

By: Senator(s) Parks

To: Public Health and
Welfare; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2818

1 AN ACT TO BRING FORWARD SECTION 41-3-15, MISSISSIPPI CODE OF
2 1972, WHICH PRESCRIBES THE POWERS AND DUTIES OF THE STATE BOARD OF
3 HEALTH; TO BRING FORWARD SECTION 25-53-5, MISSISSIPPI CODE OF
4 1972, WHICH RELATES TO THE MISSISSIPPI DEPARTMENT OF INFORMATION
5 TECHNOLOGY SERVICES PROCUREMENT LAWS AND REGULATIONS; TO BRING
6 FORWARD SECTIONS 25-9-107 AND 25-9-119, MISSISSIPPI CODE OF 1972,
7 WHICH RELATE TO THE STATE PERSONNEL SYSTEM; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 41-3-15, Mississippi Code of 1972, is
11 brought forward as follows:

12 41-3-15. (1) (a) There shall be a State Department of
13 Health.

14 (b) The State Board of Health shall have the following
15 powers and duties:

16 (i) To formulate the policy of the State
17 Department of Health regarding public health matters within the
18 jurisdiction of the department;

19 (ii) To adopt, modify, repeal and promulgate,
20 after due notice and hearing, and enforce rules and regulations
21 implementing or effectuating the powers and duties of the



22 department under any and all statutes within the department's
23 jurisdiction, and as the board may deem necessary;

24 (iii) To apply for, receive, accept and expend any
25 federal or state funds or contributions, gifts, trusts, devises,
26 bequests, grants, endowments or funds from any other source or
27 transfers of property of any kind;

28 (iv) To enter into, and to authorize the executive
29 officer to execute contracts, grants and cooperative agreements
30 with any federal or state agency or subdivision thereof, or any
31 public or private institution located inside or outside the State
32 of Mississippi, or any person, corporation or association in
33 connection with carrying out the provisions of this chapter, if it
34 finds those actions to be in the public interest and the contracts
35 or agreements do not have a financial cost that exceeds the
36 amounts appropriated for those purposes by the Legislature;

37 (v) To appoint, upon recommendation of the
38 Executive Officer of the State Department of Health, a Director of
39 Internal Audit who shall be either a Certified Public Accountant
40 or Certified Internal Auditor, and whose employment shall be
41 continued at the discretion of the board, and who shall report
42 directly to the board, or its designee; and

43 (vi) To discharge such other duties,
44 responsibilities and powers as are necessary to implement the
45 provisions of this chapter.



46 (c) The Executive Officer of the State Department of
47 Health shall have the following powers and duties:

48 (i) To administer the policies of the State Board
49 of Health within the authority granted by the board;

50 (ii) To supervise and direct all administrative
51 and technical activities of the department, except that the
52 department's internal auditor shall be subject to the sole
53 supervision and direction of the board;

54 (iii) To organize the administrative units of the
55 department in accordance with the plan adopted by the board and,
56 with board approval, alter the organizational plan and reassign
57 responsibilities as he or she may deem necessary to carry out the
58 policies of the board;

59 (iv) To coordinate the activities of the various
60 offices of the department;

61 (v) To employ, subject to regulations of the State
62 Personnel Board, qualified professional personnel in the subject
63 matter or fields of each office, and such other technical and
64 clerical staff as may be required for the operation of the
65 department. The executive officer shall be the appointing
66 authority for the department, and shall have the power to delegate
67 the authority to appoint or dismiss employees to appropriate
68 subordinates, subject to the rules and regulations of the State
69 Personnel Board;



70 (vi) To recommend to the board such studies and
71 investigations as he or she may deem appropriate, and to carry out
72 the approved recommendations in conjunction with the various
73 offices;

74 (vii) To prepare and deliver to the Legislature
75 and the Governor on or before January 1 of each year, and at such
76 other times as may be required by the Legislature or Governor, a
77 full report of the work of the department and the offices thereof,
78 including a detailed statement of expenditures of the department
79 and any recommendations the board may have;

80 (viii) To prepare and deliver to the Chairmen of
81 the Public Health and Welfare/Human Services Committees of the
82 Senate and House on or before January 1 of each year, a plan for
83 monitoring infant mortality in Mississippi and a full report of
84 the work of the department on reducing Mississippi's infant
85 mortality and morbidity rates and improving the status of maternal
86 and infant health; and

87 (ix) To enter into contracts, grants and
88 cooperative agreements with any federal or state agency or
89 subdivision thereof, or any public or private institution located
90 inside or outside the State of Mississippi, or any person,
91 corporation or association in connection with carrying out the
92 provisions of this chapter, if he or she finds those actions to be
93 in the public interest and the contracts or agreements do not have
94 a financial cost that exceeds the amounts appropriated for those



95 purposes by the Legislature. Each contract or agreement entered
96 into by the executive officer shall be submitted to the board
97 before its next meeting.

98 (2) The State Board of Health shall have the authority to
99 establish an Office of Rural Health within the department. The
100 duties and responsibilities of this office shall include the
101 following:

102 (a) To collect and evaluate data on rural health
103 conditions and needs;

104 (b) To engage in policy analysis, policy development
105 and economic impact studies with regard to rural health issues;

106 (c) To develop and implement plans and provide
107 technical assistance to enable community health systems to respond
108 to various changes in their circumstances;

109 (d) To plan and assist in professional recruitment and
110 retention of medical professionals and assistants; and

111 (e) To establish information clearinghouses to improve
112 access to and sharing of rural health care information.

113 (3) The State Board of Health shall have general supervision
114 of the health interests of the people of the state and to exercise
115 the rights, powers and duties of those acts which it is authorized
116 by law to enforce.

117 (4) The State Board of Health shall have authority:

118 (a) To make investigations and inquiries with respect
119 to the causes of disease and death, and to investigate the effect



120 of environment, including conditions of employment and other
121 conditions that may affect health, and to make such other
122 investigations as it may deem necessary for the preservation and
123 improvement of health.

124 (b) To make such sanitary investigations as it may,
125 from time to time, deem necessary for the protection and
126 improvement of health and to investigate nuisance questions that
127 affect the security of life and health within the state.

128 (c) To direct and control sanitary and quarantine
129 measures for dealing with all diseases within the state possible
130 to suppress same and prevent their spread.

131 (d) To obtain, collect and preserve such information
132 relative to mortality, morbidity, disease and health as may be
133 useful in the discharge of its duties or may contribute to the
134 prevention of disease or the promotion of health in this state.

135 (e) To charge and collect reasonable fees for health
136 services, including immunizations, inspections and related
137 activities, and the board shall charge fees for those services;
138 however, if it is determined that a person receiving services is
139 unable to pay the total fee, the board shall collect any amount
140 that the person is able to pay. Any increase in the fees charged
141 by the board under this paragraph shall be in accordance with the
142 provisions of Section 41-3-65.

143 (f) (i) To establish standards for, issue permits and
144 exercise control over, any cafes, restaurants, food or drink



145 stands, sandwich manufacturing establishments, and all other
146 establishments, other than churches, church-related and private
147 schools, and other nonprofit or charitable organizations, where
148 food or drink is regularly prepared, handled and served for pay;
149 and

150 (ii) To require that a permit be obtained from the
151 Department of Health before those persons begin operation. If any
152 such person fails to obtain the permit required in this
153 subparagraph (ii), the State Board of Health, after due notice and
154 opportunity for a hearing, may impose a monetary penalty not to
155 exceed One Thousand Dollars (\$1,000.00) for each violation.
156 However, the department is not authorized to impose a monetary
157 penalty against any person whose gross annual prepared food sales
158 are less than Five Thousand Dollars (\$5,000.00). Money collected
159 by the board under this subparagraph (ii) shall be deposited to
160 the credit of the State General Fund of the State Treasury.

161 (g) To promulgate rules and regulations and exercise
162 control over the production and sale of milk pursuant to the
163 provisions of Sections 75-31-41 through 75-31-49.

164 (h) On presentation of proper authority, to enter into
165 and inspect any public place or building where the State Health
166 Officer or his representative deems it necessary and proper to
167 enter for the discovery and suppression of disease and for the
168 enforcement of any health or sanitary laws and regulations in the
169 state.



170 (i) To conduct investigations, inquiries and hearings,
171 and to issue subpoenas for the attendance of witnesses and the
172 production of books and records at any hearing when authorized and
173 required by statute to be conducted by the State Health Officer or
174 the State Board of Health.

175 (j) To promulgate rules and regulations, and to collect
176 data and information, on (i) the delivery of services through the
177 practice of telemedicine; and (ii) the use of electronic records
178 for the delivery of telemedicine services.

179 (k) To enforce and regulate domestic and imported fish
180 as authorized under Section 69-7-601 et seq.

181 (5) (a) The State Board of Health shall have the authority,
182 in its discretion, to establish programs to promote the public
183 health, to be administered by the State Department of Health.
184 Specifically, those programs may include, but shall not be limited
185 to, programs in the following areas:

- 186 (i) Maternal and child health;
- 187 (ii) Family planning;
- 188 (iii) Pediatric services;
- 189 (iv) Services to crippled and disabled children;
- 190 (v) Control of communicable and noncommunicable
191 disease;
- 192 (vi) Chronic disease;
- 193 (vii) Accidental deaths and injuries;
- 194 (viii) Child care licensure;



- 195 (ix) Radiological health;
- 196 (x) Dental health;
- 197 (xi) Milk sanitation;
- 198 (xii) Occupational safety and health;
- 199 (xiii) Food, vector control and general
200 sanitation;
- 201 (xiv) Protection of drinking water;
- 202 (xv) Sanitation in food handling establishments
203 open to the public;
- 204 (xvi) Registration of births and deaths and other
205 vital events;
- 206 (xvii) Such public health programs and services as
207 may be assigned to the State Board of Health by the Legislature or
208 by executive order; and
- 209 (xviii) Regulation of domestic and imported fish
210 for human consumption.
- 211 (b) The State Board of Health and State Department of
212 Health shall not be authorized to sell, transfer, alienate or
213 otherwise dispose of any of the home health agencies owned and
214 operated by the department on January 1, 1995, and shall not be
215 authorized to sell, transfer, assign, alienate or otherwise
216 dispose of the license of any of those home health agencies,
217 except upon the specific authorization of the Legislature by an
218 amendment to this section. However, this paragraph (b) shall not
219 prevent the board or the department from closing or terminating



220 the operation of any home health agency owned and operated by the
221 department, or closing or terminating any office, branch office or
222 clinic of any such home health agency, or otherwise discontinuing
223 the providing of home health services through any such home health
224 agency, office, branch office or clinic, if the board first
225 demonstrates that there are other providers of home health
226 services in the area being served by the department's home health
227 agency, office, branch office or clinic that will be able to
228 provide adequate home health services to the residents of the area
229 if the department's home health agency, office, branch office or
230 clinic is closed or otherwise discontinues the providing of home
231 health services. This demonstration by the board that there are
232 other providers of adequate home health services in the area shall
233 be spread at length upon the minutes of the board at a regular or
234 special meeting of the board at least thirty (30) days before a
235 home health agency, office, branch office or clinic is proposed to
236 be closed or otherwise discontinue the providing of home health
237 services.

238 (c) The State Department of Health may undertake such
239 technical programs and activities as may be required for the
240 support and operation of those programs, including maintaining
241 physical, chemical, bacteriological and radiological laboratories,
242 and may make such diagnostic tests for diseases and tests for the
243 evaluation of health hazards as may be deemed necessary for the
244 protection of the people of the state.



245 (6) (a) The State Board of Health shall administer the
246 local governments and rural water systems improvements loan
247 program in accordance with the provisions of Section 41-3-16.

248 (b) The State Board of Health shall have authority:

249 (i) To enter into capitalization grant agreements
250 with the United States Environmental Protection Agency, or any
251 successor agency thereto;

252 (ii) To accept capitalization grant awards made
253 under the federal Safe Drinking Water Act, as amended;

254 (iii) To provide annual reports and audits to the
255 United States Environmental Protection Agency, as may be required
256 by federal capitalization grant agreements; and

257 (iv) To establish and collect fees to defray the
258 reasonable costs of administering the revolving fund or emergency
259 fund if the State Board of Health determines that those costs will
260 exceed the limitations established in the federal Safe Drinking
261 Water Act, as amended. The administration fees may be included in
262 loan amounts to loan recipients for the purpose of facilitating
263 payment to the board; however, those fees may not exceed five
264 percent (5%) of the loan amount.

265 (7) Notwithstanding any other provision to the contrary, the
266 State Department of Health shall have the following specific
267 powers: The department shall issue a license to Alexander Milne
268 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
269 construction, conversion, expansion and operation of not more than



270 forty-five (45) beds for developmentally disabled adults who have
271 been displaced from New Orleans, Louisiana, with the beds to be
272 located in a certified ICF-MR facility in the City of Laurel,
273 Mississippi. There shall be no prohibition or restrictions on
274 participation in the Medicaid program for the person receiving the
275 license under this subsection (7). The license described in this
276 subsection shall expire five (5) years from the date of its issue.
277 The license authorized by this subsection shall be issued upon the
278 initial payment by the licensee of an application fee of
279 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
280 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
281 the license, to be paid as long as the licensee continues to
282 operate. The initial and monthly licensing fees shall be
283 deposited by the State Department of Health into the special fund
284 created under Section 41-7-188.

285 (8) Notwithstanding any other provision to the contrary, the
286 State Department of Health shall have the following specific
287 powers: The State Department of Health is authorized to issue a
288 license to an existing home health agency for the transfer of a
289 county from that agency to another existing home health agency,
290 and to charge a fee for reviewing and making a determination on
291 the application for such transfer not to exceed one-half (1/2) of
292 the authorized fee assessed for the original application for the
293 home health agency, with the revenue to be deposited by the State



294 Department of Health into the special fund created under Section
295 41-7-188.

296 (9) Notwithstanding any other provision to the contrary, the
297 State Department of Health shall have the following specific
298 powers: For the period beginning July 1, 2010, through July 1,
299 2017, the State Department of Health is authorized and empowered
300 to assess a fee in addition to the fee prescribed in Section
301 41-7-188 for reviewing applications for certificates of need in an
302 amount not to exceed twenty-five one-hundredths of one percent
303 (.25 of 1%) of the amount of a proposed capital expenditure, but
304 shall be not less than Two Hundred Fifty Dollars (\$250.00)
305 regardless of the amount of the proposed capital expenditure, and
306 the maximum additional fee permitted shall not exceed Fifty
307 Thousand Dollars (\$50,000.00). Provided that the total
308 assessments of fees for certificate of need applications under
309 Section 41-7-188 and this section shall not exceed the actual cost
310 of operating the certificate of need program.

311 (10) Notwithstanding any other provision to the contrary,
312 the State Department of Health shall have the following specific
313 powers: The State Department of Health is authorized to extend
314 and renew any certificate of need that has expired, and to charge
315 a fee for reviewing and making a determination on the application
316 for such action not to exceed one-half (1/2) of the authorized fee
317 assessed for the original application for the certificate of need,



318 with the revenue to be deposited by the State Department of Health
319 into the special fund created under Section 41-7-188.

320 (11) Notwithstanding any other provision to the contrary,
321 the State Department of Health shall have the following specific
322 powers: The State Department of Health is authorized and
323 empowered, to revoke, immediately, the license and require closure
324 of any institution for the aged or infirm, including any other
325 remedy less than closure to protect the health and safety of the
326 residents of said institution or the health and safety of the
327 general public.

328 (12) Notwithstanding any other provision to the contrary,
329 the State Department of Health shall have the following specific
330 powers: The State Department of Health is authorized and
331 empowered, to require the temporary detainment of individuals for
332 disease control purposes based upon violation of any order of the
333 State Health Officer, as provided in Section 41-23-5. For the
334 purpose of enforcing such orders of the State Health Officer,
335 persons employed by the department as investigators shall have
336 general arrest powers. All law enforcement officers are
337 authorized and directed to assist in the enforcement of such
338 orders of the State Health Officer.

339 **SECTION 2.** Section 25-53-5, Mississippi Code of 1972, is
340 brought forward follows:

341 25-53-5. The authority shall have the following powers,
342 duties, and responsibilities:



343 (a) (i) The authority shall provide for the
344 development of plans for the efficient acquisition and utilization
345 of computer equipment and services by all agencies of state
346 government, and provide for their implementation. In so doing,
347 the authority may use the MDITS' staff, at the discretion of the
348 executive director of the authority, or the authority may contract
349 for the services of qualified consulting firms in the field of
350 information technology and utilize the service of such consultants
351 as may be necessary for such purposes. Pursuant to Section
352 25-53-1, the provisions of this section shall not apply to the
353 Department of Human Services for a period of three (3) years
354 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
355 provisions of this section shall not apply to the Department of
356 Child Protection Services for a period of three (3) years
357 beginning July 1, 2017.

358 (ii) [Repealed]

359 (b) The authority shall immediately institute
360 procedures for carrying out the purposes of this chapter and
361 supervise the efficient execution of the powers and duties of the
362 office of executive director of the authority. In the execution
363 of its functions under this chapter, the authority shall maintain
364 as a paramount consideration the successful internal organization
365 and operation of the several agencies so that efficiency existing
366 therein shall not be adversely affected or impaired. In executing
367 its functions in relation to the institutions of higher learning



368 and junior colleges in the state, the authority shall take into
369 consideration the special needs of such institutions in relation
370 to the fields of teaching and scientific research.

371 (c) Title of whatever nature of all computer equipment
372 now vested in any agency of the State of Mississippi is hereby
373 vested in the authority, and no such equipment shall be disposed
374 of in any manner except in accordance with the direction of the
375 authority or under the provisions of such rules and regulations as
376 may hereafter be adopted by the authority in relation thereto.

377 (d) The authority shall adopt rules, regulations, and
378 procedures governing the acquisition of computer and
379 telecommunications equipment and services which shall, to the
380 fullest extent practicable, insure the maximum of competition
381 between all manufacturers of supplies or equipment or services.
382 In the writing of specifications, in the making of contracts
383 relating to the acquisition of such equipment and services, and in
384 the performance of its other duties the authority shall provide
385 for the maximum compatibility of all information systems hereafter
386 installed or utilized by all state agencies and may require the
387 use of common computer languages where necessary to accomplish the
388 purposes of this chapter. The authority may establish by
389 regulation and charge reasonable fees on a nondiscriminatory basis
390 for the furnishing to bidders of copies of bid specifications and
391 other documents issued by the authority.



392 (e) The authority shall adopt rules and regulations
393 governing the sharing with, or the sale or lease of information
394 technology services to any nonstate agency or person. Such
395 regulations shall provide that any such sharing, sale or lease
396 shall be restricted in that same shall be accomplished only where
397 such services are not readily available otherwise within the
398 state, and then only at a charge to the user not less than the
399 prevailing rate of charge for similar services by private
400 enterprise within this state.

401 (f) The authority may, in its discretion, establish a
402 special technical advisory committee or committees to study and
403 make recommendations on technology matters within the competence
404 of the authority as the authority may see fit. Persons serving on
405 the Information Resource Council, its task forces, or any such
406 technical advisory committees shall be entitled to receive their
407 actual and necessary expenses actually incurred in the performance
408 of such duties, together with mileage as provided by law for state
409 employees, provided the same has been authorized by a resolution
410 duly adopted by the authority and entered on its minutes prior to
411 the performance of such duties.

412 (g) The authority may provide for the development and
413 require the adoption of standardized computer programs and may
414 provide for the dissemination of information to and the
415 establishment of training programs for the personnel of the



416 various information technology centers of state agencies and
417 personnel of the agencies utilizing the services thereof.

418 (h) The authority shall adopt reasonable rules and
419 regulations requiring the reporting to the authority through the
420 office of executive director of such information as may be
421 required for carrying out the purposes of this chapter and may
422 also establish such reasonable procedures to be followed in the
423 presentation of bills for payment under the terms of all contracts
424 for the acquisition of computer equipment and services now or
425 hereafter in force as may be required by the authority or by the
426 executive director in the execution of their powers and duties.

427 (i) The authority shall require such adequate
428 documentation of information technology procedures utilized by the
429 various state agencies and may require the establishment of such
430 organizational structures within state agencies relating to
431 information technology operations as may be necessary to
432 effectuate the purposes of this chapter.

433 (j) The authority may adopt such further reasonable
434 rules and regulations as may be necessary to fully implement the
435 purposes of this chapter. All rules and regulations adopted by
436 the authority shall be published and disseminated in readily
437 accessible form to all affected state agencies, and to all current
438 suppliers of computer equipment and services to the state, and to
439 all prospective suppliers requesting the same. Such rules and
440 regulations shall be kept current, be periodically revised, and



441 copies thereof shall be available at all times for inspection by
442 the public at reasonable hours in the offices of the authority.
443 Whenever possible no rule, regulation or any proposed amendment to
444 such rules and regulations shall be finally adopted or enforced
445 until copies of the proposed rules and regulations have been
446 furnished to all interested parties for their comment and
447 suggestions.

448 (k) The authority shall establish rules and regulations
449 which shall provide for the submission of all contracts proposed
450 to be executed by the executive director for computer equipment or
451 services to the authority for approval before final execution, and
452 the authority may provide that such contracts involving the
453 expenditure of less than such specified amount as may be
454 established by the authority may be finally executed by the
455 executive director without first obtaining such approval by the
456 authority.

457 (l) The authority is authorized to purchase, lease, or
458 rent computer equipment or services and to operate that equipment
459 and use those services in providing services to one or more state
460 agencies when in its opinion such operation will provide maximum
461 efficiency and economy in the functions of any such agency or
462 agencies.

463 (m) Upon the request of the governing body of a
464 political subdivision or instrumentality, the authority shall
465 assist the political subdivision or instrumentality in its



466 development of plans for the efficient acquisition and utilization
467 of computer equipment and services. An appropriate fee shall be
468 charged the political subdivision by the authority for such
469 assistance.

470 (n) The authority shall adopt rules and regulations
471 governing the protest procedures to be followed by any actual or
472 prospective bidder, offerer or contractor who is aggrieved in
473 connection with the solicitation or award of a contract for the
474 acquisition of computer equipment or services. Such rules and
475 regulations shall prescribe the manner, time and procedure for
476 making protests and may provide that a protest not timely filed
477 shall be summarily denied. The authority may require the
478 protesting party, at the time of filing the protest, to post a
479 bond, payable to the state, in an amount that the authority
480 determines sufficient to cover any expense or loss incurred by the
481 state, the authority or any state agency as a result of the
482 protest if the protest subsequently is determined by a court of
483 competent jurisdiction to have been filed without any substantial
484 basis or reasonable expectation to believe that the protest was
485 meritorious; however, in no event may the amount of the bond
486 required exceed a reasonable estimate of the total project cost.
487 The authority, in its discretion, also may prohibit any
488 prospective bidder, offerer or contractor who is a party to any
489 litigation involving any such contract with the state, the
490 authority or any agency of the state to participate in any other



491 such bid, offer or contract, or to be awarded any such contract,
492 during the pendency of the litigation.

493 (o) The authority shall make a report in writing to the
494 Legislature each year in the month of January. Such report shall
495 contain a full and detailed account of the work of the authority
496 for the preceding year as specified in Section 25-53-29(3).

497 All acquisitions of computer equipment and services involving
498 the expenditure of funds in excess of the dollar amount
499 established in Section 31-7-13(c), or rentals or leases in excess
500 of the dollar amount established in Section 31-7-13(c) for the
501 term of the contract, shall be based upon competitive and open
502 specifications, and contracts therefor shall be entered into only
503 after advertisements for bids are published in one or more daily
504 newspapers having a general circulation in the state not less than
505 fourteen (14) days prior to receiving sealed bids therefor. The
506 authority may reserve the right to reject any or all bids, and if
507 all bids are rejected, the authority may negotiate a contract
508 within the limitations of the specifications so long as the terms
509 of any such negotiated contract are equal to or better than the
510 comparable terms submitted by the lowest and best bidder, and so
511 long as the total cost to the State of Mississippi does not exceed
512 the lowest bid. If the authority accepts one (1) of such bids, it
513 shall be that which is the lowest and best.

514 (p) When applicable, the authority may procure
515 equipment, systems and related services in accordance with the law



516 or regulations, or both, which govern the Bureau of Purchasing of
517 the Office of General Services or which govern the Mississippi
518 Department of Information Technology Services procurement of
519 telecommunications equipment, software and services.

520 (q) The authority is authorized to purchase, lease, or
521 rent information technology and services for the purpose of
522 establishing pilot projects to investigate emerging technologies.
523 These acquisitions shall be limited to new technologies and shall
524 be limited to an amount set by annual appropriation of the
525 Legislature. These acquisitions shall be exempt from the
526 advertising and bidding requirement.

527 (r) All fees collected by the Mississippi Department of
528 Information Technology Services shall be deposited into the
529 Mississippi Department of Information Technology Services
530 Revolving Fund unless otherwise specified by the Legislature.

531 (s) The authority shall work closely with the council
532 to bring about effective coordination of policies, standards and
533 procedures relating to procurement of remote sensing and
534 geographic information systems (GIS) resources. In addition, the
535 authority is responsible for development, operation and
536 maintenance of a delivery system infrastructure for geographic
537 information systems data. The authority shall provide a warehouse
538 for Mississippi's geographic information systems data.

539 (t) The authority shall manage one or more State Data
540 Centers to provide information technology services on a



541 cost-sharing basis. In determining the appropriate services to be
542 provided through the State Data Center, the authority should
543 consider those services that:

544 (i) Result in savings to the state as a whole;

545 (ii) Improve and enhance the security and
546 reliability of the state's information and business systems; and

547 (iii) Optimize the efficient use of the state's
548 information technology assets, including, but not limited to,
549 promoting partnerships with the state institutions of higher
550 learning and community colleges to capitalize on advanced
551 information technology resources.

552 (u) The authority shall increase federal participation
553 in the cost of the State Data Center to the extent provided by law
554 and its shared technology infrastructure through providing such
555 shared services to agencies that receive federal funds. With
556 regard to state institutions of higher learning and community
557 colleges, the authority may provide shared services when mutually
558 agreeable, following a determination by both the authority and the
559 Board of Trustees of State Institutions of Higher Learning or the
560 Mississippi Community College Board, as the case may be, that the
561 sharing of services is mutually beneficial.

562 (v) The authority, in its discretion, may require new
563 or replacement agency business applications to be hosted at the
564 State Data Center. With regard to state institutions of higher
565 learning and community colleges, the authority and the Board of



566 Trustees of State Institutions of Higher Learning or the
567 Mississippi Community College Board, as the case may be, may agree
568 that institutions of higher learning or community colleges may
569 utilize business applications that are hosted at the State Data
570 Center, following a determination by both the authority and the
571 applicable board that the hosting of those applications is
572 mutually beneficial. In addition, the authority may establish
573 partnerships to capitalize on the advanced technology resources of
574 the Board of Trustees of State Institutions of Higher Learning or
575 the Mississippi Community College Board, following a determination
576 by both the authority and the applicable board that such a
577 partnership is mutually beneficial.

578 (w) The authority shall provide a periodic update
579 regarding reform-based information technology initiatives to the
580 Chairmen of the House and Senate Accountability, Efficiency and
581 Transparency Committees.

582 From and after July 1, 2018, the expenses of this agency
583 shall be defrayed by appropriation from the State General Fund.
584 In addition, in order to receive the maximum use and benefit from
585 information technology and services, expenses for the provision of
586 statewide shared services that facilitate cost-effective
587 information processing and telecommunication solutions shall be
588 defrayed by pass-through funding and shall be deposited into the
589 Mississippi Department of Information Technology Services
590 Revolving Fund unless otherwise specified by the Legislature.



591 These funds shall only be utilized to pay the actual costs
592 incurred by the Mississippi Department of Information Technology
593 Services for providing these shared services to state agencies.
594 Furthermore, state agencies shall work in full cooperation with
595 the Board of the Mississippi Department of Information Technology
596 Services to identify computer equipment or services to minimize
597 duplication, reduce costs, and improve the efficiency of providing
598 common technology services across agency boundaries.

599 **SECTION 3.** Section 25-9-107, Mississippi Code of 1972, is
600 brought forward as follows:

601 25-9-107. The following terms, when used in this chapter,
602 unless a different meaning is plainly required by the context,
603 shall have the following meanings:

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

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

609 (c) "Nonstate service" means the following officers and
610 employees excluded from the state service by this chapter. The
611 following are excluded from the state service:

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

614 (ii) The Governor and staff members of the
615 immediate Office of the Governor;



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

618 (iv) The Lieutenant Governor, staff members of the
619 immediate Office of the Lieutenant Governor and officers and
620 employees directly appointed by the Lieutenant Governor;

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

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

625 (vii) All academic officials, members of the
626 teaching staffs and employees of the state institutions of higher
627 learning, the Mississippi Community College Board, and community
628 and junior colleges;

629 (viii) Officers and enlisted members of the
630 National Guard of the state;

631 (ix) Prisoners, inmates, student or patient help
632 working in or about institutions;

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



641 whether the contract involved was for personal or professional
642 services, and, if so, was approved by the Public Procurement
643 Review Board as required by law;

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

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

656 (xiii) Physicians, dentists, veterinarians, nurse
657 practitioners and attorneys, while serving in their professional
658 capacities in authorized employment positions who are required by
659 statute to be licensed, registered or otherwise certified as such,
660 provided that the State Personnel Director shall verify that the
661 statutory qualifications are met prior to issuance of a payroll
662 warrant by the Auditor;

663 (xiv) Personnel who are employed and paid from
664 funds received from a federal grant program which has been
665 approved by the Legislature or the Department of Finance and



666 Administration whose length of employment has been determined to
667 be time-limited in nature. This subparagraph shall apply to
668 personnel employed under the provisions of the Comprehensive
669 Employment and Training Act of 1973, as amended, and other special
670 federal grant programs which are not a part of regular federally
671 funded programs wherein appropriations and employment positions
672 are appropriated by the Legislature. Such employees shall be paid
673 in accordance with the Variable Compensation Plan and shall meet
674 all qualifications required by federal statutes or by the
675 Mississippi Classification Plan;

676 (xv) The administrative head who is in charge of
677 any state department, agency, institution, board or commission,
678 wherein the statute specifically authorizes the Governor, board,
679 commission or other authority to appoint said administrative head;
680 provided, however, that the salary of such administrative head
681 shall be determined by the State Personnel Board in accordance
682 with the Variable Compensation Plan unless otherwise fixed by
683 statute;

684 (xvi) The State Personnel Board shall exclude
685 top-level positions if the incumbents determine and publicly
686 advocate substantive program policy and report directly to the
687 agency head, or the incumbents are required to maintain a direct
688 confidential working relationship with a key excluded official.
689 Provided further, a written job classification shall be approved



690 by the board for each such position, and positions so excluded
691 shall be paid in conformity with the Variable Compensation Plan;

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

695 (xviii) Repealed;

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

699 (xx) Personnel employed by the Mississippi
700 Industries for the Blind; provided that any agency may enter into
701 contracts for the personal services of MIB employees without the
702 prior approval of the State Personnel Board or the State Personal
703 Service Contract Review Board; however, any agency contracting for
704 the personal services of an MIB employee shall provide the MIB
705 employee with not less than the entry-level compensation and
706 benefits that the agency would provide to a full-time employee of
707 the agency who performs the same services;

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



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

716 (xxiii) The President of the Mississippi Lottery
717 Corporation and personnel employed by the Mississippi Lottery
718 Corporation; and

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

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

730 **SECTION 4.** Section 25-9-119, Mississippi Code of 1972, is
731 brought forward as follows:

732 25-9-119. (1) There is created the position of the State
733 Personnel Director who shall be selected by the State Personnel
734 Board, with the advice and consent of the Senate. The director
735 shall have at least a Juris Doctor degree from an accredited law
736 school or a master's degree in business administration, personnel
737 management or the equivalent and shall have not less than five (5)



738 years' experience therein. His salary shall be in accordance with
739 the Mississippi Compensation Plan. The State Personnel Director
740 shall serve at the will and pleasure of the State Personnel Board.

741 (2) The duties and responsibilities of the director shall
742 be:

743 (a) To serve as executive secretary to the board, to
744 attend meetings as directed by the board and to provide such
745 professional, technical and other supportive assistance as may be
746 required by the board in the performance of its duties;

747 (b) Consistent with board policy, to administer the
748 operations of the State Personnel System and to otherwise act in
749 the capacity of Chief Executive Officer to the State Personnel
750 Board;

751 (c) To submit for board approval proposed rules and
752 regulations which shall require a uniform system of personnel
753 administration within all agencies included in this chapter. Such
754 rules and regulations, when approved by the board, shall be
755 binding upon the state departments, agencies and institutions
756 covered by this chapter and shall include provisions for the
757 establishment and maintenance of classification and compensation
758 plans, the conduct of examinations, employee recruiting, employee
759 selection, the certification of eligible persons, appointments,
760 promotions, transfers, demotions, separations, reinstatement,
761 appeals, reports of performance, payroll certification, employee
762 training, vacation and sick leave, compensatory leave,



763 administrative leave, standardized recordkeeping forms and
764 procedures for leave earned, accrued and used, and all other
765 phases of personnel administration. Such rules and regulations
766 shall not be applicable to the emergency hiring of employees by
767 the Public Employees' Retirement System pursuant to Section
768 25-11-15(7). Copies of the rules and regulations, or
769 modifications thereto, as are approved by the State Personnel
770 Board, shall be provided to the Chairmen of the Accountability,
771 Efficiency and Transparency Committee of the Senate and the Fees
772 and Salaries of Public Officers Committee of the House of
773 Representatives, the Lieutenant Governor and the Governor at least
774 sixty (60) days before their effective date. The respective
775 parties may submit comments to the board regarding such rules and
776 regulations before their effective date;

777 (i) Compensation plans and modifications thereto
778 promulgated under rules and regulations shall become effective as
779 adopted, upon appropriation therefor by the State Legislature;

780 (ii) The director and the board shall provide for:

781 1. Cost-of-living adjustments;

782 2. Salary increases for outstanding
783 performance based upon documented employee productivity and
784 exceptional performance in assigned duties; and

785 3. Plans to compensate employees for
786 suggestions which result in improved management in technical or
787 administrative procedures and result in documented cost savings



788 for the state. In certifying promotions, the director shall
789 ensure that an employee's anniversary date remains the same
790 regardless of the date of his promotion;

791 (d) To submit to the board any proposed legislation as
792 may be necessary to bring existing statutes relating to the
793 administration of public employees into uniformity;

794 (e) To administer the rules and regulations and all
795 other operational aspects of the State Personnel System and to
796 assure compliance therewith in all the departments, agencies and
797 institutions covered by the State Personnel System;

798 (f) To appoint and prescribe the duties of the State
799 Personnel System staff, all positions of which shall be included
800 in the state service;

801 (g) To prepare an annual budget for the board covering
802 all the costs of operating the State Personnel System, including
803 the State Personnel Board, and the costs of administering such
804 federal laws relating to personnel administration as the board may
805 direct, including the Intergovernmental Personnel Act of 1970;

806 (h) To assist state agencies, departments and
807 institutions in complying with all applicable state and federal
808 statutes and regulations concerning discrimination in employment,
809 personnel administration and related matters;

810 (i) To recommend procedures for the establishment and
811 abolishment of employment positions within those departments,
812 agencies and institutions not excluded from this chapter; and



813 (j) To cooperate with appointing authorities in the
814 administration of this chapter in order to promote public service
815 and establish conditions of service which will attract and retain
816 employees of character and capacity and to increase efficiency and
817 economy in governmental departments by the improvement of methods
818 of personnel administration with full recognition of the
819 requirements and needs of management.

820 (3) From and after July 1, 2016, the State Personnel Board
821 shall not charge another state agency a fee, assessment, or other
822 charge for services or resources received by that agency from the
823 State Personnel Board.

824 (4) From and after July 1, 2016, the expenses of this agency
825 shall be defrayed by appropriation from the State General Fund and
826 all user charges and fees authorized under this section shall be
827 deposited into the State General Fund as authorized by law.

828 **SECTION 5.** This act shall take effect and be in force from
829 and after its passage.

