MISSISSIPPI LEGISLATURE

By: Representatives Read, Shanks, Stamps, Foster

REGULAR SESSION 2022

To: Appropriations

HOUSE BILL NO. 1426
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF THE ELECTED STATE AND DISTRICT OFFICERS FROM AND AFTER JANUARY 1, 2024; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO REVISE THE CEILING ESTABLISHED FOR SALARIES OF PUBLIC OFFICERS AND EMPLOYEES; TO AMEND SECTION 5-1-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE; TO AMEND SECTION 25-3-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPORTING REQUIREMENT ON SALARY INCREASES FOR COUNTY ELECTED OFFICIALS; TO AMEND SECTION 25-9-133, MISSISSIPPI CODE OF 1972, TO REMOVE AN INCORRECT STATUTORY REFERENCE; TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO SET THE SALARIES OF CERTAIN PERSONNEL; TO AMEND SECTIONS 47-5-20 AND 47-5-28, MISSISSIPPI CODE OF 1972, TO REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN EXEMPTION FROM STATE PERSONNEL BOARD PROCEDURES FOR THE COMMISSIONER OF CORRECTIONS; TO AMEND SECTION 57-1-5, MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEVELOPMENT AUTHORITY TO SET SALARIES OF CERTAIN PERSONNEL; TO AMEND SECTION 65-1-2, MISSISSIPPI CODE OF 1972, TO REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN EXEMPTION FROM STATE PERSONNEL BOARD PROCEDURES FOR THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 81-1-69, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SALARY OF THE COMMISSIONER OF BANKING AND CONSUMER FINANCE SHALL BE FIXED BY THE GOVERNOR IN CONJUNCTION WITH THE STATE COMPENSATION PLAN; TO AMEND SECTION 25-9-147, MISSISSIPPI CODE OF 1972, TO DESIGNATE A NEW NAME FOR THE VARIABLE COMPENSATION PLAN; TO REPEAL SECTION 25-3-34, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR EDUCATION BENCHMARK AWARDS FOR APPOINTE STATE AND DISTRICT OFFICIALS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPP
SECTION 1. Section 25-3-31, Mississippi Code of 1972, is amended as follows:

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

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

- Governor.........................................................$122,160.00
- Attorney General.................................................108,960.00
- Secretary of State.................................................90,000.00
- Commissioner of Insurance.................................90,000.00
- State Treasurer...................................................90,000.00
- State Auditor of Public Accounts.........................90,000.00
- Commissioner of Agriculture and Commerce............90,000.00
- Transportation Commissioners..........................78,000.00
- Public Service Commissioners.........................78,000.00

* * *

(2) To assist the elected state and district officers in subsection (1) of this section in efficiently performing the official duties imposed upon him or her by law, the officer may employ suitable and competent persons who possess the professional skill and expert knowledge needed to fulfill those duties. The State Personnel Board, based upon its findings of fact, shall exempt those persons from the provisions of Section 25-3-39 when the acquisition of such professional services is precluded based
upon the prevailing wage in the relevant labor market. This
subsection (2) shall stand repealed on July 1, 2024.

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

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

Governor.............................................$ * * * 160,000.00
Attorney General............................... * * * 150,000.00
Secretary of State............................... * * * 120,000.00
Commissioner of Insurance................... * * * 150,000.00
State Treasurer.................................... * * * 120,000.00
State Auditor of Public Accounts........... * * * 150,000.00
Commissioner of Agriculture and Commerce...* * * 120,000.00
Transportation Commissioners.............. * * * 95,000.00
Public Service Commissioners.............. * * * 95,000.00

* * *

(2) To assist the elected state and district officers in
subsection (1) of this section in efficiently performing the
official duties imposed upon him or her by law, the officer may
employ suitable and competent persons who possess the professional
skill and expert knowledge needed to fulfill those duties. The
State Personnel Board, based upon its findings of fact, shall
exempt those persons from the provisions of Section 25-3-39 when
the acquisition of such professional services is precluded based
upon the prevailing wage in the relevant labor market. This
subsection (2) shall stand repealed on July 1, 2024.

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

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

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

(i) ** Academic officials, members of the
teaching staffs and employees of the state institutions of higher
learning, the Mississippi Community College Board, and community
and junior colleges **;
(ii) Licensed physicians who are public
employees **;
(iii) Professional employees who hold a bachelor's degree or more advanced degree from an accredited four-year college or university or a certificate or license issued by a state licensing board, commission or agency and who are employed by the Department of Mental Health if the State Personnel Board approves the exemption;

(iv) The Commissioner of Child Protection Services;

and

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

(b) The Governor shall fix the annual salary of the Executive Director of the Mississippi Development Authority, the annual salary of the Commissioner of Child Protection Services, and the annual salary of the Chief of Staff of the Governor's Office. The salary of the Governor's Chief of Staff shall not be greater than one hundred fifty percent (150%) of the salary of the Governor and shall be completely paid by the state without supplementation from another source. The salary of the Executive Director of the Mississippi Development Authority may be greater than one hundred fifty percent (150%) of the salary of the Governor and may be supplemented with funds from any source, including federal or private funds; however, any state funds used to pay the salary of the Executive Director of the Mississippi Development Authority shall not exceed one hundred fifty percent
of the salary of the Governor. If the executive director's
salary is supplemented with private funds, the Mississippi
Development Authority shall publish on its website the amount of
the supplement and the name of the donor of the private funds.
(2) No public officer, employee or administrator shall be
paid a salary or compensation, directly or indirectly, in excess
of the salary authorized to be paid the executive head of the
state agency or department in which he is employed. The State
Personnel Board, based upon its findings of fact, may exempt
physicians and actuaries from this subsection when the acquisition
of such professional services is precluded based on the prevailing
wage in the relevant labor market.
(3) The executive head of any state agency or department
appointed by the Governor, in such executive head's discretion,
may waive all or any portion of the salary or compensation
lawfully established for the position.

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

25-3-39. (1) (a) Except as otherwise provided in this
section, no public officer, public employee, administrator, or
executive head of any arm or agency of the state, in the executive
branch of government, shall be paid * * * an annual salary * * *
greater than * * * one hundred twenty-five percent (125%) of the
salary fixed in Section 25-3-31 for the Governor, nor shall the
salary of any public officer, public employee, administrator, or
executive head of any arm or agency of the state, in the executive
branch of government, be supplemented with any funds from any
source, including federal or private funds. Such salaries shall
be completely paid by the state. The following shall be exempt
from this subsection:

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

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

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

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

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

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

(2) No public officer, employee or administrator shall be paid a salary or compensation, directly or indirectly, in excess of the salary authorized to be paid the executive head of the state agency or department in which he is employed. The State Personnel Board, based upon its findings of fact, may exempt physicians and actuaries from this subsection when the acquisition of such professional services is precluded based on the prevailing wage in the relevant labor market.
The executive head of any state agency or department appointed by the Governor, in such executive head's discretion, may waive all or any portion of the salary or compensation lawfully established for the position.

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

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

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

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

[From and after January 1, 2024, this section shall read as follows:]
(1) The salary of the Lieutenant Governor and of the Speaker of the House of Representatives shall be Eighty-five Thousand Dollars ($85,000.00) annually, and they shall receive for attending each extraordinary or called session the same compensation and mileage as is provided for members of the Legislature.

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

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

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

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

25-9-133. (1) The board shall recommend policies and procedures for the efficient and economical use of employment positions. The board shall report to the State Fiscal Management Board and the Legislative Budget Office recommendations for the
number of employment positions and costs within each department, agency or institution. Such recommendation shall include the job title and salary of each position. The board shall conduct periodic position audits within each department, agency or institution to ensure the effective and efficient use of all personnel resources and to determine compliance with organization and staffing plans by agencies * * *.

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

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

37-3-13. * * * The deputy superintendents, associate superintendents and directors shall be selected by and hold office subject to the will of the State Superintendent of Public Education subject to the approval of the State Board of Education. All other personnel shall be competitively appointed by the State Superintendent and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The State Board of Education shall set the salary of * * * the members
of the teaching staffs and employees of the Mississippi School of
the Arts, the Mississippi School for the Blind, the Mississippi
School for the Deaf, and the Mississippi School for Math and
Sciences. The State Superintendent, subject to the approval of
the State Personnel Board, shall fix the amount of compensation of
all other employees of the State Department of Education. All
salaries, compensation or expenses of any of the personnel of the
department shall be paid upon the requisition of the State
Superintendent of Public Education and warrant issued thereunder
by the State Auditor out of funds appropriated by the Legislature
in a lump sum upon the basis of budgetary requirements submitted
by the Superintendent of Education or out of funds otherwise made
available. The entire expense of administering the department
shall never exceed the amount appropriated therefor, plus funds
received from other sources other than state appropriations. For
a violation of this provision, the superintendent shall be liable,
and he and the sureties on his bond shall be required to restore
any such excess.

* * *

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

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

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

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

(d) To adopt administrative rules and regulations including, but not limited to, offender transfer procedures, award of administrative earned time, personnel procedures, employment practices. * * *
SECTION 8. Section 47-5-28, Mississippi Code of 1972, as amended by House Bill No. 936, 2022 Regular Session, is amended as follows:

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

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

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

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

(d) To provide the Parole Board with suitable and sufficient office space and support resources and staff necessary to conduct Parole Board business under the guidance of the Chairman of the Parole Board;
(e) To contract for transitional reentry center beds that will be used as noncorrections housing for offenders released from the department on parole, probation or post-release supervision but do not have appropriate housing available upon release. At least one hundred (100) but no more than eight hundred (800) transitional reentry center beds contracted by the department and chosen by the Parole Board shall be available for the Parole Board to place parolees without appropriate housing;

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

For the purpose of administration and enforcement of this chapter, deputy commissioners of the Mississippi Department of Corrections, who are certified by the Mississippi Board on Law Enforcement Officer Standards and Training, have the powers of a law enforcement officer of this state. Such powers shall include to make arrests and to serve and execute search warrants and other
valid legal process anywhere within the State of Mississippi while
performing their officially assigned duties relating to the
custody, control, transportation, recapture or arrest of any
offender within the jurisdiction of the department or any offender
of any jail, penitentiary, public workhouse or overnight lockup of
the state or any political subdivision thereof not within the
jurisdiction of the department in any matter relating to the
custody, control, transportation or recapture of such
offender * * *

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

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

* * *

(i) To contract with licensed special care
facilities for paroled inmates to provide authorized medical
services and support services for medically frail inmates who have
been paroled and who have voluntary submitted to the Department of
Corrections an address to one of the licensed care facilities to
receive such services; and
(j) To perform such other duties necessary to effectively and efficiently carry out the purposes of the department as may be directed by the Governor.

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

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

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

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

(i) Industrial development, or

(ii) Economic development.

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

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

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

(b) To use and expend any funds from state, federal or private sources coming into the department for the purposes herein provided. State funds appropriated for the department shall be expended in accordance with the regulations governing the expenditures of other state funds.
(c) To implement the duties assigned to the department and consistent with specific requirements of law, including, but not limited to:

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

(ii) Research and planning;

(iii) Outreach, agency liaison and community development;

(iv) Tourism, business travel, and film;

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

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

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

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

(ix) Programs relating to the development of ports;
(x) Such other areas as are within the
jurisdiction and authority of the department and will foster and
promote the economic development of this state;

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

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

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

(a) Office of Administrative Services.
(b) Office of Highways.
(c) Office of State Aid Road Construction.
(d) Office of Intermodal Planning.
(e) Office of Enforcement.

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

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

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

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

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

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

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

(9) All powers, duties and responsibilities of the Public
Service Commission with regard to railroads, except rate-making
authority, are transferred to the Mississippi Department of
Transportation. The Mississippi Transportation Commission may
perform any act and issue any rule, regulation or order which the
commission is permitted to do by the Federal Railroad Safety Act
of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
order passed by the Mississippi Transportation Commission shall be
furnished to members of the Transportation Committees of the
Mississippi House of Representatives and the Mississippi Senate.
Individuals, corporations or companies affected by the order, rule
or regulation shall be notified in accordance with the Mississippi
Administrative Procedures Law.

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

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

81-1-69. The ** salary of the commissioner ** shall be
fixed by the ** Governor in conjunction with the State
Compensation Plan, and shall be payable monthly out of the funds
of the department.
SECTION 12. Section 25-9-147, Mississippi Code of 1972, is amended as follows:

25-9-147. The State Personnel Board shall review on an annual basis the variable compensation plan adopted by the Legislature at the regular session of 1981 and subsequently implemented by the State Personnel Board. Each state department or agency subject to the variable compensation plan shall prepare an annual written report under the direction of the head of that department or agency outlining the impact which the plan has had on that department or agency during the preceding fiscal year. Such department or agency report shall be submitted to the State Personnel Board and shall become a part of the board's annual review of the variable compensation plan. After conducting its annual review of the plan and studying the report of each department or agency, the State Personnel Board shall prepare a written legislative report, to be submitted to the members of the Mississippi Legislature prior to January 1 of each year. This written report shall accurately reflect the effect of the variable compensation plan on the various departments or agencies subject to the plan. From and after July 1, 1985, the plan shall be named the "Colonel Guy Groff State Variable Compensation Plan." From and after July 1, 2022, the plan shall be named the "Colonel Guy Groff/Neville Kenning Variable Compensation Plan."
SECTION 13. Section 25-3-34, Mississippi Code of 1972, which provides for education benchmark awards for appointive state and district officials, is repealed.

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