

By: Representatives Read, Shanks, Stamps,  
Foster

To: Appropriations

HOUSE BILL NO. 1426  
(As Passed the House)

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15 NO LONGER IN EFFECT GRANTING AN EXEMPTION FROM STATE PERSONNEL  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; AND  
30 FOR RELATED PURPOSES.

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



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

34           25-3-31. (1) The annual salaries of the following elected  
35 state and district officers are fixed as follows:

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

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

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



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

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

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

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

77 25-3-39. (1) (a) Except as otherwise provided in this  
78 section, no public officer, public employee, administrator, or  
79 executive head of any arm or agency of the state, in the executive  
80 branch of government, shall be paid \* \* \* an annual salary \* \* \*  
81 greater than one hundred fifty percent (150%) of the salary fixed



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

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



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

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

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



131 may waive all or any portion of the salary or compensation  
132 lawfully established for the position.

133 **[Beginning January 1, 2024, this section shall read as**  
134 **follows:]**

135 25-3-39. \* \* \* (1) (a) Except as otherwise provided in  
136 this section, no public officer, public employee, administrator,  
137 or executive head of any arm or agency of the state, in the  
138 executive branch of government, shall be paid an annual salary  
139 greater than one hundred twenty-five percent (125%) of the salary  
140 fixed in Section 25-3-31 for the Governor, nor shall the salary of  
141 any public officer, public employee, administrator, or executive  
142 head of any arm or agency of the state, in the executive branch of  
143 government, be supplemented with any funds from any source,  
144 including federal or private funds. Such salaries shall be  
145 completely paid by the state. All academic officials, members of  
146 the teaching staffs and employees of the state institutions of  
147 higher learning, the Mississippi Community College Board, and  
148 community and junior colleges, and licensed physicians who are  
149 public employees, shall be exempt from this subsection. All  
150 professional employees who hold a bachelor's degree or more  
151 advanced degree from an accredited four-year college or university  
152 or a certificate or license issued by a state licensing board,  
153 commission or agency and who are employed by the Department of  
154 Mental Health shall be exempt from this subsection if the State  
155 Personnel Board approves the exemption. The Commissioner of Child



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

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

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



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

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

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

193 25-3-71. The State Personnel Board shall prepare a written  
194 legislative report to be submitted to the members of the  
195 Mississippi Legislature on December 1, 1988, and on December 1 of  
196 every year thereafter, making recommendations on any salary  
197 increases and the amounts deemed necessary for all state \* \* \*  
198 elected officials and state appointed officials whose salaries are  
199 established by statute.

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

202 25-9-133. (1) The board shall recommend policies and  
203 procedures for the efficient and economical use of employment  
204 positions. The board shall report to the State Fiscal Management  
205 Board and the Legislative Budget Office recommendations for the





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

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

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

223 37-3-13. \* \* \* The deputy superintendents, associate  
224 superintendents and directors shall be selected by and hold office  
225 subject to the will of the State Superintendent of Public  
226 Education subject to the approval of the State Board of Education.  
227 All other personnel shall be competitively appointed by the State  
228 Superintendent and shall be dismissed only for cause in accordance  
229 with the rules and regulations of the State Personnel Board. The  
230 State Board of Education shall set the salary of \* \* \* the members



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

249 \* \* \*

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

252 47-5-20. The commissioner shall have the following powers  
253 and duties:

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



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

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

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

279           \* \* \*



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

282           47-5-28. The commissioner shall have the following powers  
283 and duties:

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

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

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

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



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

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

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



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

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

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

345 \* \* \*

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

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

351 57-1-5. (1) The Governor shall, with the advice and consent  
352 of the Senate, appoint an executive director who:

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



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

357 (i) Industrial development, or

358 (ii) Economic development.

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

362 (3) The executive director shall have the following powers  
363 and duties:

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

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

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

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

377 (ii) Research and planning;



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

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





402           65-1-2. (1) There is hereby created the Mississippi  
403 Department of Transportation, which shall include the following  
404 offices:

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

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

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

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



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

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

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

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

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



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

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

461 \* \* \*

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

464 81-1-69. The \* \* \* salary of the commissioner \* \* \* shall be  
465 fixed by the \* \* \* Governor in conjunction with the State  
466 Compensation Plan, and shall be payable monthly out of the funds  
467 of the department.

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

470 25-9-147. The State Personnel Board shall review on an  
471 annual basis the variable compensation plan adopted by the  
472 Legislature at the regular session of 1981 and subsequently  
473 implemented by the State Personnel Board. Each state department  
474 or agency subject to the variable compensation plan shall prepare



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

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

494 **SECTION 13.** This act shall take effect and be in force from  
495 and after July 1, 2022, and shall stand repealed on June 30, 2022.

