

By: Representative Bowles

To: Appropriations

HOUSE BILL NO. 201

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

20 (b) No retiree of this retirement system who is
21 reemployed or is reelected to office after retirement shall
22 continue to draw retirement benefits while so reemployed * * *.

23 * * *

24 (2) Any person who has been retired under the provisions of
25 Article 3 and who is later reemployed in service covered by this
26 article shall cease to receive benefits under this article and
27 shall again become a contributing member of the retirement system
28 with contributions paid by both the employer and the employee.
29 When any such person retires again, if the reemployment exceeds



30 six (6) months, the person shall have his or her benefit
31 recomputed, including service after again becoming a member,
32 provided that the total retirement allowance paid to the retired
33 member in his or her previous retirement shall be deducted from
34 the member's retirement reserve and taken into consideration in
35 recalculating the retirement allowance under a new option
36 selected.

37 (3) The board may prescribe rules and regulations for
38 carrying out the provisions of this section.

39 * * *

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

42 25-9-120. (1) Contract personnel, whether classified as
43 contract workers or independent contractors shall not be deemed
44 state service or nonstate service employees of the State of
45 Mississippi, and shall not be eligible to participate in the
46 Public Employees' Retirement System, or the state employee health
47 plan, nor be allowed credit for personal and sick leave and other
48 leave benefits as employees of the State of Mississippi,
49 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101
50 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through
51 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth
52 herein. * * *

53 (2) There is * * * created the Personal Service Contract
54 Review Board, which shall be composed of the State Personnel
55 Director, the Executive Director of the Department of Finance and
56 Administration, or his designee, the Commissioner of Corrections,
57 or his designee, the Executive Director of the Mississippi
58 Department of Wildlife and Fisheries, or his designee, and the
59 Executive Director of the Department of Environmental Quality, or
60 his designee. The State Personnel Director shall be chairman and
61 shall preside over the meetings of the board. The board shall
62 annually elect a vice chairman, who shall serve in the absence of



63 the chairman. No business shall be transacted, including adoption
64 of rules of procedure, without the presence of a quorum of the
65 board. Three (3) members shall be a quorum. No action shall be
66 valid unless approved by the chairman and two (2) other of those
67 members present and voting, entered upon the minutes of the board
68 and signed by the chairman. Necessary clerical and administrative
69 support for the board shall be provided by the State Personnel
70 Board. Minutes shall be kept of the proceedings of each meeting,
71 copies of which shall be filed on a monthly basis with the
72 Legislative Budget Office.

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

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

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

94 (c) Develop standards with respect to contractual
95 services personnel which require invitations for public bid,



96 requests for proposals, record keeping and financial
97 responsibility of contractors. The Personal Service Contract
98 Review Board may, in its discretion, require the agency involved
99 to advertise such contract for public bid, and may reserve the
100 right to reject any or all bids;

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

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

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

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

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



128 (i) Prepare an annual report to the Legislature
129 concerning the issuance of personal service contracts during the
130 previous year, collecting any necessary information from state
131 agencies in making such report.

132 (4) No member of the Personal Service Contract Review Board
133 shall use his official authority or influence to coerce, by threat
134 of discharge from employment, or otherwise, the purchase of
135 commodities or the contracting for personal or professional
136 services under this section.

137 **SECTION 2.** This act shall take effect and be in force from
138 and after July 1, 2003.

