

By: Senator(s) Thames, Furniss, Dawkins, Dearing, Dickerson, Farris, Frazier, Gollott, Gordon, Harden, Huggins, Hyde-Smith, Jackson, Posey, Stogner, Walden, Walls, Williamson

To: Fees, Salaries and Administration; Appropriations

SENATE BILL NO. 2794
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF CERTAIN STATE ELECTED OFFICIALS; TO AMEND
3 SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO INCREASE THE
4 SALARIES OF THE ELECTED JUDICIARY, DISTRICT ATTORNEYS AND LEGAL
5 ASSISTANTS; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, AS
6 AMENDED BY HOUSE BILL NO. 99, 2003 REGULAR SESSION, TO LIMIT
7 SALARIES OF EXECUTIVE BRANCH EMPLOYEES TO 150% OF THAT SALARY PAID
8 TO THE GOVERNOR; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF
9 1972, TO INCREASE THE SALARIES OF CRIMINAL INVESTIGATORS EMPLOYED
10 BY DISTRICT ATTORNEYS; TO REPEAL SECTION 25-3-33, MISSISSIPPI CODE
11 OF 1972, WHICH ESTABLISHES SALARIES FOR CERTAIN APPOINTED STATE
12 OFFICIALS; AND FOR RELATED PURPOSES.

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

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

16 25-3-31. The annual salaries of the following elected state
17 and district officers are fixed as follows:

18	Governor.....	\$122,160.00
19	Attorney General.....	108,960.00
20	Secretary of State.....	90,000.00
21	Commissioner of Insurance.....	90,000.00
22	State Treasurer.....	90,000.00
23	State Auditor of Public Accounts.....	90,000.00
24	Commissioner of Agriculture and Commerce.....	90,000.00
25	Transportation Commissioners.....	78,000.00
26	Public Service Commissioners.....	78,000.00

27 If the person serving as Governor on December 31, 2003, is
28 reelected to the office of Governor for the term beginning in the
29 year 2004, he may choose not to receive the salary increase
30 authorized by this section, but to receive, instead, an annual
31 salary of One Hundred One Thousand Eight Hundred Dollars



32 (\$101,800.00) during his new term of office by filing a written
33 request with the Department of Finance and Administration.

34 The above fixed salary of the Governor shall be the reference
35 amount utilized in computing average compensation and earned
36 compensation pursuant to Section 25-11-103(f) and Section
37 25-11-103(k) and to related sections which require such
38 computations.

39 This section shall stand repealed from and after January 1,
40 2007.

41 **SECTION 2.** Section 25-3-35, Mississippi Code of 1972, is
42 amended as follows:

43 25-3-35. (1) The annual salaries of the following judges
44 are fixed as follows, to begin at the commencement of the next
45 term of office immediately succeeding the existing term:

46 Chief Justice of the Supreme Court.....	<u>\$115,390.00</u>
47 Presiding Justice of the Supreme Court.....	<u>113,190.00</u>
48 Associate Justices of the Supreme Court, each....	<u>112,530.00</u>

49 However, in addition to their present official duties, there
50 are imposed upon the Supreme Court justices the extra duties of
51 making a special study of existing laws and reporting to each
52 regular session of the Legislature such constructive suggestions
53 as they may deem necessary for the improvement of the
54 administration of justice, and of identifying and directing the
55 State Librarian to apply for grants and donations from any public
56 or private source for the purpose of enhancing the holdings of the
57 state law library, and of advising and counseling with the State
58 Librarian in the selection of law books for purchase and use in
59 the State Law Library, advising with the librarian thereof upon
60 the removal from the library of any books which may be the least
61 frequently used, and for the placing of same in a convenient
62 location so as to provide additional space for such books and
63 other current publications which may be more frequently used or
64 called for. For such extra services each justice, from and after



65 January 1, 2004, shall receive a sum sufficient when added to the
66 present salaries of the justices to aggregate One Hundred Fifteen
67 Thousand Three Hundred Ninety Dollars (\$115,390.00) for the Chief
68 Justice, One Hundred Thirteen Thousand One Hundred Ninety Dollars
69 (\$113,190.00) for the presiding justice, and One Hundred Twelve
70 Thousand Five Hundred Thirty Dollars (\$112,530.00) for associate
71 justices, per annum. As each existing term expires and the
72 above-captioned salaries become effective in due course, the extra
73 duties and compensation provided for shall cease.

74 The fixed salaries as specified in this subsection (1) shall
75 be the exclusive and total compensation which can be reported to
76 the Public Employees' Retirement System for retirement purposes;
77 however, any judge in office on December 31, 2003, may continue to
78 report his expense allowance as part of his compensation for
79 retirement purposes.

80 (2) The annual salaries of the judges of the Court of
81 Appeals of Mississippi are fixed as follows, to begin at the
82 commencement of the next term of office immediately succeeding the
83 existing term:

84 Chief Judge of the Court of Appeals..... \$108,130.00
85 Associate Judges of the Court of Appeals, each... 105,050.00

86 However, in addition to their present official duties, there
87 are imposed upon the judges of the Court of Appeals the extra
88 duties of making a special study of existing laws and reporting to
89 the Supreme Court of the State of Mississippi such constructive
90 suggestions as they may deem necessary for the improvement of the
91 administration of justice, and assisting in advising and
92 counseling with the State Librarian in the selection of law books
93 for purchase and use in the State Law Library, assisting in
94 advising with the librarian thereof upon the removal from the
95 library of any books which may be the least frequently used, and
96 for the placing of same in a convenient location so as to provide
97 additional space for such books and other current publications



98 which may be more frequently used or called for. For such extra
99 services each judge, from and after January 1, 2004, shall receive
100 a sum sufficient when added to the present salaries of the judges
101 to aggregate One Hundred Eight Thousand One Hundred Thirty Dollars
102 (\$108,130.00) for the Chief Judge and One Hundred Five Thousand
103 Fifty Dollars (\$105,050.00) for associate judges, per annum. As
104 each existing term expires and the above-captioned salaries become
105 effective in due course, the extra duties and compensation
106 provided for shall cease.

107 The fixed salaries as specified in this subsection (2) shall
108 be the exclusive and total compensation which can be reported to
109 the Public Employees' Retirement System for retirement purposes;
110 however, any judge in office on December 31, 2003, may continue to
111 report his expense allowance as part of his compensation for
112 retirement purposes.

113 (3) The annual salaries of the chancery and circuit court
114 judges are fixed as follows, to begin at the commencement of the
115 next term of office immediately succeeding the existing term:

116 Chancery Judges, each..... \$104,170.00
117 Circuit Judges, each..... 104,170.00

118 In addition to their present official duties, there are
119 imposed upon the chancery and circuit court judges the extra
120 duties of making a special study of existing laws relating to
121 trial courts and reporting to the Supreme Court of the State of
122 Mississippi such constructive suggestions as they may deem
123 necessary for the improvement of the administration of justice,
124 which shall be recommended to the Legislature by the Supreme Court
125 in the manner provided by law. The judges shall advise and
126 supervise in the purchase of law books for the libraries of each
127 district, and shall study and evaluate the inventory of books and
128 facilities now existing in the libraries of each district to
129 effect the removal and relocation of obsolete publications so as
130 to provide additional space for those books and current



131 publications more frequently used. The judges shall seek and
132 identify any grants and donations from any public or private
133 source for the purpose of enhancing the holdings of the libraries
134 of each district. The judges shall study the existing rules
135 promulgated by the circuit and chancery court judicial
136 associations governing the operation of chancery and circuit
137 courts, and revise the same pursuant to existing laws. For such
138 extra services each judge, from and after January 1, 2004, shall
139 receive a sum sufficient when added to the present salaries of the
140 judges to aggregate One Hundred Four Thousand One Hundred Seventy
141 Dollars (\$104,170.00) per annum for each judge. Upon the
142 expiration of the existing term, the above-captioned salaries
143 become effective in due course, and the extra duties and
144 compensation provided for shall cease.

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

148 (5) The annual salary of the full-time district attorneys
149 shall be Ninety-five Thousand Seven Hundred Ninety-six Dollars
150 (\$95,796.00).

151 (6) The annual salary of the full-time legal assistants
152 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
153 more than eighty percent (80%) of the salary of the district
154 attorney for legal assistants who have been licensed to practice
155 law for five (5) years or less; eighty-five percent (85%) of the
156 salary of the district attorney for legal assistants who have been
157 licensed to practice law for at least five (5) years but less than
158 fifteen (15) years; and ninety percent (90%) of the salary of the
159 district attorney for legal assistants who have been licensed to
160 practice law for at least fifteen (15) years or more.

161 (7) This section shall stand repealed from and after January
162 1, 2007.



163 **SECTION 3.** Section 25-3-39, Mississippi Code of 1972, as
164 amended by House Bill No. 99, 2003 Regular Session, is amended as
165 follows:

166 25-3-39. (1) No public officer, public employee,
167 administrator, or executive head of any arm or agency of the
168 state, in the executive branch of government, shall be paid a
169 salary or compensation, directly or indirectly, greater than one
170 hundred fifty percent (150%) the salary fixed in Section 25-3-31
171 for the Governor. All academic officials, members of the teaching
172 staffs and employees of the state institutions of higher learning,
173 the State Board for Community and Junior Colleges, and community
174 and junior colleges, and licensed physicians who are public
175 employees, shall be exempt from this subsection. * * * The
176 Governor shall fix the annual salary of the Executive Director of
177 the Mississippi Development Authority and the annual salary of the
178 Chief of Staff of the Governor's Office, which salaries shall be
179 completely paid by the state and may not be supplemented with any
180 funds from any source, including federal or private funds.
181 Provided, however, that the salary of the Executive Director of
182 the Mississippi Development Authority and the Governor's Chief of
183 Staff shall not be greater than one hundred fifty percent (150%)
184 of the salary of the Governor. Furthermore, all professional
185 employees who hold a bachelor's degree or more advanced degree
186 from an accredited four-year college or university or a
187 certificate or license issued by a state licensing board,
188 commission or agency and who are employed by the Department of
189 Mental Health shall be exempt from this subsection if the State
190 Personnel Board approves the exemption.

191 (2) No public officer, employee or administrator shall be
192 paid a salary or compensation, directly or indirectly, in excess
193 of the salary of the executive head of the state agency or
194 department in which he is employed. The State Personnel Board,
195 based upon its findings of fact, may exempt physicians and



196 actuaries from this subsection when the acquisition of such
197 professional services is precluded based on the prevailing wage in
198 the relevant labor market.

199 **SECTION 4.** Section 25-31-10, Mississippi Code of 1972, is
200 amended as follows:

201 25-31-10. (1) Any district attorney may appoint a full-time
202 criminal investigator.

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

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

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

215 (5) The full and complete compensation for all public duties
216 rendered by said criminal investigators shall be not more than
217 Fifty-four Thousand Dollars (\$54,000.00) per annum, to be
218 determined at the discretion of the district attorney based upon
219 the qualifications, education and experience of the criminal
220 investigator, plus necessary travel and other expenses, to be paid
221 in accordance with Section 25-31-8. However, the maximum salary
222 under this subsection for a criminal investigator who has a law
223 degree may be supplemented by the district attorney from other
224 available funds, but not to exceed the maximum salary for a legal
225 assistant to a district attorney.

226 (6) Any criminal investigator may be designated by the
227 district attorney to attend the Law Enforcement Officers Training
228 Program set forth in Section 45-6-1 et seq., Mississippi Code of



229 1972. The total expenses associated with attendance by criminal
230 investigators at the Law Enforcement Officers Training Program
231 shall be paid out of the funds of the appropriate district
232 attorney.

233 (7) This section shall stand repealed from and after January
234 1, 2007.

235 **SECTION 5.** Section 25-3-33, Mississippi Code of 1972, which
236 provides for the salary of appointed state and district officials,
237 is hereby repealed.

238 **SECTION 6.** The Attorney General of the State of Mississippi
239 shall submit Sections 1 and 2 of this act, immediately upon
240 approval by the Governor, or upon approval by the Legislature
241 subsequent to a veto, to the Attorney General of the United States
242 or to the United States District Court for the District of
243 Columbia in accordance with the provisions of the Voting Rights
244 Act of 1965, as amended and extended.

245 **SECTION 7.** Sections 1 and 2 of this act shall take effect
246 and be in force from and after the date it is effectuated under
247 Section 5 of the Voting Rights Act of 1965, as amended and
248 extended, or January 1, 2004, whichever occurs later. Sections 3
249 through 5 of this act shall take effect and be in force from and
250 after July 1, 2003.

