

By: Representative Turner

To: Accountability,  
Efficiency, Transparency

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 528

1 AN ACT TO PROVIDE FOR ADDITIONAL PENALTIES IF THE PUBLIC  
2 PROCUREMENT REVIEW BOARD FINDS THAT THE PROCUREMENT OFFICER OF AN  
3 AGENCY OR GOVERNING AUTHORITY OR A VENDOR VIOLATES THE PROVISIONS  
4 OF SECTION 31-7-13(O); TO PROVIDE THAT EACH INVITATION FOR BID,  
5 REQUEST FOR PROPOSALS, REQUEST FOR QUALIFICATION, REVERSE AUCTION  
6 OR OTHER METHOD USED FOR SOLICITING PURCHASES FOR AGENCIES AND  
7 GOVERNING AUTHORITIES SHALL INCLUDE A SECTION THAT PROVIDES  
8 SECTION 31-7-13(O) IN ITS ENTIRETY; TO BRING FORWARD SECTION  
9 27-104-103, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DUTIES OF  
10 THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR THE PURPOSE OF  
11 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) If the Public Procurement Review Board finds  
14 that the procurement officer of an agency or governing authority  
15 has violated the provisions of Section 31-7-13(o), he or she shall  
16 be subject to the penalties provided for in Section 31-7-13(o) as  
17 well as the penalties provided for in Sections 31-7-55 and 31-7-57  
18 and a referral of the violation to the State Auditor and the  
19 Attorney General.

20 (2) If the Public Procurement Review Board finds that a  
21 vendor has violated the provisions of Section 31-7-13(o), then  
22 that vendor, including the principal or business owner, shall be



23 banned from doing any business with the state or any municipality  
24 for three (3) years after the first violation. If that vendor,  
25 including the principal or business owner, commits a subsequent  
26 violation of Section 31-7-13(o), then that vendor, including the  
27 principal and business owner, shall be banned indefinitely from  
28 doing any business with the state or any municipality.

29 (3) The penalties provided in this section shall be in  
30 addition to those penalties provided for in Section 31-7-13(o).

31 (4) Each invitation for bid, request for proposals, request  
32 for qualification, reverse auction, or other method used for  
33 soliciting purchases for agencies and governing authorities shall  
34 include a section that provides Section 31-7-13(o) in its  
35 entirety. The section shall be in bold print and a font size that  
36 is at least one (1) size larger than the font size used throughout  
37 the document. For the purposes of this section, the word  
38 "purchases" includes all procurements of any type of commodities,  
39 public construction, or personal or professional services under  
40 the purview of the Public Procurement Review Board.

41 **SECTION 2.** Section 27-104-103, Mississippi Code of 1972, is  
42 brought forward as follows:

43 27-104-103. (1) The Department of Finance and  
44 Administration shall have the following duties and powers:

45 (a) To provide administrative guidance to the various  
46 departments and agencies of state government;



47 (b) To facilitate the expedient delivery of services  
48 and programs for the benefit of the citizens of the state;

49 (c) To analyze and develop efficient management  
50 practices and assist departments and agencies in implementing  
51 effective and efficient work management systems;

52 (d) To conduct management review of state agencies and  
53 departments and recommend a management plan to state departments  
54 and agencies when corrective action is required;

55 (e) To, at least annually, report to the Governor and  
56 the Legislature on programs and actions taken to improve the  
57 conduct of state operations and to prepare and recommend  
58 management programs for effective and efficient management of the  
59 operations of state government;

60 (f) To allocate the federal-state programs funds to the  
61 departments responsible for the delivery of the programs and  
62 services for which the appropriation was made;

63 (g) To coordinate the planning functions of all  
64 agencies in the executive branch of government and review any and  
65 all plans which are developed by those agencies and departments;

66 (h) To collect and maintain the necessary data on which  
67 to base budget and policy development issues;

68 (i) To develop and analyze policy recommendations to  
69 the Governor;

70 (j) To develop and manage the executive budget process;



71           (k) To prepare the executive branch budget  
72 recommendations;

73           (l) To review and monitor the expenditures of the  
74 executive agencies and departments of government;

75           (m) To manage the state's fiscal affairs;

76           (n) To administer programs relating to general  
77 services, public procurement, insurance and the Bond Advisory  
78 Division;

79           (o) To administer the state's aircraft operation.

80           (2) The department shall have the following additional  
81 powers and duties under Chapter 18 of Title 17:

82           (a) It shall acquire the site submitted by the  
83 Mississippi Hazardous Waste Facility Siting Authority and, if  
84 determined necessary, design, finance, construct and operate a  
85 state commercial hazardous waste management facility;

86           (b) It may acquire by deed, purchase, lease, contract,  
87 gift, devise or otherwise any real or personal property,  
88 structures, rights-of-way, franchises, easements and other  
89 interest in land which is necessary and convenient for the  
90 construction or operation of the state commercial hazardous waste  
91 management facility, upon such terms and conditions as it deems  
92 advisable, hold, mortgage, pledge or otherwise encumber the same,  
93 and lease, sell, convey or otherwise dispose of the same in such a  
94 manner as may be necessary or advisable to carry out the purposes  
95 of Chapter 18 of Title 17;



96 (c) It shall develop and implement, in consultation  
97 with the Department of Environmental Quality, schedules of user  
98 fees, franchise fees and other charges, including nonregulatory  
99 penalties and surcharges applicable to the state commercial  
100 hazardous waste management facility;

101 (d) It may employ consultants and contractors to  
102 provide services including site acquisition, design, construction,  
103 operation, closure, post-closure and perpetual care of the state  
104 commercial hazardous waste management facility;

105 (e) It may apply for and accept loans, grants and gifts  
106 from any federal or state agency or any political subdivision or  
107 any private or public organization;

108 (f) It shall make plans, surveys, studies and  
109 investigations as may be necessary or desirable with respect to  
110 the acquisition, development and use of real property and the  
111 design, construction, operation, closure and long-term care of the  
112 state commercial hazardous waste management facility;

113 (g) It shall have the authority to preempt any local  
114 ordinance or restriction which prohibits or has the effect of  
115 prohibiting the establishment or operation of the state commercial  
116 hazardous waste management facility;

117 (h) It may negotiate any agreement for site  
118 acquisition, design, construction, operation, closure,  
119 post-closure and perpetual care of the state commercial hazardous



120 waste management facility and may negotiate any agreement with any  
121 local governmental unit pursuant to Chapter 18 of Title 17;

122 (i) It may promulgate rules and regulations necessary  
123 to effectuate the purposes of Chapter 18 of Title 17 not  
124 inconsistent therewith;

125 (j) If funds are not appropriated or if the  
126 appropriated funds are insufficient to carry out the provisions of  
127 Chapter 18 of Title 17, the department shall expend any funds  
128 available to it from any source to defray its costs to implement  
129 Chapter 18 of Title 17 through February 1, 1991.

130 (3) From and after July 1, 2016, the expenses of the  
131 Department of Finance and Administration shall be defrayed by  
132 appropriation from the State General Fund and all user charges and  
133 fees authorized under law such as rents, MAGIC fees, and other  
134 fees for services shall be deposited into the State General Fund  
135 as authorized by law.

136 (4) From and after July 1, 2016, the Department of Finance  
137 and Administration shall not charge another state agency a fee,  
138 assessment, rent or other charge for services or resources  
139 received by that state agency from the department.

140 **SECTION 3.** This act shall take effect and be in force from  
141 and after its passage.

