

By: Representatives Ford, Guice

To: Fees and Salaries of
Public OfficersHOUSE BILL NO. 773
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972,
2 WHICH ESTABLISHES THE SPECIFIC DUTIES AND FUNCTIONS OF THE STATE
3 PERSONNEL BOARD; TO EXTEND THE DATE OF REPEAL FOR ONE YEAR; TO
4 AMEND SECTIONS 25-3-39, 25-9-107, 37-3-9, 37-3-13, 37-4-3,
5 37-101-7 AND 57-1-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
6 SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES TO BE APPROVED BY THE
7 STATE PERSONNEL BOARD; TO REDUCE THE SALARIES OF STATE OFFICERS
8 AND EMPLOYEES WHO RECEIVED SALARY INCREASES WHICH EXCEEDED THE
9 AMOUNT AUTHORIZED BY THE FISCAL YEAR 2003 APPROPRIATION; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 25-9-115, Mississippi Code of 1972, is
13 amended as follows:

14 25-9-115. It shall be the specific duty and function of the
15 State Personnel Board to:

16 (a) Represent the public interest in the improvement of
17 personnel administration in the state departments, agencies and
18 institutions covered by the State Personnel System;

19 (b) Determine appropriate goals and objectives for the
20 State Personnel System and prescribe policies for their
21 accomplishment, with the assistance of the Mississippi Personnel
22 Advisory Council;

23 (c) Adopt and amend policies, rules and regulations
24 establishing and maintaining the State Personnel System. Such
25 rules and regulations shall not be applicable to the emergency
26 hiring of employees by the Public Employees' Retirement System
27 pursuant to Section 25-11-15(7). The rules and regulations of the
28 Mississippi Classification Commission and the Mississippi
29 Coordinated Merit System Council serving federal grant-aided
30 agencies in effect on February 1, 1981, shall remain in effect
31 until amended, changed, modified or repealed by the board;



32 (d) Ensure uniformity in all functions of personnel
33 administration in those agencies required to comply with the
34 provisions of this chapter. The board may delegate authority to
35 the State Personnel Director as deemed necessary for the timely,
36 effective and efficient implementation of the State Personnel
37 System;

38 (e) Appoint an employee appeals board, consisting of
39 three (3) hearing officers, for the purpose of holding hearings,
40 compiling evidence and rendering decisions on employee dismissals
41 and other personnel matters as provided for in Sections 25-9-127
42 through 25-9-131. Hearing officers are not entitled to serve
43 beyond their appointed term unless reappointed by the State
44 Personnel Board;

45 (f) Assure uniformity in the administration of state
46 and federal laws relating to merit administration;

47 (g) Establish an annual budget covering all the costs
48 of board operations;

49 (h) With the assistance of the Mississippi Personnel
50 Advisory Council, promote public understanding of the purposes,
51 policies and practices of the State Personnel System and advise
52 and assist the state departments, agencies and institutions in
53 fostering sound principles of personnel management and securing
54 the interest of institutions of learning and of civic,
55 professional and other organizations in the improvement of
56 personnel standards under the State Personnel System;

57 (i) Recommend policies and procedures for the
58 establishment and abolishment of employment positions within state
59 government and develop a system for the efficient use of personnel
60 resources;

61 (j) Cooperate with state institutions of higher
62 learning in implementing a career management program in state
63 agencies for graduate students in public administration in order



64 to provide state government with a steady flow of professional
65 public managerial talent;

66 (k) Prescribe rules which shall provide that an
67 employee in state service is not obliged, by reason of his
68 employment, to contribute to a political fund or to render
69 political service, and that he may not be removed or otherwise
70 prejudiced for refusal to do so;

71 (l) Prescribe rules which shall provide that an
72 employee in state service shall not use his official authority or
73 influence to coerce the political action of a person or body;

74 (m) Annually report to the Governor and Legislature on
75 the operation of the State Personnel System and the status of
76 personnel administration in state government;

77 (n) Require submission and approve organization and
78 staffing plans of departments and agencies in state and nonstate
79 service on such forms and according to such regulations as the
80 board may prescribe to control and limit the growth of subordinate
81 executive and administrative units and positions and to provide
82 for agency staff reorganization without prior board approval when
83 authority to reorganize has been delegated to an agency as
84 provided in paragraph (p);

85 (o) In coordination with appointing authorities, set
86 the annual salaries of those appointed officials whose salaries
87 are not otherwise set by statute who work on a full-time basis in
88 the capacity of agency head, executive director or administrator
89 of any state department, agency, institution, board or commission
90 under the jurisdiction of the State Personnel Board as provided in
91 Section 25-9-101 et seq., in conformity with the State Personnel
92 Board's compensation plan. Salaries of incumbents required by law
93 to serve in their professional capacity as a physician, dentist,
94 veterinarian or attorney shall be set in accordance with Section
95 25-9-107(c)(xiii);



(p) Authorize the director to enter into formal agreements with department executive directors and agency directors in which employment positions within their agencies may be reallocated and organization charts amended without prior State Personnel Board approval; however, such agreements shall be revocable by the State Personnel Board and continuation shall be contingent upon the reallocations and reorganizations being conducted in accordance with rules and regulations promulgated by the State Personnel Board. In the event the State Personnel Board has delegated reallocation authority to an agency, this delegation does not remove the requirement that agencies submit personal services budget requests each fiscal year for the purpose of preparing personal services continuation budget projections. Such budget requests shall be prepared in accordance with the policies, rules and regulations promulgated by the Department of Finance and Administration, the Legislative Budget Office and the State Personnel Board. Prior to making any reallocation or reorganization effective, each appointing authority who has entered into an agreement as provided in this paragraph shall certify to the State Personnel Board that the total annualized cost of any reallocation or reorganization shall be equal to or less than the cost savings generated through downward reallocation or position abolishment of vacant positions.

The personnel board shall maintain a record of every personnel transaction executed under authority delegated pursuant to this paragraph and shall annually report the total cost of these transactions, by agency, to the Legislative Budget Office and the Department of Finance and Administration.

The State Personnel Board shall prescribe rules requiring the State Personnel Director to perform a compliance audit and evaluation of personnel transactions executed under authority delegated pursuant to this paragraph and to publish a report of the audit listing exceptions taken by the State Personnel Director



not later than the first of October each year. In the event the State Personnel Board determines that an agency has misclassified an employee or position as a result of this delegated authority, the State Personnel Board shall be authorized to correct such misclassification regardless of the state service status of the employee holding such position. Authority to correct such misclassifications of filled positions shall be limited to one (1) year from the date which the State Personnel Board receives written notice of the reallocation;

(q) Require that if an employment position has been determined to be in need of reallocation from one occupational class to another, the employee occupying the position shall meet the minimum qualifications for the occupational class to which the position is being reallocated in order for the position to be eligible for the reallocation. However, when a reallocation is based upon an agency reorganization due to documented funds constraints, documented change in agency function, or legislative mandate, a position may be reallocated with prior approval of the State Personnel Board;

(r) Implement a reduction-in-force policy which shall apply uniformly to all state agencies and which shall require that the appointing authority develop an equitable and systematic plan for implementation of an agency-wide reduction-in-force. If a proposed reduction-in-force is the result of a curtailment of general funds, the State Personnel Board shall review the proposed reduction-in-force plan only upon written certification of a general funds shortage from the Department of Finance and Administration. If a proposed reduction-in-force is the result of a curtailment of special funds, the State Personnel Board shall review the proposed reduction-in-force plan only upon written certification of a special funds shortage from the agency. Further, the State Personnel Board shall ensure that any



reduction-in-force plan complies with all applicable policies,
rules and regulations of the State Personnel Board;

(s) Implement a furlough (involuntary leave without
pay) policy which shall apply uniformly to all executive and
subordinate employees within an agency, regardless of job class.
The State Personnel Board shall review furlough plans only upon
written certification of a general funds shortage from the
Department of Finance and Administration or written certification
of a special funds shortage from the agency. The State Personnel
Board shall ensure that any furlough plan complies with all
applicable policies, rules and regulations of the State Personnel
Board;

(t) Establish policies which preclude any employee
under the salary setting authority of the State Personnel Board
from receiving an annual salary greater than the Governor,
and any employee within an agency from receiving an annual salary
greater than the agency head. Employees currently receiving an
annual salary exceeding the Governor or their agency head may
retain their present salary but shall not receive an increase
until such time as the provisions of this paragraph are met.

This section shall stand repealed from and after June 30,
2004.

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

25-3-39. (1) 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 a
salary or compensation, directly or indirectly, in excess of the
salary fixed in Section 25-3-31 for the Governor. All * * *
members of the teaching staffs * * * of the state institutions of
higher learning, and of the community and junior colleges, and
licensed physicians who are public employees, shall be exempt from
this subsection. In addition, the Executive Director of the



194 Department of Economic and Community Development and the Chief of
195 Staff of the Governor's Office shall be exempt from this
196 subsection. The Governor shall fix the annual salary of the
197 Executive Director of the Department of Economic and Community
198 Development and the annual salary of the Chief of Staff of the
199 Governor's Office, which salaries shall be completely paid by the
200 state and may not be supplemented with any funds from any source,
201 including federal or private funds. Provided, however, that the
202 salary of the Executive Director of the Department of Economic and
203 Community Development and the Governor's Chief of Staff shall not
204 be greater than fifty percent (50%) in excess of the salary of the
205 Governor.

206 (2) No public officer, employee or administrator shall be
207 paid a salary or compensation, directly or indirectly, in excess
208 of the salary of the executive head of the state agency or
209 department in which he is employed. The State Personnel Board,
210 based upon its findings of fact, may exempt physicians * * * from
211 this subsection when the acquisition of such professional services
212 is precluded based on the prevailing wage in the relevant labor
213 market.

214 **SECTION 3.** Section 25-9-107, Mississippi Code of 1972, is
215 amended as follows:

216 25-9-107. The following terms, when used in this chapter,
217 unless a different meaning is plainly required by the context,
218 shall have the following meanings:

219 (a) "Board" shall mean the State Personnel Board
220 created under the provisions of this chapter.

221 (b) "State service" shall mean all employees of state
222 departments, agencies and institutions as defined herein, except
223 those officers and employees excluded by this chapter.

224 (c) "Nonstate service" shall mean the following
225 officers and employees excluded from the state service by this
226 chapter. The following are excluded from the state service:



227 (i) Members of the State Legislature, their staffs
228 and other employees of the legislative branch;
229 (ii) The Governor and staff members of the
230 immediate Office of the Governor;
231 (iii) Justices and judges of the judicial branch
232 or members of appeals boards on a per diem basis;
233 (iv) The Lieutenant Governor, staff members of the
234 immediate Office of the Lieutenant Governor and officers and
235 employees directly appointed by the Lieutenant Governor;
236 (v) Officers and officials elected by popular vote
237 and persons appointed to fill vacancies in elective offices;
238 (vi) Members of boards and commissioners appointed
239 by the Governor, Lieutenant Governor or the State Legislature;
240 (vii) All * * * members of the teaching staffs and
241 employees of the state institutions of higher learning, the State
242 Board for Community and Junior Colleges, and community and junior
243 colleges;
244 (viii) Officers and enlisted members of the
245 National Guard of the state;
246 (ix) Prisoners, inmates, student or patient help
247 working in or about institutions;
248 (x) Contract personnel; provided, that any agency
249 which employs state service employees may enter into contracts for
250 personal and professional services only if such contracts are
251 approved in compliance with the rules and regulations promulgated
252 by the State Personal Service Contract Review Board under Section
253 25-9-120(3). Before paying any warrant for such contractual
254 services in excess of One Hundred Thousand Dollars (\$100,000.00),
255 the Auditor of Public Accounts, or the successor to those duties,
256 shall determine whether the contract involved was for personal or
257 professional services, and, if so, was approved by the State
258 Personal Service Contract Review Board;



259 (xi) Part-time employees; provided, however,
260 part-time employees shall only be hired into authorized employment
261 positions classified by the board, shall meet minimum
262 qualifications as set by the board, and shall be paid in
263 accordance with the Variable Compensation Plan as certified by the
264 board;

265 (xii) Persons appointed on an emergency basis for
266 the duration of the emergency; the effective date of the emergency
267 appointments shall not be earlier than the date approved by the
268 State Personnel Director, and shall be limited to thirty (30)
269 working days. Emergency appointments may be extended to sixty
270 (60) working days by the State Personnel Board;

271 (xiii) Physicians, dentists, veterinarians, nurse
272 practitioners and attorneys, while serving in their professional
273 capacities in authorized employment positions who are required by
274 statute to be licensed, registered or otherwise certified as such,
275 provided that the State Personnel Director shall verify that the
276 statutory qualifications are met prior to issuance of a payroll
277 warrant by the auditor;

278 (xiv) Personnel who are employed and paid from
279 funds received from a federal grant program which has been
280 approved by the Legislature or the Department of Finance and
281 Administration whose length of employment has been determined to
282 be time-limited in nature. This subparagraph shall apply to
283 personnel employed under the provisions of the Comprehensive
284 Employment and Training Act of 1973, as amended, and other special
285 federal grant programs which are not a part of regular federally
286 funded programs wherein appropriations and employment positions
287 are appropriated by the Legislature. Such employees shall be paid
288 in accordance with the Variable Compensation Plan and shall meet
289 all qualifications required by federal statutes or by the
290 Mississippi Classification Plan;



291 (xv) The administrative head who is in charge of
292 any state department, agency, institution, board or commission,
293 wherein the statute specifically authorizes the Governor, board,
294 commission or other authority to appoint said administrative head;
295 provided, however, that the salary of such administrative head
296 shall be determined by the State Personnel Board in accordance
297 with the Variable Compensation Plan unless otherwise fixed by
298 statute;

299 (xvi) The State Personnel Board shall exclude top
300 level positions if the incumbents determine and publicly advocate
301 substantive program policy and report directly to the agency head,
302 or the incumbents are required to maintain a direct confidential
303 working relationship with a key excluded official. Provided
304 further, a written job classification shall be approved by the
305 board for each such position, and positions so excluded shall be
306 paid in conformity with the Variable Compensation Plan;

307 (xvii) Employees whose employment is solely in
308 connection with an agency's contract to produce, store or
309 transport goods, and whose compensation is derived therefrom;

310 (xviii) Repealed;

311 * * *

312 (xix) Personnel employed by the Mississippi
313 Industries for the Blind; provided, that any agency may enter into
314 contracts for the personal services of MIB employees without the
315 prior approval of the State Personnel Board or the State Personal
316 Service Contract Review Board; however, any agency contracting for
317 the personal services of an MIB employee shall provide the MIB
318 employee with not less than the entry level compensation and
319 benefits that the agency would provide to a full-time employee of
320 the agency who performs the same services.

321 (d) "Agency" means any state board, commission,
322 committee, council, department or unit thereof created by the
323 Constitution or statutes if such board, commission, committee,



council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

SECTION 4. Section 37-3-9, Mississippi Code of 1972, is amended as follows:

37-3-9. (1) From and after July 1, 1984, there shall be a State Superintendent of Public Education who shall be appointed by the State Board of Education, with the advice and consent of the Senate, and serve at the board's will and pleasure. He shall be the chief administrative officer for the State Department of Education and shall administer the department in accordance with the policies established by the State Board of Education. The State Board of Education shall set the salary of the State Superintendent of Public Education subject to the approval of the State Personnel Board. The State Superintendent of Public Education shall have at least a master's degree in any field and a minimum of five (5) years' experience in administration in the educational field.

(2) The state superintendent shall give bond in the penalty of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be approved by the Governor, conditioned according to law. Said bond when approved shall be filed and recorded in the Office of the Secretary of State.

SECTION 5. Section 37-3-13, Mississippi Code of 1972, is amended as follows:

37-3-13. (1) Until July 1, 1984, the Assistant State Superintendent of Public Education, the directors, supervisors, clerical assistants, and employees shall be selected by, and hold office subject to the will of, the State Superintendent, except as provided in Section 37-3-17. The Assistant State Superintendent may be authorized to act in the absence or disability of the State Superintendent and shall perform such other duties as may be



assigned to him by the State Superintendent. The State Superintendent shall have the power to assign to any division such clerical help as he may deem necessary and to discharge such clerical help among the divisions at any time necessity requires, except as provided in Section 37-3-17.

(2) From and after July 1, 1984, 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 Superintendent, subject to the approval of the State Personnel Board, shall fix the amount of compensation of all * * * 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 6. Section 37-4-3, Mississippi Code of 1972, is amended as follows:

37-4-3. (1) From and after July 1, 1986, there shall be a State Board for Community and Junior Colleges which shall receive and distribute funds appropriated by the Legislature for the use of the public community and junior colleges and funds from federal



and other sources that are transmitted through the state governmental organization for use by said colleges. This board shall provide general coordination of the public community and junior colleges, assemble reports and such other duties as may be prescribed by law.

(2) The board shall consist of ten (10) members of which none shall be an elected official and none shall be engaged in the educational profession. The Governor shall appoint two (2) members from the First Mississippi Congressional District, one (1) who shall serve an initial term of two (2) years and one (1) who shall serve an initial term of five (5) years; two (2) members from the Second Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of three (3) years; and two (2) members from the Third Mississippi Congressional District, one (1) who shall serve an initial term of four (4) years and one (1) who shall serve an initial term of two (2) years; two (2) members from the Fourth Mississippi Congressional District, one (1) who shall serve an initial term of three (3) years and one (1) who shall serve an initial term of four (4) years; and two (2) members from the Fifth Mississippi Congressional District, one (1) who shall serve an initial term of five (5) years and one (1) who shall serve an initial term of two (2) years. All subsequent appointments shall be for a term of six (6) years and continue until their successors are appointed and qualify. An appointment to fill a vacancy which arises for reasons other than by expiration of a term of office shall be for the unexpired term only. No two (2) appointees shall reside in the same junior college district. All members shall be appointed with the advice and consent of the Senate.

(3) There shall be a chairman and vice chairman of the board, elected by and from the membership of the board; and the chairman shall be the presiding officer of the board. The board



shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business.

(4) The members of the board shall receive no annual salary, but shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for each day devoted to the discharge of official board duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by Section 25-3-41, Mississippi Code of 1972.

(5) The board shall name a director for the state system of public junior and community colleges, who shall serve at the pleasure of the board. Such director shall be the chief executive officer of the board, give direction to the board staff, carry out the policies set forth by the board, and work with the presidents of the several community and junior colleges to assist them in carrying out the mandates of the several boards of trustees and in functioning within the state system and policies established by the State Board for Community and Junior Colleges. The State Board for Community and Junior Colleges shall set the salary of the Director of the State System of Community and Junior Colleges, subject to the approval of the State Personnel Board. The Legislature shall provide adequate funds for the State Board for Community and Junior Colleges, its activities and its staff.

(6) The powers and duties of the State Board for Community and Junior Colleges shall be:

(a) To authorize disbursements of state appropriated funds to community and junior colleges through orders in the minutes of the board.

(b) To make studies of the needs of the state as they relate to the mission of the community and junior colleges.

(c) To approve new, changes to and deletions of vocational and technical programs to the various colleges.



455 (d) To require community and junior colleges to supply
456 such information as the board may request and compile, publish and
457 make available such reports based thereon as the board may deem
458 advisable.

459 (e) To approve proposed new attendance centers (campus
460 locations) as the local boards of trustees should determine to be
461 in the best interest of the district. Provided, however, that no
462 new community/junior college branch campus shall be approved
463 without an authorizing act of the Legislature.

464 (f) To serve as the state approving agency for federal
465 funds for proposed contracts to borrow money for the purpose of
466 acquiring land, erecting, repairing, etc. dormitories, dwellings
467 or apartments for students and/or faculty, such loans to be paid
468 from revenue produced by such facilities as requested by local
469 boards of trustees.

470 (g) To approve applications from community and junior
471 colleges for state funds for vocational-technical education
472 facilities.

473 (h) To approve any university branch campus offering
474 lower undergraduate level courses for credit.

475 (i) To appoint members to the Post-Secondary
476 Educational Assistance Board.

477 (j) To appoint members to the Authority for Educational
478 Television.

479 (k) To contract with other boards, commissions,
480 governmental entities, foundations, corporations or individuals
481 for programs, services, grants and awards when such are needed for
482 the operation and development of the state public community and
483 junior college system.

484 (l) To fix standards for community and junior colleges
485 to qualify for appropriations, and qualifications for community
486 and junior college teachers.



(m) To have sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

(n) To approve or disapprove of any proposed inclusion within municipal corporate limits of state-owned buildings and grounds of any community college or junior college and to approve or disapprove of land use development, zoning requirements, building codes and delivery of governmental services applicable to state-owned buildings and grounds of any community college or junior college. Any agreement by a local board of trustees of a community college or junior college to annexation of state-owned property or other conditions described in this paragraph shall be void unless approved by the board and by the board of supervisors of the county in which the state-owned property is located.

SECTION 7. Section 37-101-7, Mississippi Code of 1972, is amended as follows:

37-101-7. Within ten (10) days after the beginning of the terms of office of its members, upon call of the Governor, the Board of Trustees of State Institutions of Higher Learning shall meet in the City of Jackson and organize by electing one (1) of its number as president, whose term of office shall be for one (1) year or until a successor shall be elected, and shall transact such other business as may come before the meeting. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.

The trustees shall have authority to appoint a nonmember as Commissioner of Higher Education, who shall possess the highest qualifications as an administrator and research worker. The Commissioner of Higher Education shall maintain an office and be responsible to the board for the efficient functioning of the staff which the board may from time to time establish. It shall be the duty of the Commissioner of Higher Education to make constant inquiry into the problems of higher education, to survey



and study carefully the organization, management and all other affairs of each institution under the control of said trustees, to make report of all findings and recommend such changes as will increase efficiency and economy in the operation of each institution, and to perform such other duties as the board may prescribe. The Commissioner of Higher Education shall be responsible for compiling all laws and all rules and regulations of a general nature adopted by the board for the governance of the various institutions of higher learning in pamphlet or loose-leaf form. Current copies of such compilations shall be furnished to all officials directly responsible for the carrying out of such laws, rules and regulations. The expenses for such compilation and publication shall be paid by the board out of any funds available for the operation of said board.

The trustees shall authorize the employment of such other personnel as may be required from time to time to carry out the functions of the board and may assign to the personnel so employed such functions and duties and may delegate to the commissioner or other personnel such powers of the board as may be necessary to accomplish the purposes for which the board was established. All such personnel shall be employed by the commissioner with the approval of the board and shall hold office at the pleasure of the commissioner. The board shall also have the authority to employ on a fee basis such technical and professional assistance as may be necessary to carry out the powers, duties and purposes of the board.

The Commissioner of Higher Education and other personnel employed by the board shall receive reasonable salaries commensurate with their duties and functions, the amount of which shall be fixed by the board, subject to the approval of the State Personnel Board. The reasonable traveling expenses and other authorized expenses incurred by the commissioner and other personnel in the performance of their duties, together with other



expenses of the operation of the executive office, shall be prorated and deducted from the appropriations for the current expenses of the several institutions.

SECTION 8. 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;



585 (iii) Outreach, agency liaison and community
586 development;
587 (iv) Tourism, business travel, and film;
588 (v) Programs and assistance for existing state
589 business and industry;
590 (vi) Recruiting new business and industry into the
591 state;
592 (vii) Fostering and promoting of entrepreneurship
593 and the creation of new business in the state;
594 (viii) Programs aimed at competing effectively in
595 the international economy by increasing exports of state products
596 and services and by promoting, developing and creating the
597 conditions and programs that will bring about significant
598 increases in investment in the state from other countries;
599 (ix) Programs relating to the development of
600 ports;
601 (x) Such other areas as are within the
602 jurisdiction and authority of the department and will foster and
603 promote the economic development of this state.

604 * * *

605 **SECTION 9.** Unless otherwise authorized by the Colonel Guy
606 Groff State Variable Compensation Plan, the salary of any state
607 officer or employee, except for those employees listed in
608 paragraph 25-9-107(c)(xiii), that was increased on or after
609 January 1, 2003, in an amount that exceeded the amount authorized
610 by the fiscal year 2003 appropriation bill for the agency or
611 department for which the officer or employee works, shall be
612 decreased to no more than the salary of the officer or employee on
613 December 31, 2002, adjusted by the fifty percent (50%) realignment
614 increase, or increased by the Six Hundred Dollars (\$600.00),
615 whichever is greater, as authorized in the fiscal year 2003
616 appropriation bill for the agency or department for which the
617 officer or employee works. The decrease in salary shall be



618 effective beginning on the first day of the payroll period that
619 begins thirty (30) days after the passage of this act.

620 **SECTION 10.** The provisions of this act shall apply
621 retroactively with regard to any additional compensation earned by
622 any officer or employee of the State of Mississippi for working
623 overtime on or after July 1, 2001.

624 **SECTION 11.** This act shall take effect and be in force from
625 and after its passage.

