

**\*\*\*Pending\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2789**

**By Representative(s) Committee**

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

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

34           25-9-115. It shall be the specific duty and function of the  
35 State Personnel Board to:

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

39                   (b) Determine appropriate goals and objectives for the  
40 State Personnel System and prescribe policies for their  
41 accomplishment, with the assistance of the Mississippi Personnel  
42 Advisory Council;

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51 until amended, changed, modified or repealed by the board;

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

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

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

67           (g) Establish an annual budget covering all the costs  
68 of board operations;

69           (h) With the assistance of the Mississippi Personnel  
70 Advisory Council, promote public understanding of the purposes,  
71 policies and practices of the State Personnel System and advise  
72 and assist the state departments, agencies and institutions in  
73 fostering sound principles of personnel management and securing  
74 the interest of institutions of learning and of civic,  
75 professional and other organizations in the improvement of  
76 personnel standards under the State Personnel System;

77           (i) Recommend policies and procedures for the  
78 establishment and abolishment of employment positions within state  
79 government and develop a system for the efficient use of personnel  
80 resources;

81           (j) Cooperate with state institutions of higher  
82 learning in implementing a career management program in state  
83 agencies for graduate students in public administration in order  
84 to provide state government with a steady flow of professional  
85 public managerial talent;

86           (k) Prescribe rules which shall provide that an

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

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

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

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

105 (o) In coordination with appointing authorities, set  
106 the annual salaries of those appointed officials whose salaries  
107 are not otherwise set by statute who work on a full-time basis in  
108 the capacity of agency head, executive director or administrator  
109 of any state department, agency, institution, board or commission  
110 under the jurisdiction of the State Personnel Board as provided in  
111 Section 25-9-101 et seq., in conformity with the State Personnel  
112 Board's compensation plan. Salaries of incumbents required by law  
113 to serve in their professional capacity as a physician, dentist,  
114 veterinarian or attorney shall be set in accordance with Section  
115 25-9-107(c)(xiii);

116 (p) Authorize the director to enter into formal  
117 agreements with department executive directors and agency  
118 directors in which employment positions within their agencies may  
119 be reallocated and organization charts amended without prior State  
120 Personnel Board approval; however, such agreements shall be  
121 revocable by the State Personnel Board and continuation shall be

122 contingent upon the reallocations and reorganizations being  
123 conducted in accordance with rules and regulations promulgated by  
124 the State Personnel Board. In the event the State Personnel Board  
125 has delegated reallocation authority to an agency, this delegation  
126 does not remove the requirement that agencies submit personal  
127 services budget requests each fiscal year for the purpose of  
128 preparing personal services continuation budget projections. Such  
129 budget requests shall be prepared in accordance with the policies,  
130 rules and regulations promulgated by the Department of Finance and  
131 Administration, the Legislative Budget Office and the State  
132 Personnel Board. Prior to making any reallocation or  
133 reorganization effective, each appointing authority who has  
134 entered into an agreement as provided in this paragraph shall  
135 certify to the State Personnel Board that the total annualized  
136 cost of any reallocation or reorganization shall be equal to or  
137 less than the cost savings generated through downward reallocation  
138 or position abolishment of vacant positions.

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

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

157 written notice of the reallocation;

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

168           (r) Implement a reduction-in-force policy which shall  
169 apply uniformly to all state agencies and which shall require that  
170 the appointing authority develop an equitable and systematic plan  
171 for implementation of an agency-wide reduction-in-force. If a  
172 proposed reduction-in-force is the result of a curtailment of  
173 general funds, the State Personnel Board shall review the proposed  
174 reduction-in-force plan only upon written certification of a  
175 general funds shortage from the Department of Finance and  
176 Administration. If a proposed reduction-in-force is the result of  
177 a curtailment of special funds, the State Personnel Board shall  
178 review the proposed reduction-in-force plan only upon written  
179 certification of a special funds shortage from the agency.  
180 Further, the State Personnel Board shall ensure that any  
181 reduction-in-force plan complies with all applicable policies,  
182 rules and regulations of the State Personnel Board;

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

192 Board;

193 (t) Provide to the Legislature its recommendation of  
194 any increase in the salaries of those elected and appointed  
195 officials and employees whose salaries are required by law to be  
196 established by the Legislature.

197 (u) No member, officer or employee of the State  
198 Personnel Board shall accept or receive any gift, donation,  
199 contribution, gratuity, reward, or any other thing of value, or  
200 any promise thereof, in exchange for any action taken or decision  
201 made regarding the salary or compensation of any person that the  
202 State Personnel Board has the authority to approve or establish.  
203 A violation of this section by any member, officer or employee of  
204 the State Personnel Board shall constitute good cause for removal  
205 of such person from office or employment.

206 This section shall stand repealed from and after June 30,  
207 2004.

208 **SECTION 2.** The salary of any public officer or employee that  
209 is required by law to be set by the Legislature shall be included  
210 as a line item appropriation in the annual appropriation for the  
211 agency or department for which the official or employee works.  
212 The Legislature may increase the salary of any such official or  
213 employee if an increase for the position is recommended by the  
214 State Personnel Board. Any recommendation by the State Personnel  
215 Board to increase the salary of such an official or employee shall  
216 be made not later than August 1 of the year immediately preceding  
217 the year for which the salary increase is recommended.

218 **SECTION 3.** Section 25-3-33, Mississippi Code of 1972, is  
219 amended as follows:

220 25-3-33. (1) The annual salaries of the following  
221 appointive state and district officials and employees are fixed as  
222 follows:

223 Deputy Attorney General \* \* \* ..... \$72,800.00  
224 Assistant Attorneys General \* \* \* ..... 68,400.00  
225 Military Department--National Guard:  
226 Adjutant General..... 80,000.00

227	Department of Banking and Consumer Finance:	
228	Commissioner.....	85,000.00
229	Chairman of the State Tax Commission (Commissioner of	
230	Revenue).....	91,000.00
231	Associate Commissioners, each.....	42,000.00
232	Director of Emergency Management Agency.....	65,000.00
233	Department of Public Safety:	
234	Commissioner of Public Safety.....	80,000.00
235	Director, Office of Mississippi Highway	
236	Safety Patrol, or his successor.....	70,000.00
237	Director, Office of Support Services, or	
238	his successor.....	70,000.00
239	Department of Human Services:	
240	Director, not to exceed.....	85,000.00
241	Workers' Compensation Commission:	
242	Chairman.....	80,000.00
243	Members, each.....	78,000.00
244	Executive Director.....	75,000.00
245	Administrative Judge, each.....	75,000.00
246	Archives and History:	
247	Director, not to exceed.....	70,000.00
248	State Forester.....	70,000.00
249	State Oil and Gas Board:	
250	Secretary-Supervisor.....	70,000.00
251	Educational Television Authority:	
252	Executive Director.....	70,000.00
253	Director, Mississippi Library Commission * * *.....	70,000.00
254	Executive Secretary, Public Service Commission.....	65,000.00
255	Parole Board:	
256	Chairman.....	50,000.00
257	Administrative Assistant for Parole Matters...	42,000.00
258	Members, each.....	44,000.00
259	Governor's State Bond Advisory Division:	
260	Director.....	55,000.00
261	Employment Security Commission:	

262	Executive Director * * * .....	70,000.00
263	Executive Director, Department of Mental Health * * *	85,000.00
264	Director, Division of Medicaid * * * .....	85,000.00
265	Director, State Department of Transportation * * *	85,000.00
266	State Entomologist .....	65,000.00
267	Clerk of the Supreme Court .....	60,000.00
268	State Aid Engineer, Division of State Aid Road	
269	Construction .....	70,000.00
270	Executive Director, Judicial Performance Commission	65,000.00
271	Executive Director, Department of Finance and	
272	Administration .....	85,000.00
273	Superintendent, Mississippi School for the Blind * * *	65,000.00
274	Superintendent, Mississippi School for the Deaf * * *	65,000.00
275	Executive Director, State Fair Commission .....	65,000.00
276	Executive Director, Department of Wildlife, Fisheries and	
277	Parks .....	80,000.00
278	Executive Director, Department of Environmental Quality	85,000.00
279	Executive Director, Pat Harrison Waterway District.	65,000.00
280	Executive Director, Pearl River Basin Development	
281	District .....	61,000.00
282	Executive Director, Pearl River Valley Water Supply	
283	District .....	71,000.00
284	Executive Director, Tombigbee River Valley Water	
285	Management District .....	61,000.00
286	Director, Soil and Water Conservation Commission...	60,000.00
287	Commissioner, Mississippi Department of Corrections	85,000.00
288	Executive Director, Mississippi Department of Information	
289	Technology Services .....	85,000.00
290	Director, Mississippi Bureau of Narcotics .....	60,000.00
291	Executive Secretary, State Veterans Affairs Board..	55,000.00
292	Executive Officer, Veterans' Home Purchase Board...	65,000.00
293	Chief Administrative Officer, Motor Vehicle Commission	55,000.00
294	Stadium Manager, Mississippi Veterans Memorial Stadium	55,000.00
295	Executive Director, Mississippi Arts Commission....	55,000.00
296	Director, Mississippi Board of Nursing .....	60,000.00



297	Director, State Board of Pharmacy.....	60,000.00
298	Director, State Board of Public Contractors.....	50,000.00
299	Director, Real Estate Commission.....	55,000.00
300	Director of Support Services, Department of	
301	Rehabilitation Services.....	80,000.00
302	Executive Director, State Fire Academy.....	55,000.00
303	Executive Director, Law Enforcement Officers Training	
304	Academy.....	50,000.00
305	Executive Director, State Board of Accountancy.....	60,000.00
306	Executive Director, Mississippi Gaming Commission..	90,000.00
307	Executive Director, Mississippi Department of Marine	
308	Resources.....	70,000.00
309	Executive Director, State Board of Registration for	
310	Professional Engineers and Land Surveyors.....	55,000.00
311	Executive Director, Public Utilities Staff.....	85,000.00
312	State Law Librarian.....	60,000.00
313	State Personnel Director.....	75,000.00
314	Manager, Farmers Central Market, Department of	
315	Agriculture and Commerce.....	40,000.00
316	State Veterinarian.....	70,000.00
317	Executive Director, Mississippi Ethics Commission..	70,000.00

318     (2) The salaries of the official and employees listed in  
319 subsection (1) of this section may be increased by the Legislature  
320 as provided in Section 2 of this act.

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

323     37-3-9. (1) From and after July 1, 1984, there shall be a  
324 State Superintendent of Public Education who shall be appointed by  
325 the State Board of Education, with the advice and consent of the  
326 Senate, and serve at the board's will and pleasure. He shall be  
327 the chief administrative officer for the State Department of  
328 Education and shall administer the department in accordance with  
329 the policies established by the State Board of Education. The  
330 Legislature, upon recommendation of the State Personnel Board,  
331 shall set the salary of the State Superintendent of Public

332 Education. The State Superintendent of Public Education shall  
333 have at least a master's degree in any field and a minimum of five  
334 (5) years' experience in administration in the educational field.

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

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

342 37-3-13. (1) Until July 1, 1984, the Assistant State  
343 Superintendent of Public Education, the directors, supervisors,  
344 clerical assistants, and employees shall be selected by, and hold  
345 office subject to the will of, the state superintendent, except as  
346 provided in Section 37-3-17. The assistant state superintendent  
347 may be authorized to act in the absence or disability of the State  
348 superintendent and shall perform such other duties as may be  
349 assigned to him by the state superintendent. The state  
350 superintendent shall have the power to assign to any division such  
351 clerical help as he may deem necessary and to discharge such  
352 clerical help among the divisions at any time necessity requires,  
353 except as provided in Section 37-3-17.

354 (2) From and after July 1, 1984, the deputy superintendents,  
355 associate superintendents and directors shall be selected by and  
356 hold office subject to the will of the State Superintendent of  
357 Public Education subject to the approval of the State Board of  
358 Education. All other personnel shall be competitively appointed  
359 by the state superintendent and shall be dismissed only for cause  
360 in accordance with the rules and regulations of the State  
361 Personnel Board. The Legislature, upon recommendation of the  
362 State Personnel Board, shall set the salaries of the deputy  
363 superintendents, associate superintendents and divisional  
364 directors, and the members of the teaching staff and employees of  
365 the Mississippi School of the Arts. The state superintendent,  
366 subject to the approval of the State Personnel Board, shall fix

367 the amount of compensation of all other employees of the State  
368 Department of Education. All salaries, compensation or expenses  
369 of any of the personnel of the department shall be paid upon the  
370 requisition of the State Superintendent of Public Education and  
371 warrant issued thereunder by the State Auditor out of funds  
372 appropriated by the Legislature in a lump sum upon the basis of  
373 budgetary requirements submitted by the Superintendent of  
374 Education or out of funds otherwise made available. The entire  
375 expense of administering the department shall never exceed the  
376 amount appropriated therefor, plus funds received from other  
377 sources other than state appropriations. For a violation of this  
378 provision, the superintendent shall be liable, and he and the  
379 sureties on his bond shall be required to restore any such excess.

380 **SECTION 6.** Section 37-4-3, Mississippi Code of 1972, is  
381 amended as follows:

382 37-4-3. (1) From and after July 1, 1986, there shall be a  
383 State Board for Community and Junior Colleges which shall receive  
384 and distribute funds appropriated by the Legislature for the use  
385 of the public community and junior colleges and funds from federal  
386 and other sources that are transmitted through the state  
387 governmental organization for use by said colleges. This board  
388 shall provide general coordination of the public community and  
389 junior colleges, assemble reports and such other duties as may be  
390 prescribed by law.

391 (2) The board shall consist of ten (10) members of which  
392 none shall be an elected official and none shall be engaged in the  
393 educational profession. The Governor shall appoint two (2)  
394 members from the First Mississippi Congressional District, one (1)  
395 who shall serve an initial term of two (2) years and one (1) who  
396 shall serve an initial term of five (5) years; two (2) members  
397 from the Second Mississippi Congressional District, one (1) who  
398 shall serve an initial term of five (5) years and one (1) who  
399 shall serve an initial term of three (3) years; and two (2)  
400 members from the Third Mississippi Congressional District, one (1)  
401 who shall serve an initial term of four (4) years and one (1) who

402 shall serve an initial term of two (2) years; two (2) members from  
403 the Fourth Mississippi Congressional District, one (1) who shall  
404 serve an initial term of three (3) years and one (1) who shall  
405 serve an initial term of four (4) years; and two (2) members from  
406 the Fifth Mississippi Congressional District, one (1) who shall  
407 serve an initial term of five (5) years and one (1) who shall  
408 serve an initial term of two (2) years. All subsequent  
409 appointments shall be for a term of six (6) years and continue  
410 until their successors are appointed and qualify. An appointment  
411 to fill a vacancy which arises for reasons other than by  
412 expiration of a term of office shall be for the unexpired term  
413 only. No two (2) appointees shall reside in the same junior  
414 college district. All members shall be appointed with the advice  
415 and consent of the Senate.

416 (3) There shall be a chairman and vice chairman of the  
417 board, elected by and from the membership of the board; and the  
418 chairman shall be the presiding officer of the board. The board  
419 shall adopt rules and regulations governing times and places for  
420 meetings and governing the manner of conducting its business.

421 (4) The members of the board shall receive no annual salary,  
422 but shall receive per diem compensation as authorized by Section  
423 25-3-69, Mississippi Code of 1972, for each day devoted to the  
424 discharge of official board duties and shall be entitled to  
425 reimbursement for all actual and necessary expenses incurred in  
426 the discharge of their duties, including mileage as authorized by  
427 Section 25-3-41, Mississippi Code of 1972.

428 (5) The board shall name a director for the state system of  
429 public junior and community colleges, who shall serve at the  
430 pleasure of the board. Such director shall be the chief executive  
431 officer of the board, give direction to the board staff, carry out  
432 the policies set forth by the board, and work with the presidents  
433 of the several community and junior colleges to assist them in  
434 carrying out the mandates of the several boards of trustees and in  
435 functioning within the state system and policies established by  
436 the State Board for Community and Junior Colleges. The

437 Legislature, upon recommendation of the State Personnel Board  
438 shall set the salary of the Director of the State System of  
439 Community and Junior Colleges. The Legislature shall provide  
440 adequate funds for the State Board for Community and Junior  
441 Colleges, its activities and its staff.

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

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

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

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

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

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

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

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

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

471 (i) To appoint members to the Post-Secondary

472 Educational Assistance Board.

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

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

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

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

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

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

499 37-101-7. Within ten (10) days after the beginning of the  
500 terms of office of its members, upon call of the Governor, the  
501 Board of Trustees of State Institutions of Higher Learning shall  
502 meet in the City of Jackson and organize by electing one (1) of  
503 its number as president, whose term of office shall be for one (1)  
504 year or until a successor shall be elected, and shall transact  
505 such other business as may come before the meeting. When the  
506 presiding officer has voted and the result is a tie, he cannot

507 vote again to break the tie.

508         The trustees shall have authority to appoint a nonmember as  
509 Commissioner of Higher Education, who shall possess the highest  
510 qualifications as an administrator and research worker. The  
511 Commissioner of Higher Education shall maintain an office and be  
512 responsible to the board for the efficient functioning of the  
513 staff which the board may from time to time establish. It shall  
514 be the duty of the Commissioner of Higher Education to make  
515 constant inquiry into the problems of higher education, to survey  
516 and study carefully the organization, management and all other  
517 affairs of each institution under the control of said trustees, to  
518 make report of all findings and recommend such changes as will  
519 increase efficiency and economy in the operation of each  
520 institution, and to perform such other duties as the board may  
521 prescribe. The Commissioner of Higher Education shall be  
522 responsible for compiling all laws and all rules and regulations  
523 of a general nature adopted by the board for the governance of the  
524 various institutions of higher learning in pamphlet or loose-leaf  
525 form. Current copies of such compilations shall be furnished to  
526 all officials directly responsible for the carrying out of such  
527 laws, rules and regulations. The expenses for such compilation  
528 and publication shall be paid by the board out of any funds  
529 available for the operation of said board.

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

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

552 **SECTION 8.** Section 57-1-5, Mississippi Code of 1972, is  
553 amended as follows:

554 57-1-5. (1) The Governor shall, with the advice and consent  
555 of the Senate, appoint an executive director who:

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

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

560 (i) Industrial development, or

561 (ii) Economic development.

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

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

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

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

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



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

580 (ii) Research and planning;

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

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

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

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

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

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

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

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

600 (xi) Salaries of the associate directors, deputy  
601 directors and bureau directors shall be set by the Legislature,  
602 upon recommendation by the State Personnel Board. The positions  
603 of associate directors, deputy directors and bureau directors  
604 shall not be state service positions.

605 **SECTION 9.** Unless otherwise authorized by the Colonel Guy  
606 Groff State Variable Compensation Plan, the salary of any state  
607 officer or employee, except for those employees listed in  
608 paragraph 25-9-107(c)(xiii), that was increased on or after  
609 January 1, 2003, in an amount that exceeded the level approved in  
610 the fiscal year 2003 Colonel Guy Groff State Variable Compensation  
611 Plan, shall be decreased to no more than the salary of the officer

612 or employee on December 31, 2002, adjusted by the fifty percent  
613 (50%) realignment increase, or increased by the Six Hundred  
614 Dollars (\$600.00), whichever is greater. The decrease in salary  
615 shall be effective beginning on the first day of the payroll  
616 period that begins thirty (30) days after the passage of this act.

617 **SECTION 10.** (1) No officer or employee of any state agency,  
618 any county, any municipality or any other political subdivision of  
619 the state, or any instrumentality thereof, to whom has been  
620 assigned, issued or made available the use of a cellular  
621 telephone, the cost of which is paid through the use of public  
622 funds, shall use such phone for personal use.

623 (2) A state agency, county, municipality or other political  
624 subdivision of the state, or any instrumentality thereof, shall  
625 not reimburse any officer or employee for use of his or her  
626 personal cellular telephone.

627 (3) Every state agency, county, municipality and other  
628 political subdivision of the state that, at the expense of the  
629 governmental entity, assigns, issues or makes available to any of  
630 its officers or employees a cellular telephone shall obtain  
631 detailed call billing for every cellular account. A list of  
632 approved vendors for the delivery of cellular telephone services  
633 shall be developed for state agencies and political subdivisions  
634 of the state by the Mississippi Department of Information  
635 Technology Services. The department may exercise the option of  
636 selecting one (1) vendor to provide the services, or if it deems  
637 such to be most advantageous to the state, it may select multiple  
638 vendors. If it chooses to use multiple vendors, the department  
639 may select vendors on the basis of lowest and best bid proposals,  
640 or it may establish a state contract per minute price and allow  
641 any vendor who agrees to provide service at the contract price to  
642 be added to the list of vendors. A state agency or political  
643 subdivision may not contract for cellular telephone services with  
644 any vendor unless the vendor appears on a list approved by the  
645 department.

646 **SECTION 11.** Section 25-3-39, Mississippi Code of 1972, which

647 prohibits certain state employees from being paid a salary that  
648 exceeds the salary of the Governor or the salary of the executive  
649 head of the agency by which such person is employed, is repealed.

650 **SECTION 12.** Section 1 of this act shall take effect and be  
651 in force from and after June 30, 2003. Section 10 of this act  
652 shall take effect and be in force from and after October 1, 2003.

653 Sections 2 through 9 and 11 of this act shall take effect and be  
654 in force from and after January 1, 2004.

**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 DELETE CERTAIN LANGUAGE THAT REQUIRES THE STATE PERSONNEL BOARD  
3 TO ESTABLISH POLICIES TO PRECLUDE EMPLOYEES FROM RECEIVING A  
4 SALARY GREATER THAN A SALARY OF THE GOVERNOR OR GREATER THAN THEIR  
5 AGENCY HEAD; TO REQUIRE THE STATE PERSONNEL BOARD TO RECOMMEND ANY  
6 SALARY INCREASE FOR THOSE OFFICIALS AND EMPLOYEES WHOSE SALARIES  
7 ARE REQUIRED BY LAW TO BE SET BY THE LEGISLATURE; TO PROHIBIT ANY  
8 MEMBER, OFFICER OR EMPLOYEE OF THE STATE PERSONNEL BOARD FROM  
9 RECEIVING ANYTHING OF VALUE IN EXCHANGE FOR ANY ACTION TAKEN OR  
10 DECISION MADE REGARDING THE SALARY OR COMPENSATION OF ANY PERSON  
11 THAT THE STATE PERSONNEL BOARD HAS THE AUTHORITY TO APPROVE OR  
12 ESTABLISH; TO EXTEND THE DATE OF REPEAL ON THE POWERS AND DUTIES  
13 OF THE STATE PERSONNEL BOARD; TO AMEND SECTIONS 25-3-33, 37-3-9,  
14 37-3-13, 37-4-3, 37-101-7 AND 57-1-5, MISSISSIPPI CODE OF 1972, TO  
15 REQUIRE THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES TO BE SET  
16 BY THE LEGISLATURE UPON RECOMMENDATION BY THE STATE PERSONNEL  
17 BOARD; TO REDUCE THE SALARIES OF STATE OFFICERS AND EMPLOYEES WHO  
18 RECEIVED SALARY INCREASES WHICH EXCEEDED THE AMOUNT AUTHORIZED BY  
19 THE COLONEL GUY GROFF STATE VARIABLE COMPENSATION PLAN; TO  
20 PROHIBIT ANY OFFICER OR EMPLOYEE OF ANY STATE AGENCY, COUNTY,  
21 MUNICIPALITY OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE WHO  
22 HAS BEEN ASSIGNED OR ISSUED A CELLULAR TELEPHONE PAID FOR BY  
23 PUBLIC FUNDS FROM USING SUCH TELEPHONE FOR PERSONAL PURPOSES; TO  
24 PROHIBIT SUCH EMPLOYEES FROM BEING REIMBURSED FOR USE OF THEIR  
25 PERSONAL CELLULAR TELEPHONES; TO REQUIRE GOVERNMENTAL ENTITIES TO  
26 SELECT CELLULAR TELEPHONE VENDORS FROM A STATE APPROVED LIST; TO  
27 REPEAL SECTION 25-3-39, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS  
28 CERTAIN STATE EMPLOYEES FROM BEING PAID A SALARY THAT EXCEEDS THE  
29 SALARY OF THE GOVERNOR OR THE SALARY OF THE EXECUTIVE HEAD OF THE  
30 AGENCY BY WHICH SUCH PERSON IS EMPLOYED; AND FOR RELATED PURPOSES.