

Senate Amendments to House Bill No. 1426

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

21 **SECTION 1.** Section 25-3-31, Mississippi Code of 1972, is
22 brought forward as follows:

23 25-3-31. The annual salaries of the following elected state
24 and district officers are fixed as follows:

25	Governor.....	\$122,160.00
26	Attorney General.....	108,960.00
27	Secretary of State.....	90,000.00
28	Commissioner of Insurance.....	90,000.00
29	State Treasurer.....	90,000.00
30	State Auditor of Public Accounts.....	90,000.00
31	Commissioner of Agriculture and Commerce.....	90,000.00
32	Transportation Commissioners.....	78,000.00
33	Public Service Commissioners.....	78,000.00

34 If the person serving as Governor on December 31, 2003, is
35 reelected to the Office of Governor for the term beginning in the
36 year 2004, he may choose not to receive the salary increase
37 authorized by this section, but to receive, instead, an annual

38 salary of One Hundred One Thousand Eight Hundred Dollars
39 (\$101,800.00) during his new term of office by filing a written
40 request with the Department of Finance and Administration.

41 **SECTION 2.** Section 25-3-39, Mississippi Code of 1972, is
42 brought forward as follows:

43 25-3-39. (1) (a) Except as otherwise provided in this
44 section, no public officer, public employee, administrator, or
45 executive head of any arm or agency of the state, in the executive
46 branch of government, shall be paid a salary or compensation,
47 directly or indirectly, greater than one hundred fifty percent
48 (150%) of the salary fixed in Section 25-3-31 for the Governor,
49 nor shall the salary of any public officer, public employee,
50 administrator, or executive head of any arm or agency of the
51 state, in the executive branch of government, be supplemented with
52 any funds from any source, including federal or private funds.
53 Such salaries shall be completely paid by the state. All academic
54 officials, members of the teaching staffs and employees of the
55 state institutions of higher learning, the Mississippi Community
56 College Board, and community and junior colleges, and licensed
57 physicians who are public employees, shall be exempt from this
58 subsection. All professional employees who hold a bachelor's
59 degree or more advanced degree from an accredited four-year
60 college or university or a certificate or license issued by a
61 state licensing board, commission or agency and who are employed
62 by the Department of Mental Health shall be exempt from this
63 subsection if the State Personnel Board approves the exemption.

64 The Commissioner of Child Protection Services is exempt from this
65 subsection. From and after July 1, 2018, the Executive Director
66 of the Public Employees' Retirement System and the Chief
67 Investment Officer of the Public Employees' Retirement System
68 shall be exempt from this subsection.

69 (b) The Governor shall fix the annual salary of the
70 Executive Director of the Mississippi Development Authority, the
71 annual salary of the Commissioner of Child Protection Services,
72 and the annual salary of the Chief of Staff of the Governor's
73 Office. The salary of the Governor's Chief of Staff shall not be
74 greater than one hundred fifty percent (150%) of the salary of the
75 Governor and shall be completely paid by the state without
76 supplementation from another source. The salary of the Executive
77 Director of the Mississippi Development Authority may be greater
78 than one hundred fifty percent (150%) of the salary of the
79 Governor and may be supplemented with funds from any source,
80 including federal or private funds; however, any state funds used
81 to pay the salary of the Executive Director of the Mississippi
82 Development Authority shall not exceed one hundred fifty percent
83 (150%) of the salary of the Governor. If the executive director's
84 salary is supplemented with private funds, the Mississippi
85 Development Authority shall publish on its website the amount of
86 the supplement and the name of the donor of the private funds.

87 (2) No public officer, employee or administrator shall be
88 paid a salary or compensation, directly or indirectly, in excess
89 of the salary authorized to be paid the executive head of the

90 state agency or department in which he is employed. The State
91 Personnel Board, based upon its findings of fact, may exempt
92 physicians and actuaries from this subsection when the acquisition
93 of such professional services is precluded based on the prevailing
94 wage in the relevant labor market.

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

99 **SECTION 3.** Section 25-3-71, Mississippi Code of 1972, is
100 brought forward as follows:

101 25-3-71. The State Personnel Board shall prepare a written
102 legislative report to be submitted to the members of the
103 Mississippi Legislature on December 1, 1988, and on December 1 of
104 every year thereafter, making recommendations on any salary
105 increases and the amounts deemed necessary for all state and
106 county elected officials and state appointed officials whose
107 salaries are established by statute.

108 **SECTION 4.** Section 25-9-133, Mississippi Code of 1972, is
109 brought forward as follows:

110 25-9-133. (1) The board shall recommend policies and
111 procedures for the efficient and economical use of employment
112 positions. The board shall report to the State Fiscal Management
113 Board and the Legislative Budget Office recommendations for the
114 number of employment positions and costs within each department,
115 agency or institution. Such recommendation shall include the job

116 title and salary of each position. The board shall conduct
117 periodic position audits within each department, agency or
118 institution to ensure the effective and efficient use of all
119 personnel resources and to determine compliance with organization
120 and staffing plans by agencies as presented by Section
121 25-9-115(n).

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

130 **SECTION 5.** Section 37-3-13, Mississippi Code of 1972, is
131 brought forward as follows:

132 37-3-13. (1) The deputy superintendents, associate
133 superintendents and directors shall be selected by and hold office
134 subject to the will of the State Superintendent of Public
135 Education subject to the approval of the State Board of Education.
136 All other personnel shall be competitively appointed by the State
137 Superintendent and shall be dismissed only for cause in accordance
138 with the rules and regulations of the State Personnel Board. The
139 State Board of Education shall set the salary of the deputy
140 superintendents, associate superintendents and divisional
141 directors, and the members of the teaching staffs and employees of

142 the Mississippi School of the Arts. The State Superintendent,
143 subject to the approval of the State Personnel Board, shall fix
144 the amount of compensation of all other employees of the State
145 Department of Education. All salaries, compensation or expenses
146 of any of the personnel of the department shall be paid upon the
147 requisition of the State Superintendent of Public Education and
148 warrant issued thereunder by the State Auditor out of funds
149 appropriated by the Legislature in a lump sum upon the basis of
150 budgetary requirements submitted by the Superintendent of
151 Education or out of funds otherwise made available. The entire
152 expense of administering the department shall never exceed the
153 amount appropriated therefor, plus funds received from other
154 sources other than state appropriations. For a violation of this
155 provision, the superintendent shall be liable, and he and the
156 sureties on his bond shall be required to restore any such excess.

157 (2) For a period of two (2) years beginning July 1, 2014,
158 the provisions of subsection (1) regarding the personnel actions
159 of the State Department of Education shall not be subject to the
160 rules and regulations of the State Personnel Board for all
161 personnel employed by the department within that period. All
162 personnel hired within the period of exemption from the state
163 personnel system shall be classified as nonstate service and must
164 meet the criteria of the State Personnel Board as it presently
165 exists for employment.

166 **SECTION 6.** Section 47-5-20, Mississippi Code of 1972, is
167 brought forward as follows:

168 47-5-20. The commissioner shall have the following powers
169 and duties:

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

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

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

191 (d) To adopt administrative rules and regulations
192 including, but not limited to, offender transfer procedures, award

193 of administrative earned time, personnel procedures, employment
194 practices * * *; and

195 (e) To make personnel actions for a period of one (1)
196 year beginning July 1, 2016, that are exempt from State Personnel
197 Board rules, regulations and procedures in order to give the
198 commissioner flexibility in making an orderly, effective and
199 timely reorganization and realignment of the department.

200 **SECTION 7.** Section 47-5-28, Mississippi Code of 1972, is
201 brought forward as follows:

202 47-5-28. The commissioner shall have the following powers
203 and duties:

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

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

215 (c) To promulgate and publish such rules, regulations
216 and policies of the department as are needed for the efficient
217 government and maintenance of all facilities and programs in

218 accord insofar as possible with currently accepted standards of
219 adult offender care and treatment;

220 (d) To provide the Parole Board with suitable and
221 sufficient office space and support resources and staff necessary
222 to * * * conduct Parole Board business under the guidance of the
223 Chairman of the Parole Board;

224 (e) To contract for transitional reentry center beds
225 that will be used as noncorrections housing for offenders released
226 from the department on parole, probation or post-release
227 supervision but do not have appropriate housing available upon
228 release. At least one hundred (100) but no more than eight
229 hundred (800) transitional reentry center beds contracted by the
230 department and chosen by the Parole Board shall be available for
231 the Parole Board to place parolees without appropriate housing;

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

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

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

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

265 (i) To make personnel actions for a period of one (1)
266 year beginning July 1, 2016, that are exempt from State Personnel
267 Board rules, regulations and procedures in order to give the

268 commissioner flexibility in making an orderly, effective and
269 timely reorganization and realignment of the department; and

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

273 **SECTION 8.** Section 57-1-5, Mississippi Code of 1972, is
274 brought forward as follows:

275 57-1-5. (1) The Governor shall, with the advice and consent
276 of the Senate, appoint an executive director who:

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

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

281 (i) Industrial development, or

282 (ii) Economic development.

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

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

288 (a) Formulate the policy of the department regarding
289 the economic and tourist development of the state.

290 (b) To use and expend any funds from state, federal or
291 private sources coming into the department for the purposes herein
292 provided. State funds appropriated for the department shall be

293 expended in accordance with the regulations governing the
294 expenditures of other state funds.

295 (c) To implement the duties assigned to the department
296 and consistent with specific requirements of law, including but
297 not limited to:

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

301 (ii) Research and planning;

302 (iii) Outreach, agency liaison and community
303 development;

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

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

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

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

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

316 (ix) Programs relating to the development of
317 ports;

318 (x) Such other areas as are within the
319 jurisdiction and authority of the department and will foster and
320 promote the economic development of this state;

321 (xi) Salaries of the associate directors, deputy
322 directors and bureau directors may be set by the executive
323 director of the department. The positions of associate directors,
324 deputy directors and bureau directors shall not be state service
325 positions.

326 **SECTION 9.** Section 65-1-2, Mississippi Code of 1972, is
327 brought forward as follows:

328 65-1-2. (1) There is hereby created the Mississippi
329 Department of Transportation, which shall include the following
330 offices:

- 331 (a) Office of Administrative Services.
- 332 (b) Office of Highways.
- 333 (c) Office of State Aid Road Construction.
- 334 (d) Office of Intermodal Planning.
- 335 (e) Office of Enforcement.

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

338 (3) The department is designated as the single state agency
339 to receive and expend any funds made available by the United
340 States Department of Transportation or any agency of the federal
341 government for transportation purposes and to cooperate with
342 federal, state, interstate and local agencies, organizations and
343 persons performing activities relating to transportation. This

344 subsection shall not apply to motor carrier safety assistance
345 program funds made available by the federal government to the
346 Public Service Commission.

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

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

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

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

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

366 (9) All powers, duties and responsibilities of the Public
367 Service Commission with regard to railroads, except rate-making
368 authority, are transferred to the Mississippi Department of
369 Transportation. The Mississippi Transportation Commission may

370 perform any act and issue any rule, regulation or order which the
371 commission is permitted to do by the Federal Railroad Safety Act
372 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
373 order passed by the Mississippi Transportation Commission shall be
374 furnished to members of the Transportation Committees of the
375 Mississippi House of Representatives and the Mississippi Senate.
376 Individuals, corporations or companies affected by the order, rule
377 or regulation shall be notified in accordance with the Mississippi
378 Administrative Procedures Law.

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

387 (11) From and after January 1, 1993, and until January 1,
388 1994, the Mississippi Department of Transportation and the
389 Mississippi Transportation Commission shall be exempt from State
390 Personnel Board procedures for the purpose of the employment,
391 promotion, realignment, demotion, reprimand, suspension,
392 termination, reallocation, reassignment, transfer, moving or
393 relocation of personnel of all those agencies, boards,
394 commissions, departments, offices, bureaus and divisions whose

395 duties and responsibilities are transferred by Chapter 496, Laws
396 of 1992, to the Mississippi Department of Transportation.

397 **SECTION 10.** Section 81-1-69, Mississippi Code of 1972, is
398 brought forward as follows:

399 81-1-69. The salaries of the commissioner and the deputy
400 commissioner shall be fixed by the Legislature, and shall be
401 payable monthly out of the funds of the department.

402 **SECTION 11.** Section 25-9-147, Mississippi Code of 1972, is
403 brought forward as follows:

404 25-9-147. The State Personnel Board shall review on an
405 annual basis the variable compensation plan adopted by the
406 Legislature at the regular session of 1981 and subsequently
407 implemented by the State Personnel Board. Each state department
408 or agency subject to the variable compensation plan shall prepare
409 an annual written report under the direction of the head of that
410 department or agency outlining the impact which the plan has had
411 on that department or agency during the preceding fiscal year.
412 Such department or agency report shall be submitted to the State
413 Personnel Board and shall become a part of the board's annual
414 review of the variable compensation plan. After conducting its
415 annual review of the plan and studying the report of each
416 department or agency, the State Personnel Board shall prepare a
417 written legislative report, to be submitted to the members of the
418 Mississippi Legislature prior to January 1 of each year. This
419 written report shall accurately reflect the effect of the variable
420 compensation plan on the various departments or agencies subject

421 to the plan. From and after July 1, 1985, the plan shall be named
422 the "Colonel Guy Groff State Variable Compensation Plan."

423 **SECTION 12.** Section 25-3-34, Mississippi Code of 1972, is
424 brought forward as follows:

425 25-3-34. (1) In addition to the salary provided in Section
426 25-3-33, any appointive state and district official and employee
427 provided therein shall receive the award of an education benchmark
428 as defined in State Personnel Board rules for the possession or
429 attainment of any of the following:

430 (a) The Certified Public Manager designation;

431 (b) A job-related Ph.D (Doctor of Philosophy) degree
432 which is not required as a minimum qualification of the position;

433 (c) A job-related certification, licensure or
434 registration requiring the passage of an examination, which is not
435 required as a minimum qualification of the position.

436 (2) No such official or employee may receive more than a
437 total of three (3) eligible benchmarks, only one of which may be
438 for a job related certification, licensure or registration.

439 (3) The State Personnel Board shall promulgate rules and
440 regulations to carry out the provisions of this section.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO BRING FORWARD SECTION 25-3-31, MISSISSIPPI CODE OF
2 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION

3 25-3-39, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
4 AMENDMENT; TO BRING FORWARD SECTION 25-3-71, MISSISSIPPI CODE OF
5 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
6 25-9-133, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
7 AMENDMENT; TO BRING FORWARD SECTION 37-3-13, MISSISSIPPI CODE OF
8 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
9 47-5-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
10 AMENDMENT; TO BRING FORWARD SECTION 47-5-28, MISSISSIPPI CODE OF
11 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
12 57-1-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
13 AMENDMENT; TO BRING FORWARD SECTION 65-1-2, MISSISSIPPI CODE OF
14 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
15 81-1-69, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
16 AMENDMENT; TO BRING FORWARD SECTION 25-9-147, MISSISSIPPI CODE OF
17 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
18 25-3-34, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
19 AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB1426A.1J

Eugene S. Clarke
Secretary of the Senate