

By: Senator(s) Thames

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2789

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT THE STATE PERSONNEL BOARD MAY AUTHORIZE AN ANNUAL
 3 SUPPLEMENT TO THE COMPENSATION FOR EACH ELECTED STATE OR DISTRICT
 4 OFFICIAL; TO AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO
 5 PROVIDE THAT SALARIES OF CERTAIN APPOINTIVE STATE AND DISTRICT
 6 OFFICIALS SHALL BE ESTABLISHED BY THE STATE PERSONNEL BOARD; TO
 7 AMEND SECTION 25-3-34, MISSISSIPPI CODE OF 1972, TO PROVIDE
 8 EDUCATION BENCHMARK AWARDS FOR ELECTIVE STATE AND DISTRICT
 9 OFFICIALS; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO
 10 INCREASE THE SALARIES OF THE ELECTED JUDICIARY, DISTRICT ATTORNEYS
 11 AND LEGAL ASSISTANTS; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE
 12 OF 1972, TO REMOVE THE PROVISION WHICH LIMITS SALARIES OF
 13 EXECUTIVE BRANCH EMPLOYEES TO THAT SALARY PAID TO THE GOVERNOR; TO
 14 AMEND SECTION 25-31-8, MISSISSIPPI CODE OF 1972, TO INCREASE THE
 15 OFFICE OPERATING ALLOWANCES FOR OFFICES OF DISTRICT ATTORNEYS; TO
 16 AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO INCREASE THE
 17 SALARIES OF CRIMINAL INVESTIGATORS EMPLOYED BY DISTRICT ATTORNEYS;
 18 TO BRING FORWARD SECTIONS 5-1-41, 5-1-43, 5-1-45, 5-1-46 AND
 19 5-1-47, MISSISSIPPI CODE OF 1972, IN REGARD TO REMUNERATION OF
 20 LEGISLATORS, THE LIEUTENANT GOVERNOR, THE SPEAKER OF THE HOUSE,
 21 THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE SPEAKER PRO
 22 TEMPORE OF THE HOUSE; AND FOR RELATED PURPOSES.

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

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

26 25-3-31. (1) The annual salaries of the following elected
 27 state and district officers are * * * as follows:

28	Governor.....	\$101,800.00
29	Attorney General.....	90,800.00
30	Secretary of State.....	75,000.00
31	Commissioner of Insurance.....	75,000.00
32	State Treasurer.....	75,000.00
33	State Auditor of Public Accounts.....	75,000.00
34	Commissioner of Agriculture and Commerce.....	75,000.00
35	Transportation Commissioners.....	65,000.00
36	Public Service Commissioners.....	65,000.00



37 (2) From and after January 1, 2004, in addition to the
38 compensation provided for in this section, the State Personnel
39 Board, in its discretion, may authorize an annual supplement for
40 each elected state and district official listed in subsection (1),
41 which action shall be adopted and spread on the minutes of the
42 State Personnel Board and certified to the Senate and House Fees,
43 Salaries and Administration Committees and the Joint Legislative
44 Budget Committee.

45 (3) The * * * salary of the Governor, including the annual
46 supplement authorized in subsection (2), shall be the reference
47 amount utilized in computing average compensation and earned
48 compensation pursuant to Section 25-11-103(f) and Section
49 25-11-103(k) and to related sections which require such
50 computations.

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

53 25-3-33. The annual salaries of the following appointive
54 state and district officials and employees shall be established by
55 the State Personnel Board subject to appropriations by the
56 Legislature:

57 Deputy Attorney General * * *

58 Assistant Attorneys General * * *

59 Military Department--National Guard: Adjutant General * * *

60 Department of Banking and Consumer Finance:

61 Commissioner * * *

62 Chairman of the State Tax Commission * * *

63 Associate Commissioners, each * * *

64 Director of Emergency Management Agency * * *

65 Department of Public Safety:

66 Commissioner of Public Safety * * *

67 * * *

68 Department of Human Services: Director * * *

69 Workers' Compensation Commission:



70 Chairman * * *

71 Members, each * * *

72 Executive Director * * *

73 Administrative Judge, each * * *

74 Archives and History: Director * * *

75 State Forester * * *

76 State Oil and Gas Board: Secretary-Supervisor * * *

77 Educational Television Authority: Executive Director * * *

78 Director, Mississippi Library Commission * * *

79 Executive Secretary, Public Service Commission * * *

80 Parole Board:

81 Chairman * * *

82 Administrative Assistant for Parole Matters * * *

83 Members * * *

84 Governor's State Bond Advisory Division: Director * * *

85 Employment Security Commission: Executive Director * * *

86 Executive Director, Department of Mental Health * * *

87 Director, Division of Medicaid * * *

88 Director, State Department of Transportation * * *

89 State Entomologist * * *

90 Clerk of the Supreme Court * * *

91 State Aid Engineer, Division of State Aid

92 Road Construction * * *

93 Executive Director, Judicial Performance Commission * * *

94 Executive Director, Department of Finance

95 and Administration * * *

96 * * *

97 Executive Director, State Fair Commission * * *

98 Executive Director, Department of Wildlife,

99 Fisheries and Parks * * *

100 Executive Director, Department of Environmental Quality * * *

101 Executive Director, Pat Harrison Waterway District * * *



102 Executive Director, Pearl River Basin
 103 Development District * * *
 104 Executive Director, Pearl River Valley
 105 Water Supply District * * *
 106 Executive Director, Tombigbee River Valley
 107 Water Management District * * *
 108 Director, Soil and Water Conservation Commission * * *
 109 Commissioner, Mississippi Department of Corrections * * *
 110 Executive Director, Mississippi Department of Information
 111 Technology Services * * *
 112 Director, Mississippi Bureau of Narcotics * * *
 113 Executive Secretary, State Veterans Affairs Board * * *
 114 Executive Officer, Veterans' Home Purchase Board * * *
 115 Chief Administrative Officer, Motor Vehicle Commission * * *
 116 Stadium Manager, Mississippi Veterans Memorial Stadium * * *
 117 Executive Director, Mississippi Arts Commission * * *
 118 Director, Mississippi Board of Nursing * * *
 119 Director, State Board of Pharmacy * * *
 120 Director, State Board of Public Contractors * * *
 121 Director, Real Estate Commission * * *
 122 Director of Support Services, Department of
 123 Rehabilitation Services * * *
 124 Executive Director, State Fire Academy * * *
 125 * * *
 126 Executive Director, State Board of Accountancy * * *
 127 Executive Director, Mississippi Gaming Commission * * *
 128 Executive Director, Mississippi Department
 129 of Marine Resources * * *
 130 Executive Director, State Board of Registration for
 131 Professional Engineers and Land Surveyors * * *
 132 Executive Director, Public Utilities Staff * * *
 133 State Law Librarian * * *
 134 State Personnel Director * * *



135 Manager, Farmers Central Market, Department
136 of Agriculture and Commerce * * *
137 State Veterinarian * * *
138 Executive Director, Mississippi Ethics
139 Commission * * *

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

142 25-3-34. (1) In addition to the salary provided in Section
143 25-3-31 or 25-3-33, any elective or appointive state and district
144 official and employee provided therein shall receive the award of
145 an education benchmark as defined in State Personnel Board rules
146 for the possession or attainment of any of the following:

- 147 (a) The Certified Public Manager designation;
- 148 (b) A job-related Ph.D (Doctor of Philosophy) degree
149 which is not required as a minimum qualification of the position;
- 150 (c) A job related certification, licensure or
151 registration requiring the passage of an examination, which is not
152 required as a minimum qualification of the position.

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

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

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

160 25-3-35. (1) The annual salaries of the following judges
161 are fixed as follows, to begin at the commencement of the next
162 term of office immediately succeeding the existing term:

163 Chief Justice of the Supreme Court.....	<u>\$112,960.00</u>
164 Presiding Justice of the Supreme Court.....	<u>110,360.00</u>
165 Associate Justices of the Supreme Court, each.....	<u>109,520.00</u>

166 However, in addition to their present official duties, there
167 are imposed upon the Supreme Court Justices the extra duties of



168 making a special study of existing laws and reporting to each
169 regular session of the Legislature such constructive suggestions
170 as they may deem necessary for the improvement of the
171 administration of justice, and of advising and counseling with the
172 State Librarian in the selection of law books for purchase and use
173 in the State Law Library, advising with the librarian thereof upon
174 the removal from the library of any books which may be the least
175 frequently used, and for the placing of same in a convenient
176 location so as to provide additional space for such books and
177 other current publications which may be more frequently used or
178 called for. For such extra services each justice, from and after
179 June 17, 1999, shall receive a sum sufficient when added to the
180 present salaries of the justices to aggregate One Hundred Twelve
181 Thousand Nine Hundred Sixty Dollars (\$112,960.00) for the Chief
182 Justice, One Hundred Ten Thousand Three Hundred Sixty Dollars
183 (\$110,360.00) for the Presiding Justice, and One Hundred Nine
184 Thousand Five Hundred Twenty Dollars (\$109,520.00) for Associate
185 Justices, per annum. As each existing term expires and the
186 above-captioned salaries become effective in due course, the extra
187 duties and compensation provided for shall cease.

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

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

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

194 Chancery Judges, each..... \$102,000.00
195 Circuit Judges, each..... 102,000.00

196 In addition to their present official duties, there are
197 imposed upon the chancery and circuit court judges the extra
198 duties of making a special study of existing laws relating to
199 trial courts and reporting to the Supreme Court of the State of
200 Mississippi such constructive suggestions as they may deem



201 necessary for the improvement of the administration of justice,
202 which shall be recommended to the Legislature by the Supreme Court
203 in the manner provided by law. The judges shall advise and
204 supervise in the purchase of law books for the libraries of each
205 district, and shall study and evaluate the inventory of books and
206 facilities now existing in the libraries of each district to
207 effect the removal and relocation of obsolete publications so as
208 to provide additional space for those books and current
209 publications more frequently used. The judges shall study the
210 existing rules promulgated by the circuit and chancery court
211 judicial associations governing the operation of chancery and
212 circuit courts, and revise the same pursuant to existing laws.
213 For such extra services each judge, from and after June 17, 1999,
214 shall receive a sum sufficient when added to the present salaries
215 of the judges to aggregate One Hundred Two Thousand Dollars
216 (\$102,000.00) per annum for each judge. Upon the expiration of
217 the existing term, the above-captioned salaries become effective
218 in due course, and the extra duties and compensation provided for
219 shall cease.

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

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

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

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



234 (c) The annual salary of full-time legal assistants who
235 have actively practiced law for more than six (6) years, but less
236 than ten (10) years, shall not exceed Sixty-eight Thousand Dollars
237 (\$68,000.00), as established by the district attorney.

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

242 (e) The annual salary of full-time legal assistants who
243 have actively practiced law in excess of twenty (20) years shall
244 not exceed Eighty-three Thousand Dollars (\$83,000.00), as
245 established by the district attorney.

246 **SECTION 5.** Section 25-3-39, Mississippi Code of 1972, is
247 amended as follows:

248 25-3-39. * * *

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

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

259 25-31-8. From and after July 1, 1979, in all circuit court
260 districts in this state existing now or hereafter created, the
261 district attorney shall receive from sums appropriated for such
262 purpose from the General Fund or any special fund of the State of
263 Mississippi, an office operating allowance for the necessary
264 expenses of operating the office of the district attorney,
265 including stenographic help, and other items and expenditures
266 necessary and incident to the investigation of criminal cases, the



267 general expenses of the office of the investigation of criminal
268 cases, the general expenses of the office of the district attorney
269 for preparing and/or trying felony cases and all other cases
270 requiring the services of the district attorney, the sum of
271 Twenty-eight Thousand Four Hundred Dollars (\$28,400.00) for each
272 district, and an additional Three Thousand Five Hundred Dollars
273 (\$3,500.00) for each assistant authorized by Section 25-31-5(1) as
274 of January 1, 1996. All expenditures made from said office
275 operating allowances shall be upon written requisition of the duly
276 elected district attorney to the State Auditor, as otherwise
277 provided by law. The district attorney may delegate to the board
278 of supervisors of any county in his district the responsibility
279 and authority to employ and set the salary of not more than one
280 (1) employee for the office of such district attorney, such salary
281 to be paid as other expenditures are paid from the funds provided
282 by this section. Such employee shall be deemed to be appointed
283 and employed by the board of supervisors and the salary shall not
284 be deemed to be a pecuniary benefit provided by the district
285 attorney's office.

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

288 25-31-10. (1) Any district attorney may appoint a full-time
289 criminal investigator.

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

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



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

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

313 (6) Any criminal investigator may be designated by the
314 district attorney to attend the Law Enforcement Officers Training
315 Program set forth in Section 45-6-1 et seq., Mississippi Code of
316 1972. The total expenses associated with attendance by criminal
317 investigators at the Law Enforcement Officers Training Program
318 shall be paid out of the funds of the appropriate district
319 attorney.

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

322 5-1-41. Beginning with the 1986 Regular Session of the
323 Legislature of the State of Mississippi, each Senator and
324 Representative of the Legislature shall receive as compensation at
325 each regular session the sum of Ten Thousand Dollars (\$10,000.00)
326 and the mileage allowance provided by Section 25-3-41, for each
327 mile of the distance by the most direct route usually traveled in
328 coming to and returning from the place where the Legislature sits.
329 Beginning on April 16, 1997, each Senator and Representative shall
330 receive for attending each extraordinary session or called session
331 the sum of Seventy-five Dollars (\$75.00) per day and mileage at



332 the same rate as per regular session. In addition to the above,
333 beginning on April 16, 1997, each Senator and Representative and
334 the Lieutenant Governor shall receive the sum of One Thousand Five
335 Hundred Dollars (\$1,500.00) per month for expenses incidental to
336 his office for every full month of his term, except any month or
337 major fraction thereof when the Legislature is convened in regular
338 or extraordinary session; and payments shall be made to each
339 Senator and Representative and the Lieutenant Governor by the
340 State Treasurer between the first and tenth day of each month
341 following the month for which the payments are due.

342 **SECTION 9.** Section 5-1-43, Mississippi Code of 1972, is
343 brought forward as follows:

344 5-1-43. (1) The salary of the Lieutenant Governor and of
345 the Speaker of the House of Representatives shall be Sixty
346 Thousand Dollars (\$60,000.00) annually, and they shall receive for
347 attending each extraordinary or called session the same
348 compensation and mileage as is provided for members of the
349 Legislature. However, in the event the Lieutenant Governor
350 serving on the effective date of Laws, 1997, Chapter 577, shall be
351 re-elected for the term beginning in the year 2000, he shall
352 continue to receive an annual salary of Forty Thousand Eight
353 Hundred Dollars (\$40,800.00).

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

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

360 5-1-45. Beginning on June 4, 1997, the President Pro Tempore
361 of the Senate shall receive an annual salary in an amount equal to
362 Fifteen Thousand Dollars (\$15,000.00). The salary provided for
363 the President Pro Tempore under this section shall be in addition



364 to the compensation and expense allowance established for members
365 of the Legislature under Section 5-1-41.

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

368 5-1-46. Beginning on June 4, 1997, the Speaker Pro Tempore
369 of the House of Representatives shall receive an annual salary in
370 an amount equal to Fifteen Thousand Dollars (\$15,000.00). The
371 salary provided for the Speaker Pro Tempore under this section
372 shall be in addition to the compensation and expense allowance
373 established for members of the Legislature under Section 5-1-41.

374 **SECTION 12.** Section 5-1-47, Mississippi Code of 1972, is
375 brought forward as follows:

376 5-1-47. (1) In addition to the regular salary and mileage
377 provided by law, an expense allowance equal to the maximum daily
378 expense rate allowable to employees of the federal government for
379 travel in the high rate geographical area of Jackson, Mississippi,
380 as may be established by federal regulations, per day, or an
381 expense allowance of Forty-four Dollars (\$44.00) if the Lieutenant
382 Governor or a Senator or Representative so chooses under
383 subsection (2) of Section 5-1-41, for each legislative day in
384 actual attendance at a session shall be paid to the Lieutenant
385 Governor and members of the Senate and House of Representatives,
386 together with an additional mileage allowance as provided by
387 Section 25-3-41, for each mile of the distance by the most direct
388 route usually traveled in coming to and returning from the place
389 where the Legislature is in session, which said expense allowance
390 and additional mileage allowance shall be paid at the end of each
391 seven (7) day period while the Legislature is in session.

392 In addition to the mileage allowance provided for in the
393 above paragraph, an expense allowance equal to the maximum daily
394 expense rate allowable to employees of the federal government for
395 travel in the high rate geographical area of Jackson, Mississippi,
396 as may be established by federal regulations, per day, shall be



397 paid to the Lieutenant Governor and members of the Senate and
398 House of Representatives, unless the Lieutenant Governor or a
399 Senator or Representative chooses not to receive such expense
400 allowance in the manner provided in subsection (2) of Section
401 5-1-41, for any day between legislative sessions while attending
402 to legislative duties, upon the approval of the appropriate
403 management committee of the Senate or House, as the case may be.

404 (2) The expense allowance and additional mileage allowance
405 provided by this section for the Lieutenant Governor and members
406 of the Senate shall be paid from the appropriate legislative fund
407 of the Senate as provided by law, and the expense allowance and
408 additional mileage allowance for members of the House of
409 Representatives shall be paid from the appropriate legislative
410 fund of said House of Representatives as provided by law, upon
411 warrants drawn for such purpose in the manner provided by law.

412 **SECTION 13.** The Attorney General of the State of Mississippi
413 shall submit this act, immediately upon approval by the Governor,
414 or upon approval by the Legislature subsequent to a veto, to the
415 Attorney General of the United States or to the United States
416 District Court for the District of Columbia in accordance with the
417 provisions of the Voting Rights Act of 1965, as amended and
418 extended.

419 **SECTION 14.** This act shall take effect and be in force from
420 and after the date it is effectuated under Section 5 of the Voting
421 Rights Act of 1965, as amended and extended, or July 1, 2003,
422 whichever occurs later.

