

April 23, 2003

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES:

GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 773

I am returning House Bill Number 773: "AN ACT TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972, TO REMOVE THE DATE OF REPEAL ON THE STATE PERSONNEL BOARD; TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF EDUCATION MAY INCREASE THE SALARY OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION UPON THE APPROVAL OF THE STATE PERSONNEL BOARD; TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION AUTHORIZING THE STATE BOARD OF EDUCATION TO SET THE SALARY OF THE DEPUTY SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS AND DIVISIONAL DIRECTORS, MEMBERS OF THE TEACHING STAFFS AND EMPLOYEES OF THE MISSISSIPPI SCHOOL OF THE ARTS, AND TO PROVIDE THAT THE SALARIES OF ALL EMPLOYEES OF THE STATE DEPARTMENT OF EDUCATION SHALL BE FIXED BY THE STATE SUPERINTENDENT, SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL BOARD; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY TO PAY THE STATE SUPERINTENDENT OF PUBLIC EDUCATION A SALARY IN EXCESS OF THE SALARY OF THE GOVERNOR; TO AMEND SECTIONS 37-4-3, 37-101-7 AND 57-1-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO PROVIDE THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI DEVELOPMENT AUTHORITY WITH A NONBINDING ADVISORY OPINION ON THE AMOUNT OF SALARIES FOR THEIR EMPLOYEES; TO CODIFY A NEW SECTION TO AUTHORIZE THE STATE PERSONNEL BOARD TO ACCEPT AND EXPEND FUNDS FOR THE PURPOSE OF STRATEGIC PLANNING AND DEVELOPMENT OF THE PUBLIC SECTOR WORKFORCE; AND FOR RELATED PURPOSES" without my approval, and assign the following reasons for my veto.

After full consideration, I am vetoing House Bill No. 773. This legislation is an attempt to micromanage K-12 public education in Mississippi. The State Board of Education, created by the historic Education Reform Act of 1982, is charged with decision-making authority for the accountability and the operations of the K-12 public education system in Mississippi.

This legislation also inequitably singles out the State Board of Education by placing management decisions at the State Personnel Board, rather than with the State Board of Education. The Board of Trustees of State Institutions of Higher Learning has the authority to set salaries of academic officials, faculty members and employees with the various institutions of higher learning in the State. Likewise, the State Board for Community and Junior Colleges determines the salary schedules to be used by the community and junior colleges across the State.

Mississippi made great progress this session toward making education the highest priority. Your willingness to respond to my State of the State challenge that education funding, from pre-kindergarten through the university level, be considered in a unified, comprehensive manner represented forward thinking.

The State has made remarkable gains in the field of public education in the past 20 years. The commitment made by you to our children's future in the 2003 Session was unprecedented and should not be diminished by the micromanagement contained in House Bill No. 773. The effect of the veto on the functioning of the State Personnel Board, with respect to Section 25-9-115, Mississippi Code of 1972, as amended, should be negligible given its plenary authority and rulemaking powers.

I urge the members to sustain the veto and reject House Bill No. 773.

Respectfully submitted,

RONNIE MUSGROVE  
GOVERNOR