

By: Representatives Turner, Ladner, Hopkins

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 540

1 AN ACT TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONDUCT
3 PERSONAL AND PROFESSIONAL SERVICES SOLICITATIONS IN EXCESS OF
4 SEVENTY-FIVE THOUSAND DOLLARS FOR THE DEPARTMENT OF MARINE
5 RESOURCES, THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, THE
6 MISSISSIPPI EMERGENCY MANAGEMENT AGENCY AND THE MISSISSIPPI
7 DEVELOPMENT AUTHORITY; TO AMEND SECTION 27-104-103, MISSISSIPPI
8 CODE OF 1972, TO REVISE THE POWER AND DUTIES OF THE DEPARTMENT OF
9 FINANCE AND ADMINISTRATION TO CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 27-104-7, Mississippi Code of 1972, is
12 amended as follows:

13 27-104-7. (1) (a) There is created the Public Procurement
14 Review Board, which shall be reconstituted on January 1, 2018, and
15 shall be composed of the following members:

16 (i) Three (3) individuals appointed by the
17 Governor with the advice and consent of the Senate;

18 (ii) Two (2) individuals appointed by the
19 Lieutenant Governor with the advice and consent of the Senate; and



20 (iii) The Executive Director of the Department of
21 Finance and Administration, serving as an ex officio and nonvoting
22 member.

23 (b) The initial terms of each appointee shall be as
24 follows:

25 (i) One (1) member appointed by the Governor to
26 serve for a term ending on June 30, 2019;

27 (ii) One (1) member appointed by the Governor to
28 serve for a term ending on June 30, 2020;

29 (iii) One (1) member appointed by the Governor to
30 serve for a term ending on June 30, 2021;

31 (iv) One (1) member appointed by the Lieutenant
32 Governor to serve for a term ending on June 30, 2019; and

33 (v) One (1) member appointed by the Lieutenant
34 Governor to serve for a term ending on June 30, 2020.

35 After the expiration of the initial terms, all appointed
36 members' terms shall be for a period of four (4) years from the
37 expiration date of the previous term, and until such time as the
38 member's successor is duly appointed and qualified.

39 (c) When appointing members to the Public Procurement
40 Review Board, the Governor and Lieutenant Governor shall take into
41 consideration persons who possess at least five (5) years of
42 management experience in general business, health care or finance
43 for an organization, corporation or other public or private
44 entity. Any person, or any employee or owner of a company, who



45 receives any grants, procurements or contracts that are subject to
46 approval under this section shall not be appointed to the Public
47 Procurement Review Board. Any person, or any employee or owner of
48 a company, who is a principal of the source providing a personal
49 or professional service shall not be appointed to the Public
50 Procurement Review Board if the principal owns or controls a
51 greater than five percent (5%) interest or has an ownership value
52 of One Million Dollars (\$1,000,000.00) in the source's business,
53 whichever is smaller. No member shall be an officer or employee
54 of the State of Mississippi while serving as a voting member on
55 the Public Procurement Review Board.

56 (d) Members of the Public Procurement Review Board
57 shall be entitled to per diem as authorized by Section 25-3-69 and
58 travel reimbursement as authorized by Section 25-3-41.

59 (e) The members of the Public Procurement Review Board
60 shall elect a chair from among the membership, and he or she shall
61 preside over the meetings of the board. The board shall annually
62 elect a vice chair, who shall serve in the absence of the chair.
63 No business shall be transacted, including adoption of rules of
64 procedure, without the presence of a quorum of the board. Three
65 (3) members shall be a quorum. No action shall be valid unless
66 approved by a majority of the members present and voting, entered
67 upon the minutes of the board and signed by the chair. Necessary
68 clerical and administrative support for the board shall be
69 provided by the Department of Finance and Administration. Minutes



70 shall be kept of the proceedings of each meeting, copies of which
71 shall be filed on a monthly basis with the chairs of the
72 Accountability, Efficiency and Transparency Committees of the
73 Senate and House of Representatives and the chairs of the
74 Appropriations Committees of the Senate and House of
75 Representatives.

76 (2) The Public Procurement Review Board shall have the
77 following powers and responsibilities:

78 (a) Approve all purchasing regulations governing the
79 purchase or lease by any agency, as defined in Section 31-7-1, of
80 commodities and equipment, except computer equipment acquired
81 pursuant to Sections 25-53-1 through 25-53-29;

82 (b) Adopt regulations governing the approval of
83 contracts let for the construction and maintenance of state
84 buildings and other state facilities as well as related contracts
85 for architectural and engineering services.

86 The provisions of this paragraph (b) shall not apply to such
87 contracts involving buildings and other facilities of state
88 institutions of higher learning which are self-administered as
89 provided under this paragraph (b) or Section 37-101-15(m);

90 (c) Adopt regulations governing any lease or rental
91 agreement by any state agency or department, including any state
92 agency financed entirely by federal funds, for space outside the
93 buildings under the jurisdiction of the Department of Finance and
94 Administration. These regulations shall require each agency



95 requesting to lease such space to provide the following
96 information that shall be published by the Department of Finance
97 and Administration on its website: the agency to lease the space;
98 the terms of the lease; the approximate square feet to be leased;
99 the use for the space; a description of a suitable space; the
100 general location desired for the leased space; the contact
101 information for a person from the agency; the deadline date for
102 the agency to have received a lease proposal; any other specific
103 terms or conditions of the agency; and any other information
104 deemed appropriate by the Division of Real Property Management of
105 the Department of Finance and Administration or the Public
106 Procurement Review Board. The information shall be provided
107 sufficiently in advance of the time the space is needed to allow
108 the Division of Real Property Management of the Department of
109 Finance and Administration to review and preapprove the lease
110 before the time for advertisement begins;

111 (d) Adopt, in its discretion, regulations to set aside
112 at least five percent (5%) of anticipated annual expenditures for
113 the purchase of commodities from minority businesses; however, all
114 such set-aside purchases shall comply with all purchasing
115 regulations promulgated by the department and shall be subject to
116 all bid requirements. Set-aside purchases for which competitive
117 bids are required shall be made from the lowest and best minority
118 business bidder; however, if no minority bid is available or if
119 the minority bid is more than two percent (2%) higher than the



120 lowest bid, then bids shall be accepted and awarded to the lowest
121 and best bidder. However, the provisions in this paragraph shall
122 not be construed to prohibit the rejection of a bid when only one
123 (1) bid is received. Such rejection shall be placed in the
124 minutes. For the purposes of this paragraph, the term "minority
125 business" means a business which is owned by a person who is a
126 citizen or lawful permanent resident of the United States and who
127 is:

128 (i) Black: having origins in any of the black
129 racial groups of Africa;

130 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
131 Central or South American, or other Spanish or Portuguese culture
132 or origin regardless of race;

133 (iii) Asian-American: having origins in any of
134 the original people of the Far East, Southeast Asia, the Indian
135 subcontinent, or the Pacific Islands;

136 (iv) American Indian or Alaskan Native: having
137 origins in any of the original people of North America; or

138 (v) Female;

139 (e) In consultation with and approval by the Chairs of
140 the Senate and House Public Property Committees, approve leases,
141 for a term not to exceed eighteen (18) months, entered into by
142 state agencies for the purpose of providing parking arrangements
143 for state employees who work in the Woolfolk Building, the Carroll
144 Gartin Justice Building or the Walter Sillers Office Building;



145 (f) (i) Except as otherwise provided in subparagraph
146 (ii) of this paragraph, promulgate rules and regulations governing
147 the solicitation and selection of contractual services personnel,
148 including personal and professional services contracts for any
149 form of consulting, policy analysis, public relations, marketing,
150 public affairs, legislative advocacy services or any other
151 contract that the board deems appropriate for oversight, with the
152 exception of any personal service contracts entered into by any
153 agency that employs only nonstate service employees as defined in
154 Section 25-9-107(c), any personal service contracts entered into
155 for computer or information technology-related services governed
156 by the Mississippi Department of Information Technology Services,
157 any personal service contracts entered into by the individual
158 state institutions of higher learning, any personal service
159 contracts entered into by the Mississippi Department of
160 Transportation, any personal service contracts entered into by the
161 Department of Human Services through June 30, 2019, which the
162 Executive Director of the Department of Human Services determines
163 would be useful in establishing and operating the Department of
164 Child Protection Services, any personal service contracts entered
165 into by the Department of Child Protection Services through June
166 30, 2019, any contracts for entertainers and/or performers at the
167 Mississippi State Fairgrounds entered into by the Mississippi Fair
168 Commission, any contracts entered into by the Department of
169 Finance and Administration when procuring aircraft maintenance,



170 parts, equipment and/or services, any contract entered into by the
171 Department of Public Safety for service on specialized equipment
172 and/or software required for the operation at such specialized
173 equipment for use by the Office of Forensics Laboratories, any
174 personal or professional service contract entered into by the
175 Mississippi Department of Health and/or the Department of Revenue
176 solely in connection with their respective responsibilities under
177 the Mississippi Medical Cannabis Act from February 2, 2022,
178 through June 30, 2023, any contract for attorney, accountant,
179 actuary auditor, architect, engineer, anatomical pathologist,
180 utility rate expert services, any personal service contracts
181 approved by the Executive Director of the Department of Finance
182 and Administration and entered into by the Coordinator of Mental
183 Health Accessibility through June 30, 2022, any personal or
184 professional services contract entered into by the State
185 Department of Health in carrying out its responsibilities under
186 the ARPA Rural Water Associations Infrastructure Grant Program
187 through June 30, 2026, and any personal or professional services
188 contract entered into by the Mississippi Department of
189 Environmental Quality in carrying out its responsibilities under
190 the Mississippi Municipality and County Water Infrastructure Grant
191 Program Act of 2022, through June 30, 2026. Any such rules and
192 regulations shall provide for maintaining continuous internal
193 audit covering the activities of such agency affecting its revenue
194 and expenditures as required under Section 7-7-3(6)(d). Any rules



195 and regulation changes related to personal and professional
196 services contracts that the Public Procurement Review Board may
197 propose shall be submitted to the Chairs of the Accountability,
198 Efficiency and Transparency Committees of the Senate and House of
199 Representatives and the Chairs of the Appropriation Committees of
200 the Senate and House of Representatives at least fifteen (15) days
201 before the board votes on the proposed changes, and those rules
202 and regulation changes, if adopted, shall be promulgated in
203 accordance with the Mississippi Administrative Procedures Act;

204 (ii) From and after July 1, 2024, the Public
205 Procurement Review Board shall promulgate rules and regulations
206 that require the Department of Finance and Administration to
207 conduct personal and professional services solicitations as
208 provided in subparagraph (i) of this paragraph for those services
209 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
210 Department of Marine Resources, the Department of Wildlife,
211 Fisheries and Parks, the Mississippi Emergency Management Agency
212 and the Mississippi Development Authority, with assistance to be
213 provided from these entities. Any powers that have been conferred
214 upon agencies in order to comply with the provisions of this
215 section for personal and professional services solicitations shall
216 be conferred upon the Department of Finance and Administration to
217 conduct personal and professional services solicitations for the
218 Department of Marine Resources, the Department of Wildlife,
219 Fisheries and Parks, the Mississippi Emergency Management Agency



220 and the Mississippi Development Authority for those services in
221 excess of Seventy-five Thousand Dollars (\$75,000.00). The
222 Department of Finance and Administration shall make any
223 submissions that are required to be made by other agencies to the
224 Public Procurement Review Board for the Department of Marine
225 Resources, the Department of Wildlife, Fisheries and Parks, the
226 Mississippi Emergency Management Agency and the Mississippi
227 Development Authority.

228 (g) Approve all personal and professional services
229 contracts involving the expenditures of funds in excess of
230 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
231 paragraph (f) of this subsection (2) and in subsection (8);

232 (h) Develop mandatory standards with respect to
233 contractual services personnel that require invitations for public
234 bid, requests for proposals, record keeping and financial
235 responsibility of contractors. The Public Procurement Review
236 Board shall, unless exempted under this paragraph (h) or under
237 paragraph (i) or (o) of this subsection (2), require the agency
238 involved to submit the procurement to a competitive procurement
239 process, and may reserve the right to reject any or all resulting
240 procurements;

241 (i) Prescribe certain circumstances by which agency
242 heads may enter into contracts for personal and professional
243 services without receiving prior approval from the Public
244 Procurement Review Board. The Public Procurement Review Board may



245 establish a preapproved list of providers of various personal and
246 professional services for set prices with which state agencies may
247 contract without bidding or prior approval from the board;

248 (i) Agency requirements may be fulfilled by
249 procuring services performed incident to the state's own programs.
250 The agency head shall determine in writing whether the price
251 represents a fair market value for the services. When the
252 procurements are made from other governmental entities, the
253 private sector need not be solicited; however, these contracts
254 shall still be submitted for approval to the Public Procurement
255 Review Board.

256 (ii) Contracts between two (2) state agencies,
257 both under Public Procurement Review Board purview, shall not
258 require Public Procurement Review Board approval. However, the
259 contracts shall still be entered into the enterprise resource
260 planning system;

261 (j) Provide standards for the issuance of requests for
262 proposals, the evaluation of proposals received, consideration of
263 costs and quality of services proposed, contract negotiations, the
264 administrative monitoring of contract performance by the agency
265 and successful steps in terminating a contract;

266 (k) Present recommendations for governmental
267 privatization and to evaluate privatization proposals submitted by
268 any state agency;



269 (l) Authorize personal and professional service
270 contracts to be effective for more than one (1) year provided a
271 funding condition is included in any such multiple year contract,
272 except the State Board of Education, which shall have the
273 authority to enter into contractual agreements for student
274 assessment for a period up to ten (10) years. The State Board of
275 Education shall procure these services in accordance with the
276 Public Procurement Review Board procurement regulations;

277 (m) Request the State Auditor to conduct a performance
278 audit on any personal or professional service contract;

279 (n) Prepare an annual report to the Legislature
280 concerning the issuance of personal and professional services
281 contracts during the previous year, collecting any necessary
282 information from state agencies in making such report;

283 (o) Develop and implement the following standards and
284 procedures for the approval of any sole source contract for
285 personal and professional services regardless of the value of the
286 procurement:

287 (i) For the purposes of this paragraph (o), the
288 term "sole source" means only one (1) source is available that can
289 provide the required personal or professional service.

290 (ii) An agency that has been issued a binding,
291 valid court order mandating that a particular source or provider
292 must be used for the required service must include a copy of the
293 applicable court order in all future sole source contract reviews



294 for the particular personal or professional service referenced in
295 the court order.

296 (iii) Any agency alleging to have a sole source
297 for any personal or professional service, other than those
298 exempted under paragraph (f) of this subsection (2) and subsection
299 (8), shall publish on the procurement portal website established
300 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
301 days, the terms of the proposed contract for those services. In
302 addition, the publication shall include, but is not limited to,
303 the following information:

304 1. The personal or professional service
305 offered in the contract;

306 2. An explanation of why the personal or
307 professional service is the only one that can meet the needs of
308 the agency;

309 3. An explanation of why the source is the
310 only person or entity that can provide the required personal or
311 professional service;

312 4. An explanation of why the amount to be
313 expended for the personal or professional service is reasonable;
314 and

315 5. The efforts that the agency went through
316 to obtain the best possible price for the personal or professional
317 service.



318 (iv) If any person or entity objects and proposes
319 that the personal or professional service published under
320 subparagraph (iii) of this paragraph (o) is not a sole source
321 service and can be provided by another person or entity, then the
322 objecting person or entity shall notify the Public Procurement
323 Review Board and the agency that published the proposed sole
324 source contract with a detailed explanation of why the personal or
325 professional service is not a sole source service.

326 (v) 1. If the agency determines after review that
327 the personal or professional service in the proposed sole source
328 contract can be provided by another person or entity, then the
329 agency must withdraw the sole source contract publication from the
330 procurement portal website and submit the procurement of the
331 personal or professional service to an advertised competitive bid
332 or selection process.

333 2. If the agency determines after review that
334 there is only one (1) source for the required personal or
335 professional service, then the agency may appeal to the Public
336 Procurement Review Board. The agency has the burden of proving
337 that the personal or professional service is only provided by one
338 (1) source.

339 3. If the Public Procurement Review Board has
340 any reasonable doubt as to whether the personal or professional
341 service can only be provided by one (1) source, then the agency
342 must submit the procurement of the personal or professional



343 service to an advertised competitive bid or selection process. No
344 action taken by the Public Procurement Review Board in this appeal
345 process shall be valid unless approved by a majority of the
346 members of the Public Procurement Review Board present and voting.

347 (vi) The Public Procurement Review Board shall
348 prepare and submit a quarterly report to the House of
349 Representatives and Senate Accountability, Efficiency and
350 Transparency Committees that details the sole source contracts
351 presented to the Public Procurement Review Board and the reasons
352 that the Public Procurement Review Board approved or rejected each
353 contract. These quarterly reports shall also include the
354 documentation and memoranda required in subsection (4) of this
355 section. An agency that submitted a sole source contract shall be
356 prepared to explain the sole source contract to each committee by
357 December 15 of each year upon request by the committee;

358 (p) Assess any fines and administrative penalties
359 provided for in Sections 31-7-401 through 31-7-423.

360 (3) All submissions shall be made sufficiently in advance of
361 each monthly meeting of the Public Procurement Review Board as
362 prescribed by the Public Procurement Review Board. If the Public
363 Procurement Review Board rejects any contract submitted for review
364 or approval, the Public Procurement Review Board shall clearly set
365 out the reasons for its action, including, but not limited to, the
366 policy that the agency has violated in its submitted contract and
367 any corrective actions that the agency may take to amend the



368 contract to comply with the rules and regulations of the Public
369 Procurement Review Board.

370 (4) All sole source contracts for personal and professional
371 services awarded by state agencies, other than those exempted
372 under Section 27-104-7(2) (f) and (8), whether approved by an
373 agency head or the Public Procurement Review Board, shall contain
374 in the procurement file a written determination for the approval,
375 using a request form furnished by the Public Procurement Review
376 Board. The written determination shall document the basis for the
377 determination, including any market analysis conducted in order to
378 ensure that the service required was practicably available from
379 only one (1) source. A memorandum shall accompany the request
380 form and address the following four (4) points:

381 (a) Explanation of why this service is the only service
382 that can meet the needs of the purchasing agency;

383 (b) Explanation of why this vendor is the only
384 practicably available source from which to obtain this service;

385 (c) Explanation of why the price is considered
386 reasonable; and

387 (d) Description of the efforts that were made to
388 conduct a noncompetitive negotiation to get the best possible
389 price for the taxpayers.

390 (5) In conjunction with the State Personnel Board, the
391 Public Procurement Review Board shall develop and promulgate rules
392 and regulations to define the allowable legal relationship between



393 contract employees and the contracting departments, agencies and
394 institutions of state government under the jurisdiction of the
395 State Personnel Board, in compliance with the applicable rules and
396 regulations of the federal Internal Revenue Service (IRS) for
397 federal employment tax purposes. Under these regulations, the
398 usual common law rules are applicable to determine and require
399 that such worker is an independent contractor and not an employee,
400 requiring evidence of lawful behavioral control, lawful financial
401 control and lawful relationship of the parties. Any state
402 department, agency or institution shall only be authorized to
403 contract for personnel services in compliance with those
404 regulations.

405 (6) No member of the Public Procurement Review Board shall
406 use his or her official authority or influence to coerce, by
407 threat of discharge from employment, or otherwise, the purchase of
408 commodities, the contracting for personal or professional
409 services, or the contracting for public construction under this
410 chapter.

411 (7) Notwithstanding any other laws or rules to the contrary,
412 the provisions of subsection (2) of this section shall not be
413 applicable to the Mississippi State Port Authority at Gulfport.

414 (8) Nothing in this section shall impair or limit the
415 authority of the Board of Trustees of the Public Employees'
416 Retirement System to enter into any personal or professional
417 services contracts directly related to their constitutional



418 obligation to manage the trust funds, including, but not limited
419 to, actuarial, custodial banks, cash management, investment
420 consultant and investment management contracts.

421 (9) Notwithstanding the exemption of personal and
422 professional services contracts entered into by the Department of
423 Human Services and personal and professional services contracts
424 entered into by the Department of Child Protection Services from
425 the provisions of this section under subsection (2)(f), before the
426 Department of Human Services or the Department of Child Protection
427 Services may enter into a personal or professional service
428 contract, the department(s) shall give notice of the proposed
429 personal or professional service contract to the Public
430 Procurement Review Board for any recommendations by the board.
431 Upon receipt of the notice, the board shall post the notice on its
432 website and on the procurement portal website established by
433 Sections 25-53-151 and 27-104-165. If the board does not respond
434 to the department(s) within seven (7) calendar days after
435 receiving the notice, the department(s) may enter the proposed
436 personal or professional service contract. If the board responds
437 to the department(s) within seven (7) calendar days, then the
438 board has seven (7) calendar days from the date of its initial
439 response to provide any additional recommendations. After the end
440 of the second seven-day period, the department(s) may enter the
441 proposed personal or professional service contract. The board is
442 not authorized to disapprove any proposed personal or professional



443 services contracts. This subsection shall stand repealed on July
444 1, 2022.

445 **SECTION 2.** Section 27-104-103, Mississippi Code of 1972, is
446 amended as follows:

447 27-104-103. (1) The Department of Finance and
448 Administration shall have the following duties and powers:

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

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

453 (c) To analyze and develop efficient management
454 practices and assist departments and agencies in implementing
455 effective and efficient work management systems;

456 (d) To conduct management review of state agencies and
457 departments and recommend a management plan to state departments
458 and agencies when corrective action is required;

459 (e) To, at least annually, report to the Governor and
460 the Legislature on programs and actions taken to improve the
461 conduct of state operations and to prepare and recommend
462 management programs for effective and efficient management of the
463 operations of state government;

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



467 (g) To coordinate the planning functions of all
468 agencies in the executive branch of government and review any and
469 all plans which are developed by those agencies and departments;
470 (h) To collect and maintain the necessary data on which
471 to base budget and policy development issues;
472 (i) To develop and analyze policy recommendations to
473 the Governor;
474 (j) To develop and manage the executive budget process;
475 (k) To prepare the executive branch budget
476 recommendations;
477 (l) To review and monitor the expenditures of the
478 executive agencies and departments of government;
479 (m) To manage the state's fiscal affairs;
480 (n) To administer programs relating to general
481 services, public procurement, insurance and the Bond Advisory
482 Division;
483 (o) To administer the state's aircraft operation.
484 (2) The department shall have the following additional
485 powers and duties under Chapter 18 of Title 17:
486 (a) It shall acquire the site submitted by the
487 Mississippi Hazardous Waste Facility Siting Authority and, if
488 determined necessary, design, finance, construct and operate a
489 state commercial hazardous waste management facility;
490 (b) It may acquire by deed, purchase, lease, contract,
491 gift, devise or otherwise any real or personal property,



492 structures, rights-of-way, franchises, easements and other
493 interest in land which is necessary and convenient for the
494 construction or operation of the state commercial hazardous waste
495 management facility, upon such terms and conditions as it deems
496 advisable, hold, mortgage, pledge or otherwise encumber the same,
497 and lease, sell, convey or otherwise dispose of the same in such a
498 manner as may be necessary or advisable to carry out the purposes
499 of Chapter 18 of Title 17;

500 (c) It shall develop and implement, in consultation
501 with the Department of Environmental Quality, schedules of user
502 fees, franchise fees and other charges, including nonregulatory
503 penalties and surcharges applicable to the state commercial
504 hazardous waste management facility;

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

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

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



517 (g) It shall have the authority to preempt any local
518 ordinance or restriction which prohibits or has the effect of
519 prohibiting the establishment or operation of the state commercial
520 hazardous waste management facility;

521 (h) It may negotiate any agreement for site
522 acquisition, design, construction, operation, closure,
523 post-closure and perpetual care of the state commercial hazardous
524 waste management facility and may negotiate any agreement with any
525 local governmental unit pursuant to Chapter 18 of Title 17;

526 (i) It may promulgate rules and regulations necessary
527 to effectuate the purposes of Chapter 18 of Title 17 not
528 inconsistent therewith;

529 (j) If funds are not appropriated or if the
530 appropriated funds are insufficient to carry out the provisions of
531 Chapter 18 of Title 17, the department shall expend any funds
532 available to it from any source to defray its costs to implement
533 Chapter 18 of Title 17 through February 1, 1991 * * *;

534 (k) To carry out such duties and responsibilities
535 assigned to it by the Public Procurement Review Board as provided
536 in Section 27-104-7(2)(f);

537 (l) To establish, with the approval of the Public
538 Procurement Review Board, rules that ensure that vendors may
539 compete for personal and professional services and other contracts
540 provided that they have an office in the state without regard to
541 the office's location in the state.



542 (3) From and after July 1, 2016, the expenses of the
543 Department of Finance and Administration shall be defrayed by
544 appropriation from the State General Fund and all user charges and
545 fees authorized under law such as rents, MAGIC fees, and other
546 fees for services shall be deposited into the State General Fund
547 as authorized by law.

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

552 **SECTION 3.** This act shall take effect and be in force from
553 and after July 1, 2023.

