

By: Representatives Banks, Evans

To: Education

HOUSE BILL NO. 1373

1 AN ACT TO AMEND SECTION 37-9-37, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT THE SUPERINTENDENT OF EACH SCHOOL DISTRICT FROM RECEIVING
3 INCOME SUPPLEMENTAL TO THE SALARY PAID TO THE SUPERINTENDENT BY
4 THE SCHOOL DISTRICT; TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF
5 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

9 37-9-37. (1) The amount of the salary to be paid any
10 superintendent, principal or licensed employee shall be fixed by
11 the school board, provided that the requirements of Chapter 19 of
12 this title are met as to superintendents, principals and licensed
13 employees paid in whole or in part from minimum education program
14 funds. In employing such superintendents, principals and licensed
15 employees and in fixing their salaries, the school boards shall
16 take into consideration the character, professional training,
17 experience, executive ability and teaching capacity of the
18 licensed employee, superintendent or principal. It is the intent
19 of the Legislature that whenever the salary of the school district
20 superintendent is set by a school board, the board shall take into
21 consideration the amount of money that the district spends per
22 pupil, and shall attempt to insure that the administrative cost of
23 the district and the amount of the salary of the superintendent
24 are not excessive in comparison to the per pupil expenditure of
25 the district.

26 (2) The salary established by the school board for the
27 school district superintendent pursuant to subsection (1) of this
28 section shall be paid out of the funds of the school district and

29 shall be the full and complete compensation for the duties
30 rendered by the school superintendent. No school district
31 superintendent shall be paid any compensation, salary, fee, grant,
32 donation or income from any public or private source to supplement
33 the salary established pursuant to subsection (1); however, this
34 subsection shall not prohibit any school superintendent from
35 accepting honoraria for public speaking engagements.

36 SECTION 2. Section 37-5-71, Mississippi Code of 1972, is
37 amended as follows:

38 37-5-71. (1) The county superintendents of education shall
39 be elected in the manner prescribed by the provisions of this
40 chapter, unless such office be made appointive as provided in this
41 chapter, in which case the county superintendent shall be
42 appointed by the county board of education or by the trustees of a
43 separate school district embracing an entire county with a
44 population of fifteen thousand (15,000) or less, as provided in
45 subsection (2) of Section 37-7-203. In all cases he shall have
46 such qualifications as prescribed by Section 37-9-13 and receive
47 such compensation as * * * established under Section
48 37-9-37 * * *.

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

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

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

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

67 (d) In any county bordering on the Mississippi Sound
68 and having a population in excess of one hundred thousand
69 (100,000), according to the 1960 federal decennial census, and
70 having an assessed valuation in excess of Seventy Million Dollars
71 (\$70,000,000.00);

72 (e) In any county having a population in excess of
73 eight thousand (8,000) and less than nine thousand (9,000), and
74 having an assessed valuation in excess of Five Million Dollars
75 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
76 in 1960;

77 (f) In any county having a population in excess of
78 twenty-two thousand (22,000) and less than twenty-three thousand
79 (23,000) in 1960, and having a total assessed valuation in excess
80 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

81 (g) In any county having a population in excess of
82 fifty-nine thousand (59,000) but less than sixty thousand
83 (60,000), according to the 1960 federal decennial census;

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

86 (i) In any county where Mississippi Highway 35 crosses
87 United States Highway 80 and whose population, according to the
88 1960 regular census, was between twenty-one thousand (21,000) and
89 twenty-two thousand (22,000), and in which there are located four
90 (4) or more chicken packing plants, one (1) zipper plant and one
91 or more factories manufacturing Sunbeam electrical appliances;

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

95 (k) In any county having a municipal separate school
96 district lying therein, having a population in excess of
97 twenty-one thousand (21,000) but less than twenty-one thousand
98 five hundred (21,500), according to the 1960 decennial census, and
99 having a combined assessed valuation in 1963 in excess of Sixteen
100 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less

101 than Seventeen Million Dollars (\$17,000,000.00) according to the
102 State Tax Commission's compilation;

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

109 (m) In any county where United States Highway 45W
110 Alternate intersects Mississippi Highway 50, and having a
111 population of eighteen thousand nine hundred thirty-three
112 (18,933), according to the 1960 federal census;

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

117 (o) In any county being traversed by Mississippi
118 Highway 15 and United States Interstate Highway 20;

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

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

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

127 (a) In any county having a population of more than
128 twenty-seven thousand (27,000) and less than twenty-eight thousand
129 (28,000) and containing therein a municipality having a population
130 in excess of three thousand (3,000), according to the 1960 federal
131 decennial census;

132 (b) In any Class 1 county wherein is located a
133 state-supported university and a National Guard camp, and in which
134 Interstate Highway 59 and United States Highway 49 intersect;

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

138 (d) In any Class 2 county, the southern boundary of
139 which partially borders on the State of Louisiana, traversed by
140 U.S. Highway 98 which intersects Mississippi Highway 13, with a
141 land area of five hundred fifty (550) square miles and having a
142 population of twenty-three thousand two hundred ninety-three
143 (23,293) in the 1960 federal decennial census;

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

147 (f) In any county having a population in excess of
148 twenty-seven thousand one hundred seventy-nine (27,179) according
149 to the 1970 federal decennial census, wherein U.S. Highways 45 and
150 72 intersect; and

151 (g) In any Class 1 county bordering on the Pearl River
152 in which U.S. Highway 80 intersects Mississippi Highway 18 and
153 having a population, according to the federal decennial census of
154 1970, of forty-three thousand nine hundred thirty-three (43,933).

155 (4) The county superintendent of education, with the
156 approval of the county board of education by its first having
157 adopted a resolution of approval and spread upon its minutes,
158 shall be elected from the county at large, exclusive of the
159 municipal separate school district boundaries:

160 (a) In any county bordering on the State of Tennessee
161 having a land area of seven hundred ten (710) square miles,
162 wherein is located part of a national forest, and wherein United
163 States Highway 78 and Mississippi Highway 7 intersect;

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

167 (c) In any county having a population in excess of
168 seventeen thousand (17,000) and less than eighteen thousand

169 (18,000), according to the 1970 federal decennial census, wherein
170 Mississippi Highways 6 and 9 intersect.

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

180 (6) In any county traversed by the Natchez Trace Parkway
181 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
182 having a population of seventeen thousand nine hundred forty-nine
183 (17,949) according to the 1960 federal census, the qualified
184 electors residing within any municipal separate school district
185 shall not participate in the election of the county superintendent
186 of education, and such county superintendent of education shall
187 not be a resident of a municipal separate school district.

188 SECTION 3. The Attorney General of the State of Mississippi
189 shall submit this act, immediately upon approval by the Governor,
190 or upon approval by the Legislature subsequent to a veto, to the
191 Attorney General of the United States or to the United States
192 District Court for the District of Columbia in accordance with the
193 provisions of the Voting Rights Act of 1965, as amended and
194 extended.

195 SECTION 4. This act shall take effect and be in force from
196 and after July 1, 1999, if it is effectuated on or before that
197 date under Section 5 of the Voting Rights Act of 1965, as amended
198 and extended. If it is effectuated under Section 5 of the Voting
199 Rights Act of 1965, as amended and extended, after July 1, 1999,
200 this act shall take effect and be in force from and after the date
201 it is effectuated under Section 5 of the Voting Rights Act of
202 1965, as amended and extended.