

*****Adopted*****
AMENDMENT No. 1 PROPOSED TO

House Bill NO. 773

By Representative(s) Reeves

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

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

11 25-9-115. It shall be the specific duty and function of the
12 State Personnel Board to:

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

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

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28 until amended, changed, modified or repealed by the board;

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

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

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

44 (g) Establish an annual budget covering all the costs
45 of board operations;

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

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

58 (j) Cooperate with state institutions of higher
59 learning in implementing a career management program in state
60 agencies for graduate students in public administration in order
61 to provide state government with a steady flow of professional
62 public managerial talent;

63 (k) Prescribe rules which shall provide that an

employee in state service is not obliged, by reason of his employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so;

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

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

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

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

99 contingent upon the reallocations and reorganizations being
100 conducted in accordance with rules and regulations promulgated by
101 the State Personnel Board. In the event the State Personnel Board
102 has delegated reallocation authority to an agency, this delegation
103 does not remove the requirement that agencies submit personal
104 services budget requests each fiscal year for the purpose of
105 preparing personal services continuation budget projections. Such
106 budget requests shall be prepared in accordance with the policies,
107 rules and regulations promulgated by the Department of Finance and
108 Administration, the Legislative Budget Office and the State
109 Personnel Board. Prior to making any reallocation or
110 reorganization effective, each appointing authority who has
111 entered into an agreement as provided in this paragraph shall
112 certify to the State Personnel Board that the total annualized
113 cost of any reallocation or reorganization shall be equal to or
114 less than the cost savings generated through downward reallocation
115 or position abolishment of vacant positions.

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

121 The State Personnel Board shall prescribe rules requiring the
122 State Personnel Director to perform a compliance audit and
123 evaluation of personnel transactions executed under authority
124 delegated pursuant to this paragraph and to publish a report of
125 the audit listing exceptions taken by the State Personnel Director
126 not later than the first of October each year. In the event the
127 State Personnel Board determines that an agency has misclassified
128 an employee or position as a result of this delegated authority,
129 the State Personnel Board shall be authorized to correct such
130 misclassification regardless of the state service status of the
131 employee holding such position. Authority to correct such
132 misclassifications of filled positions shall be limited to one (1)
133 year from the date which the State Personnel Board receives

134 written notice of the reallocation;

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

145 (r) Implement a reduction-in-force policy which shall
146 apply uniformly to all state agencies and which shall require that
147 the appointing authority develop an equitable and systematic plan
148 for implementation of an agency-wide reduction-in-force. If a
149 proposed reduction-in-force is the result of a curtailment of
150 general funds, the State Personnel Board shall review the proposed
151 reduction-in-force plan only upon written certification of a
152 general funds shortage from the Department of Finance and
153 Administration. If a proposed reduction-in-force is the result of
154 a curtailment of special funds, the State Personnel Board shall
155 review the proposed reduction-in-force plan only upon written
156 certification of a special funds shortage from the agency.
157 Further, the State Personnel Board shall ensure that any
158 reduction-in-force plan complies with all applicable policies,
159 rules and regulations of the State Personnel Board;

160 (s) Implement a furlough (involuntary leave without
161 pay) policy which shall apply uniformly to all executive and
162 subordinate employees within an agency, regardless of job class.
163 The State Personnel Board shall review furlough plans only upon
164 written certification of a general funds shortage from the
165 Department of Finance and Administration or written certification
166 of a special funds shortage from the agency. The State Personnel
167 Board shall ensure that any furlough plan complies with all
168 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 Department of Economic and Community Development and the Chief of Staff of the Governor's Office shall be exempt from this subsection. The Governor shall fix the annual salary of the Executive Director of the Department of Economic and Community Development and the annual salary of the Chief of Staff of the Governor's Office, which salaries shall be completely paid by the state and may not be supplemented with any funds from any source, including federal or private funds. Provided, however, that the salary of the Executive Director of the Department of Economic and Community Development and the Governor's Chief of Staff shall not be greater than fifty percent (50%) in excess of the salary of the Governor.

(2) No public officer, employee or administrator shall be

204 paid a salary or compensation, directly or indirectly, in excess
205 of the salary of the executive head of the state agency or
206 department in which he is employed. The State Personnel Board,
207 based upon its findings of fact, may exempt physicians * * * from
208 this subsection when the acquisition of such professional services
209 is precluded based on the prevailing wage in the relevant labor
210 market.

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

213 25-9-107. The following terms, when used in this chapter,
214 unless a different meaning is plainly required by the context,
215 shall have the following meanings:

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

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

221 (c) "Nonstate service" shall mean the following
222 officers and employees excluded from the state service by this
223 chapter. The following are excluded from the state service:

224 (i) Members of the State Legislature, their staffs
225 and other employees of the legislative branch;

226 (ii) The Governor and staff members of the
227 immediate Office of the Governor;

228 (iii) Justices and judges of the judicial branch
229 or members of appeals boards on a per diem basis;

230 (iv) The Lieutenant Governor, staff members of the
231 immediate Office of the Lieutenant Governor and officers and
232 employees directly appointed by the Lieutenant Governor;

233 (v) Officers and officials elected by popular vote
234 and persons appointed to fill vacancies in elective offices;

235 (vi) Members of boards and commissioners appointed
236 by the Governor, Lieutenant Governor or the State Legislature;

237 (vii) All * * * members of the teaching staffs and
238 employees of the state institutions of higher learning, the State

Board for Community and Junior Colleges, and community and junior colleges;

(viii) Officers and enlisted members of the National Guard of the state;

(ix) Prisoners, inmates, student or patient help working in or about institutions;

(x) Contract personnel; provided, that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the State Personal Service Contract Review Board under Section 25-9-120(3). Before paying any warrant for such contractual services in excess of One Hundred Thousand Dollars (\$100,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the State Personal Service Contract Review Board;

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

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

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

warrant by the auditor;

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

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

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

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

(xviii) Repealed;

* * *

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

318 (d) "Agency" means any state board, commission,
319 committee, council, department or unit thereof created by the
320 Constitution or statutes if such board, commission, committee,
321 council, department, unit or the head thereof, is authorized to
322 appoint subordinate staff by the Constitution or statute, except a
323 legislative or judicial board, commission, committee, council,
324 department or unit thereof.

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

327 37-3-9. (1) From and after July 1, 1984, there shall be a
328 State Superintendent of Public Education who shall be appointed by
329 the State Board of Education, with the advice and consent of the
330 Senate, and serve at the board's will and pleasure. He shall be
331 the chief administrative officer for the State Department of
332 Education and shall administer the department in accordance with
333 the policies established by the State Board of Education. The
334 State Board of Education shall set the salary of the State
335 Superintendent of Public Education subject to the approval of the
336 State Personnel Board. The State Superintendent of Public
337 Education shall have at least a master's degree in any field and a
338 minimum of five (5) years' experience in administration in the
339 educational field.

340 (2) The state superintendent shall give bond in the penalty
341 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
342 approved by the Governor, conditioned according to law. Said bond
343 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

449 relate to the mission of the community and junior colleges.

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

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

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

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

467 (g) To approve applications from community and junior
468 colleges for state funds for vocational-technical education
469 facilities.

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

472 (i) To appoint members to the Post-Secondary
473 Educational Assistance Board.

474 (j) To appoint members to the Authority for Educational
475 Television.

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

481 (l) To fix standards for community and junior colleges
482 to qualify for appropriations, and qualifications for community
483 and junior college teachers.

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

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

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

500 37-101-7. Within ten (10) days after the beginning of the
501 terms of office of its members, upon call of the Governor, the
502 Board of Trustees of State Institutions of Higher Learning shall
503 meet in the City of Jackson and organize by electing one (1) of
504 its number as president, whose term of office shall be for one (1)
505 year or until a successor shall be elected, and shall transact
506 such other business as may come before the meeting. When the
507 presiding officer has voted and the result is a tie, he cannot
508 vote again to break the tie.

509 The trustees shall have authority to appoint a nonmember as
510 Commissioner of Higher Education, who shall possess the highest
511 qualifications as an administrator and research worker. The
512 Commissioner of Higher Education shall maintain an office and be
513 responsible to the board for the efficient functioning of the
514 staff which the board may from time to time establish. It shall
515 be the duty of the Commissioner of Higher Education to make
516 constant inquiry into the problems of higher education, to survey
517 and study carefully the organization, management and all other
518 affairs of each institution under the control of said trustees, to

519 make report of all findings and recommend such changes as will
520 increase efficiency and economy in the operation of each
521 institution, and to perform such other duties as the board may
522 prescribe. The Commissioner of Higher Education shall be
523 responsible for compiling all laws and all rules and regulations
524 of a general nature adopted by the board for the governance of the
525 various institutions of higher learning in pamphlet or loose-leaf
526 form. Current copies of such compilations shall be furnished to
527 all officials directly responsible for the carrying out of such
528 laws, rules and regulations. The expenses for such compilation
529 and publication shall be paid by the board out of any funds
530 available for the operation of said board.

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

543 The Commissioner of Higher Education and other personnel
544 employed by the board shall receive reasonable salaries
545 commensurate with their duties and functions, the amount of which
546 shall be fixed by the board, subject to the approval of the State
547 Personnel Board. The reasonable traveling expenses and other
548 authorized expenses incurred by the commissioner and other
549 personnel in the performance of their duties, together with other
550 expenses of the operation of the executive office, shall be
551 prorated and deducted from the appropriations for the current
552 expenses of the several institutions.

553 **SECTION 8.** Section 57-1-5, Mississippi Code of 1972, is

554 amended as follows:

555 57-1-5. (1) The Governor shall, with the advice and consent
556 of the Senate, appoint an executive director who:

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

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

561 (i) Industrial development, or

562 (ii) Economic development.

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

566 (3) The executive director shall have the following powers
567 and duties:

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

570 (b) To use and expend any funds from state, federal or
571 private sources coming into the department for the purposes herein
572 provided. State funds appropriated for the department shall be
573 expended in accordance with the regulations governing the
574 expenditures of other state funds.

575 (c) To implement the duties assigned to the department
576 and consistent with specific requirements of law, including, but
577 not limited to:

578 (i) Support services to include legal, finance,
579 data processing, personnel, communications and advertising,
580 purchasing and accounting;

581 (ii) Research and planning;

582 (iii) Outreach, agency liaison and community
583 development;

584 (iv) Tourism, business travel, and film;

585 (v) Programs and assistance for existing state
586 business and industry;

587 (vi) Recruiting new business and industry into the
588 state;

589 (vii) Fostering and promoting of entrepreneurship
590 and the creation of new business in the state;

591 (viii) Programs aimed at competing effectively in
592 the international economy by increasing exports of state products
593 and services and by promoting, developing and creating the
594 conditions and programs that will bring about significant
595 increases in investment in the state from other countries;

596 (ix) Programs relating to the development of
597 ports;

598 (x) Such other areas as are within the
599 jurisdiction and authority of the department and will foster and
600 promote the economic development of this state.

601 * * *

602 **SECTION 9.** The provisions of this act shall apply
603 retroactively with regard to any additional compensation earned by
604 any officer or employee of the State of Mississippi for working
605 overtime on or after July 1, 2001.

606 **SECTION 10.** This act shall take effect and be in force from
607 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 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; AND FOR RELATED PURPOSES.