

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15 REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN  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21 REMOVE A PROVISION THAT IS NO LONGER IN EFFECT GRANTING AN  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.

