

By: Senator(s) Thames, Gordon, Clarke,
Jackson (11th)

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2400

1 AN ACT TO AMEND SECTIONS 25-3-31, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE PROVISION OF LAW FIXING THE ANNUAL
3 SALARIES OF CERTAIN ELECTED STATE AND DISTRICT OFFICERS; TO AMEND
4 SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER
5 ON THE PROVISIONS OF LAW FIXING THE ANNUAL SALARIES OF THE ELECTED
6 JUDICIARY AND DISTRICT ATTORNEYS; TO AMEND SECTION 25-31-10,
7 MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE LAW FIXING
8 THE ANNUAL SALARY OF CRIMINAL INVESTIGATORS; AND FOR RELATED
9 PURPOSES.

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

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

13 25-3-31. The annual salaries of the following elected state
14 and district officers are fixed as follows:

| | | |
|----|---|--------------|
| 15 | Governor..... | \$122,160.00 |
| 16 | Attorney General..... | 108,960.00 |
| 17 | Secretary of State..... | 90,000.00 |
| 18 | Commissioner of Insurance..... | 90,000.00 |
| 19 | State Treasurer..... | 90,000.00 |
| 20 | State Auditor of Public Accounts..... | 90,000.00 |
| 21 | Commissioner of Agriculture and Commerce..... | 90,000.00 |
| 22 | Transportation Commissioners..... | 78,000.00 |
| 23 | Public Service Commissioners..... | 78,000.00 |

24 If the person serving as Governor on December 31, 2003, is
25 reelected to the office of Governor for the term beginning in the
26 year 2004, he may choose not to receive the salary increase
27 authorized by this section, but to receive, instead, an annual
28 salary of One Hundred One Thousand Eight Hundred Dollars
29 (\$101,800.00) during his new term of office by filing a written
30 request with the Department of Finance and Administration.

31 The above fixed salary of the Governor shall be the reference
32 amount utilized in computing average compensation and earned
33 compensation pursuant to Section 25-11-103(f) and Section
34 25-11-103(k) and to related sections which require such
35 computations.

36 This section shall stand repealed from and after July 1,
37 2008.

38 **SECTION 2.** Section 25-3-35, Mississippi Code of 1972, is
39 amended as follows:

40 25-3-35. (1) The annual salaries of the following judges
41 are fixed as follows, to begin at the commencement of the next
42 term of office immediately succeeding the existing term:

| | | |
|----|---|--------------|
| 43 | Chief Justice of the Supreme Court..... | \$115,390.00 |
| 44 | Presiding Justice of the Supreme Court..... | 113,190.00 |
| 45 | Associate Justices of the Supreme Court, each.... | 112,530.00 |

46 However, in addition to their present official duties, there
47 are imposed upon the Supreme Court justices the extra duties of
48 making a special study of existing laws and reporting to each
49 regular session of the Legislature such constructive suggestions
50 as they may deem necessary for the improvement of the
51 administration of justice, and of identifying and directing the
52 State Librarian to apply for grants and donations from any public
53 or private source for the purpose of enhancing the holdings of the
54 state law library, and of advising and counseling with the State
55 Librarian in the selection of law books for purchase and use in
56 the State Law Library, advising with the librarian thereof upon
57 the removal from the library of any books which may be the least
58 frequently used, and for the placing of same in a convenient
59 location so as to provide additional space for such books and
60 other current publications which may be more frequently used or
61 called for. For such extra services each justice, from and after
62 January 1, 2004, shall receive a sum sufficient when added to the
63 present salaries of the justices to aggregate One Hundred Fifteen

64 Thousand Three Hundred Ninety Dollars (\$115,390.00) for the Chief
65 Justice, One Hundred Thirteen Thousand One Hundred Ninety Dollars
66 (\$113,190.00) for the presiding justice, and One Hundred Twelve
67 Thousand Five Hundred Thirty Dollars (\$112,530.00) for associate
68 justices, per annum. As each existing term expires and the
69 above-captioned salaries become effective in due course, the extra
70 duties and compensation provided for shall cease.

71 The fixed salaries as specified in this subsection (1) shall
72 be the exclusive and total compensation which can be reported to
73 the Public Employees' Retirement System for retirement purposes;
74 however, any judge in office on December 31, 2003, may continue to
75 report his expense allowance as part of his compensation for
76 retirement purposes.

77 (2) The annual salaries of the judges of the Court of
78 Appeals of Mississippi are fixed as follows, to begin at the
79 commencement of the next term of office immediately succeeding the
80 existing term:

81 Chief Judge of the Court of Appeals..... \$108,130.00
82 Associate Judges of the Court of Appeals, each... 105,050.00

83 However, in addition to their present official duties, there
84 are imposed upon the judges of the Court of Appeals the extra
85 duties of making a special study of existing laws and reporting to
86 the Supreme Court of the State of Mississippi such constructive
87 suggestions as they may deem necessary for the improvement of the
88 administration of justice, and assisting in advising and
89 counseling with the State Librarian in the selection of law books
90 for purchase and use in the State Law Library, assisting in
91 advising with the librarian thereof upon the removal from the
92 library of any books which may be the least frequently used, and
93 for the placing of same in a convenient location so as to provide
94 additional space for such books and other current publications
95 which may be more frequently used or called for. For such extra
96 services each judge, from and after January 1, 2004, shall receive

97 a sum sufficient when added to the present salaries of the judges
98 to aggregate One Hundred Eight Thousand One Hundred Thirty Dollars
99 (\$108,130.00) for the Chief Judge and One Hundred Five Thousand
100 Fifty Dollars (\$105,050.00) for associate judges, per annum. As
101 each existing term expires and the above-captioned salaries become
102 effective in due course, the extra duties and compensation
103 provided for shall cease.

104 The fixed salaries as specified in this subsection (2) shall
105 be the exclusive and total compensation which can be reported to
106 the Public Employees' Retirement System for retirement purposes;
107 however, any judge in office on December 31, 2003, may continue to
108 report his expense allowance as part of his compensation for
109 retirement purposes.

110 (3) The annual salaries of the chancery and circuit court
111 judges are fixed as follows, to begin at the commencement of the
112 next term of office immediately succeeding the existing term:

| | | |
|-----|----------------------------|--------------|
| 113 | Chancery Judges, each..... | \$104,170.00 |
| 114 | Circuit Judges, each..... | 104,170.00 |

115 In addition to their present official duties, there are
116 imposed upon the chancery and circuit court judges the extra
117 duties of making a special study of existing laws relating to
118 trial courts and reporting to the Supreme Court of the State of
119 Mississippi such constructive suggestions as they may deem
120 necessary for the improvement of the administration of justice,
121 which shall be recommended to the Legislature by the Supreme Court
122 in the manner provided by law. The judges shall advise and
123 supervise in the purchase of law books for the libraries of each
124 district, and shall study and evaluate the inventory of books and
125 facilities now existing in the libraries of each district to
126 effect the removal and relocation of obsolete publications so as
127 to provide additional space for those books and current
128 publications more frequently used. The judges shall seek and
129 identify any grants and donations from any public or private

130 source for the purpose of enhancing the holdings of the libraries
131 of each district. The judges shall study the existing rules
132 promulgated by the circuit and chancery court judicial
133 associations governing the operation of chancery and circuit
134 courts, and revise the same pursuant to existing laws. For such
135 extra services each judge, from and after January 1, 2004, shall
136 receive a sum sufficient when added to the present salaries of the
137 judges to aggregate One Hundred Four Thousand One Hundred Seventy
138 Dollars (\$104,170.00) per annum for each judge. Upon the
139 expiration of the existing term, the above-captioned salaries
140 become effective in due course, and the extra duties and
141 compensation provided for shall cease.

142 (4) The Supreme Court shall prepare a payroll for chancery
143 judges and circuit judges and submit such payroll to the
144 Department of Finance and Administration.

145 (5) The annual salary of the full-time district attorneys
146 shall be Ninety-five Thousand Seven Hundred Ninety-six Dollars
147 (\$95,796.00).

148 (6) The annual salary of the full-time legal assistants
149 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
150 more than eighty percent (80%) of the salary of the district
151 attorney for legal assistants who have been licensed to practice
152 law for five (5) years or less; eighty-five percent (85%) of the
153 salary of the district attorney for legal assistants who have been
154 licensed to practice law for at least five (5) years but less than
155 fifteen (15) years; and ninety percent (90%) of the salary of the
156 district attorney for legal assistants who have been licensed to
157 practice law for at least fifteen (15) years or more.

158 (7) This section shall stand repealed from and after July 1,
159 2008.

160 **SECTION 3.** Section 25-31-10, Mississippi Code of 1972, is
161 amended as follows:

162 25-31-10. (1) Any district attorney may appoint a full-time
163 criminal investigator.

164 (2) The district attorneys of the Third, Fifth, Ninth,
165 Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and
166 Twentieth Circuit Court Districts may appoint one (1) additional
167 full-time criminal investigator for a total of two (2) full-time
168 criminal investigators.

169 (3) The district attorneys of the First, Second, Fourth and
170 Seventh and Nineteenth Circuit Court Districts may appoint two (2)
171 additional full-time criminal investigators for a total of three
172 (3) full-time criminal investigators.

173 (4) No district attorney or assistant district attorney
174 shall accept any private employment, civil or criminal, in any
175 matter investigated by such criminal investigators.

176 (5) The full and complete compensation for all public duties
177 rendered by said criminal investigators shall be not more than
178 Fifty-four Thousand Dollars (\$54,000.00) per annum, to be
179 determined at the discretion of the district attorney based upon
180 the qualifications, education and experience of the criminal
181 investigator, plus necessary travel and other expenses, to be paid
182 in accordance with Section 25-31-8. However, the maximum salary
183 under this subsection for a criminal investigator who has a law
184 degree may be supplemented by the district attorney from other
185 available funds, but not to exceed the maximum salary for a legal
186 assistant to a district attorney.

187 (6) Any criminal investigator may be designated by the
188 district attorney to attend the Law Enforcement Officers Training
189 Program set forth in Section 45-6-1 et seq., Mississippi Code of
190 1972. The total expenses associated with attendance by criminal
191 investigators at the Law Enforcement Officers Training Program
192 shall be paid out of the funds of the appropriate district
193 attorney.

194 * * *

195 **SECTION 4.** This act shall take effect and be in force from
196 and after July 1, 2006.