

By: Representative Taylor

To: Fees and Salaries of
Public Officers

HOUSE BILL NO. 428

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE TIME-LIMITED STATE EMPLOYEES IN THE STATE SERVICE; TO
3 AMEND SECTION 25-9-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
4 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-9-107, Mississippi Code of 1972, is
7 amended as follows:

8 25-9-107. The following terms, when used in this chapter,
9 unless a different meaning is plainly required by the
10 context, * * * have the following meanings:

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

13 (b) "State service" means all employees of state
14 departments, agencies and institutions as defined in this section,
15 except those officers and employees excluded by this chapter.

16 (c) "Nonstate service" means the following officers and
17 employees excluded from the state service by this chapter. The
18 following are excluded from the state service:

19 (i) Members of the State Legislature, their staffs
20 and other employees of the legislative branch;

21 (ii) The Governor and staff members of the
22 immediate Office of the Governor;

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

25 (iv) The Lieutenant Governor, staff members of the
26 immediate Office of the Lieutenant Governor and officers and
27 employees directly appointed by the Lieutenant Governor;



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

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

32 (vii) All academic officials, members of the
33 teaching staffs and employees of the state institutions of higher
34 learning, the State Board for Community and Junior Colleges, and
35 community and junior colleges;

36 (viii) Officers and enlisted members of the
37 National Guard of the state;

38 (ix) Prisoners, inmates, student or patient help
39 working in or about institutions;

40 (x) Contract personnel; however, * * * any agency
41 that employs state service employees may enter into contracts for
42 personal and professional services only if the contracts are
43 approved in compliance with the rules and regulations promulgated
44 by the State Personal Service Contract Review Board under Section
45 25-9-120(3). Before paying any warrant for those contractual
46 services in excess of One Hundred Thousand Dollars (\$100,000.00),
47 the State Fiscal Officer shall determine whether the contract
48 involved was for personal or professional services, and, if so,
49 was approved by the State Personal Service Contract Review Board;

50 (xi) Part-time employees; provided, however,
51 part-time employees shall only be hired into authorized employment
52 positions classified by the board, shall meet minimum
53 qualifications as set by the board, and shall be paid in
54 accordance with the Variable Compensation Plan as certified by the
55 board;

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



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

62 (xiii) Physicians, dentists, veterinarians, nurse
63 practitioners and attorneys, while serving in their professional
64 capacities in authorized employment positions who are required by
65 statute to be licensed, registered or otherwise certified as such,
66 provided that the State Personnel Director shall verify that the
67 statutory qualifications are met before issuance of a payroll
68 warrant by the State Fiscal Officer;

69 * * *

70 (xiv) The administrative head who is in charge of
71 any state department, agency, institution, board or commission, in
72 which the statute specifically authorizes the Governor, board,
73 commission or other authority to appoint the administrative head;
74 provided, however, * * * the salary of the administrative head
75 shall be determined by the State Personnel Board in accordance
76 with the Variable Compensation Plan unless otherwise fixed by
77 statute;

78 (xv) The State Personnel Board shall exclude top
79 level positions if the incumbents determine and publicly advocate
80 substantive program policy and report directly to the agency head,
81 or the incumbents are required to maintain a direct confidential
82 working relationship with a key excluded official. A written job
83 classification shall be approved by the board for each such
84 position, and positions so excluded shall be paid in conformity
85 with the Variable Compensation Plan;

86 (xvi) Employees whose employment is solely in
87 connection with an agency's contract to produce, store or
88 transport goods, and whose compensation is derived therefrom;

89 * * *

90 (xvii) The associate director, deputy directors
91 and bureau directors within the Department of Agriculture and
92 Commerce;



93 (xviii) Personnel employed by the Mississippi
94 Industries for the Blind; provided, that any agency may enter into
95 contracts for the personal services of MIB employees without the
96 prior approval of the State Personnel Board or the State Personal
97 Service Contract Review Board; however, any agency contracting for
98 the personal services of an MIB employee shall provide the MIB
99 employee with not less than the entry level compensation and
100 benefits that the agency would provide to a full-time employee of
101 the agency who performs the same services;

102 (xix) Personnel employed by the Mississippi
103 Department of Wildlife, Fisheries and Parks as law enforcement
104 trainees (cadets); such personnel shall be paid in accordance with
105 the Colonel Guy Groff State Variable Compensation Plan.

106 (d) "Agency" means any state board, commission,
107 committee, council, department or unit thereof created by the
108 Constitution or statutes if the board, commission, committee,
109 council, department, unit or the head thereof, is authorized to
110 appoint subordinate staff by the Constitution or statute, except a
111 legislative or judicial board, commission, committee, council,
112 department or unit thereof.

113 **SECTION 2.** Section 25-9-155, Mississippi Code of 1972, is
114 amended as follows:

115 25-9-155. The State Personnel Board shall grant part-time
116 employees, as defined in Section 25-9-107(c)(xi), who are fully
117 qualified, * * * and all other nonstate service employees, who are
118 fully qualified, preference over general public applicants for
119 state service positions in the same manner that preference is
120 given to employees in the state service, as defined in Section
121 25-9-107(b), for appointment in the state service.

122 **SECTION 3.** This act shall take effect and be in force from
123 and after July 1, 2004.

