

By: Representative Taylor

To: Fees and Salaries of  
Public Officers;  
Appropriations

HOUSE BILL NO. 83

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE TIME-LIMITED STATE EMPLOYEES IN THE STATE SERVICE; TO  
3 AMEND SECTION 25-9-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO  
4 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-9-107, Mississippi Code of 1972, is  
7 amended as follows:

8 25-9-107. The following terms, when used in this chapter,  
9 unless a different meaning is plainly required by the context,  
10 shall have the following meanings:

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

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

16 (c) "Nonstate service" shall mean the following  
17 officers and employees excluded from the state service by this  
18 chapter. The following are excluded from the state service:

19 (i) Members of the state Legislature, their staffs  
20 and other employees of the legislative branch;

21 (ii) The Governor and staff members of the  
22 immediate Office of the Governor;

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

25 (iv) The Lieutenant Governor, staff members of the  
26 immediate Office of the Lieutenant Governor and officers and  
27 employees directly appointed by the Lieutenant Governor;



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

30 (vi) Members of boards and commissioners appointed  
31 by the Governor, Lieutenant Governor or the state Legislature;

32 (vii) All academic officials, members of the  
33 teaching staffs and employees of the state institutions of higher  
34 learning, the State Board for Community and Junior Colleges, and  
35 community and junior colleges;

36 (viii) Officers and enlisted members of the  
37 National Guard of the state;

38 (ix) Prisoners, inmates, student or patient help  
39 working in or about institutions;

40 (x) Contract personnel; however, any agency which  
41 employs state service employees may enter into contracts for  
42 personal and professional services only if such contracts are  
43 approved in compliance with the rules and regulations promulgated  
44 by the State Personal Service Contract Review Board under Section  
45 25-9-120(3). Before paying any warrant for such contractual  
46 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
47 the Auditor of Public Accounts, or the successor to those duties,  
48 shall determine whether the contract involved was for personal or  
49 professional services, and, if so, was approved by the State  
50 Personal Service Contract Review Board;

51 (xi) Part-time employees; \* \* \* however, part-time  
52 employees shall only be hired into authorized employment positions  
53 classified by the board, shall meet minimum qualifications as set  
54 by the board, and shall be paid in accordance with the Variable  
55 Compensation Plan as certified by the board;

56 (xii) Persons appointed on an emergency basis for  
57 the duration of the emergency; the effective date of the emergency  
58 appointments shall not be earlier than the date approved by the  
59 State Personnel Director, and shall be limited to thirty (30)



60 working days. Emergency appointments may be extended to sixty  
61 (60) working days by the State Personnel Board;

62 (xiii) Physicians, dentists, veterinarians, nurse  
63 practitioners and attorneys, while serving in their professional  
64 capacities in authorized employment positions who are required by  
65 statute to be licensed, registered or otherwise certified as such.  
66 The State Personnel Director shall verify that the statutory  
67 qualifications are met prior to issuance of a payroll warrant by  
68 the Auditor;

69 \* \* \*

70 (xiv) The administrative head who is in charge of  
71 any state department, agency, institution, board or commission,  
72 wherein the statute specifically authorizes the Governor, board,  
73 commission or other authority to appoint the administrative  
74 head; \* \* \* however, \* \* \* the salary of such administrative head  
75 shall be determined by the State Personnel Board in accordance  
76 with the Variable Compensation Plan unless otherwise fixed by  
77 statute;

78 (xv) The State Personnel Board shall exclude top  
79 level positions if the incumbents determine and publicly advocate  
80 substantive program policy and report directly to the agency head,  
81 or the incumbents are required to maintain a direct confidential  
82 working relationship with a key excluded official. \* \* \* A  
83 written job classification shall be approved by the board for each  
84 such position, and positions so excluded shall be paid in  
85 conformity with the Variable Compensation Plan;

86 (xvi) Employees whose employment is solely in  
87 connection with an agency's contract to produce, store or  
88 transport goods, and whose compensation is derived therefrom;

89 \* \* \*

90 (xvii) The associate director, deputy directors  
91 and bureau directors within the Department of Agriculture and  
92 Commerce;



93                   (xviii) Personnel employed by the Mississippi  
94 Industries for the Blind. Any agency may enter into contracts for  
95 the personal services of MIB employees without the prior approval  
96 of the State Personnel Board or the State Personal Service  
97 Contract Review Board; however, any agency contracting for the  
98 personal services of an MIB employee shall provide the MIB  
99 employee with not less than the entry level compensation and  
100 benefits that the agency would provide to a full-time employee of  
101 the agency who performs the same services.

102                   (d) "Agency" means any state board, commission,  
103 committee, council, department or unit thereof created by the  
104 Constitution or statutes if such board, commission, committee,  
105 council, department, unit or the head thereof, is authorized to  
106 appoint subordinate staff by the Constitution or statute, except a  
107 legislative or judicial board, commission, committee, council,  
108 department or unit thereof.

109                   SECTION 2. Section 25-9-155, Mississippi Code of 1972, is  
110 amended as follows:

111                   25-9-155. The State Personnel Board shall grant part-time  
112 employees, as defined in Section 25-9-107(c)(xi), who are fully  
113 qualified, \* \* \* and all other nonstate service employees, who are  
114 fully qualified, preference over general public applicants for  
115 state service positions in the same manner that preference is  
116 given to employees in the state service, as defined in Section  
117 25-9-107(b), for appointment in the state service.

118                   SECTION 3. This act shall take effect and be in force from  
119 and after July 1, 2001.

