

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

**Senate Bill NO. 2794**

**By Representative(s) Guice**

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

50       **SECTION 1.** Section 25-3-31, Mississippi Code of 1972, is  
51 amended as follows:

52       25-3-31. The annual salaries of the following elected state  
53 and district officers are fixed as follows:

54	Governor.....	<u>\$125,500.00</u>
55	Attorney General.....	<u>124,500.00</u>
56	Secretary of State.....	<u>115,500.00</u>
57	Commissioner of Insurance.....	<u>105,500.00</u>
58	State Treasurer.....	<u>105,500.00</u>
59	State Auditor of Public Accounts.....	<u>105,500.00</u>
60	Commissioner of Agriculture and Commerce.....	<u>105,500.00</u>
61	Transportation Commissioners.....	<u>95,500.00</u>
62	Public Service Commissioners.....	<u>95,500.00</u>

63       If the person serving as Governor on December 31, 2003, is  
64 reelected to the office of Governor for the term beginning in the  
65 year 2004, he may choose not to receive the salary increase  
66 authorized by this section, but to receive, instead, an annual  
67 salary of One Hundred One Thousand Eight Hundred Dollars  
68 (\$101,800.00) during his new term of office by filing a written  
69 request with the Department of Finance and Administration.

70 The above fixed salary of the Governor shall be the reference  
71 amount utilized in computing average compensation and earned  
72 compensation pursuant to Section 25-11-103(f) and Section  
73 25-11-103(k) and to related sections which require such  
74 computations.

75 **SECTION 2.** Section 25-3-35, Mississippi Code of 1972, is  
76 amended as follows:

77 25-3-35. (1) The annual salaries of the following judges,  
78 whose terms of office begin before January 1, 2004, are fixed as  
79 follows \* \* \*:

80 Chief Justice of the Supreme Court .....\$104,900.00  
81 Presiding Justice of the Supreme Court ..... 102,900.00  
82 Associate Justices of the Supreme Court, each .... 102,300.00

83 The annual salaries of the following judges, whose terms of  
84 office begin on or after January 1, 2004, are fixed as follows,  
85 but pursuant to Section 166 of the Mississippi Constitution of  
86 1890, such salaries shall not be effective until the first day of  
87 a judge's new term of office:

88 Chief Justice of the Supreme Court..... \$125,000.00  
89 Presiding Justice of the Supreme Court..... 120,000.00  
90 Associate Justices of the Supreme Court, each.... 118,500.00

91 The Supreme Court Clerk shall immediately notify the  
92 Department of Finance and Administration and the State Auditor  
93 immediately upon the Supreme Court's failure to timely issue any  
94 decision as required by Section 9-4-3(5). Upon receipt of such  
95 notice, the Department of Finance and Administration shall  
96 withhold all future salaries of the judges of the Supreme Court  
97 under this section until such time as the State Auditor notifies  
98 the Department of Finance and Administration that the Supreme  
99 Court is in full compliance with the provisions of Section  
100 9-4-3(5), after which time the judges shall be entitled to receive  
101 the salaries authorized under this section, and all such salaries  
102 as have been withheld shall then be paid to the judges. Failure  
103 of the Supreme Court Clerk to immediately notify the Department of  
104 Finance and Administration and the State Auditor upon the Supreme

105 Court's failure to timely issue decisions as required by Section  
106 9-4-3(5), shall constitute malfeasance of office and grounds for  
107 termination of employment of the Supreme Court Clerk by the State  
108 Personnel Board.

109 (2) The annual salaries of the judges of the Court of  
110 Appeals of Mississippi, whose terms of office begin before January  
111 1, 2004, are fixed as follows:

112 Chief Judge of the Court of Appeals .....\$ 98,300.00  
113 Associate Judges of the Court of Appeals, each ... 95,500.00

114 The annual salaries of the following judges, whose terms of  
115 office begin on or after January 1, 2004, are fixed as follows,  
116 but pursuant to Section 166 of the Mississippi Constitution, such  
117 salaries shall not be effective until the first day of a judge's  
118 new term of office:

119 Chief Judge of the Court of Appeals..... \$121,000.00  
120 Associate Judges of the Court of Appeals, each... 116,000.00

121 The Supreme Court Clerk shall immediately notify the  
122 Department of Finance and Administration and the State Auditor  
123 immediately upon the Court of Appeals' failure to timely issue any  
124 decision as required by Section 9-4-3(4). Upon receipt of such  
125 notice, the Department of Finance and Administration shall  
126 withhold all future salaries of the judges of the Court of Appeals  
127 under this section until such time as the State Auditor notifies  
128 the Department of Finance and Administration that the Court of  
129 Appeals is in full compliance with the provisions of Section  
130 9-4-3(4), after which time the judges shall be entitled to receive  
131 the salaries authorized under this section, and all such salaries  
132 as have been withheld shall then be paid to the judges. Failure  
133 of the Supreme Court Clerk to immediately notify the Department of  
134 Finance and Administration and the State Auditor of the Court of  
135 Appeals' failure to timely issue decisions as required by Section  
136 9-4-3(4) shall constitute malfeasance of office and grounds for  
137 termination of employment of the Supreme Court Clerk by the State  
138 Personnel Board.

139 (3) The annual salaries of the chancery and circuit court

140 judges, whose terms of office begin before January 1, 2004, are  
141 fixed as follows:

142       Chancery Judges, each..... \$ 94,700.00  
143       Circuit Judges, each..... 94,700.00

144       The annual salaries of the following judges, whose terms of  
145 office begin on or after January 1, 2004, are fixed as follows,  
146 but pursuant to Section 166 of the Mississippi Constitution, such  
147 salaries shall not be effective until the first day of a judge's  
148 new term of office:

149       Chancery Judges, each..... \$115,500.00  
150       Circuit Judges, each..... 115,500.00

151       The clerk of the chancery or circuit court, as the case may  
152 be, shall immediately notify the Department of Finance and  
153 Administration and the State Auditor immediately upon a  
154 chancellor's or judge's failure to timely issue any decision as  
155 required by Section 11-1-17(1). Upon receipt of such notice, the  
156 Department of Finance and Administration shall withhold all future  
157 salaries of the chancellor or judge under this section until such  
158 time as the State Auditor notifies the Department of Finance and  
159 Administration that the chancellor or judge is in full compliance  
160 with the provisions of Section 11-1-17(1), after which time the  
161 chancellor or judge shall be entitled to receive the salaries  
162 authorized under this section, and all such salaries as have been  
163 withheld shall then be paid to the chancellor or judge. Failure  
164 of the clerk of the chancery or circuit court to immediately  
165 notify the Department of Finance and Administration and the State  
166 Auditor of a chancellor's or judge's failure to timely issue  
167 decisions as required by Section 11-1-17(1) shall constitute  
168 malfeasance of office and grounds for removal from office. The  
169 identity of any person who may notify the clerk of the chancery or  
170 circuit court of the court's failure to comply with Section  
171 11-1-17(1) shall be confidential.

172       (4) The Supreme Court shall prepare a payroll for chancery  
173 judges and circuit judges and submit such payroll to the  
174 Department of Finance and Administration.

175 (5) The annual salary of the full-time district attorneys  
176 shall be One Hundred Ten Thousand Five Hundred Dollars  
177 (\$110,500.00).

178 \* \* \*

179 **SECTION 3.** Section 25-3-43, Mississippi Code of 1972, is  
180 amended as follows:

181 25-3-43. (1) When any chancery judge, county judge or  
182 circuit judge shall be required to travel in the performance of  
183 his official duties, such judge shall receive as expenses of such  
184 travel the mileage allowance and a reimbursement for other actual  
185 and necessary expenses incurred in such travel as provided for  
186 public officers and employees in Section 25-3-41. This shall be  
187 the entire travel allowances or travel expenses received by such  
188 judges.

189 (2) Chancery judges and circuit judges shall direct requests  
190 for reimbursement for the travel expenses authorized pursuant to  
191 this section to the Supreme Court and the Supreme Court shall  
192 submit such requests to the Department of Finance and  
193 Administration.

194 (3) The Supreme Court shall have the power to adopt rules  
195 and regulations regarding the administration of travel expenses  
196 authorized pursuant to this section.

197 (4) In any county in which is located a State Penitentiary,  
198 the board of supervisors, in order to compensate the justice court  
199 judges who are required to travel to the State Penitentiary, is  
200 authorized to reimburse justice court judges' mileage in the  
201 amount authorized by Section 25-3-41, but not to exceed One  
202 Hundred Dollars (\$100.00) per month, such monies to be paid from  
203 the general county fund of such county.

204 (5) Each Supreme Court Justice and each judge of the Court  
205 of Appeals shall receive, in addition to the regular salary  
206 provided by Section 25-3-35, the mileage reimbursement provided by  
207 Section 25-3-41 \* \* \*.

208 **SECTION 4.** Section 11-1-17, Mississippi Code of 1972, is  
209 amended as follows:

210 11-1-17. (1) All \* \* \* judges of the chancery and circuit  
211 courts of the State of Mississippi shall render an order or final  
212 judgment, as the case may be, on any and all nondispositive  
213 matters taken under advisement by such chancellors or judges not  
214 later than fourteen (14) days after the date on which the judge  
215 sets as the date for the final brief or memoranda of authority to  
216 be provided to the court on the nondispositive matters, and shall  
217 render an order or final judgment, as the case may be, on any and  
218 all dispositive matters not later than thirty (30) days after the  
219 date on which the final brief or memoranda of authority is to be  
220 provided to the court on the dispositive matters. If no memoranda  
221 or brief is required, the judge shall render an order or final  
222 judgment within fourteen (14) days as to nondispositive matters  
223 taken under advisement and within thirty (30) days as to  
224 dispositive matters taken under advisement. If a chancellor or  
225 judge fails to comply with the provisions of this paragraph, his  
226 or her salary shall be withheld as provided under Section  
227 23-3-5(3).

228 (2) If a final judgment is not entered within ninety (90)  
229 days of the date that a judge's salary has been withheld under  
230 Section 23-3-5(3), then any party to the law suit shall have the  
231 right to appeal on the record as otherwise provided the same as if  
232 a final judgment has been rendered adversely. The appeal shall be  
233 to the Supreme Court of the State of Mississippi and shall be  
234 treated as a preferred case over other cases except election  
235 contests.

236 **SECTION 5.** Section 9-21-5, Mississippi Code of 1972, is  
237 amended as follows:

238 9-21-5. The administrative director shall be appointed by  
239 and shall serve at the pleasure of the Supreme Court of  
240 Mississippi as the Director of the Administrative Office of  
241 Courts. The administrative director shall devote full time to the  
242 duties of the office to the exclusion of engagement in any other  
243 business or profession for profit.

244 If for any reason the Office of the Administrative Director

245 becomes vacant and the Supreme Court appoints a person as an  
246 acting administrative director, then the person appointed as  
247 acting administrative director shall become the administrative  
248 director if the court fails to appoint some other person as  
249 administrative director within thirty (30) days of the vacancy.

250       **SECTION 6.** Section 7-1-67, Mississippi Code of 1972, is  
251 amended as follows:

252       7-1-67. When the Office of Governor shall become vacant, by  
253 death or otherwise, the Lieutenant Governor shall possess the  
254 powers and discharge the duties of said office. When the Governor  
255 shall be \* \* \* unable from protracted illness to perform the  
256 duties of the office, the Lieutenant Governor shall discharge the  
257 duties of said office until the Governor be able to resume his  
258 duties. If, from disability or otherwise, the Lieutenant Governor  
259 shall be incapable of performing said duties \* \* \*, the President  
260 of the Senate Pro Tempore shall act in his stead; but if there be  
261 no such president or if he be disqualified by like  
262 disability \* \* \*, then the Speaker of the House of Representatives  
263 shall assume the Office of Governor and perform said duties. In  
264 case of the inability of the foregoing officers to discharge the  
265 duties of Governor, the Secretary of State shall convene the  
266 Senate to elect a President Pro Tempore. The officer discharging  
267 the duties of Governor shall receive compensation as such. Should  
268 a doubt arise as to whether a vacancy has occurred in the Office  
269 of Governor, or as to whether any one of the disabilities  
270 mentioned in this section exists or shall have ended, then the  
271 Secretary of State shall submit the question in doubt to the  
272 judges of the Supreme Court, who, or a majority of whom, shall  
273 investigate and determine said question and furnish to the  
274 Secretary of State an opinion in writing, which shall be final and  
275 conclusive.

276       **SECTION 7.** Section 25-9-107, Mississippi Code of 1972, is  
277 amended as follows:

278       25-9-107. The following terms, when used in this chapter,  
279 unless a different meaning is plainly required by the context,

280 shall have the following meanings:

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

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

286 (c) "Nonstate service" shall mean the following  
287 officers and employees excluded from the state service by this  
288 chapter. The following are excluded from the state service:

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

291 (ii) The Governor and staff members of the  
292 immediate Office of the Governor;

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

295 (iv) The Lieutenant Governor, staff members of the  
296 immediate Office of the Lieutenant Governor and officers and  
297 employees directly appointed by the Lieutenant Governor;

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

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

302 (vii) All academic officials, members of the  
303 teaching staffs and employees of the state institutions of higher  
304 learning, the State Board for Community and Junior Colleges, and  
305 community and junior colleges;

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

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

310 (x) Contract personnel; provided, that any agency  
311 which employs state service employees may enter into contracts for  
312 personal and professional services only if such contracts are  
313 approved in compliance with the rules and regulations promulgated  
314 by the State Personal Service Contract Review Board under Section



315 25-9-120(3). Before paying any warrant for such contractual  
316 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
317 the Auditor of Public Accounts, or the successor to those duties,  
318 shall determine whether the contract involved was for personal or  
319 professional services, and, if so, was approved by the State  
320 Personal Service Contract Review Board;

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

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

333 (xiii) Attorneys, except for legal assistants to  
334 district attorneys, physicians, dentists, veterinarians and nurse  
335 practitioners \* \* \*, while serving in their professional  
336 capacities in authorized employment positions who are required by  
337 statute to be licensed, registered or otherwise certified as such,  
338 provided that the State Personnel Director shall verify that the  
339 statutory qualifications are met prior to issuance of a payroll  
340 warrant by the auditor;

341 (xiv) Personnel who are employed and paid from  
342 funds received from a federal grant program which has been  
343 approved by the Legislature or the Department of Finance and  
344 Administration whose length of employment has been determined to  
345 be time-limited in nature. This subparagraph shall apply to  
346 personnel employed under the provisions of the Comprehensive  
347 Employment and Training Act of 1973, as amended, and other special  
348 federal grant programs which are not a part of regular federally  
349 funded programs wherein appropriations and employment positions

350 are appropriated by the Legislature. Such employees shall be paid  
351 in accordance with the Variable Compensation Plan and shall meet  
352 all qualifications required by federal statutes or by the  
353 Mississippi Classification Plan;

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

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

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

373 (xviii) Repealed;

374 (xix) The associate director, deputy directors and  
375 bureau directors within the Department of Agriculture and  
376 Commerce;

377 (xx) Personnel employed by the Mississippi  
378 Industries for the Blind; provided, that any agency may enter into  
379 contracts for the personal services of MIB employees without the  
380 prior approval of the State Personnel Board or the State Personal  
381 Service Contract Review Board; however, any agency contracting for  
382 the personal services of an MIB employee shall provide the MIB  
383 employee with not less than the entry level compensation and  
384 benefits that the agency would provide to a full-time employee of

385 the agency who performs the same services.

386 (d) "Agency" means any state board, commission,  
387 committee, council, department or unit thereof created by the  
388 Constitution or statutes if such board, commission, committee,  
389 council, department, unit or the head thereof, is authorized to  
390 appoint subordinate staff by the Constitution or statute, except a  
391 legislative or judicial board, commission, committee, council,  
392 department or unit thereof.

393 **SECTION 8.** Section 25-31-10, Mississippi Code of 1972, is  
394 amended as follows:

395 25-31-10. (1) Any district attorney may appoint a full-time  
396 criminal investigator.

397 (2) The district attorneys of the Third, Fifth, Ninth,  
398 Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Seventeenth and  
399 Twentieth Circuit Court Districts may appoint one (1) additional  
400 full-time criminal investigator for a total of two (2) full-time  
401 criminal investigators.

402 (3) The district attorneys of the First, Second, Fourth and  
403 Seventh and Nineteenth Circuit Court Districts may appoint two (2)  
404 additional full-time criminal investigators for a total of three  
405 (3) full-time criminal investigators.

406 (4) No district attorney or assistant district attorney  
407 shall accept any private employment \* \* \*.

408 (5) The full and complete compensation for all public duties  
409 rendered by \* \* \* criminal investigators shall be set by the State  
410 Personnel Board but shall not be more than Forty-nine Thousand  
411 Five Hundred Dollars (\$49,500.00) per annum \* \* \*.

412 (6) Any criminal investigator, whose employment begins on or  
413 after January 1, 2004, shall attend the Law Enforcement Officers  
414 Training Program set forth in Section 45-6-1 et seq., Mississippi  
415 Code of 1972. The total expenses associated with attendance by  
416 criminal investigators at the Law Enforcement Officers Training  
417 Program shall be paid out of the funds of the appropriate district  
418 attorney.

419 **SECTION 9.** Section 25-9-115, Mississippi Code of 1972, is

420 amended as follows:

421 25-9-115. It shall be the specific duty and function of the  
422 State Personnel Board to:

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

426 (b) Determine appropriate goals and objectives for the  
427 State Personnel System and prescribe policies for their  
428 accomplishment, with the assistance of the Mississippi Personnel  
429 Advisory Council;

430 (c) Adopt and amend policies, rules and regulations  
431 establishing and maintaining the State Personnel System. Such  
432 rules and regulations shall not be applicable to the emergency  
433 hiring of employees by the Public Employees' Retirement System  
434 pursuant to Section 25-11-15(7). The rules and regulations of the  
435 Mississippi Classification Commission and the Mississippi  
436 Coordinated Merit System Council serving federal grant-aided  
437 agencies in effect on February 1, 1981, shall remain in effect  
438 until amended, changed, modified or repealed by the board;

439 (d) Ensure uniformity in all functions of personnel  
440 administration in those agencies required to comply with the  
441 provisions of this chapter. The board may delegate authority to  
442 the State Personnel Director as deemed necessary for the timely,  
443 effective and efficient implementation of the State Personnel  
444 System;

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

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

454 (g) Establish an annual budget covering all the costs

455 of board operations;

456           (h) With the assistance of the Mississippi Personnel  
457 Advisory Council, promote public understanding of the purposes,  
458 policies and practices of the State Personnel System and advise  
459 and assist the state departments, agencies and institutions in  
460 fostering sound principles of personnel management and securing  
461 the interest of institutions of learning and of civic,  
462 professional and other organizations in the improvement of  
463 personnel standards under the State Personnel System;

464           (i) Recommend policies and procedures for the  
465 establishment and abolishment of employment positions within state  
466 government and develop a system for the efficient use of personnel  
467 resources;

468           (j) Cooperate with state institutions of higher  
469 learning in implementing a career management program in state  
470 agencies for graduate students in public administration in order  
471 to provide state government with a steady flow of professional  
472 public managerial talent;

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

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

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

484           (n) Require submission and approve organization and  
485 staffing plans of departments and agencies in state and nonstate  
486 service on such forms and according to such regulations as the  
487 board may prescribe to control and limit the growth of subordinate  
488 executive and administrative units and positions and to provide  
489 for agency staff reorganization without prior board approval when

490 authority to reorganize has been delegated to an agency as  
491 provided in paragraph (p);

492 (o) In coordination with appointing authorities, set  
493 the annual salaries of those appointed officials whose salaries  
494 are not otherwise set by statute who work on a full-time basis in  
495 the capacity of agency head, executive director or administrator  
496 of any state department, agency, institution, board or commission  
497 under the jurisdiction of the State Personnel Board as provided in  
498 Section 25-9-101 et seq., in conformity with the State Personnel  
499 Board's compensation plan. Salaries of incumbents required by law  
500 to serve in their professional capacity as a physician, dentist,  
501 veterinarian or attorney shall be set in accordance with Section  
502 25-9-107(c)(xiii);

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

525 or position abolishment of vacant positions.

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

531         The State Personnel Board shall prescribe rules requiring the  
532 State Personnel Director to perform a compliance audit and  
533 evaluation of personnel transactions executed under authority  
534 delegated pursuant to this paragraph and to publish a report of  
535 the audit listing exceptions taken by the State Personnel Director  
536 not later than the first of October each year. In the event the  
537 State Personnel Board determines that an agency has misclassified  
538 an employee or position as a result of this delegated authority,  
539 the State Personnel Board shall be authorized to correct such  
540 misclassification regardless of the state service status of the  
541 employee holding such position. Authority to correct such  
542 misclassifications of filled positions shall be limited to one (1)  
543 year from the date which the State Personnel Board receives  
544 written notice of the reallocation;

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

555             (r) Implement a reduction-in-force policy which shall  
556 apply uniformly to all state agencies and which shall require that  
557 the appointing authority develop an equitable and systematic plan  
558 for implementation of an agency-wide reduction-in-force. If a  
559 proposed reduction-in-force is the result of a curtailment of

560 general funds, the State Personnel Board shall review the proposed  
561 reduction-in-force plan only upon written certification of a  
562 general funds shortage from the Department of Finance and  
563 Administration. If a proposed reduction-in-force is the result of  
564 a curtailment of special funds, the State Personnel Board shall  
565 review the proposed reduction-in-force plan only upon written  
566 certification of a special funds shortage from the agency.  
567 Further, the State Personnel Board shall ensure that any  
568 reduction-in-force plan complies with all applicable policies,  
569 rules and regulations of the State Personnel Board;

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

580 (t) No member, officer or employee of the State  
581 Personnel Board shall accept or receive any gift, donation,  
582 contribution, gratuity, reward, or any other thing of value, or  
583 any promise thereof, in exchange for any action taken or decision  
584 made regarding the salary or compensation of any person that the  
585 State Personnel Board has the authority to approve or establish.  
586 A violation of this section by any member, officer or employee of  
587 the State Personnel Board shall result in the immediate removal of  
588 such person from office or employment.

589 This section shall stand repealed from and after June 30,  
590 2004.

591 **SECTION 10.** Section 57-1-5, Mississippi Code of 1972, is  
592 amended as follows:

593 57-1-5. (1) The Governor shall, with the advice and consent  
594 of the Senate, appoint an executive director who:



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

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

599 (i) Industrial development, or

600 (ii) Economic development.

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

604 (3) The executive director shall have the following powers  
605 and duties:

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

608 (b) To use and expend any funds from state, federal or  
609 private sources coming into the department for the purposes herein  
610 provided. State funds appropriated for the department shall be  
611 expended in accordance with the regulations governing the  
612 expenditures of other state funds.

613 (c) To implement the duties assigned to the department  
614 and consistent with specific requirements of law, including, but  
615 not limited to:

616 (i) Support services to include legal, finance,  
617 data processing, personnel, communications and advertising,  
618 purchasing and accounting;

619 (ii) Research and planning;

620 (iii) Outreach, agency liaison and community  
621 development;

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

623 (v) Programs and assistance for existing state  
624 business and industry;

625 (vi) Recruiting new business and industry into the  
626 state;

627 (vii) Fostering and promoting of entrepreneurship  
628 and the creation of new business in the state;

629 (viii) Programs aimed at competing effectively in

630 the international economy by increasing exports of state products  
631 and services and by promoting, developing and creating the  
632 conditions and programs that will bring about significant  
633 increases in investment in the state from other countries;

634 (ix) Programs relating to the development of  
635 ports;

636 (x) Such other areas as are within the  
637 jurisdiction and authority of the department and will foster and  
638 promote the economic development of this state.

639 \* \* \*

640 **SECTION 11.** (1) No officer or employee of any state agency,  
641 any county, any municipality or any other political subdivision of  
642 the state, or any instrumentality thereof, to whom has been  
643 assigned, issued or made available the use of a cellular  
644 telephone, the cost of which is paid through the use of public  
645 funds, shall use such phone for personal use.

646 (2) A state agency, county, municipality or other political  
647 subdivision of the state, or any instrumentality thereof, shall  
648 not reimburse any officer or employee for use of his or her  
649 personal cellular telephone.

650 (3) Every state agency, county, municipality and other  
651 political subdivision of the state that, at the expense of the  
652 governmental entity, assigns, issues or makes available to any of  
653 its officers or employees a cellular telephone shall obtain  
654 detailed call billing for every cellular account. A list of  
655 approved vendors for the delivery of cellular telephone services  
656 shall be developed for state agencies and political subdivisions  
657 of the state by the Mississippi Department of Information  
658 Technology Services. The department may exercise the option of  
659 selecting one (1) vendor to provide the services, or if it deems  
660 such to be most advantageous to the state, it may select multiple  
661 vendors. If it chooses to use multiple vendors, the department  
662 may select vendors on the basis of lowest and best bid proposals,  
663 or it may establish a state contract per minute price and allow  
664 any vendor who agrees to provide service at the contract price to

665 be added to the list of vendors. A state agency or political  
666 subdivision may not contract for cellular telephone services with  
667 any vendor unless the vendor appears on a list approved by the  
668 department.

669 **SECTION 12.** Section 25-3-33, Mississippi Code of 1972, which  
670 establishes salaries for certain appointed state officials, and  
671 Section 25-3-39, Mississippi Code of 1972, which prohibits certain  
672 state employees from being paid a salary that exceeds the salary  
673 of the Governor or the salary of the executive head of the agency  
674 by which such person is employed, are repealed.

675 **SECTION 13.** The Attorney General of the State of Mississippi  
676 shall submit Sections 1 through 4, Sections 6 through 9 and  
677 Section 12 of this act, immediately upon approval by the Governor,  
678 or upon approval by the Legislature subsequent to a veto, to the  
679 Attorney General of the United States or to the United States  
680 District Court for the District of Columbia in accordance with the  
681 provisions of the Voting Rights Act of 1965, as amended and  
682 extended.

683 **SECTION 14.** Sections 5, 10, and 13 of this act shall take  
684 effect and be in force from and after its passage. Section 9 of  
685 this act shall take effect and be in force from and after June 30,  
686 2003. Section 11 of this act shall take effect and be in force  
687 from and after October 2, 2003. Sections 1 through 4, Sections 6  
688 through 8 and Section 12 of this act shall take effect and be in  
689 force from and after January 1, 2004, or the date that such  
690 sections are effectuated under the Voting Rights Act of 1965, as  
691 amended and extended, whichever is later.

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

1 AN ACT TO AMEND SECTION 25-3-31, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE SALARIES OF CERTAIN STATE ELECTED OFFICIALS; TO AMEND  
3 SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
4 SALARIES OF THE ELECTED JUDICIARY, DISTRICT ATTORNEYS AND LEGAL  
5 ASSISTANTS; TO AMEND SECTION 25-3-43, MISSISSIPPI CODE OF 1972, TO  
6 DELETE THE EXPENSE ALLOWANCE OF SUPREME COURT JUSTICES AND JUDGES  
7 OF THE COURT OF APPEALS; TO AMEND SECTION 11-1-17, MISSISSIPPI  
8 CODE OF 1972, TO REQUIRE CHANCELLORS AND JUDGES TO ENTER AN ORDER  
9 OR RULING ON DISPOSITIVE AND NONDISPOSITIVE MOTIONS WITHIN A  
10 CERTAIN PERIOD OF TIME; TO AMEND SECTION 9-21-5, MISSISSIPPI CODE

11 OF 1972, TO PROVIDE THAT WHEN THE OFFICE OF ADMINISTRATIVE  
12 DIRECTOR BECOMES VACANT AND THE SUPREME COURT APPOINTS AN ACTING  
13 ADMINISTRATIVE DIRECTOR, THEN THE PERSON SO APPOINTED SHALL BECOME  
14 THE ADMINISTRATIVE DIRECTOR IF THE COURT FAILS TO APPOINT AN  
15 ADMINISTRATIVE DIRECTOR; TO AMEND SECTION 7-1-67, MISSISSIPPI CODE  
16 OF 1972, TO DELETE LANGUAGE WHICH ALLOWS AN OFFICIAL TO DISCHARGE  
17 THE DUTIES OF THE GOVERNOR WHEN THE GOVERNOR IS ABSENT FROM THE  
18 STATE; TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972, TO  
19 DELETE LEGAL ASSISTANTS TO DISTRICT ATTORNEYS FROM THE LIST OF  
20 PERSONS WHO ARE NONSTATE SERVICE EMPLOYEES; TO AMEND SECTION  
21 25-31-10, MISSISSIPPI CODE OF 1972, TO INCREASE THE COMPENSATION  
22 OF CRIMINAL INVESTIGATORS AND TO REQUIRE CRIMINAL INVESTIGATORS TO  
23 ATTEND THE LAW ENFORCEMENT OFFICERS TRAINING PROGRAM; TO AMEND  
24 SECTION 25-9-115, MISSISSIPPI CODE OF 1972, TO DELETE THE LANGUAGE  
25 THAT REQUIRES THE STATE PERSONNEL BOARD TO ESTABLISH POLICIES TO  
26 PRECLUDE EMPLOYEES FROM RECEIVING A SALARY GREATER THAN A SALARY  
27 OF THE GOVERNOR OR GREATER THAN THEIR AGENCY HEAD; TO PROHIBIT ANY  
28 MEMBER, OFFICER OR EMPLOYEE OF THE STATE PERSONNEL BOARD FROM  
29 RECEIVING ANYTHING OF VALUE IN EXCHANGE FOR ANY ACTION TAKEN OR  
30 DECISION MADE REGARDING THE SALARY OR COMPENSATION OF ANY PERSON  
31 THAT THE STATE PERSONNEL BOARD HAS THE AUTHORITY TO APPROVE OR  
32 ESTABLISH; TO EXTEND THE DATE OF REPEAL ON THE POWERS AND DUTIES  
33 OF THE STATE PERSONNEL BOARD; TO AMEND SECTION 57-1-5, MISSISSIPPI  
34 CODE OF 1972, TO REQUIRE THE SALARIES OF CERTAIN OFFICIALS AND  
35 EMPLOYEES TO BE APPROVED BY THE STATE PERSONNEL BOARD; TO PROHIBIT  
36 ANY OFFICER OR EMPLOYEE OF ANY STATE AGENCY, COUNTY, MUNICIPALITY  
37 OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE WHO HAS BEEN  
38 ASSIGNED OR ISSUED A CELLULAR TELEPHONE PAID FOR BY PUBLIC FUNDS  
39 FROM USING SUCH TELEPHONE FOR PERSONAL PURPOSES; TO PROHIBIT SUCH  
40 EMPLOYEES FROM BEING REIMBURSED FOR USE OF THEIR PERSONAL CELLULAR  
41 TELEPHONES; TO REQUIRE GOVERNMENTAL ENTITIES TO SELECT CELLULAR  
42 TELEPHONE VENDORS FROM A STATE APPROVED LIST; TO REPEAL SECTION  
43 25-3-33, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES SALARIES FOR  
44 CERTAIN APPOINTED STATE OFFICIALS, AND SECTION 25-3-39,  
45 MISSISSIPPI CODE OF 1972, WHICH PROHIBITS CERTAIN STATE EMPLOYEES  
46 FROM BEING PAID A SALARY THAT EXCEEDS THE SALARY OF THE GOVERNOR  
47 OR THE SALARY OF THE EXECUTIVE HEAD OF THE AGENCY BY WHICH SUCH  
48 PERSON IS EMPLOYED; AND FOR RELATED PURPOSES.