

By: Representatives Henley, Criswell

To: Education; Revenue and
Expenditure General Bills

HOUSE BILL NO. 1101

1 AN ACT TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF 1972, TO
 2 DELETE THOSE PROVISIONS EXEMPTING DEPUTY AND ASSOCIATE
 3 SUPERINTENDENTS AND DIRECTORS EMPLOYED BY THE STATE DEPARTMENT OF
 4 EDUCATION FROM THE STATE SERVICE ADMINISTERED BY THE STATE
 5 PERSONNEL BOARD; TO AMEND SECTION 37-3-1, MISSISSIPPI CODE OF
 6 1972, TO DELETE OUTDATED PROVISIONS REGARDING THE ORGANIZATION OF
 7 THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-3-9,
 8 MISSISSIPPI CODE OF 1972, TO DELETE OUTDATED PROVISIONS REGARDING
 9 THE SALARY OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION; TO
 10 AMEND SECTION 37-140-13, MISSISSIPPI CODE OF 1972, TO MOVE CERTAIN
 11 PROVISIONS RELATING TO EMPLOYEES' SALARIES AT THE MISSISSIPPI
 12 SCHOOL OF THE ARTS FROM SECTION 37-3-13, WHICH RELATES TO
 13 EMPLOYEES OF THE STATE DEPARTMENT OF EDUCATION, TO THE CHAPTER OF
 14 THE CODE GOVERNING THE SCHOOL OF THE ARTS; AND FOR RELATED
 15 PURPOSES.

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

17 **SECTION 1.** Section 37-3-13, Mississippi Code of 1972, is
 18 amended as follows:

19 37-3-13. * * * The deputy superintendents, associate
 20 superintendents and directors shall be selected by * * * the State
 21 Superintendent of Public Education, subject to rules and
 22 regulations of the State Personnel Board and the approval of the
 23 State Board of Education. All other personnel shall be
 24 competitively appointed, subject to rules and regulations of the



25 State Personnel Board, by the State Superintendent * * * of Public
26 Education. An employee of the State Department of Education shall
27 be dismissed only for cause in accordance with the rules and
28 regulations of the State Personnel Board. * * * The State
29 Superintendent, subject to the approval of the State Personnel
30 Board, shall fix the amount of compensation of all * * * employees
31 of the State Department of Education. All salaries, compensation
32 or expenses of any of the personnel of the department shall be
33 paid upon the requisition of the State Superintendent of Public
34 Education and warrant issued thereunder by the State Auditor out
35 of funds appropriated by the Legislature in a lump sum upon the
36 basis of budgetary requirements submitted by the State
37 Superintendent of Public Education or out of funds otherwise made
38 available. The entire expense of administering the department
39 shall never exceed the amount appropriated therefor, plus funds
40 received from other sources other than state appropriations. For
41 a violation of this provision, the superintendent shall be liable,
42 and he and the sureties on his bond shall be required to restore
43 any such excess.

44 * * *

45 **SECTION 2.** Section 37-3-1, Mississippi Code of 1972, is
46 amended as follows:

47 37-3-1. * * *

48 * * * There shall be a State Department of Education, which
49 shall be under the direction and supervision of the State



50 Superintendent of Public Education. The State Department of
51 Education shall be organized into functional divisions as
52 established by the State Board of Education, including any
53 divisions established by law and prescribing the duties of the
54 directors of such divisions.

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

57 37-3-9. (1) There shall be a State Superintendent of Public
58 Education who shall be appointed by the State Board of Education,
59 with the advice and consent of the Senate, and serve at the
60 board's will and pleasure. He shall be the Chief Administrative
61 Officer for the State Department of Education and shall administer
62 the department in accordance with the policies established by the
63 State Board of Education. The * * * salary of the State
64 Superintendent of Public Education shall be established by the
65 State Board of Education. The State Superintendent of Public
66 Education shall have at least a master's degree in any field and a
67 minimum of five (5) years' experience in administration in the
68 educational field.

69 (2) The State Superintendent shall give bond in the penalty
70 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
71 approved by the Governor, conditioned according to law. The bond,
72 when approved, shall be filed and recorded in the Office of the
73 Secretary of State.



74 **SECTION 4.** Section 37-140-13, Mississippi Code of 1972, is
75 amended as follows:

76 37-140-13. (1) The board shall set the salary of the
77 members of the teaching staff and employees of the school.

78 (2) All expenditures for the school shall be paid by the
79 State Treasurer on warrants issued by the State Fiscal Officer,
80 and the State Fiscal Officer shall issue his warrants upon
81 requisition signed by the proper person, officer or officers.

82 **SECTION 5.** This act shall take effect and be in force from
83 and after July 1, 2016.

