

By: Senator(s) Ross

To: Fees, Salaries and
Administration

SENATE BILL NO. 2698
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT CONTRACTS ENTERED INTO BY THE PEARL RIVER VALLEY WATER
3 SUPPLY DISTRICT FROM REVIEW BY THE PERSONAL SERVICE CONTRACT
4 REVIEW BOARD; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-9-120, Mississippi Code of 1972, is
7 amended as follows:

8 25-9-120. (1) Contract personnel, whether classified as
9 contract workers or independent contractors shall not be deemed
10 state service or nonstate service employees of the State of
11 Mississippi, and shall not be eligible to participate in the
12 Public Employees' Retirement System, or the state employee health
13 plan, nor be allowed credit for personal and sick leave and other
14 leave benefits as employees of the State of Mississippi,
15 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101
16 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through
17 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth
18 herein. Contract workers, i.e., contract personnel who do not
19 meet the criteria of independent contractors, shall be subject to
20 the provisions of Section 25-11-127.

21 (2) There is hereby created the Personal Service Contract
22 Review Board, which shall be composed of the State Personnel
23 Director, the Executive Director of the Department of Finance and
24 Administration, or his designee, the Commissioner of Corrections,
25 or his designee, the Executive Director of the Mississippi
26 Department of Wildlife and Fisheries, or his designee, and the
27 Executive Director of the Department of Environmental Quality, or

28 his designee. The State Personnel Director shall be chairman and
29 shall preside over the meetings of the board. The board shall
30 annually elect a vice-chairman, who shall serve in the absence of
31 the chairman. No business shall be transacted, including adoption
32 of rules of procedure, without the presence of a quorum of the
33 board. Three (3) members shall be a quorum. No action shall be
34 valid unless approved by the chairman and two (2) other of those
35 members present and voting, entered upon the minutes of the board
36 and signed by the chairman. Necessary clerical and administrative
37 support for the board shall be provided by the State Personnel
38 Board. Minutes shall be kept of the proceedings of each meeting,
39 copies of which shall be filed on a monthly basis with the
40 Legislative Budget Office.

41 (3) The Personal Service Contract Review Board shall have
42 the following powers and responsibilities:

43 (a) Promulgate rules and regulations governing the
44 solicitation and selection of contractual services personnel
45 including personal and professional services contracts for any
46 form of consulting, policy analysis, public relations, marketing,
47 public affairs, legislative advocacy services or any other
48 contract that the board deems appropriate for oversight, with the
49 exception of any personal service contracts entered into for
50 computer or information technology-related services governed by
51 the Mississippi Department of Information Technology Services, any
52 personal service contracts entered into by the Mississippi
53 Department of Transportation or the Pearl River Valley Water
54 Supply District, and any contract for attorney, accountant,
55 auditor, physician, dentist, architect, engineer, veterinarian and
56 utility rate expert services. Any such rules and regulations
57 shall provide for maintaining continuous internal audit covering
58 the activities of such agency affecting its revenue and
59 expenditures as required under Section 7-7-3(6)(d), Mississippi
60 Code of 1972.

61 (b) Approve all personal and professional services
62 contracts involving the expenditures of funds in excess of One
63 Hundred Thousand Dollars (\$100,000.00);

64 (c) Develop standards with respect to contractual

65 services personnel which require invitations for public bid,
66 requests for proposals, record keeping and financial
67 responsibility of contractors. The Personal Service Contract
68 Review Board may, in its discretion, require the agency involved
69 to advertise such contract for public bid, and may reserve the
70 right to reject any or all bids;

71 (d) Prescribe certain circumstances whereby agency
72 heads may enter into contracts for personal and professional
73 services without receiving prior approval from the Personal
74 Service Contract Review Board. The Personal Service Contract
75 Review Board may establish a pre-approved list of providers of
76 various personal and professional services for set prices with
77 which state agencies may contract without bidding or prior
78 approval from the board.

79 (e) To provide standards for the issuance of requests
80 for proposals, the evaluation of proposals received, consideration
81 of costs and quality of services proposed, contract negotiations,
82 the administrative monitoring of contract performance by the
83 agency and successful steps in terminating a contract;

84 (f) To present recommendations for governmental
85 privatization and to evaluate privatization proposals submitted by
86 any state agency;

87 (g) To authorize personal and professional service
88 contracts to be effective for more than one (1) year provided a
89 funding condition is included in any such multiple year contract;

90 (h) To request the State Auditor to conduct a
91 performance audit on any personal or professional service
92 contract;

93 (i) Prepare an annual report to the Legislature
94 concerning the issuance of personal service contracts during the
95 previous year, collecting any necessary information from state
96 agencies in making such report.

97 (4) No member of the Personal Service Contract Review Board

98 shall use his official authority or influence to coerce, by threat
99 of discharge from employment, or otherwise, the purchase of
100 commodities or the contracting for personal or professional
101 services under this section.

102 SECTION 2. This act shall take effect and be in force from
103 and after July 1, 1999.