

By: Representatives Read, Shanks, Stamps,
Foster

To: Appropriations

HOUSE BILL NO. 1426

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE SALARIES OF THE ELECTED STATE AND DISTRICT
3 OFFICERS SHALL BE FIXED AT THE LEVEL RECOMMENDED BY THE STATE
4 PERSONNEL BOARD TO THE JOINT LEGISLATIVE BUDGET COMMITTEE TO THE
5 EXTENT SUFFICIENT FUNDS ARE AVAILABLE; TO AMEND SECTION 25-3-39,
6 MISSISSIPPI CODE OF 1972, TO REVISE THE CEILING ESTABLISHED FOR
7 SALARIES OF PUBLIC OFFICERS; TO AMEND SECTION 25-3-71, MISSISSIPPI
8 CODE OF 1972, TO REMOVE THE REPORTING REQUIREMENT ON SALARY
9 INCREASES FOR COUNTY ELECTED OFFICIALS; TO AMEND SECTION 25-9-133,
10 MISSISSIPPI CODE OF 1972, TO REMOVE AN INCORRECT STATUTORY
11 REFERENCE; TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF 1972, TO
12 REVISE THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO SET THE
13 SALARIES OF CERTAIN PERSONNEL; TO AMEND SECTIONS 47-5-20 AND
14 47-5-28, MISSISSIPPI CODE OF 1972, TO REMOVE A PROVISION THAT IS
15 NO LONGER IN EFFECT GRANTING AN EXEMPTION FROM STATE PERSONNEL
16 BOARD PROCEDURES FOR THE COMMISSIONER OF CORRECTIONS; TO AMEND
17 SECTION 57-1-5, MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTHORITY
18 OF THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEVELOPMENT AUTHORITY
19 TO SET SALARIES OF CERTAIN PERSONNEL; TO AMEND SECTION 65-1-2,
20 MISSISSIPPI CODE OF 1972, TO REMOVE A PROVISION THAT IS NO LONGER
21 IN EFFECT GRANTING AN EXEMPTION FROM STATE PERSONNEL BOARD
22 PROCEDURES FOR THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION
23 81-1-69, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SALARY OF
24 THE COMMISSIONER OF BANKING AND CONSUMER FINANCE SHALL BE FIXED BY
25 THE GOVERNOR IN CONJUNCTION WITH THE STATE COMPENSATION PLAN; TO
26 AMEND SECTION 25-9-147, MISSISSIPPI CODE OF 1972, TO DESIGNATE A
27 NEW NAME FOR THE VARIABLE COMPENSATION PLAN; TO REPEAL SECTION
28 25-3-34, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR EDUCATION
29 BENCHMARK AWARDS FOR APPOINTIVE STATE AND DISTRICT OFFICIALS; TO
30 BRING FORWARD SECTIONS 25-9-115 AND 65-9-9, MISSISSIPPI CODE OF
31 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
32 PURPOSES.

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



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

36 25-3-31. (1) The annual salaries of the following elected
37 state and district officers are fixed as follows:

38	Governor.....	\$122,160.00
39	Attorney General.....	108,960.00
40	Secretary of State.....	90,000.00
41	Commissioner of Insurance.....	90,000.00
42	State Treasurer.....	90,000.00
43	State Auditor of Public Accounts.....	90,000.00
44	Commissioner of Agriculture and Commerce.....	90,000.00
45	Transportation Commissioners.....	78,000.00
46	Public Service Commissioners.....	78,000.00

47 If the person serving as Governor on December 31, 2003, is
48 reelected to the Office of Governor for the term beginning in the
49 year 2004, he may choose not to receive the salary increase
50 authorized by this section, but to receive, instead, an annual
51 salary of One Hundred One Thousand Eight Hundred Dollars
52 (\$101,800.00) during his new term of office by filing a written
53 request with the Department of Finance and Administration.

54 (2) Beginning July 1, 2022, and every four (4) years
55 thereafter, the annual salaries of the elected state and district
56 officers in subsection (1) of this section shall be fixed at the
57 level of compensation recommended by the State Personnel Board to
58 the Joint Legislative Budget Committee for the Legislative Budget



59 Recommendation for the requisite fiscal year terms after
60 examination and evaluation of the neighboring states and relevant
61 economic data, to the extent that sufficient funds are available.
62 The annual salaries fixed in accordance with this subsection (2)
63 shall not become effective until the commencement of the next
64 immediately succeeding term of office.

65 (3) To assist the elected state and district officers in
66 subsection (1) of this section in efficiently performing the
67 official duties imposed upon him by law, he may employ suitable
68 and competent persons who possess the professional skill and
69 expert knowledge needed to fulfill those duties. The State
70 Personnel Board, based upon its findings of fact, shall exempt
71 those persons from the provisions of Section 25-3-39 when the
72 acquisition of such professional services is precluded based upon
73 the prevailing wage in the relevant labor market. This subsection
74 (3) shall stand repealed on July 1, 2024.

75 **SECTION 2.** Section 25-3-39, Mississippi Code of 1972, is
76 amended as follows:

77 **[Beginning July 1, 2022, through December 31, 2023, this**
78 **section shall read as follows:]**

79 25-3-39. (1) (a) Except as otherwise provided in this
80 section, no public officer, public employee, administrator, or
81 executive head of any arm or agency of the state, in the executive
82 branch of government, shall be paid * * * an annual salary * * *
83 greater than one hundred fifty percent (150%) of the salary fixed



84 in Section 25-3-31 for the Governor, nor shall the salary of any
85 public officer, public employee, administrator, or executive head
86 of any arm or agency of the state, in the executive branch of
87 government, be supplemented with any funds from any source,
88 including federal or private funds. Such salaries shall be
89 completely paid by the state. All academic officials, members of
90 the teaching staffs and employees of the state institutions of
91 higher learning, the Mississippi Community College Board, and
92 community and junior colleges, and licensed physicians who are
93 public employees, shall be exempt from this subsection. All
94 professional employees who hold a bachelor's degree or more
95 advanced degree from an accredited four-year college or university
96 or a certificate or license issued by a state licensing board,
97 commission or agency and who are employed by the Department of
98 Mental Health shall be exempt from this subsection if the State
99 Personnel Board approves the exemption. The Commissioner of Child
100 Protection Services is exempt from this subsection. From and
101 after July 1, 2018, the Executive Director of the Public
102 Employees' Retirement System and the Chief Investment Officer of
103 the Public Employees' Retirement System shall be exempt from this
104 subsection.

105 (b) The Governor shall fix the annual salary of the
106 Executive Director of the Mississippi Development Authority, the
107 annual salary of the Commissioner of Child Protection Services,
108 and the annual salary of the Chief of Staff of the Governor's



109 Office. The salary of the Governor's Chief of Staff shall not be
110 greater than one hundred fifty percent (150%) of the salary of the
111 Governor and shall be completely paid by the state without
112 supplementation from another source. The salary of the Executive
113 Director of the Mississippi Development Authority may be greater
114 than one hundred fifty percent (150%) of the salary of the
115 Governor and may be supplemented with funds from any source,
116 including federal or private funds; however, any state funds used
117 to pay the salary of the Executive Director of the Mississippi
118 Development Authority shall not exceed one hundred fifty percent
119 (150%) of the salary of the Governor. If the executive director's
120 salary is supplemented with private funds, the Mississippi
121 Development Authority shall publish on its website the amount of
122 the supplement and the name of the donor of the private funds.

123 (2) No public officer, employee or administrator shall be
124 paid a salary or compensation, directly or indirectly, in excess
125 of the salary authorized to be paid the executive head of the
126 state agency or department in which he is employed. The State
127 Personnel Board, based upon its findings of fact, may exempt
128 physicians and actuaries from this subsection when the acquisition
129 of such professional services is precluded based on the prevailing
130 wage in the relevant labor market.

131 (3) The executive head of any state agency or department
132 appointed by the Governor, in such executive head's discretion,



133 may waive all or any portion of the salary or compensation
134 lawfully established for the position.

135 **[Beginning January 1, 2024, this section shall read as**
136 **follows:]**

137 25-3-39. * * * (1) (a) Except as otherwise provided in
138 this section, no public officer, public employee, administrator,
139 or executive head of any arm or agency of the state, in the
140 executive branch of government, shall be paid an annual salary
141 greater than one hundred twenty-five percent (125%) of the salary
142 fixed in Section 25-3-31 for the Governor, nor shall the salary of
143 any public officer, public employee, administrator, or executive
144 head of any arm or agency of the state, in the executive branch of
145 government, be supplemented with any funds from any source,
146 including federal or private funds. Such salaries shall be
147 completely paid by the state. All academic officials, members of
148 the teaching staffs and employees of the state institutions of
149 higher learning, the Mississippi Community College Board, and
150 community and junior colleges, and licensed physicians who are
151 public employees, shall be exempt from this subsection. All
152 professional employees who hold a bachelor's degree or more
153 advanced degree from an accredited four-year college or university
154 or a certificate or license issued by a state licensing board,
155 commission or agency and who are employed by the Department of
156 Mental Health shall be exempt from this subsection if the State
157 Personnel Board approves the exemption. The Commissioner of Child



158 Protection Services is exempt from this subsection. The Executive
159 Director of the Public Employees' Retirement System and the Chief
160 Investment Officer of the Public Employees' Retirement System
161 shall be exempt from this subsection.

162 (b) The Governor shall fix the annual salary of the
163 Executive Director of the Mississippi Development Authority, the
164 annual salary of the Commissioner of Child Protection Services,
165 and the annual salary of the Chief of Staff of the Governor's
166 office. The salary of the Governor's Chief of Staff shall not be
167 greater than one hundred twenty-five percent (125%) of the salary
168 of the Governor and shall be completely paid by the state without
169 supplementation from another source. The salary of the Executive
170 Director of the Mississippi Development Authority may be greater
171 than one hundred twenty-five percent (125%) of the salary of the
172 Governor and may be supplemented with funds from any source,
173 including federal or private funds; however, any state funds used
174 to pay the salary of the Executive Director of the Mississippi
175 Development Authority shall not exceed one hundred twenty-five
176 percent (125%) of the salary of the Governor. If the executive
177 director's salary is supplemented with private funds, the
178 Mississippi Development Authority shall publish on its website the
179 amount of the supplement and the name of the donor of the private
180 funds.

181 (2) No public officer, employee or administrator shall be
182 paid a salary or compensation, directly or indirectly, in excess



183 of the salary authorized to be paid the executive head of the
184 state agency or department in which he is employed. The State
185 Personnel Board, based upon its findings of fact, may exempt
186 physicians and actuaries from this subsection when the acquisition
187 of such professional services is precluded based on the prevailing
188 wage in the relevant labor market.

189 (3) The executive head of any state agency or department
190 appointed by the Governor, in such executive head's discretion,
191 may waive all or any portion of the salary or compensation
192 lawfully established for the position.

193 **SECTION 3.** Section 25-3-71, Mississippi Code of 1972, is
194 amended as follows:

195 25-3-71. The State Personnel Board shall prepare a written
196 legislative report to be submitted to the members of the
197 Mississippi Legislature on December 1, 1988, and on December 1 of
198 every year thereafter, making recommendations on any salary
199 increases and the amounts deemed necessary for all state * * *
200 elected officials and state appointed officials whose salaries are
201 established by statute.

202 **SECTION 4.** Section 25-9-133, Mississippi Code of 1972, is
203 amended as follows:

204 25-9-133. (1) The board shall recommend policies and
205 procedures for the efficient and economical use of employment
206 positions. The board shall report to the State Fiscal Management
207 Board and the Legislative Budget Office recommendations for the



208 number of employment positions and costs within each department,
209 agency or institution. Such recommendation shall include the job
210 title and salary of each position. The board shall conduct
211 periodic position audits within each department, agency or
212 institution to ensure the effective and efficient use of all
213 personnel resources and to determine compliance with organization
214 and staffing plans by agencies * * *.

215 (2) No person shall be employed by any agency for any period
216 for any purpose except in an employment position authorized by
217 legislative appropriation or by the body authorized by law to
218 escalate budgets and approve employment positions under the
219 guidelines established by the Legislature. Each employment
220 position so authorized shall be classified and assigned a pay
221 range on the basis of actual job content, according to the State
222 Classification Plan.

223 **SECTION 5.** Section 37-3-13, Mississippi Code of 1972, is
224 amended as follows:

225 37-3-13. * * * The deputy superintendents, associate
226 superintendents and directors shall be selected by and hold office
227 subject to the will of the State Superintendent of Public
228 Education subject to the approval of the State Board of Education.
229 All other personnel shall be competitively appointed by the State
230 Superintendent and shall be dismissed only for cause in accordance
231 with the rules and regulations of the State Personnel Board. The
232 State Board of Education shall set the salary of * * * the members



233 of the teaching staffs and employees of the Mississippi School of
234 the Arts, the Mississippi School for the Blind, the Mississippi
235 School for the Deaf, and the Mississippi School for Math and
236 Sciences. The State Superintendent, subject to the approval of
237 the State Personnel Board, shall fix the amount of compensation of
238 all other employees of the State Department of Education. All
239 salaries, compensation or expenses of any of the personnel of the
240 department shall be paid upon the requisition of the State
241 Superintendent of Public Education and warrant issued thereunder
242 by the State Auditor out of funds appropriated by the Legislature
243 in a lump sum upon the basis of budgetary requirements submitted
244 by the Superintendent of Education or out of funds otherwise made
245 available. The entire expense of administering the department
246 shall never exceed the amount appropriated therefor, plus funds
247 received from other sources other than state appropriations. For
248 a violation of this provision, the superintendent shall be liable,
249 and he and the sureties on his bond shall be required to restore
250 any such excess.

251 * * *

252 **SECTION 6.** Section 47-5-20, Mississippi Code of 1972, is
253 amended as follows:

254 47-5-20. The commissioner shall have the following powers
255 and duties:

256 (a) To establish the general policy of the department;



257 (b) To approve proposals for the location of new
258 facilities, for major renovation activities, and for the creation
259 of new programs and divisions within the department as well as for
260 the abolition of the same; provided, however, that the
261 commissioner shall approve the location of no new facility unless
262 the board of supervisors of the county or the governing
263 authorities of the municipality in which the new facility is to be
264 located shall have had the opportunity with at least sixty (60)
265 days' prior notice to disapprove the location of the proposed
266 facility. If either the board of supervisors or the governing
267 authorities shall disapprove the facility, it shall not be located
268 in that county or municipality. Said notice shall be made by
269 certified mail, return receipt requested, to the members of the
270 board or governing authorities and to the clerk thereof;

271 (c) Except as otherwise provided or required by law, to
272 open bids and approve the sale of any products or manufactured
273 goods by the department according to applicable provisions of law
274 regarding bidding and sale of state property, and according to
275 rules and regulations established by the State Fiscal Management
276 Board; * * *

277 (d) To adopt administrative rules and regulations
278 including, but not limited to, offender transfer procedures, award
279 of administrative earned time, personnel procedures, employment
280 practices.

281 * * *



282 **SECTION 7.** Section 47-5-28, Mississippi Code of 1972, is
283 amended as follows:

284 47-5-28. The commissioner shall have the following powers
285 and duties:

286 (a) To implement and administer laws and policy
287 relating to corrections and coordinate the efforts of the
288 department with those of the federal government and other state
289 departments and agencies, county governments, municipal
290 governments, and private agencies concerned with providing
291 offender services;

292 (b) To establish standards, in cooperation with other
293 state agencies having responsibility as provided by law, provide
294 technical assistance, and exercise the requisite supervision as it
295 relates to correctional programs over all state-supported adult
296 correctional facilities and community-based programs;

297 (c) To promulgate and publish such rules, regulations
298 and policies of the department as are needed for the efficient
299 government and maintenance of all facilities and programs in
300 accord insofar as possible with currently accepted standards of
301 adult offender care and treatment;

302 (d) To provide the Parole Board with suitable and
303 sufficient office space and support resources and staff necessary
304 to * * * conduct Parole Board business under the guidance of the
305 Chairman of the Parole Board;



306 (e) To contract for transitional reentry center beds
307 that will be used as noncorrections housing for offenders released
308 from the department on parole, probation or post-release
309 supervision but do not have appropriate housing available upon
310 release. At least one hundred (100) but no more than eight
311 hundred (800) transitional reentry center beds contracted by the
312 department and chosen by the Parole Board shall be available for
313 the Parole Board to place parolees without appropriate housing;

314 (f) To designate deputy commissioners while performing
315 their officially assigned duties relating to the custody, control,
316 transportation, recapture or arrest of any offender within the
317 jurisdiction of the department or any offender of any jail,
318 penitentiary, public workhouse or overnight lockup of the state or
319 any political subdivision thereof not within the jurisdiction of
320 the department, to the status of peace officers anywhere in the
321 state in any matter relating to the custody, control,
322 transportation or recapture of such offender, and shall have the
323 status of law enforcement officers and peace officers as
324 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

325 For the purpose of administration and enforcement of this
326 chapter, deputy commissioners of the Mississippi Department of
327 Corrections, who are certified by the Mississippi Board on Law
328 Enforcement Officer Standards and Training, have the powers of a
329 law enforcement officer of this state. Such powers shall include
330 to make arrests and to serve and execute search warrants and other



331 valid legal process anywhere within the State of Mississippi while
332 performing their officially assigned duties relating to the
333 custody, control, transportation, recapture or arrest of any
334 offender within the jurisdiction of the department or any offender
335 of any jail, penitentiary, public workhouse or overnight lockup of
336 the state or any political subdivision thereof not within the
337 jurisdiction of the department in any matter relating to the
338 custody, control, transportation or recapture of such
339 offender * * *;

340 (g) To make an annual report to the Governor and the
341 Legislature reflecting the activities of the department and make
342 recommendations for improvement of the services to be performed by
343 the department;

344 (h) To cooperate fully with periodic independent
345 internal investigations of the department and to file the report
346 with the Governor and the Legislature; and

347 * * *

348 (* * *i) To perform such other duties necessary to
349 effectively and efficiently carry out the purposes of the
350 department as may be directed by the Governor.

351 **SECTION 8.** Section 57-1-5, Mississippi Code of 1972, is
352 amended as follows:

353 57-1-5. (1) The Governor shall, with the advice and consent
354 of the Senate, appoint an executive director who:

355 (a) Shall have at least a bachelor's degree, and



356 (b) Shall be an experienced administrator and have at
357 least five (5) years' experience in at least one (1) of the
358 following areas:

359 (i) Industrial development, or

360 (ii) Economic development.

361 (2) The executive director shall be the executive officer of
362 the department in the execution of any and all provisions of this
363 chapter, and his salary shall be fixed by the Governor.

364 (3) The executive director shall have the following powers
365 and duties:

366 (a) To formulate the policy of the department regarding
367 the economic and tourist development of the state.

368 (b) To use and expend any funds from state, federal or
369 private sources coming into the department for the purposes herein
370 provided. State funds appropriated for the department shall be
371 expended in accordance with the regulations governing the
372 expenditures of other state funds.

373 (c) To implement the duties assigned to the department
374 and consistent with specific requirements of law, including, but
375 not limited to:

376 (i) Support services to include legal, finance,
377 data processing, personnel, communications and advertising,
378 purchasing and accounting;

379 (ii) Research and planning;



- 380 (iii) Outreach, agency liaison and community
381 development;
- 382 (iv) Tourism, business travel, and film;
- 383 (v) Programs and assistance for existing state
384 business and industry;
- 385 (vi) Recruiting new business and industry into the
386 state;
- 387 (vii) Fostering and promoting of entrepreneurship
388 and the creation of new business in the state;
- 389 (viii) Programs aimed at competing effectively in
390 the international economy by increasing exports of state products
391 and services and by promoting, developing and creating the
392 conditions and programs that will bring about significant
393 increases in investment in the state from other countries;
- 394 (ix) Programs relating to the development of
395 ports;
- 396 (x) Such other areas as are within the
397 jurisdiction and authority of the department and will foster and
398 promote the economic development of this state;
- 399 (xi) * * * The positions of associate directors,
400 deputy directors and bureau directors shall not be state service
401 positions.

402 **SECTION 9.** Section 65-1-2, Mississippi Code of 1972, is
403 amended as follows:



404 65-1-2. (1) There is hereby created the Mississippi
405 Department of Transportation, which shall include the following
406 offices:

- 407 (a) Office of Administrative Services.
- 408 (b) Office of Highways.
- 409 (c) Office of State Aid Road Construction.
- 410 (d) Office of Intermodal Planning.
- 411 (e) Office of Enforcement.

412 (2) Each office shall be composed of such bureaus as deemed
413 necessary by the executive director of the department.

414 (3) The department is designated as the single state agency
415 to receive and expend any funds made available by the United
416 States Department of Transportation or any agency of the federal
417 government for transportation purposes and to cooperate with
418 federal, state, interstate and local agencies, organizations and
419 persons performing activities relating to transportation. This
420 subsection shall not apply to motor carrier safety assistance
421 program funds made available by the federal government to the
422 Public Service Commission.

423 (4) The powers, duties and responsibilities of the State
424 Highway Department with respect to the construction and
425 maintenance of the state highway system are transferred to the
426 Mississippi Department of Transportation.



427 (5) The powers, duties and responsibilities of the * * *
428 Mississippi Development Authority with respect to aeronautics are
429 transferred to the Mississippi Department of Transportation.

430 (6) The powers, duties and responsibilities of the State Tax
431 Commission with respect to the weighing of motor vehicles along
432 the highways of this state at inspection stations and by means of
433 portable scales are transferred to the Mississippi Department of
434 Transportation.

435 (7) The powers, duties and responsibilities of the * * *
436 Mississippi Development Authority with respect to transportation
437 matters, except with respect to ports, are transferred to the
438 Mississippi Department of Transportation.

439 (8) The powers, duties and responsibilities of the State Aid
440 Engineer and the Office of State Aid Road Construction are
441 transferred to the Mississippi Department of Transportation.

442 (9) All powers, duties and responsibilities of the Public
443 Service Commission with regard to railroads, except rate-making
444 authority, are transferred to the Mississippi Department of
445 Transportation. The Mississippi Transportation Commission may
446 perform any act and issue any rule, regulation or order which the
447 commission is permitted to do by the Federal Railroad Safety Act
448 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
449 order passed by the Mississippi Transportation Commission shall be
450 furnished to members of the Transportation Committees of the
451 Mississippi House of Representatives and the Mississippi Senate.



452 Individuals, corporations or companies affected by the order, rule
453 or regulation shall be notified in accordance with the Mississippi
454 Administrative Procedures Law.

455 (10) All records, personnel, property and unexpended
456 balances of appropriations, allocation or other funds of all those
457 agencies, boards, commissions, departments, offices, bureaus and
458 divisions that are transferred by Chapter 496, Laws of 1992, shall
459 be transferred to the Mississippi Department of Transportation.
460 The transfer of segregated or special funds shall be made in such
461 a manner that the relation between program and revenue source as
462 provided by law shall be retained.

463 * * *

464 **SECTION 10.** Section 81-1-69, Mississippi Code of 1972, is
465 amended as follows:

466 81-1-69. The * * * salary of the commissioner * * * shall be
467 fixed by the * * * Governor in conjunction with the State
468 Compensation Plan, and shall be payable monthly out of the funds
469 of the department.

470 **SECTION 11.** Section 25-9-147, Mississippi Code of 1972, is
471 amended as follows:

472 25-9-147. The State Personnel Board shall review on an
473 annual basis the variable compensation plan adopted by the
474 Legislature at the regular session of 1981 and subsequently
475 implemented by the State Personnel Board. Each state department
476 or agency subject to the variable compensation plan shall prepare



477 an annual written report under the direction of the head of that
478 department or agency outlining the impact which the plan has had
479 on that department or agency during the preceding fiscal year.
480 Such department or agency report shall be submitted to the State
481 Personnel Board and shall become a part of the board's annual
482 review of the variable compensation plan. After conducting its
483 annual review of the plan and studying the report of each
484 department or agency, the State Personnel Board shall prepare a
485 written legislative report, to be submitted to the members of the
486 Mississippi Legislature prior to January 1 of each year. This
487 written report shall accurately reflect the effect of the variable
488 compensation plan on the various departments or agencies subject
489 to the plan. From and after July 1, 1985, the plan shall be named
490 the "Colonel Guy Groff State Variable Compensation Plan." From
491 and after July 1, 2022, the plan shall be named the "Colonel Guy
492 Groff/Neville Kenning Variable Compensation Plan."

493 **SECTION 12.** Section 25-3-34, Mississippi Code of 1972, which
494 provides for education benchmark awards for appointive state and
495 district officials, is hereby repealed.

496 **SECTION 13.** Section 25-9-115, Mississippi Code of 1972, is
497 brought forward as follows:

498 25-9-115. From and after November 1, 2017, and every four
499 (4) years thereafter, the State Personnel Board shall prepare a
500 written report to the Legislature that examines, evaluates and
501 recommends an adequate level of compensation for the justices of



502 the Supreme Court, the judges of the Court of Appeals, the judges
503 of the chancery and circuit courts, the judges of the county
504 courts, judicial staff attorneys, and law clerks. In preparing
505 the report, the board shall consider all appropriate factors
506 including, but not limited to, comparative judicial, judicial
507 staff attorney, and law clerk salaries in neighboring states and
508 in the Southeast as a whole; comparative judicial, judicial staff
509 attorney, and law clerk salaries in the federal judiciary;
510 salaries of comparable professionals in government, academia,
511 private law practice and the corporate sector; changes in public
512 sector spending; rates of inflation; and the overall economic
513 climate.

514 **SECTION 14.** Section 65-9-9, Mississippi Code of 1972, is
515 brought forward as follows:

516 65-9-9. The State Aid Engineer shall be appointed by the
517 Governor for a term of two (2) years, subject to removal pursuant
518 to Section 25-9-101 et seq. by the Governor at any time; provided,
519 however, upon the expiration of the term of the State Aid Engineer
520 serving on July 1, 1985, the State Aid Engineer shall be appointed
521 by the Governor for a term of four (4) years. The State Aid
522 Engineer shall be a registered engineer with at least eight (8)
523 years' experience as a county road or highway engineer and a
524 thorough knowledge of rural road problems. He shall be paid a
525 salary equal to that paid assistant chief engineers of the
526 Mississippi Department of Transportation as established by the



527 department's personnel and merit system, plus travel expenses
528 actually incurred by him in the discharge of his duties; and he
529 shall, each month, make a detailed report to the Governor of such
530 expenses. He shall be authorized to employ assistant state aid
531 engineers, together with such other engineers, employees, and
532 other assistants as may be necessary to carry out the terms of
533 this chapter, all of whom may be removed at any time by the State
534 Aid Engineer. The compensation of all such engineers, employees,
535 and assistants shall be comparable to the salaries of like
536 employees of the Mississippi Department of Transportation.

537 The State Aid Engineer, before entering upon the discharge of
538 his duties, shall give bond in the sum of Twenty-five Thousand
539 Dollars (\$25,000.00) in some surety company authorized to do
540 business in this state, which bond shall be conditioned for the
541 faithful performance of his duties; and likewise each assistant
542 state aid engineer shall give bond in the sum of Ten Thousand
543 Dollars (\$10,000.00) conditioned for the faithful performance of
544 his duties. The State Aid Engineer is hereby authorized to
545 require other assistants who are charged with responsible duties
546 to likewise give bond in amounts not to exceed Ten Thousand
547 Dollars (\$10,000.00) each, conditioned for the faithful
548 performance of their duties.

549 The salaries of the State Aid Engineer and his assistants and
550 of all other employees of the Office of State Aid Road
551 Construction, and all other expenses incurred by the Office of



552 State Aid Road Construction in carrying out the provisions of this
553 chapter, including the premiums of bonds of the State Aid
554 Engineer, assistant state aid engineers, and other assistants,
555 shall be paid from the State Aid Road Fund in the State Treasury
556 prior to allocation to the several counties, by requisition drawn
557 by the State Aid Engineer directed to the Department of Finance
558 and Administration, which will issue its warrant to the State
559 Treasurer in the sum and for the purpose stated in the
560 requisition. The State Aid Engineer shall, each month, make a
561 detailed report to the Governor of all expenditures so made.

562 **SECTION 15.** This act shall take effect and be in force from
563 and after July 1, 2022.

