

By: Representative Bowles

To: Appropriations

HOUSE BILL NO. 407

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NO PERSON WHO IS RECEIVING A RETIREMENT ALLOWANCE
3 UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM SHALL BE REEMPLOYED
4 OR PAID FOR ANY SERVICE BY THE STATE OF MISSISSIPPI OR ANY OF ITS
5 AGENCIES OR SUBDIVISIONS PARTICIPATING IN THE RETIREMENT SYSTEM;
6 TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF 1972, IN CONFORMITY
7 TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is
10 amended as follows:

11 25-11-127. No person who is being paid a retirement
12 allowance or a pension after retirement under this article shall
13 be employed or reemployed or paid for any service by the State of
14 Mississippi or any of its departments, agencies or subdivisions
15 that are participating in the Public Employees' Retirement System.
16 This section applies to all retired members of the system employed
17 or reemployed by any covered employer as (a) an employee, (b) a
18 contractual employee or worker, or (c) an independent contractor.

19 Any person who has been retired under the provisions of
20 Articles 1 and 3 and who is later reemployed in service covered by
21 this article shall cease to receive benefits under this article
22 and shall again become a contributing member of the retirement
23 system with contributions paid by both the employer and the
24 employee. When any such person retires again, if his reemployment
25 exceeds six (6) months, he shall have his benefit recomputed,
26 including service after again becoming a member. * * * The total
27 retirement allowance paid to the retired member in his previous
28 retirement shall be deducted from his retirement reserve and taken

29 into consideration in recalculating the retirement allowance under
30 a new option selected. * * *

31 The board of trustees of the retirement system may prescribe
32 rules and regulations for * * * carrying out the provisions of
33 this section.

34 * * *

35 SECTION 2. Section 25-9-120, Mississippi Code of 1972, is
36 amended as follows:

37 25-9-120. (1) Contract personnel, whether classified as
38 contract workers or independent contractors shall not be deemed
39 state service or nonstate service employees of the State of
40 Mississippi, and shall not be eligible to participate in the
41 Public Employees' Retirement System, or the state employee health
42 plan, nor be allowed credit for personal and sick leave and other
43 leave benefits as employees of the State of Mississippi,
44 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101
45 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through
46 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth
47 herein. * * *

48 (2) There is hereby created the Personal Service Contract
49 Review Board, which shall be composed of the State Personnel
50 Director, the Executive Director of the Department of Finance and
51 Administration, or his designee, the Commissioner of Corrections,
52 or his designee, the Executive Director of the Mississippi
53 Department of Wildlife and Fisheries, or his designee, and the
54 Executive Director of the Department of Environmental Quality, or
55 his designee. The State Personnel Director shall be chairman and
56 shall preside over the meetings of the board. The board shall
57 annually elect a vice chairman, who shall serve in the absence of
58 the chairman. No business shall be transacted, including adoption
59 of rules of procedure, without the presence of a quorum of the
60 board. Three (3) members shall be a quorum. No action shall be
61 valid unless approved by the chairman and two (2) other of those
62 members present and voting, entered upon the minutes of the board
63 and signed by the chairman. Necessary clerical and administrative
64 support for the board shall be provided by the State Personnel
65 Board. Minutes shall be kept of the proceedings of each meeting,

66 copies of which shall be filed on a monthly basis with the
67 Legislative Budget Office.

68 (3) The Personal Service Contract Review Board shall have
69 the following powers and responsibilities:

70 (a) Promulgate rules and regulations governing the
71 solicitation and selection of contractual services personnel
72 including personal and professional services contracts for any
73 form of consulting, policy analysis, public relations, marketing,
74 public affairs, legislative advocacy services or any other
75 contract that the board deems appropriate for oversight, with the
76 exception of any personal service contracts entered into for
77 computer or information technology-related services governed by
78 the Mississippi Department of Information Technology Services, any
79 personal service contracts entered into by the Mississippi
80 Department of Transportation, and any contract for attorney,
81 accountant, auditor, physician, dentist, architect, engineer,
82 veterinarian and utility rate expert services. Any such rules and
83 regulations shall provide for maintaining continuous internal
84 audit covering the activities of such agency affecting its revenue
85 and expenditures as required under Section 7-7-3(6)(d).

86 (b) Approve all personal and professional services
87 contracts involving the expenditures of funds in excess of One
88 Hundred Thousand Dollars (\$100,000.00);

89 (c) Develop standards with respect to contractual
90 services personnel which require invitations for public bid,
91 requests for proposals, record keeping and financial
92 responsibility of contractors. The Personal Service Contract
93 Review Board may, in its discretion, require the agency involved
94 to advertise such contract for public bid, and may reserve the
95 right to reject any or all bids;

96 (d) Prescribe certain circumstances whereby agency
97 heads may enter into contracts for personal and professional
98 services without receiving prior approval from the Personal

99 Service Contract Review Board. The Personal Service Contract
100 Review Board may establish a preapproved list of providers of
101 various personal and professional services for set prices with
102 which state agencies may contract without bidding or prior
103 approval from the board.

104 (e) To provide standards for the issuance of requests
105 for proposals, the evaluation of proposals received, consideration
106 of costs and quality of services proposed, contract negotiations,
107 the administrative monitoring of contract performance by the
108 agency and successful steps in terminating a contract;

109 (f) To present recommendations for governmental
110 privatization and to evaluate privatization proposals submitted by
111 any state agency;

112 (g) To authorize personal and professional service
113 contracts to be effective for more than one (1) year provided a
114 funding condition is included in any such multiple year contract;

115 (h) To request the State Auditor to conduct a
116 performance audit on any personal or professional service
117 contract;

118 (i) Prepare an annual report to the Legislature
119 concerning the issuance of personal service contracts during the
120 previous year, collecting any necessary information from state
121 agencies in making such report.

122 (4) No member of the Personal Service Contract Review Board
123 shall use his official authority or influence to coerce, by threat
124 of discharge from employment, or otherwise, the purchase of
125 commodities or the contracting for personal or professional
126 services under this section.

127 SECTION 3. This act shall take effect and be in force from
128 and after July 1, 1999.