

By: Representative Bowles

To: Appropriations

HOUSE BILL NO. 414

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, provided that  
27 the total retirement allowance paid to the retired member in his  
28 previous retirement shall be deducted from his retirement reserve



29 and taken into consideration in recalculating the retirement  
30 allowance under 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 \* \* \* 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 by which 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 pre-approved 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 except the State Board of Education, which shall have the  
116 authority to enter into contractual agreements for student  
117 assessment for a period up to ten (10) years. The State Board of  
118 Education shall procure these services in accordance with the  
119 Personal Service Contract Review Board procurement regulations;

120 (h) To request the State Auditor to conduct a  
121 performance audit on any personal or professional service  
122 contract;

123 (i) Prepare an annual report to the Legislature  
124 concerning the issuance of personal service contracts during the  
125 previous year, collecting any necessary information from state  
126 agencies in making such report.



127           (4) No member of the Personal Service Contract Review Board  
128 shall use his official authority or influence to coerce, by threat  
129 of discharge from employment, or otherwise, the purchase of  
130 commodities or the contracting for personal or professional  
131 services under this section.

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

