

By: Representatives Smith (39th), Chism,  
Nicholson

To: Education;  
Appropriations

HOUSE BILL NO. 1041

1 AN ACT TO AMEND SECTION 37-6-13, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE MEMBERS OF SCHOOL BOARDS WHO ARE PAID AN ANNUAL SALARY  
3 TO BECOME MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-6-13, Mississippi Code of 1972, is  
7 amended as follows:

8 37-6-13. (1) Each person serving as a member of the school  
9 board of any school district shall receive per diem in the amount  
10 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)  
11 meetings of the school board during any one (1) fiscal year or, in  
12 his or her discretion, irrevocably may choose to receive as  
13 compensation for his or her services an annual salary in the  
14 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which  
15 choice shall remain in force for all successive terms or periods  
16 of service of that member. The receipt of the compensation shall  
17 not entitle any member of a school board to receive or be eligible  
18 for any state employee group insurance \* \* \* or other fringe  
19 benefits. However, any member of a school board who receives an  
20 annual salary as compensation for his services may become a member  
21 of the Public Employees' Retirement System if that school board  
22 member meets the eligibility requirements prescribed under Article  
23 3, Chapter 11, Title 25, Mississippi Code of 1972. Any member of  
24 a school board paid an annual salary who elects to become a member  
25 of the Public Employees' Retirement System shall receive credit  
26 for service performed after becoming a member of the retirement  
27 system, but no credit may be granted retroactively for services  
28 rendered as a school board member before the school board member's

29 date of entry into the retirement system. Each member shall be  
30 reimbursed for the necessary expenses and mileage in attending  
31 meetings of the school board. In addition to the foregoing, all  
32 members may be reimbursed for mileage and actual expenses incurred  
33 in the further performance of their duties, including attendance  
34 at any mandatory school board training session or at regional and  
35 national education meetings, when such mileage and other expenses  
36 are authorized by the board prior to the date on which they occur.  
37 Detailed vouchers shall be submitted for reimbursement for all  
38 expenses authorized by this section. Such reimbursement shall be  
39 in accordance with Section 25-3-41.

40 Such expenses shall be paid on order of the school board by  
41 pay certificates issued by the superintendent of the school  
42 district involved against the funds available for payment of the  
43 administrative expense of the district.

44 (2) (a) If a member of a school board misses twenty percent  
45 (20%) or more of the meetings of the school board during a  
46 calendar year, except for absences caused by required military  
47 duty, the member must reimburse the school district that portion  
48 of the total salary paid to the member that year which is  
49 proportionate to the number of meetings missed by the member in  
50 relation to the total number of school board meetings held during  
51 that year. For purposes of this subsection, consideration may be  
52 given only to meetings of which public notice is required.

53 (b) Before February 1 of each year, the president of  
54 each local school board shall submit a report to the State Board  
55 of Education containing the names of any members of the school  
56 board who missed twenty percent (20%) or more of the school board  
57 meetings during the preceding calendar year.

58 **SECTION 2.** The Attorney General of the State of Mississippi  
59 shall submit this act, immediately upon approval by the Governor,  
60 or upon approval by the Legislature subsequent to a veto, to the  
61 Attorney General of the United States or to the United States

62 District Court for the District of Columbia in accordance with the  
63 provisions of the Voting Rights Act of 1965, as amended and  
64 extended.

65       **SECTION 3.** This act shall take effect and be in force from  
66 and after July 1, 2006, if it is effectuated on or before that  
67 date under Section 5 of the Voting Rights Act of 1965, as amended  
68 and extended. If it is effectuated under Section 5 of the Voting  
69 Rights Act of 1965, as amended and extended, after July 1, 2006,  
70 this act shall take effect and be in force from and after the date  
71 it is effectuated under Section 5 of the Voting Rights Act of  
72 1965, as amended and extended.