

By: Senator(s) Little, Gordon, Robertson,
Burton, Hewes, Kirby, Flowers, Brown,
Carmichael, Nunnelee, Clarke, Mettetal,
Michel, Morgan, White

To: Appropriations

SENATE BILL NO. 2633

1 AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FOR A PERIOD OF ONE YEAR, THE PERSONNEL ACTIONS OF
3 CERTAIN EXECUTIVE AGENCIES SHALL BE EXEMPT FROM CERTAIN STATE
4 PERSONNEL BOARD PROCEDURES; AND FOR RELATED PURPOSES.

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

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

8 25-9-127. (1) No employee of any department, agency or
9 institution who is included under this chapter or hereafter
10 included under its authority, and who is subject to the rules and
11 regulations prescribed by the state personnel system may be
12 dismissed or otherwise adversely affected as to compensation or
13 employment status except for inefficiency or other good cause, and
14 after written notice and hearing within the department, agency or
15 institution as shall be specified in the rules and regulations of
16 the State Personnel Board complying with due process of law; and
17 any employee who has by written notice of dismissal or action
18 adversely affecting his compensation or employment status shall,
19 on hearing and on any appeal of any decision made in such action,
20 be required to furnish evidence that the reasons stated in the
21 notice of dismissal or action adversely affecting his compensation
22 or employment status are not true or are not sufficient grounds
23 for the action taken; provided, however, that this provision shall
24 not apply (a) to persons separated from any department, agency or
25 institution due to curtailment of funds or reduction in staff when
26 such separation is in accordance with rules and regulations of the
27 state personnel system; (b) during the probationary period of
28 state service of twelve (12) months; and (c) to an executive

29 officer of any state agency who serves at the will and pleasure of
30 the Governor, board, commission or other appointing authority.

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

37 (3) Beginning July 1, 1999, every male between the ages of
38 eighteen (18) and twenty-six (26) who is required to register
39 under the federal Military Selective Service Act, 50 USCS App.
40 453, and who is an employee of the state shall not be promoted to
41 any higher position of employment with the state until he submits
42 to the person, commission, board or agency by which he is employed
43 satisfactory documentation of his compliance with the draft
44 registration requirements of the Military Selective Service Act.
45 The documentation shall include a signed affirmation under penalty
46 of perjury that the male employee has complied with the
47 requirements of the federal selective service act.

48 (4) For a period of one (1) year after the effective date of
49 this act, the provisions of Section 25-9-127(1) shall not apply to
50 the personnel actions of the following executive agencies:

51 (a) Division of Medicaid, Office of the Governor;

52 (b) Mississippi Department of Corrections;

53 (c) Mississippi Department of Finance and

54 Administration;

55 (d) Mississippi Department of Human Services;

56 (e) Mississippi Department of Public Safety and the

57 Mississippi Bureau of Narcotics;

58 (f) Mississippi Emergency Management Agency;

59 (g) Mississippi Development Authority;

60 (h) Mississippi Department of Environmental Quality;

61 (i) Mississippi Employment Security Commission and its
62 successor agency the Department of Employment Security, Office of
63 the Governor.

64 All new employees in the executive agencies named above shall
65 meet criteria of the State Personnel Board as presently exists for
66 employment.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after its passage.