

By: Representatives Ford, Guice

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 773
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE DATE OF REPEAL ON THE STATE PERSONNEL BOARD; TO
3 AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
4 THE STATE BOARD OF EDUCATION MAY INCREASE THE SALARY OF THE STATE
5 SUPERINTENDENT OF PUBLIC EDUCATION UPON THE APPROVAL OF THE STATE
6 PERSONNEL BOARD; TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF
7 1972, TO DELETE THE PROVISION AUTHORIZING THE STATE BOARD OF
8 EDUCATION TO SET THE SALARY OF THE DEPUTY SUPERINTENDENTS,
9 ASSOCIATE SUPERINTENDENTS AND DIVISIONAL DIRECTORS, MEMBERS OF THE
10 TEACHING STAFFS AND EMPLOYEES OF THE MISSISSIPPI SCHOOL OF THE
11 ARTS, AND TO PROVIDE THAT THE SALARIES OF ALL EMPLOYEES OF THE
12 STATE DEPARTMENT OF EDUCATION SHALL BE FIXED BY THE STATE
13 SUPERINTENDENT, SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL
14 BOARD; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
15 CLARIFY THE AUTHORITY TO PAY THE STATE SUPERINTENDENT OF PUBLIC
16 EDUCATION A SALARY IN EXCESS OF THE SALARY OF THE GOVERNOR; TO
17 AMEND SECTIONS 37-4-3, 37-101-7 AND 57-1-5, MISSISSIPPI CODE OF
18 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO PROVIDE THE STATE
19 BOARD FOR COMMUNITY AND JUNIOR COLLEGES, THE BOARD OF TRUSTEES OF
20 STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI
21 DEVELOPMENT AUTHORITY WITH A NONBINDING ADVISORY OPINION ON THE
22 AMOUNT OF SALARIES FOR THEIR EMPLOYEES; TO CODIFY A NEW SECTION TO
23 AUTHORIZE THE STATE PERSONNEL BOARD TO ACCEPT AND EXPEND FUNDS FOR
24 THE PURPOSE OF STRATEGIC PLANNING AND DEVELOPMENT OF THE PUBLIC
25 SECTOR WORKFORCE; AND FOR RELATED PURPOSES.

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

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

29 25-9-115. It shall be the specific duty and function of the
30 State Personnel Board to:

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

34 (b) Determine appropriate goals and objectives for the
35 State Personnel System and prescribe policies for their
36 accomplishment, with the assistance of the Mississippi Personnel
37 Advisory Council;



38 (c) Adopt and amend policies, rules and regulations
39 establishing and maintaining the State Personnel System. Such
40 rules and regulations shall not be applicable to the emergency
41 hiring of employees by the Public Employees' Retirement System
42 pursuant to Section 25-11-15(7). The rules and regulations of the
43 Mississippi Classification Commission and the Mississippi
44 Coordinated Merit System Council serving federal grant-aided
45 agencies in effect on February 1, 1981, shall remain in effect
46 until amended, changed, modified or repealed by the board;

47 (d) Ensure uniformity in all functions of personnel
48 administration in those agencies required to comply with the
49 provisions of this chapter. The board may delegate authority to
50 the State Personnel Director as deemed necessary for the timely,
51 effective and efficient implementation of the State Personnel
52 System;

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

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

62 (g) Establish an annual budget covering all the costs
63 of board operations;

64 (h) With the assistance of the Mississippi Personnel
65 Advisory Council, promote public understanding of the purposes,
66 policies and practices of the State Personnel System and advise
67 and assist the state departments, agencies and institutions in
68 fostering sound principles of personnel management and securing
69 the interest of institutions of learning and of civic,



70 professional and other organizations in the improvement of
71 personnel standards under the State Personnel System;

72 (i) Recommend policies and procedures for the
73 establishment and abolishment of employment positions within state
74 government and develop a system for the efficient use of personnel
75 resources;

76 (j) Cooperate with state institutions of higher
77 learning in implementing a career management program in state
78 agencies for graduate students in public administration in order
79 to provide state government with a steady flow of professional
80 public managerial talent;

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

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

89 (m) Annually report to the Governor and Legislature on
90 the operation of the State Personnel System and the status of
91 personnel administration in state government;

92 (n) Require submission and approve organization and
93 staffing plans of departments and agencies in state and nonstate
94 service on such forms and according to such regulations as the
95 board may prescribe to control and limit the growth of subordinate
96 executive and administrative units and positions and to provide
97 for agency staff reorganization without prior board approval when
98 authority to reorganize has been delegated to an agency as
99 provided in paragraph (p);

100 (o) In coordination with appointing authorities, set
101 the annual salaries of those appointed officials whose salaries
102 are not otherwise set by statute who work on a full-time basis in



103 the capacity of agency head, executive director or administrator
104 of any state department, agency, institution, board or commission
105 under the jurisdiction of the State Personnel Board as provided in
106 Section 25-9-101 et seq., in conformity with the State Personnel
107 Board's compensation plan. Salaries of incumbents required by law
108 to serve in their professional capacity as a physician, dentist,
109 veterinarian or attorney shall be set in accordance with Section
110 25-9-107(c) (xiii);

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

134 The personnel board shall maintain a record of every
135 personnel transaction executed under authority delegated pursuant



136 to this paragraph and shall annually report the total cost of
137 these transactions, by agency, to the Legislative Budget Office
138 and the Department of Finance and Administration.

139 The State Personnel Board shall prescribe rules requiring the
140 State Personnel Director to perform a compliance audit and
141 evaluation of personnel transactions executed under authority
142 delegated pursuant to this paragraph and to publish a report of
143 the audit listing exceptions taken by the State Personnel Director
144 not later than the first of October each year. In the event the
145 State Personnel Board determines that an agency has misclassified
146 an employee or position as a result of this delegated authority,
147 the State Personnel Board shall be authorized to correct such
148 misclassification regardless of the state service status of the
149 employee holding such position. Authority to correct such
150 misclassifications of filled positions shall be limited to one (1)
151 year from the date which the State Personnel Board receives
152 written notice of the reallocation;

153 (q) Require that if an employment position has been
154 determined to be in need of reallocation from one (1) occupational
155 class to another, the employee occupying the position shall meet
156 the minimum qualifications for the occupational class to which the
157 position is being reallocated in order for the position to be
158 eligible for the reallocation. However, when a reallocation is
159 based upon an agency reorganization due to documented funds
160 constraints, documented change in agency function, or legislative
161 mandate, a position may be reallocated with prior approval of the
162 State Personnel Board;

163 (r) Implement a reduction-in-force policy which shall
164 apply uniformly to all state agencies and which shall require that
165 the appointing authority develop an equitable and systematic plan
166 for implementation of an agency-wide reduction-in-force. If a
167 proposed reduction-in-force is the result of a curtailment of
168 general funds, the State Personnel Board shall review the proposed



169 reduction-in-force plan only upon written certification of a
170 general funds shortage from the Department of Finance and
171 Administration. If a proposed reduction-in-force is the result of
172 a curtailment of special funds, the State Personnel Board shall
173 review the proposed reduction-in-force plan only upon written
174 certification of a special funds shortage from the agency.
175 Further, the State Personnel Board shall ensure that any
176 reduction-in-force plan complies with all applicable policies,
177 rules and regulations of the State Personnel Board;

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

188 (t) Establish policies which preclude any employee
189 under the salary setting authority of the State Personnel Board
190 from receiving an annual salary greater than the amount authorized
191 under Section 25-3-39.

192 * * *

193 **SECTION 2.** Section 37-3-9, Mississippi Code of 1972, is
194 amended as follows:

195 37-3-9. (1) From and after July 1, 1984, there shall be a
196 State Superintendent of Public Education who shall be appointed by
197 the State Board of Education, with the advice and consent of the
198 Senate, and serve at the board's will and pleasure. He shall be
199 the chief administrative officer for the State Department of
200 Education and shall administer the department in accordance with
201 the policies established by the State Board of Education. From



202 and after the effective date of House Bill No. 773, 2003 Regular
203 Session, the State Superintendent of Public Education shall
204 receive the salary that he was receiving on January 1, 2003.
205 Such salary may be increased to an amount established by the State
206 Board of Education but only upon the approval of the State
207 Personnel Board. The State Superintendent of Public Education
208 shall have at least a master's degree in any field and a minimum
209 of five (5) years' experience in administration in the educational
210 field.

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

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

218 37-3-13. (1) Until July 1, 1984, the Assistant State
219 Superintendent of Public Education, the directors, supervisors,
220 clerical assistants, and employees shall be selected by, and hold
221 office subject to the will of, the State Superintendent, except as
222 provided in Section 37-3-17. The Assistant State Superintendent
223 may be authorized to act in the absence or disability of the State
224 Superintendent and shall perform such other duties as may be
225 assigned to him by the State Superintendent. The State
226 Superintendent shall have the power to assign to any division such
227 clerical help as he may deem necessary and to discharge such
228 clerical help among the divisions at any time necessity requires,
229 except as provided in Section 37-3-17.

230 (2) From and after July 1, 1984, the deputy superintendents,
231 associate superintendents and directors shall be selected by and
232 hold office subject to the will of the State Superintendent of
233 Public Education subject to the approval of the State Board of
234 Education. All other personnel shall be competitively appointed



235 by the State Superintendent and shall be dismissed only for cause
236 in accordance with the rules and regulations of the State
237 Personnel Board. * * * The State Superintendent, subject to the
238 approval of the State Personnel Board, shall fix the amount of
239 compensation of all * * * employees of the State Department of
240 Education. All salaries, compensation or expenses of any of the
241 personnel of the department shall be paid upon the requisition of
242 the State Superintendent of Public Education and warrant issued
243 thereunder by the State Auditor out of funds appropriated by the
244 Legislature in a lump sum upon the basis of budgetary requirements
245 submitted by the Superintendent of Education or out of funds
246 otherwise made available. The entire expense of administering the
247 department shall never exceed the amount appropriated therefor,
248 plus funds received from other sources other than state
249 appropriations. For a violation of this provision, the
250 superintendent shall be liable, and he and the sureties on his
251 bond shall be required to restore any such excess.

252 **SECTION 4.** Section 25-3-39, Mississippi Code of 1972, as
253 amended by House Bill No. 99, 2003 Regular Session, and by Senate
254 Bill No. 2794, 2003 Regular Session, is amended as follows:

255 **[Until July 1, 2003, this section shall read as follows:]**

256 25-3-39. (1) No public officer, public employee,
257 administrator, or executive head of any arm or agency of the
258 state, in the executive branch of government, shall be paid a
259 salary or compensation, directly or indirectly, in excess of the
260 maximum salary fixed in Section 25-3-31 for the Governor. All
261 academic officials, members of the teaching staffs and employees
262 of the state institutions of higher learning, the State Board for
263 Community and Junior Colleges, * * * community and junior
264 colleges, the State Superintendent of Public Education, and
265 licensed physicians who are public employees, shall be exempt from
266 this subsection. In addition, the Executive Director of the
267 Mississippi Development Authority and the Chief of Staff of the



268 Governor's Office shall be exempt from this subsection. The
269 Governor shall fix the annual salary of the Executive Director of
270 the Mississippi Development Authority and the annual salary of the
271 Chief of Staff of the Governor's Office, which salaries shall be
272 completely paid by the state and may not be supplemented with any
273 funds from any source, including federal or private funds.

274 Provided, however, that the salary of the Executive Director of
275 the Mississippi Development Authority and the Governor's Chief of
276 Staff shall not be greater than fifty percent (50%) in excess of
277 the salary of the Governor.

278 (2) No public officer, employee or administrator shall be
279 paid a salary or compensation, directly or indirectly, in excess
280 of the salary of the executive head of the state agency or
281 department in which he is employed. The State Personnel Board,
282 based upon its findings of fact, may exempt physicians and
283 actuaries from this subsection when the acquisition of such
284 professional services is precluded based on the prevailing wage in
285 the relevant labor market.

286 **[From and after July 1, 2003, this section shall read as**
287 **follows:]**

288 25-3-39. (1) No public officer, public employee,
289 administrator, or executive head of any arm or agency of the
290 state, in the executive branch of government, shall be paid a
291 salary or compensation, directly or indirectly, greater than one
292 hundred fifty percent (150%) of the maximum salary fixed in
293 Section 25-3-31 for the Governor. All academic officials, members
294 of the teaching staffs and employees of the state institutions of
295 higher learning, the State Board for Community and Junior
296 Colleges, * * * community and junior colleges, the State
297 Superintendent of Public Education, and licensed physicians who
298 are public employees, shall be exempt from this subsection. * * *
299 The Governor shall fix the annual salary of the Executive Director
300 of the Mississippi Development Authority and the annual salary of



301 the Chief of Staff of the Governor's Office, which salaries shall
302 be completely paid by the state and may not be supplemented with
303 any funds from any source, including federal or private funds.
304 Provided, however, that the salary of the Executive Director of
305 the Mississippi Development Authority and the Governor's Chief of
306 Staff shall not be greater than one hundred fifty percent (150%)
307 of the salary of the Governor. Furthermore, all professional
308 employees who hold a bachelor's degree or more advanced degree
309 from an accredited four-year college or university or a
310 certificate or license issued by a state licensing board,
311 commission or agency and who are employed by the Department of
312 Mental Health shall be exempt from this subsection if the State
313 Personnel Board approves the exemption.

314 (2) No public officer, employee or administrator shall be
315 paid a salary or compensation, directly or indirectly, in excess
316 of the salary of the executive head of the state agency or
317 department in which he is employed. The State Personnel Board,
318 based upon its findings of fact, may exempt physicians and
319 actuaries from this subsection when the acquisition of such
320 professional services is precluded based on the prevailing wage in
321 the relevant labor market.

322 **SECTION 5.** Section 37-4-3, Mississippi Code of 1972, is
323 amended as follows:

324 37-4-3. (1) From and after July 1, 1986, there shall be a
325 State Board for Community and Junior Colleges which shall receive
326 and distribute funds appropriated by the Legislature for the use
327 of the public community and junior colleges and funds from federal
328 and other sources that are transmitted through the state
329 governmental organization for use by said colleges. This board
330 shall provide general coordination of the public community and
331 junior colleges, assemble reports and such other duties as may be
332 prescribed by law.



333 (2) The board shall consist of ten (10) members of which
334 none shall be an elected official and none shall be engaged in the
335 educational profession. The Governor shall appoint two (2)
336 members from the First Mississippi Congressional District, one (1)
337 who shall serve an initial term of two (2) years and one (1) who
338 shall serve an initial term of five (5) years; two (2) members
339 from the Second Mississippi Congressional District, one (1) who
340 shall serve an initial term of five (5) years and one (1) who
341 shall serve an initial term of three (3) years; and two (2)
342 members from the Third Mississippi Congressional District, one (1)
343 who shall serve an initial term of four (4) years and one (1) who
344 shall serve an initial term of two (2) years; two (2) members from
345 the Fourth Mississippi Congressional District, one (1) who shall
346 serve an initial term of three (3) years and one (1) who shall
347 serve an initial term of four (4) years; and two (2) members from
348 the Fifth Mississippi Congressional District, one (1) who shall
349 serve an initial term of five (5) years and one (1) who shall
350 serve an initial term of two (2) years. All subsequent
351 appointments shall be for a term of six (6) years and continue
352 until their successors are appointed and qualify. An appointment
353 to fill a vacancy which arises for reasons other than by
354 expiration of a term of office shall be for the unexpired term
355 only. No two (2) appointees shall reside in the same junior
356 college district. All members shall be appointed with the advice
357 and consent of the Senate.

358 (3) There shall be a chairman and vice chairman of the
359 board, elected by and from the membership of the board; and the
360 chairman shall be the presiding officer of the board. The board
361 shall adopt rules and regulations governing times and places for
362 meetings and governing the manner of conducting its business.

363 (4) The members of the board shall receive no annual salary,
364 but shall receive per diem compensation as authorized by Section
365 25-3-69, Mississippi Code of 1972, for each day devoted to the



366 discharge of official board duties and shall be entitled to
367 reimbursement for all actual and necessary expenses incurred in
368 the discharge of their duties, including mileage as authorized by
369 Section 25-3-41, Mississippi Code of 1972.

370 (5) The board shall name a director for the state system of
371 public junior and community colleges, who shall serve at the
372 pleasure of the board. Such director shall be the chief executive
373 officer of the board, give direction to the board staff, carry out
374 the policies set forth by the board, and work with the presidents
375 of the several community and junior colleges to assist them in
376 carrying out the mandates of the several boards of trustees and in
377 functioning within the state system and policies established by
378 the State Board for Community and Junior Colleges. The State
379 Board for Community and Junior Colleges shall set the salary of
380 the Director of the State System of Community and Junior Colleges.
381 The State Board for Community and Junior Colleges shall annually
382 submit to the State Personnel Board a list of salaries for its
383 employees and the State Personnel Board shall give a nonbinding
384 advisory opinion on the amount of the salaries for the director
385 and other employees of the board. The Legislature shall provide
386 adequate funds for the State Board for Community and Junior
387 Colleges, its activities and its staff.

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

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

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

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

397 (d) To require community and junior colleges to supply
398 such information as the board may request and compile, publish and



399 make available such reports based thereon as the board may deem
400 advisable.

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

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

412 (g) To approve applications from community and junior
413 colleges for state funds for vocational-technical education
414 facilities.

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

417 (i) To appoint members to the Post-Secondary
418 Educational Assistance Board.

419 (j) To appoint members to the Authority for Educational
420 Television.

421 (k) To contract with other boards, commissions,
422 governmental entities, foundations, corporations or individuals
423 for programs, services, grants and awards when such are needed for
424 the operation and development of the state public community and
425 junior college system.

426 (l) To fix standards for community and junior colleges
427 to qualify for appropriations, and qualifications for community
428 and junior college teachers.

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



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

443 **SECTION 6.** Section 37-101-7, Mississippi Code of 1972, is
444 amended as follows:

445 37-101-7. Within ten (10) days after the beginning of the
446 terms of office of its members, upon call of the Governor, the
447 Board of Trustees of State Institutions of Higher Learning shall
448 meet in the City of Jackson and organize by electing one (1) of
449 its number as president, whose term of office shall be for one (1)
450 year or until a successor shall be elected, and shall transact
451 such other business as may come before the meeting. When the
452 presiding officer has voted and the result is a tie, he cannot
453 vote again to break the tie.

454 The trustees shall have authority to appoint a nonmember as
455 Commissioner of Higher Education, who shall possess the highest
456 qualifications as an administrator and research worker. The
457 Commissioner of Higher Education shall maintain an office and be
458 responsible to the board for the efficient functioning of the
459 staff which the board may from time to time establish. It shall
460 be the duty of the Commissioner of Higher Education to make
461 constant inquiry into the problems of higher education, to survey
462 and study carefully the organization, management and all other
463 affairs of each institution under the control of said trustees, to
464 make report of all findings and recommend such changes as will



465 increase efficiency and economy in the operation of each
466 institution, and to perform such other duties as the board may
467 prescribe. The Commissioner of Higher Education shall be
468 responsible for compiling all laws and all rules and regulations
469 of a general nature adopted by the board for the governance of the
470 various institutions of higher learning in pamphlet or loose-leaf
471 form. Current copies of such compilations shall be furnished to
472 all officials directly responsible for the carrying out of such
473 laws, rules and regulations. The expenses for such compilation
474 and publication shall be paid by the board out of any funds
475 available for the operation of said board.

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

488 The Commissioner of Higher Education and other personnel
489 employed by the board shall receive reasonable salaries
490 commensurate with their duties and functions, the amount of which
491 shall be fixed by the board. The Board of Trustees of State
492 Institutions of Higher Learning shall annually submit to the State
493 Personnel Board a list of salaries for its employees and the State
494 Personnel Board shall give the Board of Trustees of State
495 Institutions of Higher Learning a nonbinding advisory opinion on
496 the amount of the salaries for the director and other personnel
497 employed by the board. The reasonable traveling expenses and



498 other authorized expenses incurred by the commissioner and other
499 personnel in the performance of their duties, together with other
500 expenses of the operation of the executive office, shall be
501 prorated and deducted from the appropriations for the current
502 expenses of the several institutions.

503 **SECTION 7.** Section 57-1-5, Mississippi Code of 1972, is
504 amended as follows:

505 57-1-5. (1) The Governor shall, with the advice and consent
506 of the Senate, appoint an executive director who:

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

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

511 (i) Industrial development, or

512 (ii) Economic development.

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

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

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

520 (b) To use and expend any funds from state, federal or
521 private sources coming into the department for the purposes herein
522 provided. State funds appropriated for the department shall be
523 expended in accordance with the regulations governing the
524 expenditures of other state funds.

525 (c) To implement the duties assigned to the department
526 and consistent with specific requirements of law, including, but
527 not limited to:

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



531 (ii) Research and planning;
532 (iii) Outreach, agency liaison and community
533 development;
534 (iv) Tourism, business travel, and film;
535 (v) Programs and assistance for existing state
536 business and industry;
537 (vi) Recruiting new business and industry into the
538 state;
539 (vii) Fostering and promoting of entrepreneurship
540 and the creation of new business in the state;
541 (viii) Programs aimed at competing effectively in
542 the international economy by increasing exports of state products
543 and services and by promoting, developing and creating the
544 conditions and programs that will bring about significant
545 increases in investment in the state from other countries;
546 (ix) Programs relating to the development of
547 ports;
548 (x) Such other areas as are within the
549 jurisdiction and authority of the department and will foster and
550 promote the economic development of this state;
551 (xi) Salaries of the associate directors, deputy
552 directors and bureau directors may be set by the executive
553 director of the department. The positions of associate directors,
554 deputy directors and bureau directors shall not be state service
555 positions. The Mississippi Development Authority shall annually
556 submit to the State Personnel Board a list of salaries for its
557 employees and the State Personnel Board shall give the Mississippi
558 Development Authority a nonbinding advisory opinion on the amount
559 of the salaries for the executive director and other employees of
560 the authority.

561 **SECTION 8.** The State Personnel Board is authorized to accept
562 and expend funds from any available source, private and public,
563 for the purpose of strategic planning and development of the



564 public sector workforce. The board shall be authorized to select
565 and enter into contracts for the purpose of strategic planning and
566 development of the public sector workforce. Any such contracts
567 shall be executed through the Statewide Payroll and Human
568 Resources System and may be exempted from the competitive process.
569 However, no state agency shall be assessed for charges for the
570 implementation of this section unless the agency receives the
571 benefit of the strategic planning and development of the
572 workforce.

573 **SECTION 9.** This act shall take effect and be in force from
574 and after its passage.

