SENATE BILL NO. 2794
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF CERTAIN STATE ELECTED 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, AS AMENDED BY HOUSE BILL NO. 99, 2003 REGULAR SESSION, TO LIMIT SALARIES OF EXECUTIVE BRANCH EMPLOYEES TO 150% OF THAT SALARY PAID TO THE GOVERNOR; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF CRIMINAL INVESTIGATORS EMPLOYED BY DISTRICT ATTORNEYS; TO REPEAL SECTION 25-3-33, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES SALARIES FOR CERTAIN APPOINTED STATE OFFICIALS; 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:

<table>
<thead>
<tr>
<th>Office</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>$122,160.00</td>
</tr>
<tr>
<td>Attorney General</td>
<td>108,960.00</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>90,000.00</td>
</tr>
<tr>
<td>Commissioner of Insurance</td>
<td>90,000.00</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>90,000.00</td>
</tr>
<tr>
<td>State Auditor of Public Accounts</td>
<td>90,000.00</td>
</tr>
<tr>
<td>Commissioner of Agriculture and Commerce</td>
<td>90,000.00</td>
</tr>
<tr>
<td>Transportation Commissioners</td>
<td>78,000.00</td>
</tr>
<tr>
<td>Public Service Commissioners</td>
<td>78,000.00</td>
</tr>
</tbody>
</table>

If the person serving as Governor on December 31, 2003, is reelected to the office of Governor for the term beginning in the year 2004, he may choose not to receive the salary increase authorized by this section, but to receive, instead, an annual salary of One Hundred One Thousand Eight Hundred Dollars.
($101,800.00) during his new term of office by filing a written request with the Department of Finance and Administration.

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.

This section shall stand repealed from and after January 1, 2007.

SECTION 2. 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............... $115,390.00
Presiding Justice of the Supreme Court.......... 113,190.00
Associate Justices of the Supreme Court, each.... 112,530.00

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 identifying and directing the State Librarian to apply for grants and donations from any public or private source for the purpose of enhancing the holdings of the state law library, 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
January 1, 2004, shall receive a sum sufficient when added to the present salaries of the justices to aggregate One Hundred Fifteen Thousand Three Hundred Ninety Dollars ($115,390.00) for the Chief Justice, One Hundred Thirteen Thousand One Hundred Ninety Dollars ($113,190.00) for the presiding justice, and One Hundred Twelve Thousand Five Hundred Thirty Dollars ($112,530.00) 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.

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

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

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

However, in addition to their present official duties, there are imposed upon the judges of the Court of Appeals the extra duties of making a special study of existing laws 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, and assisting in advising and counseling with the State Librarian in the selection of law books for purchase and use in the State Law Library, assisting in 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 judge, from and after January 1, 2004, shall receive

a sum sufficient when added to the present salaries of the judges
to aggregate One Hundred Eight Thousand One Hundred Thirty Dollars
($108,130.00) for the Chief Judge and One Hundred Five Thousand
Fifty Dollars ($105,050.00) for associate judges, 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.

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

retirement purposes.

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

Chancery Judges, each............................ $104,170.00
Circuit Judges, each............................. 104,170.00

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 seek and identify any grants and donations from any public or private source for the purpose of enhancing the holdings of the libraries of each district. 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 January 1, 2004, shall receive a sum sufficient when added to the present salaries of the judges to aggregate One Hundred Four Thousand One Hundred Seventy Dollars ($104,170.00) 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-five Thousand Seven Hundred Ninety-six Dollars ($95,796.00).

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

(7) This section shall stand repealed from and after January 1, 2007.
SECTION 3. Section 25-3-39, Mississippi Code of 1972, as amended by House Bill No. 99, 2003 Regular Session, is amended as follows:

25-3-39. (1) No public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, shall be paid a salary or compensation, directly or indirectly, greater than one hundred fifty percent (150%) the salary fixed in Section 25-3-31 for the Governor. All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the State Board for Community and Junior Colleges, and community and junior colleges, and licensed physicians who are public employees, shall be exempt from this subsection.

The Governor shall fix the annual salary of the Executive Director of the Mississippi Development Authority and the annual salary of the Chief of Staff of the Governor's Office, which salaries shall be completely paid by the state and may not be supplemented with any funds from any source, including federal or private funds. Provided, however, that the salary of the Executive Director of the Mississippi Development Authority and the Governor's Chief of Staff shall not be greater than one hundred fifty percent (150%) of the salary of the Governor. Furthermore, all professional employees who hold a bachelor's degree or more advanced degree from an accredited four-year college or university or a certificate or license issued by a state licensing board, commission or agency and who are employed by the Department of Mental Health shall be exempt from this subsection if the State Personnel Board approves the exemption.

(2) 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 4. 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 Fifty-four Thousand Dollars ($54,000.00) 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.

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

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

SECTION 6. The Attorney General of the State of Mississippi
shall submit Sections 1 and 2 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 7. Sections 1 and 2 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 January 1, 2004, whichever occurs later. Sections 3
through 5 of this act shall take effect and be in force from and
after July 1, 2003.