

By: Representative Read

To: Appropriations

HOUSE BILL NO. 974
(As Passed the House)

1 AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FROM JULY 1, 2017, THROUGH JUNE 30, 2020, THE
3 PERSONNEL ACTIONS OF CERTAIN AGENCIES SHALL BE EXEMPT FROM THE
4 STATE PERSONNEL BOARD RULES, REGULATIONS AND PROCEDURES; TO AMEND
5 SECTION 25-9-148, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
6 PERSONNEL BOARD TO SUBMIT A MONTHLY ELECTRONIC REPORT TO THE
7 CHAIRS OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES REGARDING
8 INCREASES IN COMPENSATION FOR STATE OFFICERS AND EMPLOYEES DURING
9 THE PRECEDING MONTH; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is
12 amended as follows:

13 25-9-127. (1) No employee of any department, agency or
14 institution who is included under this chapter or hereafter
15 included under its authority, and who is subject to the rules and
16 regulations prescribed by the state personnel system, may be
17 dismissed or otherwise adversely affected as to compensation or
18 employment status except for inefficiency or other good cause, and
19 after written notice and hearing within the department, agency or
20 institution as shall be specified in the rules and regulations of
21 the State Personnel Board complying with due process of law; and



22 any employee who has by written notice of dismissal or action
23 adversely affecting his compensation or employment status shall,
24 on hearing and on any appeal of any decision made in such action,
25 be required to furnish evidence that the reasons stated in the
26 notice of dismissal or action adversely affecting his compensation
27 or employment status are not true or are not sufficient grounds
28 for the action taken; provided, however, that this provision shall
29 not apply (a) to persons separated from any department, agency or
30 institution due to curtailment of funds or reduction in staff when
31 such separation is in accordance with rules and regulations of the
32 state personnel system; (b) during the probationary period of
33 state service of twelve (12) months; and (c) to an executive
34 officer of any state agency who serves at the will and pleasure of
35 the Governor, board, commission or other appointing authority.

36 (2) The operation of a state-owned motor vehicle without a
37 valid Mississippi driver's license by an employee of any
38 department, agency or institution that is included under this
39 chapter and that is subject to the rules and regulations of the
40 state personnel system shall constitute good cause for dismissal
41 of such person from employment.

42 (3) Beginning July 1, 1999, every male between the ages of
43 eighteen (18) and twenty-six (26) who is required to register
44 under the federal Military Selective Service Act, 50 USCS App.
45 453, and who is an employee of the state shall not be promoted to
46 any higher position of employment with the state until he submits



47 to the person, commission, board or agency by which he is employed
48 satisfactory documentation of his compliance with the draft
49 registration requirements of the Military Selective Service Act.
50 The documentation shall include a signed affirmation under penalty
51 of perjury that the male employee has complied with the
52 requirements of the Military Selective Service Act.

53 * * *

54 (* * *4) Through July 1, * * * 2020, the provisions of
55 subsection (1) of this section shall not apply to the personnel
56 actions of the Department of Human Services that are subject to
57 the rules and regulations of the State Personnel Board, the
58 personnel actions of the Department of Human Services shall be
59 exempt from State Personnel Board rules, regulations and
60 procedures during that period, and all employees of the department
61 shall be classified as nonstate service during that period. Any
62 employee hired on or after July 1, * * * 2020, by the department
63 shall meet the criteria of the State Personnel Board as it
64 presently exists for employment. The Executive Director of Human
65 Services shall consult with the Office of the Attorney General
66 before taking personnel actions authorized by this section to
67 review those actions for compliance with applicable state and
68 federal law.

69 (* * *5) Through July 1, * * * 2020, the provisions of
70 subsection (1) of this section shall not apply to the personnel
71 actions of the Department of Child Protection Services that are



72 subject to the rules and regulations of the State Personnel Board,
73 the personnel actions of the Department of Child Protection
74 Services shall be exempt from State Personnel Board rules,
75 regulations and procedures during that period, and all employees
76 of the department shall be classified as nonstate service during
77 that period. Any employee hired on or after July 1, * * * 2020,
78 by the division shall meet the criteria of the State Personnel
79 Board as it presently exists for employment. The Commissioner of
80 Child Protection Services shall consult with the Office of the
81 Attorney General before taking personnel actions authorized by
82 this section to review those actions for compliance with
83 applicable state and federal law.

84 (6) From July 1, 2017, through June 30, 2020, the provisions
85 of subsection (1) of this section shall not apply to the personnel
86 actions of the following agencies, the personnel actions of those
87 agencies shall be exempt from State Personnel Board rules,
88 regulations and procedures during that period, and all employees
89 of those agencies shall be classified as nonstate service during
90 that period:

- 91 (a) Department of Banking and Consumer Finance;
92 (b) Department of Corrections;
93 (c) Mississippi Development Authority;
94 (d) Mississippi Emergency Management Agency;
95 (e) Mississippi Department of Employment Security;
96 (f) Department of Environmental Quality;



- 97 (g) Department of Finance and Administration;
98 (h) Department of Marine Resources;
99 (i) Division of Medicaid;
100 (j) Department of Public Safety, except for sworn law
101 enforcement officers of that agency;
102 (k) Department of Wildlife, Fisheries and Parks, except
103 for sworn law enforcement officers of that agency;
104 (l) Department of Audit;
105 (m) Treasury Department;
106 (n) Attorney General's Office;
107 (o) Department of Agriculture and Commerce;
108 (p) Public Service Commission;
109 (q) Public Utilities Staff;
110 (r) Mississippi Department of Transportation;
111 (s) Office of State Aid Road Construction;
112 (t) Department of Insurance;
113 (u) State Fire Academy;
114 (v) Secretary of State;
115 (w) Public Employees' Retirement System;
116 (x) State Department of Education;
117 (y) State Department of Health;
118 (z) Judicial Performance Commission;
119 (aa) Supreme Court;
120 (bb) Court of Appeals;
121 (cc) Administrative Office of Courts;



- 122 (dd) Department of Information Technology Services;
123 (ee) Wireless Communication Commission;
124 (ff) State Personnel Board;
125 (gg) Department of Revenue;
126 (hh) Board of Tax Appeals;
127 (ii) Authority for Education Television;
128 (jj) Mississippi Library Commission;
129 (kk) Department of Archives and History;
130 (ll) State Forestry Commission;
131 (mm) Grand Gulf Military Monument Commission;
132 (nn) State Oil and Gas Board;
133 (oo) State Soil and Water Conservation Commission;
134 (pp) State Department of Rehabilitation Services;
135 (qq) State Veterans Affairs Board;
136 (rr) Mississippi Arts Commission;
137 (ss) Mississippi Gaming Commission;
138 (tt) Workers' Compensation Commission;
139 (uu) Mississippi Fair Commission;
140 (vv) State Board of Registration for Foresters;
141 (ww) Office of State Public Defender;
142 (xx) Mississippi Ethics Commission;
143 (yy) Office of Capital Post-Conviction Counsel;
144 (zz) Board of Registered Professional Geologists;
145 (aaa) Board of Veterinary Medicine;
146 (bbb) State Board of Funeral Service;



147 (ccc) State Board of Contractors;
148 (ddd) State Board of Examiners for Licensed
149 Professional Counselors;
150 (eee) State Board of Nursing Home Administrators;
151 (fff) State Board of Physical Therapy;
152 (ggg) Mississippi Board of Nursing;
153 (hhh) Mississippi Motor Vehicle Commission;
154 (iii) State Board of Barber Examiners;
155 (jjj) Board of Licensure for Professional Engineers and
156 Surveyors;
157 (kkk) Mississippi Athletic Commission;
158 (lll) State Board of Public Accountancy;
159 (mmm) State Board of Pharmacy;
160 (nnn) State Board of Architecture;
161 (ooo) State Board of Chiropractic Examiners;
162 (ppp) Mississippi Board of Animal Health;
163 (qqq) Pat Harrison Waterway District;
164 (rrr) Tennessee-Tombigbee Waterway Development
165 Authority;
166 (sss) Yellow Creek State Inland Port Authority;
167 (ttt) Mississippi River Parkway Commission;
168 (uuu) Tombigbee River Valley Water Management District;
169 (vvv) Pearl River Basin Development District;
170 (www) Pearl River Valley Water Supply District.



171 However, any employee hired from July 1, 2017, through June
172 30, 2020, by any of the agencies listed in this subsection shall
173 meet the criteria of the State Personnel Board as it presently
174 exists for employment. The executive director or head of each of
175 the agencies listed in this subsection shall consult with the
176 Office of the Attorney General before taking personnel actions
177 authorized by this section to review those actions for compliance
178 with applicable state and federal law.

179 (* * *7) (a) Any state agency whose personnel actions are
180 exempted in this section from the rules, regulations and
181 procedures of the State Personnel Board shall file with the
182 Lieutenant Governor, the Speaker of the House of Representatives,
183 and the members of the Senate and House Accountability,
184 Efficiency * * * and Transparency Committees an annual report no
185 later than July 1 * * * of each year * * * while under the
186 exemption. Such annual report shall contain the following
187 information:

188 (* * *i) The number of current employees who
189 received an increase in salary during the past fiscal year and the
190 amount of the increase;

191 (* * *ii) The number of employees who were
192 dismissed from the agency or otherwise adversely affected as to
193 compensation or employment status during the past fiscal year,
194 including a description of such adverse effects; and



195 (* * * iii) The number of new employees hired
196 during the past fiscal year and the starting salaries of each new
197 employee.

198 (b) Any state agency whose personnel actions are
199 exempted in this section from the rules, regulations and
200 procedures of the State Personnel Board shall send the following
201 information electronically to the Chairmen of the House and Senate
202 Appropriations Committees and the Legislative Budget Office at the
203 end of each month while under the exemption:

204 (i) The number of current employees who received
205 an increase in salary during the preceding month and the type and
206 the amount of the increase;

207 (ii) The number of employees by job title and
208 salary who were dismissed from the agency or otherwise adversely
209 affected as to compensation or employment status during the
210 preceding month, including a description of those adverse effects;
211 and

212 (iii) The number of new employees hired during the
213 previous month and the job title and the starting salary of each
214 new employee.

215 **SECTION 2.** Section 25-9-148, Mississippi Code of 1972, is
216 amended as follows:

217 25-9-148. * * * The State Personnel Board shall
218 prepare * * * an electronic report to be submitted monthly to
219 the * * * Chair of the House of Representatives



220 Appropriations * * * Committee, the * * * Chair of the Senate
221 Appropriations * * * Committee and the Legislative Budget Office
222 specifically describing every increase in compensation, other than
223 salary increases authorized by the Legislature, or additional
224 compensation that was awarded to any state officer, administrator,
225 executive head, employee or employees during the * * *
226 preceding * * * month. For each increase or additional
227 compensation awarded, the report shall include no less than the
228 following information: the annual salary of the officer,
229 administrator, executive head or employee before the increase; the
230 total amount of the increase or additional compensation; the
231 justification for the increase or additional compensation; the
232 effective date of the increase or additional compensation; and the
233 source of the additional compensation, including federal or
234 private funds.

235 **SECTION 3.** It is not the intention of this act to remove
236 school attendance officers from under protection of the State
237 Personnel Board and they are specifically excluded from removal
238 therefrom by this act.

239 **SECTION 4.** This act shall take effect and be in force from
240 and after July 1, 2017.

