

By: Representative Bowles

To: Appropriations

HOUSE BILL NO. 406

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NO PERSON WHO IS RECEIVING A RETIREMENT ALLOWANCE
3 UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM SHALL BE REEMPLOYED
4 OR PAID FOR ANY SERVICE BY THE STATE OF MISSISSIPPI OR ANY OF ITS
5 AGENCIES OR SUBDIVISIONS PARTICIPATING IN THE RETIREMENT SYSTEM;
6 TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF 1972, IN CONFORMITY
7 TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-11-127, Mississippi Code of 1972, is
10 amended as follows:

11 25-11-127. (1) No person who is being paid a retirement
12 allowance or a pension after retirement under this article shall
13 be employed or reemployed or paid for any service by the State of
14 Mississippi or any of its departments, agencies or subdivisions
15 that are participating in the Public Employees' Retirement System.
16 This section applies to all retired members of the system employed
17 or reemployed by any covered employer as (a) an employee, (b) a
18 contractual employee or worker, or (c) an independent contractor.

19 (2) Any person who has been retired under the provisions of
20 Articles 1 and 3 and who is later reemployed in service covered by
21 this article shall cease to receive benefits under this article
22 and shall again become a contributing member of the retirement
23 system with contributions paid by both the employer and the
24 employee. When any such person retires again, if the reemployment
25 exceeds six (6) months, the person shall have his or her benefit
26 recomputed, including service after again becoming a member,
27 provided that the total retirement allowance paid to the retired
28 member in his or her previous retirement shall be deducted from
29 the member's retirement reserve and taken into consideration in



30 recalculating the retirement allowance under a new option
31 selected.

32 * * *

33 (3) The board of trustees of the retirement system may
34 prescribe rules and regulations for carrying out the provisions of
35 this section.

36 * * *

37 **SECTION 2.** Section 25-9-120, Mississippi Code of 1972, is
38 amended as follows:

39 25-9-120. (1) Contract personnel, whether classified as
40 contract workers or independent contractors shall not be deemed
41 state service or nonstate service employees of the State of
42 Mississippi, and shall not be eligible to participate in the
43 Public Employees' Retirement System, or the state employee health
44 plan, nor be allowed credit for personal and sick leave and other
45 leave benefits as employees of the State of Mississippi,
46 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101
47 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through
48 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth
49 herein. * * *

50 (2) There is * * * created the Personal Service Contract
51 Review Board, which shall be composed of the State Personnel
52 Director, the Executive Director of the Department of Finance and
53 Administration, or his designee, the Commissioner of Corrections,
54 or his designee, the Executive Director of the Mississippi
55 Department of Wildlife and Fisheries, or his designee, and the
56 Executive Director of the Department of Environmental Quality, or
57 his designee. The State Personnel Director shall be chairman and
58 shall preside over the meetings of the board. The board shall
59 annually elect a vice chairman, who shall serve in the absence of
60 the chairman. No business shall be transacted, including adoption
61 of rules of procedure, without the presence of a quorum of the
62 board. Three (3) members shall be a quorum. No action shall be



63 valid unless approved by the chairman and two (2) other of those
64 members present and voting, entered upon the minutes of the board
65 and signed by the chairman. Necessary clerical and administrative
66 support for the board shall be provided by the State Personnel
67 Board. Minutes shall be kept of the proceedings of each meeting,
68 copies of which shall be filed on a monthly basis with the
69 Legislative Budget Office.

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

72 (a) Promulgate rules and regulations governing the
73 solicitation and selection of contractual services personnel
74 including personal and professional services contracts for any
75 form of consulting, policy analysis, public relations, marketing,
76 public affairs, legislative advocacy services or any other
77 contract that the board deems appropriate for oversight, with the
78 exception of any personal service contracts entered into for
79 computer or information technology-related services governed by
80 the Mississippi Department of Information Technology Services, any
81 personal service contracts entered into by the Mississippi
82 Department of Transportation, and any contract for attorney,
83 accountant, auditor, physician, dentist, architect, engineer,
84 veterinarian and utility rate expert services. Any such rules and
85 regulations shall provide for maintaining continuous internal
86 audit covering the activities of such agency affecting its revenue
87 and expenditures as required under Section 7-7-3(6)(d);

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

91 (c) Develop standards with respect to contractual
92 services personnel which require invitations for public bid,
93 requests for proposals, record keeping and financial
94 responsibility of contractors. The Personal Service Contract
95 Review Board may, in its discretion, require the agency involved



96 to advertise such contract for public bid, and may reserve the
97 right to reject any or all bids;

98 (d) Prescribe certain circumstances by which agency
99 heads may enter into contracts for personal and professional
100 services without receiving prior approval from the Personal
101 Service Contract Review Board. The Personal Service Contract
102 Review Board may establish a pre-approved list of providers of
103 various personal and professional services for set prices with
104 which state agencies may contract without bidding or prior
105 approval from the board;

106 (e) To provide standards for the issuance of requests
107 for proposals, the evaluation of proposals received, consideration
108 of costs and quality of services proposed, contract negotiations,
109 the administrative monitoring of contract performance by the
110 agency and successful steps in terminating a contract;

111 (f) To present recommendations for governmental
112 privatization and to evaluate privatization proposals submitted by
113 any state agency;

114 (g) To authorize personal and professional service
115 contracts to be effective for more than one (1) year provided a
116 funding condition is included in any such multiple year contract,
117 except the State Board of Education, which shall have the
118 authority to enter into contractual agreements for student
119 assessment for a period up to ten (10) years. The State Board of
120 Education shall procure these services in accordance with the
121 Personal Service Contract Review Board procurement regulations;

122 (h) To request the State Auditor to conduct a
123 performance audit on any personal or professional service
124 contract;

125 (i) Prepare an annual report to the Legislature
126 concerning the issuance of personal service contracts during the
127 previous year, collecting any necessary information from state
128 agencies in making such report.



129 (4) No member of the Personal Service Contract Review Board
130 shall use his official authority or influence to coerce, by threat
131 of discharge from employment, or otherwise, the purchase of
132 commodities or the contracting for personal or professional
133 services under this section.

134 **SECTION 3.** This act shall take effect and be in force from
135 and after July 1, 2002.

