

By: Representative Lott

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1263

1 AN ACT TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM
3 AND AFTER JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI
4 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
6 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
7 SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER THE
8 EFFECTIVE DATE OF THIS ACT, SECTIONS 37-5-61 THROUGH 37-5-75,
9 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
10 SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION 23-15-297,
11 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** Section 37-9-13, Mississippi Code of 1972, is
15 amended as follows:

16 37-9-13. (1) From and after January 1, 2004, in all public
17 school districts, the school board, on or before January 15 of
18 each year, shall appoint the superintendent of schools of the
19 district, except in those cases where the superintendent has been
20 selected previously and has a contract which is valid for the
21 ensuing scholastic year.

22 (2) No person shall be eligible to the office of
23 superintendent of schools unless the person * * * holds a valid
24 administrator's license by the State Department of Education and
25 has had not less than four (4) years of * * * administrative
26 experience.

27 **SECTION 2.** Section 37-9-25, Mississippi Code of 1972, is
28 amended as follows:

29 37-9-25. The school board shall have the power and
30 authority, in its discretion, to employ the superintendent * * *
31 for not exceeding four (4) scholastic years and the principals or
32 licensed employees for not exceeding three (3) scholastic years.



33 In such case, contracts shall be entered into with such
34 superintendents, principals and licensed employees for the number
35 of years for which they have been employed. All such contracts
36 with licensed employees shall for the years after the first year
37 thereof be subject to the contingency that the licensed employee
38 may be released if, during the life of the contract, the average
39 daily attendance should decrease from that existing during the
40 previous year and thus necessitate a reduction in the number of
41 licensed employees during any year after the first year of the
42 contract. However, in all such cases the licensed employee must
43 be released before July 1 or at least thirty (30) days prior to
44 the beginning of the school term, whichever date should occur
45 earlier. The salary to be paid for the years after the first year
46 of such contract shall be subject to revision, either upward or
47 downward, in the event of an increase or decrease in the funds
48 available for the payment thereof, but, unless such salary is
49 revised prior to the beginning of a school year, it shall remain
50 for such school year at the amount fixed in such contract.
51 However, where school district funds, other than adequate
52 education program funds, are available during the school year in
53 excess of the amount anticipated at the beginning of the school
54 year the salary to be paid for such year may be increased to the
55 extent that such additional funds are available and nothing herein
56 shall be construed to prohibit same.

57 **SECTION 3.** Section 37-9-12, Mississippi Code of 1972, which
58 provides for a referendum on the question of retaining the
59 elective method of choosing the county superintendent of
60 education, is repealed.

61 **SECTION 4.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,
62 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which
63 provide for the election of county superintendents of education,
64 are repealed.



65 **SECTION 5.** Section 23-15-297, Mississippi Code of 1972, is
66 amended as follows:

67 23-15-297. All candidates upon entering the race for party
68 nominations for office shall first pay to the proper officer as
69 provided for in Section 23-15-299 for each primary election the
70 following amounts:

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

73 (b) Candidates for Lieutenant Governor, Attorney
74 General, Secretary of State, State Treasurer, Auditor of Public
75 Accounts, Commissioner of Insurance, Commissioner of Agriculture
76 and Commerce, State Highway Commissioner and State Public Service
77 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

80 (d) Candidates for State Senator, State Representative,
81 sheriff, chancery clerk, circuit clerk, tax assessor, tax
82 collector, county attorney * * * and board of supervisors, not to
83 exceed Fifteen Dollars (\$15.00).

84 (e) Candidates for county surveyor, county coroner,
85 justice court judge and constable, not to exceed Ten Dollars
86 (\$10.00).

87 (f) Candidates for United States Senator, not to exceed
88 Three Hundred Dollars (\$300.00).

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

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



98 **SECTION 7.** This act shall take effect and be in force from
99 and after the date it is effectuated under Section 5 of the Voting
100 Rights Act of 1965, as amended and extended.

