HOUSE BILL NO. 414

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

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

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

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

Any person who has been retired under the provisions of Articles 1 and 3 and who is later reemployed in service covered by this article shall cease to receive benefits under this article and shall again become a contributing member of the retirement system with contributions paid by both the employer and the employee. When any such person retires again, if his reemployment exceeds six (6) months, he shall have his benefit recomputed, including service after again becoming a member, provided that the total retirement allowance paid to the retired member in his previous retirement shall be deducted from his retirement reserve
and taken into consideration in recalculating the retirement allowance under a new option selected. * * *

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

* * *

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

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

(2) There is * * * created the Personal Service Contract Review Board, which shall be composed of the State Personnel Director, the Executive Director of the Department of Finance and Administration, or his designee, the Commissioner of Corrections, or his designee, the Executive Director of the Mississippi Department of Wildlife and Fisheries, or his designee, and the Executive Director of the Department of Environmental Quality, or his designee. The State Personnel Director shall be chairman and shall preside over the meetings of the board. The board shall annually elect a vice chairman, who shall serve in the absence of the chairman. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by the chairman and two (2) other of those
members present and voting, entered upon the minutes of the board
and signed by the chairman. Necessary clerical and administrative
support for the board shall be provided by the State Personnel
Board. Minutes shall be kept of the proceedings of each meeting,
copies of which shall be filed on a monthly basis with the
Legislative Budget Office.

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

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

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

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

(d) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Personal Service Contract Review Board. The Personal Service Contract Review Board may establish a pre-approved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

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

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

(g) To authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Personal Service Contract Review Board procurement regulations;

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

(i) Prepare an annual report to the Legislature concerning the issuance of personal service contracts during the previous year, collecting any necessary information from state agencies in making such report.
(4) No member of the Personal Service Contract Review Board shall use his official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities or the contracting for personal or professional services under this section.

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