

By: Representative Barker

To: Revenue and Expenditure
General Bills

HOUSE BILL NO. 1475

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,
2 TO CLASSIFY THE SECRETARY OF STATE AND THE STAFF MEMBERS EMPLOYED
3 IN THE IMMEDIATE OFFICE OF THE SECRETARY OF STATE AS NONSTATE
4 SERVICE EMPLOYEES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-9-107, Mississippi Code of 1972, is
7 amended as follows:

8 25-9-107. The following terms, when used in this chapter,
9 unless a different meaning is plainly required by the context,
10 shall have the following meanings:

11 (a) "Board" means the State Personnel Board created
12 under the provisions of this chapter.

13 (b) "State service" means all employees of state
14 departments, agencies and institutions as defined herein, except
15 those officers and employees excluded by this chapter.

16 (c) "Nonstate service" means the following officers and
17 employees excluded from the state service by this chapter. The
18 following are excluded from the state service:



19 (i) Members of the State Legislature, their staff
20 and other employees of the legislative branch;

21 (ii) The Governor and staff members of the
22 immediate Office of the Governor;

23 (iii) Justices and judges of the judicial branch
24 or members of appeals boards on a per diem basis;

25 (iv) The Lieutenant Governor, staff members of the
26 immediate Office of the Lieutenant Governor and officers and
27 employees directly appointed by the Lieutenant Governor;

28 (v) Officers and officials elected by popular vote
29 and persons appointed to fill vacancies in elective offices;

30 (vi) Members of boards and commissioners appointed
31 by the Governor, Lieutenant Governor or the State Legislature;

32 (vii) All academic officials, members of the
33 teaching staffs and employees of the state institutions of higher
34 learning, the Mississippi Community College Board, and community
35 and junior colleges;

36 (viii) Officers and enlisted members of the
37 National Guard of the state;

38 (ix) Prisoners, inmates, student or patient help
39 working in or about institutions;

40 (x) Contract personnel; provided, that any agency
41 which employs state service employees may enter into contracts for
42 personal and professional services only if such contracts are
43 approved in compliance with the rules and regulations promulgated



44 by the State Personal Service Contract Review Board under Section
45 25-9-120(3). Before paying any warrant for such contractual
46 services in excess of One Hundred Thousand Dollars (\$100,000.00),
47 the Auditor of Public Accounts, or the successor to those duties,
48 shall determine whether the contract involved was for personal or
49 professional services, and, if so, was approved by the State
50 Personal Service Contract Review Board;

51 (xi) Part-time employees; provided, however,
52 part-time employees shall only be hired into authorized employment
53 positions classified by the board, shall meet minimum
54 qualifications as set by the board, and shall be paid in
55 accordance with the Variable Compensation Plan as certified by the
56 board;

57 (xii) Persons appointed on an emergency basis for
58 the duration of the emergency; the effective date of the emergency
59 appointments shall not be earlier than the date approved by the
60 State Personnel Director, and shall be limited to thirty (30)
61 working days. Emergency appointments may be extended to sixty
62 (60) working days by the State Personnel Board;

63 (xiii) Physicians, dentists, veterinarians, nurse
64 practitioners and attorneys, while serving in their professional
65 capacities in authorized employment positions who are required by
66 statute to be licensed, registered or otherwise certified as such,
67 provided that the State Personnel Director shall verify that the



68 statutory qualifications are met prior to issuance of a payroll
69 warrant by the Auditor;

70 (xiv) Personnel who are employed and paid from
71 funds received from a federal grant program which has been
72 approved by the Legislature or the Department of Finance and
73 Administration whose length of employment has been determined to
74 be time-limited in nature. This subparagraph shall apply to
75 personnel employed under the provisions of the Comprehensive
76 Employment and Training Act of 1973, as amended, and other special
77 federal grant programs which are not a part of regular federally
78 funded programs wherein appropriations and employment positions
79 are appropriated by the Legislature. Such employees shall be paid
80 in accordance with the Variable Compensation Plan and shall meet
81 all qualifications required by federal statutes or by the
82 Mississippi Classification Plan;

83 (xv) The administrative head who is in charge of
84 any state department, agency, institution, board or commission,
85 wherein the statute specifically authorizes the Governor, board,
86 commission or other authority to appoint said administrative head;
87 provided, however, that the salary of such administrative head
88 shall be determined by the State Personnel Board in accordance
89 with the Variable Compensation Plan unless otherwise fixed by
90 statute;

91 (xvi) The State Personnel Board shall exclude
92 top-level positions if the incumbents determine and publicly



93 advocate substantive program policy and report directly to the
94 agency head, or the incumbents are required to maintain a direct
95 confidential working relationship with a key excluded official.
96 Provided further, a written job classification shall be approved
97 by the board for each such position, and positions so excluded
98 shall be paid in conformity with the Variable Compensation Plan;

99 (xvii) Employees whose employment is solely in
100 connection with an agency's contract to produce, store or
101 transport goods, and whose compensation is derived therefrom;

102 (xviii) Repealed;

103 (xix) The associate director, deputy directors and
104 bureau directors within the Department of Agriculture and
105 Commerce;

106 (xx) Personnel employed by the Mississippi
107 Industries for the Blind; provided, that any agency may enter into
108 contracts for the personal services of MIB employees without the
109 prior approval of the State Personnel Board or the State Personal
110 Service Contract Review Board; however, any agency contracting for
111 the personal services of an MIB employee shall provide the MIB
112 employee with not less than the entry-level compensation and
113 benefits that the agency would provide to a full-time employee of
114 the agency who performs the same services;

115 (xxi) Personnel employed by the Mississippi
116 Department of Wildlife, Fisheries and Parks and the Mississippi
117 Department of Marine Resources as law enforcement trainees



118 (cadets); such personnel shall be paid in accordance with the
119 Colonel Guy Groff State Variable Compensation Plan * * *; and
120 (xxii) The Secretary of State and the staff
121 members employed in the immediate office of the Secretary of
122 State.

123 (d) "Agency" means any state board, commission,
124 committee, council, department or unit thereof created by the
125 Constitution or statutes if such board, commission, committee,
126 council, department, unit or the head thereof, is authorized to
127 appoint subordinate staff by the Constitution or statute, except a
128 legislative or judicial board, commission, committee, council,
129 department or unit thereof.

130 **SECTION 2.** This act shall take effect and be in force from
131 and after July 1, 2016.

