HOUSE BILL NO. 292


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

SECTION 1. Section 37-3-9, Mississippi Code of 1972, is amended as follows:

37-3-9. (1) Until the commencement of the term of office of the State Superintendent of Public Education elected at the general state election in 2004, there shall be a State Superintendent of Public Education who shall be appointed by the State Board of Education, with the advice and consent of the Senate, and serve at the board's will and pleasure.

(2) Beginning at the general state election in 2004, there shall be a State Superintendent of Public Education elected at the same time and manner as the Governor, who shall hold the office for a term of four (4) years, and until a successor is elected and qualified. The first term of office of the elected State Superintendent of Public Education shall commence in January 2005.

(3) The State Superintendent of Public Education shall be the chief administrative officer for the State Department of Education and shall administer the department in accordance with the policies established by the State Board of Education. The state superintendent shall receive such compensation in an amount equal to ninety percent (90%) of the salary of the Commissioner of Higher Education. The State Superintendent of Public Education
shall have at least a master's degree in any field and a minimum of five (5) years' experience in administration in the educational field.

(4) The state superintendent shall give bond in the penalty of Seventy-five Thousand Dollars ($75,000.00), with sureties to be approved by the Governor, conditioned according to law. The bond when approved shall be filed and recorded in the office of the Secretary of State.

SECTION 2. Section 37-3-11, Mississippi Code of 1972, is amended as follows:

37-3-11. * * *

* * * The State Superintendent of Public Education shall * * * have the following duties:

(a) To appoint the assistant state superintendent of public education to serve as secretary for the State Board of Education;

(b) To be the chief administrative officer of the State Department of Education;

(c) To recommend to the State Board of Education for its consideration rules and regulations for the supervision of the public free schools and agricultural high schools of the state and for the efficient organization and conduct of the same;

(d) To collect data and make it available to the State Board for determining the proper distribution of the state common school funds;

(e) To keep a complete record of all official acts of the state superintendent and the acts of the State Board of Education;

(f) To prepare, have printed and furnish all officers charged with the administration of the laws pertaining to the public schools, such blank forms and books as may be necessary to the proper discharge of their duties, which printing shall be paid for out of funds provided by the Legislature;
(g) To have printed in pamphlet form the laws pertaining to the public schools and publish therein forms for conducting school business, the rules and regulations for the government of schools that the State Superintendent or the Board of Education may recommend, and such other matters as may be deemed worthy of public interest pertaining to the public schools, which printing shall be paid for out of funds provided by the Legislature;

(h) To meet all superintendents annually at such time and place as the State Superintendent shall appoint for the purpose of accumulating facts relative to schools, to review the educational progress made in the various sections of the state, to compare views, discuss problems, hear discussions and suggestions relative to examinations and qualifications of teachers, methods of instruction, textbooks, summer schools for teachers, visitation of schools, consolidation of schools, health work in the schools, vocational education and other matters pertaining to the public school system;

(i) To advise all superintendents upon all matters involving the welfare of the schools, and at the request of any superintendent to give an opinion upon a written statement of facts on all questions and controversies arising out of the interpretation and construction of the school laws, in regard to rights, powers and duties of school officers and superintendents, and to keep a record of all such decisions. Before giving any opinion, the superintendent may submit the statement of facts to the Attorney General, and it shall be the duty of the Attorney General forthwith to examine such statement and suggest the proper decision to be made upon such fact;

(j) To require annually, and as often as the State Superintendent may deem proper, of all superintendents, detailed reports on the educational business of the various districts;
(k) On or before January 10 in each year to prepare under the direction of the State Board of Education and have printed the annual report of the board to the Legislature showing:

   (i) The receipts and disbursements of all school funds handled by the board;

   (ii) The number of school districts, school teachers employed, school administrators employed, pupils taught and the attendance record of pupils therein;

   (iii) County and district levies for each school district and agricultural high school;

   (iv) The condition of vocational education, a list of schools to which federal and state aid has been given, and a detailed statement of the expenditures of federal funds and the state funds that may be provided, and the ranking of subjects taught as compared with the state's needs;

   (v) Such general matters, information and recommendations as relate, in the board's opinion, to the educational interests of the state;

   (1) To determine the number of educable children in the several school districts under rules and regulations prescribed by the State Board of Education; and

   (m) To perform such other duties as may be prescribed by law.

SECTION 3. Section 23-15-193, Mississippi Code of 1972, is amended as follows:

23-15-193. At the election in 2004, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, State Superintendent of Public Education, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature,
district attorneys for the several districts, clerks of the
circuit and chancery courts of the several counties, as well as
sheriffs, coroners, assessors, surveyors and members of the boards
of supervisors, justice court judges and constables, and all other
officers to be elected by the people at the general state
election. All such officers shall hold their offices for a term
of four (4) years, and until their successors are elected and
qualified. The state officers shall be elected in the manner
prescribed in Section 140 of the Constitution.

SECTION 4. Section 23-15-297, Mississippi Code of 1972, is
amended as follows:

23-15-297. All candidates upon entering the race for party
nominations for office shall first pay to the proper officer as
provided for in Section 23-15-299 for each primary election the
following amounts:

(a) Candidates for Governor not to exceed Three Hundred
Dollars ($300.00).

(b) Candidates for Lieutenant Governor, Attorney
General, Secretary of State, State Treasurer, Auditor of Public
Accounts, State Superintendent of Public Education, Commissioner
of Insurance, Commissioner of Agriculture and Commerce, State
Transportation Commissioner and State Public Service Commissioner,
not to exceed Two Hundred Dollars ($200.00).

(c) Candidates for district attorney, not to exceed One
Hundred Dollars ($100.00).

(d) Candidates for State Senator, State Representative,
sheriff, chancery clerk, circuit clerk, tax assessor, tax
collector, county attorney, county superintendent of education and
board of supervisors, not to exceed Fifteen Dollars ($15.00).

(e) Candidates for county surveyor, county coroner,
justice court judge and constable, not to exceed Ten Dollars
($10.00).
(f) Candidates for United States Senator, not to exceed Three Hundred Dollars ($300.00).

(g) Candidates for United States Representative, not to exceed Two Hundred Dollars ($200.00).

SECTION 5. Section 23-15-603, Mississippi Code of 1972, is amended as follows:

23-15-603. (1) The commissioners of election shall, within ten (10) days after the general election, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given in their county and the whole number of votes given in each precinct in their county, for each candidate for any office at the election; but the returns of every election for Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, State Superintendent of Public Education, Commissioner of Insurance and other state officers, shall each be made out separately, sealed up together and transmitted to the seat of government, directed to the Secretary of State, and endorsed the "VOTE FOR STATE OFFICERS," to be delivered by the Secretary of State to the Speaker of the House of Representatives at the next ensuing session of the Legislature. In addition to the other information required pursuant to this subsection, the returns for state officers shall contain a statement of the whole number of votes given in each House of Representative district or portion thereof for each candidate for state office at the election.

(2) Constitutional amendments shall be voted for at the time fixed by the concurrent resolution. The election, whether held separately or with other elections, shall be conducted, in all respects, as required for elections generally. The commissioners of election shall, within ten (10) days after the election, transmit to the Secretary of State a statement of the whole number of votes given in their county and the whole number of votes given
in each precinct in their county for or against constitutional amendments.

(3) The statements certified by the election commissioners and transmitted to the Secretary of State, as required by this section, shall be tabulated by the Secretary of State and submitted to each branch of the Legislature, at the session next ensuing. Certified county vote totals shall represent the final results of the election.

(4) The statements required by this section shall contain a certification, signed and dated by a majority of the commissioners of election, which shall read as follows:

"We, the undersigned commissioners of election, do hereby certify that this statement of the whole number of votes contains the official vote for the election reflected therein."

(5) The statements required by this section shall be transmitted to the Secretary of State on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State.

SECTION 6. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 7. This act shall take effect and be in force from and after either the date it is effectuated under the Voting Rights Act of 1965, as amended and extended, or the date that House Concurrent Resolution No. ____, 2003 Regular Session, takes effect, whichever is the later date; however, this act shall take effect and be in force only if it is effectuated under the Voting Rights Act of 1965, as amended and extended, and only if House
Concurrent Resolution No. ____, 2003 Regular Session, takes effect by effectuation under the Voting Rights Act of 1965, as amended and extended, and by ratification of the electorate at the November 2003 general election.