

By: Representative Hopkins

To: Rules

## HOUSE BILL NO. 512

1 AN ACT TO AMEND SECTIONS 25-4-15, 25-9-119, 27-104-5, 35-1-3,  
2 37-3-9, 37-4-3, 37-33-159, 37-63-7, 39-5-7, 41-3-5.1, 41-4-7,  
3 49-19-3, 53-1-7, 65-1-9, 71-3-93, 75-76-15 AND 77-1-15,  
4 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE ETHICS COMMISSION,  
5 STATE PERSONNEL BOARD, DEPARTMENT OF REVENUE, STATE VETERANS  
6 AFFAIRS BOARD, DEPARTMENT OF EDUCATION, MISSISSIPPI COMMUNITY  
7 COLLEGE BOARD, DEPARTMENT OF REHABILITATION SERVICES, AUTHORITY  
8 FOR EDUCATIONAL TELEVISION, DEPARTMENT OF ARCHIVES AND HISTORY,  
9 DEPARTMENT OF HEALTH, DEPARTMENT OF MENTAL HEALTH, MISSISSIPPI  
10 FORESTRY COMMISSION, STATE OIL AND GAS BOARD, DEPARTMENT OF  
11 TRANSPORTATION, WORKERS' COMPENSATION COMMISSION, MISSISSIPPI  
12 GAMING COMMISSION AND THE PUBLIC SERVICE COMMISSION, TO AUTHORIZE  
13 THE GOVERNOR TO TERMINATE CERTAIN APPOINTED STATE AGENCY  
14 OFFICIALS, UPON WRITTEN NOTICE TO SUCH STATE AGENCY OFFICIALS; TO  
15 BRING FORWARD SECTIONS 25-9-103, 25-9-107, 25-9-121, 25-9-127 AND  
16 25-9-132, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE PERSONNEL  
17 ADMINISTRATION SYSTEM, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND  
18 FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 25-4-15, Mississippi Code of 1972, is  
21 amended as follows:

22 25-4-15. (1) The commission shall appoint an executive  
23 director to serve at the pleasure of the commission. The  
24 executive director shall possess a high degree of professional  
25 competence and integrity. The executive director shall be  
26 responsible for the administrative operations of the commission



27 and shall perform other such duties within its powers as may be  
28 delegated or assigned from time to time by regulations or orders  
29 of the commission. The commission, by and through its executive  
30 director, may employ the personnel necessary to properly discharge  
31 the duties and responsibilities of the commission, subject to  
32 budgetary limitations. Such personnel shall possess a high degree  
33 of professional competence and integrity in the area in which  
34 employed.

35 (2) All employees of the commission shall be excluded from  
36 the provisions of Section 25-9-101 et seq., relating to the State  
37 Personnel System.

38 (3) Notwithstanding any other provision of this section, the  
39 Governor is authorized to terminate the executive director  
40 appointed by the commission, upon written notice to the executive  
41 director.

42 **SECTION 2.** Section 25-9-119, Mississippi Code of 1972, is  
43 amended as follows:

44 25-9-119. (1) There is created the position of the State  
45 Personnel Director who shall be selected by the State Personnel  
46 Board, with the advice and consent of the Senate. The director  
47 shall have at least a Juris Doctor degree from an accredited law  
48 school or a master's degree in business administration, personnel  
49 management or the equivalent and shall have not less than five (5)  
50 years' experience therein. His salary shall be in accordance with



51 the Mississippi Compensation Plan. The State Personnel Director  
52 shall serve at the will and pleasure of the State Personnel Board.

53 (2) The duties and responsibilities of the director shall  
54 be:

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

59 (b) Consistent with board policy, to administer the  
60 operations of the State Personnel System and to otherwise act in  
61 the capacity of Chief Executive Officer to the State Personnel  
62 Board;

63 (c) To submit for board approval proposed rules and  
64 regulations which shall require a uniform system of personnel  
65 administration within all agencies included in this chapter. Such  
66 rules and regulations, when approved by the board, shall be  
67 binding upon the state departments, agencies and institutions  
68 covered by this chapter and shall include provisions for the  
69 establishment and maintenance of classification and compensation  
70 plans, the conduct of examinations, employee recruiting, employee  
71 selection, the certification of eligible persons, appointments,  
72 promotions, transfers, demotions, separations, reinstatement,  
73 appeals, reports of performance, payroll certification, employee  
74 training, vacation and sick leave, compensatory leave,  
75 administrative leave, standardized recordkeeping forms and



76 procedures for leave earned, accrued and used, and all other  
77 phases of personnel administration. Such rules and regulations  
78 shall not be applicable to the emergency hiring of employees by  
79 the Public Employees' Retirement System pursuant to Section  
80 25-11-15(7). Copies of the rules and regulations, or  
81 modifications thereto, as are approved by the State Personnel  
82 Board, shall be provided to the Chairmen of the Accountability,  
83 Efficiency and Transparency Committee of the Senate and the Fees  
84 and Salaries of Public Officers Committee of the House of  
85 Representatives, the Lieutenant Governor and the Governor at least  
86 sixty (60) days before their effective date. The respective  
87 parties may submit comments to the board regarding such rules and  
88 regulations before their effective date;

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

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

93 1. Cost-of-living adjustments;

94 2. Salary increases for outstanding  
95 performance based upon documented employee productivity and  
96 exceptional performance in assigned duties; and

97 3. Plans to compensate employees for  
98 suggestions which result in improved management in technical or  
99 administrative procedures and result in documented cost savings  
100 for the state. In certifying promotions, the director shall



101 ensure that an employee's anniversary date remains the same  
102 regardless of the date of his promotion;

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

106 (e) To administer the rules and regulations and all  
107 other operational aspects of the State Personnel System and to  
108 assure compliance therewith in all the departments, agencies and  
109 institutions covered by the State Personnel System;

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

113 (g) To prepare an annual budget for the board covering  
114 all the costs of operating the State Personnel System, including  
115 the State Personnel Board, and the costs of administering such  
116 federal laws relating to personnel administration as the board may  
117 direct, including the Intergovernmental Personnel Act of 1970;

118 (h) To assist state agencies, departments and  
119 institutions in complying with all applicable state and federal  
120 statutes and regulations concerning discrimination in employment,  
121 personnel administration and related matters;

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



125 (j) To cooperate with appointing authorities in the  
126 administration of this chapter in order to promote public service  
127 and establish conditions of service which will attract and retain  
128 employees of character and capacity and to increase efficiency and  
129 economy in governmental departments by the improvement of methods  
130 of personnel administration with full recognition of the  
131 requirements and needs of management.

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

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

140 (5) Notwithstanding any other provision of this section, the  
141 Governor is authorized to terminate the director appointed by the  
142 board, upon written notice to the director.

143 **SECTION 3.** Section 27-104-5, Mississippi Code of 1972, is  
144 amended as follows:

145 27-104-5. (1) The Executive Director of the Department of  
146 Finance and Administration shall receive an annual salary to be  
147 set by the State Personnel Board, unless otherwise provided for by  
148 law. He shall serve at the will and pleasure of the Governor, and  
149 devote his full time to the office and shall not pursue any other



150 business or occupation or hold any other office of profit. The  
151 executive director (a) shall be a certified public accountant; or  
152 (b) shall possess a master's degree in business, public  
153 administration or a related field; or (c) shall have at least ten  
154 (10) years' experience in fiscal management in the private or  
155 public sector and a minimum of five (5) years' experience in a  
156 high-level management position with a documented record of  
157 management. Said qualifications shall be certified by the State  
158 Personnel Board.

159 The executive director shall execute a bond in some surety  
160 company authorized to do business in the state, to be approved by  
161 the Governor, and filed in the Office of the Secretary of State in  
162 the penal sum of One Hundred Thousand Dollars (\$100,000.00),  
163 conditioned for the faithful and impartial discharge of the duties  
164 of his office. The premium on such bond shall be paid as provided  
165 by law out of funds appropriated to the Department of Finance and  
166 Administration.

167 (2) The executive director shall have the following powers  
168 and responsibilities:

169 (a) Employment of such professional, administrative,  
170 stenographic, secretarial, clerical and technical assistance as  
171 may be necessary to perform the duties and responsibilities of the  
172 department subject to the rules and regulations of the State  
173 Personnel Board;

174 (b) Developing accurate and timely revenue forecasts;



175 (c) Allotting appropriated funds consistent with agency  
176 appropriations;

177 (d) Prescribing and implementing an accounting system  
178 using generally accepted accounting principles;

179 (e) From and after October 1, 1986, preaudit and  
180 payment of funds which shall be in accordance with all laws and  
181 regulations;

182 (f) Development and implementation of fiscal management  
183 training;

184 (g) Development of short- and long-range planning  
185 pertaining to matters of revenue forecasting;

186 (h) Providing assistance and expertise to state agency  
187 and institution governing bodies or other agency management,  
188 pursuant to Section 27-104-3;

189 (i) Cooperation and coordination with the State  
190 Auditor, State Treasurer, Commissioner of Revenue, University  
191 Research Center and the Mississippi Legislature on all matters  
192 pertaining to the fiscal matters of Mississippi state government;  
193 and

194 (j) The authority to establish training courses in  
195 programs for the personnel of the various governmental entities  
196 under the jurisdiction of the department. The training courses  
197 and programs shall include, but not be limited to, topics on  
198 internal control of funds, governmental accounting and financial  
199 reporting, internal auditing, and budgeting. The executive





200 director is authorized to charge a fee from the participants of  
201 these courses and programs, which fee shall be deposited into a  
202 special fund created for these deposits. State and local  
203 governmental entities are authorized to pay such fee, and any  
204 travel expenses, out of their general funds or any available funds  
205 from which such payment is not prohibited by law.

206 **SECTION 4.** Section 35-1-3, Mississippi Code of 1972, is  
207 amended as follows:

208 35-1-3. The State Veterans Affairs Board shall appoint, to  
209 serve at the will and pleasure of the board, an executive  
210 director, (who shall also serve as Executive Secretary of the  
211 State Veterans Affairs Board), a deputy director, individuals to  
212 manage each of the agency's major functional areas and individuals  
213 to manage each of the state veterans homes. The executive  
214 director and deputy director shall be a currently serving member  
215 or honorably discharged or honorably released veteran of any  
216 active or reserve component branch of the Armed Forces of the  
217 United States. The board may establish additional minimum  
218 qualifications for agency positions.

219 Notwithstanding any other provision of this section, the  
220 Governor is authorized to terminate the executive director  
221 appointed by the board, upon written notice to the executive  
222 director.

223 **SECTION 5.** Section 37-3-9, Mississippi Code of 1972, is  
224 amended as follows:



225           37-3-9. (1) There shall be a State Superintendent of Public  
226 Education who shall be appointed by the State Board of Education,  
227 with the advice and consent of the Senate, and serve at the  
228 board's will and pleasure. He shall be the Chief Administrative  
229 Officer for the State Department of Education and shall administer  
230 the department in accordance with the policies established by the  
231 State Board of Education. The State Superintendent of Education,  
232 serving on July 1, 2011, shall continue to receive the salary that  
233 he was receiving on January 1, 2011. From and after the  
234 completion of the term of the said superintendent serving on July  
235 1, 2011, the salary of the State Superintendent of Education shall  
236 be established by the State Board of Education. The State  
237 Superintendent of Public Education shall have at least a master's  
238 degree in any field and a minimum of five (5) years' experience in  
239 administration in the educational field.

240           (2) The State Superintendent shall give bond in the penalty  
241 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be  
242 approved by the Governor, conditioned according to law. The bond,  
243 when approved, shall be filed and recorded in the Office of the  
244 Secretary of State.

245           (3) Notwithstanding any other provision of this section, the  
246 Governor is authorized to terminate the State Superintendent of  
247 Public Education appointed by the State Board of Education, upon  
248 written notice to the State Superintendent.



249           **SECTION 6.** Section 37-4-3, Mississippi Code of 1972, is  
250 amended as follows:

251           37-4-3. (1) From and after July 1, 1986, there shall be a  
252 Mississippi Community College Board which shall receive and  
253 distribute funds appropriated by the Legislature for the use of  
254 the public community and junior colleges and funds from federal  
255 and other sources that are transmitted through the state  
256 governmental organization for use by said colleges. This board  
257 shall provide general coordination of the public community and  
258 junior colleges, assemble reports and such other duties as may be  
259 prescribed by law.

260           (2) The board shall consist of ten (10) members of which  
261 none shall be an elected official. The Governor shall appoint two  
262 (2) members from the First Mississippi Congressional District, one  
263 (1) who shall serve an initial term of two (2) years and one (1)  
264 who shall serve an initial term of five (5) years; two (2) members  
265 from the Second Mississippi Congressional District, one (1) who  
266 shall serve an initial term of five (5) years and one (1) who  
267 shall serve an initial term of three (3) years; and two (2)  
268 members from the Third Mississippi Congressional District, one (1)  
269 who shall serve an initial term of four (4) years and one (1) who  
270 shall serve an initial term of two (2) years; two (2) members from  
271 the Fourth Mississippi Congressional District, one (1) who shall  
272 serve an initial term of three (3) years and one (1) who shall  
273 serve an initial term of four (4) years; and two (2) members from



274 the Fifth Mississippi Congressional District, one (1) who shall  
275 serve an initial term of five (5) years and one (1) who shall  
276 serve an initial term of two (2) years. All subsequent  
277 appointments shall be for a term of six (6) years and continue  
278 until their successors are appointed and qualify. An appointment  
279 to fill a vacancy which arises for reasons other than by  
280 expiration of a term of office shall be for the unexpired term  
281 only. All members shall be appointed with the advice and consent  
282 of the Senate.

283 (3) There shall be a chairman and vice chairman of the  
284 board, elected by and from the membership of the board; and the  
285 chairman shall be the presiding officer of the board. The board  
286 shall adopt rules and regulations governing times and places for  
287 meetings and governing the manner of conducting its business.

288 (4) The members of the board shall receive no annual salary,  
289 but shall receive per diem compensation as authorized by Section  
290 25-3-69, Mississippi Code of 1972, for each day devoted to the  
291 discharge of official board duties and shall be entitled to  
292 reimbursement for all actual and necessary expenses incurred in  
293 the discharge of their duties, including mileage as authorized by  
294 Section 25-3-41, Mississippi Code of 1972.

295 (5) The board shall name a director for the state system of  
296 public junior and community colleges, who shall serve at the  
297 pleasure of the board. Such director shall be the chief executive  
298 officer of the board, give direction to the board staff, carry out



299 the policies set forth by the board, and work with the presidents  
300 of the several community and junior colleges to assist them in  
301 carrying out the mandates of the several boards of trustees and in  
302 functioning within the state system and policies established by  
303 the Mississippi Community College Board. The Mississippi  
304 Community College Board shall set the salary of the director of  
305 the board. Notwithstanding any other provision of this section,  
306 the Governor is authorized to terminate the director appointed by  
307 the board, upon written notice to the director.

308 The Legislature shall provide adequate funds for the  
309 Mississippi Community College Board, its activities and its staff.

310 (6) The powers and duties of the Mississippi Community  
311 College Board shall be:

312 (a) To authorize disbursements of state-appropriated  
313 funds to community and junior colleges through orders in the  
314 minutes of the board.

315 (b) To make studies of the needs of the state as they  
316 relate to the mission of the community and junior colleges.

317 (c) To approve new, changes to and deletions of  
318 vocational and technical programs to the various colleges.

319 (d) To require community and junior colleges to supply  
320 such information as the board may request and compile, publish and  
321 make available such reports based thereon as the board may deem  
322 advisable.



323 (e) To approve proposed new attendance centers (campus  
324 locations) as the local boards of trustees should determine to be  
325 in the best interest of the district. Provided, however, that no  
326 new community/junior college branch campus shall be approved  
327 without an authorizing act of the Legislature.

328 (f) To serve as the state approving agency for federal  
329 funds for proposed contracts to borrow money for the purpose of  
330 acquiring land, erecting, repairing, etc., dormitories, dwellings  
331 or apartments for students and/or faculty, such loans to be paid  
332 from revenue produced by such facilities as requested by local  
333 boards of trustees.

334 (g) To approve applications from community and junior  
335 colleges for state funds for vocational-technical education  
336 facilities.

337 (h) To approve any university branch campus offering  
338 lower undergraduate level courses for credit.

339 (i) To appoint members to the Post-Secondary  
340 Educational Assistance Board.

341 (j) To appoint members to the Authority for Educational  
342 Television.

343 (k) To contract with other boards, commissions,  
344 governmental entities, foundations, corporations or individuals  
345 for programs, services, grants and awards when such are needed for  
346 the operation and development of the state public community and  
347 junior college system.



348           (1) To fix standards for community and junior colleges  
349 to qualify for appropriations, and qualifications for community  
350 and junior college teachers.

351           (m) To have sign-off approval on the State Plan for  
352 Vocational Education which is developed in cooperation with  
353 appropriate units of the State Department of Education.

354           (n) To approve or disapprove of any proposed inclusion  
355 within municipal corporate limits of state-owned buildings and  
356 grounds of any community college or junior college and to approve  
357 or disapprove of land use development, zoning requirements,  
358 building codes and delivery of governmental services applicable to  
359 state-owned buildings and grounds of any community college or  
360 junior college. Any agreement by a local board of trustees of a  
361 community college or junior college to annexation of state-owned  
362 property or other conditions described in this paragraph shall be  
363 void unless approved by the board and by the board of supervisors  
364 of the county in which the state-owned property is located.

365           **SECTION 7.** Section 37-33-159, Mississippi Code of 1972, is  
366 amended as follows:

367           37-33-159. The State Board of Rehabilitation Services shall  
368 appoint an Executive Director of the State Department of  
369 Rehabilitation Services, in accordance with standards established  
370 by the State Personnel Board and on the basis of his education,  
371 training, experience and demonstrated ability. The executive  
372 director shall serve as secretary and executive officer of the



373 board, and he shall serve at the will and pleasure of the board.  
374 The salary of the executive director shall be set by the board,  
375 subject to the approval of the State Personnel Board, and shall be  
376 provided for out of any funds made available for such purpose by  
377 the Legislature, the federal government or other gifts or grants.  
378 The executive director shall be responsible to the board for the  
379 proper administration of the programs of rehabilitation provided  
380 under this chapter in conformity with the policies adopted by the  
381 board and shall be responsible for appointing directors of offices  
382 and any necessary supervisors, assistants and employees. The  
383 salary and compensation of such employees shall be subject to the  
384 rules and regulations adopted and promulgated by the State  
385 Personnel Board as created under Section 25-9-101 et seq.

386 Notwithstanding any other provision of this section, the  
387 Governor is authorized to terminate the executive director  
388 appointed by the board, upon written notice to the executive  
389 director.

390 **SECTION 8.** Section 37-63-7, Mississippi Code of 1972, is  
391 amended as follows:

392 37-63-7. The authority for educational television shall  
393 employ an executive director who shall be the administrative  
394 officer of the authority and shall perform such duties as are  
395 required of him by law and such other duties as may be assigned  
396 him by the authority and who shall receive such compensation as  
397 may be fixed by the authority. In addition, the executive director





398 shall be entitled to remuneration for his necessary traveling  
399 expenses consistent with general law.

400 The authority shall have the power and authority to employ  
401 such technical, professional and clerical personnel as may be  
402 necessary for the administration of this chapter and for the  
403 performance of such other duties as may be imposed upon the  
404 authority by law, and to define the duties and fix the  
405 compensation of such employees.

406 Notwithstanding any other provision of this section, the  
407 Governor is authorized to terminate the executive director  
408 appointed by the authority, upon written notice to the executive  
409 director.

410 **SECTION 9.** Section 39-5-7, Mississippi Code of 1972, is  
411 amended as follows:

412 39-5-7. The Department of Archives and History shall be  
413 under the immediate management and control of a director, to be  
414 elected by the board of trustees \* \* \* and to serve at the will  
415 and pleasure of the Governor. He shall take an oath of office as  
416 do other state officials, and shall be commissioned in like  
417 manner. He shall have authority to adopt a seal for use in  
418 official business. He shall devote his time to the work of the  
419 department, using his best endeavor to develop and build it up, so  
420 as to carry out the design of its creation. He shall have the  
421 control and direction of the work and operations of the  
422 department, and shall preserve its collection, care for the



423 official archives that may come into his custody, collect, as far  
424 as possible, all materials bearing upon the history of the state  
425 and the territory included therein from the earliest times,  
426 prepare the official registers hereinafter provided, and diffuse  
427 knowledge in reference to the history and resources of the state.  
428 The director of the department shall make a report of the expenses  
429 of the department to the Legislature of the state as state  
430 officers.

431       **SECTION 10.** Section 41-3-5.1, Mississippi Code of 1972, is  
432 amended as follows:

433       41-3-5.1. The State Department of Health shall be headed by  
434 an executive officer who shall be appointed by the State Board of  
435 Health. The executive officer shall be either a physician who has  
436 earned a graduate degree in public health or health care  
437 administration, or a physician who in the opinion of the board is  
438 fitted and equipped to execute the duties incumbent upon him or  
439 her by law. The executive officer shall not engage in the private  
440 practice of medicine. The \* \* \* executive officer shall \* \* \*  
441 serve at the will and pleasure of the Governor. The executive  
442 officer shall be subject to such rules and regulations as may be  
443 prescribed by the State Board of Health. The executive officer  
444 shall be the State Health Officer with such authority and  
445 responsibility as is prescribed by law.

446       **SECTION 11.** Section 41-4-7, Mississippi Code of 1972, is  
447 amended as follows:



448           41-4-7. (1) The State Board of Mental Health shall have the  
449 following powers and duties:

450           (a) To appoint a full-time Executive Director of the  
451 Department of Mental Health, who shall be employed by the board  
452 and shall serve as executive secretary to the board. The first  
453 director shall be a duly licensed physician with special interest  
454 and competence in psychiatry, and shall possess a minimum of three  
455 (3) years' experience in clinical and administrative psychiatry.  
456 Subsequent directors shall possess at least a master's degree or  
457 its equivalent, and shall possess at least ten (10) years'  
458 administrative experience in the field of mental health. The  
459 salary of the executive director shall be determined by the board;

460           (b) To appoint a Medical Director for the Department of  
461 Mental Health. The medical director shall provide clinical  
462 oversight in the implementation of evidence-based and best  
463 practices; provide clinical leadership in the integration of  
464 mental health, intellectual disability and addiction services with  
465 community partners in the public and private sectors; and provide  
466 oversight regarding standards of care. The medical director shall  
467 serve at the will and pleasure of the board, and will undergo an  
468 annual review of job performance and future service to the  
469 department;

470           (c) To cooperate with the Strategic Planning and Best  
471 Practices Committee created in Section 41-4-10, Mississippi Code



472 of 1972, in establishing and implementing its state strategic  
473 plan;

474 (d) To develop a strategic plan for the development of  
475 services for persons with mental illness, persons with  
476 developmental disabilities and other clients of the public mental  
477 health system. Such strategic planning program shall require that  
478 the board, acting through the Strategic Planning and Best  
479 Practices Committee, perform the following functions respecting  
480 the delivery of services:

481 (i) Establish measures for determining the  
482 efficiency and effectiveness of the services specified in Section  
483 41-4-1(2);

484 (ii) Conducting studies of community-based care in  
485 other jurisdictions to determine which services offered in these  
486 jurisdictions have the potential to provide the citizens of  
487 Mississippi with more effective and efficient community-based  
488 care;

489 (iii) Evaluating the efficiency and effectiveness  
490 of the services specified in Section 41-4-1(2);

491 (iv) Recommending to the Legislature by January 1,  
492 2014, any necessary additions, deletions or other changes  
493 necessary to the services specified in Section 41-4-1(2);

494 (v) Implementing by July 1, 2012, a system of  
495 performance measures for the services specified in Section  
496 41-4-1(2);



497 (vi) Recommending to the Legislature any changes  
498 that the department believes are necessary to the current laws  
499 addressing civil commitment;

500 (vii) Conducting any other activities necessary to  
501 the evaluation and study of the services specified in Section  
502 41-4-1(2);

503 (viii) Assisting in conducting all necessary  
504 strategic planning for the delivery of all other services of the  
505 department. Such planning shall be conducted so as to produce a  
506 single strategic plan for the services delivered by the public  
507 mental health system and shall establish appropriate mission  
508 statements, goals, objectives and performance indicators for all  
509 programs and services of the public mental health system. For  
510 services other than those specified in Section 41-4-1(2), the  
511 committee shall recommend to the State Board of Mental Health a  
512 strategic plan that the board may adopt or modify;

513 (e) To set up state plans for the purpose of  
514 controlling and treating any and all forms of mental and emotional  
515 illness, alcoholism, drug misuse and developmental disabilities;

516 (f) [Repealed]

517 (g) To enter into contracts with any other state or  
518 federal agency, or with any private person, organization or group  
519 capable of contracting, if it finds such action to be in the  
520 public interest;



521 (h) To collect reasonable fees for its services;  
522 however, if it is determined that a person receiving services is  
523 unable to pay the total fee, the department shall collect any  
524 amount such person is able to pay;

525 (i) To certify, coordinate and establish minimum  
526 standards and establish minimum required services, as specified in  
527 Section 41-4-1(2), for regional mental health and intellectual  
528 disability commissions and other community service providers for  
529 community or regional programs and services in adult mental  
530 health, children and youth mental health, intellectual  
531 disabilities, alcoholism, drug misuse, developmental disabilities,  
532 compulsive gambling, addictive disorders and related programs  
533 throughout the state. Such regional mental health and  
534 intellectual disability commissions and other community service  
535 providers shall, on or before July 1 of each year, submit an  
536 annual operational plan to the State Department of Mental Health  
537 for approval or disapproval based on the minimum standards and  
538 minimum required services established by the department for  
539 certification and itemize the services specified in Section  
540 41-4-1(2), including financial statements. As part of the annual  
541 operation plan required by this paragraph (i) submitted by any  
542 regional community mental health center or by any other reasonable  
543 certification deemed acceptable by the department, the community  
544 mental health center shall state those services specified in  
545 Section 41-4-1(2) that it will provide and also those services



546 that it will not provide. If the department finds deficiencies in  
547 the plan of any regional commission or community service provider  
548 based on the minimum standards and minimum required services  
549 established for certification, the department shall give the  
550 regional commission or community service provider a six-month  
551 probationary period to bring its standards and services up to the  
552 established minimum standards and minimum required services. The  
553 regional commission or community service provider shall develop a  
554 sustainability business plan within thirty (30) days of being  
555 placed on probation, which shall be signed by all commissioners  
556 and shall include policies to address one or more of the  
557 following: the deficiencies in programmatic services, clinical  
558 service staff expectations, timely and appropriate billing,  
559 processes to obtain credentialing for staff, monthly reporting  
560 processes, third-party financial reporting and any other required  
561 documentation as determined by the department. After the  
562 six-month probationary period, if the department determines that  
563 the regional commission or community service provider still does  
564 not meet the minimum standards and minimum required services  
565 established for certification, the department may remove the  
566 certification of the commission or provider and from and after  
567 July 1, 2011, the commission or provider shall be ineligible for  
568 state funds from Medicaid reimbursement or other funding sources  
569 for those services. However, the department shall not mandate a  
570 standard or service, or decertify a regional commission or



571 community service provider for not meeting a standard or service,  
572 if the standard or service does not have funding appropriated by  
573 the Legislature or have a state, federal or local funding source  
574 identified by the department. No county shall be required to levy  
575 millage to provide a mandated standard or service above the  
576 minimum rate required by Section 41-19-39. After the six-month  
577 probationary period, the department may identify an appropriate  
578 community service provider to provide any core services in that  
579 county that are not provided by a community mental health center.  
580 However, the department shall not offer reimbursement or other  
581 accommodations to a community service provider of core services  
582 that were not offered to the decertified community mental health  
583 center for the same or similar services. The State Board of  
584 Mental Health shall promulgate rules and regulations necessary to  
585 implement the provisions of this paragraph (i), in accordance with  
586 the Administrative Procedures Law (Section 25-43-1.101 et seq.);

587 (j) To establish and promulgate reasonable minimum  
588 standards for the construction and operation of state and all  
589 Department of Mental Health certified facilities, including  
590 reasonable minimum standards for the admission, diagnosis, care,  
591 treatment, transfer of patients and their records, and also  
592 including reasonable minimum standards for providing day care,  
593 outpatient care, emergency care, inpatient care and follow-up  
594 care, when such care is provided for persons with mental or





595 emotional illness, an intellectual disability, alcoholism, drug  
596 misuse and developmental disabilities;

597           (k) To implement best practices for all services  
598 specified in Section 41-4-1(2), and to establish and implement all  
599 other services delivered by the Department of Mental Health. To  
600 carry out this responsibility, the board shall require the  
601 department to establish a division responsible for developing best  
602 practices based on a comprehensive analysis of the mental health  
603 environment to determine what the best practices for each service  
604 are. In developing best practices, the board shall consider the  
605 cost and benefits associated with each practice with a goal of  
606 implementing only those practices that are cost-effective  
607 practices for service delivery. Such best practices shall be  
608 utilized by the board in establishing performance standards and  
609 evaluations of the community mental health centers' services  
610 required by paragraph (d) of this section;

611           (l) To assist community or regional programs consistent  
612 with the purposes of this chapter by making grants and contracts  
613 from available funds;

614           (m) To establish and collect reasonable fees for  
615 necessary inspection services incidental to certification or  
616 compliance;

617           (n) To accept gifts, trusts, bequests, grants,  
618 endowments or transfers of property of any kind;



619 (o) To receive monies coming to it by way of fees for  
620 services or by appropriations;

621 (p) To serve as the single state agency in receiving  
622 and administering any and all funds available from any source for  
623 the purpose of service delivery, training, research and education  
624 in regard to all forms of mental illness, intellectual  
625 disabilities, alcoholism, drug misuse and developmental  
626 disabilities, unless such funds are specifically designated to a  
627 particular agency or institution by the federal government, the  
628 Mississippi Legislature or any other grantor;

629 (q) To establish mental health holding centers for the  
630 purpose of providing short-term emergency mental health treatment,  
631 places for holding persons awaiting commitment proceedings or  
632 awaiting placement in a state mental health facility following  
633 commitment, and for diverting placement in a state mental health  
634 facility. These mental health holding facilities shall be readily  
635 accessible, available statewide, and be in compliance with  
636 emergency services' minimum standards. They shall be  
637 comprehensive and available to triage and make appropriate  
638 clinical disposition, including the capability to access inpatient  
639 services or less restrictive alternatives, as needed, as  
640 determined by medical staff. Such facility shall have medical,  
641 nursing and behavioral services available on a  
642 twenty-four-hour-a-day basis. The board may provide for all or  
643 part of the costs of establishing and operating the holding



644 centers in each district from such funds as may be appropriated to  
645 the board for such use, and may participate in any plan or  
646 agreement with any public or private entity under which the entity  
647 will provide all or part of the costs of establishing and  
648 operating a holding center in any district;

649 (r) To certify/license case managers, mental health  
650 therapists, intellectual disability therapists, mental  
651 health/intellectual disability program administrators, addiction  
652 counselors and others as deemed appropriate by the board. Persons  
653 already professionally licensed by another state board or agency  
654 are not required to be certified/licensed under this section by  
655 the Department of Mental Health. The department shall not use  
656 professional titles in its certification/licensure process for  
657 which there is an independent licensing procedure. Such  
658 certification/licensure shall be valid only in the state mental  
659 health system, in programs funded and/or certified by the  
660 Department of Mental Health, and/or in programs certified/licensed  
661 by the State Department of Health that are operated by the state  
662 mental health system serving persons with mental illness, an  
663 intellectual disability, a developmental disability or addictions,  
664 and shall not be transferable;

665 (s) To develop formal mental health worker  
666 qualifications for regional mental health and intellectual  
667 disability commissions and other community service providers. The  
668 State Personnel Board shall develop and promulgate a recommended



669 salary scale and career ladder for all regional mental  
670 health/intellectual disability center therapists and case managers  
671 who work directly with clients. The State Personnel Board shall  
672 also develop and promulgate a career ladder for all direct care  
673 workers employed by the State Department of Mental Health;

674 (t) The employees of the department shall be governed  
675 by personnel merit system rules and regulations, the same as other  
676 employees in state services;

677 (u) To establish such rules and regulations as may be  
678 necessary in carrying out the provisions of this chapter,  
679 including the establishment of a formal grievance procedure to  
680 investigate and attempt to resolve consumer complaints;

681 (v) To grant easements for roads, utilities and any  
682 other purpose it finds to be in the public interest;

683 (w) To survey statutory designations, building markers  
684 and the names given to mental health/intellectual disability  
685 facilities and proceedings in order to recommend deletion of  
686 obsolete and offensive terminology relative to the mental  
687 health/intellectual disability system. Based upon a  
688 recommendation of the executive director, the board shall have the  
689 authority to name/rename any facility operated under the auspices  
690 of the Department of Mental Health for the sole purpose of  
691 deleting such terminology;

692 (x) To ensure an effective case management system  
693 directed at persons who have been discharged from state and



694 private psychiatric hospitals to ensure their continued well-being  
695 in the community;

696 (y) To develop formal service delivery standards  
697 designed to measure the quality of services delivered to community  
698 clients, as well as the timeliness of services to community  
699 clients provided by regional mental health/intellectual disability  
700 commissions and other community services providers;

701 (z) To establish regional state offices to provide  
702 mental health crisis intervention centers and services available  
703 throughout the state to be utilized on a case-by-case emergency  
704 basis. The regional services director, other staff and delivery  
705 systems shall meet the minimum standards of the Department of  
706 Mental Health;

707 (aa) To require performance contracts with community  
708 mental health/intellectual disability service providers to contain  
709 performance indicators to measure successful outcomes, including  
710 diversion of persons from inpatient psychiatric hospitals,  
711 rapid/timely response to emergency cases, client satisfaction with  
712 services and other relevant performance measures;

713 (bb) To enter into interagency agreements with other  
714 state agencies, school districts and other local entities as  
715 determined necessary by the department to ensure that local mental  
716 health service entities are fulfilling their responsibilities to  
717 the overall state plan for behavioral services;



718           (cc) To establish and maintain a toll-free grievance  
719 reporting telephone system for the receipt and referral for  
720 investigation of all complaints by clients of state and community  
721 mental health/intellectual disability facilities;

722           (dd) To establish a peer review/quality assurance  
723 evaluation system that assures that appropriate assessment,  
724 diagnosis and treatment is provided according to established  
725 professional criteria and guidelines;

726           (ee) To develop and implement state plans for the  
727 purpose of assisting with the care and treatment of persons with  
728 Alzheimer's disease and other dementia. This plan shall include  
729 education and training of service providers, caregivers in the  
730 home setting and others who deal with persons with Alzheimer's  
731 disease and other dementia, and development of adult day care,  
732 family respite care and counseling programs to assist families who  
733 maintain persons with Alzheimer's disease and other dementia in  
734 the home setting. No agency shall be required to provide any  
735 services under this section until such time as sufficient funds  
736 have been appropriated or otherwise made available by the  
737 Legislature specifically for the purposes of the treatment of  
738 persons with Alzheimer's and other dementia;

739           (ff) Working with the advice and consent of the  
740 administration of Ellisville State School, to enter into  
741 negotiations with the Economic Development Authority of Jones  
742 County for the purpose of negotiating the possible exchange, lease



743 or sale of lands owned by Ellisville State School to the Economic  
744 Development Authority of Jones County. It is the intent of the  
745 Mississippi Legislature that such negotiations shall ensure that  
746 the financial interest of the persons with an intellectual  
747 disability served by Ellisville State School will be held  
748 paramount in the course of these negotiations. The Legislature  
749 also recognizes the importance of economic development to the  
750 citizens of the State of Mississippi and Jones County, and  
751 encourages fairness to the Economic Development Authority of Jones  
752 County. Any negotiations proposed which would result in the  
753 recommendation for exchange, lease or sale of lands owned by  
754 Ellisville State School must have the approval of the State Board  
755 of Mental Health. The State Board of Mental Health may and has  
756 the final authority as to whether or not these negotiations result  
757 in the exchange, lease or sale of the properties it currently  
758 holds in trust for persons with an intellectual disability served  
759 at Ellisville State School.

760 If the State Board of Mental Health authorizes the sale of  
761 lands owned by Ellisville State School, as provided for under this  
762 paragraph (ff), the monies derived from the sale shall be placed  
763 into a special fund that is created in the State Treasury to be  
764 known as the "Ellisville State School Client's Trust Fund." The  
765 principal of the trust fund shall remain inviolate and shall never  
766 be expended. Any interest earned on the principal may be expended  
767 solely for the benefits of clients served at Ellisville State



768 School. The State Treasurer shall invest the monies of the trust  
769 fund in any of the investments authorized for the Mississippi  
770 Prepaid Affordable College Tuition Program under Section 37-155-9,  
771 and those investments shall be subject to the limitations  
772 prescribed by Section 37-155-9. Unexpended amounts remaining in  
773 the trust fund at the end of a fiscal year shall not lapse into  
774 the State General Fund, and any interest earned on amounts in the  
775 trust fund shall be deposited to the credit of the trust fund.  
776 The administration of Ellisville State School may use any interest  
777 earned on the principal of the trust fund, upon appropriation by  
778 the Legislature, as needed for services or facilities by the  
779 clients of Ellisville State School. Ellisville State School shall  
780 make known to the Legislature, through the Legislative Budget  
781 Committee and the respective Appropriations Committees of the  
782 House and Senate, its proposed use of interest earned on the  
783 principal of the trust fund for any fiscal year in which it  
784 proposes to make expenditures thereof. The State Treasurer shall  
785 provide Ellisville State School with an annual report on the  
786 Ellisville State School Client's Trust Fund to indicate the total  
787 monies in the trust fund, interest earned during the year,  
788 expenses paid from the trust fund and such other related  
789 information.

790 Nothing in this section shall be construed as applying to or  
791 affecting mental health/intellectual disability services provided  
792 by hospitals as defined in Section 41-9-3(a), and/or their





793 subsidiaries and divisions, which hospitals, subsidiaries and  
794 divisions are licensed and regulated by the Mississippi State  
795 Department of Health unless such hospitals, subsidiaries or  
796 divisions voluntarily request certification by the Mississippi  
797 State Department of Mental Health.

798 All new programs authorized under this section shall be  
799 subject to the availability of funds appropriated therefor by the  
800 Legislature;

801 (gg) Working with the advice and consent of the  
802 administration of Boswell Regional Center, to enter into  
803 negotiations with the Economic Development Authority of Simpson  
804 County for the purpose of negotiating the possible exchange, lease  
805 or sale of lands owned by Boswell Regional Center to the Economic  
806 Development Authority of Simpson County. It is the intent of the  
807 Mississippi Legislature that such negotiations shall ensure that  
808 the financial interest of the persons with an intellectual  
809 disability served by Boswell Regional Center will be held  
810 paramount in the course of these negotiations. The Legislature  
811 also recognizes the importance of economic development to the  
812 citizens of the State of Mississippi and Simpson County, and  
813 encourages fairness to the Economic Development Authority of  
814 Simpson County. Any negotiations proposed which would result in  
815 the recommendation for exchange, lease or sale of lands owned by  
816 Boswell Regional Center must have the approval of the State Board  
817 of Mental Health. The State Board of Mental Health may and has



818 the final authority as to whether or not these negotiations result  
819 in the exchange, lease or sale of the properties it currently  
820 holds in trust for persons with an intellectual disability served  
821 at Boswell Regional Center. In any such exchange, lease or sale  
822 of such lands owned by Boswell Regional Center, title to all  
823 minerals, oil and gas on such lands shall be reserved, together  
824 with the right of ingress and egress to remove same, whether such  
825 provisions be included in the terms of any such exchange, lease or  
826 sale or not.

827 If the State Board of Mental Health authorizes the sale of  
828 lands owned by Boswell Regional Center, as provided for under this  
829 paragraph (gg), the monies derived from the sale shall be placed  
830 into a special fund that is created in the State Treasury to be  
831 known as the "Boswell Regional Center Client's Trust Fund." The  
832 principal of the trust fund shall remain inviolate and shall never  
833 be expended. Any earnings on the principal may be expended solely  
834 for the benefits of clients served at Boswell Regional Center.  
835 The State Treasurer shall invest the monies of the trust fund in  
836 any of the investments authorized for the Mississippi Prepaid  
837 Affordable College Tuition Program under Section 37-155-9, and  
838 those investments shall be subject to the limitations prescribed  
839 by Section 37-155-9. Unexpended amounts remaining in the trust  
840 fund at the end of a fiscal year shall not lapse into the State  
841 General Fund, and any earnings on amounts in the trust fund shall  
842 be deposited to the credit of the trust fund. The administration



843 of Boswell Regional Center may use any earnings on the principal  
844 of the trust fund, upon appropriation by the Legislature, as  
845 needed for services or facilities by the clients of Boswell  
846 Regional Center. Boswell Regional Center shall make known to the  
847 Legislature, through the Legislative Budget Committee and the  
848 respective Appropriations Committees of the House and Senate, its  
849 proposed use of the earnings on the principal of the trust fund  
850 for any fiscal year in which it proposes to make expenditures  
851 thereof. The State Treasurer shall provide Boswell Regional  
852 Center with an annual report on the Boswell Regional Center  
853 Client's Trust Fund to indicate the total monies in the trust  
854 fund, interest and other income earned during the year, expenses  
855 paid from the trust fund and such other related information.

856 Nothing in this section shall be construed as applying to or  
857 affecting mental health/intellectual disability services provided  
858 by hospitals as defined in Section 41-9-3(a), and/or their  
859 subsidiaries and divisions, which hospitals, subsidiaries and  
860 divisions are licensed and regulated by the Mississippi State  
861 Department of Health unless such hospitals, subsidiaries or  
862 divisions voluntarily request certification by the Mississippi  
863 State Department of Mental Health.

864 All new programs authorized under this section shall be  
865 subject to the availability of funds appropriated therefor by the  
866 Legislature;



867           (hh) Notwithstanding any other section of the code, the  
868 Board of Mental Health shall be authorized to fingerprint and  
869 perform a criminal history record check on every employee or  
870 volunteer. Every employee and volunteer shall provide a valid  
871 current social security number and/or driver's license number  
872 which shall be furnished to conduct the criminal history record  
873 check. If no disqualifying record is identified at the state  
874 level, fingerprints shall be forwarded to the Federal Bureau of  
875 Investigation for a national criminal history record check;

876           (ii) The Department of Mental Health shall have the  
877 authority for the development of a consumer friendly single point  
878 of intake and referral system within its service areas for persons  
879 with mental illness, an intellectual disability, developmental  
880 disabilities or alcohol or substance abuse who need assistance  
881 identifying or accessing appropriate services. The department  
882 will develop and implement a comprehensive evaluation procedure  
883 ensuring that, where appropriate, the affected person or their  
884 parent or legal guardian will be involved in the assessment and  
885 planning process. The department, as the point of intake and as  
886 service provider, shall have the authority to determine the  
887 appropriate institutional, hospital or community care setting for  
888 persons who have been diagnosed with mental illness, an  
889 intellectual disability, developmental disabilities and/or alcohol  
890 or substance abuse, and may provide for the least restrictive  
891 placement if the treating professional believes such a setting is



892 appropriate, if the person affected or their parent or legal  
893 guardian wants such services, and if the department can do so with  
894 a reasonable modification of the program without creating a  
895 fundamental alteration of the program. The least restrictive  
896 setting could be an institution, hospital or community setting,  
897 based upon the needs of the affected person or their parent or  
898 legal guardian;

899 (jj) To have the sole power and discretion to enter  
900 into, sign, execute and deliver long-term or multiyear leases of  
901 real and personal property owned by the Department of Mental  
902 Health to and from other state and federal agencies and private  
903 entities deemed to be in the public's best interest. Any monies  
904 derived from such leases shall be deposited into the funds of the  
905 Department of Mental Health for its exclusive use. Leases to  
906 private entities shall be approved by the Department of Finance  
907 and Administration and all leases shall be filed with the  
908 Secretary of State;

909 (kk) To certify and establish minimum standards and  
910 minimum required services for county facilities used for housing,  
911 feeding and providing medical treatment for any person who has  
912 been involuntarily ordered admitted to a treatment center by a  
913 court of competent jurisdiction. The minimum standard for the  
914 initial assessment of those persons being housed in county  
915 facilities is for the assessment to be performed by a physician,  
916 preferably a psychiatrist, or by a nurse practitioner, preferably



917 a psychiatric nurse practitioner. If the department finds  
918 deficiencies in any such county facility or its provider based on  
919 the minimum standards and minimum required services established  
920 for certification, the department shall give the county or its  
921 provider a six-month probationary period to bring its standards  
922 and services up to the established minimum standards and minimum  
923 required services. After the six-month probationary period, if  
924 the department determines that the county or its provider still  
925 does not meet the minimum standards and minimum required services,  
926 the department may remove the certification of the county or  
927 provider and require the county to contract with another county  
928 having a certified facility to hold those persons for that period  
929 of time pending transportation and admission to a state treatment  
930 facility. Any cost incurred by a county receiving an  
931 involuntarily committed person from a county with a decertified  
932 holding facility shall be reimbursed by the home county to the  
933 receiving county; and

934 (11) To provide orientation training to all new  
935 commissioners of regional commissions and annual training for all  
936 commissioners with continuing education regarding the Mississippi  
937 mental health system and services as developed by the State  
938 Department of Mental Health. Training shall be provided at the  
939 expense of the department except for travel expenses which shall  
940 be paid by the regional commission.



941       (2) Notwithstanding any other provision of this section, the  
942 Governor is authorized to terminate the Executive Director of the  
943 Department of Mental Health appointed by the State Board of Mental  
944 Health, upon written notice to the executive director.

945       **SECTION 12.** Section 49-19-3, Mississippi Code of 1972, is  
946 amended as follows:

947       49-19-3. (1) The duties and powers of the commission shall  
948 be:

949           (a) To appoint a State Forester, who shall serve at the  
950 will and pleasure of the commission and who is qualified to  
951 perform the duties as set forth herein; and to pay him such salary  
952 as is provided by the Legislature, and allow him such office  
953 expenses incidental to the performance of his official duties as  
954 the commission, in its discretion, may deem necessary; and to  
955 charge him with the immediate direction and control, subject to  
956 the supervision and approval of the commission, of all matters  
957 relating to forestry as authorized herein. Any person appointed  
958 by the commission as State Forester shall have received a  
959 bachelor's degree in forestry from an accredited school or college  
960 of forestry and shall be licensed and registered under the  
961 provisions of the Mississippi Foresters Registration Law (Section  
962 73-36-1 et seq.) and in addition shall have had at least five (5)  
963 years' administrative experience in a forestry-related field.

964           (b) To take such action and provide and maintain such  
965 organized means as may seem necessary and expedient to prevent,



966 control and extinguish forest fires, including the enforcement of  
967 any and all laws pertaining to the protection of forests and  
968 woodland.

969 (c) To encourage forest and tree planting for the  
970 production of a wood crop, for the protection of water supply, for  
971 windbreak and shade, or for any other beneficial purposes  
972 contributing to the general welfare, public hygiene and comfort of  
973 the people.

974 (d) To cause to be made such technical investigations  
975 and studies concerning forest conditions, the propagation, care  
976 and protection of forest and shade trees, the care and management  
977 of forests, their growth, yield and the products and by-products  
978 thereof, and any other competent subject, including forest  
979 taxation, bearing on the timber supply and needs of the state,  
980 which the commission, in its discretion, may deem proper.

981 (e) To assist and cooperate with any federal or state  
982 department or institution, county, town, corporation or  
983 individual, under such terms as in the judgment of the commission  
984 will best serve the public interest, in the preparation and  
985 execution of plans for the protection, management, replacement, or  
986 extension of the forest, woodland and roadside or other ornamental  
987 tree growth in the state.

988 (f) To encourage public interest in forestry by means  
989 of correspondence, the public press, periodicals, the publication  
990 of bulletins and leaflets for general distribution, the delivery





991 of lectures in the schools and other suitable means, and to  
992 cooperate to the fullest extent with the extension department  
993 services of the state colleges in promoting reforestation. It  
994 shall be the duty of the State Forester to cooperate with private  
995 timber owners in laying plans for the protection, management and  
996 replacement of forests and in aiding them to form protection  
997 associations. It shall be his duty to examine all timbered lands  
998 belonging to the state and its institutions and report to the  
999 commission upon their timber conditions and actual value, and also  
1000 whether some of these lands may not be held as state forests. He  
1001 shall be responsible for the protection and management of lands  
1002 donated, purchased or belonging to the state or state  
1003 institutions, and all other lands reserved by the state as state  
1004 forests.

1005 (g) To control the expenditure of any and all funds  
1006 appropriated or otherwise made available for the several purposes  
1007 set forth herein under suitable regulations and restrictions by  
1008 the commission and to specifically authorize any officer or  
1009 employee of the commission to incur necessary and stipulated  
1010 expenses in connection with the work in which such person may be  
1011 engaged.

1012 (h) To submit annually to the Legislature a report of  
1013 the expenditures, proceedings and results achieved, together with  
1014 such other matters including recommendations concerning



1015 legislation as are germane to the aims and purposes of this  
1016 chapter.

1017 (i) To create, establish and organize the State of  
1018 Mississippi into forestry districts for the most effective and  
1019 efficient administration of the commission.

1020 (j) To appoint, upon the State Forester's  
1021 recommendation, six (6) individuals who shall be designated  
1022 Mississippi Forestry Commission Law Enforcement Officers with  
1023 authority to bear arms, investigate and make arrests; however, the  
1024 law enforcement duties and authority of the officers shall be  
1025 limited to woods arson. The officers shall comply with applicable  
1026 minimum educational and training standards for law enforcement  
1027 officers. These officers may issue citations for any violation of  
1028 those laws for recklessly or with gross negligence causing fire to  
1029 burn the lands of another. A citation issued by a Forestry  
1030 Commission law enforcement officer shall be issued on a uniform  
1031 citation form consisting of an original and at least two (2)  
1032 copies. Such citation shall show, among other necessary  
1033 information, the name of the issuing officer, the name of the  
1034 court in which the cause is to be heard and the date and time the  
1035 person charged with a violation is to appear to answer the charge.  
1036 The uniform citation form shall make a provision on it for  
1037 information that will constitute a complaint charging the offense  
1038 for which the citation was issued and, when duly sworn to and  
1039 filed with a court of competent jurisdiction, prosecution may



1040 proceed under that complaint. For the purposes of this paragraph,  
1041 the fact that any person is found to have a brush or debris pile  
1042 or other material which is or was being burned and reasonable and  
1043 prudent efforts were not taken to prevent the spread of the fire  
1044 onto the lands of another shall be evidence that such person  
1045 recklessly or with gross negligence caused the land to burn.

1046 This paragraph shall stand repealed on June 30, 2022.

1047 (2) Notwithstanding any other provision of this section, the  
1048 Governor is authorized to terminate the State Forester appointed  
1049 by the commission, upon written notice to the State Forester.

1050 **SECTION 13.** Section 53-1-7, Mississippi Code of 1972, is  
1051 amended as follows:

1052 53-1-7. The board shall appoint a State Oil and Gas  
1053 Supervisor, herein called supervisor, who shall be a competent and  
1054 qualified administrator and receive as compensation for his  
1055 services an annual salary to be fixed by law. The supervisor  
1056 shall be solely responsible for the administration of the offices  
1057 of the State Oil and Gas Board and shall be charged with the duty  
1058 of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3  
1059 through 53-3-165, and all rules, regulations and orders duly  
1060 adopted by the board. The supervisor shall be ex officio  
1061 secretary of the board and shall give bond, in such sum as the  
1062 board may direct, with corporate surety to be approved by the  
1063 board, conditioned that he will well and truly account for all  
1064 funds coming into his hands as such secretary. He shall remit to



1065 the State Treasurer all monies collected by him as such secretary  
1066 for deposit in trust for the use of the board in a special fund  
1067 known as the Oil and Gas Conservation Fund to be expended as  
1068 provided by law.

1069 The supervisor shall devote his entire time to his official  
1070 duties.

1071 In addition, it shall be the supervisor's duty and  
1072 responsibility to:

1073 (a) Supervise and manage all personnel of the offices  
1074 of the Oil and Gas Board.

1075 (b) Formulate the duties and responsibilities of every  
1076 staff employee in detail, including written job descriptions and  
1077 written policies and procedures for performing staff tasks.

1078 (c) Outline a detailed method of preparing, and devise  
1079 a systematic procedure for the filing of reports by field  
1080 inspectors.

1081 (d) Formulate written policies and procedures for the  
1082 effective and efficient operation of the office, and present these  
1083 policies and procedures to the board for promulgation.

1084 (e) Supervise the provision of technical support and  
1085 assistance to the board in its decision-making capacity.

1086 Notwithstanding any other provision of this section, the  
1087 Governor is authorized to terminate the State Oil and Gas  
1088 Supervisor appointed by the board, upon written notice to the  
1089 supervisor.



1090           **SECTION 14.** Section 65-1-9, Mississippi Code of 1972, is  
1091 amended as follows:

1092           65-1-9. The commission shall appoint an Executive Director  
1093 of the Mississippi Department of Transportation for a term of  
1094 office beginning on April 1, 1993. The person serving as  
1095 Executive Director of the State Highway Department on June 30,  
1096 1992, shall serve until April 1, 1993, as the Executive Director  
1097 of the Mississippi Department of Transportation, and thereafter  
1098 shall be eligible for reappointment to the position of Executive  
1099 Director of the Mississippi Department of Transportation.

1100 Succeeding terms shall expire on April 1 each four (4) years  
1101 thereafter. The executive director \* \* \* shall serve at the will  
1102 and pleasure of the Governor. All appointments by the commission  
1103 shall be with the advice and consent of the Senate. The  
1104 commission shall submit its appointment to the Senate not later  
1105 than March 1 of the year in which a term expires, and if such  
1106 submission is not made by March 1, the incumbent director shall be  
1107 deemed to have been reappointed for a four-year term. In the  
1108 event a vacancy occurs from resignation, death or removal from  
1109 office by the commission, the commission shall submit its  
1110 appointment for the unexpired term to the Senate not later than  
1111 the next March 1 after such vacancy occurs. If no appointment for  
1112 an unexpired term is submitted to the Senate, the Governor shall  
1113 make such appointment not later than April 1 of such year. The  
1114 commission shall fix the compensation of the executive director,



1115 subject to approval by the State Personnel Board. The executive  
1116 director shall be eligible for reappointment. The executive  
1117 director shall have the following qualifications:

1118 (a) Possess a wide knowledge of the transportation  
1119 system and needs of Mississippi;

1120 (b) Possess a wide knowledge of the principles of  
1121 transportation organization and administration; and

1122 (c) Possess selected training or expertise in the field  
1123 of transportation.

1124 No person who is a member of the Mississippi Transportation  
1125 Commission, or who has been a member of the transportation  
1126 commission or of its predecessor, the State Highway Commission,  
1127 within two (2) years next preceding his appointment, shall be  
1128 eligible to be chosen as executive director of the department.  
1129 The executive director shall be the executive officer of the  
1130 commission and shall be subject to its orders and directions. The  
1131 executive director shall give his entire time to the duties of his  
1132 office. Before entering upon the duties of his office, the  
1133 executive director shall give bond to the State of Mississippi in  
1134 the sum of Fifty Thousand Dollars (\$50,000.00), conditioned upon  
1135 the faithful discharge and performance of his official duty. The  
1136 principal and surety on such bond shall be liable thereunder to  
1137 the state for double the amount of value of any money or property  
1138 which the state may lose, if any, by reason of any wrongful or  
1139 criminal act of the executive director. Such bond, when approved



1140 by the commission, shall be filed with the Secretary of State, and  
1141 the premium thereon shall be paid from any funds available to the  
1142 commission.

1143         **SECTION 15.** Section 71-3-93, Mississippi Code of 1972, is  
1144 amended as follows:

1145         71-3-93. (1) The commission shall appoint such officers and  
1146 employees as are necessary adequately to administer the Workers'  
1147 Compensation Law, including not more than eight (8) administrative  
1148 judges to be appointed by the commission with the consent of the  
1149 Governor and an executive director who shall serve at the will of  
1150 the commission and shall have such administrative duties as are  
1151 assigned by the commission, a secretary, a statistician, a  
1152 rehabilitation unit, and any other employees deemed essential to  
1153 the administration of the law including court reporters whose  
1154 salaries shall be the same as set for court reporters for circuit  
1155 and chancery courts by Section 9-13-19. The annual salary of the  
1156 executive director shall be equal to that of an administrative  
1157 judge. An administrative judge shall be a member of the  
1158 Mississippi State Bar and shall have a minimum of three (3) years'  
1159 experience in the practice of law.

1160         All salaries not specifically fixed by law shall be set by  
1161 the commission. The establishing of a merit system or career  
1162 service for employees of the commission is declared to be in the  
1163 public interest because of the length of time required for  
1164 understanding the details and problems involved in administering



1165 this legislation. The commission shall establish and enforce fair  
1166 and reasonable rules for the appointment, promotion and demotion  
1167 of personnel. All employees of the commission with the exception  
1168 of medical consultants shall devote their entire time to the  
1169 duties of their office.

1170 For the purpose of conducting hearings and making decisions  
1171 upon claims, the administrative judge or administrative judges  
1172 appointed by the commission shall have the authority of a  
1173 commissioner.

1174 (2) Notwithstanding any other provision of this section, the  
1175 Governor is authorized to terminate the executive director  
1176 appointed by the commission, upon written notice to the executive  
1177 director.

1178 **SECTION 16.** Section 75-76-15, Mississippi Code of 1972, is  
1179 amended as follows:

1180 75-76-15. (1) [Repealed]

1181 (2) From and after October 1, 1993, the position of  
1182 Executive Director of the Mississippi Gaming Commission is hereby  
1183 created.

1184 (3) The Gaming Commission shall appoint the executive  
1185 director, with the advice and consent of the Senate, and the  
1186 executive director shall serve at the will and pleasure of the  
1187 commission. The director appointed by the State Tax Commission  
1188 pursuant to subsection (1) of this section who is serving on  
1189 September 30, 1993, shall serve as the Executive Director of the





1190 Mississippi Gaming Commission until the executive director  
1191 appointed by the Gaming Commission pursuant to this section is  
1192 confirmed by the Senate.

1193 (4) No member of the Legislature, no person holding any  
1194 elective office, nor any officer or official of any political  
1195 party is eligible for the appointment of executive director.

1196 (5) The executive director must have at least five (5) years  
1197 of responsible administrative experience in public or business  
1198 administration or possess broad management skills.

1199 (6) The executive director shall devote his entire time and  
1200 attention to his duties under this chapter and the business of the  
1201 commission and shall not pursue any other business or occupation  
1202 or hold any other office of profit.

1203 (7) The executive director shall not be pecuniarily  
1204 interested in any business or organization holding a gaming  
1205 license under this chapter or doing business with any person or  
1206 organization licensed under this chapter and shall be governed by  
1207 the provisions of Section 25-4-105. In addition, the executive  
1208 director shall not receive anything of value from, or on behalf  
1209 of, any person holding or applying for a gaming license under this  
1210 chapter.

1211 (8) The executive director is entitled to an annual salary  
1212 in the amount specified by the commission, subject to the approval  
1213 of the State Personnel Board, within the limits of legislative  
1214 appropriations or authorizations.



1215       (9) Notwithstanding any other provision of this section, the  
1216 Governor is authorized to terminate the executive director  
1217 appointed by the commission, upon written notice to the executive  
1218 director.

1219       **SECTION 17.** Section 77-1-15, Mississippi Code of 1972, is  
1220 amended as follows:

1221       77-1-15. (1) There shall be an executive secretary of the  
1222 commission, hereinafter referred to in this chapter as the  
1223 secretary, to be appointed by the commission, by and with the  
1224 advice and consent of the Senate, \* \* \* to serve at the will and  
1225 pleasure of the Governor. The secretary must have the same  
1226 qualifications as the commissioners and shall be subject to the  
1227 same disqualifications and to like penalties, except that he shall  
1228 not be liable to impeachment. He shall receive a salary fixed by  
1229 the Legislature. He shall take the oath of office and shall be  
1230 removable at the pleasure of the \* \* \* Governor. The secretary  
1231 shall make bond as provided for other state officers, in the sum  
1232 of Ten Thousand Dollars (\$10,000.00), conditioned upon the  
1233 faithful performance of the duties of his office.

1234       (2) The secretary shall collect all fees and penalties  
1235 collected by or paid to the commission, and shall cover the same  
1236 into the State Treasury.

1237       (3) The secretary of the commission shall be the custodian  
1238 of all records, documents, and the seal of the commission. He  
1239 shall issue all citations, subpoenas and other rightful orders and



1240 documents, and perform all other duties usually required of such  
1241 officer, and as required by the commission.

1242 (4) It shall be the duty and responsibility of the secretary  
1243 to supervise and manage the offices and staff of the Public  
1244 Service Commission and formulate written policies and procedures  
1245 for the effective and efficient operation of the office and  
1246 present these policies and procedures to the board for  
1247 promulgation.

1248 (5) From and after July 1, 2016, the expenses of this agency  
1249 shall be defrayed by appropriation from the State General Fund and  
1250 all user charges and fees authorized under this section shall be  
1251 deposited into the State General Fund as authorized by law.

1252 (6) From and after July 1, 2016, no state agency shall  
1253 charge another state agency a fee, assessment, rent or other  
1254 charge for services or resources received by authority of this  
1255 section.

1256 **SECTION 18.** Section 25-9-103, Mississippi Code of 1972, is  
1257 brought forward as follows:

1258 25-9-103. The State Personnel Board herein established shall  
1259 administer a state personnel system in accordance with the  
1260 following principles:

1261 (a) To recruit, select and advance employees on the  
1262 basis of their relative ability, knowledge and skills, including  
1263 open consideration of qualified applicants for initial  
1264 appointment;



1265 (b) To provide equitable and adequate compensation;

1266 (c) To train employees, as needed, to assure high  
1267 quality performance;

1268 (d) To retain employees on the basis of the adequacy of  
1269 their performance, to correct inadequate performance, and to  
1270 separate employees whose inadequate performance cannot be  
1271 corrected;

1272 (e) To assure fair treatment of applicants and  
1273 employees in all aspects of personnel administration without  
1274 regard to political affiliation, race, national origin, sex,  
1275 religious creed, age or disability;

1276 (f) To assure that employees are free from coercion for  
1277 partisan or political purposes and to prohibit employees from  
1278 using their official authority for the purpose of interfering with  
1279 or affecting the result of an election or a nomination for office;

1280 (g) To provide authority for the establishment and  
1281 abolishment of employment positions within the departments,  
1282 agencies and institutions covered under the provisions of this  
1283 chapter.

1284 **SECTION 19.** Section 25-9-107, Mississippi Code of 1972, is  
1285 brought forward as follows:

1286 25-9-107. The following terms, when used in this chapter,  
1287 unless a different meaning is plainly required by the context,  
1288 shall have the following meanings:



1289 (a) "Board" means the State Personnel Board created  
1290 under the provisions of this chapter.

1291 (b) "State service" means all employees of state  
1292 departments, agencies and institutions as defined herein, except  
1293 those officers and employees excluded by this chapter.

1294 (c) "Nonstate service" means the following officers and  
1295 employees excluded from the state service by this chapter. The  
1296 following are excluded from the state service:

1297 (i) Members of the State Legislature, their staff  
1298 and other employees of the legislative branch;

1299 (ii) The Governor and staff members of the  
1300 immediate Office of the Governor;

1301 (iii) Justices and judges of the judicial branch  
1302 or members of appeals boards on a per diem basis;

1303 (iv) The Lieutenant Governor, staff members of the  
1304 immediate Office of the Lieutenant Governor and officers and  
1305 employees directly appointed by the Lieutenant Governor;

1306 (v) Officers and officials elected by popular vote  
1307 and persons appointed to fill vacancies in elective offices;

1308 (vi) Members of boards and commissioners appointed  
1309 by the Governor, Lieutenant Governor or the State Legislature;

1310 (vii) All academic officials, members of the  
1311 teaching staffs and employees of the state institutions of higher  
1312 learning, the Mississippi Community College Board, and community  
1313 and junior colleges;



1314 (viii) Officers and enlisted members of the  
1315 National Guard of the state;

1316 (ix) Prisoners, inmates, student or patient help  
1317 working in or about institutions;

1318 (x) Contract personnel; provided that any agency  
1319 which employs state service employees may enter into contracts for  
1320 personal and professional services only if such contracts are  
1321 approved in compliance with the rules and regulations promulgated  
1322 by the Public Procurement Review Board under Section 27-104-7.  
1323 Before paying any warrant for such contractual services in excess  
1324 of Seventy-five Thousand Dollars (\$75,000.00), the Auditor of  
1325 Public Accounts, or the successor to those duties, shall determine  
1326 whether the contract involved was for personal or professional  
1327 services, and, if so, was approved by the Public Procurement  
1328 Review Board as required by law;

1329 (xi) Part-time employees; provided, however,  
1330 part-time employees shall only be hired into authorized employment  
1331 positions classified by the board, shall meet minimum  
1332 qualifications as set by the board, and shall be paid in  
1333 accordance with the Variable Compensation Plan as certified by the  
1334 board;

1335 (xii) Persons appointed on an emergency basis for  
1336 the duration of the emergency; the effective date of the emergency  
1337 appointments shall not be earlier than the date approved by the  
1338 State Personnel Director, and shall be limited to thirty (30)



1339 working days. Emergency appointments may be extended to sixty  
1340 (60) working days by the State Personnel Board;

1341 (xiii) Physicians, dentists, veterinarians, nurse  
1342 practitioners and attorneys, while serving in their professional  
1343 capacities in authorized employment positions who are required by  
1344 statute to be licensed, registered or otherwise certified as such,  
1345 provided that the State Personnel Director shall verify that the  
1346 statutory qualifications are met prior to issuance of a payroll  
1347 warrant by the Auditor;

1348 (xiv) Personnel who are employed and paid from  
1349 funds received from a federal grant program which has been  
1350 approved by the Legislature or the Department of Finance and  
1351 Administration whose length of employment has been determined to  
1352 be time-limited in nature. This subparagraph shall apply to  
1353 personnel employed under the provisions of the Comprehensive  
1354 Employment and Training Act of 1973, as amended, and other special  
1355 federal grant programs which are not a part of regular federally  
1356 funded programs wherein appropriations and employment positions  
1357 are appropriated by the Legislature. Such employees shall be paid  
1358 in accordance with the Variable Compensation Plan and shall meet  
1359 all qualifications required by federal statutes or by the  
1360 Mississippi Classification Plan;

1361 (xv) The administrative head who is in charge of  
1362 any state department, agency, institution, board or commission,  
1363 wherein the statute specifically authorizes the Governor, board,



1364 commission or other authority to appoint said administrative head;  
1365 provided, however, that the salary of such administrative head  
1366 shall be determined by the State Personnel Board in accordance  
1367 with the Variable Compensation Plan unless otherwise fixed by  
1368 statute;

1369 (xvi) The State Personnel Board shall exclude  
1370 top-level positions if the incumbents determine and publicly  
1371 advocate substantive program policy and report directly to the  
1372 agency head, or the incumbents are required to maintain a direct  
1373 confidential working relationship with a key excluded official.  
1374 Provided further, a written job classification shall be approved  
1375 by the board for each such position, and positions so excluded  
1376 shall be paid in conformity with the Variable Compensation Plan;

1377 (xvii) Employees whose employment is solely in  
1378 connection with an agency's contract to produce, store or  
1379 transport goods, and whose compensation is derived therefrom;

1380 (xviii) Repealed;

1381 (xix) The associate director, deputy directors and  
1382 bureau directors within the Department of Agriculture and  
1383 Commerce;

1384 (xx) Personnel employed by the Mississippi  
1385 Industries for the Blind; provided that any agency may enter into  
1386 contracts for the personal services of MIB employees without the  
1387 prior approval of the State Personnel Board or the State Personal  
1388 Service Contract Review Board; however, any agency contracting for





1389 the personal services of an MIB employee shall provide the MIB  
1390 employee with not less than the entry-level compensation and  
1391 benefits that the agency would provide to a full-time employee of  
1392 the agency who performs the same services;

1393 (xxi) Personnel employed by the Mississippi  
1394 Department of Wildlife, Fisheries and Parks and the Mississippi  
1395 Department of Marine Resources as law enforcement trainees  
1396 (cadets); such personnel shall be paid in accordance with the  
1397 Colonel Guy Groff State Variable Compensation Plan;

1398 (xxii) Administrators and instructional employees  
1399 under contract or employed by the Mississippi School of the Arts  
1400 (MSA) established in Section 37-140-1 et seq.;

1401 (xxiii) The President of the Mississippi Lottery  
1402 Corporation and personnel employed by the Mississippi Lottery  
1403 Corporation;

1404 (xxiv) Employees, excluding administrative  
1405 employees, of the State Veterans Affairs Board who are employed at  
1406 a veterans home established by the State Veterans Affairs Board  
1407 under Section 35-1-19;

1408 (xxv) Personnel employed by the Mississippi  
1409 Department of Health whose employment is solely in connection with  
1410 the Department's responsibilities in implementing, administering  
1411 and enforcing provisions of the Mississippi Medical Cannabis Act.  
1412 This subparagraph shall stand repealed on June 30, 2023; and



1413 (xxvi) Personnel employed by the Mississippi  
1414 Department of Revenue whose employment is solely in connection  
1415 with the Department's responsibilities in implementing,  
1416 administering and enforcing provisions of the Mississippi Medical  
1417 Cannabis Act. This subparagraph shall stand repealed on June 30,  
1418 2023.

1419 (d) "Agency" means any state board, commission,  
1420 committee, council, department or unit thereof created by the  
1421 Constitution or statutes if such board, commission, committee,  
1422 council, department, unit or the head thereof, is authorized to  
1423 appoint subordinate staff by the Constitution or statute, except a  
1424 legislative or judicial board, commission, committee, council,  
1425 department or unit thereof.

1426 **SECTION 20.** Section 25-9-121, Mississippi Code of 1972, is  
1427 brought forward as follows:

1428 25-9-121. The state service, as defined by Section 25-9-107,  
1429 shall consist of all positions now existing in the state  
1430 departments, agencies and institutions or hereafter established,  
1431 except those included in the nonstate service by this chapter.  
1432 Such positions shall be covered by the state personnel system.  
1433 Any officer or employee who has acquired a valid permanent status  
1434 under the Mississippi Coordinated Merit System Council existing on  
1435 February 1, 1981, shall continue in such status and shall not be  
1436 required to take further or new examinations in order to retain  
1437 such status. Any officer or employee who has been certified by



1438 the Mississippi Classification Commission and appointed by a state  
1439 agency head as of February 1, 1981, shall continue in such status  
1440 and shall not be required to take further or new examinations in  
1441 order to retain such status.

1442         **SECTION 21.** Section 25-9-127, Mississippi Code of 1972, is  
1443 brought forward as follows:

1444         25-9-127. (1) No employee of any department, agency or  
1445 institution who is included under this chapter or hereafter  
1446 included under its authority, and who is subject to the rules and  
1447 regulations prescribed by the state personnel system, may be  
1448 dismissed or otherwise adversely affected as to compensation or  
1449 employment status except for inefficiency or other good cause, and  
1450 after written notice and hearing within the department, agency or  
1451 institution as shall be specified in the rules and regulations of  
1452 the State Personnel Board complying with due process of law; and  
1453 any employee who has by written notice of dismissal or action  
1454 adversely affecting his compensation or employment status shall,  
1455 on hearing and on any appeal of any decision made in such action,  
1456 be required to furnish evidence that the reasons stated in the  
1457 notice of dismissal or action adversely affecting his compensation  
1458 or employment status are not true or are not sufficient grounds  
1459 for the action taken; however, this provision shall not apply:  
1460 (a) to persons separated from any department, agency or  
1461 institution due to curtailment of funds or reduction in staff when  
1462 such separation is in accordance with rules and regulations of the



1463 state personnel system; (b) during the probationary period of  
1464 state service of twelve (12) months; and (c) to an executive  
1465 officer of any state agency who serves at the will and pleasure of  
1466 the Governor, board, commission or other appointing authority.

1467 (2) The operation of a state-owned motor vehicle without a  
1468 valid Mississippi driver's license by an employee of any  
1469 department, agency or institution that is included under this  
1470 chapter and that is subject to the rules and regulations of the  
1471 state personnel system shall constitute good cause for dismissal  
1472 of such person from employment.

1473 (3) Beginning July 1, 1999, every male between the ages of  
1474 eighteen (18) and twenty-six (26) who is required to register  
1475 under the federal Military Selective Service Act, 50 USCS App.  
1476 453, and who is an employee of the state shall not be promoted to  
1477 any higher position of employment with the state until he submits  
1478 to the person, commission, board or agency by which he is employed  
1479 satisfactory documentation of his compliance with the draft  
1480 registration requirements of the Military Selective Service Act.  
1481 The documentation shall include a signed affirmation under penalty  
1482 of perjury that the male employee has complied with the  
1483 requirements of the Military Selective Service Act.

1484 (4) For a period of two (2) years beginning July 1, 2014,  
1485 the provisions of subsection (1) shall not apply to the personnel  
1486 actions of the State Department of Education that are subject to  
1487 the rules and regulations of the State Personnel Board, and all



1488 employees of the department shall be classified as nonstate  
1489 service during that period. However, any employee hired after  
1490 July 1, 2014, by the department shall meet the criteria of the  
1491 State Personnel Board as it presently exists for employment. The  
1492 State Superintendent of Public Education and the State Board of  
1493 Education shall consult with the Office of the Attorney General  
1494 before taking personnel actions authorized by this section to  
1495 review those actions for compliance with applicable state and  
1496 federal law.

1497 It is not the intention or effect of this section to include  
1498 any school attendance officer in any exemption from coverage under  
1499 the State Personnel Board policy or regulations, including, but  
1500 not limited to, termination and conditions of employment.

1501 (5) (a) For a period of two (2) years beginning July 1,  
1502 2015, the provisions of subsection (1) shall not apply to the  
1503 personnel actions of the Department of Corrections, and all  
1504 employees of the department shall be classified as nonstate  
1505 service during that period. However, any employee hired after  
1506 July 1, 2015, by the department shall meet the criteria of the  
1507 State Personnel Board as it presently exists for employment.

1508 (b) Additionally, for a period of one (1) year  
1509 beginning July 1, 2016, the personnel actions of the Commissioner  
1510 of the Department of Corrections shall be exempt from State  
1511 Personnel Board rules, regulations and procedures in order to give



1512 the commissioner flexibility in making an orderly, effective and  
1513 timely reorganization and realignment of the department.

1514 (c) The Commissioner of Corrections shall consult with  
1515 the Office of the Attorney General before personnel actions  
1516 authorized by this section to review those actions for compliance  
1517 with applicable state and federal law.

1518 (6) Through July 1, 2020, the provisions of subsection (1)  
1519 of this section shall not apply to the personnel actions of the  
1520 Department of Human Services that are subject to the rules and  
1521 regulations of the State Personnel Board, and all employees of the  
1522 department shall be classified as nonstate service during that  
1523 period. Any employee hired on or after July 1, 2020, by the  
1524 department shall meet the criteria of the State Personnel Board as  
1525 it presently exists for employment. The Executive Director of  
1526 Human Services shall consult with the Office of the Attorney  
1527 General before taking personnel actions authorized by this section  
1528 to review those actions for compliance with applicable state and  
1529 federal law.

1530 (7) Through July 1, 2020, the provisions of subsection (1)  
1531 of this section shall not apply to the personnel actions of the  
1532 Department of Child Protection Services that are subject to the  
1533 rules and regulations of the State Personnel Board, and all  
1534 employees of the department shall be classified as nonstate  
1535 service during that period. Any employee hired on or after July  
1536 1, 2020, by the division shall meet the criteria of the State



1537 Personnel Board as it presently exists for employment. The  
1538 Commissioner of Child Protection Services shall consult with the  
1539 Office of the Attorney General before taking personnel actions  
1540 authorized by this section to review those actions for compliance  
1541 with applicable state and federal law.

1542 (8) Any state agency whose personnel actions are exempted in  
1543 this section from the rules, regulations and procedures of the  
1544 State Personnel Board shall file with the State Personnel Board,  
1545 Lieutenant Governor, Speaker of the House of Representatives,  
1546 Legislative Budget Office, Joint Legislative Committee on  
1547 Performance Evaluation and Expenditure Review (PEER), and the  
1548 members of the Senate and House Accountability, Efficiency and  
1549 Transparency Committees an annual report no later than July 1 of  
1550 each year while under the exemption. Such annual report shall  
1551 contain the following information:

1552 (a) The number of current employees who received an  
1553 increase in salary during the past fiscal year and the amount of  
1554 the increase;

1555 (b) The number of employees who were dismissed from the  
1556 agency or otherwise adversely affected as to compensation or  
1557 employment status during the past fiscal year, including a  
1558 description of such adverse effects;

1559 (c) The number of new employees hired during the past  
1560 fiscal year and the starting salaries of each new employee; and



1561 (d) Quantifiable measures showing that the actions  
1562 taken under authority of an exemption granted by this section have  
1563 improved efficiency or effectiveness, or both, of the agency's  
1564 operations.

1565 **SECTION 22.** Section 25-9-132, Mississippi Code of 1972, is  
1566 brought forward as follows:

1567 25-9-132. Any employee aggrieved by a final decision of the  
1568 Employee Appeals Board shall be entitled to judicial review  
1569 thereof in the manner provided in this section.

1570 (1) An appeal may be taken by such employee to the circuit  
1571 court of the principal county of the employee's employment or the  
1572 Circuit Court of the First Judicial District of Hinds County, by  
1573 filing a petition with the clerk of such court and executing and  
1574 filing bond payable to the State of Mississippi with sufficient  
1575 sureties to be approved by the clerk of the court, in the penalty  
1576 of Five Hundred Dollars (\$500.00), conditioned upon the payment of  
1577 all costs of appeal, including the cost of preparing the  
1578 transcript of the hearing before the Employee Appeals Board. The  
1579 petition and bond shall be filed within thirty (30) days of the  
1580 receipt of the final decision of the Employee Appeals Board. Upon  
1581 approval of the bond, the clerk of the court shall notify the  
1582 Employee Appeals Board, which shall prepare its record in the  
1583 matter and transmit it to the circuit court.

1584 (2) The scope of review of the circuit court in such cases  
1585 shall be limited to a review of the record made before the





1586 Employee Appeals Board or hearing officer to determine if the  
1587 action of the Employee Appeals Board is unlawful for the reason  
1588 that it was:

- 1589 (a) Not supported by any substantial evidence;
- 1590 (b) Arbitrary or capricious; or
- 1591 (c) In violation of some statutory or constitutional  
1592 right of the employee.

1593 (3) No relief shall be granted based upon the court's  
1594 finding of harmless error by the board in complying with the  
1595 procedural requirements of Sections 25-9-127 through 25-9-129;  
1596 provided, however, in the event that there is a finding of  
1597 prejudicial error in the proceedings, the cause may be remanded  
1598 for a rehearing consistent with the findings of the court.

1599 (4) Any party aggrieved by action of the circuit court may  
1600 appeal to the Supreme Court in the manner provided by law.

1601 (5) In each controversy in which the Employee Appeals Board  
1602 assumes jurisdiction, the State Personnel Board shall assess the  
1603 respondent state agency a reasonable fee to defray the cost of  
1604 recording the hearing. The State Personnel Board is hereby  
1605 authorized to contract with certified court reporters to record  
1606 hearings before the Employee Appeals Board.

1607 **SECTION 23.** This act shall take effect and be in force from  
1608 and after July 1, 2023.

