

By: Senator(s) Thames, Gordon, Furniss

To: Fees, Salaries and Administration; Appropriations

SENATE BILL NO. 2789  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT SALARIES OF CERTAIN APPOINTIVE STATE AND DISTRICT  
3 OFFICIALS SHALL BE ESTABLISHED BY THE STATE PERSONNEL BOARD; TO  
4 AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO LIMIT SALARIES  
5 OF EXECUTIVE BRANCH EMPLOYEES TO 150% OF THAT SALARY PAID TO THE  
6 GOVERNOR; TO AMEND SECTION 25-9-115, MISSISSIPPI CODE OF 1972, TO  
7 CONFORM THERETO; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-3-33, Mississippi Code of 1972, is  
10 amended as follows:

11 25-3-33. (1) The annual salaries of the following  
12 appointive state and district officials and employees shall be  
13 established by the State Personnel Board subject to appropriations  
14 by the Legislature:

15 Deputy Attorney General \* \* \*

16 Assistant Attorneys General \* \* \*

17 Military Department--National Guard: Adjutant General \* \* \*

18 Department of Banking and Consumer Finance:

19 Commissioner \* \* \*

20 Chairman of the State Tax Commission \* \* \*

21 Associate Commissioners \* \* \*

22 Director of Emergency Management Agency \* \* \*

23 Department of Public Safety:

24 Commissioner of Public Safety \* \* \*

25 Director, Office of Mississippi Highway Safety Patrol,  
26 or his successor \* \* \*

27 Director, Office of Support Services, or his  
28 successor \* \* \*

29 Department of Human Services: Director \* \* \*



30 Workers' Compensation Commission:

31 Chairman \* \* \*

32 Members \* \* \*

33 Executive Director \* \* \*

34 Administrative Judge \* \* \*

35 Archives and History: Director \* \* \*

36 State Forester \* \* \*

37 State Oil and Gas Board: Secretary-Supervisor \* \* \*

38 Educational Television Authority: Executive Director \* \* \*

39 Director, Mississippi Library Commission \* \* \*

40 Executive Secretary, Public Service Commission \* \* \*

41 Parole Board:

42 Chairman \* \* \*

43 Administrative Assistant for Parole Matters \* \* \*

44 Members \* \* \*

45 Governor's State Bond Advisory Division: Director \* \* \*

46 Employment Security Commission: Executive Director \* \* \*

47 Executive Director, Department of Mental Health \* \* \*

48 Director, Division of Medicaid \* \* \*

49 Director, State Department of Transportation \* \* \*

50 State Entomologist \* \* \*

51 Clerk of the Supreme Court \* \* \*

52 State Aid Engineer, Division of State Aid

53 Road Construction \* \* \*

54 Executive Director, Judicial Performance Commission \* \* \*

55 Executive Director, Department of Finance

56 and Administration \* \* \*

57 Superintendent, Mississippi School for the Blind \* \* \*

58 Superintendent, Mississippi School for the Deaf \* \* \*

59 Executive Director, State Fair Commission \* \* \*

60 Executive Director, Department of Wildlife,

61 Fisheries and Parks \* \* \*

62 Executive Director, Department of Environmental Quality \* \* \*



63 Executive Director, Pat Harrison Waterway District \* \* \*

64 Executive Director, Pearl River Basin

65 Development District \* \* \*

66 Executive Director, Pearl River Valley

67 Water Supply District \* \* \*

68 Executive Director, Tombigbee River Valley

69 Water Management District \* \* \*

70 Director, Soil and Water Conservation Commission \* \* \*

71 Commissioner, Mississippi Department of Corrections \* \* \*

72 Executive Director, Mississippi Department of Information

73 Technology Services \* \* \*

74 Director, Mississippi Bureau of Narcotics \* \* \*

75 Executive Secretary, State Veterans Affairs Board \* \* \*

76 Executive Officer, Veterans' Home Purchase Board \* \* \*

77 Chief Administrative Officer, Motor Vehicle Commission \* \* \*

78 Stadium Manager, Mississippi Veterans Memorial Stadium \* \* \*

79 Executive Director, Mississippi Arts Commission \* \* \*

80 Director, Mississippi Board of Nursing \* \* \*

81 Director, State Board of Pharmacy \* \* \*

82 Director, State Board of Public Contractors \* \* \*

83 Director, Real Estate Commission \* \* \*

84 Director of Support Services, Department of

85 Rehabilitation Services \* \* \*

86 Executive Director, State Fire Academy \* \* \*

87 Executive Director, Law Enforcement Officers

88 Training Academy \* \* \*

89 Executive Director, State Board of Accountancy \* \* \*

90 Executive Director, Mississippi Gaming Commission \* \* \*

91 Executive Director, Mississippi Department

92 of Marine Resources \* \* \*

93 Executive Director, State Board of Registration for

94 Professional Engineers and Land Surveyors \* \* \*

95 Executive Director, Public Utilities Staff \* \* \*



96 State Law Librarian \* \* \*  
97 State Personnel Director \* \* \*  
98 Manager, Farmers Central Market, Department  
99 of Agriculture and Commerce \* \* \*  
100 State Veterinarian \* \* \*  
101 Executive Director, Mississippi Ethics  
102 Commission \* \* \*

103 (2) In determining the annual salary to be paid to each  
104 official listed in subsection (1), the State Personnel Board shall  
105 consider the types and magnitude of the duties and  
106 responsibilities of each, and shall compare and consider the  
107 compensation paid to persons with similar competencies and  
108 responsibilities in other public institutions and in the private  
109 sector.

110 **SECTION 2.** Section 25-3-39, Mississippi Code of 1972, is  
111 amended as follows:

112 25-3-39. (1) No public officer, public employee,  
113 administrator, or executive head of any arm or agency of the  
114 state, in the executive branch of government, shall be paid a  
115 salary or compensation, directly or indirectly, greater than one  
116 hundred fifty percent (150%) of the salary fixed in Section  
117 25-3-31 for the Governor. All academic officials, members of the  
118 teaching staffs and employees of the state institutions of higher  
119 learning, the State Board for Community and Junior Colleges, and  
120 community and junior colleges, and licensed physicians who are  
121 public employees, shall be exempt from this subsection. \* \* \* The  
122 Governor shall fix the annual salary of the Executive Director of  
123 the Mississippi Development Authority and the annual salary of the  
124 Chief of Staff of the Governor's Office, which salaries shall be  
125 completely paid by the state and may not be supplemented with any  
126 funds from any source, including federal or private funds.  
127 Provided, however, that the salary of the Executive Director of  
128 the Mississippi Development Authority and the Governor's Chief of



129 Staff shall not be greater than one hundred fifty percent (150%)  
130 of the salary of the Governor.

131 (2) No public officer, employee or administrator shall be  
132 paid a salary or compensation, directly or indirectly, in excess  
133 of the salary of the executive head of the state agency or  
134 department in which he is employed. The State Personnel Board,  
135 based upon its findings of fact, may exempt physicians and  
136 actuaries from this subsection when the acquisition of such  
137 professional services is precluded based on the prevailing wage in  
138 the relevant labor market.

139 **SECTION 3.** Section 25-9-115, Mississippi Code of 1972, is  
140 amended as follows:

141 25-9-115. It shall be the specific duty and function of the  
142 State Personnel Board to:

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

146 (b) Determine appropriate goals and objectives for the  
147 State Personnel System and prescribe policies for their  
148 accomplishment, with the assistance of the Mississippi Personnel  
149 Advisory Council;

150 (c) Adopt and amend policies, rules and regulations  
151 establishing and maintaining the State Personnel System. Such  
152 rules and regulations shall not be applicable to the emergency  
153 hiring of employees by the Public Employees' Retirement System  
154 pursuant to Section 25-11-15(7). The rules and regulations of the  
155 Mississippi Classification Commission and the Mississippi  
156 Coordinated Merit System Council serving federal grant-aided  
157 agencies in effect on February 1, 1981, shall remain in effect  
158 until amended, changed, modified or repealed by the board;

159 (d) Ensure uniformity in all functions of personnel  
160 administration in those agencies required to comply with the  
161 provisions of this chapter. The board may delegate authority to



162 the State Personnel Director as deemed necessary for the timely,  
163 effective and efficient implementation of the State Personnel  
164 System;

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

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

174 (g) Establish an annual budget covering all the costs  
175 of board operations;

176 (h) With the assistance of the Mississippi Personnel  
177 Advisory Council, promote public understanding of the purposes,  
178 policies and practices of the State Personnel System and advise  
179 and assist the state departments, agencies and institutions in  
180 fostering sound principles of personnel management and securing  
181 the interest of institutions of learning and of civic,  
182 professional and other organizations in the improvement of  
183 personnel standards under the State Personnel System;

184 (i) Recommend policies and procedures for the  
185 establishment and abolishment of employment positions within state  
186 government and develop a system for the efficient use of personnel  
187 resources;

188 (j) Cooperate with state institutions of higher  
189 learning in implementing a career management program in state  
190 agencies for graduate students in public administration in order  
191 to provide state government with a steady flow of professional  
192 public managerial talent;

193 (k) Prescribe rules which shall provide that an  
194 employee in state service is not obliged, by reason of his



195 employment, to contribute to a political fund or to render  
196 political service, and that he may not be removed or otherwise  
197 prejudiced for refusal to do so;

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

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

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

212 (o) In coordination with appointing authorities, set  
213 the annual salaries of those appointed officials whose salaries  
214 are not otherwise set by statute who work on a full-time basis in  
215 the capacity of agency head, executive director or administrator  
216 of any state department, agency, institution, board or commission  
217 under the jurisdiction of the State Personnel Board as provided in  
218 Section 25-9-101 et seq., in conformity with the State Personnel  
219 Board's compensation plan. Salaries of incumbents required by law  
220 to serve in their professional capacity as a physician, dentist,  
221 veterinarian or attorney shall be set in accordance with Section  
222 25-9-107(c) (xiii);

223 (p) Authorize the director to enter into formal  
224 agreements with department executive directors and agency  
225 directors in which employment positions within their agencies may  
226 be reallocated and organization charts amended without prior State  
227 Personnel Board approval; however, such agreements shall be



228 revocable by the State Personnel Board and continuation shall be  
229 contingent upon the reallocations and reorganizations being  
230 conducted in accordance with rules and regulations promulgated by  
231 the State Personnel Board. In the event the State Personnel Board  
232 has delegated reallocation authority to an agency, this delegation  
233 does not remove the requirement that agencies submit personal  
234 services budget requests each fiscal year for the purpose of  
235 preparing personal services continuation budget projections. Such  
236 budget requests shall be prepared in accordance with the policies,  
237 rules and regulations promulgated by the Department of Finance and  
238 Administration, the Legislative Budget Office and the State  
239 Personnel Board. Prior to making any reallocation or  
240 reorganization effective, each appointing authority who has  
241 entered into an agreement as provided in this paragraph shall  
242 certify to the State Personnel Board that the total annualized  
243 cost of any reallocation or reorganization shall be equal to or  
244 less than the cost savings generated through downward reallocation  
245 or position abolishment of vacant positions.

246 The personnel board shall maintain a record of every  
247 personnel transaction executed under authority delegated pursuant  
248 to this paragraph and shall annually report the total cost of  
249 these transactions, by agency, to the Legislative Budget Office  
250 and the Department of Finance and Administration.

251 The State Personnel Board shall prescribe rules requiring the  
252 State Personnel Director to perform a compliance audit and  
253 evaluation of personnel transactions executed under authority  
254 delegated pursuant to this paragraph and to publish a report of  
255 the audit listing exceptions taken by the State Personnel Director  
256 not later than the first of October each year. In the event the  
257 State Personnel Board determines that an agency has misclassified  
258 an employee or position as a result of this delegated authority,  
259 the State Personnel Board shall be authorized to correct such  
260 misclassification regardless of the state service status of the





261 employee holding such position. Authority to correct such  
262 misclassifications of filled positions shall be limited to one (1)  
263 year from the date which the State Personnel Board receives  
264 written notice of the reallocation;

265 (q) Require that if an employment position has been  
266 determined to be in need of reallocation from one occupational  
267 class to another, the employee occupying the position shall meet  
268 the minimum qualifications for the occupational class to which the  
269 position is being reallocated in order for the position to be  
270 eligible for the reallocation. However, when a reallocation is  
271 based upon an agency reorganization due to documented funds  
272 constraints, documented change in agency function, or legislative  
273 mandate, a position may be reallocated with prior approval of the  
274 State Personnel Board;

275 (r) Implement a reduction-in-force policy which shall  
276 apply uniformly to all state agencies and which shall require that  
277 the appointing authority develop an equitable and systematic plan  
278 for implementation of an agency-wide reduction-in-force. If a  
279 proposed reduction-in-force is the result of a curtailment of  
280 general funds, the State Personnel Board shall review the proposed  
281 reduction-in-force plan only upon written certification of a  
282 general funds shortage from the Department of Finance and  
283 Administration. If a proposed reduction-in-force is the result of  
284 a curtailment of special funds, the State Personnel Board shall  
285 review the proposed reduction-in-force plan only upon written  
286 certification of a special funds shortage from the agency.  
287 Further, the State Personnel Board shall ensure that any  
288 reduction-in-force plan complies with all applicable policies,  
289 rules and regulations of the State Personnel Board;

290 (s) Implement a furlough (involuntary leave without  
291 pay) policy which shall apply uniformly to all executive and  
292 subordinate employees within an agency, regardless of job class.  
293 The State Personnel Board shall review furlough plans only upon



294 written certification of a general funds shortage from the  
295 Department of Finance and Administration or written certification  
296 of a special funds shortage from the agency. The State Personnel  
297 Board shall ensure that any furlough plan complies with all  
298 applicable policies, rules and regulations of the State Personnel  
299 Board;

300 (t) Establish policies in accordance with Section  
301 25-3-39 which precludes any employee under the salary setting  
302 authority of the State Personnel Board from receiving an annual  
303 salary greater than one hundred fifty percent (150%) of the salary  
304 of the Governor, and any employee within an agency from receiving  
305 an annual salary greater than the agency head. Employees  
306 currently receiving an annual salary exceeding the Governor or  
307 their agency head may retain their present salary but shall not  
308 receive an increase until such time as the provisions of this  
309 paragraph are met.

310 This section shall stand repealed from and after June 30,  
311 2003.

312 **SECTION 4.** This act shall take effect and be in force from  
313 and after January 1, 2004.

