

By: Banks, Straughter, West

To: Education

## HOUSE BILL NO. 1200

1 AN ACT TO AMEND SECTION 37-9-37, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT SCHOOL DISTRICT SUPERINTENDENTS FROM RECEIVING INCOME  
3 SUPPLEMENTAL TO THE SALARY PAID BY THE SCHOOL DISTRICT; TO AMEND  
4 SECTION 37-5-71, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
5 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. A school district  
31 superintendent may not be paid any compensation, salary, fee,  
32 grant, donation or income from any public or private source to  
33 supplement the salary established pursuant to subsection (1);  
34 however, this subsection shall not prohibit any school  
35 superintendent from accepting honoraria for public speaking  
36 engagements.

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

39 37-5-71. (1) The county superintendents of education shall  
40 be elected in the manner prescribed by the provisions of this  
41 chapter, unless such office be made appointive as provided in this  
42 chapter, in which case the county superintendent shall be  
43 appointed by the county board of education or by the trustees of a  
44 separate school district embracing an entire county with a  
45 population of fifteen thousand (15,000) or less, as provided in  
46 subsection (2) of Section 37-7-203. In all cases he shall have  
47 such qualifications as prescribed by Section 37-9-13 and receive  
48 such compensation as \* \* \* established under Section  
49 37-9-37 \* \* \*.

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

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

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

63 (c) In all counties of the first class which have a  
64 population, according to the 1960 federal decennial census, in

65 excess of forty-six thousand (46,000) and less than forty-seven  
66 thousand (47,000), and having located therein the Mississippi  
67 University for Women;

68 (d) In any county bordering on the Mississippi Sound  
69 and having a population in excess of one hundred thousand  
70 (100,000), according to the 1960 federal decennial census, and  
71 having an assessed valuation in excess of Seventy Million Dollars  
72 (\$70,000,000.00);

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

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

82 (g) In any county having a population in excess of  
83 fifty-nine thousand (59,000) but less than sixty thousand  
84 (60,000), according to the 1960 federal decennial census;

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

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

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

96 (k) In any county having a municipal separate school  
97 district lying therein, having a population in excess of

98 twenty-one thousand (21,000) but less than twenty-one thousand  
99 five hundred (21,500), according to the 1960 decennial census, and  
100 having a combined assessed valuation in 1963 in excess of Sixteen  
101 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less  
102 than Seventeen Million Dollars (\$17,000,000.00) according to the  
103 State Tax Commission's compilation;

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

110 (m) In any county where United States Highway 45W  
111 Alternate intersects Mississippi Highway 50, and having a  
112 population of eighteen thousand nine hundred thirty-three  
113 (18,933), according to the 1960 federal census;

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

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

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

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

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

128 (a) In any county having a population of more than  
129 twenty-seven thousand (27,000) and less than twenty-eight thousand  
130 (28,000) and containing therein a municipality having a population

131 in excess of three thousand (3,000), according to the 1960 federal  
132 decennial census;

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

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

139 (d) In any Class 2 county, the southern boundary of  
140 which partially borders on the State of Louisiana, traversed by  
141 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
142 land area of five hundred fifty (550) square miles and having a  
143 population of twenty-three thousand two hundred ninety-three  
144 (23,293) in the 1960 federal decennial census;

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

148 (f) In any county having a population in excess of  
149 twenty-seven thousand one hundred seventy-nine (27,179) according  
150 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
151 72 intersect; and

152 (g) In any Class 1 county bordering on the Pearl River  
153 in which U.S. Highway 80 intersects Mississippi Highway 18 and  
154 having a population, according to the federal decennial census of  
155 1970, of forty-three thousand nine hundred thirty-three (43,933).

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

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

164 States Highway 78 and Mississippi Highway 7 intersect;

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

168 (c) In any county having a population in excess of  
169 seventeen thousand (17,000) and less than eighteen thousand  
170 (18,000), according to the 1970 federal decennial census, wherein  
171 Mississippi Highways 6 and 9 intersect.

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

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

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

196 SECTION 4. This act shall take effect and be in force from

197 and after July 1, 2000, if it is effectuated on or before that  
198 date under Section 5 of the Voting Rights Act of 1965, as amended  
199 and extended. If it is effectuated under Section 5 of the Voting  
200 Rights Act of 1965, as amended and extended, after July 1, 2000,  
201 this act shall take effect and be in force from and after the date  
202 it is effectuated under Section 5 of the Voting Rights Act of  
203 1965, as amended and extended.