

By: Representative Reeves

To: Fees and Salaries of  
Public Officers;  
Appropriations

## HOUSE BILL NO. 748

1 AN ACT TO REENACT SECTION 25-9-115, MISSISSIPPI CODE OF 1972,  
2 THAT PROVIDES THE DUTIES AND FUNCTIONS OF THE STATE PERSONNEL  
3 BOARD; TO AMEND THE REENACTED SECTION TO REMOVE THE DATE OF REPEAL  
4 ON THE STATE PERSONNEL BOARD AND TO CLARIFY THAT NO EMPLOYEE UNDER  
5 THE STATE PERSONNEL BOARD MAY RECEIVE A SALARY HIGHER THEN THE  
6 GOVERNOR; TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO  
7 PROVIDE THAT THE STATE BOARD OF EDUCATION MAY INCREASE THE SALARY  
8 OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION UPON THE APPROVAL  
9 OF THE STATE PERSONNEL BOARD; TO AMEND SECTION 37-3-13,  
10 MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION AUTHORIZING THE  
11 STATE BOARD OF EDUCATION TO SET THE SALARY OF THE DEPUTY  
12 SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS AND DIVISIONAL  
13 DIRECTORS, MEMBERS OF THE TEACHING STAFFS AND EMPLOYEES OF THE  
14 MISSISSIPPI SCHOOL OF THE ARTS, AND TO PROVIDE THAT THE SALARIES  
15 OF ALL EMPLOYEES OF THE STATE DEPARTMENT OF EDUCATION SHALL BE  
16 FIXED BY THE STATE SUPERINTENDENT, SUBJECT TO THE APPROVAL OF THE  
17 STATE PERSONNEL BOARD; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE  
18 OF 1972, TO CLARIFY THE AUTHORITY TO PAY THE STATE SUPERINTENDENT  
19 OF PUBLIC EDUCATION A SALARY IN EXCESS OF THE SALARY OF THE  
20 GOVERNOR; TO AMEND SECTIONS 37-4-3, 37-101-7 AND 57-1-5,  
21 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO  
22 PROVIDE THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, THE  
23 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE  
24 MISSISSIPPI DEVELOPMENT AUTHORITY WITH A NONBINDING ADVISORY  
25 OPINION ON THE AMOUNT OF SALARIES FOR THEIR EMPLOYEES; TO CODIFY A  
26 NEW SECTION TO AUTHORIZE THE STATE PERSONNEL BOARD TO ACCEPT AND  
27 EXPEND FUNDS FOR THE PURPOSE OF STRATEGIC PLANNING AND DEVELOPMENT  
28 OF THE PUBLIC SECTOR WORKFORCE; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** Section 25-9-115, Mississippi Code of 1972, is  
31 reenacted and amended as follows:

32 25-9-115. It shall be the specific duty and function of the  
33 State Personnel Board to:

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

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

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

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

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

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

65           (g) Establish an annual budget covering all the costs  
66 of board operations;

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

73 professional and other organizations in the improvement of  
74 personnel standards under the State Personnel System;

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

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

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

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

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

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

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

106 the capacity of agency head, executive director or administrator  
107 of any state department, agency, institution, board or commission  
108 under the jurisdiction of the State Personnel Board as provided in  
109 Section 25-9-101 et seq., in conformity with the State Personnel  
110 Board's compensation plan. Salaries of incumbents required by law  
111 to serve in their professional capacity as a physician, dentist,  
112 veterinarian or attorney shall be set in accordance with Section  
113 25-9-107(c)(xiii);

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

137 The personnel board shall maintain a record of every  
138 personnel transaction executed under authority delegated pursuant

139 to this paragraph and shall annually report the total cost of  
140 these transactions, by agency, to the Legislative Budget Office  
141 and the Department of Finance and Administration.

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

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

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

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

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

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

195 \* \* \*

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

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

205 and after the effective date of House Bill No. \_\_\_\_\_, 2004 Regular  
206 Session, the State Superintendent of Public Education shall  
207 receive the salary that he was receiving on January 1, 2003.  
208 Such salary may be increased to an amount established by the State  
209 Board of Education but only upon the approval of the State  
210 Personnel Board. The State Superintendent of Public Education  
211 shall have at least a master's degree in any field and a minimum  
212 of five (5) years' experience in administration in the educational  
213 field.

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

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

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

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

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

255 **SECTION 4.** Section 25-3-39, Mississippi Code of 1972, is  
256 amended as follows:

257 25-3-39. (1) No public officer, public employee,  
258 administrator, or executive head of any arm or agency of the  
259 state, in the executive branch of government, shall be paid a  
260 salary or compensation, directly or indirectly, greater than one  
261 hundred fifty percent (150%) of the maximum salary fixed in  
262 Section 25-3-31 for the Governor. All academic officials, members  
263 of the teaching staffs and employees of the state institutions of  
264 higher learning, the State Board for Community and Junior  
265 Colleges, \* \* \* community and junior colleges, the State  
266 Superintendent of Public Education, and licensed physicians who  
267 are public employees, shall be exempt from this subsection. The  
268 Governor shall fix the annual salary of the Executive Director of  
269 the Mississippi Development Authority and the annual salary of the  
270 Chief of Staff of the Governor's Office, which salaries shall be



271 completely paid by the state and may not be supplemented with any  
272 funds from any source, including federal or private funds.  
273 Provided, however, that the salary of the Executive Director of  
274 the Mississippi Development Authority and the Governor's Chief of  
275 Staff shall not be greater than one hundred fifty percent (150%)  
276 of the salary of the Governor. Furthermore, all professional  
277 employees who hold a bachelor's degree or more advanced degree  
278 from an accredited four-year college or university or a  
279 certificate or license issued by a state licensing board,  
280 commission or agency and who are employed by the Department of  
281 Mental Health shall be exempt from this subsection if the State  
282 Personnel Board approves the exemption.

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

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

293 37-4-3. (1) From and after July 1, 1986, there shall be a  
294 State Board for Community and Junior Colleges which shall receive  
295 and distribute funds appropriated by the Legislature for the use  
296 of the public community and junior colleges and funds from federal  
297 and other sources that are transmitted through the state  
298 governmental organization for use by said colleges. This board  
299 shall provide general coordination of the public community and  
300 junior colleges, assemble reports and such other duties as may be  
301 prescribed by law.

302 (2) The board shall consist of ten (10) members of which  
303 none shall be an elected official and none shall be engaged in the

304 educational profession. The Governor shall appoint two (2)  
305 members from the First Mississippi Congressional District, one (1)  
306 who shall serve an initial term of two (2) years and one (1) who  
307 shall serve an initial term of five (5) years; two (2) members  
308 from the Second Mississippi Congressional District, one (1) who  
309 shall serve an initial term of five (5) years and one (1) who  
310 shall serve an initial term of three (3) years; and two (2)  
311 members from the Third Mississippi Congressional District, one (1)  
312 who shall serve an initial term of four (4) years and one (1) who  
313 shall serve an initial term of two (2) years; two (2) members from  
314 the Fourth Mississippi Congressional District, one (1) who shall  
315 serve an initial term of three (3) years and one (1) who shall  
316 serve an initial term of four (4) years; and two (2) members from  
317 the Fifth Mississippi Congressional District, one (1) who shall  
318 serve an initial term of five (5) years and one (1) who shall  
319 serve an initial term of two (2) years. All subsequent  
320 appointments shall be for a term of six (6) years and continue  
321 until their successors are appointed and qualify. An appointment  
322 to fill a vacancy which arises for reasons other than by  
323 expiration of a term of office shall be for the unexpired term  
324 only. No two (2) appointees shall reside in the same junior  
325 college district. All members shall be appointed with the advice  
326 and consent of the Senate.

327 (3) There shall be a chairman and vice chairman of the  
328 board, elected by and from the membership of the board; and the  
329 chairman shall be the presiding officer of the board. The board  
330 shall adopt rules and regulations governing times and places for  
331 meetings and governing the manner of conducting its business.

332 (4) The members of the board shall receive no annual salary,  
333 but shall receive per diem compensation as authorized by Section  
334 25-3-69, Mississippi Code of 1972, for each day devoted to the  
335 discharge of official board duties and shall be entitled to  
336 reimbursement for all actual and necessary expenses incurred in

337 the discharge of their duties, including mileage as authorized by  
338 Section 25-3-41, Mississippi Code of 1972.

339 (5) The board shall name a director for the state system of  
340 public junior and community colleges, who shall serve at the  
341 pleasure of the board. Such director shall be the chief executive  
342 officer of the board, give direction to the board staff, carry out  
343 the policies set forth by the board, and work with the presidents  
344 of the several community and junior colleges to assist them in  
345 carrying out the mandates of the several boards of trustees and in  
346 functioning within the state system and policies established by  
347 the State Board for Community and Junior Colleges. The State  
348 Board for Community and Junior Colleges shall set the salary of  
349 the Director of the State System of Community and Junior Colleges.  
350 The State Board for Community and Junior Colleges shall annually  
351 submit to the State Personnel Board a list of salaries for its  
352 employees and the State Personnel Board shall give a nonbinding  
353 advisory opinion on the amount of the salaries for the director  
354 and other employees of the board. The Legislature shall provide  
355 adequate funds for the State Board for Community and Junior  
356 Colleges, its activities and its staff.

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

359 (a) To authorize disbursements of state appropriated  
360 funds to community and junior colleges through orders in the  
361 minutes of the board.

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

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

366 (d) To require community and junior colleges to supply  
367 such information as the board may request and compile, publish and  
368 make available such reports based thereon as the board may deem  
369 advisable.

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

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

381           (g) To approve applications from community and junior  
382 colleges for state funds for vocational-technical education  
383 facilities.

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

386           (i) To appoint members to the Post-Secondary  
387 Educational Assistance Board.

388           (j) To appoint members to the Authority for Educational  
389 Television.

390           (k) To contract with other boards, commissions,  
391 governmental entities, foundations, corporations or individuals  
392 for programs, services, grants and awards when such are needed for  
393 the operation and development of the state public community and  
394 junior college system.

395           (l) To fix standards for community and junior colleges  
396 to qualify for appropriations, and qualifications for community  
397 and junior college teachers.

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

401           (n) To approve or disapprove of any proposed inclusion  
402 within municipal corporate limits of state-owned buildings and

403 grounds of any community college or junior college and to approve  
404 or disapprove of land use development, zoning requirements,  
405 building codes and delivery of governmental services applicable to  
406 state-owned buildings and grounds of any community college or  
407 junior college. Any agreement by a local board of trustees of a  
408 community college or junior college to annexation of state-owned  
409 property or other conditions described in this paragraph shall be  
410 void unless approved by the board and by the board of supervisors  
411 of the county in which the state-owned property is located.

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

414       37-101-7. Within ten (10) days after the beginning of the  
415 terms of office of its members, upon call of the Governor, the  
416 Board of Trustees of State Institutions of Higher Learning shall  
417 meet in the City of Jackson and organize by electing one (1) of  
418 its number as president, whose term of office shall be for one (1)  
419 year or until a successor shall be elected, and shall transact  
420 such other business as may come before the meeting. When the  
421 presiding officer has voted and the result is a tie, he cannot  
422 vote again to break the tie.

423       The trustees shall have authority to appoint a nonmember as  
424 Commissioner of Higher Education, who shall possess the highest  
425 qualifications as an administrator and research worker. The  
426 Commissioner of Higher Education shall maintain an office and be  
427 responsible to the board for the efficient functioning of the  
428 staff which the board may from time to time establish. It shall  
429 be the duty of the Commissioner of Higher Education to make  
430 constant inquiry into the problems of higher education, to survey  
431 and study carefully the organization, management and all other  
432 affairs of each institution under the control of said trustees, to  
433 make report of all findings and recommend such changes as will  
434 increase efficiency and economy in the operation of each  
435 institution, and to perform such other duties as the board may

436 prescribe. The Commissioner of Higher Education shall be  
437 responsible for compiling all laws and all rules and regulations  
438 of a general nature adopted by the board for the governance of the  
439 various institutions of higher learning in pamphlet or loose-leaf  
440 form. Current copies of such compilations shall be furnished to  
441 all officials directly responsible for the carrying out of such  
442 laws, rules and regulations. The expenses for such compilation  
443 and publication shall be paid by the board out of any funds  
444 available for the operation of said board.

445 The trustees shall authorize the employment of such other  
446 personnel as may be required from time to time to carry out the  
447 functions of the board and may assign to the personnel so employed  
448 such functions and duties and may delegate to the commissioner or  
449 other personnel such powers of the board as may be necessary to  
450 accomplish the purposes for which the board was established. All  
451 such personnel shall be employed by the commissioner with the  
452 approval of the board and shall hold office at the pleasure of the  
453 commissioner. The board shall also have the authority to employ  
454 on a fee basis such technical and professional assistance as may  
455 be necessary to carry out the powers, duties and purposes of the  
456 board.

457 The Commissioner of Higher Education and other personnel  
458 employed by the board shall receive reasonable salaries  
459 commensurate with their duties and functions, the amount of which  
460 shall be fixed by the board. The Board of Trustees of State  
461 Institutions of Higher Learning shall annually submit to the State  
462 Personnel Board a list of salaries for its employees and the State  
463 Personnel Board shall give the Board of Trustees of State  
464 Institutions of Higher Learning a nonbinding advisory opinion on  
465 the amount of the salaries for the director and other personnel  
466 employed by the board. The reasonable traveling expenses and  
467 other authorized expenses incurred by the commissioner and other  
468 personnel in the performance of their duties, together with other

469 expenses of the operation of the executive office, shall be  
470 prorated and deducted from the appropriations for the current  
471 expenses of the several institutions.

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

474         57-1-5. (1) The Governor shall, with the advice and consent  
475 of the Senate, appoint an executive director who:

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

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

480                         (i) Industrial development, or

481                         (ii) Economic development.

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

485         (3) The executive director shall have the following powers  
486 and duties:

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

489                 (b) To use and expend any funds from state, federal or  
490 private sources coming into the department for the purposes herein  
491 provided. State funds appropriated for the department shall be  
492 expended in accordance with the regulations governing the  
493 expenditures of other state funds.

494                 (c) To implement the duties assigned to the department  
495 and consistent with specific requirements of law, including, but  
496 not limited to:

497                         (i) Support services to include legal, finance,  
498 data processing, personnel, communications and advertising,  
499 purchasing and accounting;

500                         (ii) Research and planning;

501 (iii) Outreach, agency liaison and community  
502 development;

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

504 (v) Programs and assistance for existing state  
505 business and industry;

506 (vi) Recruiting new business and industry into the  
507 state;

508 (vii) Fostering and promoting of entrepreneurship  
509 and the creation of new business in the state;

510 (viii) Programs aimed at competing effectively in  
511 the international economy by increasing exports of state products  
512 and services and by promoting, developing and creating the  
513 conditions and programs that will bring about significant  
514 increases in investment in the state from other countries;

515 (ix) Programs relating to the development of  
516 ports;

517 (x) Such other areas as are within the  
518 jurisdiction and authority of the department and will foster and  
519 promote the economic development of this state;

520 (xi) Salaries of the associate directors, deputy  
521 directors and bureau directors may be set by the executive  
522 director of the department. The positions of associate directors,  
523 deputy directors and bureau directors shall not be state service  
524 positions. The Mississippi Development Authority shall annually  
525 submit to the State Personnel Board a list of salaries for its  
526 employees and the State Personnel Board shall give the Mississippi  
527 Development Authority a nonbinding advisory opinion on the amount  
528 of the salaries for the executive director and other employees of  
529 the authority.

530 **SECTION 8.** The State Personnel Board is authorized to accept  
531 and expend funds from any available source, private and public,  
532 for the purpose of strategic planning and development of the  
533 public sector workforce. The board shall be authorized to select



534 and enter into contracts for the purpose of strategic planning and  
535 development of the public sector workforce. Any such contracts  
536 shall be executed through the Statewide Payroll and Human  
537 Resources System and may be exempted from the competitive process.  
538 However, no state agency shall be assessed for charges for the  
539 implementation of this section unless the agency receives the  
540 benefit of the strategic planning and development of the  
541 workforce.

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