MISSISSIPPI LEGISLATURE
By: Senator(s) Dawkins, Williamson

REGULAR SESSION 2002
To: Fees, Salaries and Administration; Appropriations

SENATE BILL NO. 3028

AN ACT TO ABOLISH THE STATE PERSONNEL BOARD; TO REPEAL
SECTION 25-9-155, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH AND
EMPOWER THE STATE PERSONNEL BOARD, CREATE THE POSITION OF STATE
PERSONNEL DIRECTOR AND PROVIDE FOR A STATE SERVICE PERSONNEL
SYSTEM; TO AMEND SECTIONS 7-7-2, 7-17-5, 7-17-11, 25-3-91,
65-9-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
RELATED PURPOSES.

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

SECTION 1. (1) On July 1, 2002, the State Personnel Board
shall be abolished.

(2) All records, property and unexpended balances of
appropriations, allocations or other funds of the State Personnel
Board shall be transferred to an appropriate agency by the
Governor acting through the Department of Finance and
Administration.

(3) Whenever in the Mississippi Code of 1972 the term "State
Personnel Board" appears, it shall mean the Governor acting
through the Department of Finance and Administration.

establish and empower the State Personnel Board, create the
position of State Personnel Director and provide for a state
service personnel system, are repealed.
SECTION 3. Section 7-7-2, Mississippi Code of 1972, is amended as follows:

7-7-2. (1) The Mississippi General Accounting Office and the State Fiscal Officer, acting through the Bureau of Budget and Fiscal Management, shall be the Department of Public Accounts formerly in the Office of the State Auditor of Public Accounts.

SECTION 4. Section 7-17-5, Mississippi Code of 1972, is amended as follows:

7-17-5. (1) Effective July 1, 1989, all employees of any agency abolished or affected by the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be transferred according to the merger of their duties by the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]. * * *

(2) The executive director of any agency of state government as defined in Section 25-9-107(d) shall have the authority to employ staff and to expend funds authorized to the agency for the performance of the duties and responsibilities accorded to the agency by the laws of the State of Mississippi.

(3) All records, personnel, property and unexpended balances of appropriations, allocations or other funds of any agency or department abolished or affected by the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be transferred to the appropriate agency according to the merger of
their functions under the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544].

(4) The executive directors of agencies shall determine which employees shall be bonded, set the amount of bond, which shall be made by a surety company approved by the Secretary of State and the premiums paid as other expenses of administering the Mississippi Executive Reorganization Act of 1989 [{Laws, 1989, Chapter 544}].

(5) The executive director of any agency, where permitted by the rules, regulations and policies of the board, commission or authority of the agency, if any, shall also have authority to:

(a) Accept on behalf of the state gifts, trusts, bequests, grants, endowments, or transfers of property of any kind to be used for the sole benefit of the state;

(b) Use and expend funds coming to the agency from state, federal and private sources;

(c) Establish such rules and regulations as may be necessary in carrying out the provisions of the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544];

(d) Formulate and administer policies of their respective agencies;

(e) Coordinate, supervise and direct all administrative and technical activities of the agency;

(f) Enter into contracts, grants and cooperative agreements with any federal or state agency, department or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with the carrying out of the provisions of the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544], provided the agreements do not have a financial cost in excess of the amounts appropriated for such purposes by the Legislature;
(g) Except where otherwise prescribed by law, prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the agency and the offices thereof, including a detailed statement of expenditures of the agency and any recommendations;

(h) Make provisions for adoption of rules, regulations and policy and provide for public inspection and filing of same; and other requirements set forth in the Mississippi Administrative Procedures Act in Sections 25-43-1 through 25-43-19, except as otherwise provided by law.

SECTION 5. Section 7-17-11, Mississippi Code of 1972, is amended as follows:

7-17-11. For budgetary purposes and organizational hierarchy purposes a common organizational nomenclature shall be used in the structure of state government.

Organizations for such purposes shall be:

(a) Agency - the principal administrative organization of state government headed by an executive director or such other official as prescribed by statute;

(b) Office - the principal organization of an agency;

whenever the term "division" or any other term appears to denote the principal organization of a department, it shall mean "office" for purposes of this section;

(c) Bureau - the principal organization of an office;

(d) Division - the principal organization of a bureau;

(e) Branch - the principal organization of a division;

(f) Section - the principal organization of a branch;

(g) Unit - the principal organization of a section;

(h) Advisory board - a body appointed to function on a continuing basis to study and recommend solutions and policy alternatives to problems arising in a specific agency or program of state government.
The nomenclature outlined in this section shall be only for budgetary purposes and organizational hierarchy purposes and shall not define job classifications or salary ranges. The Governor acting through the Department of Finance and Administration shall ensure that all agencies within state government conform with the common organization nomenclature provided in this section, except where otherwise provided by law or determined to be necessary by the Governor acting through the Department of Finance and Administration.

SECTION 6. Section 25-3-91, Mississippi Code of 1972, is amended as follows:

25-3-91. For purposes of Sections 25-3-91 through 25-3-99, the following words and terms shall have the meaning described herein, unless the context requires otherwise:

(a) "Appointing authority" shall mean such person, agency or authority authorized by law to employ individuals in state government, but shall not include the Board of Directors of the Mississippi Industries for the Blind.

(b) "Catastrophic injury or illness" means a severe condition or combination of conditions affecting the mental or physical health of an employee or a member of an employee's immediate family that requires the services of a licensed physician for an extended period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state for the employee.

(c) "Employee" means a person appointed to a position with the state, for which he is compensated on a full-time permanent or provisional basis, a temporary basis, or a part-time basis.

(d) "Workday" shall mean a day as defined in Section 25-1-98.
(e) "Temporary employment" means the employment of a person in a temporary or time-limited position not to exceed twelve (12) months.

(f) "Part-time employment" means the employment of a person in a part-time position.

SECTION 7. Section 25-3-97, Mississippi Code of 1972, is amended as follows:

25-3-97. (1) All organizations shall keep accurate records of the leave accumulated and used by the officers and employees thereof.

(2) The appointing authority shall develop rules for proper maintenance of leave records. The rules shall include provisions which shall keep the employee informed on a monthly basis as to his accumulated leave balances. For accounting purposes an employee's anniversary date is the date of employment to full-time permanent or provisional service in state government.

(3) The appointing authority, in conjunction with the State Fiscal Officer, shall develop rules for the final payment of accrued leave at such time that an employee leaves state employment. At no time shall an employee be paid for accrued leave while still employed with the state, except that major medical leave pay may be made as heretofore provided. No payment shall be made for accrued major medical leave except that an employee who presents medical evidence that his physical condition is such that he can no longer work in a capacity of state government may be paid for not more than one hundred twenty (120) days of earned major medical leave.

(4) The State Fiscal Officer, before issuing a warrant to any of such employees for the payment of his salary, shall be furnished by each appointing authority any reports as required by the State Fiscal Officer as to absences in the department. The appointing authority shall make the required deduction from the salary as indicated on the affidavit in submitting their payroll
requisitions to the Department of Finance and Administration, or

if the State Fiscal Officer learns of such excessive absence from

some other source, he is empowered to make such deduction, unless

such absence shall have been for official business, personal

leave, or by the permission of the Governor previously obtained.

The State Fiscal Officer may promulgate rules on reporting

absences in the agencies.

(5) All accrued leave, both major medical and personal

leave, earned by employees shall be transferrable between or among

any and all state agencies, junior colleges and senior colleges.

Each appointing authority shall be furnished a statement of

accrued leave at the time of transfer by an employee.

(6) Should an employee die having accumulated personal leave

as provided in Section 25-3-93, the wages or salary which would

have been paid to such employee during his leave shall be paid to

the person designated by such employee for this purpose or, in the

absence of such designation, to the beneficiary of such employee

as recorded with the Public Employees' Retirement System.

Accumulated leave shall be considered for the purpose of Sections

25-3-91 through 25-3-99 as wages or salary earned and not paid.

SECTION 8. Section 25-3-101, Mississippi Code of 1972, is

amended as follows:

25-3-101. The Governor acting through the Department of

Finance and Administration shall promulgate rules for the

administration of Sections 25-3-91 through 25-3-99, which shall be

binding upon state agencies.

SECTION 9. Section 25-4-15, Mississippi Code of 1972, is

amended as follows:

25-4-15. The commission shall appoint an executive
director to serve at the pleasure of the commission. The

executive director shall possess a high degree of professional

competence and integrity. The executive director shall be

responsible for the administrative operations of the commission
and shall perform other such duties within its powers as may be delegated or assigned from time to time by regulations or orders of the commission. The commission, by and through its executive director, may employ the personnel necessary to properly discharge the duties and responsibilities of the commission, subject to budgetary limitations. Such personnel shall possess a high degree of professional competence and integrity in the area in which employed.

The executive director and other employees of the commission shall not be reimbursed for meals, lodging and travel expenses incurred while attending civic club meetings or any other functions not directly related to commission business.

* * *

SECTION 10. Section 25-9-177, Mississippi Code of 1972, is amended as follows:

25-9-177. Actions to recover civil fines and other remedies provided for under Section 25-9-175 may be instituted in the Circuit Court for the First Judicial District of Hinds County or in the circuit court of the public employees' residence. In such actions, the public employee shall prove by a preponderance of the evidence that, but for his providing information or testimony to a state investigative body prior to occurrence of the dismissal or any adverse action, his dismissal or any adverse action taken against him would not have occurred. Remedies provided for herein shall be supplemental to any other remedies, judicial or administrative, provided for under law. * * * Any remedies under a grievance or appeal process of the employing governmental entity relating to suspension or termination of employment or adverse personnel action, shall not be exhausted or diminished as a result of any action taken by the employee under Sections 25-9-175 and 25-9-177, and the employee shall be required to exhaust such remedies prior to instituting an action authorized under Sections 25-9-175 and 25-9-177.
SECTION 11. Section 25-9-303, Mississippi Code of 1972, is amended as follows:

25-9-303. (1) The Governor shall grant each veteran who is fully qualified preference over other applicants for an initial or promotional appointment. Disabled veterans shall be given additional preference.

(2) In establishing a layoff formula or procedure, the Governor shall grant preference to veterans and additional preference to disabled veterans.

SECTION 12. Section 25-9-305, Mississippi Code of 1972, is amended as follows:

25-9-305. The Governor is authorized to establish a formula or formulas by rule and regulation to implement the provisions of Section 25-9-301 et seq.

SECTION 13. Section 25-17-1, Mississippi Code of 1972, is amended as follows:

25-17-1. For purposes of this chapter:

(a) "State agency" means every state institution, board, commission, council, department or unit thereof created by the Mississippi Constitution or statutes.

(b) "Local governmental entity" means any county, municipality, school district, public hospital or other political subdivision of the state.

(c) "Cafeteria plan" means a written plan providing benefits to eligible employees which meets the requirements of Section 125 et seq. of the Internal Revenue Code and regulations thereunder.

(d) "Salary reduction agreement" means a written agreement between an eligible employee and a state agency or local governmental entity whereby the employee agrees to reduce his or her salary by a stated amount or an amount equal to the cost of benefits selected under a cafeteria plan and the state agency or
local governmental entity agrees to contribute such amount to
cover the cost of the benefits selected by the eligible employee.

(e) "Eligible employee" means an officer or employee of
a state agency or local governmental entity who elects to
participate in a cafeteria plan described in Section 25-17-1(c),
Mississippi Code of 1972. The term includes state agency officers
and employees ***. The term does not include individuals:

(i) Engaged as independent contractors; or

(ii) Whose periods of employment are on an

intermittent or irregular basis, or who are employed on less than
half-time basis unless the individual is employed in a position
classified as a job-sharing position.

SECTION 14. Section 25-53-29, Mississippi Code of 1972, is
amended as follows:

25-53-29. (1) For the purposes of this section the term
"bureau" shall mean the "Mississippi Department of Information
Technology Services." The authority shall have the following
powers and responsibilities to carry out the establishment of
policy and provide for long range planning and consulting:

(a) Provide a high level of technical expertise for
agencies, institutions, political subdivisions and other
governmental entities as follows: planning; consulting; project
management; systems and performance review; system definition;
design; application programming; training; development and
documentation; implementation; maintenance; and other tasks as may
be required, within the resources available to the bureau.

(b) Publish written planning guides, policies and
procedures for use by agencies and institutions in planning future
electronic information service systems. The bureau may require
agencies and institutions to submit data, including periodic
electronic equipment inventory listings, information on agency
staffing, systems under study, planned applications for the
future, and other information needed for the purposes of preparing
the state master plan. The bureau may require agencies and
institutions to submit any additional data required for purposes
of preparing the state master plan.

(c) Inspect agency facilities and equipment, interview
agency employees and review records at any time deemed necessary
by the bureau for the purpose of identifying cost-effective
applications of electronic information technology. Upon
conclusion of any inspection, the bureau shall issue a management
letter containing cost estimates and recommendations to the agency
head and governing board concerning applications identified that
would result in staff reductions, other monetary savings and
improved delivery of public services.

(d) Conduct classroom and on-site training for end
users for applications and systems developed by the bureau.

(e) Provide consulting services to agencies and
institutions or Mississippi governmental subdivisions requesting
technical assistance in electronic information services technology
applications and systems. The bureau may submit proposals and
enter into contracts to provide services to agencies and
institutions or governmental subdivisions for such purposes.

(2) The bureau shall annually issue a three-year master plan
in writing to the Governor, available on request to any member of
the Legislature, including recommended statewide strategies and
goals for the effective and efficient use of information
technology and services in state government. The report shall
also include recommended information policy actions and other
recommendations for consideration by the Governor and members of
the Legislature.

(3) The bureau shall make an annual report in writing to the
Governor, available on request to any member of the Legislature,
to include a full and detailed account of the work of the
authority for the preceding year. The report shall contain
recommendations to agencies and institutions resulting from
The report shall also contain a summary of the master plan, progress made, and legislative and policy recommendations for consideration by the Governor and members of the Legislature.

(4) The bureau may charge fees to agencies and institutions for services rendered to them. The amounts of such fees shall be set by the authority upon recommendation of the Executive Director of the MDITS, and all such fees collected shall be paid into the fund established for carrying out the purposes of this section.

(5) It is the intention of the Legislature that the employees of the bureau performing services defined by Section 25-53-29 be staffed by highly qualified persons possessing technical, consulting and programming expertise. Such employees may be compensated at a rate comparable to the prevailing rate of individuals in qualified professional consulting firms in the private sector. Such compensation rates shall be determined by the Governor acting through the Department of Finance and Administration. The number of such positions shall be set by annual appropriation of the Legislature. Qualifications and compensation of the bureau employees shall be set by the Governor acting through the Department of Finance and Administration upon recommendation of the Executive Director of the MDITS. The total number of positions and classification of positions may be increased or decreased during a fiscal year depending upon work load and availability of funds.

(6) The bureau may, from time to time, at the discretion of the Executive Director of the MDITS, contract with firms or qualified individuals to be used to augment the bureau's professional staff in order to assure timely completion and implementation of assigned tasks, provided that funds are available in the fund established for carrying out the purposes of this section. Such individuals may be employees of any agency, bureau or institution provided that these individuals or firms
meet the requirements of other individuals or firms doing business with the state through the Mississippi Department of Information Technology Services. Individuals who are employees of an agency or institution may contract with the Mississippi Department of Information Technology Services only with the concurrence of the agency or institution for whom they are employed.

SECTION 15. Section 37-3-25, Mississippi Code of 1972, is amended as follows:

37-3-25. (1) The Director of the Division of Vocational and Technical Education of the State Department of Education who shall be an associate state superintendent of education shall be appointed by the State Superintendent of Public Education. The director's salary shall be set by the State Board of Education subject to the approval of the Governor acting through the Department of Finance and Administration. His salary, compensation, travel expenses or other expenses shall be provided for out of any funds made available for such purpose by the Legislature, the federal government, or other gifts or grants. The director shall be responsible to the State Superintendent of Public Education for the proper administration of the programs of vocational and technical education in conformity with the policies adopted by the State Board of Education and shall be responsible for appointing any necessary supervisors, assistants, and employees to assist in carrying out the programs of vocational and technical education. The director shall have the authority to employ, compensate, terminate, promote, demote, transfer or reprimand employees of the division. The salary and compensation of such employees shall be subject to the rules and regulations adopted and promulgated by the Governor acting through the Department of Finance and Administration.

(2) The Director of the Division of Vocational and Technical Education, subject to the approval of the State Board of
Education, shall have charge of and be responsible for vocational
and technical education training in:
(a) Agriculture;
(b) Occupational and consumer home economics;
(c) Consumer and homemaking education;
(d) Trades and industry;
(e) Distributive education;
(f) Secondary adult education;
(g) Teacher training and supervision;
(h) Business and office;
(i) Health;
(j) Industrial arts;
(k) Guidance services;
(l) Technical education;
(m) Cooperative education; and
(n) All other specialized training not requiring a
bachelors degree, with the exception of programs of nursing
education regulated under the provisions of Section 37-129-1.

SECTION 16. Section 37-33-163, Mississippi Code of 1972, is
amended as follows:

37-33-163. The Office of Disability Determination Services
established by Section 37-33-153 shall be administered by a
director appointed by the Executive Director of the State
Department of Rehabilitation Services. The director shall devote
his full time to the proper administration of the office. In
carrying out his duties under this chapter, the director:
(a) Shall enter into agreements on behalf of the State
Department of Rehabilitation Services and the State of Mississippi
with the federal Social Security Administration or its successor
in order to implement the provisions of the federal Social
Security Act relating to the determination of disabilities under
Title II and Title XVI, and shall enter into contracts necessary
to provide such disability determination functions as allowed under applicable federal regulation;

(b) Shall, with the approval of the executive director, make regulations governing Mississippi applications for disability benefits under Title II and Title XVI of the federal Social Security Act, and make such other regulations as are found necessary to implement the functions of the office prescribed under this chapter;

c) Shall, with the approval of the executive director, establish appropriate subordinate administrative units within the office;

d) Shall, with the approval of the executive director, be responsible for appointing supervisors, assistants, physicians, and other employees or entering into purchase of service contracts, as are necessary for the efficient performance of the functions of the office, subject to the rules and regulations adopted and promulgated by the Governor acting through the Department of Finance and Administration;

ev) Shall prepare and submit to the board through the executive director annual reports of activities and expenditures, and estimates of the amounts to be made available to the office from all sources; and

f) Shall, with the approval of the executive director and the board, take such other action as he deems necessary or appropriate to implement the functions of the office.

SECTION 17. Section 43-1-2, Mississippi Code of 1972, is amended as follows:

43-1-2. (1) There is created the Mississippi Department of Human Services, whose offices shall be located in Jackson, Mississippi, and which shall be under the policy direction of the Governor.

(2) The chief administrative officer of the department shall be the Executive Director of Human Services. The Governor shall
appoint the Executive Director of Human Services with the advice
and consent of the Senate, and he shall serve at the will and
pleasure of the Governor, and until his successor is appointed and
qualified. The Executive Director of Human Services shall possess
the following qualifications:

(a) A bachelor's degree from an accredited institution
of higher learning and ten (10) years' experience in management, public administration, finance or accounting; or

(b) A master's or doctoral degree from an accredited
institution of higher learning and five (5) years' experience in management, public administration, finance or accounting.

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(3) There shall be a Joint Oversight Committee of the Department of Human Services composed of the respective chairmen of the Senate Public Health and Welfare Committee, the Senate Appropriations Committee, the House Public Health and Welfare Committee and the House Appropriations Committee, two (2) members of the Senate appointed by the Lieutenant Governor to serve at the will and pleasure of the Lieutenant Governor, and two (2) members of the House of Representatives appointed by the Speaker of the House to serve at the will and pleasure of the Speaker. The chairmanship of the committee shall alternate for twelve-month periods between the Senate members and the House members, with the Chairman of the Senate Public Health and Welfare Committee serving as the first chairman. The committee shall meet once each month, or upon the call of the chairman at such times as he deems necessary or advisable, and may make recommendations to the Legislature pertaining to any matter within the jurisdiction of the Mississippi Department of Human Services. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend such meetings of the oversight committee. For attending meetings of the oversight committee, such legislators shall
receive per diem and expenses which shall be paid from the
contingent expense funds of their respective houses in the same
amounts as provided for committee meetings when the Legislature is
not in session; however, no per diem and expenses for attending
meetings of the committee will be paid while the Legislature is in
session. No per diem and expenses will be paid except for
attending meetings of the oversight committee without prior
approval of the proper committee in their respective houses.

(4) The State Department of Human Services shall provide the
services authorized by law to every individual determined to be
eligible therefor, and in carrying out the purposes of the
department, the executive director is authorized:

(a) To formulate the policy of the department regarding
human services within the jurisdiction of the department;

(b) To adopt, modify, repeal and promulgate, after due
notice and hearing, and where not otherwise prohibited by federal
or state law, to make exceptions to and grant exemptions and
variances from, and to enforce rules and regulations implementing
or effectuating the powers and duties of the department under any
and all statutes within the department's jurisdiction, all of
which shall be binding upon the county departments of human
services;

(c) To apply for, receive and expend any federal or
state funds or contributions, gifts, devises, bequests or funds
from any other source;

(d) Except as limited by Section 43-1-3, to enter into
and execute contracts, grants and cooperative agreements with any
federal or state agency or subdivision thereof, or any public or
private institution located inside or outside the State of
Mississippi, or any person, corporation or association in
connection with carrying out the programs of the department; and
(e) To discharge such other duties, responsibilities and powers as are necessary to implement the programs of the department.

(5) The executive director shall establish the organizational structure of the Mississippi Department of Human Services which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law, including, but not limited to:

(a) Office of Family and Children's Services;
(b) Office of Youth Services;
(c) Office of Economic Assistance;
(d) Office of Child Support.

(6) The Executive Director of Human Services shall appoint heads of offices, bureaus and divisions, as defined in Section 7-17-11, who shall serve at the pleasure of the executive director. The salary and compensation of such office, bureau and division heads shall be subject to the rules and regulations adopted and promulgated by the Governor acting through the Department of Finance and Administration. The executive director shall have the authority to organize offices as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(7) This section shall stand repealed on July 1, 2002.

SECTION 18. Section 43-13-107, Mississippi Code of 1972, is amended as follows:

43-13-107. (1) The Division of Medicaid is created in the Office of the Governor and established to administer this article and perform such other duties as are prescribed by law.

(2) The Governor shall appoint a full-time director, with the advice and consent of the Senate, who shall be either (a) a physician with administrative experience in a medical care or
health program, or (b) a person holding a graduate degree in medical care administration, public health, hospital administration, or the equivalent, or (c) a person holding a bachelor's degree in business administration or hospital administration, with at least ten (10) years' experience in management-level administration of Medicaid programs, and who shall serve at the will and pleasure of the Governor. The director shall be the official secretary and legal custodian of the records of the division; shall be the agent of the division for the purpose of receiving all service of process, summons and notices directed to the division; and shall perform such other duties as the Governor shall, from time to time, prescribe. The director, with the approval of the Governor, shall employ such professional, administrative, stenographic, secretarial, clerical and technical assistance as may be necessary to perform the duties required in administering this article and fix the compensation therefor, all in accordance with a state merit system meeting federal requirements, except that when the salary of the director is not set by law, such salary shall be set by the Governor acting through the Department of Finance and Administration. No employees of the Division of Medicaid shall be considered to be staff members of the immediate Office of the Governor.

(3) (a) There is established a Medical Care Advisory Committee, which shall be the committee that is required by federal regulation to advise the Division of Medicaid about health and medical care services.

(b) The committee shall consist of not less than eleven (11) members, as follows:

(i) The Governor shall appoint five (5) members, one (1) from each congressional district as presently constituted;

(ii) The Lieutenant Governor shall appoint three (3) members, one (1) from each Supreme Court district;
(iii) The Speaker of the House of Representatives shall appoint three (3) members, one (1) from each Supreme Court district.

All members appointed under this paragraph shall either be health care providers or consumers of health care services. One (1) member appointed by each of the appointing authorities shall be a board certified physician.

(c) The respective chairmen of the House Public Health and Welfare Committee, the House Appropriations Committee, the Senate Public Health and Welfare Committee and the Senate Appropriations Committee, or their designees, one (1) member of the State Senate appointed by the Lieutenant Governor and one (1) member of the House of Representatives appointed by the Speaker of the House, shall serve as ex officio nonvoting members.

(d) In addition to the committee members required by paragraph (b), the committee shall consist of such other members as are necessary to meet the requirements of the federal regulation applicable to the Medical Care Advisory Committee, who shall be appointed as provided in the federal regulation.

(e) The chairmanship of the Medical Care Advisory Committee shall alternate for twelve-month periods between the chairmen of the House and Senate Public Health and Welfare Committees, with the Chairman of the House Public Health and Welfare Committee serving as the first chairman.

(f) The members of the committee specified in paragraph (b) shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the committee. The members of the committee specified in paragraph (b) shall serve without compensation, but shall receive reimbursement to defray actual expenses incurred in the performance of committee business as authorized by law. Legislators shall receive per diem and expenses which may be paid from the contingent expense funds of
their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session.

(g) The committee shall meet not less than quarterly, and committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(h) The Executive Director of the Division of Medicaid shall submit to the committee all amendments, modifications and changes to the state plan for the operation of the Medicaid program, for review by the committee before the amendments, modifications or changes may be implemented by the division.

(i) The committee, among its duties and responsibilities, shall:

   (i) Advise the division with respect to amendments, modifications and changes to the state plan for the operation of the Medicaid program;

   (ii) Advise the division with respect to issues concerning receipt and disbursement of funds and eligibility for medical assistance;

   (iii) Advise the division with respect to determining the quantity, quality and extent of medical care provided under this article;

   (iv) Communicate the views of the medical care professions to the division and communicate the views of the division to the medical care professions;

   (v) Gather information on reasons that medical care providers do not participate in the Medicaid program and changes that could be made in the program to encourage more providers to participate in the Medicaid program, and advise the division with respect to encouraging physicians and other medical care providers to participate in the Medicaid program;

   (vi) Provide a written report on or before November 30 of each year to the Governor, Lieutenant Governor and Speaker of the House of Representatives.
SECTION 19. Section 65-1-9, Mississippi Code of 1972, is amended as follows:

65-1-9. The commission shall appoint an Executive Director of the Mississippi Department of Transportation for a term of office beginning on April 1, 1993. The person serving as Executive Director of the State Highway Department on June 30, 1992, shall serve until April 1, 1993, as the Executive Director of the Mississippi Department of Transportation, and thereafter shall be eligible for reappointment to the position of Executive Director of the Mississippi Department of Transportation. Succeeding terms shall expire on April 1 each four (4) years thereafter. The executive director may be removed by a majority of the commission * * *. All appointments by the commission shall be with the advice and consent of the Senate. The commission shall submit its appointment to the Senate not later than March 1 of the year in which a term expires, and if such submission is not made by March 1, the incumbent director shall be deemed to have been reappointed for a four-year term. In the event a vacancy occurs from resignation, death or removal from office by the commission, the commission shall submit its appointment for the unexpired term to the Senate not later than the next March 1 after such vacancy occurs. If no appointment for an unexpired term is submitted to the Senate, the Governor shall make such appointment not later than April 1 of such year. The commission shall fix the compensation of the executive director * * *. The executive director shall be eligible for reappointment. The executive director shall have the following qualifications:

(a) Possess a wide knowledge of the transportation system and needs of Mississippi;

(b) Possess a wide knowledge of the principles of transportation organization and administration; and

(c) Possess selected training or expertise in the field of transportation.
No person who is a member of the Mississippi Transportation Commission, or who has been a member of the transportation commission or of its predecessor, the State Highway Commission, within two (2) years next preceding his appointment, shall be eligible to be chosen as executive director of the department. The executive director shall be the executive officer of the commission and shall be subject to its orders and directions. The executive director shall give his entire time to the duties of his office. Before entering upon the duties of his office, the executive director shall give bond to the State of Mississippi in the sum of Fifty Thousand Dollars ($50,000.00), conditioned upon the faithful discharge and performance of his official duty. The principal and surety on such bond shall be liable thereunder to the state for double the amount of value of any money or property which the state may lose, if any, by reason of any wrongful or criminal act of the executive director. Such bond, when approved by the commission, shall be filed with the Secretary of State, and the premium thereon shall be paid from any funds available to the commission.

SECTION 20. Section 65-9-9, Mississippi Code of 1972, is amended as follows:

65-9-9. The State Aid Engineer shall be appointed by the Governor for a term of two (2) years, subject to removal * * * by the Governor at any time; provided, however, upon the expiration of the term of the State Aid Engineer serving on July 1, 1985, the State Aid Engineer shall be appointed by the Governor for a term of four (4) years. The State Aid Engineer shall be a registered engineer with at least eight (8) years' experience as a county road or highway engineer and a thorough knowledge of rural road problems. He shall be paid a salary equal to that paid assistant chief engineers of the Mississippi Department of Transportation as established by the department's personnel and merit system, plus travel expenses actually incurred by him in the discharge of his
duties; and he shall, each month, make a detailed report to the Governor of such expenses. He shall be authorized to employ assistant state aid engineers, together with such other engineers, employees, and other assistants as may be necessary to carry out the terms of this chapter, all of whom may be removed at any time by the State Aid Engineer. The compensation of all such engineers, employees, and assistants shall be comparable to the salaries of like employees of the Mississippi Department of Transportation.

The State Aid Engineer, before entering upon the discharge of his duties, shall give bond in the sum of Twenty-five Thousand Dollars ($25,000.00) in some surety company authorized to do business in this state, which bond shall be conditioned for the faithful performance of his duties; and likewise each assistant state aid engineer shall give bond in the sum of Ten Thousand Dollars ($10,000.00) conditioned for the faithful performance of his duties. The State Aid Engineer is hereby authorized to require other assistants who are charged with responsible duties to likewise give bond in amounts not to exceed Ten Thousand Dollars ($10,000.00) each, conditioned for the faithful performance of their duties.

The salaries of the State Aid Engineer and his assistants and of all other employees of the Office of State Aid Road Construction, and all other expenses incurred by the Office of State Aid Road Construction in carrying out the provisions of this chapter, including the premiums of bonds of the State Aid Engineer, assistant state aid engineers, and other assistants, shall be paid from the State Aid Road Fund in the State Treasury prior to allocation to the several counties, by requisition drawn by the State Aid Engineer directed to the Department of Finance and Administration, which will issue its warrant to the State Treasurer in the sum and for the purpose stated in the
requisition. The State Aid Engineer shall, each month, make a
detailed report to the Governor of all expenditures so made.

SECTION 21. This act shall take effect and be in force from
and after July 1, 2002.