

RE: PUBLIC EDUCATION FUNDING
INITIATIVE MEASURE 42
INITIATIVE MEASURE 42A

TRANSCRIPT OF PUBLIC HEARING

Mississippi e-Center at JSU
1230 Raymond Road
Jackson, Mississippi 39204
On Tuesday, August 11, 2015
at 5:30 p.m.

*REPORTED BY: SHARRON F. ALLEN, CSR, RPR
CSR NO. 1144*

1 *MR. HOSEMANN:* If everyone will be
2 seated, we'll get started on time.

3 First I'd like to recognize Secretary of
4 State Dick Molpus is here. Dick's over there.
5 If y'all promise not to tell anybody, some
6 days I'd give it back. Thank you, Dick.
7 Thank you for coming.

8 Senator Norwood is here. Where is
9 Senator Norwood? I think he's here. Here he
10 is right here. This is his district.

11 Tom Miles from across the river is here
12 in the back, a representative.

13 And Cecil Brown. Where's Cecil? My old
14 jogging buddy. He's right there.

15 If we're okay and everybody's ready to
16 get started, we'll get started tonight. I
17 want to first thank everybody for coming.

18 I'm Delbert Hosemann. I'm Secretary of
19 State for the state of Mississippi. And one
20 of my duties, as required by the legislature,
21 is to have public hearings on constitutional
22 initiatives. Tonight is the first of eight
23 public hearings that we'll have in the state
24 of Mississippi. I'm pleased to have it at
25 Jackson State University to start this

1 discussion.

2 Major Ginn with the Mississippi Highway
3 Patrol is here somewhere, and we appreciate
4 their help.

5 I want to give you just a bit of history
6 as we go forward. Mississippi begins these
7 discussions concerning constitutional
8 amendments with the number 1, and those are
9 the ones that are applied for. Many of them
10 do not make it to the ballot; and, in fact,
11 this is the fifth one. We have had four
12 previous ones to this. Term limits was the
13 first, which was defeated. Then we had voter
14 ID. We had the personhood amendment and
15 imminent domain. Two of those were passed,
16 and one was defeated.

17 The one this evening is the first time
18 in the history of Mississippi -- which we
19 started in 1917 -- that we will have competing
20 legislative and individual initiatives.

21 This year Mississippi voters will have
22 the opportunity to decide whether they want to
23 amend Mississippi's Constitution. And I have
24 asked our staff here -- Lea Anne Brandon is
25 here and has done a great job in putting both

1 of these up so that the audience may see
2 exactly what the initiatives are.

3 The Initiative 42 was placed -- this one
4 here to my right; and 42A, I think, is to my
5 left. No, the other way. It's to the left
6 and to the right. There it is; there's 42A.

7 The first initiative was put on the
8 ballot at the request of 107,216 citizens.
9 42A, as I mentioned to you, was placed on the
10 ballot by the Mississippi Legislature.

11 Tonight's hearing and the other seven
12 that we'll hold across Mississippi will be
13 done this month and in September.
14 Mississippians will vote on these initiatives
15 in November at the general election when you
16 elect the governor, attorney general, and
17 everyone else.

18 As part of this initiative process, we
19 refer to our voter education efforts. In
20 addition to these publications and to these
21 public hearings, our agency will also be
22 publishing a number of documents. Some of
23 these are available here for common usage.

24 We are also reminded that we have water
25 in barrels on either side, should anyone want

1 those. We appreciate Jackson State University
2 hosting us here at this location.

3 There are a couple of things I wanted to
4 discuss with you before we get started. The
5 process for this evening and the process as I
6 started with the other three that we had was
7 that we will have the proponents for the
8 initiative speak first, and then the opponents
9 of the initiatives will speak. After they
10 have had an opportunity to speak, then we will
11 alternate pros and cons. If there are more
12 pros or more cons, we'll hit those at the end,
13 but we'll alternate pros and cons. And you're
14 invited up to this lecturn to speak to your
15 fellow citizens.

16 All of those are going to be transcribed
17 and put on our website. So if you have some
18 language you don't want everybody in
19 Mississippi to read, I wouldn't say that
20 tonight. They're going to see that. We're
21 not bleeping anything. So I would encourage
22 you to speak well. We do ask you to go at a
23 two-minute clip as we go forward. I'll time
24 those. And we do give a little bit of extra
25 leeway if someone wants to address something,

1 but many of the issues that you'll see raised
2 will be raised by your fellow citizens. And
3 we appreciate your opinion, and we will stay
4 until everyone who wants to speak has spoken.

5 Once we begin the initiative process
6 this evening, we will complete that through
7 this pro and con matter when we will adjourn
8 here. And our next hearing is in Hernando on
9 Thursday evening. Then we will be in Tupelo;
10 we'll be in Brookhaven, Hattiesburg, Meridian,
11 and on the Mississippi Gulf Coast.

12 So without further ado, we would like to
13 get started with each one. And I believe,
14 Jarrius, you have the opportunity to speak for
15 and on behalf of the first one, so we will
16 start with you. And if you would come to the
17 microphone here, I'll step aside, and we'll
18 let you kick it off.

19 Jarrius Adams.

20 *MR. ADAMS:* I want to thank you all
21 for the invitation to speak here today. My
22 name is Jarrius Adams, and I'm here today in
23 support of Initiative 42 for better schools.

24 I am a 2015 graduate of Hattiesburg High
25 School, and I am honored to be this year's

1 National Speech and Debate Association student
2 of the year. I have been blessed by the
3 opportunities given to me. I had great
4 teachers and a great speech coach. But for
5 every one of me, there are thousands of public
6 school students who are not so lucky. There
7 are thousands of students who struggle every
8 day in schools that lack the resources to make
9 them successful.

10 I think we would all agree that every
11 child in Mississippi has a fundamental right
12 to a free and adequate public education. That
13 means safe and modern buildings, classrooms
14 that don't leak when it rains, up-to-date
15 computers, technology, and lab equipment,
16 enough textbooks for every child to take home,
17 smaller class sizes, more college prep
18 classes, and safe buses.

19 Now, in 1997 state lawmakers passed a
20 law called "Mississippi Adequate Education
21 Program" to adequately fund K through 12
22 education in every school district in our
23 state. Yet, since 1997 lawmakers have
24 repeatedly broken their own law and have
25 severely underfunded every single school in

1 Mississippi. I mean, the results are clear.
2 Local school districts have been shortchanged.
3 Local property taxes have gone up. Too many
4 schools have too few teachers, outdated
5 textbooks, antiquated facilities, unsafe
6 buses, and a lack of computers.

7 The underfunding of schools is hurting
8 our state's ability to attract companies to
9 move here, and our students are not learning
10 the skills companies are looking for. The
11 result is hurting our ability to grow and
12 attract good-paying jobs.

13 In one school district facilities are in
14 such need of repair that teachers have to put
15 down wooden pallets every time it rains so
16 students can walk to class. In my own school
17 district in Hattiesburg, classrooms are too
18 cramped because we do not have the money to
19 afford new teachers. And right here in
20 Jackson in Hinds County, schools have been
21 shortchanged \$134 million since 2008. That's
22 enough money for 391 new teachers for ten
23 years. Let me say that again. That's enough
24 money for 391 new teachers for ten years.

25 You know, it's stories like these in

1 schools all across our state that harm our
2 kids and scare companies away from doing
3 business in Mississippi and eventually cost us
4 jobs. Now, we can do better. We can have
5 better schools, better jobs, and a better
6 future for our kids and our state.

7 So some of you may ask "what is
8 Initiative 42?" Nearly 200,000 Mississippians
9 from every county and both political parties
10 signed petitions to put Initiative 42 on this
11 year's ballot. This is a people's movement --
12 mothers, fathers, teachers, business leaders,
13 Democrats, Republicans. They all understand
14 that underfunding our schools damages our
15 state's economy and our future.

16 Initiative 42 will require lawmakers to
17 adequately fund Mississippi public schools
18 under the 1997 law they passed. This will
19 help every school.

20 Opponents of Initiative 42 will tell you
21 it means that one judge in Hinds County will
22 decide how much money our schools would get.
23 That's not true. All the judge would do is
24 ensure that the lawmakers are spending the
25 money on education as required under the law.

1 Local school boards, you, your community get
2 the funding and set the priorities. This
3 gives you local control and helps you keep
4 property taxes down.

5 Initiative 42 would not require raising
6 taxes or cutting the state budget, period. As
7 stated on every petition signed by nearly
8 200,000 Mississippians last year, funding can
9 be phased in over seven years using general
10 fund revenue from the state budget. Those
11 revenues have grown an average of 4.8 percent
12 each year for the last ten years. Just a
13 quarter of projected future growth amounts to
14 \$37.5 million per year. At that rate, it
15 would take only seven years to fully fund the
16 MAEP.

17 It's time to start giving every
18 Mississippi child the education they deserve.
19 Our schools should have sufficient funding to
20 provide each and every child with a 21st
21 Century education so they can have the tools
22 needed to attend college or technical school
23 and the skills needed to compete for 21st
24 Century jobs.

25 Better schools will help our state grow.

1 when looking to relocate, companies are
2 increasingly looking for a highly educated
3 work force. Better schools will attract new
4 businesses, help drive economic growth, and
5 strengthen communities. Better schools will
6 lead to better jobs and higher wages.

7 In November you can decide whether to
8 increase funding for our kids or allow
9 lawmakers to continue to underfund our
10 schools.

11 42 is an investment in the future of our
12 children. 42 is an investment in our state.
13 42 means better schools, better jobs, higher
14 wages, and more economic growth. I mean, I
15 urge you to study the facts. Visit the 42
16 website at 42forbetterschools.org. When you
17 go there, you can see exactly how much your
18 local schools are being underfunded. Look it
19 up. Then take out your property tax bill and
20 look at that. They're related to each other.
21 But we can fix the imbalance with 42.

22 Talk to your friends and neighbors.
23 Democrats, Republicans. It doesn't matter
24 which party they're in because everyone in
25 Mississippi understands our schools have been

1 shortchanged, our kids have been shortchanged,
2 and our economy has been shortchanged. And 42
3 is our chance to really make a difference.

4 Thank you.

5 *MR. HOSEMANN:* Thank you, Jarrius.

6 Good job.

7 Speaking opposed to Initiative 42 is
8 Russ Latino.

9 *MR. LATINO:* Thank y'all.

10 Jarrius, thank you for a powerful
11 presentation. I think you're an example of
12 what's right about our schools, the example
13 that you've just set.

14 I'm not a speech and debate champion and
15 never claimed to be. I'm a recovering lawyer,
16 so don't hold that against me.

17 The truth of the matter is this: In
18 life sometimes we're presented with what's
19 called "a false dilemma." I could ask you a
20 question. I could say, "Do you wash your car
21 on Tuesdays or Thursdays?" And that's a false
22 dilemma because you could wash your car any
23 one of the other days, or maybe you don't wash
24 your car at all.

25 And the presentation that's being made

1 with Initiative 42 -- and I recognize I'm
2 outnumbered, but I appreciate y'all being
3 respectful and hearing me out. The
4 presentation that's being made with 42 is a
5 false dilemma. The message is that if you're
6 in favor of public schools, you've got to be
7 in favor of 42. But the reality is that
8 opposition of 42 doesn't mean that you're
9 opposed to public schools at all.

10 I want to give you some sense of where I
11 come from, because maybe it will help you
12 understand the reason that I'm up here today.

13 I grew up in an extremely blue collar
14 family. My dad is a painter. My mom has
15 worked at Walmart since I was six years old.
16 Still works at Walmart today.

17 I was in public education from K through
18 12, and that education allowed me to be the
19 second person in my extended family to attend
20 college. I am extremely grateful for the
21 foundation that was laid through public
22 education that I had exposure to and access
23 to. And when I was in New Orleans in college,
24 I tutored kids from C.J. Peete, the Magnolia
25 Projects, and I saw what it was like to be

1 from schools that were failing with
2 third-graders who quite literally could not
3 spell the word "cat." I get the impediment of
4 failed schools.

5 Everyone in this room, whether they say
6 they're pro 42 or anti 42, believes that
7 public education is vitally important to the
8 future of the state of Mississippi. The
9 question that's before us, the question that's
10 been before us for a long time -- I'm with the
11 people that say Fed Up with 50th. I don't
12 want my kids -- I've got two kids that go to
13 public school. I don't want them to grow up
14 in a state that's 50th. I don't want them to
15 just compete with Louisiana, Alabama, and
16 Tennessee. I want to blow the socks off of
17 those states.

18 we're all on the same page -- that we
19 want to accomplish great things. And one of
20 the tools to do that is called "education."
21 The question is whether or not this particular
22 tool gets us there. Right? And the message
23 that's been sold to the people who signed
24 those petitions was "If you sign this
25 petition, we're going to increase school

1 funding without any taxes." And that is an
2 enticing message. But I think the reality,
3 when you start to look at the actual
4 amendments, is something entirely different.
5 It's something entirely uncertain about
6 whether or not it really will increase school
7 funding and what else comes along with that.

8 If it was a straightforward question, Do
9 we increase funding or not? if 42 really
10 presented that opportunity, the debate would
11 look a lot different. It would be a lot
12 clearer.

13 But, unfortunately, the amendment that's
14 being proposed to the Mississippi Constitution
15 is not simply about funding. It's not. And
16 I'm going to try and show that to you today.
17 It will be boring. It won't be as exciting as
18 Mr. Adams's presentation. But I'm going to
19 try and show that to you today, because what
20 this amendment is about is control of our
21 entire education system, about taking it from
22 those local schools, local administrators,
23 local teachers, and putting it in the hands of
24 a more central authority.

25 If Initiative 42 passes -- can we get

1 42, not A? Okay. If it passes, we're going
2 to amend Section 201 of the Mississippi
3 Constitution. And I'm just going to read to
4 you what the current section says.

5 It says, "The legislature shall, by
6 general law, provide for the establishment,
7 maintenance, and support of free public
8 schools upon such conditions and limitations
9 as the legislature shall prescribe." That's
10 what it says right now.

11 So as presently configured, the
12 Mississippi Constitution already guarantees as
13 a right a free public education. It does it
14 today. That's what the Constitution already
15 guarantees. And it gives that authority to
16 the legislature by general law to design our
17 education system and to develop conditions and
18 limitations.

19 Now, if Initiative 42 passes -- you can
20 see it; read it for yourself -- both
21 references to the legislature will be deleted.
22 And I know there's some people in this room
23 that would say, "Yay. Let's cut the
24 legislature out of this. They haven't done
25 what they need to on funding."

1 But what about everything else the
2 legislature is responsible for when it comes
3 to education? Reference to the legislature's
4 ability to pass general laws related to
5 education is being deleted. The reference to
6 the legislature's ability to set conditions
7 and limitations is being deleted. It is worth
8 emphasizing that this authority that would be
9 deleted if this is passed does not pertain
10 solely to funding, but is the very authority
11 under which the legislature can do anything
12 related to education.

13 There are a multitude of laws that have
14 been passed by our legislature under
15 Section 201. If you were to pick up the
16 Mississippi Code and look at Title 37, there
17 are hundreds and hundreds of laws that were
18 all passed under 201. You look at
19 administration issues, districts, teachers,
20 curriculum, how many days a year you go to
21 school, how long a school day is, what age a
22 student attends school. All of those things
23 on and on are a product of the authority that
24 exists under the current amendment.

25 So if this amendment is really just

1 about MAEP and if it's really just about
2 school funding, why are we deleting any
3 reference at all -- any reference -- to the
4 legislature out of this amendment or out of
5 this provision of our existing Constitution?
6 If it's not about gutting the legislature's
7 authority in its entirety apart from funding,
8 why are we deleting these references to the
9 legislature?

10 Now, let's talk about what it adds.
11 First sentence. You can just stick on 42.
12 The first sentence, it sounds nice. It's
13 going to protect our child's fundamental right
14 to an educational opportunity. Well, we just
15 covered it. We already have that right. That
16 right is there. And to the extent we're
17 trying to create a new right, then there's a
18 question about whether or not it's proper
19 under the ballot initiative procedure. But
20 let's overlook that.

21 We take the legislature out. We kept
22 the establishment, maintenance, and support.
23 What we've added is this interesting language
24 about "adequate and efficient." And we'll
25 talk about what that means -- adequate and

1 efficient.

2 And then what we've also added is a new
3 power for a new branch. We're going to give
4 to the chancery courts the right to determine
5 and enforce what is adequate and efficient.

6 Now, I want you to look closely and tell
7 me where the word "funding" is in that
8 amendment. It's not there. Where is MAEP in
9 that amendment? It's not there. If the goal
10 was simply to fund MAEP, if the goal was
11 simply to increase funding, it was easy to
12 write that into the amendment. It doesn't say
13 "adequate and efficient funding." It says
14 "adequate and efficient schools." It doesn't
15 limit the power of the chancery courts to only
16 questions of funding. It says they have the
17 power to enforce all determinations of
18 adequate and efficient schools.

19 Why is that? If the point's merely to
20 ensure increased funding and only give that
21 power to the courts, the amendment could have
22 said so, and the debate would have been a lot
23 more straightforward.

24 So what does all this really mean? It
25 means that a plain reading of the new

1 amendment guts the legislature on all things
2 education. It means that the proposed
3 amendment is not limited to questions of
4 funding. It means we're giving power
5 presently delegated to the legislature to a
6 court.

7 Now, there's been some debate over what
8 that means. Does it mean that we're giving it
9 to a Hinds County court? I would argue that
10 it doesn't matter whether that court is in
11 Hinds County or Rankin County or Southaven or
12 Brandon or wherever, Biloxi. The idea that
13 we're centralizing power, even if it's for the
14 enticement of increased funding, it's a bad
15 thing for local schools and local control.
16 Okay?

17 I know in Hinds County -- we might have
18 a bunch of Hinds County residents here
19 tonight, and you might be thinking, "well,
20 that might not be such a bad thing. I elect
21 those chancellors." But what if I told you
22 somebody in Biloxi was going to set education
23 policy for your kids or somebody in Brandon
24 was going to be responsible for education
25 policy for your kids. And, oh, by the way,

1 the people that you elect, the people that you
2 trust when you cast the ballot aren't going to
3 have a say in that process. I think most
4 people, if they were honest with themselves,
5 would say that's concerning.

6 I think, you know, part of this as well
7 is the argument that, okay, the people on my
8 side, the people who are saying this doesn't
9 do what we say it will do, are not being
10 honest about what the initiative proposal
11 says. That's the argument. Right? We've got
12 this initiative proposal. It describes the
13 process, and we think the courts will
14 ultimately adopt that process.

15 And here's why I have a concern about
16 that: The concern is this: Once we pass 42,
17 the only thing that becomes a part of the
18 Constitution is this right here (indicating).
19 Everything that somebody said it meant -- the
20 ballot title, the ballot summary -- what's in
21 that initial proposal doesn't become a part of
22 the Constitution. Now, does that mean that a
23 court's going to ignore it? Not necessarily.
24 Does that mean that a court is going to follow
25 every little stricture of it? Not necessarily

1 on that either. The fact is that this would
2 be an issue of first impression, because no
3 appellate court in the state of Mississippi
4 has ever been called on to try and understand
5 what a ballot initiative amendment means by
6 virtue of looking at a proposal initiative.
7 It's never been done here.

8 Leslie Southwick, who is now in the
9 Fifth Circuit Court of Appeals, when he was on
10 the Mississippi Court of Appeals sort of
11 preemptively opined on this issue. And he
12 said, "what has been labeled as the first and
13 greatest commandment for Mississippi statutory
14 interpretation, namely, to discern the
15 legislature's intent, simply would not apply
16 in the instance of a ballot initiative."

17 The point is that it's uncertain how the
18 courts would reconcile the amendment when
19 they're looking at what is part of the
20 Constitution versus what is part of sort of
21 the legislative history, if you want to call
22 it that. And that uncertainty is a problem
23 for business, and that uncertainty should be a
24 problem for people who are running local
25 schools. what is certain is that courts

1 typically look at the language of a provision
2 or a statute itself in order to determine its
3 meaning.

4 And the other thing that I tell you as a
5 recovering litigator: Once a court has a
6 power, it's very reticent to limit itself. It
7 tends to expand that power. And we see that
8 very realistically with how the U.S. Supreme
9 Court operates.

10 But let us for a second assume that
11 everything that is in the initiative proposal
12 were to be adopted by a court as if it was
13 part of the Constitution. And I want to look
14 at the definitions that are in the initiative
15 proposal and talk about the outcome as a
16 best-case scenario for 42.

17 The definition of "adequate" for
18 purposes of the initiative: "A minimum
19 standard of contemporary adequate education as
20 described by the funding formula of the
21 current version of MAEP." Everybody looks at
22 me and says, "Ah-ha. See, there's a reference
23 to MAEP."

24 The question that I pose to you is this:
25 why wasn't it in the amendment? one; and, two,

1 Look closer, and it says "a minimum standard."
2 This means that the chancellor, whoever the
3 chancellor is, gets to go back and add things.
4 He's going to have -- he or she will have
5 discretion to add things in determining what
6 is adequate.

7 The next definition says, "An efficient
8 education is one that will, among other
9 things, enable Mississippi's public school
10 graduates to compete favorably with their
11 counterparts in surrounding states."

12 Nobody here is going to disagree with
13 that goal, but we're talking about giving one
14 person the ability to determine what it means
15 to meet that goal. And did you catch the
16 "among other things" part?

17 The discretion that is being given to
18 this one person is unprecedented and
19 unparalleled in the history of democracy. It
20 really is when it comes to setting this kind
21 of policy. And that should be some concern
22 where a single judge could decide that common
23 core is going to be the standard for the
24 state, where a single judge could decide that
25 he's going to rewrite the curriculum for the

1 state; that we're going to consolidate school
2 districts because we think that's what's
3 adequate and efficient; where we're going to
4 invalidate decades of education policy because
5 we think that's what's adequate and efficient.
6 "Well, we're going to tell people in Meridian
7 and people in Starkville that we don't like
8 the way their superintendents and school
9 boards are running the show because we think
10 that's adequate and efficient."

11 That's the kind of power that we're
12 talking about giving to a chancellor. And
13 will there be appellate review? Maybe. But
14 then we're talking about giving that kind of
15 power to nine people instead of the people
16 that we elect directly on the ground to
17 represent us.

18 The mere potential of these scenarios
19 flies in the face of our system, a system that
20 is built on an idea that we elect and appoint
21 local leaders to make local decisions.
22 Initiative 42 is the functional equivalent of
23 trying to kill a fly with a shotgun. If you
24 say you're for increased funding, fine; let's
25 have that discussion. Let's have that debate.

1 But it's not necessary to turn our entire
2 educational system over and subject our kids
3 to being held hostage while courts determine
4 what is adequate and efficient. I don't
5 believe that's the way our system was
6 designed. I don't think it's in the best
7 interest of our children. For that reason I
8 encourage you to at least consider the
9 unintended consequences and vote no on 42.

10 Thank you.

11 *MR. HOSEMANN:* Thank you, Mr. Latino.

12 A couple of things I want to explain to
13 y'all as we go forward here and we get into
14 42A.

15 First, this process is the actual
16 signatures come to the Secretary of State's
17 office. They are then given to the attorney
18 general, who writes the ballot title.
19 Mr. Latino was talking about that a moment
20 ago. The ballot title is normally long
21 decided by now, but it's not.

22 The attorney general for the state of
23 Mississippi, Mr. Jim Hood, said the ballot
24 title should state "Should the state require
25 an effective public school system but not

1 require the legislature to provide specific
2 levels of funding?"

3 That matter was challenged in the Hinds
4 County Court, and the judge there retitled 42A
5 to say "should the legislature establish and
6 support effective schools but not provide a
7 mechanism to enforce that right?"

8 This case was argued before the supreme
9 court about a month ago, and no decision has
10 been reached as to the ballot title, so you
11 will not see it on the information that's
12 provided to you for that reason. It's still
13 on appeal to the Mississippi Supreme Court.

14 Next speaking on behalf of 42A,
15 Representative Greg Snowden, President Pro
16 Tempore of the Mississippi House of
17 Representatives.

18 *REP. SNOWDEN:* Thank you,
19 Mr. Secretary. I appreciate the kind
20 introduction. I appreciate y'all's
21 attention.

22 My name is Greg Snowden. I'm a state
23 representative from Meridian, Mississippi. I
24 represent District 83, which is Lauderdale
25 County. I am the Speaker Pro Tempore of the

1 Mississippi House of Representatives, which is
2 the second highest officer of the House.

3 A little bit about myself, if you don't
4 know. I would like to just give you a little
5 bit of my background.

6 First of all, I'm a product of Meridian
7 Public Schools, grades 1 through 12, all the
8 way through in my public school history. I'm
9 a 1972 graduate of Meridian High School.

10 My wife is from Birmingham, Alabama.
11 She's a product of the Birmingham Public
12 Schools, grades 1 through 12. She's a
13 graduate of 1972 -- she might not want me to
14 tell her age -- but 1972 from Woodlawn High
15 School, Birmingham, Alabama.

16 Both of my children, Emily and Katie,
17 complete K through 12 students in the Meridian
18 Public School System. Both are graduates of
19 Meridian High School.

20 My wife, Renee, has been a public school
21 teacher in Meridian and now in Lauderdale
22 County for over 20 years. She currently
23 serves as a public school teacher in the
24 Lauderdale County Public Schools.

25 My daughter Emily, who was formerly a

1 teacher in the Pearl River County Public
2 Schools, now has unfortunately -- I shouldn't
3 say "unfortunately." She's a pastor's wife,
4 and they've been relocated to a new church in
5 Texas. But she now teaches in the Hamilton,
6 Texas Public School System.

7 So public education is close to my
8 family. It's close to my heart. My family
9 are supporters of public education. We're
10 friends of public education. We're products
11 of public education. That's certainly true
12 for myself.

13 Now, I stand before you as the author --
14 primary author -- of House Concurrent
15 Resolution 9, which was the resolution of the
16 Legislature which brought forward the
17 legislative Alternative Measure 42A. So
18 you're looking at the author of that measure.

19 I want to talk to you a little bit about
20 42A and why it was brought forward and why we
21 considered it necessary and why we think it's
22 important.

23 You've been told that Alternative
24 Measure 42A is some sort of dirty trick or
25 some sort of fake alternative. Well, it isn't

1 either. Okay? Now, I want to tell you a
2 little bit about 42A.

3 First of all, what is it? It's an
4 alternative. It's styled as an alternative.
5 It is the legislature's alternative to the
6 proposed Initiative 42. Now, I want to be
7 straight with you. Would we have brought 42A
8 forward without Initiative 42? Of course not.
9 It's a reaction to Initiative 42. There's no
10 question about that. Nobody has ever denied
11 that.

12 Secondly, is 42A intended to make it
13 more difficult to pass 42? Of course it is.
14 Of course it is. We're straightforward about
15 that. There's been no issue with that at all.
16 But it's not a trick. It's not some sort of
17 fake alternative. It's not meant to confuse
18 anyone. It's meant to focus the issue on what
19 42 would really do. And the alternative is
20 brought forward for the simple purpose of
21 having the voters of this state compare that
22 with 42 and make a judgment about what they're
23 being asked to do with respect to our
24 Constitution.

25 Now, I don't believe that the debate was

1 one that the proponents of 42 particularly
2 wanted to have. And I believe that because
3 even before they saw what an alternative would
4 be, the problem with the targets of a lot of
5 this, "Oh, don't listen to any alternative.
6 Don't bring forward anything. We want what we
7 put on the ballot."

8 well, you know, the same law that allows
9 citizens to bring forward an initiative also
10 gives the legislature the opportunity -- and I
11 would argue the obligation -- to bring forward
12 an alternative if we felt that was necessary.
13 And that's what we did. And that's now before
14 the voters, Alternative Measure 42A, as well
15 as Initiative 42. The voters will have that
16 choice. The idea is to give them that focus
17 and allow them to make that decision.

18 Now, as Mr. Latino has said, Initiative
19 42 is not about funding. It says nothing
20 about funding. Now, does it encompass
21 funding? Sure, it probably does. But it
22 talks about adequate and efficient and gives a
23 chancery judge the right to determine what is
24 adequate and efficient. It makes no reference
25 to funding per se. Certainly makes no

1 reference whatsoever to Mississippi Adequate
2 Education Program. It also has no provision
3 for any sort of phase-in. To the extent it's
4 talking about MAEP, it certainly has no
5 provision about any sort of phase-in.

6 I would call your attention to the
7 brochure that the Secretary of State has
8 provided tonight that talks about the fiscal
9 analysis for 42. I think it pretty succinctly
10 says what the effect of 42 would be. "Because
11 this proposed amendment" -- this is 42 --
12 "shifts funding decisions from the legislature
13 to the court system, it is impossible to
14 provide a specific fiscal impact of Initiative
15 42. If the court system, acting under the new
16 authority granted by Initiative 42, required K
17 through 12 public education be funded at the
18 amount called for by the statutory MAEP, the
19 legislature would need to appropriate an
20 additional 201 million and-some-odd dollars
21 above the fiscal year 2016 budgeted amount.
22 Fiscal year 2016 revenues are not adequate to
23 support this funding increase without the
24 legislature having to cut agency budgets or
25 identify new sources of revenue (such as fees

1 or tax increase) to comply with the court's
2 dictate."

3 That's what 42 does. It's right here.
4 You've seen the language of 42 and 42A.
5 That's what it does. There's no phase-in
6 provision whatsoever. Could a court decide to
7 allow a phase-in? Of course it could. Could
8 a court decide not to? Of course it could.
9 The point is you can't tell me what that court
10 can did or will do. I can't tell you what
11 that court will do. We don't know. All we
12 know is the decision is being put into the
13 hands of a judge and not into the hands of
14 your elected representatives. And that's
15 inappropriate, ladies and gentlemen.

16 If you see the brochure also, the one
17 Mr. Latino has pointed out as the actual
18 language of the amendment, you will see that
19 the word "state" has been inserted in lieu of
20 the word "legislature" in Section 201 of the
21 Constitution. What that simply means is the
22 authority -- as Mr. Latino pointed out, the
23 authority now given to the legislature is
24 deleted, and it's inserted "state" instead.
25 "State" implies all branches of government,

1 not just the legislative branch. When you
2 couple that with the very last sentence of
3 Initiative 42, which specifically says a
4 chancery judge shall have the authority to
5 enforce this, then, ladies and gentlemen,
6 you're doing nothing less than aggregating, in
7 my opinion, the doctrine of separation of
8 powers. You are giving what Attorney General
9 Hood has said -- in the lawsuit, by the way,
10 the Musgrove lawsuit, which he prevailed in
11 and which has been decided in favor of the
12 legislature -- that that lawsuit -- the
13 attorney general, Jim Hood, said the paramount
14 duty of the legislature is to appropriate
15 public funds.

16 That is not a judicial function. It
17 should not be. It should never be. That's
18 the paramount duty of the legislature. It
19 aggregates separation of powers, and it
20 destroys, in my opinion, or certainly
21 threatens the concept of representative
22 democracy. You represent someone to go to the
23 Capitol to vote for you. You can do that with
24 the legislature. Everyone in this room has a
25 voice in voting for a member of the

1 legislature. You don't have a voice
2 necessarily in voting for a judge who's going
3 to make this decision. Certainly not at the
4 trial court level, the chancery court level.

5 These are why we brought 42A forward.
6 There are real alarms here. We're alarmed by
7 this. Okay? We were troubled by this; are
8 troubled by this. You should be troubled by
9 this. The voters should be troubled by this.
10 And this is what message we're going to be
11 putting out between now and November, because
12 it is a troubling prospect. That's why 42A is
13 here -- to focus that attention.

14 There are also unintended consequences I
15 would submit to you with a passage of 42.
16 First of all, as Mr. Latino again has pointed
17 out, there seems to be some assumption, first
18 of all, that 42 deals with funding. It may
19 deal with funding. It certainly probably
20 encompasses that, although other things as
21 well. But it's funding at the state level.
22 And the only way the court would ever get
23 involved is if the legislature didn't do what
24 it's supposed to do with MAEP. Well, we've
25 shown all that is not the case. MAEP isn't

1 referenced. It doesn't say that at all. It
2 says a chancery judge will decide what is
3 adequate and efficient. Assuming that means
4 funding, it's not limited to the state, ladies
5 and gentlemen. It's not limited at all. The
6 judge can look, if he's called upon in a
7 lawsuit -- and certainly he'll be called upon
8 to do -- to look at the relative funding, say,
9 for Harrison County as opposed to Bolivar
10 County. There's nothing in this
11 constitutional change that would prohibit a
12 chancery judge from moving money around from
13 one district to the other. You need to be
14 careful what you ask for. That's a very real
15 possibility under Initiative 42.

16 Also, the word "efficient." You get
17 hung up on the word "adequate." The word
18 "efficient," what does efficiency mean? well,
19 I don't know, but I will tell you this: when
20 I think of efficiency, I think -- in the
21 context of schools -- I certainly think of
22 consolidation. There was serious proposal
23 when Governor Barbour was here to have 100
24 school districts around the state. Okay?
25 Some people would say one per county. The

1 legislature chose not to do that for whatever
2 reason. Many of you might approve of
3 consolidation and think we should have more.

4 But the point is if we had a
5 consolidation, if Hinds County and Clinton
6 Public Schools need to be one school
7 district -- okay? -- if Lauderdale County and
8 Meridian needs to be one school district, it
9 better be the legislature that makes that
10 decision -- your elected representatives and
11 senators, not some judge you can't vote for
12 that makes that decision. That is a very real
13 possibility.

14 If you do not think, ladies and
15 gentlemen, that if Initiative 42 passes, that
16 there won't be someone who brings a lawsuit to
17 consolidate the school districts in the state,
18 say one per county, you're living in a dream
19 world. That will happen. I guarantee you
20 that will happen. Now, I'm not guaranteeing
21 you that consolidation will happen. I'm
22 guaranteeing a lawsuit will be brought. It's
23 certainly possible the judge might decide not
24 to do that. But the point is I don't know;
25 you don't know. And the point really is the

1 legislature does not make the decision. Your
2 representatives and senators do not make that
3 decision. Some judge will make that decision.

4 I want to mention about phase-in
5 funding. The phase-in funding, if you want to
6 phase it in, the legislature is doing that.
7 Okay? The legislature is doing that. Over
8 the last four years we have averaged
9 28.6 percent of general fund growth in MAEP,
10 in K through 12 funding. Okay? That's higher
11 than the 25 percent that the proponents of
12 Initiative 42 say they want. The legislature
13 is already doing that. This past year was
14 over 60 percent of growth. The legislature
15 passed a budget this year of \$2.5 billion for
16 K through 12 education, the highest in
17 history. That I can tell you, ladies and
18 gentlemen, every Republican and every Democrat
19 in the Mississippi House of Representatives
20 voted for that measure. Everyone. Everyone
21 in that room understood that was a good stroke
22 for K through 12 education. It's exactly the
23 sort of thing we've been trying to do, because
24 we've been trying to fully fund the formula.
25 we're on track to do that.

1 Now, it's true that the formula is
2 underfunded. Nobody would deny that. But
3 it's also true that since 2008 we've had a
4 huge recession. You see this number the
5 legislature has shortchanged the school
6 students of this state by \$1.7 million. Well,
7 I submit to you we haven't shortchanged
8 anyone. Shortchanging, to me, implies there's
9 money somewhere that you spent somewhere else
10 other than where you should have. And ladies
11 and gentlemen, after 2008 the cumulative --
12 okay? -- over the next -- between fiscal year
13 2008 and fiscal year 2012, the cumulative
14 amount of revenue less was over \$1.1 billion.
15 Most of that so-called \$1.7 million -- \$1.7
16 billion that we presumably shortchanged
17 someone, most of that money never even hit the
18 state coffers. We did not receive that money
19 due to recession. That's a fact.

20 Now, what has happened since 2013?
21 Okay, there's -- 2012, the fiscal year 2013.
22 The legislature has put more than \$300 million
23 toward K through 12. We're headed in the
24 right direction. It's higher than the
25 percentage that the proponents of Initiative

1 42 say they want over a seven-year funding
2 period.

3 Now, ladies and gentlemen, my colleague
4 Herb Frierson, a representative from
5 Poplarville, Mississippi, caught a lot of
6 flak -- he's chairman of the Appropriations
7 Committee -- by saying simply that if
8 Initiative 42 passes, we're going to fund it
9 immediately. Now, the reason the chairman
10 said that is because, frankly, if the voters
11 of this state say that should happen, then
12 that should happen. I agree with him on that.
13 Okay? That should happen.

14 The amazing thing was the firestorm of
15 people that said, "Oh, no, he's fearmongering.
16 That's not necessary. We can phase this in.
17 We can phase it in."

18 Well, let me tell you this: The last
19 thing a legislature is going to allow to
20 happen if we can help it is to go to court
21 because we haven't stepped up and funded
22 something that the voters of this state say we
23 should. So the legislature's not intending to
24 fund this -- if you're going to phase it in,
25 don't pass 42. If you pass 42, we're going to

1 do it immediately. And we can fully fund it.
2 There's going to be 7.8 percent cuts in
3 everything except Medicaid and K through 12,
4 but we're going to do that. But that's real.
5 That's real. That's not a threat. That is a
6 consequence of what would happen.

7 Now, I would ask you this about the
8 phase-in: Ask you if it's intellectually
9 honest on the one hand to say the legislature
10 has shortchanged the people of the state of
11 Mississippi and the school children of the
12 state of Mississippi by \$1.7 billion -- "You
13 shortchanged us. You haven't given us the
14 money. You had it, and you withheld it from
15 us."

16 Chairman Frierson says, "Well, okay, if
17 you pass this, we're going to fully fund it."

18 "Oh, no, no. You can take seven years
19 and continue to shortchange us a little bit
20 every year until we get there."

21 Now, how ridiculous is that?
22 Particularly since we're already funding it at
23 28 percent on average per year. I would
24 submit to you, ladies and gentlemen, that's
25 not a very intellectually honest argument. If

1 42 passes, we're going to fund it immediately,
2 and there are going to be real and dire
3 consequences to every other agency in this
4 state. It's a mathematical certainty that is
5 going to happen.

6 Now, I would just finally say to you
7 that I do not believe -- you're asking me -- I
8 do not believe we need to change the
9 Constitution. I believe that our current
10 provisions are fine. Okay? But I would
11 submit to you that 42A is designed for two
12 things, as I said: One, to focus the argument
13 about what 42 really does; and, secondly, it's
14 to appropriately ask the question of what are
15 we in the business of public schools for
16 anyway? Why are we in the business of
17 anything in the state agency? It's not how
18 much money we put in it. That's not the goal.
19 That's not the end. That's just the means.

20 The question we have to ask not only
21 public schools, but every other state agency,
22 every dollar we spend, is "what are we getting
23 for what we spend?" 42A appropriately makes
24 that focus on effective public schools. We
25 want schools that work. Okay? Don't be

1 mocked by somebody that tells you, "Oh, they
2 don't understand what effective means." An
3 effective school simply means a school where
4 teachers teach like they're supposed to and
5 kids learn as they should. You know that.
6 That's common sense.

7 If you want to change the Constitution
8 at all, please consider 42A, which puts the
9 focus appropriately on effective schools and
10 not simply on the amount of money that's
11 spent. Do we need to spend more on public
12 schools? Absolutely, we do. And the
13 legislature has been doing that, and we're
14 going to continue to do that. We do not need
15 42A [as said], which takes a meat ax to your
16 Constitution. I urge you to oppose 42 and
17 consider supporting 42A.

18 Thank you.

19 *MR. HOSEMANN:* Mr. Adams is opposed to
20 42A. He will speak next.

21 *MR. ADAMS:* I want to thank you again.

22 Before I begin to respond, I want to
23 respond to two issues that were brought up.
24 First, the historic funding of public
25 education. Now, they can throw out as many

1 figures as they want to, but I will not let
2 them confuse you, because these are the facts.

3 This year's K through 12 funding is
4 \$3.5 million less than it was in 2008. K
5 through 12's share of the state budget has
6 been reduced each of the last three years. K
7 through 12 funding is the smallest percentage
8 of the state budget in Mississippi's history.
9 The state budget, excluding K through 12, has
10 grown by 47 percent since 2008. Education,
11 2.5 percent. And the worst part is our state
12 lawmakers have increased its own funding
13 17 percent since 2008.

14 Now, when they throw out all of these
15 figures, I want you to ask yourself: Are you
16 satisfied with the schools that your children
17 and your grandchildren are going to? Because
18 that's the only question that matters. And if
19 the answer to that question is no, then you
20 should vote for Initiative 42.

21 Secondly, about the language in the
22 Constitution, the seven-year phase-in plan is
23 not in the Constitution. It's not. But there
24 is nowhere in the Constitution where they say
25 they have to fund MAEP in one year. We gave

1 them an option that didn't require raising
2 taxes or cutting the state budget; but if the
3 lawmakers have another idea that doesn't
4 require doing those two things, then we're all
5 for it.

6 Now, ladies and gentlemen, do not be
7 fooled by the legislative alternative. Never
8 before in the 198-year history of Mississippi
9 has the state ever thwarted the people's will
10 by placing an alternative to an initiative on
11 the general election ballot. It didn't happen
12 until nearly 200,000 Mississippians signed
13 petitions saying they wanted a constitutional
14 amendment to force the lawmakers to obey their
15 law and fully fund our public schools.

16 42A was placed on the November ballot by
17 lawmakers for one purpose and one purpose
18 only: To divide the supporters of public
19 education so that Initiative 42 would not get
20 the percentage of votes needed to amend our
21 state's Constitution. In other words, it is a
22 trick, a sleight-of-hand deception. Do not
23 fall for it.

24 Now, the voters will have two choices
25 when they enter the voting booth on

1 November 3rd. The first choice is whether to
2 amend the state's Constitution. The
3 Constitution needs to be amended because it
4 gives lawmakers control over public school
5 funding with no accountability. Voters who
6 want that accountability for full funding of
7 our schools must vote yes for this
8 constitutional amendment.

9 The second choice is between Initiative
10 42 and the legislative alternative, 42A.
11 Again, voters who want better public schools
12 should vote for Initiative 42, not 42A. It's
13 easy if you just remember that 42A stands for
14 42 against, as in against public education.

15 The author of 42A did not put it on the
16 ballot and hope that it would pass. He did it
17 to split the vote so that neither amendment
18 was adopted. But by putting 42A on the
19 ballot, lawmakers simply thumbed their nose at
20 the Mississippians who signed petitions for
21 42.

22 Do not be fooled. 42A keeps the status
23 quo. 42A allows lawmakers to continue to
24 underfund our schools. 42A is against
25 adequate funding. 42A says yes to unsafe

1 buses, yes to leaky roofs, yes to less
2 training for teachers. It does nothing to
3 improve our schools. In fact, 42A provides no
4 additional money for public education. Only
5 Initiative 42 will hold our lawmakers
6 accountable to fulfill their promise to make
7 education funding a priority.

8 Now, lawmakers, they'll tell you some
9 tall tales. The politicians in Jackson will
10 tell you that throwing more money at public
11 schools will not solve our problem; but by not
12 following its own 1997 law, they've never
13 given their own plan a chance to succeed.
14 It's like never putting gas in your car and
15 then complaining that it won't run.

16 Now, the politicians in Jackson will
17 tell you that one judge in Hinds County or
18 Forrest County -- no matter what county it's
19 in -- will decide how much money your school
20 district will get. The fact is one judge in
21 any county has never had the final say on
22 anything that one side or the other didn't
23 like. The nine-member State Supreme Court has
24 always had the final word. But all of that is
25 irrelevant if lawmakers would just follow

1 their own law that they passed in 1997.

2 These guys keep talking about one judge
3 here and one judge there. I'm just a kid, but
4 I'm smart enough to know if you don't break a
5 law, you won't appear in court.

6 Now, the politicians in Jackson will
7 tell you that they will have to cut the state
8 budget or raise the state taxes if you force
9 them to follow their own law. But go look at
10 your local county tax bill and see how much
11 it's gone up in the past ten years, all
12 because those same politicians won't do their
13 job and follow the law.

14 The money is there for our schools
15 without cutting the budget or raising taxes,
16 and it can be done responsibly over seven
17 years. You know, it's a matter of priorities.
18 Can you believe in 2010 our lawmakers invested
19 in a company outside of Columbus, Mississippi,
20 who told them they could turn wood into
21 gasoline? Crazy. Right? Our lawmakers gave
22 that company \$75 million. Wow. Now that
23 company has gone bankrupt, and we'll never see
24 that money again -- money that could have gone
25 to our public schools. It's all a matter of

1 priorities.

2 Now, every single story those
3 politicians in Jackson will tell you is based
4 on fear, using scare tactics that have no
5 basis in fact. I want you to ask yourself:
6 why would our lawmakers work so hard to
7 confuse us on an issue as important as public
8 education? Well, maybe it's because they're
9 scared to death of losing their control and
10 their power to tell you how to run your
11 schools. You know, sometimes these
12 politicians get confused about who works for
13 whom.

14 Now, on November 3rd you have the chance
15 to take back your control of your schools by
16 voting for Initiative 42. You have the chance
17 to tell the lawmakers that you won't be fooled
18 by 42A, and you have the chance to hold these
19 politicians accountable for fully funding our
20 public schools like they promised, and you
21 have the chance to show the children of
22 Mississippi that there is nothing more
23 important than education, because better
24 schools means better jobs, higher wages, and
25 more economic growth.

1 So on November 3rd, when you walk into
2 the voting booth, say yes to the only true
3 choice for better public schools -- Initiative
4 42.

5 Thank you.

6 *MR. HOSEMANN:* Thank you, Mr. Adams.

7 we'll get started on the public
8 commentary.

9 First I want to tell you that the
10 Secretary of State hasn't been raised 17
11 percent. We haven't been raised anything
12 since Dick was there, so we're not any part of
13 that.

14 The second thing I encourage y'all to do
15 is pick up this book out here. This is how
16 we're going to proceed with this matter on the
17 ballot itself, and it will tell you clearly
18 what goes on. You will have the opportunity
19 to vote for or against amending the
20 Constitution. That will be your first choice.
21 In the event you vote against amending the
22 Constitution, it will stay there. If you vote
23 for amending the Constitution, you will then
24 select either 42 or 42A that you've heard
25 discussed tonight.

1 In here the initiative that -- if that
2 initiative -- if either one of those
3 constitutional initiatives are approved by the
4 voters in November, it will take effect 30
5 days after the date of the official
6 declaration of the vote by the Secretary of
7 State.

8 So the code sections and that process is
9 all outlined for you, and I encourage you to
10 get one of these. Lea Anne informed me
11 there's a stack of them over there. You're
12 welcome to look at them, as well as the actual
13 ones themselves.

14 Now, we're going to start the two-minute
15 portion here. You've heard great arguments
16 for and against here, so everybody will get to
17 talk that wants to. I have several here. If
18 you would step up to the microphone here and
19 please speak distinctly. Lea Anne has got a
20 red folder that says "30 seconds left." That
21 means you've got 30 seconds to close. And
22 then a red folder that means stop. And if you
23 don't stop, we'll cut the mike off or
24 something, so stop.

25 we appreciate everybody's comments here

1 tonight, and we appreciate the opportunity.
2 We have a number more pro 42 here tonight who
3 will be speaking than we do con.

4 The first person to sign up was Jim
5 Keith. Jim, if you'd speak. And he speaks
6 for Proposition 42.

7 *MR. KEITH:* I thought I had something
8 to say; but after Jarrius finished, I don't
9 have anything to say. What a presentation.

10 Secretary Hosemann, thank you for having
11 these public debates. Speaker Snowden, we
12 certainly respect what you do in public
13 service. We absolutely do that.

14 I just want to make a couple of points,
15 because I cannot improve on what Jarrius said.
16 I've been a school lawyer now representing
17 school districts for 32 years, and I'm at the
18 point where something has to be done.

19 And let me tell you what 42 does. Plain
20 and simple -- you can cut through all the
21 rhetoric -- all 42 does is make education a
22 priority in this state for the first time in
23 history. That's all it does. Jarrius made
24 the point: It's a matter of priority. That's
25 the way it is with our own budgets at home.

1 It is a matter of priority. We spend money on
2 what we want to spend it on. Our legislature
3 is no different. It spends money on what it
4 wants to spend it on.

5 Two years ago we were told by the
6 legislature that "Once we get out of the
7 recession, we're going to take care of you.
8 We're going to fully fund MAEP."

9 In fact, Representative Frierson made
10 the statement to superintendents a year ago;
11 said that "We are going to take care of you,
12 and we will fully fund MAEP. In fact, if we
13 don't fully fund it next year, we never will."
14 Well, we now know his answer, because we had
15 record revenues in this state to fund public
16 education.

17 So number one, it will make it a
18 priority that it has never been. It does not
19 change the responsibilities of our three
20 branches of government. Do you think that the
21 writers of 42 just dreamed up, "Hey, let's
22 just put the state in there"? There are other
23 constitutional mandates around this country
24 that are just like it. The difference is did
25 you know that Mississippi is the only state

1 that does not have a constitutional mandate
2 for public education? We're the only one,
3 because we leave it up to the discretion --
4 the total discretion -- of the legislature.
5 The total discretion.

6 And I want to make one comment here
7 because I see I've only got 30 seconds left.
8 Right?

9 Mr. Latino made a statement that it is
10 already in the law that the legislature must
11 fund public education. Well, if 2 out of 18
12 years is meeting the law, then I tell you the
13 legislature has failed miserably.

14 Thank you very much.

15 *MR. HOSEMANN:* Speaking against
16 Initiative 42 is Al Sage.

17 *MR. SAGE:* Thank you, Mr. Secretary.

18 My name is Al Sage. I'm a lobbyist.
19 I've been around a good while. I understand a
20 little bit about it. This is kind of one of
21 those deals about "Do you wash your car on
22 Tuesday or Thursday" or whatever.

23 I'm not against education. You have a
24 choice of being for or against here. I want
25 to be real clear. My wife just retired as a

1 school teacher. I have a lot of friends,
2 including Mr. Keith. My superintendent is
3 here. I'm not against education.

4 I have a lot of comments and a lot of
5 concerns. One is I lobbied for the University
6 of Mississippi for a couple of years, and I
7 remember what happened when we had to cut
8 budgets in the middle of the year three out of
9 four years before I started lobbying for the
10 University. K through 12 was the sacred cow.
11 It was, you know, off the table for cuts. We
12 took huge cuts because they didn't. All this
13 is predicated on revenue growth. What happens
14 if it don't happen?

15 Now, the big thing that I have as a
16 lawyer sitting here looking at this -- if you
17 can put the proposal up -- where it says "The
18 chancery courts of this state." Now, I'm kind
19 of disagreeing with everybody else in what
20 I've read, that the Chancery Court of Hinds
21 County is going to decide it. That's not what
22 that says. There are 144 school districts in
23 the state of Mississippi. There'll be, I
24 would think, 144 lawsuits. I've forgotten how
25 many chancery court districts we have and how

1 many judges we have. We probably have about
2 half that many judges, maybe a little less.
3 So you're going to have 144 lawsuits. They
4 could all get consolidated into one. There's
5 some statutes on the book that says you bring
6 cases against the state in Hinds County
7 Chancery Court; but this is in the
8 Constitution, and that's not what it says. It
9 says "the chancery courts," plural. So you
10 can consolidate all of them. You're going to
11 have 144 cases, 144 factual determinations of
12 what those terms meant, and you've heard some
13 people talking about that.

14 So I think fundamentally, in addition to
15 doing violence to the branches with the
16 separation of powers we have, you're really
17 going to do damage to education because you're
18 going to have 144 lawsuits that somebody has
19 to determine facts; and you're going to spend
20 huge amounts of money fighting this in court,
21 paying lawyers, and years before you do
22 anything.

23 I just don't think this is the right
24 solution.

25 *MR. HOSEMANN:* Thank you, Mr. Sage.

1 The next person that signed up is Rims
2 Barber. He will speak in favor of Proposition
3 42.

4 *MR. BARBER:* I'm Rims Barber from
5 Jackson, Mississippi. I'm with the
6 Mississippi Human Services Coalition and the
7 parent of four graduates of the Jackson
8 Public School System.

9 I've been around here for a good while,
10 and I remember back in the segregation days
11 when district after school district, white
12 schools were funded at a rate of three and
13 four times greater than were black schools.
14 It's clear that those who were in control knew
15 that money mattered.

16 I remember also about 20 years or so ago
17 when a number of child advocates were
18 brainstorming about a possibility of bringing
19 a lawsuit to remedy some of the inequalities
20 of the funding of public schools. It was
21 around that time that some of the state's
22 leaders began looking into a way to avoid such
23 a lawsuit and create a system that would
24 ensure that every child in our state would
25 have the opportunity to get a basic education.

1 After consultation with experts and a lot of
2 study, they developed a formula that became
3 the Mississippi Adequate Education Program,
4 the MAEP. That formula may need some revision
5 from time to time, but the concept is sound.
6 There may be other educational requirements
7 that would be helpful, but all advances must
8 be based on sound financial footing.

9 I am impressed that concerned citizens
10 were able to put together the coalition that
11 addresses the ongoing shortfall in funding by
12 strengthening our Constitution's education
13 provision and making sure that it states that
14 it's a fundamental right for children. That's
15 long overdue.

16 We cannot go on with an almost adequate
17 education funding. Let's pass Amendment 42
18 this November and then work together to
19 strengthen every aspect of our school system.

20 Thank you.

21 *MR. HOSEMANN:* Thank you, Mr. Barber.

22 Speaking against 42, Mr. Bill
23 Billingsley.

24 *MR. BILLINGSLEY:* Thank you,
25 Mr. Secretary.

1 I am not going to be able to improve on
2 what Speaker Snowden and Russ Latino have
3 already said -- or Al Sage, for that matter --
4 but I want to ask you some questions, because
5 I think it's important that you consider these
6 things.

7 First, haven't all of you gotten here
8 tonight knowing how you're going to vote on
9 this? I did. I did. I came here because I
10 wanted to hear what was going to be said, but
11 I had already decided that I thought the
12 funding legislation should stay in the --
13 funding the schools should stay in the
14 legislature. So ask yourself that. Did you
15 really come here to learn anything, or did you
16 come here to support your cause? If you came
17 here to support your cause, that's great, but
18 consider learning some things while you're
19 here.

20 Second question: Do all of you really
21 understand how the MAEP formula works? I've
22 looked at it. I don't understand it as well
23 as probably some of you do. But there are
24 probably a lot of you that have made up your
25 mind on this issue without really digging into

1 that formula and seeing where the flaws are.
2 It's a very difficult formula to understand,
3 and it's got some flaws in it that even your
4 proponents will admit are there. So is that
5 really what we want to do? Do we really want
6 to pass a constitutional amendment that will
7 take a flawed formula and force it down the
8 legislature's throat?

9 Now, the last question that I have is an
10 easy one for everybody -- and you don't have
11 to raise your hand -- but did we all vote last
12 week? Of course we did. Of course we did.
13 How many of us voted for the same
14 representative that voted to put Initiative
15 42A on the ballot? None of you did? I don't
16 believe that. I believe that a lot of you
17 did. I believe that a lot of you voted for
18 your representative that has been there for a
19 long time. Maybe he didn't even have an
20 opponent. But a lot of you have voted for him
21 over and over and over. You think your guy is
22 the one that's doing a good job; and all the
23 rest of them, sorry, guys.

24 Well, that's the way you have
25 accountability. What Mr. Adams brought up a

1 number of times: This bill will make your
2 legislators accountable. No, it won't. What
3 makes your legislators accountable is when you
4 vote them out when you're tired of how they
5 vote.

6 Now, if you did not do that, then you're
7 fooling yourself to come out and make a big
8 deal about how you're for Initiative 42. If
9 you voted for your representative who was for
10 42A, then don't tell me you are for 42. I
11 think that we've got to be consistent. Let's
12 use the elections to get rid of the
13 legislators that you don't like, and let's
14 leave funding in the hands of the legislature.

15 Thank you.

16 *MR. HOSEMANN:* Thank you,
17 Mr. Billingsley.

18 Raymond Morgigno to speak for 42.

19 *MR. MORGIGNO:* Thank you.

20 So much has already been said, but I do
21 support Initiative 42 for a couple of reasons.
22 Number one, there's a plan. For the past 17
23 years it seems like, whether it was
24 Republicans or Democrats in charge, this has
25 been an issue all except two years.

1 You know, the sad part is that we're
2 here discussing whether we should fund
3 education or not, basically. And with that,
4 I'll just tell you I'm superintendent of Pearl
5 Schools. And we are a very fortunate school
6 district with a strong local economy. And
7 we're short 2 million a year, it seems like,
8 every year on MAEP funding. I would love to
9 have one year as superintendent just to see
10 what it's like to be adequately funded.

11 what concerns me most is going through
12 our second and third grade classrooms
13 yesterday, I counted 27 kids -- which, of
14 course, with the accountability model and the
15 accreditation standards, that's the most you
16 can have. Guys, I'm in Pearl, Mississippi.
17 That's where a mill is worth over \$200,000.
18 You take somewhere like Mound Bayou,
19 Mississippi, where a mill is probably worth
20 about \$8,000 a year, it's not right. And
21 we've got to do better.

22 what Initiative 42 does is it provides a
23 plan. And I know our legislature works hard,
24 and we are blessed in Pearl, Mississippi, with
25 some wonderful legislators. It's not an

1 attack on them by any stretch. It's just a
2 request to do the job.

3 I had the privilege of retiring as a
4 lieutenant colonel in the Mississippi Army
5 National Guard and serving our state and
6 country in Iraq. I was a unit commander of
7 some troops. And, guys, you learn with
8 leadership you lead, you follow, or get the
9 heck out of the way. And we have to have some
10 leadership in our state to make this a
11 priority. And it's unfortunate that it's come
12 to citizens having to take the lead in this.
13 Again, we have legislators, I know, that have
14 tough decisions; but when 200,000 people tell
15 you it's a priority, I think you have to start
16 making it a priority.

17 Also, the last concern and I'll hush
18 because my time is going to be up: very
19 concerning -- again, we have great legislators
20 in our area, and you trust them. I was in
21 that room when we were told, "Hey, guys, we
22 know it's tough, and we appreciate you not
23 whining; but when it gets better, I promise
24 you we're going to take care of you."

25 I heard that. Believe me, I think

1 Frierson is a good guy. I don't know him
2 personally, but he seemed very sincere. But,
3 you know, when the money seemed to be there
4 this year -- we had enough we came within an
5 ant's eyeball of passing a \$550 million tax
6 cut, but then in the next breath we were told
7 as educators, "No, we can't fund you." So
8 somewhere we've got to get our priorities
9 straight.

10 with that, I would just close and say I
11 hope you will join all of us in supporting
12 Initiative 42. Thank you.

13 *MR. HOSEMANN:* Thank you. Thank you,
14 Superintendent.

15 Cindy white for 42. Ms. white is from
16 Madison.

17 *MS. WHITE:* I'll make this as quick as
18 possible too. I am a public school parent
19 in Madison. I'm a product of public
20 schools. I'm a proud parent of a daughter
21 in the Madison County Public Schools. And
22 I'm on the staff of the parents campaign.

23 And I have written remarks here, but
24 these are from my heart that I wrote this
25 afternoon, and I want to share them with you;

1 but I am going to be reading them to make sure
2 that I get it all out and get it on record.

3 Our state's position on the rights of
4 children is morally bankrupt. Other states
5 lift their children up by including in their
6 constitutions an unfettered right to
7 education. Mississippi limits our promise of
8 a free public education to such conditions and
9 limitations as the legislature may prescribe.
10 Make no mistake: These legislative conditions
11 and limitations have a direct impact on the
12 lives of our state's children.

13 By allowing our legislators to continue
14 to break their own law and withhold funding
15 for public schools, we are allowing them to
16 prescribe to children that they can't have art
17 or music classes, can't have a safe playground
18 but must instead take turns on the one swing
19 that isn't broken, can't have a working
20 computer in their classroom, can't have new
21 crayons or new pencils but should be satisfied
22 with pencil nubs and dried-up glue sticks.
23 But for another group of children, we say,
24 "Here, enjoy your brand-new box of 64
25 wonderful crayons. Have fun on your shiny new

1 playground, complete with safety padding
2 underneath. And while you're at it, see who
3 can fly the highest on that long roll of
4 beautiful, colorful swings. Take your time
5 with the xylophones. We've got plenty to go
6 around. There's time for every child to play
7 on one. And have a seat in a comfy beanbag
8 chair while you listen to the children's
9 authors who are visiting with our school
10 today."

11 what is the difference in these two
12 groups of children? There's only one
13 difference. The first group, the ones who
14 were told day after day and year after year
15 that they aren't worthy of the best we can
16 offer but instead must settle for the broken,
17 the worn out, the cold, and the crowded --
18 and, by the way, still must meet our high
19 performance standards -- they live in school
20 districts that don't have a strong enough
21 local tax base to make up for what the state
22 is withholding from them.

23 The second group -- those with
24 elementary music classes, laptops for every
25 student, bright cheery libraries filled with

1 books -- this second group, like my child, my
2 fortunate child, lives in school districts
3 that have high property values and retail
4 businesses that provide a strong local
5 investment in public schools; on top of which
6 these already fortunate schools often enjoy
7 the extras underwritten by parent wealth and
8 community support.

9 Meanwhile --

10 *MR. HOSEMANN:* You're getting close,
11 Ms. White. I see there's another page on
12 there. You're not going to make it.

13 *MS. WHITE:* Just a little bit more.

14 *MR. HOSEMANN:* All right.

15 *MS. WHITE:* I thought we had five
16 minutes, and I wrote for five minutes.

17 In a school district 60 miles away from
18 my own, we've got kids who are lucky just to
19 get the basics -- just the basics. Nothing
20 shiny, nothing new, nothing compelling,
21 nothing that makes the school fun. Just the
22 basics. Hopefully, enough to help them meet
23 the requirements for community college or
24 university. And even then they will be
25 hampered by crowded classrooms, leaking roofs,

1 faulty heating, old textbooks, and even older
2 desks.

3 These are the limitations that our
4 legislature prescribes. Let me repeat that.
5 Faulty heating, old textbooks, broken desks --
6 all of it -- these are the limitations that
7 our legislature has for years prescribed for
8 our children.

9 I for one plan to vote for Initiative 42
10 for the children of our state -- all
11 children -- to have an equitable and adequate
12 public education.

13 Thank you.

14 *MR. HOSEMANN:* Thank you, Ms. White.

15 Bryan Eason. Mr. Eason is from Jackson,
16 Mississippi.

17 *MR. EASON:* Good evening, ladies and
18 gentlemen. I'm a citizen of Hinds County, a
19 voter, and an advocate for children.

20 So much has been said that cannot be
21 repeated, but I'm one of those former
22 educators that's about action and people power
23 that clears away those fear tactics.

24 what resources and information can be
25 allocated or circulated to make sure that our

1 educators and administrators in all 82
2 counties and 144 districts know that they
3 can -- what they can and cannot do legally to
4 support Initiative 42? Just like the example
5 from the Pearl superintendent, this should be
6 clear: That all educators have the legal
7 right -- the legal right -- to advocate for
8 the children that they teach every day and for
9 the resources they so desperately need.

10 The next education piece going forward
11 has to be in favor of our children. Please
12 vote for Initiative 42.

13 *MR. HOSEMANN:* Thank you, Mr. Eason.

14 Mike Waldrop. Mike Waldrop from
15 Clinton, Mississippi. Mr. Waldrop is in favor
16 of Amendment 42.

17 *MR. WALDROP:* You've all heard these
18 orations, and I can't add anything to what
19 has been said other than I've been in public
20 education for 45 years, and all I can share
21 with you are the facts of those 45 years
22 that I've been in public education. And the
23 facts are this: Mississippi households
24 income-wise are the lowest in the nation;
25 poverty, we're the highest in the nation;

1 test scores, some of the lowest in the
2 nation; incarceration, some of the highest
3 in the nation.

4 Like I said, I've been in education for
5 45 years. I've been a teacher, an
6 administrator, a superintendent. I've run the
7 whole gambit. All of those 45 years that I've
8 been in public education, other than maybe a
9 couple, public education has been underfunded.
10 I mean, that's all undeniable. That's what
11 I've seen in 45 years.

12 My point, I guess, is this: I think
13 it's time that we in Mississippi ask the
14 Dr. Phil question: How is this working out
15 for us?

16 Thank you.

17 *MR. HOSEMANN:* Thank you.

18 we'll do one more 42, and then we'll get
19 to 42A. Ellen Gray from Brandon. Ms. Gray
20 from Brandon, Mississippi. She's in favor of
21 Amendment 42.

22 *MS. GRAY:* I think we can all agree
23 that none of us would be here tonight if the
24 legislature had kept its promise to our
25 children. I am a retired school teacher,

1 and tomorrow I'm flying to New Jersey to see
2 my child and her family. She and her
3 husband -- my daughter and her husband are
4 both graduates of Brandon High School, and
5 they have left the state to find better
6 opportunities for themselves and for their
7 family.

8 when I think about their being so far
9 away, I have to smile, though, because my
10 grandson, who is Type 1 diabetic, attends this
11 neighborhood public school where there is a
12 school nurse every day. If the school nurse
13 is absent, a substitute comes in. A school
14 nurse goes on the field trips. It's
15 absolutely a godsend for my daughter and her
16 husband.

17 Please vote in support of Amendment 42.
18 Thank you.

19 *MR. HOSEMANN:* Thank you, Ms. Gray.

20 We were on 42, but Mr. Munford was here,
21 who's the author of 42, and wanted to speak
22 against 42A, so we'll switch to 42A.

23 Mr. Munford.

24 *MR. MUNFORD:* I'd like to start off
25 with a moment of personal privilege that I

1 hope won't count against my time.

2 I've never been in this building before.
3 This building belongs to Jackson State. And,
4 as you can see, it's a wonderful facility. It
5 used to belong to an insurance company. And
6 back when he was in the private practice of
7 law, Secretary Hosemann got together with
8 Reuben Anderson and some other people and
9 convinced that insurance company they needed
10 to do a deal and get this building in the
11 hands of Jackson State. And I think we need
12 to think Secretary Hosemann for what he did.

13 *MR. HOSEMANN:* That won't count
14 against your time.

15 *MR. MUNFORD:* That was a great move.

16 Two things: One is perspective, and the
17 other is language.

18 Perspective: Mississippi is the only
19 state that does not have in its state
20 constitution a requirement that there be a
21 certain standard for public education. The
22 standards that are used by other states are
23 words like "adequate" and "efficient."
24 Adequate in South Carolina and efficient in
25 Kentucky and Arkansas.

1 we are also a state that spends
2 substantially less on public education per
3 child than our surrounding states. We spend
4 30 percent less per child than Louisiana, and
5 less than Arkansas, less than Tennessee, less
6 than Alabama. That speaks powerfully to me if
7 we want our children to be able to compete
8 with children from other states, we need to do
9 better.

10 Now, the mechanism is 42. It starts off
11 talking about a fundamental right to
12 educational opportunity, which I think we all
13 agree you've got to have educational
14 opportunity. It uses the word "adequate" and
15 "efficient," which are used in other state
16 constitutions.

17 Now, we've heard a lot of "Chicken
18 Little, the sky is falling." In states like
19 South Carolina, Kentucky -- I mentioned
20 Arkansas -- what the courts have done is said,
21 you know, if called on and if they find a
22 constitutional violation, it's to say,
23 "There's a constitutional violation.
24 Legislature, go fix it."

25 In Arkansas they said, among other

1 things, that 58 percent of all of the high
2 school students in Arkansas who were going to
3 college had to have remedial work to get into
4 college. And the Arkansas Supreme Court said,
5 "That's a sign that we don't have an efficient
6 system of public education. Legislature, go
7 fix it."

8 In our circumstances we have the
9 Adequate Education Program, so it does give
10 some meaning to "adequate." And "efficient"
11 is a word that's been interpreted by courts in
12 Kentucky and Arkansas to mean certain things,
13 including compete with other states.

14 Now, the chancery courts, these are
15 actually words of limitation. We depend on
16 courts to enforce the Constitution. Any
17 constitutional provision is enforced by the
18 courts. 42A would have to be enforced by
19 courts. Okay? What this one does is it sets
20 it up for a chancery court to order
21 perspective the funding pattern that's set
22 up and was endorsed by 120,000, 200,000 --
23 whatever number you want to take -- people who
24 signed the petition. So these are actually
25 words of limitation, and any constitutional

1 provision has to be enforced by a court.

2 This fiscal analysis that's been passed
3 out prepared by the legislature doesn't even
4 mention that 120,000 people, at least, signed
5 the petition saying we wanted phased-in
6 funding. It's just another dirty trick by the
7 legislature. I'm sorry.

8 vote for 42. It's on top, and we want
9 our schools on top.

10 *MR. HOSEMANN:* Thank you.

11 For those of y'all who haven't been
12 around the building, when we got it, I crawled
13 all underneath this thing and all over. It is
14 a phenomenal facility. Jackson State has two
15 television stations here. We have a radio
16 station here. We have business startups here
17 and a number of different programs initiated
18 here. And even the basement part of this is
19 like a level 3 storage base where they store
20 computer information from all over the country
21 in this building. It's been a great asset.
22 And Allstate was the insurance company that
23 was so generous with the state of Mississippi.
24 And that generosity, as Jackson State has run
25 this, has been well received.

1 we'll get back to 42, and the next one
2 signed up is Nancy Loomer from Clinton,
3 Mississippi. Ms. Loomer.

4 *MS. LOOMER:* Thank you, Mr. Secretary.

5 I disagree with Mr. Latino about the
6 question that is before us. The question that
7 is before us is whether or not we trust the
8 Mississippi Legislature to provide adequate
9 school funding for our children. The answer
10 is no.

11 In 1997 legislators passed into law the
12 Mississippi Accountability and Adequate
13 Education Program Act. It said that educators
14 would be held accountable for the quality of
15 education they provide Mississippi children
16 through a system of statewide testing and that
17 the legislature would provide schools the
18 resources required to meet midlevel
19 accountability standards, what's now
20 considered a C rating.

21 Educators have kept their end of that
22 bargain. Schools are held accountable.
23 Heaven knows our children are tested and
24 tested and tested, and schools and teachers
25 are held accountable. Standards have ramped

1 up, and schools have improved. In fact, we
2 have gone from 216 failing schools in 2009 to
3 just 24 failing schools now. In 2009 we had
4 53 districts that were rated F. Today we have
5 none. And so educators have held up their
6 end -- the accountability end of the bargain.
7 But the legislature has reneged on its end of
8 the deal -- adequate funding -- in just about
9 every year.

10 So not surprisingly, given that record,
11 the legislature has now proposed an
12 alternative to Initiative 42. After citizens
13 said, "we want our schools funded," they
14 proposed an alternative that will not provide
15 one red cent in additional funding for our
16 schools. The Legislative Budget Office said
17 so. The fiscal analysis was that it would
18 provide zero in increased funding, the
19 alternative amendment that the legislature has
20 proposed.

21 In fact, what their amendment would do
22 is to hold -- you guessed it -- teachers more
23 accountable rather than holding themselves
24 accountable. Teachers are already
25 accountable. It's time for the legislature to

1 do their job.

2 Legislators who support the alternative
3 want to preserve their unilateral unchecked
4 authority to continue to starve our schools of
5 the adequate resources their own law says they
6 should provide and demand that teachers do
7 more and more with less and less.

8 In every election candidates are elected
9 on a promise to fully fund public schools, and
10 they get elected and immediately renege on
11 that promise.

12 The only long-term solution to adequate
13 funding for our children is Initiative 42.
14 Our leaders have not been honest with us about
15 school funding, and they are not being honest
16 with us about what Initiative 42 will do and
17 not do. We parents want our schools fully
18 funded, and so we are voting yes on Initiative
19 42. Mississippi voters who want strong public
20 schools should vote -- should join us and vote
21 yes on Initiative 42.

22 Thank you.

23 *MR. HOSEMANN:* Thank you, Ms. Loome.

24 Sarah Campbell. Ms. Campbell. Sarah
25 Campbell is from Jackson, Mississippi, and she

1 is for Amendment 42.

2 *MS. CAMPBELL:* I stand before you as a
3 1984 graduate of Port Gibson High School and
4 the Claiborne County Public School System
5 and the mother of three sons who have gone K
6 through 12 in the Jackson Public School
7 System. I have a 2013 and 2015 graduate of
8 Murrah High School, and then I have one who
9 will graduate in 2016.

10 The reason I stand before you to support
11 Amendment 42 to the state's Constitution is
12 because of these words, "To protect each
13 child's fundamental right to educational
14 opportunity."

15 The Constitution, as it stands today,
16 and the Initiative 42A alternative speak to a
17 system of public schools. It doesn't speak to
18 a child's fundamental right. And it says
19 "each child," and that means every child. And
20 that means it doesn't matter whether you go to
21 school in Claiborne County or Jackson or
22 Clinton or Madison. All that matters is that
23 you have the right to an adequate and
24 efficient system. You have a right to an
25 equal opportunity in education.

1 And, you know, it really doesn't bother
2 me if the state of Mississippi has to reach
3 deeper and find more money to fund schools.
4 I'm not afraid of a tax increase. We don't
5 need to keep our schools and our government so
6 small and so hamstrung by a "no new taxes"
7 pledge that we fail another generation of
8 children. Support 42.

9 *MR. HOSEMANN:* Thank you,
10 Ms. Campbell.

11 Barbara Powell. Ms. Powell is from
12 Jackson and is in favor of Amendment 42.

13 *MS. POWELL:* I will be very brief. As
14 a mother of three children that went through
15 the public schools and four grandchildren
16 that are entering, I want to express my
17 great desire that we have strong schools.

18 And I've been here long enough to
19 remember how we celebrated when, under the
20 William Winter administration, we got the
21 funding increases for public schools and more
22 emphasis there. And I remember celebrating
23 when we got the Mississippi Adequate Education
24 Program, that this meant another step forward
25 in support of our schools. But we've heard

1 tonight that the MAEP was passed by the
2 legislature partly just to avoid a federal
3 lawsuit and then was not taken seriously. It
4 seems that the only way to get the legislature
5 to take it seriously is to have accountability
6 built in; that there is a way that people can
7 challenge it in the courts if they're not
8 doing it.

9 Thank you. And I hope you'll all
10 support the Amendment 42.

11 *MR. HOSEMANN:* Thank you, Ms. Powell.

12 Carol Redfield. Ms. Redfield is from
13 Utica, Mississippi, and she rises in support
14 of Amendment 42.

15 *MS. REDFIELD:* Good evening. I stand
16 before you as an educator. I stand before
17 you as a proud parent of three that
18 graduated from Hinds County Public Schools.
19 And what I will tell you is that in a
20 classroom where you expect children to come
21 to you ready to learn, and you just turn the
22 page and you see that the proficient score
23 is 154, and you look at your record and it
24 says the holistic class score is 15 percent,
25 and the only difference is the ZIP Code.

1 So I am in support of 42 because our
2 children deserve better. Our children deserve
3 the right to learn. Not only that, I will
4 tell you of the growth that I see every day in
5 our public schools that you don't hear about
6 on the TV. And that one school year our
7 school growth grew two to three years; but
8 because we have no early childhood program in
9 the state of Mississippi, they were already
10 behind two or three years. So the score was
11 still failing.

12 So what do you think you can do if you
13 just fund -- fully fund schools? We have
14 books. I look around to see if there's any
15 there. There's none. We use each other as
16 resources. We work on Saturdays and often on
17 Sundays when we should be in church and
18 spending time with our families. I look at my
19 children and I thank God that they grew up
20 without any hurt, harm, or danger, because I
21 spent most of my time in those classrooms.
22 And I know I can say this for many teachers
23 that I see. But not only are we losing so
24 many great teachers, because it's not fully
25 funded and we're not paying them what they

1 do -- for what they do.

2 There's a child here, a child there that
3 needs after-school tutorial. We don't have
4 funding for it, so many of our teachers are
5 staying after school to make sure that we hold
6 up our part of the bargain, that we actually
7 grow our schools. We've done that numerous
8 times year after year, test after test after
9 test. We've worked ourselves endlessly. So
10 it's time for our legislature to do their part
11 for our children.

12 I would hope that everyone in here take
13 with you this speech. Tell your neighbor,
14 your neighbor's neighbors, even your church
15 members, "You must vote for Initiative 42."

16 *MR. HOSEMANN:* Thank you,
17 Ms. Redfield.

18 Susan Womack. Ms. Womack rises to speak
19 in favor of 42.

20 *MS. WOMACK:* I am a proud public
21 school parent from Jackson. My son
22 graduated from Jackson Public Schools in
23 2014. And I still claim to be a public
24 school parent because I truly believe that
25 all the children in our schools throughout

1 Mississippi belong to us, all of us, and it
2 is our responsibility as adults and as
3 voting citizens to take care of them and
4 make sure that they are well educated and
5 have bright opportunities in our state.

6 Every year we hear our legislators say
7 that they would fund public education if only
8 they could. And the members of our
9 legislature tell us year after year that the
10 state cannot afford to fully fund our schools.
11 We've all heard that over and over and over
12 again.

13 But I was really impressed and taken by
14 the numbers that Mr. Adams quoted which said
15 that since 2008, funding for K-12 increased by
16 just 2 1/2 percent, while funding in other
17 categories increased by almost 47 percent.
18 And I'm just astounded that the legislature
19 could afford to increase funding in every
20 other category by such a large measure but not
21 fully fund our schools. And this year our
22 legislators even talked about a huge tax cut
23 because we were so flush with money that we
24 could afford to do that.

25 I think our state leaders could fund

1 public education if only they would. And if
2 they would fund it, then there would be no
3 cause for judges or courts or any of the scary
4 things you've heard about today.

5 Mr. Latino said that if we wanted to
6 talk about school funding, we should come
7 together and we should discuss this and debate
8 this. And I would say in response to that
9 that since 2001 when my son entered
10 kindergarten, every year I have been
11 discussing this, and I have been debating
12 this, and I'm tired of that. And that's why
13 I'm supporting Initiative 42, because I'm
14 tired of hearing excuses and empty arguments.

15 The state legislature can fund K through
16 12 education, and they should. And Initiative
17 42 will help ensure they do that, and I hope
18 you will join me in supporting Initiative 42.

19 Thank you.

20 *MR. HOSEMANN:* Thank you, Ms. Womack.

21 Marcia Weaver.

22 *MS. WEAVER:* I'm Marcia Weaver from
23 Jackson. I'm president of the League of
24 Women Voters of the Jackson area. I joined
25 the league in about 1964. The league was

1 already very active in supporting public
2 school education. After I joined the
3 league, we started an action to get
4 kindergartens for five-year-olds in the
5 schools. In 1965, with strong help from
6 Representative Robert Clark, we succeeded in
7 getting legislation to allow five-year-olds
8 to go to public school kindergarten, giving
9 them a good start in education.

10 Now the league believes that it's time
11 for the state to fully fund the K through 12
12 program. We believe this is the most
13 important action we can take to help get
14 Mississippians off of the bottom of the ladder
15 in matters of achievement. If, however, we
16 want to continue to have poverty and stay at
17 the bottom, then throw out fully funding
18 public education.

19 Public education is a state function,
20 and it's supported by city and county funds.
21 Some cities and counties have more ability, as
22 we've heard several people say tonight, to
23 help the public schools, but not many do
24 not -- all of them don't have what they need
25 to provide an adequate education. In counties

1 that do not have such ability, children fall
2 by the wayside.

3 Fully funding public education is
4 critical to Mississippi's well-being. Today
5 state funding is directly in the hands of our
6 legislature. They need to adequately fund the
7 schools. Beware, however, of the scare
8 tactics we've heard. Educating youth is
9 critical, as well as being -- as being in
10 Mississippi to have an adequate education.
11 Please tell legislators that our children and
12 youth need to have fully funded public
13 education.

14 We have the opportunity to vote in
15 November. I encourage you to support the
16 amendment for 42. Thank you.

17 *MR. HOSEMANN:* Thank you, Ms. Weaver.

18 Joyce Helmick. Ms. Helmick, I had you
19 down -- she's from Hernando, Mississippi. And
20 I had you against 42A, so we haven't gotten
21 there, but I see you signed up for 42, so
22 we'll --

23 *MS. HELMICK:* Yeah, I did. I did.

24 Thank you.

25 *MR. HOSEMANN:* -- and filled out a

1 sticker. We're ready to go.

2 *MS. HELMICK:* All right. I am Joyce
3 Helmick. I am a mother, and I am a
4 grandmother, and I am a 37-year veteran of
5 public school classrooms in Mississippi. I
6 am also president of the Mississippi
7 Association of Educators.

8 The Mississippi Association of Educators
9 strongly supports passing Initiative 42
10 because Initiative 42 will ensure that all
11 students, regardless of their ZIP Code, have
12 the tools, the resources, and support to
13 ensure their success.

14 MAE members across this state are
15 actively working with the Initiative 42
16 campaign throughout the state. As educators
17 and parents -- most educators are parents, and
18 some of us are grandparents -- we know that
19 Initiative 42 is the very best way to ensure
20 that our state leaders live up to their
21 promise to fully fund our children's public
22 education.

23 I believe that I have a unique concern
24 because I am not only an educator in this
25 state for 37 years, but for the past two

1 years, as president of the Mississippi
2 Association of Educators, I have traveled the
3 state. And I have been in school after school
4 after school after school after school after
5 school after school, and I have spoken with
6 educator after educator after educator, and I
7 have spoken with parent after parent after
8 parent, and I know for sure that we need
9 funding for our public schools.

10 I am against Initiative 42A because I
11 know that it is a decoy. And I'm a blueblood
12 from Mississippi, and I know that a decoy,
13 when you bring it home, does not put meat on
14 the table. We need Initiative 42.

15 Thank you.

16 *MR. HOSEMANN:* Thank you, Ms. Helmick.

17 Mr. Roderick Red. Is Mr. Red still
18 here? Is Mr. Red here? (Not present)

19 I want to acknowledge Representative
20 Alice Clark is here. Ms. Clark, it's good to
21 see you. Thank you for coming.

22 Latisha Latiker. Are you here,
23 Ms. Latiker? She rises from Brandon in favor
24 of Proposition 42.

25 *MS. LATIKER:* I'm here as a parent of

1 a fifth-grader in the Rankin County School
2 System. He's at Flowood Elementary. And
3 our school district, while it's an A-rated
4 school district and it's a fluid school
5 district, has been shortchanged \$59 million.

6 when my child showed up at school last
7 year for his gifted class, they were in what
8 was called a "happy hut." This happy hut is a
9 trailer with no lights, no air conditioning,
10 and a carpet blower for air. They eventually
11 got air conditioning, and they eventually got
12 lights, but how you wrap it up -- I don't care
13 what you call it -- it's still a trailer; it's
14 still not an adequate place for my child to
15 gather his education. And this is for an
16 alternative class. This isn't even his
17 standard class.

18 And so I asked myself, If my child is in
19 a happy hut in Rankin County, what are
20 children doing in Bolivar County, in Marshall
21 County, in Amite County, Lafayette County?
22 Not Oxford, Lafayette County. And so your ZIP
23 Code should not determine how your level of
24 education is obtained.

25 I don't want my child to have an

1 adequate education. I want him to have an
2 exceptional education. I graduated from a
3 high school in Oklahoma that is listed in the
4 *U.S. World Reports* top 100 schools of the
5 country. Can that be said about any public
6 school in the state of Mississippi? And it
7 should be said about that. It should be said.

8 In addition to that, we want to maintain
9 our best and brightest. At ten years old I
10 asked my son, "Do you want a C education, or
11 do you want an A education?" At ten he can
12 definitely tell you he wants an A education,
13 not a C education. But because our best and
14 brightest are leaving the state -- they are
15 leaving because they are only receiving under
16 an adequate education.

17 we talk about safe buildings and labs,
18 and we have an emphasis on STEM; but how can
19 you be engaged in STEM if you don't have a
20 lab, if you don't know what a microscope even
21 looks like?

22 And so I come as a parent from an
23 affluent school district asking to support an
24 initiative that will help all our children.
25 No child needs to go to school in a happy hut.

1 Again, no matter how you wrap it up, it's
2 still a trailer. And the trailers are
3 increasing in my affluent school district, so
4 what about the districts that can't even
5 afford to buy a trailer? And that's \$59
6 million in Rankin County alone, not including
7 Pearl District.

8 And so I ask you all -- I know I'm
9 preaching to the choir, but I want this on
10 record -- to support an initiative that is at
11 least taking steps to allow for our students
12 to be educated in a more efficient manner in
13 this state.

14 And I leave you with just a question for
15 those who are believers in Christ, what have
16 you done for the least of these? Just ask
17 yourself that.

18 *MR. HOSEMANN:* Thank you, ma'am.

19 Is Joey Case still here? Mr. Case, are
20 you still here?

21 Then that wraps up everyone that has
22 signed up, and thank y'all all for coming
23 tonight. It just reminds me of why you
24 wouldn't want to live anywhere but
25 Mississippi. Y'all all are so eloquent, and

1 we appreciate your comments. Thank y'all, and
2 we're dismissed.

3 Oh, we've got one more? Oh, there's
4 Mr. Case. I didn't see you. Come on, you can
5 speak. Yes, sir. We left it open for you.

6 *MR. CASE:* I'll make it brief.
7 Initiative 42 obviously has been discussed
8 here, and most people in this room
9 understand what that initiative is for.

10 It's real simple. Regardless of the
11 language and everything in here, it provides
12 some relief if the legislature doesn't do its
13 job. The other one does not. It's just that
14 simple. That's the simplest, easiest way to
15 put it.

16 I'll tell you why I'm here in support, a
17 few things about Amendment 42A. My child and
18 my children went through what I would consider
19 a very good school district. They live in
20 Pearl -- or they did live in Pearl and went to
21 school there. But even in our school
22 district -- I've been in that district for 25
23 years -- our taxes, our local taxes have
24 continued to go up.

25 when I contacted my legislator about it,

1 "why aren't you supporting this amendment?"

2 "well, you don't want your taxes to go up." I
3 said, "My taxes have been going up. They've
4 been going up."

5 And you know what? I don't mind them
6 going up the amount because it was for the
7 schools. Most of it was going for our
8 schools. I felt like our kids were getting an
9 excellent education.

10 And the other thing is I'm not
11 political, but I would say this: You have one
12 side over here that's for this amendment. And
13 they are lawyers; they're legislators; they
14 have a job to do. We're all something in this
15 world. Right? The other side over here are
16 teachers, administrators, superintendents,
17 coaches, counselors, people of that nature.

18 I haven't worked in the legislature, so
19 I can't speak for what they do on a daily
20 basis. I have, through my children's school
21 careers, worked probably more than they would
22 like me to at times with the Pearl Public
23 School District. I've seen what they do. I
24 see what they do on weekends, nights, all
25 kinds of other stuff. And we are, as many

1 have said, very fortunate to have that school
2 district.

3 Twenty -- whatever 1987 was, I graduated
4 from a school about 200 yards from here,
5 wingfield High School. Go Falcons. When I
6 ride by that school now, I'm almost ashamed
7 when I take my kids to school in Pearl. It
8 hurts my heart when I see that.

9 And I would suggest this: This group
10 over here understands -- Mr. Latino --

11 In fact, Mr. Hosemann, what was
12 Mr. Snowden's title?

13 *MR. HOSEMANN:* He's President Pro
14 Tempore of the Mississippi House of
15 Representatives.

16 *MR. CASE:* Did he say that was second
17 in charge?

18 *MR. HOSEMANN:* It is.

19 *MR. CASE:* Is he here still?

20 *MR. HOSEMANN:* No.

21 *MR. CASE:* Is Mr. Latino still here?

22 *MR. HOSEMANN:* No.

23 *MR. CASE:* That should tell everybody
24 that is still here what you need to know
25 about what they feel.

1 Again, your elected representatives made
2 it very well known that they are elected and
3 they are due that power by their election, and
4 they're not even here. He's not here. Number
5 2 in charge. We'll leave that alone.

6 And I will just say this: The only
7 thing I would say -- because you're going to
8 hear in the next coming months through what I
9 call a state-sponsored meeting; you can call
10 it what you want, but you're going to be
11 rattled, you're going to be threatened, you're
12 going to be scared, you're going to be --
13 everything you can think of, they're going to
14 come out with it. They're going to come out
15 with every kind of money you can think of, and
16 they're going to get after your heart. If you
17 really want this to pass -- and I say this:
18 Let's say Initiative 42 passes and two years
19 later, it's the nightmare that these guys are
20 talking about. The whole state hates it. All
21 you've got to do is go out and get 106
22 signatures and you can change it again.

23 Don't just sit back. You need to be on
24 social media. You need to be in your
25 representative's ears. You need to be at

1 events all over the state. And I'm just
2 telling you they're going to come after you.
3 You better not let it go. You better go hard.

4 Thank you.

5 *MR. HOSEMANN:* we do have one
6 representative still here, and I apologize
7 we didn't recognize him. Representative
8 Cecil Brown.

9 *REPRESENTATIVE BROWN:* Thank you. I
10 am still here. And I want to thank you and
11 Mr. Adams. Y'all need to take him around
12 the state and talk about what he just talked
13 about.

14 I am Cecil Brown. I am a member of the
15 legislature. I've been there 16 years. I was
16 chairman of the Education Committee in the
17 House for seven years. I was a member of the
18 Joint Legislative Budget Committee for eight
19 years and Appropriations Committee for 12
20 years. I was head of the Department of
21 Financial Administration, so I ran the
22 governor's budget for four years. I know a
23 little bit about budgeting, and I can tell you
24 what you're being told about the impact of
25 this on the state is absolutely wrong. It's

1 not true.

2 Now, I want to talk a little bit about
3 the politics a minute. Everything you've
4 heard from the proponents of 42 is correct,
5 and I agree with that. This fiscal analysis
6 you see on the bottom of this, I know that
7 says it came from the Legislative Budget
8 Office. This is the first time I've ever seen
9 that. That is not what we were told. That is
10 not what we voted on. It is absolutely
11 incorrect.

12 The first sentence says "Because this
13 proposed amendment shifts funding decisions
14 from the legislature to the court system, it's
15 impossible to determine the outcome." That is
16 not true. You've heard that over and over
17 tonight. It does not shift the appropriation
18 authority from the legislature to the court
19 system. That is just factually incorrect.

20 I can tell you the Legislative Budget
21 Office is made up of accountants. I am one,
22 so I know them. I've worked with them for
23 years. They are not lawyers. How they came
24 up with that, heaven only knows, but I intend
25 to find out, because I've never seen that

1 before, and I am still a member of the
2 legislature.

3 I will tell you that when the people get
4 up here and tell you 42A is a legislative
5 alternative, no, it's not. Fifty-six members
6 of the legislature voted no on that. So it
7 represents a majority, I agree with that, and
8 the legislature speaks through its majority.
9 But in the House it was 56 of us that voted
10 against that and support 42.

11 I also agree with Mr. Billingsley. You
12 need to look at who you vote for in the
13 legislature. Elections matter. We found that
14 out, didn't we? Elections matter. You've got
15 another election coming up in November. The
16 important thing about that is it's not just
17 the legislative election, the gubernatorial
18 election, but 42.

19 The way the law works: If you vote for
20 the governor and vote for the lieutenant
21 governor, go all the way down and say, "Aw,
22 no, I'm not going to vote on 42 or 42A,"
23 that's a no vote. If you don't vote for 42,
24 42 is a no vote. We need a big turnout of
25 people that care about 42. You've got to get

1 the people out.

2 42A was designed to defeat 42 and 42A
3 both. They don't want 42. Mr. Snowden
4 basically said that to you tonight. He said
5 it was to make you realize what you were
6 voting on on 42. Now, wait a minute, now.
7 You're going to give me an alternative so I'll
8 know what I'm voting on on the other
9 alternative. I don't quite understand that.
10 But it was clearly designed to kill 42. That
11 was what it was designed for. We even raised
12 that on the floor.

13 They are the same people who are telling
14 you -- you've heard this again; I want to
15 reinforce this. The same people that are
16 telling you you cannot afford to fund
17 education voted for a \$1.7 billion tax cut.
18 They are the same people that gave out
19 \$250 million in tax credits this year alone.
20 \$250 million. They're the same people that
21 gave \$27 million of your money to an aquarium
22 in Gulfport. without funding education.
23 Don't listen to all that.

24 Vote yes, I do want to change the
25 Constitution and vote for 42. Anything else

1 is a no vote. Anything else you do is a no
2 vote for 42. We've got to have people turn
3 out, and we've got to have people vote for 42.

4 Thank you.

5 *MR. HOSEMANN:* Thank you,
6 Representative Brown.

7 Lea Anne gave me one, Brad Pigott, that
8 wasn't on here. Where is Brad? You've got
9 two minutes, so have at it.

10 *MR. PIGOTT:* Good evening. I know
11 we'll be through in a minute.

12 I'm Brad Pigott of Jackson. I'm a
13 McComb Public Schools graduate and the parent
14 of two Jackson Public Schools graduates and a
15 proud husband for more than 30 years of a
16 Jackson Public School faculty member. I'm
17 also a practicing lawyer for over 35 years.

18 And a few things about much of what's
19 been said by the good folks behind me earlier
20 this evening. The state Constitution is the
21 place we put and should put the most
22 important, highly valued rules under which we
23 wish to be governed. That's the place for
24 this language.

25 Most of what -- most of the opposition

1 this evening, though not in the newspaper,
2 most of the opposition this evening was around
3 two things that happens every time we amend
4 the Constitution. Almost every time we've
5 amended the state Constitution -- and we've
6 done it dozens of times, and the sun has
7 always risen the next morning. Almost every
8 time it removes some power from the
9 legislature to do some thing, with malice
10 toward none. But it does do that. That's
11 what constitutional provisions do. And they
12 haven't harmed anybody.

13 The constitutional amendment in the
14 early 1980s that passed and created the
15 Mississippi State Board of Education -- on
16 which I served for a number of years -- it
17 removed power from the legislature. It's also
18 true of 99 out of 99 amendments to our state
19 Constitution that they may call on a judge to
20 enforce them. That's what judges do.

21 Now, I wish to be governed in my home
22 state and in this state under this language in
23 our Constitution. And if adults commence to
24 fussing within state government over what it
25 means and what they're supposed to do, then

1 Let the fussing commence. That's their job.

2 Now, when I was in public school,
3 elementary school in McComb, if you got 2 out
4 of 17 right, you flunked. It's been 17 years.
5 Let me put it this way: A child born on the
6 day that the Mississippi Legislature overrode
7 Governor Fordice's veto and adopted MAEP
8 started high school this week. Two of that
9 child's 13 years in public school, the
10 legislature has funded that formula. We have
11 no business blaming that child if that child
12 underachieves, so-called. It's our
13 legislature's fault. Two out of 17 is an F.
14 We need for this language to be in our
15 Constitution.

16 Now, so many of the other arguments that
17 we've heard, especially as they come across
18 the newspaper, we all have heard before. Many
19 of those arguments we heard from the
20 opposition to the Education Reform Act, in
21 which we became the 50th of the 50 states to
22 first have public school kindergartens. Many
23 of those arguments were made against the penny
24 tax, which again resulted in an override of --
25 another veto by Governor Fordice.

1 Much has been said with intentional
2 confusion about what MAEP is. People of good
3 faith have no reason to be confused. MAEP:
4 "A" stands for "adequate." Not excellence,
5 not expensive -- adequate. It's a
6 Mississippi-born, Mississippi-created formula
7 based on real life dollars of our dollars
8 spent for Mississippi school students. It
9 takes what dollars are actually spent in
10 districts where children achieve on test
11 results about a B level -- if you'll think of
12 it at about a B level achievement -- and it
13 guarantees to every child in the state enough
14 state money to equal those dollars so that
15 they will have the same chance, regardless of
16 whether the property taxes in their
17 communities are high or low in their capacity.

18 *MR. HOSEMANN:* Mr. Pigott, they're not
19 going to get a chance to read to their kids
20 if we don't wrap it up.

21 *MR. PIGOTT:* Okay.

22 Now, a few things that we've heard, I'm
23 going to add to what has been said. And maybe
24 somebody like me needs to say this, even at
25 the last second.

1 we've heard and we know that our
2 legislature of our state provides the lowest
3 per-child funding for public school in our
4 country. We know that we -- we learned
5 tonight that we're the only state that does
6 not have any meaningful language about a
7 guarantee of funding public education in our
8 state's Constitution. We know -- or if we
9 don't, we should -- that our state is the only
10 state in our country in which a majority -- a
11 slight majority at 53 percent, but a
12 majority -- of our public school children are
13 African-American school children.

14 Now, if you don't think these three
15 things are related, you don't know the history
16 of our state. This is wrong. And we need to
17 separate ourselves from it. Every child is a
18 child of God. And if we believe that on
19 Sunday, then we need to do something about it
20 on Tuesday in November by voting yes.

21 *MR. HOSEMANN:* Thank you, Mr. Pigott.

22 I appreciate everybody coming tonight.
23 This is the first one of these. We've got
24 seven more. I encourage you to read all of
25 your comments and the comments of your fellow

1 citizens around the state. They will be put
2 on our website. We're looking forward to
3 that.

4 I am reminded again about this is the
5 best place in America to live right here.
6 Y'all are all eloquent. You take your time to
7 come out here and speak passionately about
8 things you believe in.

9 Thank you for coming tonight. We're
10 looking forward to more. Just make sure you
11 vote in November. Thank you.

12 (PROCEEDINGS CONCLUDED AT 7:40 P.M.)

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CERTIFICATE OF COURT REPORTER

I, *SHARRON F. ALLEN*, Certified Shorthand Reporter and Notary Public in and for the State of Mississippi at large, hereby certify that the foregoing 106 pages contain a full, true, and correct transcript of the proceedings as taken by me at the time and place heretofore stated in the aforementioned matter by stenotype and later reduced to typewritten form by me to the best of my skill and ability by means of computer-aided transcription.

I further certify that I am not in the employ of or related to any counsel or party in this matter and have no interest, monetary or otherwise, as to the final outcome of this proceeding.

WITNESS MY SIGNATURE AND SEAL, this the 7th day of September, 2015.

Sharron F. Allen

SHARRON F. ALLEN, CSR, RPR
CSR NO. 1144

My Commission Expires:

November 5, 2015