MISSISSIPPI LEGISLATURE

By: Senator(s) Thames, Gordon

To: Fees, Salaries and Administration; Appropriations

REGULAR SESSION 2002

AN ACT TO AMEND SECTIONS 25-3-31 AND 25-3-33, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF CERTAIN STATE ELECTED AND APPOINTED OFFICIALS; TO AMEND SECTION 25-3-34, MISSISSIPPI CODE OF 1972, TO AUTHORIZE EDUCATION BENCHMARK AWARDS TO CERTAIN ELECTED STATE OFFICIALS; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF THE ELECTED JUDICIARY, DISTRICT ATTORNEYS AND LEGAL ASSISTANTS; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION WHICH LIMITS SALARIES OF EXECUTIVE BRANCH EMPLOYEES TO THAT SALARY PAID TO THE GOVERNOR; TO AMEND SECTION 25-31-8, MISSISSIPPI CODE OF 1972, TO INCREASE THE OFFICE OPERATING ALLOWANCES FOR OFFICES OF DISTRICT ATTORNEYS; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF CRIMINAL INVESTIGATORS EMPLOYED BY DISTRICT ATTORNEYS; 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; TO BRING FORWARD SECTIONS 5-1-41, 5-1-43, 5-1-45, 5-1-46 AND 5-1-47, MISSISSIPPI CODE OF 1972, IN REGARD TO REMUNERATION OF LEGISLATORS, THE LIEUTENANT GOVERNOR, THE SPEAKER OF THE HOUSE, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE SPEAKER PRO TEMPORE OF THE HOUSE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-3-31, Mississippi Code of 1972, is amended as follows:

25-3-31. The annual salaries of the following elected state and district officers are fixed as follows:

- Governor: $101,800.00
- Attorney General: $102,320.00
- Secretary of State: $87,000.00
- Commissioner of Insurance: $87,000.00
- State Treasurer: $87,000.00
- State Auditor of Public Accounts: $87,000.00
- Commissioner of Agriculture and Commerce: $87,000.00
- Transportation Commissioners: $71,000.00
- Public Service Commissioners: $71,000.00
The above fixed salary of the Governor shall be the reference amount utilized in computing average compensation and earned compensation pursuant to Section 25-11-103(f) and Section 25-11-103(k) and to related sections which require such computations.

SECTION 2. Section 25-3-33, Mississippi Code of 1972, is amended as follows:

25-3-33. The annual salaries of the following appointive state and district officials and employees are fixed as follows:

- Deputy Attorney General, not to exceed .......... $ 88,220.00
- Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed ....................... 82,560.00
- Military Department--National Guard:
  - Adjutant General ......................... 86,000.00
- Department of Banking and Consumer Finance:
  - Commissioner ............................. 93,100.00
- Chairman of the State Tax Commission
  - (Commissioner of Revenue) .................. 103,750.00
  - Associate Commissioners, each ............ 45,600.00
- Director of Emergency Management Agency ......... 71,000.00
- Department of Public Safety:
  - Commissioner of Public Safety ............ 86,000.00
- Department of Human Services:
  - Director, not to exceed .................... 92,800.00
- Workers' Compensation Commission:
  - Chairman .................................. 86,000.00
  - Members, each ............................ 84,000.00
  - Executive Director ....................... 82,800.00
  - Administrative Judge, each ............... 82,800.00

* * *

Department of Human Services:
  - Director, not to exceed .................... 92,800.00

Workers' Compensation Commission:
  - Chairman .................................. 86,000.00
  - Members, each ............................ 84,000.00
  - Executive Director ....................... 82,800.00
  - Administrative Judge, each ............... 82,800.00

Archives and History:
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<th>Position</th>
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<tr>
<td>Director, not to exceed</td>
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<td>State Forester</td>
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<td>State Oil and Gas Board:</td>
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<td>Secretary-Supervisor</td>
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<td>Educational Television Authority:</td>
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<td>Executive Director</td>
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<td>Director, Mississippi Library Commission, not to exceed</td>
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<td>Executive Secretary, Public Service</td>
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<td>Parole Board:</td>
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<td>Chairman</td>
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<td>Administrative Assistant for Parole Matters</td>
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<td>Members, each</td>
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<td>Governor's State Bond Advisory Division:</td>
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<td>Director</td>
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<td>Employment Security Commission:</td>
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<td>Executive Director, Department of Mental Health, to be determined by the State Board of Mental Health, not to exceed</td>
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<td>Director, Division of Medicaid, not to exceed</td>
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<td>Director, State Department of Transportation, not to exceed</td>
<td>$103,750.00</td>
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<td>State Entomologist</td>
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<td>Clerk of the Supreme Court</td>
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<td>State Aid Engineer, Division of State Aid Road Construction</td>
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<td>Executive Director, State Fair Commission</td>
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<td>Executive Officer, Veterans' Home Purchase Board</td>
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<td>Chief Administrative Officer, Motor Vehicle Commission</td>
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<td>130</td>
<td>Stadium Manager, Mississippi Veterans Memorial Stadium</td>
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<td>132</td>
<td>Executive Director, Mississippi Arts Commission</td>
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Director, Mississippi Board of Nursing........... 67,200.00
Director, State Board of Pharmacy.................. 66,000.00
Director, State Board of Public Contractors....... 56,000.00
Director, Real Estate Commission.................... 61,000.00
Director of Support Services, Department of
Rehabilitation Services............................ 86,000.00
Executive Director, State Fire Academy.............. 64,000.00

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Executive Director, State Board of
Accountancy............................................. 69,000.00
Executive Director, Mississippi Gaming
Commission.............................................. 93,000.00
Executive Director, Mississippi Department
of Marine Resources..................................... 77,200.00
Executive Director, State Board of
Registration for Professional
Engineers and Land Surveyors........................ 61,000.00
Executive Director, Public Utilities Staff............ 88,000.00
State Law Librarian..................................... 66,000.00
State Personnel Director................................ 84,000.00
Manager, Farmers Central Market, Department
of Agriculture and Commerce.......................... 46,000.00
State Veterinarian....................................... 76,000.00
Executive Director, Mississippi Ethics
Commission................................................ 76,000.00

SECTION 3. Section 25-3-34, Mississippi Code of 1972, is
amended as follows:

25-3-34. (1) In addition to the salary provided in Sections
25-3-31 and 25-3-33, any * * * state and district official and
employee provided therein shall receive the award of an education
benchmark as defined in State Personnel Board rules for the
possession or attainment of any of the following:
(a) The Certified Public Manager designation;
(b) A job-related Ph.D (Doctor of Philosophy) degree which is not required as a minimum qualification of the position;

c) A job related certification, licensure or registration requiring the passage of an examination, which is not required as a minimum qualification of the position.

(2) No such official or employee may receive more than a total of three (3) eligible benchmarks, only one of which may be for a job related certification, licensure or registration.

(3) The State Personnel Board shall promulgate rules and regulations to carry out the provisions of this section.

SECTION 4. Section 25-3-35, Mississippi Code of 1972, is amended as follows:

25-3-35. (1) The annual salaries of the following judges are fixed as follows, to begin at the commencement of the next term of office immediately succeeding the existing term:

Chief Justice of the Supreme Court............... $112,960.00
Presiding Justice of the Supreme Court........... 110,360.00
Associate Justices of the Supreme Court, each..... 109,520.00

However, in addition to their present official duties, there are imposed upon the Supreme Court Justices the extra duties of making a special study of existing laws and reporting to each regular session of the Legislature such constructive suggestions as they may deem necessary for the improvement of the administration of justice, and of advising and counseling with the State Librarian in the selection of law books for purchase and use in the State Law Library, advising with the librarian thereof upon the removal from the library of any books which may be the least frequently used, and for the placing of same in a convenient location so as to provide additional space for such books and other current publications which may be more frequently used or called for. For such extra services each justice, from and after June 17, 1999, shall receive a sum sufficient when added to the present salaries of the justices to aggregate One Hundred Twelve
Thousand Nine Hundred Sixty Dollars ($112,960.00) for the Chief Justice, One Hundred Ten Thousand Three Hundred Sixty Dollars ($110,360.00) for the Presiding Justice, and One Hundred Nine Thousand Five Hundred Twenty Dollars ($109,520.00) for Associate Justices, per annum. As each existing term expires and the above-captioned salaries become effective in due course, the extra duties and compensation provided for shall cease.

(2) The annual salaries of the judges of the Court of Appeals of Mississippi are fixed as follows:

Chief Judge of the Court of Appeals.............. $106,200.00
Associate Judges of the Court of Appeals, each... 103,200.00

(3) The annual salaries of the chancery and circuit court judges are fixed as follows:

Chancery Judges, each............................ $102,000.00
Circuit Judges, each............................. 102,000.00

In addition to their present official duties, there are duties of making a special study of existing laws relating to trial courts and reporting to the Supreme Court of the State of Mississippi such constructive suggestions as they may deem necessary for the improvement of the administration of justice, which shall be recommended to the Legislature by the Supreme Court in the manner provided by law. The judges shall advise and supervise in the purchase of law books for the libraries of each district, and shall study and evaluate the inventory of books and facilities now existing in the libraries of each district to effect the removal and relocation of obsolete publications so as to provide additional space for those books and current publications more frequently used. The judges shall study the existing rules promulgated by the circuit and chancery court judicial associations governing the operation of chancery and circuit courts, and revise the same pursuant to existing laws. For such extra services each judge, from and after June 17, 1999,
shall receive a sum sufficient when added to the present salaries of the judges to aggregate **One Hundred Two Thousand Dollars ($102,000.00)** per annum for each judge. Upon the expiration of the existing term, the above-captioned salaries become effective in due course, and the extra duties and compensation provided for shall cease.

(4) The Supreme Court shall prepare a payroll for chancery judges and circuit judges and submit such payroll to the Department of Finance and Administration.

(5) The annual salary of the full-time district attorneys shall be **Ninety-one Thousand Thirty-two Dollars ($91,032.00)**.

(6) (a) The annual salary of the full-time legal assistants who have actively practiced law for less than two (2) years shall be not less than **Twenty-five Thousand Dollars ($25,000.00)** nor more than **Fifty-three Thousand Dollars ($53,000.00)**, as established by the district attorney.

(b) The annual salary of full-time legal assistants who have actively practiced law for more than two (2) years, but less than six (6) years, shall not exceed **Sixty Thousand Five Hundred Dollars ($60,500.00)**, as established by the district attorney.

(c) The annual salary of full-time legal assistants who have actively practiced law for more than six (6) years, but less than ten (10) years, shall not exceed **Sixty-eight Thousand Dollars ($68,000.00)**, as established by the district attorney.

(d) The annual salary of full-time legal assistants who have actively practiced law in excess of ten (10) years shall not exceed **Seventy-eight Thousand Dollars ($78,000.00)**, as established by the district attorney.

(e) The annual salary of full-time legal assistants who have actively practiced law in excess of twenty (20) years shall not exceed **Eighty-three Thousand Dollars ($83,000.00)**, as established by the district attorney.
SECTION 5. Section 25-3-39, Mississippi Code of 1972, is amended as follows:

25-3-39. * * *

* * * No public officer, employee or administrator shall be paid a salary or compensation, directly or indirectly, in excess of the salary of the executive head of the state agency or department in which he is employed. The State Personnel Board, based upon its findings of fact, may exempt physicians and actuaries from this subsection when the acquisition of such professional services is precluded based on the prevailing wage in the relevant labor market.

SECTION 6. Section 25-31-8, Mississippi Code of 1972, is amended as follows:

25-31-8. From and after July 1, 1979, in all circuit court districts in this state existing now or hereafter created, the district attorney shall receive from sums appropriated for such purpose from the General Fund or any special fund of the State of Mississippi, an office operating allowance for the necessary expenses of operating the office of the district attorney, including stenographic help, and other items and expenditures necessary and incident to the investigation of criminal cases, the general expenses of the office of the investigation of criminal cases, the general expenses of the office of the district attorney for preparing and/or trying felony cases and all other cases requiring the services of the district attorney, the sum of Twenty-eight Thousand Four Hundred Dollars ($28,400.00) for each district, and an additional Three Thousand Five Hundred Dollars ($3,500.00) for each assistant authorized by Section 25-31-5(1) as of January 1, 1996. All expenditures made from said office operating allowances shall be upon written requisition of the duly elected district attorney to the State Auditor, as otherwise provided by law. The district attorney may delegate to the board of supervisors of any county in his district the responsibility
and authority to employ and set the salary of not more than one
employee for the office of such district attorney, such salary
to be paid as other expenditures are paid from the funds provided
by this section. Such employee shall be deemed to be appointed
and employed by the board of supervisors and the salary shall not
be deemed to be a pecuniary benefit provided by the district
attorney's office.

SECTION 7. Section 25-31-10, Mississippi Code of 1972, is
amended as follows:

25-31-10. (1) Any district attorney may appoint a full-time
criminal investigator.

(2) The district attorneys of the Third, Fifth, Ninth,
Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and
Twentieth Circuit Court Districts may appoint one (1) additional
full-time criminal investigator for a total of two (2) full-time
criminal investigators.

(3) The district attorneys of the First, Second, Fourth and
Seventh and Nineteenth Circuit Court Districts may appoint two (2)
additional full-time criminal investigators for a total of three
(3) full-time criminal investigators.

(4) No district attorney or assistant district attorney
shall accept any private employment, civil or criminal, in any
matter investigated by such criminal investigators.

(5) The full and complete compensation for all public duties
rendered by said criminal investigators shall be not more than
Forty-eight Thousand Dollars ($48,000.00) per annum, to be
determined at the discretion of the district attorney based upon
the qualifications, education and experience of the criminal
investigator, plus necessary travel and other expenses, to be paid
in accordance with Section 25-31-8. However, the maximum salary
under this subsection for a criminal investigator who has a law
degree may be supplemented by the district attorney from other
available funds, but not to exceed the maximum salary for a legal
assistant to a district attorney.

(6) Any criminal investigator may be designated by the
district attorney to attend the Law Enforcement Officers Training
Program set forth in Section 45-6-1 et seq., Mississippi Code of
1972. The total expenses associated with attendance by criminal
investigators at the Law Enforcement Officers Training Program
shall be paid out of the funds of the appropriate district
attorney.

SECTION 8. Section 5-1-41, Mississippi Code of 1972, is
brought forward as follows:

5-1-41. Beginning with the 1986 Regular Session of the
Legislature of the State of Mississippi, each Senator and
Representative of the Legislature shall receive as compensation at
each regular session the sum of Ten Thousand Dollars ($10,000.00)
and the mileage allowance provided by Section 25-3-41, for each
mile of the distance by the most direct route usually traveled in
coming to and returning from the place where the Legislature sits.
Beginning on April 16, 1997, each Senator and Representative shall
receive for attending each extraordinary session or called session
the sum of Seventy-five Dollars ($75.00) per day and mileage at
the same rate as per regular session. In addition to the above,
beginning on April 16, 1997, each Senator and Representative and
the Lieutenant Governor shall receive the sum of One Thousand Five
Hundred Dollars ($1,500.00) per month for expenses incidental to
his office for every full month of his term, except any month or
major fraction thereof when the Legislature is convened in regular
or extraordinary session; and payments shall be made to each
Senator and Representative and the Lieutenant Governor by the
State Treasurer between the first and tenth day of each month
following the month for which the payments are due.

SECTION 9. Section 5-1-43, Mississippi Code of 1972, is
brought forward as follows:
5-1-43. (1) The salary of the Lieutenant Governor and of
the Speaker of the House of Representatives shall be Sixty
Thousand Dollars ($60,000.00) annually, and they shall receive for
attending each extraordinary or called session the same
compensation and mileage as is provided for members of the
Legislature. However, in the event the Lieutenant Governor
serving on the effective date of Laws, 1997, Chapter 577, shall be
re-elected for the term beginning in the year 2000, he shall
continue to receive an annual salary of Forty Thousand Eight
Hundred Dollars ($40,800.00).

(2) On the first day of each month, the Lieutenant Governor
and the Speaker of the House of Representatives shall receive in
twelve (12) equal monthly installments the compensation provided
for pursuant to subsection (1) of this section.

SECTION 10. Section 5-1-45, Mississippi Code of 1972, is
brought forward as follows:

5-1-45. Beginning on June 4, 1997, the President Pro Tempore
of the Senate shall receive an annual salary in an amount equal to
Fifteen Thousand Dollars ($15,000.00). The salary provided for
the President Pro Tempore under this section shall be in addition
to the compensation and expense allowance established for members
of the Legislature under Section 5-1-41.

SECTION 11. Section 5-1-46, Mississippi Code of 1972, is
brought forward as follows:

5-1-46. Beginning on June 4, 1997, the Speaker Pro Tempore
of the House of Representatives shall receive an annual salary in
an amount equal to Fifteen Thousand Dollars ($15,000.00). The
salary provided for the Speaker Pro Tempore under this section
shall be in addition to the compensation and expense allowance
established for members of the Legislature under Section 5-1-41.

SECTION 12. Section 5-1-47, Mississippi Code of 1972, is
brought forward as follows:
5-1-47. (1) In addition to the regular salary and mileage provided by law, an expense allowance equal to the maximum daily expense rate allowable to employees of the federal government for travel in the high rate geographical area of Jackson, Mississippi, as may be established by federal regulations, per day, or an expense allowance of Forty-four Dollars ($44.00) if the Lieutenant Governor or a Senator or Representative so chooses under subsection (2) of Section 5-1-41, for each legislative day in actual attendance at a session shall be paid to the Lieutenant Governor and members of the Senate and House of Representatives, together with an additional mileage allowance as provided by Section 25-3-41, for each mile of the distance by the most direct route usually traveled in coming to and returning from the place where the Legislature is in session, which said expense allowance and additional mileage allowance shall be paid at the end of each seven (7) day period while the Legislature is in session. In addition to the mileage allowance provided for in the above paragraph, an expense allowance equal to the maximum daily expense rate allowable to employees of the federal government for travel in the high rate geographical area of Jackson, Mississippi, as may be established by federal regulations, per day, shall be paid to the Lieutenant Governor and members of the Senate and House of Representatives, unless the Lieutenant Governor or a Senator or Representative chooses not to receive such expense allowance in the manner provided in subsection (2) of Section 5-1-41, for any day between legislative sessions while attending to legislative duties, upon the approval of the appropriate management committee of the Senate or House, as the case may be. (2) The expense allowance and additional mileage allowance provided by this section for the Lieutenant Governor and members of the Senate shall be paid from the appropriate legislative fund of the Senate as provided by law, and the expense allowance and additional mileage allowance for members of the House of Representatives shall be paid from the appropriate legislative fund of the House as provided by law.
Representatives shall be paid from the appropriate legislative fund of said House of Representatives as provided by law, upon warrants drawn for such purpose in the manner provided by law.

SECTION 13. (1) The State Personnel Board is authorized to accept and expend funds from any available source, private and public, for the purpose of strategic planning and development of the public sector workforce, including state and local. The State Personnel Board shall be authorized to select and enter into long-term contracts for such purpose and such contracts shall be executed through the Statewide Payroll and Human Resources System.

(2) This section shall stand repealed from and after July 1, 2007.

SECTION 14. The Attorney General of the State of Mississippi shall submit Sections 1, 3, 4, 5, 6, 8, 9, 10, 11 and 12 of this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 15. Sections 1, 3, 4, 5, 6, 8, 9, 10, 11 and 12 of this act shall take effect and be in force from and after July 1, 2002, if effectuated on or before that date under Section 5 of the Voting Rights Act of 1965, as amended and extended. If effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, after October 1, 2002, Sections 1, 3, 4, 5, 6, 8, 9, 10, 11 and 12 shall take effect and be in force from and after the date effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

SECTION 16. Sections 2, 7 and 13 of this act shall take effect and be in force from and after July 1, 2002.