

By: Representative Chism

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 142

1 AN ACT TO REENACT AND AMEND SECTION 25-9-115, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE DATE OF REPEAL ON THE STATE PERSONNEL
3 BOARD; TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE THAT THE STATE BOARD OF EDUCATION MAY INCREASE THE SALARY
5 OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION UPON THE APPROVAL
6 OF THE STATE PERSONNEL BOARD; TO AMEND SECTION 37-3-13,
7 MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION AUTHORIZING THE
8 STATE BOARD OF EDUCATION TO SET THE SALARY OF THE DEPUTY
9 SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS AND DIVISIONAL
10 DIRECTORS, MEMBERS OF THE TEACHING STAFFS AND EMPLOYEES OF THE
11 MISSISSIPPI SCHOOL OF THE ARTS, AND TO PROVIDE THAT THE SALARIES
12 OF ALL EMPLOYEES OF THE STATE DEPARTMENT OF EDUCATION SHALL BE
13 FIXED BY THE STATE SUPERINTENDENT, SUBJECT TO THE APPROVAL OF THE
14 STATE PERSONNEL BOARD; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE
15 OF 1972, TO CLARIFY THE AUTHORITY TO PAY THE STATE SUPERINTENDENT
16 OF PUBLIC EDUCATION A SALARY IN EXCESS OF THE SALARY OF THE
17 GOVERNOR; TO AMEND SECTIONS 37-4-3, 37-101-7 AND 57-1-5,
18 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE PERSONNEL BOARD TO
19 PROVIDE THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, THE
20 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE
21 MISSISSIPPI DEVELOPMENT AUTHORITY WITH A NONBINDING ADVISORY
22 OPINION ON THE AMOUNT OF SALARIES FOR THEIR EMPLOYEES; TO CREATE A
23 NEW SECTION TO AUTHORIZE THE STATE PERSONNEL BOARD TO ACCEPT AND
24 EXPEND FUNDS FOR THE PURPOSE OF STRATEGIC PLANNING AND DEVELOPMENT
25 OF THE PUBLIC SECTOR WORKFORCE; AND FOR RELATED PURPOSES.

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

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

29 25-9-115. It shall be the specific duty and function of the
30 State Personnel Board to:

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

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

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

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

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

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

62 (g) Establish an annual budget covering all the costs
63 of board operations;

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

70 professional and other organizations in the improvement of
71 personnel standards under the State Personnel System;

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

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

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

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

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

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

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

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

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

134 The personnel board shall maintain a record of every
135 personnel transaction executed under authority delegated pursuant

136 to this paragraph and shall annually report the total cost of
137 these transactions, by agency, to the Legislative Budget Office
138 and the Department of Finance and Administration.

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

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

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

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

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

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

192 * * *

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

195 37-3-9. (1) From and after July 1, 1984, there shall be a
196 State Superintendent of Public Education who shall be appointed by
197 the State Board of Education, with the advice and consent of the
198 Senate, and serve at the board's will and pleasure. He shall be
199 the chief administrative officer for the State Department of
200 Education and shall administer the department in accordance with
201 the policies established by the State Board of Education. From

202 and after the effective date of House Bill No. , 2006 Regular
203 Session, the State Superintendent of Public Education shall
204 receive the salary that he was receiving on July 1, 2005. Such
205 salary may be increased to an amount established by the State
206 Personnel Board. The State Superintendent of Public Education
207 shall have at least a master's degree in any field and a minimum
208 of five (5) years' experience in administration in the educational
209 field.

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

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

217 37-3-13. (1) Until July 1, 1984, the Assistant State
218 Superintendent of Public Education, the directors, supervisors,
219 clerical assistants, and employees shall be selected by, and hold
220 office subject to the will of, the State Superintendent, except as
221 provided in Section 37-3-17. The Assistant State Superintendent
222 may be authorized to act in the absence or disability of the State
223 Superintendent and shall perform such other duties as may be
224 assigned to him by the State Superintendent. The State
225 Superintendent shall have the power to assign to any division such
226 clerical help as he may deem necessary and to discharge such
227 clerical help among the divisions at any time necessity requires,
228 except as provided in Section 37-3-17.

229 (2) From and after July 1, 1984, the deputy superintendents,
230 associate superintendents and directors shall be selected by and
231 hold office subject to the will of the State Superintendent of
232 Public Education subject to the approval of the State Board of
233 Education. All other personnel shall be competitively appointed
234 by the State Superintendent and shall be dismissed only for cause

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

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

253 25-3-39. (1) No public officer, public employee,
254 administrator, or executive head of any arm or agency of the
255 state, in the executive branch of government, shall be paid a
256 salary or compensation, directly or indirectly, greater than one
257 hundred fifty percent (150%) of the salary fixed in Section
258 25-3-31 for the Governor. All academic officials, members of the
259 teaching staffs and employees of the state institutions of higher
260 learning, the State Board for Community and Junior Colleges, * * *
261 community and junior colleges, the State Superintendent of Public
262 Education and licensed physicians who are public employees, shall
263 be exempt from this subsection. The Governor shall fix the annual
264 salary of the Executive Director of the Mississippi Development
265 Authority and the annual salary of the Chief of Staff of the
266 Governor's Office, which salaries shall be completely paid by the
267 state and may not be supplemented with any funds from any source,

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

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

287 (3) The executive head of any state agency or department
288 appointed by the Governor, in such executive head's discretion,
289 may waive all or any portion of the salary or compensation
290 lawfully established for the position.

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 (1) 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 July 1, 2006.