

Senate Amendments to House Bill No. 69

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. hb

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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;

43 (x) Contract personnel; provided that any agency
44 which employs state service employees may enter into contracts for
45 personal and professional services only if such contracts are
46 approved in compliance with the rules and regulations promulgated
47 by the * * * Public Procurement Review Board under Section * * *
48 27-104-7. Before paying any warrant for such contractual services
49 in excess of * * * Seventy-five Thousand Dollars (\$75,000.00), the
50 Auditor of Public Accounts, or the successor to those duties,
51 shall determine whether the contract involved was for personal or

52 professional services, and, if so, was approved by the * * *
53 Public Procurement Review Board as required by law;

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

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

66 (xiii) Physicians, dentists, veterinarians, nurse
67 practitioners and attorneys, while serving in their professional
68 capacities in authorized employment positions who are required by
69 statute to be licensed, registered or otherwise certified as such,
70 provided that the State Personnel Director shall verify that the
71 statutory qualifications are met prior to issuance of a payroll
72 warrant by the Auditor;

73 (xiv) Personnel who are employed and paid from
74 funds received from a federal grant program which has been
75 approved by the Legislature or the Department of Finance and
76 Administration whose length of employment has been determined to
77 be time-limited in nature. This subparagraph shall apply to

78 personnel employed under the provisions of the Comprehensive
79 Employment and Training Act of 1973, as amended, and other special
80 federal grant programs which are not a part of regular federally
81 funded programs wherein appropriations and employment positions
82 are appropriated by the Legislature. Such employees shall be paid
83 in accordance with the Variable Compensation Plan and shall meet
84 all qualifications required by federal statutes or by the
85 Mississippi Classification Plan;

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

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

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

105 (xviii) Repealed;

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS26\HB69A.3J

Eugene S. Clarke
Secretary of the Senate