

By: Senator(s) Thames

To: Finance

SENATE BILL NO. 3201

1 AN ACT TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF 1972,
 2 TO INCREASE THE EXCISE TAX ON TOBACCO PRODUCTS; TO BRING FORWARD
 3 SECTION 25-3-31, MISSISSIPPI CODE OF 1972, REGARDING SALARIES OF
 4 ELECTED STATE OFFICIALS; TO AMEND SECTION 25-3-33, MISSISSIPPI
 5 CODE OF 1972, TO PROVIDE THAT THE ANNUAL SALARIES OF CERTAIN STATE
 6 APPOINTED OFFICIALS SHALL BE ESTABLISHED BY THE STATE PERSONNEL
 7 BOARD SUBJECT TO APPROPRIATIONS BY THE LEGISLATURE; TO AMEND
 8 SECTION 25-3-34, MISSISSIPPI CODE OF 1972, TO AUTHORIZE EDUCATION
 9 BENCHMARK AWARDS TO CERTAIN ELECTED STATE OFFICIALS; TO BRING
 10 FORWARD SECTION 25-3-35, MISSISSIPPI CODE OF 1972, REGARDING
 11 SALARIES OF THE ELECTED JUDICIARY, DISTRICT ATTORNEYS AND LEGAL
 12 ASSISTANTS; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
 13 REMOVE THE PROVISION WHICH CAPS THE SALARIES OF EXECUTIVE BRANCH
 14 EMPLOYEES TO THAT SALARY PAID TO THE GOVERNOR; TO BRING FORWARD
 15 SECTION 25-31-10, MISSISSIPPI CODE OF 1972, REGARDING SALARIES OF
 16 CRIMINAL INVESTIGATORS EMPLOYED BY DISTRICT ATTORNEYS; TO CODIFY A
 17 NEW SECTION TO AUTHORIZE THE STATE PERSONNEL BOARD TO ACCEPT AND
 18 EXPEND FUNDS FOR THE PURPOSE OF STRATEGIC PLANNING AND DEVELOPMENT
 19 OF THE PUBLIC SECTOR WORKFORCE; AND FOR RELATED PURPOSES.

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

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

23 27-69-13. (1) There is * * * imposed, levied and assessed,
 24 to be collected and paid as hereinafter provided in this chapter,
 25 an excise tax on each person or dealer in cigarettes, cigars,
 26 stogies, snuff, chewing tobacco, and smoking tobacco, or
 27 substitutes therefor, upon the sale, use, consumption, handling or
 28 distribution in the State of Mississippi, as follows:

29 (a) On cigarettes, the rate of tax shall be Two Cents
 30 (2¢) on each cigarette sold with a maximum length of one hundred
 31 twenty (120) millimeters; any cigarette in excess of this length
 32 shall be taxed as if it were two (2) or more cigarettes. * * *
 33 However, if the federal tax rate on cigarettes in effect on July
 34 1, 1985, is reduced, then the rate as provided in this paragraph
 35 (a) shall be increased by the amount of the federal tax reduction.



36 That tax increase shall take effect on the first day of the month
37 following the effective date of the reduction in the federal tax
38 rate.

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

43 (2) No stamp evidencing the tax * * * levied on cigarettes
44 by this section shall be of a denomination of less than One Cent
45 (1¢), and whenever the tax computed at the rates * * * prescribed
46 on cigarettes in this section is a specified amount, plus a
47 fractional part of One Cent (1¢), the package shall be stamped for
48 the next full cent. However, the additional face value of stamps
49 purchased to comply with taxes imposed by this section after June
50 1, 1985, shall be subject to a four percent (4%) discount or
51 compensation to dealers for their services rather than the eight
52 percent (8%) discount or compensation allowed by Section 27-69-31.

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

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

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

65 **SECTION 2.** Section 25-3-31, Mississippi Code of 1972, is
66 brought forward as follows:

67 25-3-31. The annual salaries of the following elected state
68 and district officers are fixed as follows:



69	Governor.....	\$101,800.00
70	Attorney General.....	90,800.00
71	Secretary of State.....	75,000.00
72	Commissioner of Insurance.....	75,000.00
73	State Treasurer.....	75,000.00
74	State Auditor of Public Accounts.....	75,000.00
75	Commissioner of Agriculture and Commerce.....	75,000.00
76	Transportation Commissioners.....	65,000.00
77	Public Service Commissioners.....	65,000.00

78 The above fixed salary of the Governor shall be the reference
79 amount utilized in computing average compensation and earned
80 compensation pursuant to Section 25-11-103(f) and Section
81 25-11-103(k) and to related sections which require such
82 computations.

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

85 25-3-33. The annual salaries of the following appointive
86 state and district officials and employees shall be established by
87 the State Personnel Board subject to appropriations by the
88 Legislature:

- 89 Deputy Attorney General * * *
- 90 Assistant Attorneys General * * *
- 91 Military Department--National Guard: Adjutant General * * *
- 92 Department of Banking and Consumer Finance:
- 93 Commissioner * * *
- 94 Chairman of the State Tax Commission * * *
- 95 Associate Commissioners, each * * *
- 96 Director of Emergency Management Agency * * *
- 97 Department of Public Safety:
- 98 Commissioner of Public Safety * * *
- 99 * * *
- 100 Department of Human Services: Director * * *
- 101 Workers' Compensation Commission:



102 Chairman * * *
 103 Members, each * * *
 104 Executive Director * * *
 105 Administrative Judge, each * * *
 106 Archives and History: Director * * *
 107 State Forester * * *
 108 State Oil and Gas Board: Secretary-Supervisor * * *
 109 Educational Television Authority: Executive Director * * *
 110 Director, Mississippi Library Commission * * *
 111 Executive Secretary, Public Service Commission * * *
 112 Parole Board:
 113 Chairman * * *
 114 Administrative Assistant for Parole Matters * * *
 115 Members * * *
 116 Governor's State Bond Advisory Division: Director * * *
 117 Employment Security Commission: Executive Director * * *
 118 Executive Director, Department of Mental Health * * *
 119 Director, Division of Medicaid * * *
 120 Director, State Department of Transportation * * *
 121 State Entomologist * * *
 122 Clerk of the Supreme Court * * *
 123 State Aid Engineer, Division of State Aid
 124 Road Construction * * *
 125 Executive Director, Judicial Performance Commission * * *
 126 Executive Director, Department of Finance
 127 and Administration * * *
 128 * * *
 129 Executive Director, State Fair Commission * * *
 130 Executive Director, Department of Wildlife,
 131 Fisheries and Parks * * *
 132 Executive Director, Department of Environmental Quality * * *
 133 Executive Director, Pat Harrison Waterway District * * *



134 Executive Director, Pearl River Basin
 135 Development District * * *
 136 Executive Director, Pearl River Valley
 137 Water Supply District * * *
 138 Executive Director, Tombigbee River Valley
 139 Water Management District * * *
 140 Director, Soil and Water Conservation Commission * * *
 141 Commissioner, Mississippi Department of Corrections * * *
 142 Executive Director, Mississippi Department of Information
 143 Technology Services * * *
 144 Director, Mississippi Bureau of Narcotics * * *
 145 Executive Secretary, State Veterans Affairs Board * * *
 146 Executive Officer, Veterans' Home Purchase Board * * *
 147 Chief Administrative Officer, Motor Vehicle Commission * * *
 148 Stadium Manager, Mississippi Veterans Memorial Stadium * * *
 149 Executive Director, Mississippi Arts Commission * * *
 150 Director, Mississippi Board of Nursing * * *
 151 Director, State Board of Pharmacy * * *
 152 Director, State Board of Public Contractors * * *
 153 Director, Real Estate Commission * * *
 154 Director of Support Services, Department of
 155 Rehabilitation Services * * *
 156 Executive Director, State Fire Academy * * *
 157 * * *
 158 Executive Director, State Board of Accountancy * * *
 159 Executive Director, Mississippi Gaming Commission * * *
 160 Executive Director, Mississippi Department
 161 of Marine Resources * * *
 162 Executive Director, State Board of Registration for
 163 Professional Engineers and Land Surveyors * * *
 164 Executive Director, Public Utilities Staff * * *
 165 State Law Librarian * * *
 166 State Personnel Director * * *



167 Manager, Farmers Central Market, Department
168 of Agriculture and Commerce * * *
169 State Veterinarian * * *
170 Executive Director, Mississippi Ethics Commission * * *

171 **SECTION 4.** Section 25-3-34, Mississippi Code of 1972, is
172 amended as follows:

173 25-3-34. (1) In addition to the salary provided in Sections
174 25-3-31 and 25-3-33, any * * * state and district official and
175 employee provided therein shall receive the award of an education
176 benchmark as defined in State Personnel Board rules for the
177 possession or attainment of any of the following:

- 178 (a) The Certified Public Manager designation;
- 179 (b) A job-related Ph.D (Doctor of Philosophy) degree
180 which is not required as a minimum qualification of the position;
- 181 (c) A job related certification, licensure or
182 registration requiring the passage of an examination, which is not
183 required as a minimum qualification of the position.

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

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

189 **SECTION 5.** Section 25-3-35, Mississippi Code of 1972, is
190 brought forward as follows:

191 25-3-35. (1) The annual salaries of the following judges
192 are fixed as follows, to begin at the commencement of the next
193 term of office immediately succeeding the existing term:

194	Chief Justice of the Supreme Court.....	\$104,900.00
195	Presiding Justice of the Supreme Court.....	102,900.00
196	Associate Justices of the Supreme Court, each....	102,300.00

197 However, in addition to their present official duties, there
198 are imposed upon the Supreme Court Justices the extra duties of
199 making a special study of existing laws and reporting to each



200 regular session of the Legislature such constructive suggestions
201 as they may deem necessary for the improvement of the
202 administration of justice, and of advising and counseling with the
203 State Librarian in the selection of law books for purchase and use
204 in the State Law Library, advising with the librarian thereof upon
205 the removal from the library of any books which may be the least
206 frequently used, and for the placing of same in a convenient
207 location so as to provide additional space for such books and
208 other current publications which may be more frequently used or
209 called for. For such extra services each justice, from and after
210 June 17, 1999, shall receive a sum sufficient when added to the
211 present salaries of the justices to aggregate One Hundred Four
212 Thousand Nine Hundred Dollars (\$104,900.00) for the Chief Justice,
213 One Hundred Two Thousand Nine Hundred Dollars (\$102,900.00) for
214 the Presiding Justice, and One Hundred Two Thousand Three Hundred
215 Dollars (\$102,300.00) for Associate Justices, per annum. As each
216 existing term expires and the above-captioned salaries become
217 effective in due course, the extra duties and compensation
218 provided for shall cease.

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

221 Chief Judge of the Court of Appeals..... \$ 98,300.00
222 Associate Judges of the Court of Appeals, each... 95,500.00

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

225 Chancery Judges, each..... \$ 94,700.00
226 Circuit Judges, each..... 94,700.00

227 In addition to their present official duties, there are
228 imposed upon the chancery and circuit court judges the extra
229 duties of making a special study of existing laws relating to
230 trial courts and reporting to the Supreme Court of the State of
231 Mississippi such constructive suggestions as they may deem
232 necessary for the improvement of the administration of justice,



233 which shall be recommended to the Legislature by the Supreme Court
234 in the manner provided by law. The judges shall advise and
235 supervise in the purchase of law books for the libraries of each
236 district, and shall study and evaluate the inventory of books and
237 facilities now existing in the libraries of each district to
238 effect the removal and relocation of obsolete publications so as
239 to provide additional space for those books and current
240 publications more frequently used. The judges shall study the
241 existing rules promulgated by the circuit and chancery court
242 judicial associations governing the operation of chancery and
243 circuit courts, and revise the same pursuant to existing laws.
244 For such extra services each judge, from and after June 17, 1999,
245 shall receive a sum sufficient when added to the present salaries
246 of the judges to aggregate Ninety-four Thousand Seven Hundred
247 Dollars (\$94,700.00) per annum for each judge. Upon the
248 expiration of the existing term, the above-captioned salaries
249 become effective in due course, and the extra duties and
250 compensation provided for shall cease.

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

254 (5) The annual salary of the full-time district attorneys
255 shall be Seventy-nine Thousand Eight Hundred Thirty Dollars
256 (\$79,830.00).

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

261 **SECTION 6.** Section 25-3-39, Mississippi Code of 1972, is
262 amended as follows:

263 25-3-39. * * * No public officer, employee or administrator
264 shall be paid a salary or compensation, directly or indirectly, in
265 excess of the salary of the executive head of the state agency or



266 department in which he is employed. The State Personnel Board,
267 based upon its findings of fact, may exempt physicians and
268 actuaries from this subsection when the acquisition of such
269 professional services is precluded based on the prevailing wage in
270 the relevant labor market.

271 **SECTION 7.** Section 25-31-10, Mississippi Code of 1972, is
272 brought forward as follows:

273 25-31-10. (1) Any district attorney may appoint a full-time
274 criminal investigator.

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

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

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

287 (5) The full and complete compensation for all public duties
288 rendered by said criminal investigators shall be not more than
289 Forty-five Thousand Dollars (\$45,000.00) per annum, to be
290 determined at the discretion of the district attorney based upon
291 the qualifications, education and experience of the criminal
292 investigator, plus necessary travel and other expenses, to be paid
293 in accordance with Section 25-31-8. However, the maximum salary
294 under this subsection for a criminal investigator who has a law
295 degree may be supplemented by the district attorney from other
296 available funds, but not to exceed the maximum salary for a legal
297 assistant to a district attorney.



298 (6) Any criminal investigator may be designated by the
299 district attorney to attend the Law Enforcement Officers Training
300 Program set forth in Section 45-6-1 et seq., Mississippi Code of
301 1972. The total expenses associated with attendance by criminal
302 investigators at the Law Enforcement Officers Training Program
303 shall be paid out of the funds of the appropriate district
304 attorney.

305 **SECTION 8.** (1) The State Personnel Board is authorized to
306 accept and expend funds from any available source, private and
307 public, for the purpose of strategic planning and development of
308 the public sector workforce, including state and local. The State
309 Personnel Board shall be authorized to select and enter into
310 long-term contracts for such purpose and such contracts shall be
311 executed through the Statewide Payroll and Human Resources System.

312 (2) This section shall stand repealed from and after July 1,
313 2007.

314 **SECTION 9.** The Attorney General of the State of Mississippi
315 shall submit Sections 2, 4, 5 and 6 of this act, immediately upon
316 approval by the Governor, or upon approval by the Legislature
317 subsequent to a veto, to the Attorney General of the United States
318 or to the United States District Court for the District of
319 Columbia in accordance with the provisions of the Voting Rights
320 Act of 1965, as amended and extended.

321 **SECTION 10.** Sections 1, 3, 7, 8 and 9 of this act shall take
322 effect and be in force from and after July 1, 2002. Sections 2,
323 4, 5 and 6 of this act shall take effect and be in force from and
324 after the date it is effectuated under Section 5 of the Voting
325 Rights Act of 1965, as amended and extended, or July 1, 2002,
326 whichever occurs later.

