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Chapter No. 420
14/SS26/R317PS
SA TB/RC

SENATE BILL NO. 2090

Originated in Senate

Lizweid

Secretary

SENATE BILL NO. 2090

AN ACT TO AMEND SECTIONS 37-151-103 AND 37-9-39, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 71, 2014 REGULAR SESSION, TO AUTHORIZE SCHOOL DISTRICTS TO PROCESS A SEMIMONTHLY OR A MONTHLY PAYROLL FOR NONLICENSED EMPLOYEES, IN THE DISCRETION OF THE LOCAL SCHOOL BOARD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

37-151-103. (1) Funds due each school district and charter school under the terms of this chapter from the Adequate Education Program Fund shall be paid in the following manner: Two (2) business days prior to the last working day of each month there shall be paid to each school district and charter school, by electronic funds transfer, one-twelfth (1/12) of the funds to which the district or charter school is entitled from funds appropriated for the Adequate Education Program Fund. However, in December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly payroll for licensed employees and may process a

single monthly or a semimonthly payroll for nonlicensed employees,
in the discretion of the local school board, with electronic
settlement of payroll checks secured through direct deposit of net
pay for all school district employees. In addition, the State
Department of Education may pay school districts and charter
schools from the common school fund and the Adequate Education
Program Fund on a date earlier than provided for by this section
if it is determined that it is in the best interest of school
districts and charter schools to do so.

Provided, however, that if the cash balance in the State
General Fund is not adequate on the due date to pay the amounts
due to all school districts and charter schools in the state as
determined by the State Superintendent of Education, the State
Fiscal Officer shall not transfer said funds payable to any school
district or districts or charter schools until money is available
to pay the amount due to all districts and charter schools.

(2) Notwithstanding any provision of this chapter or any
other law requiring the number of children in average daily
attendance or the average daily attendance of transported children
to be determined on the basis of the preceding year, the State
Board of Education is hereby authorized and empowered to make
proper adjustments in allotments in cases where major changes in
the number of children in average daily attendance or the average
daily attendance of transported children occurs from one year to
another as a result of changes or alterations in the boundaries of

school districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district or charter school as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate education program shall be based upon the average daily attendance for the preceding school year for such school district or charter school.

SECTION 2. Section 37-9-39, Mississippi Code of 1972, as amended by House Bill No. 71, 2014 Regular Session, is amended as follows:

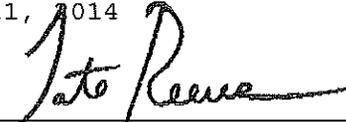
37-9-39. (1) * * * All school districts shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees, in the discretion of the local school board, consistent with the provisions of Section 37-157-103(1), except for December, when

salaries or wages shall be paid by the last working day. Salaries or wages shall be paid at a minimum on a monthly basis. The standard contract for school district employees prescribed by the State Board of Education shall provide that school district employees shall earn a salary payable in equal monthly installments beginning in the first month of employment, regardless of the number of days worked in any particular month by the employee. Any employee failing to complete the contractual obligation of service, and who receives payment in excess of the monthly installment for the period which such employee ceases employment with the school district, shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his or her service.

(2) Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked. Nothing in this subsection (2) shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 11, 2014



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/24/2014

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