

By: Representatives Carpenter, Barnett, Ford To: Appropriations  
(73rd), Steverson, Williamson

HOUSE BILL NO. 69  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE 1972, TO  
2 REVISE THE TERM "NONSTATE SERVICE" FOR PURPOSES OF THE STATE  
3 PERSONNEL SYSTEM TO INCLUDE EMPLOYEES, EXCLUDING ADMINISTRATIVE  
4 EMPLOYEES, OF THE STATE VETERANS AFFAIRS BOARD WHO ARE EMPLOYED AT  
5 VETERANS HOMES IN THE STATE; TO MAKE TECHNICAL AMENDMENTS  
6 REGARDING CONTRACTS FOR PERSONAL SERVICES TO CONFORM TO EXISTING  
7 LAW; AND FOR RELATED PURPOSES.

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

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

11 25-9-107. The following terms, when used in this chapter,  
12 unless a different meaning is plainly required by the context,  
13 shall have the following meanings:

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

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



19 (c) "Nonstate service" means the following officers and  
20 employees excluded from the state service by this chapter. The  
21 following are excluded from the state service:

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

24 (ii) The Governor and staff members of the  
25 immediate Office of the Governor;

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

28 (iv) The Lieutenant Governor, staff members of the  
29 immediate Office of the Lieutenant Governor and officers and  
30 employees directly appointed by the Lieutenant Governor;

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

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

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

39 (viii) Officers and enlisted members of the  
40 National Guard of the state;

41 (ix) Prisoners, inmates, student or patient help  
42 working in or about institutions;



(x) Contract personnel; provided that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the \* \* \* Public Procurement Review Board under Section \* \* \* 27-104-7. Before paying any warrant for such contractual services in excess of \* \* \* Seventy-five Thousand Dollars (\$75,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the \* \* \* Public Procurement Review Board as required by law;

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

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

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional



capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the Auditor;

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

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance



with the Variable Compensation Plan unless otherwise fixed by statute;

(xvi) The State Personnel Board shall exclude top-level positions if the incumbents determine and publicly advocate substantive program policy and report directly to the agency head, or the incumbents are required to maintain a direct confidential working relationship with a key excluded official. Provided further, a written job classification shall be approved by the board for each such position, and positions so excluded shall be paid in conformity with the Variable Compensation Plan;

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

(xviii) Repealed;

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

(xx) Personnel employed by the Mississippi Industries for the Blind; provided that any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry-level compensation and



benefits that the agency would provide to a full-time employee of the agency who performs the same services;

(xxi) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets); such personnel shall be paid in accordance with the Colonel Guy Groff State Variable Compensation Plan;

(xxii) Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq.;

(xxiii) The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation \* \* \*; and

(xxiv) Employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at a veterans home established by the State Veterans Affairs Board under Section 35-1-19.

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



140           **SECTION 2.** This act shall take effect and be in force from  
141 and after its passage.

