

By: Senator(s) Dawkins, Williamson

To: Fees, Salaries and  
Administration;  
Appropriations

SENATE BILL NO. 3028

1 AN ACT TO ABOLISH THE STATE PERSONNEL BOARD; TO REPEAL  
2 SECTIONS 25-9-101 THROUGH 25-9-151, MISSISSIPPI CODE OF 1972, AND  
3 SECTION 25-9-155, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH AND  
4 EMPOWER THE STATE PERSONNEL BOARD, CREATE THE POSITION OF STATE  
5 PERSONNEL DIRECTOR AND PROVIDE FOR A STATE SERVICE PERSONNEL  
6 SYSTEM; TO AMEND SECTIONS 7-7-2, 7-17-5, 7-17-11, 25-3-91,  
7 25-3-97, 25-3-101, 25-4-15, 25-9-177, 25-9-303, 25-9-305, 25-17-1,  
8 25-53-29, 37-3-25, 37-33-163, 43-1-2, 43-13-107, 65-1-9 AND  
9 65-9-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
10 RELATED PURPOSES.

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

12 **SECTION 1.** (1) On July 1, 2002, the State Personnel Board  
13 shall be abolished.

14 (2) All records, property and unexpended balances of  
15 appropriations, allocations or other funds of the State Personnel  
16 Board shall be transferred to an appropriate agency by the  
17 Governor acting through the Department of Finance and  
18 Administration.

19 (3) Whenever in the Mississippi Code of 1972 the term "State  
20 Personnel Board" appears, it shall mean the Governor acting  
21 through the Department of Finance and Administration.

22 **SECTION 2.** Sections 25-9-101, 25-9-103, 25-9-105, 25-9-107,  
23 25-9-109, 25-9-111, 25-9-113, 25-9-115, 25-9-116, 25-9-117,  
24 25-9-119, 25-9-121, 25-9-123, 25-9-125, 25-9-126, 25-9-127,  
25 25-9-129, 25-9-131, 25-9-132, 25-9-133, 25-9-134, 25-9-135,  
26 25-9-137, 25-9-139, 25-9-141, 25-9-143, 25-9-145, 25-9-147,  
27 25-9-149, 25-9-151 and 25-9-155, Mississippi Code of 1972, which  
28 establish and empower the State Personnel Board, create the  
29 position of State Personnel Director and provide for a state  
30 service personnel system, are repealed.



31           **SECTION 3.** Section 7-7-2, Mississippi Code of 1972, is  
32 amended as follows:

33           7-7-2. (1) The Mississippi General Accounting Office and  
34 the State Fiscal Officer, acting through the Bureau of Budget and  
35 Fiscal Management, shall be the Department of Public Accounts  
36 formerly in the Office of the State Auditor of Public Accounts.

37           (2) The words "State Auditor of Public Accounts," "State  
38 Auditor" and "Auditor" appearing in the laws of this state in  
39 connection with the performance of Auditor's functions shall mean  
40 the State Fiscal Officer, and, more particularly, such words or  
41 terms shall mean the State Fiscal Officer whenever they appear in  
42 Sections 5-1-57, 5-1-59, 5-3-23, 7-1-33, 7-1-63, 7-3-29, 7-5-31,  
43 7-11-25, 17-13-11, 9-1-36, 9-3-7, 9-3-23, 9-3-27, 9-3-29, 9-3-45,  
44 11-35-11, 11-45-1, 21-33-47, 21-33-401, 23-5-215, 25-1-75,  
45 25-1-81, 25-1-95, 25-1-98, 25-3-41, 25-3-51, 25-3-53, 25-3-55,  
46 25-3-57, 25-3-59, 25-3-97, 25-7-7, 25-7-83, \* \* \* 25-31-8,  
47 25-31-10, 25-31-37, 27-1-35, 27-3-43, 27-3-45, 27-3-57, 27-3-59,  
48 27-5-22, 27-5-103, 27-7-45, 27-7-313, 27-9-49, 27-11-3, 27-13-55,  
49 27-15-203, 27-15-239, 27-15-241, 27-21-13, 27-29-1, 27-29-5,  
50 27-29-11, 27-29-13, 27-29-15, 27-29-17, 27-29-25, 27-29-33,  
51 27-31-109, 27-33-11, 27-33-41, 27-33-45, 27-33-47, 27-35-121,  
52 27-35-149, 27-37-303, 27-39-13, 27-39-319, 27-41-19, 27-41-23,  
53 27-41-25, 27-41-27, 27-41-41, 27-41-75, 27-45-1, 27-45-13,  
54 27-45-19, 27-49-5, 27-49-9, 27-55-19, 27-55-47, 27-55-555,  
55 27-57-35, 27-59-51, 27-65-51, 27-65-53, 27-67-29, 27-69-3,  
56 27-69-73, 27-69-77, 27-71-301, 27-71-305, 27-71-339, 27-73-1,  
57 27-73-7, 27-73-11, 27-103-55, 27-103-67, 27-105-7, 27-105-19,  
58 27-105-21, 27-105-23, 27-105-33, 27-107-11, 27-107-59, 27-107-81,  
59 27-107-101, 27-107-121, 27-107-141, 27-107-157, 27-107-173,  
60 29-1-27, 29-1-79, 29-1-85, 29-1-87, 29-1-93, 29-1-95, 29-1-111,  
61 31-3-17, 31-7-9, 31-9-15, 31-17-3, 31-17-59, 31-17-105, 31-19-17,  
62 31-19-19, 31-19-21, 31-19-23, 31-5-15, 33-9-11, 35-7-45, 35-9-3,  
63 35-9-5, 35-9-27, 35-9-29, 35-9-33, 37-3-7, 37-3-15, 37-3-17,



64 37-3-39, 37-13-33, 37-19-27, 37-19-29, 37-19-45, 37-19-47,  
65 37-25-27, 37-27-17, 37-29-165, 37-31-41, 37-33-31, 37-33-71,  
66 37-43-47, 37-101-103, 37-101-149, 37-109-25, 37-113-5, 37-133-7,  
67 39-1-31, 39-3-109, 41-3-13, 41-4-19, 41-7-25, 41-73-71, 43-9-35,  
68 43-13-113, 43-29-29, 45-1-11, 45-1-23, 45-23-7, 47-5-77, 47-5-155,  
69 49-1-65, 49-5-21, 49-5-97, 49-17-69, 49-19-1, 51-5-15, 51-33-77,  
70 51-33-79, 51-33-81, 51-33-87, 53-1-77, 55-3-41, 57-4-21, 57-9-5,  
71 57-10-123, 57-13-7, 57-13-19, 57-15-5, 59-5-53, 59-7-103, 59-9-71,  
72 59-17-47, 63-19-51, 65-1-111, 65-1-117, 65-9-9, 65-9-17, 65-9-25,  
73 65-11-43, 65-11-45, 65-23-107, 65-26-7, 65-26-35, 69-9-5,  
74 69-15-113, 71-5-359, 73-5-5, 73-6-9, 73-19-13, 73-36-17,  
75 75-75-109, 77-3-89, 77-9-493, 77-11-201, 81-1-49, 83-1-13,  
76 83-1-37, 83-1-39, 83-43-7, 83-43-21, 89-11-27, 97-11-29, 97-21-1,  
77 97-21-61 and 99-15-19, Mississippi Code of 1972.

78 **SECTION 4.** Section 7-17-5, Mississippi Code of 1972, is  
79 amended as follows:

80 7-17-5. (1) Effective July 1, 1989, all employees of any  
81 agency abolished or affected by the Mississippi Executive  
82 Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be  
83 transferred according to the merger of their duties by the  
84 Mississippi Executive Reorganization Act of 1989 [Laws, 1989,  
85 Chapter 544]. \* \* \*

86 (2) The executive director of any agency of state government  
87 as defined in Section 25-9-107(d) shall have the authority to  
88 employ staff and to expend funds authorized to the agency for the  
89 performance of the duties and responsibilities accorded to the  
90 agency by the laws of the State of Mississippi.

91 (3) All records, personnel, property and unexpended balances  
92 of appropriations, allocations or other funds of any agency or  
93 department abolished or affected by the Mississippi Executive  
94 Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be  
95 transferred to the appropriate agency according to the merger of



96 their functions under the Mississippi Executive Reorganization Act  
97 of 1989 [Laws, 1989, Chapter 544].

98 (4) The executive directors of agencies shall determine  
99 which employees shall be bonded, set the amount of bond, which  
100 shall be made by a surety company approved by the Secretary of  
101 State and the premiums paid as other expenses of administering the  
102 Mississippi Executive Reorganization Act of 1989 [{Laws, 1989,  
103 Chapter 544}].

104 (5) The executive director of any agency, where permitted by  
105 the rules, regulations and policies of the board, commission or  
106 authority of the agency, if any, shall also have authority to:

107 (a) Accept on behalf of the state gifts, trusts,  
108 bequests, grants, endowments, or transfers of property of any kind  
109 to be used for the sole benefit of the state;

110 (b) Use and expend funds coming to the agency from  
111 state, federal and private sources;

112 (c) Establish such rules and regulations as may be  
113 necessary in carrying out the provisions of the Mississippi  
114 Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544];

115 (d) Formulate and administer policies of their  
116 respective agencies;

117 (e) Coordinate, supervise and direct all administrative  
118 and technical activities of the agency;

119 (f) Enter into contracts, grants and cooperative  
120 agreements with any federal or state agency, department or  
121 subdivision thereof, or any public or private institution located  
122 inside or outside the State of Mississippi, or any person,  
123 corporation or association in connection with the carrying out of  
124 the provisions of the Mississippi Executive Reorganization Act of  
125 1989 [Laws, 1989, Chapter 544], provided the agreements do not  
126 have a financial cost in excess of the amounts appropriated for  
127 such purposes by the Legislature;



128 (g) Except where otherwise prescribed by law, prepare  
129 and deliver to the Legislature and the Governor on or before  
130 January 1 of each year, and at such other times as may be required  
131 by the Legislature or Governor, a full report of the work of the  
132 agency and the offices thereof, including a detailed statement of  
133 expenditures of the agency and any recommendations;

134 (h) Make provisions for adoption of rules, regulations  
135 and policy and provide for public inspection and filing of same;  
136 and other requirements set forth in the Mississippi Administrative  
137 Procedures Act in Sections 25-43-1 through 25-43-19, except as  
138 otherwise provided by law.

139 **SECTION 5.** Section 7-17-11, Mississippi Code of 1972, is  
140 amended as follows:

141 7-17-11. For budgetary purposes and organizational hierarchy  
142 purposes a common organizational nomenclature shall be used in the  
143 structure of state government.

144 Organizations for such purposes shall be:

145 (a) Agency - the principal administrative organization  
146 of state government \* \* \* headed by an executive director or such  
147 other official as prescribed by statute;

148 (b) Office - the principal organization of an agency;  
149 whenever the term "division" or any other term appears to denote  
150 the principal organization of a department, it shall mean "office"  
151 for purposes of this section;

152 (c) Bureau - the principal organization of an office;

153 (d) Division - the principal organization of a bureau;

154 (e) Branch - the principal organization of a division;

155 (f) Section - the principal organization of a branch;

156 (g) Unit - the principal organization of a section;

157 (h) Advisory board - a body appointed to function on a  
158 continuing basis to study and recommend solutions and policy  
159 alternatives to problems arising in a specific agency or program  
160 of state government.



161           The nomenclature outlined in this section shall be only for  
162 budgetary purposes and organizational hierarchy purposes and shall  
163 not define job classifications or salary ranges. The Governor  
164 acting through the Department of Finance and Administration shall  
165 ensure that all agencies within state government \* \* \* conform  
166 with the common organization nomenclature provided in this  
167 section, except where otherwise provided by law or determined to  
168 be necessary by the Governor acting through the Department of  
169 Finance and Administration.

170           **SECTION 6.** Section 25-3-91, Mississippi Code of 1972, is  
171 amended as follows:

172           25-3-91. For purposes of Sections 25-3-91 through 25-3-99,  
173 the following words and terms shall have the meaning described  
174 herein, unless the context requires otherwise:

175           (a) "Appointing authority" shall mean such person,  
176 agency or authority authorized by law to employ individuals in  
177 state government, but shall not include the Board of Directors of  
178 the Mississippi Industries for the Blind.

179           (b) "Catastrophic injury or illness" means a severe  
180 condition or combination of conditions affecting the mental or  
181 physical health of an employee or a member of an employee's  
182 immediate family that requires the services of a licensed  
183 physician for an extended period of time and that forces the  
184 employee to exhaust all leave time earned by that employee and to  
185 lose compensation from the state for the employee.

186           (c) "Employee" means a person appointed to a position  
187 with the state \* \* \*, for which he is compensated on a full-time  
188 permanent or provisional basis, a temporary basis, or a part-time  
189 basis.

190           (d) "Workday" shall mean a day as defined in Section  
191 25-1-98.



192           (e) "Temporary employment" means the employment of a  
193 person in a temporary or time-limited position not to exceed  
194 twelve (12) months.

195           (f) "Part-time employment" means the employment of a  
196 person in a part-time position.

197           **SECTION 7.** Section 25-3-97, Mississippi Code of 1972, is  
198 amended as follows:

199           25-3-97. (1) All organizations shall keep accurate records  
200 of the leave accumulated and used by the officers and employees  
201 thereof.

202           (2) The appointing authority \* \* \* shall develop rules for  
203 proper maintenance of leave records. The rules shall include  
204 provisions which shall keep the employee informed on a monthly  
205 basis as to his accumulated leave balances. For accounting  
206 purposes an employee's anniversary date is the date of employment  
207 to full-time permanent or provisional service in state government.

208           (3) The appointing authority \* \* \*, in conjunction with the  
209 State Fiscal Officer, shall develop rules for the final payment of  
210 accrued leave at such time that an employee leaves state  
211 employment. At no time shall an employee be paid for accrued  
212 leave while still employed with the state \* \* \*, except that major  
213 medical leave pay may be made as heretofore provided. No payment  
214 shall be made for accrued major medical leave except that an  
215 employee who presents medical evidence that his physical condition  
216 is such that he can no longer work in a capacity of state  
217 government may be paid for not more than one hundred twenty (120)  
218 days of earned major medical leave.

219           (4) The State Fiscal Officer, before issuing a warrant to  
220 any of such employees for the payment of his salary, shall be  
221 furnished by each appointing authority any reports as required by  
222 the State Fiscal Officer as to absences in the department. The  
223 appointing authority shall make the required deduction from the  
224 salary as indicated on the affidavit in submitting their payroll



225 requisitions to the Department of Finance and Administration, or  
226 if the State Fiscal Officer learns of such excessive absence from  
227 some other source, he is empowered to make such deduction, unless  
228 such absence shall have been for official business, personal  
229 leave, or by the permission of the Governor previously obtained.  
230 The State Fiscal Officer may promulgate rules on reporting  
231 absences in the agencies.

232 (5) All accrued leave, both major medical and personal  
233 leave, earned by employees shall be transferrable between or among  
234 any and all state agencies, junior colleges and senior colleges.  
235 Each appointing authority shall be furnished a statement of  
236 accrued leave at the time of transfer by an employee.

237 (6) Should an employee die having accumulated personal leave  
238 as provided in Section 25-3-93, the wages or salary which would  
239 have been paid to such employee during his leave shall be paid to  
240 the person designated by such employee for this purpose or, in the  
241 absence of such designation, to the beneficiary of such employee  
242 as recorded with the Public Employees' Retirement System.  
243 Accumulated leave shall be considered for the purpose of Sections  
244 25-3-91 through 25-3-99 as wages or salary earned and not paid.

245 **SECTION 8.** Section 25-3-101, Mississippi Code of 1972, is  
246 amended as follows:

247 25-3-101. The Governor acting through the Department of  
248 Finance and Administration shall promulgate rules for the  
249 administration of Sections 25-3-91 through 25-3-99, which shall be  
250 binding upon state \* \* \* agencies \* \* \*.

251 **SECTION 9.** Section 25-4-15, Mississippi Code of 1972, is  
252 amended as follows:

253 25-4-15. \* \* \* The commission shall appoint an executive  
254 director to serve at the pleasure of the commission. The  
255 executive director shall possess a high degree of professional  
256 competence and integrity. The executive director shall be  
257 responsible for the administrative operations of the commission





258 and shall perform other such duties within its powers as may be  
259 delegated or assigned from time to time by regulations or orders  
260 of the commission. The commission, by and through its executive  
261 director, may employ the personnel necessary to properly discharge  
262 the duties and responsibilities of the commission, subject to  
263 budgetary limitations. Such personnel shall possess a high degree  
264 of professional competence and integrity in the area in which  
265 employed.

266 The executive director and other employees of the commission  
267 shall not be reimbursed for meals, lodging and travel expenses  
268 incurred while attending civic club meetings or any other  
269 functions not directly related to commission business.

270 \* \* \*

271 **SECTION 10.** Section 25-9-177, Mississippi Code of 1972, is  
272 amended as follows:

273 25-9-177. Actions to recover civil fines and other remedies  
274 provided for under Section 25-9-175 may be instituted in the  
275 Circuit Court for the First Judicial District of Hinds County or  
276 in the circuit court of the public employees' residence. In such  
277 actions, the public employee shall prove by a preponderance of the  
278 evidence that, but for his providing information or testimony to a  
279 state investigative body prior to occurrence of the dismissal or  
280 any adverse action, his dismissal or any adverse action taken  
281 against him would not have occurred. Remedies provided for herein  
282 shall be supplemental to any other remedies, judicial or  
283 administrative, provided for under law. \* \* \* Any remedies under  
284 a grievance or appeal process of the employing governmental entity  
285 relating to suspension or termination of employment or adverse  
286 personnel action, shall not be exhausted or diminished as a result  
287 of any action taken by the employee under Sections 25-9-175 and  
288 25-9-177, and the employee shall be required to exhaust such  
289 remedies prior to instituting an action authorized under Sections  
290 25-9-175 and 25-9-177.



291           **SECTION 11.** Section 25-9-303, Mississippi Code of 1972, is  
292 amended as follows:

293           25-9-303. (1) The Governor shall grant each veteran who is  
294 fully qualified preference over other applicants for an initial or  
295 promotional appointment. Disabled veterans shall be given  
296 additional preference.

297           (2) In establishing a layoff formula or procedure, the  
298 Governor shall grant preference to veterans and additional  
299 preference to disabled veterans.

300           **SECTION 12.** Section 25-9-305, Mississippi Code of 1972, is  
301 amended as follows:

302           25-9-305. The Governor is authorized to establish a formula  
303 or formulas by rule and regulation to implement the provisions of  
304 Section 25-9-301 et seq.

305           **SECTION 13.** Section 25-17-1, Mississippi Code of 1972, is  
306 amended as follows:

307           25-17-1. For purposes of this chapter:

308           (a) "State agency" means every state institution,  
309 board, commission, council, department or unit thereof created by  
310 the Mississippi Constitution or statutes.

311           (b) "Local governmental entity" means any county,  
312 municipality, school district, public hospital or other political  
313 subdivision of the state.

314           (c) "Cafeteria plan" means a written plan providing  
315 benefits to eligible employees which meets the requirements of  
316 Section 125 et seq. of the Internal Revenue Code and regulations  
317 thereunder.

318           (d) "Salary reduction agreement" means a written  
319 agreement between an eligible employee and a state agency or local  
320 governmental entity whereby the employee agrees to reduce his or  
321 her salary by a stated amount or an amount equal to the cost of  
322 benefits selected under a cafeteria plan and the state agency or



323 local governmental entity agrees to contribute such amount to  
324 cover the cost of the benefits selected by the eligible employee.

325 (e) "Eligible employee" means an officer or employee of  
326 a state agency or local governmental entity who elects to  
327 participate in a cafeteria plan described in Section 25-17-1(c),  
328 Mississippi Code of 1972. The term includes state agency officers  
329 and employees \* \* \*. The term does not include individuals:

330 (i) Engaged as independent contractors; or

331 (ii) Whose periods of employment are on an  
332 intermittent or irregular basis, or who are employed on less than  
333 half-time basis unless the individual is employed in a position  
334 classified as a job-sharing position.

335 **SECTION 14.** Section 25-53-29, Mississippi Code of 1972, is  
336 amended as follows:

337 25-53-29. (1) For the purposes of this section the term  
338 "bureau" shall mean the "Mississippi Department of Information  
339 Technology Services." The authority shall have the following  
340 powers and responsibilities to carry out the establishment of  
341 policy and provide for long range planning and consulting:

342 (a) Provide a high level of technical expertise for  
343 agencies, institutions, political subdivisions and other  
344 governmental entities as follows: planning; consulting; project  
345 management; systems and performance review; system definition;  
346 design; application programming; training; development and  
347 documentation; implementation; maintenance; and other tasks as may  
348 be required, within the resources available to the bureau.

349 (b) Publish written planning guides, policies and  
350 procedures for use by agencies and institutions in planning future  
351 electronic information service systems. The bureau may require  
352 agencies and institutions to submit data, including periodic  
353 electronic equipment inventory listings, information on agency  
354 staffing, systems under study, planned applications for the  
355 future, and other information needed for the purposes of preparing



356 the state master plan. The bureau may require agencies and  
357 institutions to submit any additional data required for purposes  
358 of preparing the state master plan.

359 (c) Inspect agency facilities and equipment, interview  
360 agency employees and review records at any time deemed necessary  
361 by the bureau for the purpose of identifying cost-effective  
362 applications of electronic information technology. Upon  
363 conclusion of any inspection, the bureau shall issue a management  
364 letter containing cost estimates and recommendations to the agency  
365 head and governing board concerning applications identified that  
366 would result in staff reductions, other monetary savings and  
367 improved delivery of public services.

368 (d) Conduct classroom and on-site training for end  
369 users for applications and systems developed by the bureau.

370 (e) Provide consulting services to agencies and  
371 institutions or Mississippi governmental subdivisions requesting  
372 technical assistance in electronic information services technology  
373 applications and systems. The bureau may submit proposals and  
374 enter into contracts to provide services to agencies and  
375 institutions or governmental subdivisions for such purposes.

376 (2) The bureau shall annually issue a three-year master plan  
377 in writing to the Governor, available on request to any member of  
378 the Legislature, including recommended statewide strategies and  
379 goals for the effective and efficient use of information  
380 technology and services in state government. The report shall  
381 also include recommended information policy actions and other  
382 recommendations for consideration by the Governor and members of  
383 the Legislature.

384 (3) The bureau shall make an annual report in writing to the  
385 Governor, available on request to any member of the Legislature,  
386 to include a full and detailed account of the work of the  
387 authority for the preceding year. The report shall contain  
388 recommendations to agencies and institutions resulting from



389 inspections or consulting contracts. The report shall also  
390 contain a summary of the master plan, progress made, and  
391 legislative and policy recommendations for consideration by the  
392 Governor and members of the Legislature.

393 (4) The bureau may charge fees to agencies and institutions  
394 for services rendered to them. The amounts of such fees shall be  
395 set by the authority upon recommendation of the Executive Director  
396 of the MDITS, and all such fees collected shall be paid into the  
397 fund established for carrying out the purposes of this section.

398 (5) It is the intention of the Legislature that the  
399 employees of the bureau performing services defined by Section  
400 25-53-29 be staffed by highly qualified persons possessing  
401 technical, consulting and programming expertise. Such  
402 employees \* \* \* may be compensated at a rate comparable to the  
403 prevailing rate of individuals in qualified professional  
404 consulting firms in the private sector. Such compensation rates  
405 shall be determined by the Governor acting through the Department  
406 of Finance and Administration. The number of such positions shall  
407 be set by annual appropriation of the Legislature. Qualifications  
408 and compensation of the bureau employees shall be set by the  
409 Governor acting through the Department of Finance and  
410 Administration upon recommendation of the Executive Director of  
411 the MDITS. The total number of positions and classification of  
412 positions may be increased or decreased during a fiscal year  
413 depending upon work load and availability of funds.

414 (6) The bureau may, from time to time, at the discretion of  
415 the Executive Director of the MDITS, contract with firms or  
416 qualified individuals to be used to augment the bureau's  
417 professional staff in order to assure timely completion and  
418 implementation of assigned tasks, provided that funds are  
419 available in the fund established for carrying out the purposes of  
420 this section. Such individuals may be employees of any agency,  
421 bureau or institution provided that these individuals or firms



422 meet the requirements of other individuals or firms doing business  
423 with the state through the Mississippi Department of Information  
424 Technology Services. Individuals who are employees of an agency  
425 or institution may contract with the Mississippi Department of  
426 Information Technology Services only with the concurrence of the  
427 agency or institution for whom they are employed.

428       **SECTION 15.** Section 37-3-25, Mississippi Code of 1972, is  
429 amended as follows:

430       37-3-25. (1) The Director of the Division of Vocational and  
431 Technical Education of the State Department of Education who shall  
432 be an associate state superintendent of education shall be  
433 appointed by the State Superintendent of Public Education. The  
434 director's salary shall be set by the State Board of Education  
435 subject to the approval of the Governor acting through the  
436 Department of Finance and Administration. His salary,  
437 compensation, travel expenses or other expenses shall be provided  
438 for out of any funds made available for such purpose by the  
439 Legislature, the federal government, or other gifts or grants.  
440 The director shall be responsible to the State Superintendent of  
441 Public Education for the proper administration of the programs of  
442 vocational and technical education in conformity with the policies  
443 adopted by the State Board of Education and shall be responsible  
444 for appointing any necessary supervisors, assistants, and  
445 employees to assist in carrying out the programs of vocational and  
446 technical education. The director shall have the authority to  
447 employ, compensate, terminate, promote, demote, transfer or  
448 reprimand employees of the division. The salary and compensation  
449 of such employees shall be subject to the rules and regulations  
450 adopted and promulgated by the Governor acting through the  
451 Department of Finance and Administration.

452       (2) The Director of the Division of Vocational and Technical  
453 Education, subject to the approval of the State Board of



454 Education, shall have charge of and be responsible for vocational  
455 and technical education training in:

- 456 (a) Agriculture;
- 457 (b) Occupational and consumer home economics;
- 458 (c) Consumer and homemaking education;
- 459 (d) Trades and industry;
- 460 (e) Distributive education;
- 461 (f) Secondary adult education;
- 462 (g) Teacher training and supervision;
- 463 (h) Business and office;
- 464 (i) Health;
- 465 (j) Industrial arts;
- 466 (k) Guidance services;
- 467 (l) Technical education;
- 468 (m) Cooperative education; and
- 469 (n) All other specialized training not requiring a  
470 bachelors degree, with the exception of programs of nursing  
471 education regulated under the provisions of Section 37-129-1.

472 **SECTION 16.** Section 37-33-163, Mississippi Code of 1972, is  
473 amended as follows:

474 37-33-163. The Office of Disability Determination Services  
475 established by Section 37-33-153 shall be administered by a  
476 director appointed by the Executive Director of the State  
477 Department of Rehabilitation Services. The director shall devote  
478 his full time to the proper administration of the office. In  
479 carrying out his duties under this chapter, the director:

- 480 (a) Shall enter into agreements on behalf of the State  
481 Department of Rehabilitation Services and the State of Mississippi  
482 with the federal Social Security Administration or its successor  
483 in order to implement the provisions of the federal Social  
484 Security Act relating to the determination of disabilities under  
485 Title II and Title XVI, and shall enter into contracts necessary



486 to provide such disability determination functions as allowed  
487 under applicable federal regulation;

488 (b) Shall, with the approval of the executive director,  
489 make regulations governing Mississippi applications for disability  
490 benefits under Title II and Title XVI of the federal Social  
491 Security Act, and make such other regulations as are found  
492 necessary to implement the functions of the office prescribed  
493 under this chapter;

494 (c) Shall, with the approval of the executive director,  
495 establish appropriate subordinate administrative units within the  
496 office;

497 (d) Shall, with the approval of the executive director,  
498 be responsible for appointing supervisors, assistants, physicians,  
499 and other employees or entering into purchase of service  
500 contracts, as are necessary for the efficient performance of the  
501 functions of the office, subject to the rules and regulations  
502 adopted and promulgated by the Governor acting through the  
503 Department of Finance and Administration;

504 (e) Shall prepare and submit to the board through the  
505 executive director annual reports of activities and expenditures,  
506 and estimates of the amounts to be made available to the office  
507 from all sources; and

508 (f) Shall, with the approval of the executive director  
509 and the board, take such other action as he deems necessary or  
510 appropriate to implement the functions of the office.

511 **SECTION 17.** Section 43-1-2, Mississippi Code of 1972, is  
512 amended as follows:

513 43-1-2. (1) There is created the Mississippi Department of  
514 Human Services, whose offices shall be located in Jackson,  
515 Mississippi, and which shall be under the policy direction of the  
516 Governor.

517 (2) The chief administrative officer of the department shall  
518 be the Executive Director of Human Services. The Governor shall





519 appoint the Executive Director of Human Services with the advice  
520 and consent of the Senate, and he shall serve at the will and  
521 pleasure of the Governor, and until his successor is appointed and  
522 qualified. The Executive Director of Human Services shall possess  
523 the following qualifications:

524 (a) A bachelor's degree from an accredited institution  
525 of higher learning and ten (10) years' experience in management,  
526 public administration, finance or accounting; or

527 (b) A master's or doctoral degree from an accredited  
528 institution of higher learning and five (5) years' experience in  
529 management, public administration, finance or accounting.

530 \* \* \*

531 (3) There shall be a Joint Oversight Committee of the  
532 Department of Human Services composed of the respective chairmen  
533 of the Senate Public Health and Welfare Committee, the Senate  
534 Appropriations Committee, the House Public Health and Welfare  
535 Committee and the House Appropriations Committee, two (2) members  
536 of the Senate appointed by the Lieutenant Governor to serve at the  
537 will and pleasure of the Lieutenant Governor, and two (2) members  
538 of the House of Representatives appointed by the Speaker of the  
539 House to serve at the will and pleasure of the Speaker. The  
540 chairmanship of the committee shall alternate for twelve-month  
541 periods between the Senate members and the House members, with the  
542 Chairman of the Senate Public Health and Welfare Committee serving  
543 as the first chairman. The committee shall meet once each month,  
544 or upon the call of the chairman at such times as he deems  
545 necessary or advisable, and may make recommendations to the  
546 Legislature pertaining to any matter within the jurisdiction of  
547 the Mississippi Department of Human Services. The appointing  
548 authorities may designate an alternate member from their  
549 respective houses to serve when the regular designee is unable to  
550 attend such meetings of the oversight committee. For attending  
551 meetings of the oversight committee, such legislators shall



552 receive per diem and expenses which shall be paid from the  
553 contingent expense funds of their respective houses in the same  
554 amounts as provided for committee meetings when the Legislature is  
555 not in session; however, no per diem and expenses for attending  
556 meetings of the committee will be paid while the Legislature is in  
557 session. No per diem and expenses will be paid except for  
558 attending meetings of the oversight committee without prior  
559 approval of the proper committee in their respective houses.

560 (4) The State Department of Human Services shall provide the  
561 services authorized by law to every individual determined to be  
562 eligible therefor, and in carrying out the purposes of the  
563 department, the executive director is authorized:

564 (a) To formulate the policy of the department regarding  
565 human services within the jurisdiction of the department;

566 (b) To adopt, modify, repeal and promulgate, after due  
567 notice and hearing, and where not otherwise prohibited by federal  
568 or state law, to make exceptions to and grant exemptions and  
569 variances from, and to enforce rules and regulations implementing  
570 or effectuating the powers and duties of the department under any  
571 and all statutes within the department's jurisdiction, all of  
572 which shall be binding upon the county departments of human  
573 services;

574 (c) To apply for, receive and expend any federal or  
575 state funds or contributions, gifts, devises, bequests or funds  
576 from any other source;

577 (d) Except as limited by Section 43-1-3, to enter into  
578 and execute contracts, grants and cooperative agreements with any  
579 federal or state agency or subdivision thereof, or any public or  
580 private institution located inside or outside the State of  
581 Mississippi, or any person, corporation or association in  
582 connection with carrying out the programs of the department; and



583 (e) To discharge such other duties, responsibilities  
584 and powers as are necessary to implement the programs of the  
585 department.

586 (5) The executive director shall establish the  
587 organizational structure of the Mississippi Department of Human  
588 Services which shall include the creation of any units necessary  
589 to implement the duties assigned to the department and consistent  
590 with specific requirements of law, including, but not limited to:

- 591 (a) Office of Family and Children's Services;
- 592 (b) Office of Youth Services;
- 593 (c) Office of Economic Assistance;
- 594 (d) Office of Child Support.

595 (6) The Executive Director of Human Services shall appoint  
596 heads of offices, bureaus and divisions, as defined in Section  
597 7-17-11, who shall serve at the pleasure of the executive  
598 director. The salary and compensation of such office, bureau and  
599 division heads shall be subject to the rules and regulations  
600 adopted and promulgated by the Governor acting through the  
601 Department of Finance and Administration. The executive director  
602 shall have the authority to organize offices as deemed appropriate  
603 to carry out the responsibilities of the department. The  
604 organization charts of the department shall be presented annually  
605 with the budget request of the Governor for review by the  
606 Legislature.

607 (7) This section shall stand repealed on July 1, 2002.

608 **SECTION 18.** Section 43-13-107, Mississippi Code of 1972, is  
609 amended as follows:

610 43-13-107. (1) The Division of Medicaid is created in the  
611 Office of the Governor and established to administer this article  
612 and perform such other duties as are prescribed by law.

613 (2) The Governor shall appoint a full-time director, with  
614 the advice and consent of the Senate, who shall be either (a) a  
615 physician with administrative experience in a medical care or



616 health program, or (b) a person holding a graduate degree in  
617 medical care administration, public health, hospital  
618 administration, or the equivalent, or (c) a person holding a  
619 bachelor's degree in business administration or hospital  
620 administration, with at least ten (10) years' experience in  
621 management-level administration of Medicaid programs, and who  
622 shall serve at the will and pleasure of the Governor. The  
623 director shall be the official secretary and legal custodian of  
624 the records of the division; shall be the agent of the division  
625 for the purpose of receiving all service of process, summons and  
626 notices directed to the division; and shall perform such other  
627 duties as the Governor shall, from time to time, prescribe. The  
628 director, with the approval of the Governor \* \* \*, shall employ  
629 such professional, administrative, stenographic, secretarial,  
630 clerical and technical assistance as may be necessary to perform  
631 the duties required in administering this article and fix the  
632 compensation therefor, all in accordance with a state merit system  
633 meeting federal requirements, except that when the salary of the  
634 director is not set by law, such salary shall be set by the  
635 Governor acting through the Department of Finance and  
636 Administration. No employees of the Division of Medicaid shall be  
637 considered to be staff members of the immediate Office of the  
638 Governor \* \* \*.

639 (3) (a) There is established a Medical Care Advisory  
640 Committee, which shall be the committee that is required by  
641 federal regulation to advise the Division of Medicaid about health  
642 and medical care services.

643 (b) The committee shall consist of not less than eleven  
644 (11) members, as follows:

645 (i) The Governor shall appoint five (5) members,  
646 one (1) from each congressional district as presently constituted;

647 (ii) The Lieutenant Governor shall appoint three

648 (3) members, one (1) from each Supreme Court district;



649 (iii) The Speaker of the House of Representatives  
650 shall appoint three (3) members, one (1) from each Supreme Court  
651 district.

652 All members appointed under this paragraph shall either be  
653 health care providers or consumers of health care services. One  
654 (1) member appointed by each of the appointing authorities shall  
655 be a board certified physician.

656 (c) The respective chairmen of the House Public Health  
657 and Welfare Committee, the House Appropriations Committee, the  
658 Senate Public Health and Welfare Committee and the Senate  
659 Appropriations Committee, or their designees, one (1) member of  
660 the State Senate appointed by the Lieutenant Governor and one (1)  
661 member of the House of Representatives appointed by the Speaker of  
662 the House, shall serve as ex officio nonvoting members.

663 (d) In addition to the committee members required by  
664 paragraph (b), the committee shall consist of such other members  
665 as are necessary to meet the requirements of the federal  
666 regulation applicable to the Medical Care Advisory Committee, who  
667 shall be appointed as provided in the federal regulation.

668 (e) The chairmanship of the Medical Care Advisory  
669 Committee shall alternate for twelve-month periods between the  
670 chairmen of the House and Senate Public Health and Welfare  
671 Committees, with the Chairman of the House Public Health and  
672 Welfare Committee serving as the first chairman.

673 (f) The members of the committee specified in paragraph  
674 (b) shall serve for terms that are concurrent with the terms of  
675 members of the Legislature, and any member appointed under  
676 paragraph (b) may be reappointed to the committee. The members of  
677 the committee specified in paragraph (b) shall serve without  
678 compensation, but shall receive reimbursement to defray actual  
679 expenses incurred in the performance of committee business as  
680 authorized by law. Legislators shall receive per diem and  
681 expenses which may be paid from the contingent expense funds of



682 their respective houses in the same amounts as provided for  
683 committee meetings when the Legislature is not in session.

684 (g) The committee shall meet not less than quarterly,  
685 and committee members shall be furnished written notice of the  
686 meetings at least ten (10) days before the date of the meeting.

687 (h) The Executive Director of the Division of Medicaid  
688 shall submit to the committee all amendments, modifications and  
689 changes to the state plan for the operation of the Medicaid  
690 program, for review by the committee before the amendments,  
691 modifications or changes may be implemented by the division.

692 (i) The committee, among its duties and  
693 responsibilities, shall:

694 (i) Advise the division with respect to  
695 amendments, modifications and changes to the state plan for the  
696 operation of the Medicaid program;

697 (ii) Advise the division with respect to issues  
698 concerning receipt and disbursement of funds and eligibility for  
699 medical assistance;

700 (iii) Advise the division with respect to  
701 determining the quantity, quality and extent of medical care  
702 provided under this article;

703 (iv) Communicate the views of the medical care  
704 professions to the division and communicate the views of the  
705 division to the medical care professions;

706 (v) Gather information on reasons that medical  
707 care providers do not participate in the Medicaid program and  
708 changes that could be made in the program to encourage more  
709 providers to participate in the Medicaid program, and advise the  
710 division with respect to encouraging physicians and other medical  
711 care providers to participate in the Medicaid program;

712 (vi) Provide a written report on or before  
713 November 30 of each year to the Governor, Lieutenant Governor and  
714 Speaker of the House of Representatives.



715           **SECTION 19.** Section 65-1-9, Mississippi Code of 1972, is  
716 amended as follows:

717           65-1-9. The commission shall appoint an Executive Director  
718 of the Mississippi Department of Transportation for a term of  
719 office beginning on April 1, 1993. The person serving as  
720 Executive Director of the State Highway Department on June 30,  
721 1992, shall serve until April 1, 1993, as the Executive Director  
722 of the Mississippi Department of Transportation, and thereafter  
723 shall be eligible for reappointment to the position of Executive  
724 Director of the Mississippi Department of Transportation.  
725 Succeeding terms shall expire on April 1 each four (4) years  
726 thereafter. The executive director may be removed by a majority  
727 of the commission \* \* \*. All appointments by the commission shall  
728 be with the advice and consent of the Senate. The commission  
729 shall submit its appointment to the Senate not later than March 1  
730 of the year in which a term expires, and if such submission is not  
731 made by March 1, the incumbent director shall be deemed to have  
732 been reappointed for a four-year term. In the event a vacancy  
733 occurs from resignation, death or removal from office by the  
734 commission, the commission shall submit its appointment for the  
735 unexpired term to the Senate not later than the next March 1 after  
736 such vacancy occurs. If no appointment for an unexpired term is  
737 submitted to the Senate, the Governor shall make such appointment  
738 not later than April 1 of such year. The commission shall fix the  
739 compensation of the executive director \* \* \*. The executive  
740 director shall be eligible for reappointment. The executive  
741 director shall have the following qualifications:

742           (a) Possess a wide knowledge of the transportation  
743 system and needs of Mississippi;

744           (b) Possess a wide knowledge of the principles of  
745 transportation organization and administration; and

746           (c) Possess selected training or expertise in the field  
747 of transportation.



748 No person who is a member of the Mississippi Transportation  
749 Commission, or who has been a member of the transportation  
750 commission or of its predecessor, the State Highway Commission,  
751 within two (2) years next preceding his appointment, shall be  
752 eligible to be chosen as executive director of the department.  
753 The executive director shall be the executive officer of the  
754 commission and shall be subject to its orders and directions. The  
755 executive director shall give his entire time to the duties of his  
756 office. Before entering upon the duties of his office, the  
757 executive director shall give bond to the State of Mississippi in  
758 the sum of Fifty Thousand Dollars (\$50,000.00), conditioned upon  
759 the faithful discharge and performance of his official duty. The  
760 principal and surety on such bond shall be liable thereunder to  
761 the state for double the amount of value of any money or property  
762 which the state may lose, if any, by reason of any wrongful or  
763 criminal act of the executive director. Such bond, when approved  
764 by the commission, shall be filed with the Secretary of State, and  
765 the premium thereon shall be paid from any funds available to the  
766 commission.

767 **SECTION 20.** Section 65-9-9, Mississippi Code of 1972, is  
768 amended as follows:

769 65-9-9. The State Aid Engineer shall be appointed by the  
770 Governor for a term of two (2) years, subject to removal \* \* \* by  
771 the Governor at any time; provided, however, upon the expiration  
772 of the term of the State Aid Engineer serving on July 1, 1985, the  
773 State Aid Engineer shall be appointed by the Governor for a term  
774 of four (4) years. The State Aid Engineer shall be a registered  
775 engineer with at least eight (8) years' experience as a county  
776 road or highway engineer and a thorough knowledge of rural road  
777 problems. He shall be paid a salary equal to that paid assistant  
778 chief engineers of the Mississippi Department of Transportation as  
779 established by the department's personnel and merit system, plus  
780 travel expenses actually incurred by him in the discharge of his





781 duties; and he shall, each month, make a detailed report to the  
782 Governor of such expenses. He shall be authorized to employ  
783 assistant state aid engineers, together with such other engineers,  
784 employees, and other assistants as may be necessary to carry out  
785 the terms of this chapter, all of whom may be removed at any time  
786 by the State Aid Engineer. The compensation of all such  
787 engineers, employees, and assistants shall be comparable to the  
788 salaries of like employees of the Mississippi Department of  
789 Transportation.

790 The State Aid Engineer, before entering upon the discharge of  
791 his duties, shall give bond in the sum of Twenty-five Thousand  
792 Dollars (\$25,000.00) in some surety company authorized to do  
793 business in this state, which bond shall be conditioned for the  
794 faithful performance of his duties; and likewise each assistant  
795 state aid engineer shall give bond in the sum of Ten Thousand  
796 Dollars (\$10,000.00) conditioned for the faithful performance of  
797 his duties. The State Aid Engineer is hereby authorized to  
798 require other assistants who are charged with responsible duties  
799 to likewise give bond in amounts not to exceed Ten Thousand  
800 Dollars (\$10,000.00) each, conditioned for the faithful  
801 performance of their duties.

802 The salaries of the State Aid Engineer and his assistants and  
803 of all other employees of the Office of State Aid Road  
804 Construction, and all other expenses incurred by the Office of  
805 State Aid Road Construction in carrying out the provisions of this  
806 chapter, including the premiums of bonds of the State Aid  
807 Engineer, assistant state aid engineers, and other assistants,  
808 shall be paid from the State Aid Road Fund in the State Treasury  
809 prior to allocation to the several counties, by requisition drawn  
810 by the State Aid Engineer directed to the Department of Finance  
811 and Administration, which will issue its warrant to the State  
812 Treasurer in the sum and for the purpose stated in the



813 requisition. The State Aid Engineer shall, each month, make a  
814 detailed report to the Governor of all expenditures so made.

815           **SECTION 21.** This act shall take effect and be in force from  
816 and after July 1, 2002.

