

By: Representatives Denton, Baria, McNeal

To: Appropriations

## HOUSE BILL NO. 1396

1 AN ACT TO AMEND SECTIONS 5-1-41 AND 5-1-47, MISSISSIPPI CODE  
2 OF 1972, TO PROVIDE THAT IF THE LEGISLATURE FAILS TO ENACT THE  
3 STATE BUDGET FOR THE UPCOMING FISCAL YEAR DURING THE REGULAR  
4 SESSION AND THEN MEETS IN AN EXTRAORDINARY SESSION FOR THE PURPOSE  
5 OF ENACTING THE STATE BUDGET THAT IT FAILED TO ENACT DURING THE  
6 REGULAR SESSION, THE MEMBERS OF THE LEGISLATURE ATTENDING THAT  
7 EXTRAORDINARY SESSION SHALL NOT RECEIVE THE REGULAR SALARY,  
8 MILEAGE AND EXPENSE ALLOWANCE FOR ATTENDING THAT SESSION; AND FOR  
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 5-1-41, Mississippi Code of 1972, is  
12 amended as follows:

13 5-1-41. (1) \* \* \* Each Senator and Representative of the  
14 Legislature shall receive as compensation at each regular session  
15 the sum of Ten Thousand Dollars (\$10,000.00) and the mileage  
16 allowance provided by Section 25-3-41, for each mile of the  
17 distance by the most direct route usually traveled in coming to  
18 and returning from the place where the Legislature sits.

19 (2) \* \* \* Except as otherwise provided in subsection (4) of  
20 this section, each Senator and Representative shall receive for  
21 attending each extraordinary session or called session the sum of



Seventy-five Dollars (\$75.00) per day and mileage at the same rate as per regular session.

(3) In addition to the above, \* \* \* each Senator and Representative and the Lieutenant Governor shall receive the sum of One Thousand Five Hundred Dollars (\$1,500.00) per month for expenses incidental to his office for every full month of his term, except any month or major fraction thereof when the Legislature is convened in regular or extraordinary session; and payments shall be made to each Senator and Representative and the Lieutenant Governor by the State Treasurer between the first and tenth day of each month following the month for which the payments are due.

(4) If the Legislature during any regular session fails to enact all of the appropriation bills that are necessary to fund the state budget for the upcoming fiscal year, and the Legislature meets in an extraordinary session for the purpose of enacting the appropriation bills necessary to fund the state budget that it failed to enact during the regular session, the members of the Legislature attending that extraordinary session shall not receive the salary and mileage provided for in subsection (2) of this section and shall not receive the expense allowance and additional mileage allowance provided for in subsection (1) of Section 5-1-47.

**SECTION 2.** Section 5-1-47, Mississippi Code of 1972, is amended as follows:



5-1-47. (1) Except as otherwise provided in Section  
5-1-41(4), in addition to the regular salary and mileage provided  
by law, an expense allowance equal to the maximum daily expense  
rate allowable to employees of the federal government for travel  
in the high rate geographical area of Jackson, Mississippi, as may  
be established by federal regulations for each legislative day in  
actual attendance at a session shall be paid to the Lieutenant  
Governor and members of the Senate and House of Representatives,  
together with an additional mileage allowance as provided by  
Section 25-3-41, for each mile of the distance by the most direct  
route usually traveled in coming to and returning from the place  
where the Legislature is in session, which expense allowance and  
additional mileage allowance shall be paid at the end of each  
seven-day period while the Legislature is in session.

(2) In addition to the mileage allowance provided for in  
subsection (1) of this section, an expense allowance equal to the  
maximum daily expense rate allowable to employees of the federal  
government for travel in the high rate geographical area of  
Jackson, Mississippi, as may be established by federal  
regulations, per day, shall be paid to:

(a) The Lieutenant Governor and members of the Senate,  
upon the approval of the Senate Rules Committee, for attending to  
legislative duties on any of the following days that the Senate  
does not convene in session on that day: (i) any day between  
legislative regular or extraordinary sessions, or (ii) any day of



72 a legislative regular session that has been extended beyond the  
73 number of calendar days specified in Section 36, Mississippi  
74 Constitution of 1890, when that day falls after the ninetieth or  
75 one-hundred-twenty-fifth day of the session, as the case may be,  
76 or (iii) any day during a legislative extraordinary session; and

77 (b) Members of the House of Representatives, upon the  
78 approval of the House Management Committee, for attending to  
79 legislative duties on any of the following days that the House  
80 does not convene in session on that day: (i) any day between  
81 legislative regular or extraordinary sessions, or (ii) any day of  
82 a legislative regular session that has been extended beyond the  
83 number of calendar days specified in Section 36, Mississippi  
84 Constitution of 1890, when that day falls after the ninetieth or  
85 one-hundred-twenty-fifth day of the session, as the case may be,  
86 or (iii) any day during a legislative extraordinary session.

87 (3) The expense allowance and additional mileage allowance  
88 provided by this section for the Lieutenant Governor and members  
89 of the Senate shall be paid from the appropriate legislative fund  
90 of the Senate as provided by law, and the expense allowance and  
91 additional mileage allowance for members of the House of  
92 Representatives shall be paid from the appropriate legislative  
93 fund of the House of Representatives as provided by law, upon  
94 warrants drawn for such purpose in the manner provided by law.

95 **SECTION 3.** This act shall take effect and be in force from  
96 and after April 1, 2018.

