shall  
123 be a countywide municipal separate school district board of  
124 trustees, which shall consist of the existing members of the Board  
125 of Trustees of the Starkville School District \* \* \*. However,  
126 upon the first occurrence of a vacancy on the board as a result of  
127 an expired term of an appointed board member, that vacancy shall  
128 become an elected position and shall be filled by the election of  
129 a board member \* \* \* as follows: the 2016 expiring term board



130 member shall remain in office until January 1, 2017. In November  
131 2016, an election will be held for a board member who resides  
132 outside of the incorporated municipal limits in the manner  
133 prescribed in Section 37-7-203, and the elected board member will  
134 take office for a five-year term beginning January 1, 2017.  
135 Subsequent board members shall be selected in the manner  
136 prescribed in Section 37-7-203. The Board of Supervisors of  
137 Oktibbeha County shall \* \* \* publish \* \* \* notice of the school  
138 board elections in some newspaper of general circulation in the  
139 county for at least three (3) consecutive weeks \* \* \*.

140           (c) Any school district affected by the required  
141 administrative consolidation in the county that does not  
142 voluntarily consolidate as ordered by the State Board of Education  
143 shall be administratively consolidated by the State Board of  
144 Education, to be effective immediately upon action of the State  
145 Board of Education. The State Board of Education shall promptly  
146 move on its own motion to administratively consolidate a school  
147 district which does not voluntarily consolidate in order to enable  
148 the affected school districts to reasonably accomplish the  
149 resulting administrative consolidation into one (1) consolidated  
150 school district by July 1 following the motion to consolidate.  
151 The affected school districts shall comply with any consolidation  
152 order issued by the State Board of Education.

153           (3) On July 1, 2015, following the motion of State Board of  
154 Education to consolidate school districts in Oktibbeha County, the



155 Oktibbeha County School District shall be abolished. All real and  
156 personal property which is owned or titled in the name of the  
157 school district located in such former school district shall be  
158 transferred to the Starkville Consolidated School District. The  
159 Board of Trustees of the Starkville Consolidated School District  
160 shall be responsible for establishing the contracts for teachers,  
161 principals, clerical and administrative staff personnel for the  
162 2015-2016 school year and thereafter and shall consult with the  
163 conservator for the establishment of contracts for teachers,  
164 principals, clerical and administrative staff personnel located in  
165 the former Oktibbeha County School District for the 2015-2016  
166 school year. The Conservator of the Starkville Consolidated  
167 School District shall have full authority to nonrenew the  
168 employment contract of any teacher, principal, clerical or  
169 administrative staff located in the former Oktibbeha County School  
170 District for the 2015-2016 school year. The superintendent and  
171 assistant superintendent(s) of schools of the former Starkville  
172 School District shall continue to serve in like administrative  
173 capacities of the Starkville Consolidated School District, but in  
174 no instance shall the administrative leadership of the Starkville  
175 Consolidated School District exceed three (3) assistant  
176 superintendents to be appointed by the superintendent of the  
177 former Starkville School District. No superintendent serving in  
178 the former school district located in the county designated as an  
179 under-performing school district or placed under conservatorship



180 shall be eligible for appointment as a superintendent or assistant  
181 superintendent in the Starkville Consolidated School District.  
182 Likewise, no trustee serving in the former school district located  
183 in the county designated as an under-performing school district or  
184 placed under conservatorship shall be eligible for election to the  
185 new Board of Trustees of the Starkville Consolidated School  
186 District. It shall be the responsibility of the board of trustees  
187 to prepare and approve the budget of the respective new  
188 reorganized district, and the board of trustees may use staff from  
189 the former school district to prepare the budget. Any proposed  
190 order of the State Board of Education directing the transfer of  
191 the assets, real or personal property of an affected school  
192 district in the county, shall be final and conclusive for the  
193 purposes of the transfer of property required by such  
194 administrative consolidation.

195 (4) Nothing in this section shall be construed to require  
196 the closing of any school or school facility, unless the facility  
197 is an unneeded administrative office located within a school  
198 district which has been abolished under the provisions of this  
199 section. All administrative consolidations under this section  
200 shall be accomplished so as not to delay or in any manner  
201 negatively affect the desegregation of another school district in  
202 the county pursuant to court order.

203 (5) The State Board of Education shall promulgate rules and  
204 regulations to facilitate the administrative consolidation of the





205 school districts in Oktibbeha County pursuant to this section.  
206 The consolidated districts shall make an election within one (1)  
207 year of consolidation concerning the group term life insurance  
208 described in Section 25-15-9(7).

209 (6) For the initial three (3) years following the  
210 administrative consolidation required by this section, the State  
211 Department of Education shall grant a waiver of accountability and  
212 state assessment requirements to the Starkville Consolidated  
213 School District \* \* \*.

214 (7) The governing school board and superintendent of schools  
215 of the Starkville Public School District shall collaborate with  
216 the State Department of Education and the appointed conservator of  
217 the Oktibbeha County School District, as soon as practicable after  
218 the effective date of this act, for the planning and transition of  
219 programs, services and alignment of curriculum for the  
220 administratively consolidated school districts.

221 (8) As soon as practicable after passage of this act, the  
222 Conservator of the Oktibbeha County School District shall issue  
223 notes or certificates of indebtedness of the Oktibbeha County  
224 School District in an amount not to exceed Two Million Five  
225 Hundred Thousand Dollars (\$2,500,000.00) for the purpose of  
226 equipping and making repairs, alterations and additions to two (2)  
227 elementary school buildings located in the Oktibbeha County School  
228 District in order to meet the same physical and educational  
229 standards as the elementary school buildings in Starkville, and to



230 contribute funds to the Starkville School District for capital  
231 improvements to accommodate county school district students and  
232 increase capacity for the consolidation. Said notes or  
233 certificates of indebtedness shall be issued under the authority  
234 of Sections 37-59-101 through 37-59-115, Mississippi Code of 1972,  
235 including all notice requirements, however, the resolution as to  
236 the necessity for the issuance of the notes and the execution of  
237 the documents shall be made by the Conservator of the Oktibbeha  
238 County School District. Any notes or certificates of indebtedness  
239 issued pursuant to this subsection (8) shall become indebtedness  
240 of the new Starkville Consolidated School District from and after  
241 July 1, 2015; provided, however, that the special ad valorem tax  
242 levied to pay the notes or certificates of indebtedness will  
243 continue to be levied only upon the taxable real property that was  
244 within the former Oktibbeha County School District. The tax for  
245 the notes or certificates of indebtedness may not be imposed on  
246 the real property within the former Starkville School District.

247 (9) For a period beginning July 1, 2014, and ending July 1,  
248 2015, the Conservator of the Oktibbeha County School District may  
249 issue negotiable bonds of the Oktibbeha County School District in  
250 an amount not to exceed Ten Million Dollars (\$10,000,000.00) for  
251 the purpose of making repairs, alterations and additions to school  
252 facilities in the Oktibbeha County School District and in the  
253 Starkville School District to accommodate students in the former  
254 Oktibbeha County School District who will be attending school in



255 the new Starkville Consolidated School District and the increased  
256 capacity needs under the consolidation. Said bonds shall be  
257 issued under the authority of Sections 37-59-1 through 37-59-45,  
258 as amended by this subsection (9), however, the resolution as to  
259 the necessity for the issuance of the bonds and execution of the  
260 documents may be made by the Conservator of the Oktibbeha County  
261 School District. Provided further, that the conservator shall  
262 publish notice of the issuance of the bonds once each week for at  
263 least three (3) consecutive weeks in a newspaper having general  
264 circulation in the Oktibbeha County School District, with the  
265 first publication thereof to be made not less than fifteen (15)  
266 days prior to the date upon which the conservator is to take final  
267 action upon the question of authorizing the issuance of said  
268 petition signed by not less than twenty percent (20%) of the  
269 qualified electors of the Oktibbeha County School District shall  
270 be filed with the Conservator of the Oktibbeha County School  
271 District requesting that an election be called on the question of  
272 issuing the bonds, then the conservator shall either resolve the  
273 resolution of intent or adopt a resolution calling an election to  
274 be held within the territory of the Oktibbeha County School  
275 District upon such question. The election shall be called and  
276 held, and notice thereof shall be given, in the same manner for  
277 elections upon the question of bond issues under Sections  
278 37-59-13, 37-59-15 and 37-59-17, and the results there shall be  
279 certified by the Oktibbeha County Election Commission to the



280 Conservator of the Oktibbeha County School District. If  
281 three-fifths (3/5) of the qualified electors who voted in such  
282 election vote in favor of the issuance of such bonds, then the  
283 conservator shall authorize the Oktibbeha County School District  
284 to issue such bonds. Notwithstanding any provision to the  
285 contrary, the Oktibbeha County School District may issue bonds  
286 pursuant to this subsection (9) in an amount which, when added to  
287 all of the Oktibbeha County School District's then outstanding  
288 bonded indebtedness, shall not result in the imposition on any of  
289 the property in said district of an indebtedness for school  
290 purposes of more than twenty percent (20%) of the assessed value  
291 of the taxable property within said district, according to the  
292 then last completed assessment for taxation. Any bonds issued  
293 pursuant to this subsection (9) shall become indebtedness of the  
294 new Starkville Consolidated School District from and after July 1,  
295 2015; provided, however, that the special ad valorem tax levied to  
296 pay the bonds will continue to be levied only upon the taxable  
297 real property that was within the former Oktibbeha County School  
298 District. The tax for the bonds may not be imposed on the real  
299 property within the former Starkville School District.

300 (10) For a period beginning July 1, 2014, and ending July 1,  
301 2024, the Starkville Consolidated School District Board of  
302 Trustees may issue negotiable bonds of the Starkville Consolidated  
303 School District for the purpose of equipping, making repairs,  
304 alterations and additions to school facilities to accommodate



305 students who will be attending school in the new Starkville  
306 Consolidated School District and the increased capacity needs  
307 under the consolidation. Said bonds shall be issued under the  
308 authority of Sections 37-59-1 through 37-59-45, including all  
309 notice and publication requirements, however, the necessity for  
310 the issuance of the bonds shall be made pursuant to a reverse  
311 referendum procedure to be followed by the Starkville Consolidated  
312 School District Board of Trustees as follows: the board of  
313 trustees shall publish notice of the issuance of the bonds once  
314 each week for at least three (3) consecutive weeks in a newspaper  
315 having general circulation in the Starkville Consolidated School  
316 District, with the first publication thereof to be made not less  
317 than fifteen (15) days prior to the issuance of the bonds by the  
318 conservator. If at any time prior to said issuance a petition  
319 signed by not less than twenty percent (20%) of the qualified  
320 electors of the Starkville Consolidated School District shall be  
321 filed with the Board of Trustees of Starkville Consolidated School  
322 District requesting that an election be called on the question of  
323 issuing the bonds, then the board of trustees shall, not later  
324 than its next regular meeting, adopt a resolution calling an  
325 election to be held within the Starkville Consolidated School  
326 District upon such question. The election shall be called and  
327 held, and notice thereof shall be given, in the same manner for  
328 elections upon the question of bond issues under Sections  
329 37-59-13, 37-59-15 and 37-59-17, and the results there shall be



330 certified to the Starkville Consolidated School District Board of  
331 Trustees, as the case may be. If three-fifths (3/5) of the  
332 qualified electors who voted in such election vote in favor of the  
333 issuance of such bonds, then the board of trustees shall issue  
334 such bonds. Notwithstanding any provision to the contrary, the  
335 Starkville Consolidated School District may issue bonds pursuant  
336 to this subsection (10) in an amount which, when added to all of  
337 the Starkville Consolidated School District's then outstanding  
338 bonded indebtedness, shall not result in the imposition on any of  
339 the property in said district of an indebtedness for school  
340 purposes of more than twenty percent (20%) of the assessed value  
341 of the taxable property within said district, according to the  
342 then last completed assessment for taxation. Any bonds issued  
343 pursuant to this subsection (10) shall become indebtedness of the  
344 new Starkville Consolidated School District.

345 (11) The Attorney General of the State of Mississippi is  
346 authorized and directed to represent the former Oktibbeha County  
347 School District and the former Starkville School District in their  
348 respective desegregation cases to obtain approval from the  
349 appropriate federal court of a modified desegregation order for  
350 the new Starkville Consolidated School District. The State  
351 Department of Education, subject to appropriation therefor by the  
352 Legislature, shall provide funds for any costs that the federal  
353 court may impose on the new Starkville Consolidated School  
354 District through the modified desegregation order.



355       (12) In accordance with Section 37-9-70, it is the  
356 responsibility of the Board of Supervisors of Oktibbeha County to  
357 provide office, furnishing and utilities for the administrative  
358 Office of the Superintendent of the Starkville Consolidated School  
359 District.

360       (13) The new Starkville Consolidated School District is  
361 authorized and encouraged to develop a partnership with  
362 Mississippi State University to create a model rural education  
363 school to serve all sixth- and seventh-grade students from  
364 Oktibbeha County and a model prekindergarten program which shall  
365 also serve as a model for the education of teachers and  
366 administrators.

367       **SECTION 3.** Section 37-59-7, Mississippi Code of 1972, is  
368 amended as follows:

369       37-59-7. (1) (a) Any school district in which the total  
370 number of pupils enrolled at any one time during the school year  
371 shall have increased by at least twenty percent (20%) or an  
372 average of three hundred fifty (350) or more annually within the  
373 preceding five (5) years, shall not issue bonds for the purposes  
374 authorized by law in an amount which when added to all of its then  
375 outstanding bonded indebtedness, shall result in the imposition on  
376 any of the property in such district of an indebtedness for school  
377 purposes of more than twenty-five percent (25%) of the assessed  
378 value of the taxable property within such district according to  
379 the then last completed assessment for taxation.



380 (b) Any school district in which the total number of  
381 pupils enrolled at any one time during the school year shall have  
382 increased by at least ten percent (10%) within the preceding five  
383 (5) years shall not issue bonds for the purposes authorized by law  
384 in an amount which, when added to all of its then outstanding  
385 bonded indebtedness, shall result in the imposition on any of the  
386 property in such district of an indebtedness for school purposes  
387 of more than twenty percent (20%) of the assessed value of the  
388 taxable property within such district according to the then last  
389 completed assessment for taxation.

390 (c) The pupil increase mentioned in this subsection  
391 shall apply only to growth in pupil enrollment and shall not apply  
392 to pupil increases brought about by consolidation of school  
393 districts.

394 (2) Any school district may hereafter issue bonds in an  
395 amount exceeding the limit of Section 37-59-5 for the purpose of  
396 constructing, reconstructing, repairing, equipping, remodeling or  
397 enlarging school buildings and related facilities, as described in  
398 subsection (a) of Section 37-59-3, but no such district shall  
399 issue bonds in an amount which when added to all of its then  
400 outstanding bonded indebtedness, shall result in the imposition on  
401 any of the property in such district of an indebtedness for such  
402 school purposes of more than twenty percent (20%) of the assessed  
403 value of the taxable property in such district, according to the  
404 then last completed assessment for taxation, regardless of whether





405 any of such indebtedness shall have been incurred by such district  
406 or by another school district or districts:

407 (a) In the event of the damage to or destruction of any  
408 school building or school buildings, or related facilities of any  
409 such district by fire, windstorm, flood or other providential and  
410 unforeseeable cause; or

411 (b) In the event such school district has lost its  
412 accreditation and the constructing, reconstructing, repairing,  
413 equipping, remodeling or enlarging of such school buildings and  
414 related facilities is necessary for the restoration of such  
415 accreditation \* \* \*; or

416 (c) In the event of the establishment of the Starkville  
417 Consolidated School District as authorized in Section  
418 37-7-104.3(10).

419 (3) In any school district wherein more than nine percent  
420 (9%) of the total land area of the school district is owned by the  
421 federal government and situated in a flood control reservoir or  
422 maintained as a part of the national forest system, the said  
423 school district may issue bonds in an amount, which when added to  
424 all of its then outstanding bonded indebtedness for school  
425 purposes, shall result in the imposition on any of the property in  
426 such school district of an indebtedness for school purposes of not  
427 more than twenty percent (20%) of the assessed value of the  
428 taxable property within such district, according to the then last  
429 completed assessment for taxation, regardless of whether any of



430 such indebtedness shall have been incurred by such district or by  
431 another school district or districts. If bonds in an amount in  
432 excess of fifteen percent (15%) of the total assessed value of the  
433 property of a school district are issued under the provisions of  
434 this subsection, not less than twenty-five percent (25%) of the  
435 total funds received by the school district under the provisions  
436 of Section 49-19-23, Mississippi Code of 1972, shall be paid into  
437 the bond and interest sinking fund of such district and used for  
438 the retirement of the bonds so issued.

439 (4) In any district where the assessed valuation per pupil  
440 is less than seventy-five percent (75%) of the average of all  
441 school districts, such school district may issue bonds for the  
442 purposes authorized by Section 37-59-3 in an amount exceeding the  
443 fifteen percent (15%) debt limitation set forth in Section  
444 37-59-5, but not exceeding an amount which, when added to all of  
445 the school district's then outstanding bonded indebtedness, shall  
446 result in the imposition on any of the property in such district  
447 of an indebtedness for such school purposes of more than  
448 twenty-five percent (25%) of the assessed value of the taxable  
449 property in such district, according to the then last completed  
450 assessment for taxation if:

451 (a) The board of trustees or board of education of the  
452 school district adopts a resolution finding that issuing bonds in  
453 an amount exceeding the limitation stated in Section 37-59-5 is



454 necessary to provide or maintain adequate educational facilities  
455 within the school district; and

456 (b) The notice of the bond election required by Section  
457 37-59-13 contains a provision notifying the qualified electors in  
458 the school district:

459 (i) Of the fact that the proposed bonds, if  
460 issued, will exceed the fifteen percent (15%) debt limit contained  
461 in Section 37-59-5; and

462 (ii) Of the reasons why the school district is  
463 proposing to exceed said limitation;

464 (c) The election is held and the proposed bond issue  
465 receives the requisite voter approval as set forth in Section  
466 37-59-17.

467 **SECTION 4.** Section 37-59-23, Mississippi Code of 1972, is  
468 amended as follows:

469 37-59-23. The levying authority, as defined in Section  
470 37-57-1(1)(b), acting for and on behalf of any school district,  
471 shall annually levy a special tax upon all of the taxable property  
472 within such school district, except as provided in Section  
473 37-7-104.3(9) and (10), which shall be sufficient to provide for  
474 the payment of the principal of and the interest on school bonds  
475 issued under the provisions of this article according to the terms  
476 thereof, including any school bonds issued pursuant to Section  
477 37-7-104.3(9) and (10).



478 In the case of school bonds issued under the provisions of  
479 Section 37-59-21, it shall be the duty of the board of supervisors  
480 of the county having the greater assessed valuation of taxable  
481 property within such district to annually levy upon all of the  
482 taxable property within such district, without regard to county  
483 lines, a special tax, which shall be sufficient to provide for the  
484 payment of the principal of and interest on such bonds according  
485 to the terms thereof. Such board shall annually certify to the  
486 board of supervisors of the other county or counties in which a  
487 portion of the district is situated the rate of taxation so fixed,  
488 and it shall be the duty of such other board or boards to cause  
489 such rate of taxation to be levied upon all of the taxable  
490 property within the boundaries of such district situated within  
491 their respective counties. Said taxes shall be collected and  
492 deposited as other taxes are collected and deposited in such  
493 county or counties, and the tax collector thereof shall thereupon  
494 cause such taxes to be remitted to the county depository of the  
495 county for which the bonds were issued.

496 **SECTION 5.** Section 37-59-107, Mississippi Code of 1972, is  
497 amended as follows:

498 37-59-107. The levying authority for the school district  
499 shall annually levy a special tax on all of the taxable property  
500 of the school district on whose behalf the notes or certificates  
501 of indebtedness are issued, except as provided in Section  
502 37-7-104.3(8), in an amount which shall be sufficient to pay the



503 principal of and interest upon such negotiable notes or  
504 certificates of indebtedness as the same shall respectively mature  
505 and accrue, including any notes issued under the direction of a  
506 conservator of a school district pursuant to the authority of  
507 Section 37-7-104.3(8). Said tax shall be levied and collected at  
508 the same time and in the same manner as other taxes are collected  
509 and said tax shall be in addition to all other taxes authorized by  
510 law. It is expressly provided, however, that such annual tax levy  
511 shall not exceed three (3) mills on the dollar for the payment of  
512 all notes issued under the provisions of this article and all  
513 notes previously issued under the statutes hereby repealed. The  
514 special tax so levied shall be collected by the tax collector of  
515 the county at the same time and in the same manner as other taxes  
516 are collected, and the proceeds thereof shall be paid to the  
517 school district and shall be used exclusively for the payment of  
518 principal of and interest upon such negotiable notes or  
519 certificates of indebtedness.

520       **SECTION 6.** This act shall take effect and be in force from  
521 and after its passage.

