

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 773: State personnel board; extend repealer establishing; require board to approve certain salaries.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
  
2. That the House and Senate adopt the following amendment:

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

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46 until amended, changed, modified or repealed by the board;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 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  
300 Director of the Mississippi Development Authority and the annual



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

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

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.

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
John R. Reeves

**X** \_\_\_\_\_  
Frank Hamilton

**X** \_\_\_\_\_  
John Read

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Billy Thames

**X** \_\_\_\_\_  
Jack Gordon

**X** \_\_\_\_\_  
William R. Minor