

By: Representative Stringer

To: Appropriations

HOUSE BILL NO. 1037

1 AN ACT TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF 1972,  
2 TO DECREASE FROM \$100,000 TO \$10,000 THE AMOUNT OF FUNDS INVOLVED  
3 IN EXPENDITURES FOR A PERSONAL OR PROFESSIONAL SERVICES CONTRACT  
4 REQUIRING THE APPROVAL OF THE PERSONAL SERVICE CONTRACT REVIEW  
5 BOARD; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-9-120, Mississippi Code of 1972, is  
8 amended as follows:

9 25-9-120. (1) Contract personnel, whether classified as  
10 contract workers or independent contractors shall not be deemed  
11 state service or nonstate service employees of the State of  
12 Mississippi, and shall not be eligible to participate in the  
13 Public Employees' Retirement System, or the state employee health  
14 plan, nor be allowed credit for personal and sick leave and other  
15 leave benefits as employees of the State of Mississippi,  
16 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101  
17 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through  
18 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth  
19 herein. Contract workers, i.e., contract personnel who do not  
20 meet the criteria of independent contractors, shall be subject to  
21 the provisions of Section 25-11-127.

22 (2) There is hereby created the Personal Service Contract  
23 Review Board, which shall be composed of the State Personnel  
24 Director, the Executive Director of the Department of Finance and  
25 Administration, or his designee, the Commissioner of Corrections,  
26 or his designee, the Executive Director of the Mississippi  
27 Department of Wildlife and Fisheries, or his designee, and the  
28 Executive Director of the Department of Environmental Quality, or

29 his designee. The State Personnel Director shall be chairman and  
30 shall preside over the meetings of the board. The board shall  
31 annually elect a vice chairman, who shall serve in the absence of  
32 the chairman. No business shall be transacted, including adoption  
33 of rules of procedure, without the presence of a quorum of the  
34 board. Three (3) members shall be a quorum. No action shall be  
35 valid unless approved by the chairman and two (2) other of those  
36 members present and voting, entered upon the minutes of the board  
37 and signed by the chairman. Necessary clerical and administrative  
38 support for the board shall be provided by the State Personnel  
39 Board. Minutes shall be kept of the proceedings of each meeting,  
40 copies of which shall be filed on a monthly basis with the  
41 Legislative Budget Office.

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

44 (a) Promulgate rules and regulations governing the  
45 solicitation and selection of contractual services personnel  
46 including personal and professional services contracts for any  
47 form of consulting, policy analysis, public relations, marketing,  
48 public affairs, legislative advocacy services or any other  
49 contract that the board deems appropriate for oversight, with the  
50 exception of any personal service contracts entered into for  
51 computer or information technology-related services governed by  
52 the Mississippi Department of Information Technology Services, any  
53 personal service contracts entered into by the Mississippi  
54 Department of Transportation, and any contract for attorney,  
55 accountant, auditor, physician, dentist, architect, engineer,  
56 veterinarian and utility rate expert services. Any such rules and  
57 regulations shall provide for maintaining continuous internal  
58 audit covering the activities of such agency affecting its revenue  
59 and expenditures as required under Section 7-7-3(6)(d),  
60 Mississippi Code of 1972;

61           (b) Approve all personal and professional services  
62 contracts involving the expenditures of funds in excess of Ten  
63 Thousand Dollars (\$10,000.00);

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

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

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

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

87           (g) To authorize personal and professional service  
88 contracts to be effective for more than one (1) year provided a  
89 funding condition is included in any such multiple year contract,  
90 except the State Board of Education, which shall have the  
91 authority to enter into contractual agreements for student  
92 assessment for a period up to ten (10) years. The State Board of

93 Education shall procure these services in accordance with the  
94 Personal Service Contract Review Board procurement regulations;

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

98 (i) Prepare an annual report to the Legislature  
99 concerning the issuance of personal service contracts during the  
100 previous year, collecting any necessary information from state  
101 agencies in making such report.

102 (4) No member of the Personal Service Contract Review Board  
103 shall use his official authority or influence to coerce, by threat  
104 of discharge from employment, or otherwise, the purchase of  
105 commodities or the contracting for personal or professional  
106 services under this section.

107 **SECTION 2.** This act shall take effect and be in force from  
108 and after July 1, 2007.