

By: Representatives Read, Shanks, Stamps,
Foster

To: Appropriations

HOUSE BILL NO. 1426
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF THE ELECTED STATE AND DISTRICT OFFICERS
3 FROM AND AFTER JANUARY 1, 2024; TO AMEND SECTION 25-3-39,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE CEILING ESTABLISHED FOR
5 SALARIES OF PUBLIC OFFICERS AND EMPLOYEES; TO AMEND SECTION 5-1-
6 43, MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL SALARY OF THE
7 LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE; TO AMEND SECTION
8 25-3-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPORTING
9 REQUIREMENT ON SALARY INCREASES FOR COUNTY ELECTED OFFICIALS; TO
10 AMEND SECTION 25-9-133, MISSISSIPPI CODE OF 1972, TO REMOVE AN
11 INCORRECT STATUTORY REFERENCE; TO AMEND SECTION 37-3-13,
12 MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE STATE
13 BOARD OF EDUCATION TO SET THE SALARIES OF CERTAIN PERSONNEL; TO
14 AMEND SECTIONS 47-5-20 AND 47-5-28, MISSISSIPPI CODE OF 1972, TO
15 REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN
16 EXEMPTION FROM STATE PERSONNEL BOARD PROCEDURES FOR THE
17 COMMISSIONER OF CORRECTIONS; TO AMEND SECTION 57-1-5, MISSISSIPPI
18 CODE OF 1972, TO REMOVE THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF
19 THE MISSISSIPPI DEVELOPMENT AUTHORITY TO SET SALARIES OF CERTAIN
20 PERSONNEL; TO AMEND SECTION 65-1-2, MISSISSIPPI CODE OF 1972, TO
21 REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN
22 EXEMPTION FROM STATE PERSONNEL BOARD PROCEDURES FOR THE DEPARTMENT
23 OF TRANSPORTATION; TO AMEND SECTION 81-1-69, MISSISSIPPI CODE OF
24 1972, TO PROVIDE THAT THE SALARY OF THE COMMISSIONER OF BANKING
25 AND CONSUMER FINANCE SHALL BE FIXED BY THE GOVERNOR IN CONJUNCTION
26 WITH THE STATE COMPENSATION PLAN; TO AMEND SECTION 25-9-147,
27 MISSISSIPPI CODE OF 1972, TO DESIGNATE A NEW NAME FOR THE VARIABLE
28 COMPENSATION PLAN; TO REPEAL SECTION 25-3-34, MISSISSIPPI CODE OF
29 1972, WHICH PROVIDES FOR EDUCATION BENCHMARK AWARDS FOR APPOINTIVE
30 STATE AND DISTRICT OFFICIALS; AND 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 **[Beginning July 1, 2022, through December 31, 2023, this**
35 **section shall read 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 * * *

48 (2) To assist the elected state and district officers in
49 subsection (1) of this section in efficiently performing the
50 official duties imposed upon him or her by law, the officer may
51 employ suitable and competent persons who possess the professional
52 skill and expert knowledge needed to fulfill those duties. The
53 State Personnel Board, based upon its findings of fact, shall
54 exempt those persons from the provisions of Section 25-3-39 when
55 the acquisition of such professional services is precluded based



56 upon the prevailing wage in the relevant labor market. This
57 subsection (2) shall stand repealed on July 1, 2024.

58 **[From and after January 1, 2024, this section shall read as**
59 **follows:]**

60 25-3-31. (1) The annual salaries of the following elected
61 state and district officers are fixed as follows:

62	Governor.....	\$	*	*	*	<u>160,000.00</u>
63	Attorney General.....		*	*	*	<u>150,000.00</u>
64	Secretary of State.....		*	*	*	<u>120,000.00</u>
65	Commissioner of Insurance.....		*	*	*	<u>150,000.00</u>
66	State Treasurer.....		*	*	*	<u>120,000.00</u>
67	State Auditor of Public Accounts.....		*	*	*	<u>150,000.00</u>
68	Commissioner of Agriculture and Commerce....		*	*	*	<u>120,000.00</u>
69	Transportation Commissioners.....		*	*	*	<u>95,000.00</u>
70	Public Service Commissioners.....		*	*	*	<u>95,000.00</u>

71 * * *

72 (2) To assist the elected state and district officers in
73 subsection (1) of this section in efficiently performing the
74 official duties imposed upon him or her by law, the officer may
75 employ suitable and competent persons who possess the professional
76 skill and expert knowledge needed to fulfill those duties. The
77 State Personnel Board, based upon its findings of fact, shall
78 exempt those persons from the provisions of Section 25-3-39 when
79 the acquisition of such professional services is precluded based



80 upon the prevailing wage in the relevant labor market. This
81 subsection (2) shall stand repealed on July 1, 2024.

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

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

86 25-3-39. (1) (a) Except as otherwise provided in this
87 section, no public officer, public employee, administrator, or
88 executive head of any arm or agency of the state, in the executive
89 branch of government, shall be paid * * * an annual salary * * *
90 greater than one hundred fifty percent (150%) of the salary fixed
91 in Section 25-3-31 for the Governor, nor shall the salary of any
92 public officer, public employee, administrator, or executive head
93 of any arm or agency of the state, in the executive branch of
94 government, be supplemented with any funds from any source,
95 including federal or private funds. Such salaries shall be
96 completely paid by the state. The following shall be exempt from
97 this subsection:

98 (i) * * * Academic officials, members of the
99 teaching staffs and employees of the state institutions of higher
100 learning, the Mississippi Community College Board, and community
101 and junior colleges * * *;

102 (ii) Licensed physicians who are public
103 employees * * *;



104 (iii) Professional employees who hold a bachelor's
105 degree or more advanced degree from an accredited four-year
106 college or university or a certificate or license issued by a
107 state licensing board, commission or agency and who are employed
108 by the Department of Mental Health * * *, if the State Personnel
109 Board approves the exemption * * *;

110 (iv) The Commissioner of Child Protection
111 Services * * *; and

112 (v) The Executive Director of the Public
113 Employees' Retirement System and the Chief Investment Officer of
114 the Public Employees' Retirement System * * *.

115 (b) The Governor shall fix the annual salary of the
116 Executive Director of the Mississippi Development Authority, the
117 annual salary of the Commissioner of Child Protection Services,
118 and the annual salary of the Chief of Staff of the Governor's
119 Office. The salary of the Governor's Chief of Staff shall not be
120 greater than one hundred fifty percent (150%) of the salary of the
121 Governor and shall be completely paid by the state without
122 supplementation from another source. The salary of the Executive
123 Director of the Mississippi Development Authority may be greater
124 than one hundred fifty percent (150%) of the salary of the
125 Governor and may be supplemented with funds from any source,
126 including federal or private funds; however, any state funds used
127 to pay the salary of the Executive Director of the Mississippi
128 Development Authority shall not exceed one hundred fifty percent



129 (150%) of the salary of the Governor. If the executive director's
130 salary is supplemented with private funds, the Mississippi
131 Development Authority shall publish on its website the amount of
132 the supplement and the name of the donor of the private funds.

133 (2) No public officer, employee or administrator shall be
134 paid a salary or compensation, directly or indirectly, in excess
135 of the salary authorized to be paid the executive head of the
136 state agency or department in which he is employed. The State
137 Personnel Board, based upon its findings of fact, may exempt
138 physicians and actuaries from this subsection when the acquisition
139 of such professional services is precluded based on the prevailing
140 wage in the relevant labor market.

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

145 **[From and After January 1, 2024, this section shall read as**
146 **follows:]**

147 25-3-39. (1) (a) Except as otherwise provided in this
148 section, no public officer, public employee, administrator, or
149 executive head of any arm or agency of the state, in the executive
150 branch of government, shall be paid * * * an annual salary * * *
151 greater than * * * one hundred twenty-five percent (125%) of the
152 salary fixed in Section 25-3-31 for the Governor, nor shall the
153 salary of any public officer, public employee, administrator, or



154 executive head of any arm or agency of the state, in the executive
155 branch of government, be supplemented with any funds from any
156 source, including federal or private funds. Such salaries shall
157 be completely paid by the state. The following shall be exempt
158 from this subsection:

159 (i) * * * Academic officials, members of the
160 teaching staffs and employees of the state institutions of higher
161 learning, the Mississippi Community College Board, and community
162 and junior colleges * * *;

163 (ii) Licensed physicians who are public
164 employees * * *;

165 (iii) Professional employees who hold a bachelor's
166 degree or more advanced degree from an accredited four-year
167 college or university or a certificate or license issued by a
168 state licensing board, commission or agency and who are employed
169 by the Department of Mental Health * * *, if the State Personnel
170 Board approves the exemption * * *;

171 (iv) The Commissioner of Child Protection
172 Services * * *; and

173 (v) * * * The Executive Director of the Public
174 Employees' Retirement System and the Chief Investment Officer of
175 the Public Employees' Retirement System * * *.

176 (b) The Governor shall fix the annual salary of the
177 Executive Director of the Mississippi Development Authority, the
178 annual salary of the Commissioner of Child Protection Services,



179 and the annual salary of the Chief of Staff of the Governor's
180 office. The salary of the Governor's Chief of Staff shall not be
181 greater than * * * one hundred twenty-five percent (125%) of the
182 salary of the Governor and shall be completely paid by the state
183 without supplementation from another source. The salary of the
184 Executive Director of the Mississippi Development Authority may be
185 greater than * * * one hundred twenty-five percent (125%) of the
186 salary of the Governor and may be supplemented with funds from any
187 source, including federal or private funds; however, any state
188 funds used to pay the salary of the Executive Director of the
189 Mississippi Development Authority shall not exceed * * * one
190 hundred twenty-five percent (125%) of the salary of the Governor.
191 If the executive director's salary is supplemented with private
192 funds, the Mississippi Development Authority shall publish on its
193 website the amount of the supplement and the name of the donor of
194 the private funds.

195 (2) No public officer, employee or administrator shall be
196 paid a salary or compensation, directly or indirectly, in excess
197 of the salary authorized to be paid the executive head of the
198 state agency or department in which he is employed. The State
199 Personnel Board, based upon its findings of fact, may exempt
200 physicians and actuaries from this subsection when the acquisition
201 of such professional services is precluded based on the prevailing
202 wage in the relevant labor market.



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

207 **SECTION 3.** Section 5-1-43, Mississippi Code of 1972, is
208 amended as follows:

209 **[From and after July 1, 2022, through December 31, 2023, this**
210 **section shall read as follows:]**

211 5-1-43. (1) The salary of the Lieutenant Governor and of
212 the Speaker of the House of Representatives shall be Sixty
213 Thousand Dollars (\$60,000.00) annually, and they shall receive for
214 attending each extraordinary or called session the same
215 compensation and mileage as is provided for members of the
216 Legislature. However, in the event the Lieutenant Governor
217 serving on the effective date of Laws, 1997, Chapter 577, shall be
218 re-elected for the term beginning in the year 2000, he shall
219 continue to receive an annual salary of Forty Thousand Eight
220 Hundred Dollars (\$40,800.00).

221 (2) On the first day of each month, the Lieutenant Governor
222 and the Speaker of the House of Representatives shall receive in
223 twelve (12) equal monthly installments the compensation provided
224 for pursuant to subsection (1) of this section.

225 **[From and after January 1, 2024, this section shall read as**
226 **follows:]**



227 5-1-43. (1) The salary of the Lieutenant Governor and of
228 the Speaker of the House of Representatives shall be * * * Eighty-
229 five Thousand Dollars (\$85,000.00) annually, and they shall
230 receive for attending each extraordinary or called session the
231 same compensation and mileage as is provided for members of the
232 Legislature. * * *

233 (2) On the first day of each month, the Lieutenant Governor
234 and the Speaker of the House of Representatives shall receive in
235 twelve (12) equal monthly installments the compensation provided
236 for pursuant to subsection (1) of this section.

237 **SECTION 4.** Section 25-3-71, Mississippi Code of 1972, is
238 amended as follows:

239 25-3-71. The State Personnel Board shall prepare a written
240 legislative report to be submitted to the members of the
241 Mississippi Legislature on December 1, 1988, and on December 1 of
242 every year thereafter, making recommendations on any salary
243 increases and the amounts deemed necessary for all state * * *
244 elected officials and state appointed officials whose salaries are
245 established by statute.

246 **SECTION 5.** Section 25-9-133, Mississippi Code of 1972, is
247 amended as follows:

248 25-9-133. (1) The board shall recommend policies and
249 procedures for the efficient and economical use of employment
250 positions. The board shall report to the State Fiscal Management
251 Board and the Legislative Budget Office recommendations for the



252 number of employment positions and costs within each department,
253 agency or institution. Such recommendation shall include the job
254 title and salary of each position. The board shall conduct
255 periodic position audits within each department, agency or
256 institution to ensure the effective and efficient use of all
257 personnel resources and to determine compliance with organization
258 and staffing plans by agencies * * *.

259 (2) No person shall be employed by any agency for any period
260 for any purpose except in an employment position authorized by
261 legislative appropriation or by the body authorized by law to
262 escalate budgets and approve employment positions under the
263 guidelines established by the Legislature. Each employment
264 position so authorized shall be classified and assigned a pay
265 range on the basis of actual job content, according to the State
266 Classification Plan.

267 **SECTION 6.** Section 37-3-13, Mississippi Code of 1972, is
268 amended as follows:

269 37-3-13. * * * The deputy superintendents, associate
270 superintendents and directors shall be selected by and hold office
271 subject to the will of the State Superintendent of Public
272 Education subject to the approval of the State Board of Education.
273 All other personnel shall be competitively appointed by the State
274 Superintendent and shall be dismissed only for cause in accordance
275 with the rules and regulations of the State Personnel Board. The
276 State Board of Education shall set the salary of * * * the members



277 of the teaching staffs and employees of the Mississippi School of
278 the Arts, the Mississippi School for the Blind, the Mississippi
279 School for the Deaf, and the Mississippi School for Math and
280 Sciences. The State Superintendent, subject to the approval of
281 the State Personnel Board, shall fix the amount of compensation of
282 all other employees of the State Department of Education. All
283 salaries, compensation or expenses of any of the personnel of the
284 department shall be paid upon the requisition of the State
285 Superintendent of Public Education and warrant issued thereunder
286 by the State Auditor out of funds appropriated by the Legislature
287 in a lump sum upon the basis of budgetary requirements submitted
288 by the Superintendent of Education or out of funds otherwise made
289 available. The entire expense of administering the department
290 shall never exceed the amount appropriated therefor, plus funds
291 received from other sources other than state appropriations. For
292 a violation of this provision, the superintendent shall be liable,
293 and he and the sureties on his bond shall be required to restore
294 any such excess.

295 * * *

296 **SECTION 7.** Section 47-5-20, Mississippi Code of 1972, is
297 amended as follows:

298 47-5-20. The commissioner shall have the following powers
299 and duties:

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



301 (b) To approve proposals for the location of new
302 facilities, for major renovation activities, and for the creation
303 of new programs and divisions within the department as well as for
304 the abolition of the same; provided, however, that the
305 commissioner shall approve the location of no new facility unless
306 the board of supervisors of the county or the governing
307 authorities of the municipality in which the new facility is to be
308 located shall have had the opportunity with at least sixty (60)
309 days' prior notice to disapprove the location of the proposed
310 facility. If either the board of supervisors or the governing
311 authorities shall disapprove the facility, it shall not be located
312 in that county or municipality. Said notice shall be made by
313 certified mail, return receipt requested, to the members of the
314 board or governing authorities and to the clerk thereof;

315 (c) Except as otherwise provided or required by law, to
316 open bids and approve the sale of any products or manufactured
317 goods by the department according to applicable provisions of law
318 regarding bidding and sale of state property, and according to
319 rules and regulations established by the State Fiscal Management
320 Board; * * *

321 (d) To adopt administrative rules and regulations
322 including, but not limited to, offender transfer procedures, award
323 of administrative earned time, personnel procedures, employment
324 practices.

325 * * *



326 **SECTION 8.** Section 47-5-28, Mississippi Code of 1972, as
327 amended by House Bill No. 936, 2022 Regular Session, is amended as
328 follows:

329 47-5-28. The commissioner shall have the following powers
330 and duties:

331 (a) To implement and administer laws and policy
332 relating to corrections and coordinate the efforts of the
333 department with those of the federal government and other state
334 departments and agencies, county governments, municipal
335 governments, and private agencies concerned with providing
336 offender services;

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

342 (c) To promulgate and publish such rules, regulations
343 and policies of the department as are needed for the efficient
344 government and maintenance of all facilities and programs in
345 accord insofar as possible with currently accepted standards of
346 adult offender care and treatment;

347 (d) To provide the Parole Board with suitable and
348 sufficient office space and support resources and staff necessary
349 to * * * conduct Parole Board business under the guidance of the
350 Chairman of the Parole Board;



351 (e) To contract for transitional reentry center beds
352 that will be used as noncorrections housing for offenders released
353 from the department on parole, probation or post-release
354 supervision but do not have appropriate housing available upon
355 release. At least one hundred (100) but no more than eight
356 hundred (800) transitional reentry center beds contracted by the
357 department and chosen by the Parole Board shall be available for
358 the Parole Board to place parolees without appropriate housing;

359 (f) To designate deputy commissioners while performing
360 their officially assigned duties relating to the custody, control,
361 transportation, recapture or arrest of any offender within the
362 jurisdiction of the department or any offender of any jail,
363 penitentiary, public workhouse or overnight lockup of the state or
364 any political subdivision thereof not within the jurisdiction of
365 the department, to the status of peace officers anywhere in the
366 state in any matter relating to the custody, control,
367 transportation or recapture of such offender, and shall have the
368 status of law enforcement officers and peace officers as
369 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

370 For the purpose of administration and enforcement of this
371 chapter, deputy commissioners of the Mississippi Department of
372 Corrections, who are certified by the Mississippi Board on Law
373 Enforcement Officer Standards and Training, have the powers of a
374 law enforcement officer of this state. Such powers shall include
375 to make arrests and to serve and execute search warrants and other



376 valid legal process anywhere within the State of Mississippi while
377 performing their officially assigned duties relating to the
378 custody, control, transportation, recapture or arrest of any
379 offender within the jurisdiction of the department or any offender
380 of any jail, penitentiary, public workhouse or overnight lockup of
381 the state or any political subdivision thereof not within the
382 jurisdiction of the department in any matter relating to the
383 custody, control, transportation or recapture of such
384 offender * * *;

385 (g) To make an annual report to the Governor and the
386 Legislature reflecting the activities of the department and make
387 recommendations for improvement of the services to be performed by
388 the department;

389 (h) To cooperate fully with periodic independent
390 internal investigations of the department and to file the report
391 with the Governor and the Legislature;

392 * * *

393 (* * * i) To contract with licensed special care
394 facilities for paroled inmates to provide authorized medical
395 services and support services for medically frail inmates who have
396 been paroled and who have voluntarily submitted to the Department of
397 Corrections an address to one of the licensed care facilities to
398 receive such services; and



399 (j) To perform such other duties necessary to
400 effectively and efficiently carry out the purposes of the
401 department as may be directed by the Governor.

402 **SECTION 9.** Section 57-1-5, Mississippi Code of 1972, is
403 amended as follows:

404 57-1-5. (1) The Governor shall, with the advice and consent
405 of the Senate, appoint an executive director who:

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

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

410 (i) Industrial development, or

411 (ii) Economic development.

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

415 (3) The executive director shall have the following powers
416 and duties:

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

419 (b) To use and expend any funds from state, federal or
420 private sources coming into the department for the purposes herein
421 provided. State funds appropriated for the department shall be
422 expended in accordance with the regulations governing the
423 expenditures of other state funds.



424 (c) To implement the duties assigned to the department
425 and consistent with specific requirements of law, including, but
426 not limited to:

427 (i) Support services to include legal, finance,
428 data processing, personnel, communications and advertising,
429 purchasing and accounting;

430 (ii) Research and planning;

431 (iii) Outreach, agency liaison and community
432 development;

433 (iv) Tourism, business travel, and film;

434 (v) Programs and assistance for existing state
435 business and industry;

436 (vi) Recruiting new business and industry into the
437 state;

438 (vii) Fostering and promoting of entrepreneurship
439 and the creation of new business in the state;

440 (viii) Programs aimed at competing effectively in
441 the international economy by increasing exports of state products
442 and services and by promoting, developing and creating the
443 conditions and programs that will bring about significant
444 increases in investment in the state from other countries;

445 (ix) Programs relating to the development of
446 ports;



447 (x) Such other areas as are within the
448 jurisdiction and authority of the department and will foster and
449 promote the economic development of this state;

450 (xi) * * * The positions of associate directors,
451 deputy directors and bureau directors shall not be state service
452 positions.

453 **SECTION 10.** Section 65-1-2, Mississippi Code of 1972, is
454 amended as follows:

455 65-1-2. (1) There is hereby created the Mississippi
456 Department of Transportation, which shall include the following
457 offices:

- 458 (a) Office of Administrative Services.
- 459 (b) Office of Highways.
- 460 (c) Office of State Aid Road Construction.
- 461 (d) Office of Intermodal Planning.
- 462 (e) Office of Enforcement.

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

465 (3) The department is designated as the single state agency
466 to receive and expend any funds made available by the United
467 States Department of Transportation or any agency of the federal
468 government for transportation purposes and to cooperate with
469 federal, state, interstate and local agencies, organizations and
470 persons performing activities relating to transportation. This
471 subsection shall not apply to motor carrier safety assistance



472 program funds made available by the federal government to the
473 Public Service Commission.

474 (4) The powers, duties and responsibilities of the State
475 Highway Department with respect to the construction and
476 maintenance of the state highway system are transferred to the
477 Mississippi Department of Transportation.

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

481 (6) The powers, duties and responsibilities of the State Tax
482 Commission with respect to the weighing of motor vehicles along
483 the highways of this state at inspection stations and by means of
484 portable scales are transferred to the Mississippi Department of
485 Transportation.

486 (7) The powers, duties and responsibilities of the * * *
487 Mississippi Development Authority with respect to transportation
488 matters, except with respect to ports, are transferred to the
489 Mississippi Department of Transportation.

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

493 (9) All powers, duties and responsibilities of the Public
494 Service Commission with regard to railroads, except rate-making
495 authority, are transferred to the Mississippi Department of
496 Transportation. The Mississippi Transportation Commission may



497 perform any act and issue any rule, regulation or order which the
498 commission is permitted to do by the Federal Railroad Safety Act
499 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
500 order passed by the Mississippi Transportation Commission shall be
501 furnished to members of the Transportation Committees of the
502 Mississippi House of Representatives and the Mississippi Senate.
503 Individuals, corporations or companies affected by the order, rule
504 or regulation shall be notified in accordance with the Mississippi
505 Administrative Procedures Law.

506 (10) All records, personnel, property and unexpended
507 balances of appropriations, allocation or other funds of all those
508 agencies, boards, commissions, departments, offices, bureaus and
509 divisions that are transferred by Chapter 496, Laws of 1992, shall
510 be transferred to the Mississippi Department of Transportation.
511 The transfer of segregated or special funds shall be made in such
512 a manner that the relation between program and revenue source as
513 provided by law shall be retained.

514 * * *

515 **SECTION 11.** Section 81-1-69, Mississippi Code of 1972, is
516 amended as follows:

517 81-1-69. The * * * salary of the commissioner * * * shall be
518 fixed by the * * * Governor in conjunction with the State
519 Compensation Plan, and shall be payable monthly out of the funds
520 of the department.



521 **SECTION 12.** Section 25-9-147, Mississippi Code of 1972, is
522 amended as follows:

523 25-9-147. The State Personnel Board shall review on an
524 annual basis the variable compensation plan adopted by the
525 Legislature at the regular session of 1981 and subsequently
526 implemented by the State Personnel Board. Each state department
527 or agency subject to the variable compensation plan shall prepare
528 an annual written report under the direction of the head of that
529 department or agency outlining the impact which the plan has had
530 on that department or agency during the preceding fiscal year.
531 Such department or agency report shall be submitted to the State
532 Personnel Board and shall become a part of the board's annual
533 review of the variable compensation plan. After conducting its
534 annual review of the plan and studying the report of each
535 department or agency, the State Personnel Board shall prepare a
536 written legislative report, to be submitted to the members of the
537 Mississippi Legislature prior to January 1 of each year. This
538 written report shall accurately reflect the effect of the variable
539 compensation plan on the various departments or agencies subject
540 to the plan. From and after July 1, 1985, the plan shall be named
541 the "Colonel Guy Groff State Variable Compensation Plan." From
542 and after July 1, 2022, the plan shall be named the "Colonel Guy
543 Groff/Neville Kenning Variable Compensation Plan."



544 **SECTION 13.** Section 25-3-34, Mississippi Code of 1972, which
545 provides for education benchmark awards for appointive state and
546 district officials, is repealed.

547 **SECTION 14.** This act shall take effect and be in force from
548 and after July 1, 2022.

