To: Finance

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Senator(s) Thames

SENATE BILL NO. 3201

AN ACT TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE EXCISE TAX ON TOBACCO PRODUCTS; TO BRING FORWARD SECTION 25-3-31, MISSISSIPPI CODE OF 1972, REGARDING SALARIES OF ELECTED STATE OFFICIALS; TO AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ANNUAL SALARIES OF CERTAIN STATE APPOINTED OFFICIALS SHALL BE ESTABLISHED BY THE STATE PERSONNEL BOARD SUBJECT TO APPROPRIATIONS BY THE LEGISLATURE; TO AMEND SECTION 25-3-34, MISSISSIPPI CODE OF 1972, TO AUTHORIZE EDUCATION BENCHMARK AWARDS TO CERTAIN ELECTED STATE OFFICIALS; TO BRING FORWARD SECTION 25-3-35, MISSISSIPPI CODE OF 1972, REGARDING 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 CAPS THE SALARIES OF EXECUTIVE BRANCH EMPLOYEES TO THAT SALARY PAID TO THE GOVERNOR; TO BRING FORWARD SECTION 25-31-10, MISSISSIPPI CODE OF 1972, REGARDING 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; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-69-13, Mississippi Code of 1972, is amended as follows:

27-69-13. (1) There is ** imposed, levied and assessed, to be collected and paid as hereinafter provided in this chapter, an excise tax on each person or dealer in cigarettes, cigars, stogies, snuff, chewing tobacco, and smoking tobacco, or substitutes therefor, upon the sale, use, consumption, handling or distribution in the State of Mississippi, as follows:

(a) On cigarettes, the rate of tax shall be Two Cents (2¢) on each cigarette sold with a maximum length of one hundred twenty (120) millimeters; any cigarette in excess of this length shall be taxed as if it were two (2) or more cigarettes. **

However, if the federal tax rate on cigarettes in effect on July 1, 1985, is reduced, then the rate as provided in this paragraph (a) shall be increased by the amount of the federal tax reduction.
That tax increase shall take effect on the first day of the month following the effective date of the reduction in the federal tax rate.

(b) On cigars, cheroots, stogies, snuff, chewing and smoking tobacco and all other tobacco products except cigarettes, the rate of tax shall be seventeen percent (17%) of the manufacturer's list price.

(2) No stamp evidencing the tax levied on cigarettes by this section shall be of a denomination of less than One Cent (1¢), and whenever the tax computed at the rates prescribed on cigarettes in this section is a specified amount, plus a fractional part of One Cent (1¢), the package shall be stamped for the next full cent. However, the additional face value of stamps purchased to comply with taxes imposed by this section after June 1, 1985, shall be subject to a four percent (4%) discount or compensation to dealers for their services rather than the eight percent (8%) discount or compensation allowed by Section 27-69-31.

(3) Every wholesaler shall purchase stamps as provided in this chapter, and affix the same to all packages of cigarettes handled by him as provided in this section.

(4) The tax levied by this chapter is levied upon the sale, use, gift, possession, or consumption of tobacco within the State of Mississippi, and the impact of the tax levied by this chapter is declared to be on the vendee, user, consumer, or possessor of tobacco in this state. When the tax is paid by any other person, the payment shall be considered as an advance payment and shall thereafter be added to the price of the tobacco and recovered from the ultimate consumer or user.

(5) This section shall stand repealed on July 1, 2007.

SECTION 2. Section 25-3-31, Mississippi Code of 1972, is brought forward 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................................. 90,800.00
Secretary of State............................... 75,000.00
Commissioner of Insurance....................... 75,000.00
State Treasurer.................................. 75,000.00
State Auditor of Public Accounts............... 75,000.00
Commissioner of Agriculture and Commerce..... 75,000.00
Transportation Commissioners.................... 65,000.00
Public Service Commissioners.................... 65,000.00

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 3. 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 shall be established by
the State Personnel Board subject to appropriations by the
Legislature:
Deputy Attorney General * * *
Assistant Attorneys General * * *
Military Department--National Guard: Adjutant General * * *
Department of Banking and Consumer Finance:
Commissioner * * *
Chairman of the State Tax Commission * * *
Associate Commissioners, each * * *
Director of Emergency Management Agency * * *
Department of Public Safety:
Commissioner of Public Safety * * *
* * *
Department of Human Services: Director * * *
Workers' Compensation Commission:
Chairman

Members, each

Executive Director

Administrative Judge, each

Archives and History: Director

State Forester

State Oil and Gas Board: Secretary-Supervisor

Educational Television Authority: Executive Director

Director, Mississippi Library Commission

Executive Secretary, Public Service Commission

Parole Board:

Chairman

Administrative Assistant for Parole Matters

Members

Governor's State Bond Advisory Division: Director

Employment Security Commission: Executive Director

Executive Director, Department of Mental Health

Director, Division of Medicaid

Director, State Department of Transportation

State Entomologist

Clerk of the Supreme Court

State Aid Engineer, Division of State Aid

Road Construction

Executive Director, Judicial Performance Commission

Executive Director, Department of Finance and Administration

Executive Director, State Fair Commission

Executive Director, Department of Wildlife, Fisheries and Parks

Executive Director, Department of Environmental Quality

Executive Director, Pat Harrison Waterway District
Executive Director, Pearl River Basin
Development District

Executive Director, Pearl River Valley
Water Supply District

Executive Director, Tombigbee River Valley
Water Management District

Director, Soil and Water Conservation Commission

Commissioner, Mississippi Department of Corrections

Executive Director, Mississippi Department of Information Technology Services

Director, Mississippi Bureau of Narcotics

Executive Secretary, State Veterans Affairs Board

Executive Officer, Veterans' Home Purchase Board

Chief Administrative Officer, Motor Vehicle Commission

Stadium Manager, Mississippi Veterans Memorial Stadium

Executive Director, Mississippi Arts Commission

Director, Mississippi Board of Nursing

Director, State Board of Pharmacy

Director, State Board of Public Contractors

Director, Real Estate Commission

Director of Support Services, Department of Rehabilitation Services

Executive Director, State Fire Academy

Executive Director, State Board of Accountancy

Executive Director, Mississippi Gaming Commission

Executive Director, Mississippi Department of Marine Resources

Executive Director, State Board of Registration for Professional Engineers and Land Surveyors

Executive Director, Public Utilities Staff

State Law Librarian

State Personnel Director
SECTION 4. 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 5. Section 25-3-35, Mississippi Code of 1972, is brought forward 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 ............... $104,900.00
Presiding Justice of the Supreme Court .......... 102,900.00
Associate Justices of the Supreme Court, each.... 102,300.00

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 Four Thousand Nine Hundred Dollars ($104,900.00) for the Chief Justice, One Hundred Two Thousand Nine Hundred Dollars ($102,900.00) for the Presiding Justice, and One Hundred Two Thousand Three Hundred Dollars ($102,300.00) 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............. $ 98,300.00

Associate Judges of the Court of Appeals, each... 95,500.00

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

Chancery Judges, each............................ $ 94,700.00

Circuit Judges, each............................. 94,700.00

In addition to their present official duties, there are imposed upon the chancery and circuit court judges the extra 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 Ninety-four Thousand Seven Hundred Dollars ($94,700.00) 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 Seventy-nine Thousand Eight Hundred Thirty Dollars ($79,830.00).

(6) The annual salary of the full-time legal assistants shall be not less than Fifteen Thousand Dollars ($15,000.00) nor more than Sixty-seven Thousand Five Hundred Dollars ($67,500.00), as established by the district attorney.

SECTION 6. 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 7.** Section 25-31-10, Mississippi Code of 1972, is brought forward 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-five Thousand Dollars ($45,000.00) 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. (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 9. The Attorney General of the State of Mississippi shall submit Sections 2, 4, 5 and 6 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 10. Sections 1, 3, 7, 8 and 9 of this act shall take effect and be in force from and after July 1, 2002. Sections 2, 4, 5 and 6 of this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, or July 1, 2002, whichever occurs later.