

# SELECTED SCHOOL BOARD STATUTES

## CHAPTER 5

### County Boards of Education and Superintendents

#### COUNTY BOARDS OF EDUCATION

##### **§ 37-5-1. Establishment; composition; qualifications and election of members generally; counties in which board not to exist**

(1) There is hereby established a county board of education in each county of the State of Mississippi. Said county board of education shall consist of five (5) members, one (1) of which, subject to the further provisions of this chapter and except as is otherwise provided in Section 37-5-1(2), shall be elected by the qualified electors of each board of education district of the county. Except as is otherwise provided in Section 37-5-3, each member so elected shall be a resident and qualified elector of the district from which he is elected.

(2) The county board of education shall apportion the county school district into five (5) single member board of education districts. The county board of education shall place upon its minutes the boundaries determined for the new five (5) board of education districts. The board of education of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of education of said county, said new district lines will thereafter be effective. The board of education of said county shall reapportion the board of education districts in accordance with the procedure described herein for the original apportionment of districts as soon as practicable after the results of the 2000 decennial census are published and as soon as practicable after every decennial census thereafter.

(3) In counties where the office of "administrative superintendent" as defined in Section 37-6-3, Mississippi Code of 1972, has been abolished, there shall be no county board of education.

**Sources:** Codes, 1942, § 6271-01; Laws, 1953, Ex Sess ch. 10, § 1; Laws, 1954, ch. 283, § 1; Laws, 1958, ch. 309, § 1; Laws, 1960, ch. 297, § 1; Laws, 1962, ch. 342, 1987, ch. 307, § 10; Laws, 1988, ch. 444, § 1; Laws, 2002, ch. 598, § 1, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

##### **§ 37-5-3. Residency requirements of members of board; qualifications of electors**

No person who is a resident of the territory embraced within a municipal separate school district or a special municipal separate school district shall be eligible to be a member of the county board of education. Qualified electors residing within a municipal separate

school district or special municipal separate school district shall not be eligible to vote or participate in the election of members of the county board of education.

The provisions of this section shall be applicable in the case of a special municipal separate school district and a line consolidated school district of which another county is the home county which together occupy all of the territory of a supervisors district of the county.

**Sources:** Codes, 1942, § 6271-01; Laws, 1953, Ex Sess ch. 10, § 1; Laws, 1954, ch. 283, § 1; Laws, 1958, ch. 309, § 1; Laws, 1960, ch. 297, § 1; Laws, 1962, ch. 342, eff from and after passage (approved May 21, 1962).

### **§ 37-5-5. Repealed**

Repealed by Laws, 1988, ch. 444, § 3, eff from and after August 9, 1988 (the date the United States Attorney General interposed no objection to the repeal of this section).

### **§ 37-5-7. Time of election and terms of office of members of board**

(1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts One and Two shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts Three and Four shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District Five shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members of such board. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

(2) On the first Tuesday after the first Monday in November, in any year in which any county shall elect to utilize the authority contained in Section 37-5-1(2), an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties. At said election the members of the said county board of education from Districts One and Two shall be elected for a term of four (4) years, the members from Districts Three and Four shall be elected for a term of six (6) years, and the member from District Five shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

**Sources:** Codes, 1942, § 6271-02; Laws, 1953, Ex Sess ch. 10, § 2; Laws, 1954, ch. 283, § 2; Laws, 1958, ch. 309, § 2; Laws, 1988, ch. 444, § 2, eff from and after June 15, 1988

(the date the United States Attorney General interposed no objection to the amendment of this section).

### **§ 37-5-9. Nominating petition**

The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such supervisors district. The candidate in each supervisors district who receives the highest number of votes cast in the district shall be declared elected.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the highest number of votes cast in the election shall be declared elected.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

**Sources:** Codes, 1942, § 6271-03; Laws, 1953, Ex Sess ch. 10, § 3; Laws, 1954, ch. 283, § 3; Laws, 1958, ch. 309, § 3; Laws, 1978, ch. 392, § 1, eff from and after July 1, 1978 (approved under Voting Rights Act of 1965 by United States Attorney General on May 12, 1978).

### **§§ 37-5-11 through 37-5-17. Repealed**

Repealed by Laws, 1988, ch. 444, § 3, eff from and after June 15, 1988 (the date the United States Attorney General interposed no objection to the repeal of this section).

### **§ 37-5-18. Election of members from special board of education districts in certain counties**

In any county bordering on the Mississippi Sound and having therein at least four (4) municipal separate school districts, each member of the county board of education established by Section 37-5-1 for such county shall be elected from and shall be a resident and qualified elector in a special district determined in the following manner:

The board of education of such a county shall apportion the county into five (5) board of education districts in the territory outside the municipal separate school districts and these board of education districts shall be divided as nearly equal as possible according to population, incumbency and other factors heretofore pronounced by the courts. The board of education shall place upon its minutes the boundaries determined for the new five (5) board of education districts. The board of education of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of education of said county, said new district lines will thereafter be effective.

All incumbents now holding office within the district as presently constituted shall continue holding their respective offices provided they reside within the new district for the remainder of the term of office to which they have heretofore been elected and all members from the respective district shall be elected from the new board of education district constituted as herein provided in the same manner provided by law for the election of members of the county board of education. Any vacancies in the office, whether occasioned by redistricting or by other cause, shall be filled in the manner presently provided by law for the filling of vacancies.

**Sources:** Laws, 1976, ch. 322; Laws, 2002, ch. 598, § 2, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

#### **§ 37-5-19. Filling of vacancies on board**

Vacancies in the membership of the county board of education shall be filled by appointment, within 60 days after the vacancy occurs, by the remaining members of the county board of education. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs, and shall serve until the first Monday of January next succeeding the next general election, at which general election a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term.

In the event the vacancy occurs more than five months prior to the next general election and the remaining members of the county board of education are unable to agree upon an individual to be appointed, any two of the remaining members may certify such disagreement to the county election commission. Upon the receipt of such a certificate by the county election commission, or any member thereof, the commission shall hold a special election to fill the vacancy, which said election, notice thereof and ballot shall be controlled by the laws concerning special elections to fill vacancies in county or county district offices. The person elected at such a special election shall serve for the remainder of the unexpired term.

**Sources:** Codes, 1942, § 6271-04; Laws, 1953, Ex Sess ch. 10, § 4; Laws, 1960, ch. 299.

#### **§§ 37-5-21 through 37-5-41. Repealed**

Repealed by Laws, 1986, ch. 492, § 44, eff from and after July 1, 1987.

## **COUNTY SUPERINTENDENTS OF EDUCATION**

### **§ 37-5-61. Creation; functions generally; election and term of office**

- (1) There shall be a county superintendent of education in each county.
- (2) Said superintendent shall serve as the executive secretary of the county board of education, but shall have no vote in the proceedings before the board and no voice in fixing the policies thereof.
- (3) In addition, said superintendent shall be the director of all schools in the county outside the municipal separate school districts.
- (4) Said superintendent shall be elected at the same time and in the same manner as other county officers are elected and shall hold office for a term of four years.

**Sources:** Codes, 1942, §§ 6271-08, 6271-10, 6274-05; Laws, 1953, Ex Sess ch. 10, §§ 8, 10; ch. 16, § 5; Laws, 1954, ch. 275; Laws, 1958, ch. 297; Laws, 1960, ch. 308, § 3; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; ch. 407, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; ch. 399; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970).

### **§ 37-5-63. Establishment of position as appointive office**

Notwithstanding the provisions of Section 37-5-61, the office of county superintendent of education may be made appointive in any county in the manner herein provided. Upon the filing of a petition signed by not less than twenty percent of the qualified electors of such county, it shall be the duty of the board of supervisors of such county, within sixty days after the filing of such petition, to call a special election at which there shall be submitted to the qualified electors of such county the question of whether the office of county superintendent of education of said county shall continue to be elective or shall be filled by appointment by the county board of education of said county. However, where a Class 3 county having an area in excess of eight hundred twenty-five square miles has a county unit school system comprising less than an entire county, the petition shall only be signed by electors residing within the county unit school district and only electors of said district shall vote on the proposition of appointing the county superintendent of education.

The order calling such special election shall designate the date upon which same shall be held and a notice of such election, signed by the clerk of the board of supervisors, shall be published once a week for at least three consecutive weeks in at least one newspaper published in such county. The first publication of such notice shall be made not less than twenty-one days prior to the date fixed for such election and the last publication shall be made not more than seven days prior to such date. If no newspaper is published in such county then such notice shall be given by publication of same for the required time in

some newspaper having a general circulation in such county and, in addition, by posting a copy of such notice for at least twenty-one days next preceding such election at three public places in such county, one of which shall be at the door of the county courthouse in each judicial district.

Said election shall be held, as far as is practicable, in the same manner as other elections are held in such county and all qualified electors of the county may vote therein. If a majority of such qualified electors who vote in such election shall vote in favor of the appointment of the county superintendent of education by the county board of education then, at the expiration of the term of the county superintendent of education then in office, the county superintendent of education of said county shall not be elected but shall thereafter be appointed by the county board of education for a term of not more than four years; otherwise, said office shall remain elective.

No special election shall be held in any county under the provisions of this section more often than once in every four years, and no change from the elective to the appointive method of the selection of the county superintendent of education shall become effective except at the expiration of the term of the county superintendent of education in office at the time such election is held.

**Sources:** Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970).

#### **§ 37-5-65. Reestablishment of position as elective office**

Where the office of county superintendent of education has been made appointive under the provisions of Section 37-5-63, the same may thereafter be made elective in such county by a petition filed and election held in the same manner provided in said section, all of the provisions of which shall be applicable to such proceedings. Where such change is made from the appointive method back to the elective method the same shall become effective at the date for the commencement of the term of office of other county offices next succeeding such election, and the county superintendent of education of such county shall be elected at the preceding election at the same time and in the same manner as other county officers are elected. Nothing herein shall be construed, however, to authorize the calling of a special election under any of the provisions of this section more often than once in any four years.

**Sources:** Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970).

#### **§ 37-5-67. Authorization of appointment of county superintendent by county board of education in certain counties**

The county superintendent of education shall be appointed by the county board of education:

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

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

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

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

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

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

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

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

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

(j) In any Class 3 county wherein is partially located a national forest and wherein U. S. Highway 51 and State Highway 28 intersect, with a 1960 federal census of twenty-seven thousand fifty-one and a 1963 assessed valuation of sixteen million six hundred ninety-two thousand three hundred four dollars (\$ 16,692,304.00); and

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

**Sources:** Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970).

**§ 37-5-69. Abolition of office in certain counties; exception of certain counties from provisions concerning choosing of superintendent**

In any county organizing a countywide municipal separate school district after the first day of January, 1965, the office of county superintendent of education is hereby abolished. There is excepted from the provisions of subsections (1) and (4) of Section 37-5-61, Sections 37-5-63 through 37-5-67, subsection (1) of Section 37-5-73, and Section 37-5-75, any county of the first class which has a land area of less than four hundred fifty square miles, and has located therein a municipality of more than fifteen thousand population, according to the 1950 federal decennial census.

**Sources:** Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1, eff from and after passage (approved April 1, 1970).

### **§ 37-5-71. Selection and qualifications of superintendent; persons disqualified from participating in election of superintendent**

(1) The county superintendents of education shall be elected in the manner prescribed by the provisions of this chapter, unless such office be made appointive as provided in this chapter, in which case the county superintendent shall be appointed by the county board of education or by the trustees of a separate school district embracing an entire county with a population of fifteen thousand (15,000) or less, as provided in subsection (2) of Section 37-7-203. In all cases he shall have such qualifications as prescribed by Section 37-9-13 and receive such compensation as established under Section 37-9-37.

(2) All qualified electors residing within any municipal separate or special municipal separate school district shall not vote in the election for the county superintendent of education:

(a) In all counties of the second class which have a population, according to the 1960 federal decennial census of at least thirty-three thousand (33,000) and less than thirty-four thousand (34,000), and having a city located therein which is the Southern Division of the A.T.&S.F. Railroad Company;

(b) In all counties of the fourth class which have a population, according to the 1960 federal decennial census, in excess of twenty-six thousand (26,000) and less than twenty-seven thousand (27,000), and having located therein the Mississippi State University of Agriculture and Applied Science;

(c) In all counties of the first class which have a population, according to the 1960 federal decennial census, in excess of forty-six thousand (46,000) and less than forty-seven thousand (47,000), and having located therein the Mississippi University for Women;

(d) In any county bordering on the Mississippi Sound and having a population in excess of one hundred thousand (100,000), according to the 1960 federal decennial census, and having an assessed valuation in excess of Seventy Million Dollars (\$ 70,000,000.00);

(e) In any county having a population in excess of eight thousand (8,000) and less than

nine thousand (9,000), and having an assessed valuation in excess of Five Million Dollars (\$ 5,000,000.00) but less than Six Million Dollars (\$ 6,000,000.00) in 1960;

(f) In any county having a population in excess of twenty-two thousand (22,000) and less than twenty-three thousand (23,000) in 1960, and having a total assessed valuation in excess of Thirteen Million Dollars (\$ 13,000,000.00) in 1960;

(g) In any county having a population in excess of fifty-nine thousand (59,000) but less than sixty thousand (60,000), according to the 1960 federal decennial census;

(h) In any county bordered on the east by the Alabama line and on the south by the Mississippi Sound;

(i) In any county where Mississippi Highway 35 crosses U.S. Highway 80 and whose population, according to the 1960 regular census, was between twenty-one thousand (21,000) and twenty-two thousand (22,000), and in which there are located four (4) or more chicken packing plants, one (1) zipper plant and one or more factories manufacturing Sunbeam electrical appliances;

(j) In any county having a population of twenty-six thousand one hundred ninety-eight (26,198) according to the 1970 census wherein Highways 51 and 84 intersect;

(k) In any county having a municipal separate school district lying therein, having a population in excess of twenty-one thousand (21,000) but less than twenty-one thousand five hundred (21,500), according to the 1960 decennial census, and having a combined assessed valuation in 1963 in excess of Sixteen Million Nine Hundred Thousand Dollars (\$ 16,900,000.00) but less than Seventeen Million Dollars (\$ 17,000,000.00) according to the State Tax Commission's compilation;

(l) In any county where Mississippi Highway 15 crosses Mississippi Highway 16, whose population was more than twenty thousand (20,000) and less than twenty-one thousand (21,000), according to the regular 1960 census, and within which there is located a Choctaw Indian reservation and school operated by the United States government;

(m) In any county where U.S. Highway 45W Alternate intersects Mississippi Highway 50, and having a population of eighteen thousand nine hundred thirty-three (18,933), according to the 1960 federal census;

(n) In any county having a population in excess of forty thousand five hundred (40,500), according to the 1960 federal decennial census, wherein U.S. Highways 78 and 45 intersect, and wherein there is a United States fish hatchery;

(o) In any county being traversed by Mississippi Highway 15 and U.S. Interstate Highway 20;

(p) In all counties wherein there is located a national military park and a national cemetery;

(q) In any county where U.S. Highway 82 crosses U.S. Interstate Highway 55 and having a population of twelve thousand three hundred eighty-seven (12,387) according to the 1990 federal decennial census;

(r) In any county where U.S. Highway 49E and U.S. Highway 82 intersect, and having a population of thirty-seven thousand three hundred forty-one (37,341) according to the 1990 federal decennial census.

In any such county, however, the county superintendent of education may be a resident of a municipal separate school district or special municipal separate school district.

(3) The qualified electors residing within the municipal separate school districts shall not participate in the election of the county superintendent of education:

(a) In any county having a population of more than twenty-seven thousand (27,000) and less than twenty-eight thousand (28,000) and containing therein a municipality having a population in excess of three thousand (3,000), according to the 1960 federal decennial census;

(b) In any Class 1 county wherein is located a state-supported university and a National Guard camp, and in which Interstate Highway 59 and U.S. Highway 49 intersect;

(c) In any Class 4 county having two (2) judicial districts, wherein is partially located a national forest, and wherein Mississippi Highways 8 and 15 intersect;

(d) In any Class 2 county, the southern boundary of which partially borders on the State of Louisiana, traversed by U.S. Highway 98 which intersects Mississippi Highway 13, with a land area of five hundred fifty (550) square miles and having a population of twenty-three thousand two hundred ninety-three (23,293) in the 1960 federal decennial census;

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

(f) In any county having a population in excess of twenty-seven thousand one hundred seventy-nine (27,179) according to the 1970 federal decennial census, wherein U.S. Highways 45 and 72 intersect; and

(g) In any Class 1 county bordering on the Pearl River in which U.S. Highway 80 intersects Mississippi Highway 18 and having a population, according to the federal decennial census of 1970, of forty-three thousand nine hundred thirty-three (43,933).

(4) The county superintendent of education, with the approval of the county board of

education by its first having adopted a resolution of approval and spread upon its minutes, shall be elected from the county at large, exclusive of the municipal separate school district boundaries:

(a) In any county bordering on the State of Tennessee having a land area of seven hundred ten (710) square miles, wherein is located part of a national forest, and wherein U.S. Highway 78 and Mississippi Highway 7 intersect;

(b) In any Class 4 county wherein is located the state's oldest state-supported university, in which Mississippi Highways 6 and 7 intersect; and

(c) In any county having a population in excess of seventeen thousand (17,000) and less than eighteen thousand (18,000), according to the 1970 federal decennial census, wherein Mississippi Highways 6 and 9 intersect.

(5) In any county having a municipality of between forty-nine thousand (49,000) and fifty thousand (50,000) population according to the 1960 federal census, and adjoining the Alabama line, wherein U.S. Highways 80 and 45 intersect, the qualified electors residing within any municipal separate school district shall not participate in the election of the county superintendent of education, and such county superintendent of education shall not be a resident of a municipal separate school district.

(6) In any county traversed by the Natchez Trace Parkway wherein U.S. Highway 45 and Mississippi Highway 4 intersect and having a population of seventeen thousand nine hundred forty-nine (17,949) according to the 1960 federal census, the qualified electors residing within any municipal separate school district shall not participate in the election of the county superintendent of education, and such county superintendent of education shall not be a resident of a municipal separate school district. x:60

**Sources:** Laws, 1978, ch. 412, § 1; Laws, 1980, ch. 398, § 1; Laws, 1981, ch. 317, § 1; Laws, 1992, ch. 396 § 2; Laws, 2000, ch. 506, § 1, eff from and after August 11, 2000, the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.

### **§ 37-5-73. Repealed**

Repealed by Laws, 1986, ch. 492, § 84, eff from and after July 1, 1987.

### **§ 37-5-75. Filling of vacancy in office**

If a vacancy shall occur in the office of county superintendent of education, such vacancy shall be filled by appointment by the county board of education. If the unexpired term shall exceed six (6) months, it shall be the duty of the board of supervisors of the county to call a special election to fill such vacancy for such unexpired term, which said election shall be called and held in the manner provided by Section 23-15-839. In such case the

person so appointed by the county board of education shall hold office only until such election is held and the person elected thereat shall qualify and enter upon the discharge of his duties.

**Sources:** Codes, 1942, § 6271-08; Laws, 1953, Ex Sess ch. 10, § 8; Laws, 1962, chs. 344, 345, 346; Laws, 1966, ch. 406, § 1; Laws, 1968, ch. 384, § 1; ch. 398, § 1; Laws, 1970, ch. 372, § 1; Laws, 2000, ch. 592, § 16, eff from and after July 28, 2000, the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.

**§§ 37-5-77 through 37-5-105. Repealed**

Repealed by Laws, 1986, ch. 492, § 84, eff from and after July 1, 1987.

**CHAPTER 7**

**School Districts; Boards of Trustees of School Districts**

**ARTICLE 5.**

**BOARDS OF TRUSTEES; QUALIFICATIONS, SELECTION AND MEETINGS.**

**§ 37-7-201. Qualifications for office of trustee**

In order for a person to be eligible to hold the office of trustee of any school district, such person must be a bona fide resident and a qualified elector of such school district, and, in the case of a school district lying in two or more counties, but not including municipal separate school districts, such person must be a bona fide resident and a qualified elector of the territory entitled to such representation on the board.

**Sources:** Codes, 1942, § 6328-07; Laws, 1953, Ex Sess, ch. 12, § 7; Laws, 1964, ch. 391, § 1; Laws, 1966, ch. 409, § 1; Laws, 1966, ch. 410, § 1; Laws, 1968, ch. 400, eff from and after passage (approved June 24, 1968).

**§ 37-7-203. Composition of boards of trustees of municipal separate school districts; qualifications, selection, and terms of office of members of boards.**

(1) The boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school

district shall be residents of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to serve for their respective terms of office. The three (3) appointed trustees presently serving on such board shall continue to serve until their successors are elected in March of 1975 in the manner provided for in Section 37-7-215.

At such election, one (1) trustee shall be elected for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of five (5) years. Subsequent terms for each successor trustee shall be for five (5) years. In the event one (1) of two (2) municipal separate school districts located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces three (3) full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a municipal separate school district located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces four (4) full supervisors districts in the county, and in any county in which a municipal separate school district embraces the entire county in which Highways 14 and 15 intersect, one (1) trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a municipal separate school district shall be elected by a majority of the governing authorities of the municipality at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following. In the case of a member of said board of trustees who is required to come from the added territory outside the corporate limits as is above provided, such member of the board of trustees shall be elected by the qualified electors of the school district residing in such added territory outside the corporate limits at the same time and in the same manner as is otherwise provided in this article for the election of trustees of school districts other than municipal separate school districts.

In the event that a portion of a county school district is reconstituted, in the manner provided by law, into a municipal separate school district with added territory and in the event that the trustees to be elected from the added territory are requested to be elected from separate election districts within the added territory, instead of elected at-large, by the Attorney General of the United States as a result of and pursuant to preclearance under Section 5 of the Voting Rights Act of 1965 as amended and extended, and in the event the added territory of a municipal separate school district of a municipality furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then two (2) members of the board of trustees shall be residents of the added territory outside the corporate limits of such municipality and shall be elected from

special trustee election districts by the qualified electors thereof as herein provided. The board of trustees of the school district shall apportion the added territory into two (2) special trustee election districts as nearly as possible according to population and other factors heretofore pronounced by the courts. The board of trustees of the school district shall thereafter publish the same in a newspaper of general circulation within said school district for at least two (2) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees of the school district, said new district lines shall thereafter be effective. Any person elected from the new trustee election districts constituted herein shall be elected in the manner provided for in Section 37-7-215 for a term of five (5) years. Any vacancy in the office of a trustee elected from such trustee election district, whether occasioned by redistricting or by other cause, shall be filled by appointment of the governing authorities of the municipality, provided that the person so appointed shall serve only until the first Saturday of March following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner provided in Section 37-7-215.

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

All vacancies shall be filled for the unexpired terms by appointment of the governing authorities of the municipality; except that in the case of the trustees coming from the added territory outside the corporate limits, the person so appointed shall serve only until the first Saturday of March following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner otherwise provided herein.

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

(2) In counties of less than fifteen thousand (15,000) people having a municipal separate school district with added territory which embraces all the territory of a county, one (1) or more trustees of such district shall be nominated from each supervisors district upon

petition of fifty (50) qualified electors of said district, or twenty percent (20%) of the qualified electors of such district, whichever number shall be smaller, and shall be elected by a plurality of the vote of the qualified electors of said county. One (1) trustee so elected shall reside in each supervisors district of the county. In such counties embraced entirely by a municipal separate school district there shall be no county board of education after the formation of such district and the county superintendent of education shall act as superintendent of schools of said district and shall be appointed by the board of trustees of said district, and the provisions of subsection (1) of this section and the first paragraph of Section 37-7-211 shall not apply to such districts.

**Sources:** Codes, 1942, §§ 6238-07, 6328-21; Laws, 1953, Ex Sess, ch. 12, § 7; ch. 17, § 1; Laws, 1956, ch. 273; Laws, 1964, ch. 391, § 1; Laws, 1966, ch. 409, § 1; Laws, 1966, ch. 410, § 1; Laws, 1968, ch. 400; Laws, 1975, ch. 306; Laws, 1985, ch. 509, § 1; Laws, 2002, ch. 598, § 3, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

**§ 37-7-204. Appointment of interim member to fill vacancy in board of trustees for countywide municipal separate school district.**

In the event that a vacancy occurs in the office of any elected trustee of a countywide municipal separate school district, and the next regular school board election at which the vacancy may be filled is less than one (1) year from the date of the resignation, the school board of the district may, in its discretion, take action to appoint an interim board member to fill the vacancy until a duly qualified successor takes office. The interim board member shall serve until such time as the successor board member is duly elected to fill the unexpired term, pursuant to an election held at the next regularly scheduled school board election held in the county.

**Sources:** Laws, 1995, ch. 425, § 1, eff from and after August 25, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-205. Repealed.**

Repealed by Laws, 1987, ch 307, § 47, eff from and after March 3, 1987.

[Codes, 1942, § 6328-07; Laws, 1953, Ex Sess, ch. 12, § 7; 1964, ch. 391, § 1; 1966, ch. 409, § 1; 1966, ch. 410, § 1; 1968, ch. 400]

**§ 37-7-207. Selection and term of trustees of consolidated districts**

(1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education,

and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, with each trustee to be elected for a term of five (5) years. The five (5) members of the board of trustees of such consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The board of trustees of any such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.

On the first Tuesday after the first Monday in November, in any year in which any consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs.

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer.

Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of five (5) years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective. Provided, however, that in any Line Consolidated School District encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of said district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on said board, in order that said condition precedent may be honored and guaranteed, in any year in which the board of trustees of such Line Consolidated School District does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee appointed at large from each county not having representation on the elected board. In such cases, the board of supervisors of each county shall make written agreement to guarantee the manner of appointment of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

On the first Tuesday after the first Monday in November, in any year in which any line consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in

the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately.

**Sources:** Codes, 1942, § 6328-07; Laws, 1953, Ex Sess, ch. 12, § 7; Laws, 1964, ch. 391, § 1; Laws, 1966, ch. 409, § 1; Laws, 1966, ch. 410, § 1; Laws, 1968, ch. 400; Laws, 1981, ch. 409, § 1; Laws, 1988, ch. 523, § 1; Laws, 1990, ch. 567, § 1; Laws, 2002, ch. 598, § 4, eff July 22, 2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section.)

**§ 37-7-208. Authorization to expend funds to cover cost and expenses of litigation relating to and implementation of single member school board trustee election districts.**

The board of trustees of any consolidated school district may pay from non-minimum program funds the cost and expense of litigation involved by or resulting from the creation of or litigation to create single member school board trustee election districts, and pay from non-minimum program funds the cost or expense to implement any plan, decree or reorganization as approved by the court. Said payments by the board of trustees shall be deemed a "new program" under the provisions of Section 37-57-107, Mississippi Code of 1972, and any additional millage levied for such purpose and the revenue generated therefrom shall be excluded from the tax increase limitation prescribed in Sections 37-57-105 and 37-57-107. The board of supervisors of any county in which there is located such consolidated school district may, in its discretion, contribute out of county general funds to the cost and expense of such litigation and/or the cost of implementing such redistricting plan.

**Sources:** Laws, 1988, ch. 523, § 2, eff from and after March 1, 1989 (the date the United States Attorney General interposed no objection to the addition of this section).

**§ 37-7-209. Election of trustees generally.**

All elections of trustees who are elected under the provisions of subsection (1) of Section 37-7-203 shall be held and conducted in the manner and at the time provided for in Sections 37-7-211 through 37-7-219.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1981, ch. 409, § 2, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-211. Filing of petition and affidavit by candidate for office of trustee.**

Any person otherwise eligible under the provisions of subsection (1) of Section 37-7-203 who shall desire to be a candidate for the office of trustee must qualify in the following manner in order to be allowed to be considered for election. By 5:00 p.m. at least forty (40) days before the election he shall file with the office of the superintendent of the municipal separate school district, or the special municipal separate school district, as the case may be, a petition signed by not less than twenty-five (25) qualified electors of the area represented by the office which he seeks, either for a full term or an unexpired term, as the case may be, and an affidavit by the candidate offering for election stating his qualifications under the terms of said sections. The petition shall contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

Unless the petition and affidavit required above shall be filed by 5:00 p.m. not less than forty (40) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

If after the time for candidates to file the petition and affidavit provided for herein there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1977, ch. 425, § 1; Laws, 1981, ch. 409, § 3; Laws, 1982, ch. 356, § 1; Laws, 2000, ch. 592, § 17, eff from and after July 28, 2000, the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.

### **§ 37-7-213. Notice of election.**

Notice of said election shall be given at least twenty-one (21) days before the election by the superintendent by posting a notice thereof in at least three (3) public places in the school district upon the bulletin board of all school buildings in such school district, and in addition thereto, notice shall be made by publication once in each week during three (3) successive weeks in a public newspaper of the county in which the election shall take place, if there be such a newspaper, and where there is no newspaper in the county, the notice shall be posted at the courthouse door of the county and published as above provided in a public newspaper in an adjoining county, or at the seat of government of the state, and the period of said publication shall be deemed completed at the end of twenty-one (21) days from the date of the first publication; provided, there have been three (3) publications made as hereinabove required. Such notice shall contain a statement of the time and place for the holding of the election, the number of trustees to be elected, and whether same be for a full term or for an unexpired term. In addition, the notice shall contain the names of the candidates for each position to be filled and the area to be represented by each. In addition thereto, the principal, teacher or superintendent of each school within such district shall announce the date, time, purpose and place of

holding said election to the pupils at least three (3) times during the week immediately preceding same.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1977, ch. 410, § 1; Laws, 1981, ch. 409, § 4, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-215. Time and place of election.**

- (1) The following election procedure shall be used in each school district in which there are less than three thousand five hundred (3,500) qualified electors:

All such elections shall be held on the first Saturday of March of each year, and in such election the polls shall be opened at 2 p.m. and closed at 5 p.m. for the first ballot. In the event a runoff be necessary such runoff shall be held two (2) weeks thereafter. All such elections shall be held at the schoolhouse of such school district; if there be in such school district an elementary school building and a high school building at different locations, then the election shall be held at the high school building. In the event there are located in such district separate buildings at which such election may be held under the provisions of this section, then the board of trustees of such school district shall, by an order spread upon its minutes, designate the school building at which such election shall be held, which said order shall be adopted not less than thirty (30) days prior to such election.

- (2) The following election procedure shall be used in each school district in which there are three thousand five hundred (3,500) qualified electors or more:

All such elections shall be held on the first Saturday of March of each year, at such time and place as determined by the board of trustees, and in such elections the polls shall be opened for not less than three (3) hours for the first ballot. In the event a runoff be necessary, such runoff shall be held two (2) weeks thereafter. All such elections shall be held at a convenient place. The board of trustees of such school district shall, by an order spread upon its minutes, designate the time and place or places at which such election shall be held, which order shall be adopted not less than thirty (30) days prior to such election.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1978, ch. 469, § 1, eff from and after May 23, 1978 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-217. Conduct of election; certification of results; runoffs.**

The qualified electors of each school district operating under Section 37-7-215(1) shall meet at 2 p.m. on the date and at the place specified therein, and the qualified electors of

each school district operating under Section 37-7-215(2) shall meet on the date specified therein and at the time and place or places specified by the board of trustees of the school district and at such meeting the electors shall immediately organize by electing a chairman and a secretary of the meeting and shall thereupon proceed to elect the necessary number of trustees by secret written ballot from the list of candidates properly qualified. If there be an election for a full term and for an unexpired term or terms, such election shall be separately held and conducted. The person elected shall immediately assume the duties of his office for the full term if said election be for the full term, or for

the remainder of the unexpired term if said election be for an unexpired term. The chairman and secretary of the meeting shall forthwith certify the results of the election to the superintendent of the municipal separate or special municipal separate school district, as the case may be, which said certificate shall be delivered to such superintendent within five (5) days following said election. If a person shall not receive a majority of the votes cast upon the first ballot, a runoff shall be held between the two (2) persons receiving the highest number of votes upon such first ballot, which said runoff shall be held two (2) weeks thereafter. No trustees' election shall be discontinued or adjourned but same shall be completed upon the day specified therefor.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1; Laws, 1978, ch. 469, § 2; Laws, 1981, ch. 409, § 5, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-219. Preparation of list of qualified electors; persons entitled to vote in elections.**

For the purpose of holding such an election, it shall be the duty of the trustees of such school district whose terms do not expire in that year to prepare from the records in the office of the county registrar a list of the qualified electors of such school district who are eligible to participate in such election. Such list shall be furnished to the chairman and secretary of said meeting. No person who is not present at the time and place of holding said election shall be eligible to vote therein.

**Sources:** Codes, 1942, § 6328-09; Laws, 1953, Ex Sess, ch. 12, § 9; Laws, 1962, ch. 348; Laws, 1966, ch. 411, § 1; Laws, 1966, ch. 412, § 1, eff from and after passage (approved February 22, 1966).

**§ 37-7-221. Election of consolidated or consolidated line school district trustees; procedure generally.**

The election of consolidated or consolidated line school district trustees shall be held in the manner provided for in Sections 37-7-223 through 37-7-229 rather than the method now provided by Sections 37-7-209 through 37-7-219.

**Sources:** Codes, 1942, §§ 6328-11.3, 6328-11.4; Laws, 1960, ch. 304, §§ 1, 2; Laws, 1981, ch. 409, § 6, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-223. Election of consolidated or consolidated line school district trustees; time and manner of election.**

All elections of consolidated or consolidated line school district trustees shall be held on the first Tuesday after the first Monday in November of each year in the same manner as general state and county elections are held and conducted.

**Sources:** Codes, 1942, § 6328-11.4; Laws, 1960, ch. 304, § 2; Laws, 1981, ch. 409, § 7, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-225. Election of consolidated or consolidated line school district trustees; filing of petition of nomination by candidate.**

The county election commissioners shall place the name of any person eligible to hold the office of trustee on the ballot used in the election, provided that such candidate shall have filed with the county registrar, not more than ninety (90) days and by 5:00 p.m. not less than sixty (60) days prior to the date of such election, a petition of nomination signed by not less than fifty (50) qualified electors of the school district. Where there are less than one hundred (100) qualified electors in said district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such school district. If such person be a candidate for an unexpired term, he shall indicate the term for which he is a candidate in such petition; otherwise he shall be deemed to be a candidate for a full term.

If after the time for candidates to file the petition of nomination provided for herein there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

**Sources:** Codes, 1942, § 6328-11.4; Laws, 1960, ch. 304, § 2; Laws, 1977, ch. 425, § 2; Laws, 1982, ch. 356, § 2; Laws, 1989, ch. 392, § 1; Laws, 2000, ch. 592, § 18, eff from and after July 28, 2000, the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.

**§ 37-7-227. Election of consolidated or consolidated line school district trustees; ballot; determination of results; runoffs.**

The county election commissioners shall indicate on the ballot which of the persons whose names appear thereon are candidates for a full term, and which of such persons, if any, are candidates for an unexpired term or terms. The candidate who receives a

majority of the votes cast, either for a full term or for an unexpired term or terms, as indicated on the ballot, shall be declared elected, and the person or persons elected to a full term shall assume the duties of his office on the first day of January of the year following such election. The person or persons elected to an unexpired term(s) shall assume office immediately. If no candidate receives a majority of the votes cast at such election, a runoff shall be held in the same manner on the third Tuesday after the first Monday in November following such election between the two (2) candidates receiving the highest number of votes upon such first ballot.

**Sources:** Codes, 1942, § 6328-11.4; Laws, 1960, ch. 304, § 2; Laws, 1981, ch. 409, § 8, eff from and after July 31, 1981 (the date the United States Attorney General interposed no objection to the amendment of this section).

**§ 37-7-229. Election of consolidated or consolidated line school district trustees; preparation of list of qualified electors; compensation of election commissioners.**

For the purpose of holding such election, it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar a list of the qualified electors of the school district in which such election is to be held who are eligible to participate in such election. Such list shall be furnished to the election managers in each precinct, together with the ballots and other election supplies.

In the event that any election precinct embraces parts of two or more school districts it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar separate lists of the qualified electors of each school district who reside in said precinct and who are eligible to participate in such election. Said election commissioners shall furnish to the election managers in said precinct separate ballots and separate ballot boxes and separate voting lists for each school district.

For each day spent in carrying out the provisions of Sections 37-7-225 through 37-7-229 the county election commissioners shall be paid at the rate prescribed by law.

**Sources:** Codes, 1942, § 6328-11.4; Laws, 1960, ch. 304, § 2, eff from and after passage (approved March 31, 1960).

**§§ 37-7-231 through 37-7-235. Repealed.**

Repealed by Laws, 1986, ch. 492, § 45, eff from and after July 1, 1987.

§ 37-7-231. [Codes, 1942, § 6328-22; Laws, 1953, Ex Sess, ch. 17, § 2]

§ 37-7-233. [Codes, 1942, § 6328-23; Laws, 1953, Ex Sess, ch. 17, § 3]

§ 37-7-235. [Codes, 1942, § 6328-23.5; Laws, 1964, ch. 418]

**ARTICLE 13.**  
**SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS.**

**§ 37-7-701. Applicability of article; construction of article.**

The provisions of this article shall be applicable only to those municipal separate school districts which have been or shall be organized, reorganized or reconstituted in accordance with the provisions of Article 1 of this chapter, with added territory where the added territory, exclusive of any added territory which was a part of such municipal separate school district before such organization, reorganization or reconstitution, shall contain twenty-five per cent or more of the total number of educable children of such district. Such school districts, for the purposes of this article, shall be known as special municipal separate school districts. This article shall be supplementary and in addition to all existing school laws of this state and, except as herein expressly provided, all applicable statutes relative to the establishment, government, management, and operation of municipal separate school districts shall be fully applicable to such special municipal separate school districts.

**Sources:** Codes, 1942, § 6328-81; Laws, 1956, ch. 296, § 1.

**§ 37-7-703. Selection of trustees of county-wide district where majority of inhabitants reside within city limits.**

In all such special municipal separate school districts which embrace the entire county in which, according to the latest available federal census, a majority of the inhabitants of the county reside within the corporate limits of the municipality, the board of trustees of such special municipal separate school district shall be chosen and selected in the manner provided by subsection (1) of Section 37-7-203, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees.

**Sources:** Codes, 1942, § 6328-82; Laws, 1956, ch. 296, § 2.

**§ 37-7-705. Selection of trustees of county-wide district where majority of inhabitants reside outside city limits.**

In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the board of trustees of such district shall be constituted in accordance with the provisions of Sections 37-7-707 through 37-7-711, unless the governing authorities of the municipality and of the county shall have provided for one of the alternative methods of organization as provided by Sections 37-7-715 and 37-7-717.

**Sources:** Codes, 1942, § 6328-83; Laws, 1956, ch. 296, § 3.

**§ 37-7-707. Composition of board of trustees; qualifications, election and terms of office of trustees.**

In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the board

of trustees of such district shall be composed of five members, one of whom shall be a resident qualified elector of each supervisors district of the county. Said trustees shall be elected from the county at large by the qualified electors of the county at the first regular general election following the approval by the state educational finance commission of the organization of such district. Such trustees shall take office on the first Monday of January following their election.

At such election the members of the said board from supervisors districts one and five shall be elected for a term of six years, the members from districts three and four shall be elected for a term of four years, and the members from district two shall be elected for a term of two years. Thereafter members shall be elected at regular general elections as vacancies occur for terms of six years each and shall take office on the first Monday of January after their election.

**Sources:** Codes, 1942, § 6328-83; Laws, 1956, ch. 296, § 3.

#### **§ 37-7-709. Filling of vacancies.**

In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, all vacancies which may occur during the term of office shall be filled by appointment by the remaining members of the board of trustees, such appointee to have the same qualifications as other members of the board and to reside in the same supervisors district as the former member whose death, removal or resignation caused the vacancy. Such appointment shall be made within thirty days after the vacancy occurs. The person so appointed shall serve only until the first Monday of January following the next regular general election after such appointment and, at the regular general election next preceding such first Monday in January, a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term next expiring, and such person shall take office on said first Monday of January.

**Sources:** Codes, 1942, § 6328-83; Laws, 1956, ch. 296, § 3.

#### **§ 37-7-711. Filing of petition of nomination by candidate for board of trustees; determination of election results**

In all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than ninety days and not less than thirty days prior to the date of such general election, a petition of nomination signed by not less than one hundred fifty qualified electors of the county. The

candidate in each election who receives the highest number of votes cast in the election shall be declared to have been elected.

**Sources:** Codes, 1942, § 6328-83; Laws, 1956, ch. 296, § 3.

**§ 37-7-713. Selection of trustees in districts embracing less than entire area of county**

In all special municipal separate school districts where the district embraces less than the entire area of the county and where the majority of the educable children of such district reside outside the limits of the municipality, unless the governing authorities of the municipality and the county provide for one of the alternative methods of organization as set out in Sections 37-7-715 and 37-7-717, the said special municipal separate school district shall be governed by a board of trustees consisting of five members, to be elected by the qualified electors of such municipal separate school district from the district at large in the manner provided by Sections 37-7-209 through 37-7-219, and all duties imposed upon the county superintendent of education by said sections with reference to such elections shall be imposed upon and performed by the superintendent of the municipal separate school district. However, the first board of trustees of such special municipal separate school district shall be appointed in the following manner. The governing authorities of the municipality shall appoint three trustees, and such appointments shall be made so that one trustee shall be appointed to serve until the first Saturday of March following such appointment, one for two years longer, and one for four years longer. The board of education of the county shall appoint two trustees, such appointments to be made so that one trustee shall be appointed to serve until the first Saturday of March of the second year following such appointment, and one trustee for two years longer. After such original appointments the trustees of such a special municipal separate school district shall be elected for a term of five years, as herein provided. All such members of said board of trustees shall be residents and qualified electors of such school district. All vacancies which may occur during a term of office shall be filled by appointment by the remaining members of the board of trustees, such appointee to have the same qualifications as other members of the board. Such appointment shall be made within thirty days after the vacancy occurs. The person so appointed shall serve only until his successor shall have qualified. The successor to serve the remainder of the unexpired term shall be elected on the first Saturday of March next following the occurrence of such vacancy in the same manner as provided for by Sections 37-7-209 through 37-7-219.

**Sources:** Codes, 1942, § 6328-84; Laws, 1956, ch. 296, § 4.

**§ 37-7-715. Selection of trustees by agreement of governing authorities of county and municipality generally**

Upon the organization, reorganization or reconstitution of any special municipal separate school district, the board of supervisors of the county wherein such special municipal separate school district is located and the governing authorities of the municipality may,

by an order spread upon their minutes within sixty days after such organization, reorganization or reconstitution shall have become final, expressing an agreement between both such governing authorities, choose to constitute the board of such special municipal separate school district under one of the optional methods of organization set out in Section 37-7-717. In the event that both the governing authorities hereinabove referred to shall enter such an order within said period, then the said board of trustees shall be thereafter constituted and selected according to the terms of such agreement, provided such agreement is in conformity with the terms of Section 37-7-717. It is further expressly provided that irregularities of a procedural nature in the adoption of such orders shall not affect the validity of the same or the validity of any acts of the board of trustees which may be constituted by virtue thereof.

**Sources:** Codes, 1942, § 6328-85; Laws, 1956, ch. 296, § 5.

### **§ 37-7-717. Optional methods of selecting trustees pursuant to agreement**

Upon complying with the terms and provisions of Section 37-7-715, hereof, the board of supervisors of any county wherein there is a special municipal separate school district and the governing authorities of the municipality may provide that the board of trustees of such special municipal separate school district shall be organized and constituted in one of the following manners:

(a) The said board may consist of five members, all of whom shall be bona fide residents of and qualified electors of such school districts and who shall be appointed by either the board of supervisors, the governing authorities of the municipality, or by both of said bodies in such proportion as the governing bodies may agree upon. The first such board shall be appointed so that one trustee shall be appointed to serve for one year, one for one year longer, one for two years longer, one for three years longer, and one for four years longer. Upon the expiration of each such original term, each appointment shall be for five years and shall be made by the authority making the original appointment. In case of the occurrence of a vacancy, the authority which made the appointment of the trustee responsible for such vacancy shall appoint a successor to serve the remainder of the term of such trustee.

(b) In case of a special municipal separate school district which embraces the entire county, the board of trustees may be constituted and selected in accordance with the terms and provisions of Sections 37-7-707 through 37-7-711, with the exception that one member of such board shall be elected by each supervisors district and shall be a resident and qualified elector of the district from which he is elected.

(c) In case of a special municipal separate school district embracing the entire county, the board of trustees may be constituted and selected in accordance with the terms and provisions of Section 37-7-713.

**Sources:** Codes, 1942, § 6328-86; Laws, 1956, ch. 296, § 6.

**§ 37-7-719. and 37-7-721. Repealed**

Repealed by Laws, 1986, ch. 492, § 48, eff from and after July 1, 1987.

**§ 37-7-723. District board of trustees to supersede county board of education in county-wide districts**

In any county in which there exists a special municipal separate school district which embraces and includes the entire county, the county board of education of such county shall be forthwith discontinued and abolished. All of the duties provided by law which would otherwise devolve upon the county board of education of such county shall be performed and discharged by the board of trustees of the special municipal separate school district which for such purpose, shall have and be vested with all power, authority and duties now conferred by law upon the county board of education.

**Sources:** Codes, 1942, § 6328-112; Laws, 1958, ch. 319, § 2, eff from and after passage (approved May 6, 1958).

**§ 37-7-725. District superintendent to supersede county superintendent of education in county-wide districts**

When a special municipal separate school district embraces and includes all of the territory of the county, then the office of county superintendent of education in such county shall be abolished and discontinued in such county and no county superintendent of education of such county shall be elected at any ensuing elections. In such an event, the superintendent of the special municipal separate school district shall thereafter perform and discharge all duties which would otherwise devolve upon the county superintendent of education under the provisions of any applicable statute of this state, and, for such purpose, the superintendent of such special municipal separate school district shall have and be vested with all power and authority conferred by law upon such county superintendents of education.

**Sources:** Codes, 1942, § 6328-113; Laws, 1958, ch. 319, § 3, eff from and after passage (approved May 6, 1958).

**§§ 37-7-727 through 37-7-745. Repealed**

Repealed by Laws, 1986, ch. 492, § 48, eff from and after July 1, 1987.

**CHAPTER 59**

**School Bonds and Obligations**

**ARTICLE 1.**

**AUTHORITY TO ISSUE BONDS, NOTES AND CERTIFICATES OF INDEBTEDNESS**

### **§ 37-59-1. "Bonds" defined**

The word "bonds" as used in this article shall be deemed to mean and include bonds, notes, or certificates of indebtedness.

**Sources:** Codes, 1942, § 6532-01; Laws, 1950, ch. 231, § 1; Laws, 1955, Ex Sess, ch. 61.

### **§ 37-59-3. Purposes for which bonds may be issued**

The school board of any school district is authorized to issue negotiable bonds of such school district to raise money for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunch rooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

(c) Providing necessary water, light, heating, air conditioning and sewerage facilities for school buildings, and purchasing land therefor.

(d) Paying part of the costs to be incurred in erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities which are owned and operated by state-supported institutions of higher education as a demonstration or practice school attended by pupils, grades, or one or more, or parts of grades from the educable children of such school district pursuant to a contract or agreement between said institution and said school district.

The authority to issue the bonds hereinabove set forth shall include the authority for the school board of such school district to spend the money for the purposes for which said money is raised.

**Sources:** Codes, 1942, § 6532-01; Laws, 1950, ch. 231, § 1; Laws, 1955, Ex Sess, ch. 61; Laws, 1986, ch. 492, § 168; Laws, 1987, ch. 307, § 24, eff from and after passage (approved March 3, 1987).

### **§ 37-59-5. General limitation of indebtedness**

No school district shall, except as provided in Section 37-59-7, hereafter issue bonds for the purposes authorized by law in an amount which, added to all of its then outstanding bonded indebtedness, shall result in the imposition on any of the property in such district of an indebtedness for school purposes of more than fifteen per cent of the assessed value of the taxable property within such district, according to the then last completed

assessment for taxation, regardless of whether any of such indebtedness shall have been incurred by such district or by another school district or districts.

**Sources:** Codes, 1942, § 6532-02; Laws, 1950, ch. 231, § 2; Laws, 1955, Ex Sess, chs. 52, 60; Laws, 1962, ch. 361; Laws, 1968, ch. 403, § 1, eff from and after passage (approved July 26, 1968).

**§ 37-59-7. Issuance of bonds in amount exceeding limitation of Section 37-59-5**

(1) Any school district in which the total number of pupils enrolled at any one time during the school year shall have increased by at least twenty percent (20%) within the preceding five (5) years shall not issue bonds for the purposes authorized by law in an amount which when added to all of its then outstanding bonded indebtedness, shall result in the imposition on any of the property in such district of an indebtedness for school purposes of more than twenty-five percent (25%) of the assessed value of the taxable property within such district according to the then last completed assessment for taxation.

The pupil increase mentioned hereinabove shall apply only to growth in pupil enrollment and shall not apply to pupil increases brought about by consolidation of school districts.

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

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

(b) In the event such school district has lost its accreditation and the constructing, reconstructing, repairing, equipping, remodeling or enlarging of such school buildings and related facilities is necessary for the restoration of such accreditation.

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

to the then last completed assessment for taxation, regardless of whether any of such indebtedness shall have been incurred by such district or by another school district or districts. If bonds in an amount in excess of fifteen percent (15%) of the total assessed value of the property of a school district are issued under the provisions of this subsection, not less than twenty-five percent (25%) of the total funds received by the school district under the provisions of Section 49-19-23, Mississippi Code of 1972, shall be paid into the bond and interest sinking fund of such district and used for the retirement of the bonds so issued.

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

(a) The board of trustees or board of education of the school district adopts a resolution finding that issuing bonds in an amount exceeding the limitation stated in Section 37-59-5 is necessary to provide or maintain adequate educational facilities within the school district; and

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

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

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

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

**Sources:** Codes, 1942, § 6532-02; Laws, 1950, ch. 231, § 2; Laws, 1955, Ex Sess, chs. 52, 60; Laws, 1962, ch. 361; Laws, 1968, ch. 403, § 1; Laws, 1986, ch. 492, § 169; brought forwarded and amended, 1987, ch. 307, § 25; Laws, 1995, ch. 440, § 1, eff from and after passage (approved March 21, 1995).

### **§ 37-59-9. Bonds and notes excluded for purposes of computing limitations of indebtedness**

No bonds or negotiable notes issued by any school district in order to comply with the provisions of Section 37-47-15, shall be included in computing the debt limits established in Sections 37-59-5, 37-59-7.

**Sources:** Codes, 1942, § 6532-02; Laws, 1950, ch. 231, § 2; Laws, 1955, Ex Sess, chs. 52, 60; Laws, 1962, ch. 361; Laws, 1968, ch. 403, § 1, eff from and after passage (approved July 26, 1968).

**§ 37-59-11. Adoption of bond issue resolution; requirement of election on issuance of bonds**

(1) Before any money shall be borrowed under the provisions of this chapter, the school board of the school district shall adopt a resolution declaring the necessity for borrowing such money, declaring its intention to borrow such money and to issue the negotiable bonds of the school district as evidence of same, specifying the approximate amount to be so borrowed, and how such indebtedness is to be evidenced. Such resolution shall also set forth the nature and approximate cost of the alterations, additions and repairs to be made, and shall declare in said resolution that no funds are available in the school funds of the district or from any other source with which to make such repairs, alterations, additions, purchases, erections or improvements.

(2) Whenever a resolution is adopted by the school board as provided in subsection (1), or a petition signed by not less than ten percent (10%) of the qualified electors of a school district, fixing the maximum amount of such school bonds and the purpose or purposes for which they are to be issued, the school board shall adopt a resolution calling an election to be held within such school district for the purpose of submitting to the qualified electors thereof the question of the issuance of bonds in the amount and for the purpose or purposes as set forth in such resolution or petition. The resolution calling such election shall designate the date upon which the election shall be held and the place or places within such district at which such election shall be held, which place or places may or may not be the school house or school houses in such district.

(3) Provided, however, anything herein to the contrary notwithstanding, no election shall be required for approval of bonds issued after July 1, 1987, and prior to July 1, 1988, or within one (1) year after the final favorable termination of any litigation affecting the issuance of such bonds, and as to which the resolution of necessity and intent to issue by the school board of the school district is passed and publication thereof commenced on or before June 30, 1987, unless a petition calling for such election is filed meeting the requirements and within the time provided by this Section 37-59-11 as in effect between April 15, 1986, and June 30, 1987.

**Sources:** Codes, 1942, § 6532-04; Laws, 1950, ch. 231, § 4; Laws, 1986, ch. 492, § 170; Laws, 1987, ch. 307, § 26, eff from and after July 1, 1987 (approved March 3, 1987).

**§ 37-59-13. Notice of election**

Where an election has been called, as provided in Section 37-59-11, notice of such election shall be signed by the president of the school board and shall be published once a week for at least three (3) consecutive weeks, in at least one (1) newspaper published in such school district. The first publication of such notice shall be made not less than

twenty-one (21) days prior to the date fixed for such election, and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such school district, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such school district.

**Sources:** Codes, 1942, § 6532-05; Laws, 1950, ch. 231, § 5; Laws, 1986, ch. 492, § 171; brought forward, 1987, ch. 307, § 27, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-15. Conduct of election**

Such election shall be held upon order of the school board, as far as is practicable, in the same manner as other elections are held in such county or municipality. At such election, all qualified electors of such school district may vote. The ballots used at such election shall have printed thereon a brief statement of the amount and the purpose of the proposed bond issue, and the words "FOR THE BOND ISSUE," and "AGAINST THE BOND ISSUE." The voter shall vote by placing a cross (X) or check mark (✓) opposite his choice on the proposition.

**Sources:** Codes, 1942, § 6532-06; Laws, 1950, ch. 231, § 6; Laws, 1986, ch. 492, § 172; brought forward, 1987, ch. 307, § 28, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-17. Determination of results of election; time period for issuance of bonds**

When the results of the election on the question of the issuance of such bonds shall have been canvassed by the election commissioners of such county or municipality, and certified by them to the school board of the school district, it shall be the duty of such school board to determine and adjudicate whether or not three-fifths (3/5) of the qualified electors who voted in such election voted in favor of the issuance of such bonds. Unless three-fifths (3/5) of the qualified electors who voted in such election shall have voted in favor of the issuance of such bonds, then such bonds shall not be issued. Should three-fifths (3/5) of the qualified electors who vote in such election vote in favor of the issuance of such bonds, then the school board of such school district shall issue such bonds, either in whole or in part, within two (2) years from the date of such election, or within two (2) years after the final favorable termination of any litigation affecting the issuance of such bonds, as such school board shall deem best.

**Sources:** Codes, 1942, § 6532-07; Laws, 1950, ch. 231, § 7; Laws, 1986, ch. 492, § 173; brought forward, 1987, ch. 307, § 29, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-19. Procedure for issuance of bonds upon petition of majority of qualified electors of school district generally**

When a petition signed by a majority of the qualified electors residing within the school district on behalf of which bonds are to be issued, fixing the maximum amount of such bonds, such maximum amount not to exceed Ten Thousand Dollars (\$ 10,000.00), and the purpose or purposes for which they are to be issued, shall be filed with the school board of the school district, praying for the issuance of bonds for any of the purposes enumerated in Section 37-59-3, the school board shall issue the bonds of such school district in the manner provided in this article, in the amount and for the purpose or purposes set forth in such petition, without the necessity of calling an election upon the question of whether or not such bonds shall be issued. The finding of the school board as to the sufficiency of any such petition shall be final and conclusive, unless such finding be appealed from in the manner provided by law.

**Sources:** Codes, 1942, § 6532-08; Laws, 1950, ch. 231, § 8; Laws, 1954, ch. 257, § 1; Laws, 1986, ch. 492, § 174; Laws, 1987, ch. 307, § 30, eff from and after passage (approved March 3, 1987).

**§ 37-59-21. Procedure for issuance of bonds upon petition where district lies in two or more counties**

If the territory of such school district as is provided for in section 37-59-19, lies in two or more counties, bonds may be issued as provided herein by the board of supervisors of the county having the greatest assessed valuation of taxable property within such district, upon petition of a majority of the qualified electors residing within the district as a whole. In such cases, a counterpart of the petition shall be separately circulated in that part of the district situated within each of the counties involved, and the said petitions shall be filed with the respective boards of supervisors. Each such board shall thereupon determine, by resolution entered upon its minutes, the number of qualified electors of such county residing within such district, and the number of qualified electors of such district who have signed such petition, and shall transmit a certified copy of such resolution and of such petition to the board of supervisors of the county having the greater assessed valuation of taxable property within such district. The latter board shall thereupon determine, by resolution entered upon its minutes, the total number of qualified electors residing within such district as a whole, and the total number of qualified electors of such district who have signed such petitions. If the latter board thereupon finds and determines that such petitions have been signed by a majority of all of the qualified electors residing within such district, regardless of county lines, such board may proceed to issue bonds in the amount and for the purpose or purposes set forth in such petition.

The maximum amount of such bonds which may be issued by petition shall not exceed the sum of ten thousand dollars (\$ 10,000.00), and the total amount of bonds so issued by petition in any twelve-month period shall not exceed the sum of ten thousand dollars (\$ 10,000.00).

**Sources:** Codes, 1942, § 6532-08; Laws, 1950, ch. 231, § 8; Laws, 1954, ch. 257, § 1.

**§ 37-59-22. Procedure for issuance of bonds upon election where district lies in two or more counties; levy of special tax**

Whenever a school district lies in two (2) or more counties of the State of Mississippi before any money shall be borrowed under the provisions of this chapter, the school board of the school district shall adopt a resolution declaring the necessity for borrowing such money, declaring its intention to borrow such money and to issue the negotiable bonds of the school district as evidence of same, specifying the approximate amount to be so borrowed, and how such indebtedness is to be evidenced. Such resolution shall also set forth the nature and approximate cost of the alterations, additions and repairs to be made, and shall declare in said resolution that no funds are available in the school funds of the district or from any other source with which to make such repairs, alterations, additions, purchases, erections or improvements.

Whenever a resolution is adopted by the school board as provided in this paragraph, or a petition signed by not less than ten percent (10%) of the qualified electors of a school district, fixing the maximum amount of such school bonds and the purpose or purposes for which they are to be issued, the school board shall adopt a resolution calling an election to be held within such school district for the purpose of submitting to the qualified electors thereof the question of the issuance of bonds in the amount and for the purpose or purposes as set forth in such resolution or petition. The resolution calling such election shall designate the date upon which the election shall be held and the place or places within such district at which such election shall be held, which place or places may or may not be the schoolhouse or schoolhouses in such district.

The board of supervisors of the county which authorizes the issuance of the bonds shall annually levy upon all the taxable property within such district, without regard to county lines, a special tax, which shall be sufficient to provide for the payment of the principal of and interest on such bonds according to the terms thereof. Such board shall annually certify to the board of supervisors of the other county or counties in which a portion of the district is situated, the rate of taxation so fixed, and it shall be the duty of such other board or boards to cause such rate of taxation to be levied upon all the taxable property within the boundaries of such district situated within their respective counties. The taxes shall be collected and deposited as other taxes are collected and deposited in such county or counties, and the board of supervisors thereof shall thereupon cause such taxes to be remitted to the county depository for the county in which the bonds were issued.

**Sources:** Laws, 1978, ch. 409, § 1; Laws, 1993, ch. 327, § 1, eff from and after August 9, 1993 (the date the United States Attorney General interposed no objections under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

### **§ 37-59-23. Levy of special tax to pay principal and interest on bonds**

The levying authority, as defined in Section 37-57-1(1)(b), acting for and on behalf of any school district, shall annually levy a special tax upon all of the taxable property within such school district, which shall be sufficient to provide for the payment of the principal of and the interest on school bonds issued under the provisions of this article according to the terms thereof.

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

**Sources:** Codes, 1942, §§ 6532-03, 6532-08; Laws, 1950, ch. 231, §§ 3, 8; Laws, 1954, ch. 257, § 1; Laws, 1971, ch. 341, § 1; Laws, 1986, ch. 492, § 175; brought forward, 1987, ch. 307, § 31, 1988, ch. 301, § 1, eff from and after passage (approved February 5, 1988).

#### **§ 37-59-24. Instructions to deposit tax receipts directly with trustee or paying agent**

Notwithstanding any other provision of law, any school district having outstanding school debt which is repaid at least in part from local ad valorem tax receipts may, for the remaining term of such debt, irrevocably instruct the appropriate local tax collector/assessor in writing to deposit a portion of the monthly ad valorem tax collections for district purposes directly with any state or federally chartered bank serving as trustee or paying agent on such district debt. The district's instructions to the tax collector/assessor shall specify the amount of tax receipts to be so deposited with the trustee or paying agent and shall be binding on the district and local tax collector/assessor during the term of such debt.

**Sources:** Laws, 1996, ch. 534, § 8, eff from and after July 1, 1996.

#### **§ 37-59-25. Form of bonds; supplemental powers conferred in issuance of bonds**

(a) All bonds issued under the provisions of this article shall be lithographed or engraved, and printed in two (2) or more colors, to prevent counterfeiting. Provided, however, where the bonds are sold to less than ten (10) purchasers at closing and the purchasers consent, a temporary bond or bonds may be issued in typewritten form pending preparation of the lithographed or engraved bonds for which the temporary bond or bonds may be subsequently exchanged. Such bonds shall be registered as issued, be numbered in a regular series from one (1) upward, and every such bond shall specify on its face the purpose for which it was issued and the total amount authorized to be issued, shall be made payable to bearer, or to the registered owner, and interest shall be evidenced by proper coupons thereto attached.

Notwithstanding the foregoing provisions of this section, bonds referred to hereinabove may be issued pursuant to the supplemental powers and authorizations conferred by the provisions of the Registered Bond Act, being Sections 31-21-1 through 31-21-7.

(b) Bonds issued under the provisions of this article may contain such covenants or other provisions as may be necessary to insure continuing compliance with any federal law applicable to such bonds or the tax exempt nature of the interest income thereon and to assure that such bonds will be readily acceptable in the municipal bond market, provided the same is not inconsistent with the Constitution of the state.

**Sources:** Codes, 1942, § 6532-03; Laws, 1950, ch. 231, § 3; Laws, 1971, ch. 341, § 1; Laws, 1983, ch. 494, § 15; Laws, 1987, ch. 307, § 32; Laws, 1988, ch. 466, § 11, eff from and after July 1, 1988.

**§ 37-59-27. Maturities of bonds; interest rates; execution of bonds; maintenance of register of bond issues**

All bonds issued by a school district shall mature annually, with all maturities not longer than twenty (20) years. Not less than one-fiftieth ( $1/50$ ) total issue shall mature each year during the first five (5) years of the life of such bonds, and not less than one-twenty-fifth ( $1/25$ ) of the total issue shall mature each year during the succeeding period of ten (10) years of the life of such bonds, and the remainder shall be amortized, as to principal and interest, into approximately equal annual payments, one (1) payment to mature each year for the remaining life of such bonds. However, in cases where bonds shall be issued or dated subsequent to the date fixed for making the school tax levy in the year in which such bonds are to be issued, the first maturity date of not less than one-fiftieth ( $1/50$ ) of the total issue may be fixed for any period not exceeding two (2) years from the date of the bonds with the same schedule of subsequent maturities as hereinabove set forth. Such bonds shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-101, Mississippi Code of 1972. No bond shall bear more than one (1) rate of interest. Each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid. All bonds of the same maturity shall bear the same rate of interest from date to maturity. All interest accruing on such bonds so issued shall be payable semiannually or annually, except that the first interest coupon attached to any such bond may be for any period not exceeding one (1) year.

No interest payment shall be evidenced by more than one (1) coupon and neither cancelled nor supplemental coupons shall be permitted. The lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest interest rate specified for the same bond issue. The interest rate of any one (1) interest coupon shall not exceed the maximum interest rate allowed on such bonds. Each interest rate specified in any bid must be in multiples of one-eighth of one percent ( $1/8$  of 1%) or in multiples of one-tenth of one percent ( $1/10$  of 1%), and a zero rate of interest cannot be named.

The form and place or places of payment of such bonds shall be fixed in the resolution

or order of the school board of such school district issuing such bonds. Such bonds shall be executed by the manual or facsimile signature of the president of the school board and the superintendent of schools, with the official seal or facsimile thereof of such school district affixed thereto. At least one (1) signature on each bond shall be a manual signature, as specified in the issuing resolution. The coupons may bear only the facsimile signatures of such president of the school board and superintendent of schools. However, if so provided in the issuing resolution, if the manual signature of the trustee or other fiduciary or agent charged with authenticating and issuing the bonds is required to be thereon, both the signatures of the president of the school board and the superintendent of schools may be by facsimile. No bonds shall be issued and sold under the provisions of this article for less than par and accrued interest.

The bond register for all outstanding bond issues of such school district shall be maintained by the school board.

**Sources:** Codes, 1942, § 6532-09; Laws, 1950, ch. 231, § 9; Laws, 1969, Ex Sess, ch. 30, § 1; Laws, 1970, ch. 383, § 1; Laws, 1975, ch. 381; Laws, 1976, ch. 307; Laws, 1977, ch. 394; Laws, 1980, ch. 490, § 2; Laws, 1981, ch. 318, § 1; Laws, 1982, ch. 434, § 17; Laws, 1983, ch. 541, § 22; Laws, 1986, ch. 492, § 176; Laws, 1987, ch. 307, § 33, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-29. Disposition of proceeds of bonds; liability for diversion of funds**

The proceeds of any bonds issued by a school district shall be placed in the county or municipal treasury or depository, as the case may be, if there be one, as a special fund, and shall be used for no other purpose than that for which such bonds were authorized to be issued. If the school board of the school district or any member thereof, or any other officer, shall wilfully divert or aid or assist in diverting any such fund, or any part thereof, to any purpose other than that for which such bonds were authorized to be issued, then such person shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the state penitentiary for a term not exceeding five (5) years. In addition, he shall be liable personally and on his official bond for the amount so diverted. Any member of such school board may escape the penalty provided for above by requesting and having his vote recorded in the negative on any illegal diversion of the proceeds of such bonds. Nothing contained in this section shall be construed to prevent the payment or rebate of a portion of the earnings derived from the investment of the bond proceeds to the federal government to the extent required by the federal laws applicable to such bonds or the interest income thereon in order to maintain their tax exempt status.

**Sources:** Codes, 1942, § 6532-10; Laws, 1950, ch. 231, § 10; Laws, 1953, Ex Sess, ch. 31, § 1; Laws, 1986, ch. 492, § 177; Laws, 1987, ch. 307, § 34, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-31. Election on withdrawing or revoking authority to issue bonds or on amending purpose for which bonds may be issued**

In any case where the issuance of the bonds of a school district has been authorized pursuant to referendum of the qualified electors of the school district under the provisions of this article, and at any time prior to the actual issuance and sale of said bonds, there should be a resolution adopted by the school board of the school district on whose behalf the bonds are to be issued requesting either that the authority to issue said bonds be withdrawn and revoked or that the purpose or purposes for which the bonds are to be issued be amended, altered and changed, in which latter case the resolution shall specify distinctly the amendment, alteration and change proposed, the school board shall, within sixty (60) days after the adoption of such resolution, call an election to be held within the school district involved for the purpose of submitting to the qualified electors thereof the question of whether the authority to issue the bonds should be withdrawn and revoked or whether the purpose or purposes for which the bonds are to be issued should be amended, altered and changed, as the case may be. The resolution calling said election shall designate the date upon which the election will be held and the place or places within such district at which same will be held, which place or places may or may not be the school house or school houses of such district. In all respects, notice of the election shall be given for the time and in the manner otherwise provided in this article with respect to elections upon the question of the issuance of bonds of the school district. The results of the election shall be canvassed, returned and determined as is otherwise provided in this article with respect to elections upon the question of the issuance of school district bonds. The ballots used at said election shall have printed thereon a brief statement of the proposal that the authority to issue the bonds be withdrawn and revoked, or of the proposal that the purpose or purposes for which the bonds are to be issued be amended, altered and changed, as the case may be and in the event the proposal be to amend, alter and change the purpose or purposes of the proposed issue of bonds, a brief statement of the amendments, alterations and changes proposed. There shall also be printed on the ballot the words "FOR THE PROPOSITION" and the words "AGAINST THE PROPOSITION" and the voter shall vote by placing a cross (X) or check mark (✓) opposite his choice. If a majority of the qualified electors who vote in said election shall vote in favor of the proposition, and the proposition be to withdraw or revoke the authority to issue said bonds, then the authority to issue such bonds shall terminate; otherwise, the school board shall continue to have the power and authority to issue said bonds to the same extent as though such election shall not have been held. If a majority of the qualified electors who vote in said election shall vote in favor of the proposition, and the proposition be to amend, alter or change the purpose or purposes for which the bonds shall be issued, then the school board shall be authorized to issue said bonds for the purpose or purposes as amended, altered and changed; otherwise, the bonds shall be issued for the purpose or purposes originally specified.

**Sources:** Codes, 1942, § 6532-10; Laws, 1950, ch. 231, § 10; Laws, 1953, Ex Sess, ch. 31, § 1; Laws, 1986, ch. 492, § 178; Brought forward, 1987, ch. 307, § 35, eff from and after passage (approved March 3, 1987).

### **§ 37-59-33. Transfer of balance of proceeds of bond issue**

Whenever a balance shall remain of the proceeds of any bond issue after the purpose

for which such bonds were issued shall have been accomplished, such balance shall forthwith be transferred to the bond and interest fund applicable to such bond issue.

**Sources:** Codes, 1942, § 6532-11; Laws, 1950, ch. 231, § 11, eff from and after July 1, 1950.

#### **§ 37-59-35. Use of bond and interest funds to buy outstanding bonds**

Whenever there shall be on hand in any bond and interest fund an amount in excess of the amount which will be required for expenditure therefrom within the then next succeeding twelve (12) months, the school board may use such excess amount to purchase the outstanding bonds of such school district which are payable from such fund whenever, in the judgment of such school board, the best interest of the district would be served thereby. When such bonds are purchased, they shall be cancelled and retired and shall not thereafter be resold or reissued. Nothing contained in this section shall be construed to prevent the payment of a portion of the earnings derived from the investment of the amounts in the bond and interest fund to the federal government to the extent required by the federal laws applicable to such bonds or the interest income thereon in order to maintain their tax exempt status.

**Sources:** Codes, 1942, § 6532-12; Laws, 1950, ch. 231, § 12; Laws, 1986, ch. 492, § 179; Laws, 1987, ch. 307, § 36, eff from and after passage (approved March 3, 1987).

#### **§ 37-59-37. Borrowing of money for current expenses in anticipation of school district taxes**

The school board of any school district shall have the power and authority to borrow money for the anticipated current year's expenses of such school district in anticipation of the collection of ad valorem taxes and other revenues of such school district for the then current fiscal year. The money so borrowed shall bear interest at a rate not greater than that allowed in Section 75-17-105 and shall be repaid within fourteen (14) months from the date of such borrowing out of the taxes and revenues in anticipation of which such money is borrowed. Such money shall be used for no other purpose than the payment of the current year's expenses of such school district. Pending the expenditure of funds borrowed under the provisions of this section, such funds may be invested in any manner in which any school district, municipality, county, state agency or other public body may invest surplus funds.

The amount borrowed under the provisions of this section shall in no event exceed the estimated amount of taxes and revenues collected or to be collected during the last preceding fiscal year, unless the tax levy for the current fiscal year has been made, then the amount borrowed under the provisions of this section shall in no event exceed the estimated amount of taxes and revenues collected or to be collected during the current fiscal year. Revenue anticipation notes issued under the provisions of this section shall be issued within the same fiscal year during which the tax levy is or will be made and other revenues received which it is anticipated will produce the funds from which the said

notes will be repaid.

In borrowing money under the provisions of this section, it shall not be necessary to publish notice of intention so to do or to secure the consent of the qualified electors of such school district, either by election or otherwise. Such borrowing shall be authorized by order or resolution of the school board and may be evidenced by negotiable note or notes, signed and executed in such form as may be prescribed in such order or resolution. Such note or notes may be sold at a negotiated sale. Money may be borrowed in anticipation of ad valorem taxes and other revenues under the provisions of this section, regardless of whether or not such borrowing shall create an indebtedness in excess of statutory limitations.

Money may likewise be borrowed by any such school district, as herein provided, for the purpose of paying current interest maturities on any bonded indebtedness of such school district in anticipation of the collection of taxes for the retirement of such bonded indebtedness and the payment of any interest thereon.

**Sources:** Codes, 1942, § 6532-13; Laws, 1950, ch. 231, § 13; Laws, 1952, ch. 415, § 1; Laws, 1954, ch. 277; Laws, 1981, ch. 462, § 10; Laws, 1982, ch. 434, § 18; Laws, 1983, ch. 541, § 23; Laws, 1986, ch. 492, § 180; brought forward, 1987, ch. 307, § 37; Laws, 1991, ch. 491 § 1; Laws, 1992, ch. 468, § 1; Laws, 1993, ch. 56, § 6; Laws, 2001, ch. 356, § 1, eff from and after passage (approved Mar. 11, 2001.)

### **§ 37-59-39. Repealed**

Repealed by Laws, 1986, ch. 492, § 181, eff from and after July 1, 1987.

### **§ 37-59-41. Borrowing of money in anticipation of taxes for benefit of agricultural high schools**

The board of trustees of any agricultural high school shall have the power and authority to borrow money for the current expenses of such agricultural high school in anticipation of the collection of ad valorem taxes for the current fiscal year. The money so borrowed shall bear interest at a rate not greater than that allowed in Section 75-17-105, Mississippi Code of 1972, and shall be repaid not later than the following March 15 out of the first moneys collected by reason of the tax levy or levies in anticipation of which such money is borrowed. The money so borrowed shall be used for no other purpose than the payment of the current expenses of such agricultural high school. The amount borrowed under the provisions of this section shall in no event exceed fifty percent (50%) of the anticipated, but then uncollected, revenue to accrue to such agricultural high school by the tax levy or levies against which such money is borrowed.

In borrowing money under the provisions of this section, it shall not be necessary to publish notice of intention so to do or to secure the consent of the qualified electors, either by election or otherwise. Money may be borrowed under the provisions of this section by authority of a resolution of said board of trustees, and shall be evidenced by a

negotiable note or notes, signed and executed in such form as may be prescribed in such resolution. Money may be borrowed in anticipation of ad valorem taxes under the provisions of this section, regardless of whether such borrowing shall create an indebtedness in excess of the statutory limitations.

**Sources:** Codes, 1942, § 6532-15; Laws, 1950, ch. 231, § 15; Laws, 1981, ch. 462, § 12; Laws, 1982, ch. 434, § 20; Laws, 1983, ch. 541, § 25, eff from and after passage (approved April 25, 1983).

### **§ 37-59-43. Investment of surplus funds**

(1) Whenever any school district or levying authority, as defined in Section 37-57-1(1)(b), acting on behalf of a school district, shall have on hand any bond and interest funds, any funds derived from the sale of bonds, or any other funds in excess of the sums which will be required for payment of current obligations and expenses as they come due, and which are not needed or cannot by law be used for the payment of the current obligations or expenses of the school district, the school board of the district shall have the power and authority to invest such excess funds in any bonds or other direct obligations of the United States of America or the State of Mississippi, or of any county or municipality of this state, which such county or municipal bonds have been approved by a reputable bond attorney or have been validated by a decree of the chancery court; or in interest-bearing time certificates of deposit or interest-bearing accounts with any financial institution approved for the deposit of state funds; and such institution shall be eligible to hold school district funds to the extent that it is qualified as a depository for state funds; or in any type of investment permitted by Sections 27-105-33(d) and 27-105-33(e). The rate of interest on such time certificates of deposit and interest-bearing accounts may be negotiated. The negotiated rate of interest shall be at the highest rate possible at the date of purchase or investment for such time certificates of deposit or interest-bearing accounts. In any event, the bonds or obligations in which such funds are invested shall mature or be redeemable prior to the time the funds so invested will be needed for expenditure. When bonds or other obligations have been so purchased, the same may be sold or surrendered for redemption at any time, except certificates of deposit which must mature, by order or resolution of such school board, and the president of the school board, when authorized by such order or resolution, shall have the power and authority to execute all instruments and take such other action as may be necessary to effectuate the sale or redemption thereof. In addition to the foregoing, any school board may invest any such funds in the same manner as provided for the investment of sixteenth section principal funds pursuant to Section 29-3-113.

(2) The provisions of subsection (1) of this section shall also apply to funds of community and junior college districts, and the governing authorities of such districts are vested with all power and authority with respect to such funds and matters herein mentioned as are vested in the other boards mentioned above with respect to such matters.

(3) All earnings from funds other than bond funds or bond sinking funds in excess of One

Hundred Dollars (\$ 100.00) in any fiscal year, invested according to the provisions of subsections (1) and (2) of this section shall be deposited in the district fund from which the investment was made, or the treasury of the junior college, as the case may be. Earnings from such school district funds which are less than One Hundred Dollars (\$ 100.00) in any fiscal year may be deposited in the school district maintenance fund, or in the district fund from which the investment was made, in the discretion of the school board. Earnings from funds invested out of bond funds or bond sinking funds, together with the principal thereof, shall be deposited in the fund from which the investment was made.

(4) Nothing contained in this section shall be construed to prevent the payment of a portion of the earnings derived from the investment of bond proceeds or any other amounts in the bond fund or related reserve or sinking funds to the federal government to the extent required by the federal laws applicable to such bonds or the interest income thereon in order to maintain their tax exempt status.

**Sources:** Codes, 1942, § 6532-16; Laws, 1950, ch. 231, § 16; Laws, 1958, ch. 292; Laws, 1963, 1st Ex Sess, ch. 16; Laws, 1974, ch. 503; Laws, 1977, ch. 413; Laws, 1985, ch. 310; Laws, 1986, ch. 492, § 182; Laws, 1987, ch. 307, § 38; Laws, 1988, ch. 301, § 2; Laws, 1988, ch. 473, § 10; Laws, 1993, ch. 562, § 7; Laws, 2002, ch. 451, § 1; Laws, 2002, ch. 636A, § 1, eff from and after passage (approved Mar. 30, 2002.)

#### **§ 37-59-45. Article as sole authority for incurring of indebtedness**

No interest-bearing indebtedness shall hereafter be incurred by any such school district except in the manner provided in this article or as may otherwise be provided by law.

**Sources:** Codes, 1942, § 6532-17; Laws, 1950, ch. 231, § 17, eff from and after July 1, 1950.