

By: Senator(s) Parker

To: Economic and Workforce  
Development

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2810

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE TIME-LIMITED EXEMPTIONS FROM THE MISSISSIPPI PUBLIC  
3 RECORDS ACT OF 1983 FOR CERTAIN RECORDS AND CONFIDENTIAL CLIENT  
4 INFORMATION FROM THE MISSISSIPPI DEVELOPMENT AUTHORITY OR LOCAL  
5 ECONOMIC DEVELOPMENT ENTITIES HELD BY THE OFFICE OF WORKFORCE  
6 DEVELOPMENT; TO AMEND SECTION 71-5-353, MISSISSIPPI CODE OF 1972,  
7 TO REMOVE THE REQUIREMENT THAT ALL COSTS ASSOCIATED WITH THE  
8 ADMINISTRATION OF CERTAIN FUNDS BE REIMBURSED TO THE DEPARTMENT OF  
9 EMPLOYMENT SECURITY FROM THE MISSISSIPPI WORKS FUND; TO PROVIDE  
10 THAT CERTAIN CONTRACTS AND PROCUREMENTS OF THE OFFICE OF WORKFORCE  
11 DEVELOPMENT BE IN ACCORDANCE WITH POLICIES APPROVED BY THE STATE  
12 WORKFORCE INVESTMENT BOARD'S EXECUTIVE COMMITTEE DEEMED TO BE  
13 PRACTICAL, FEASIBLE AND IN THE PUBLIC INTEREST; TO EXEMPT THE  
14 OFFICE OF WORKFORCE DEVELOPMENT, THROUGH JULY 1, 2024, FROM THE  
15 PUBLIC PROCUREMENT REVIEW BOARD WITH RESPECT TO RENTAL AGREEMENTS  
16 OR LEASING OF REAL PROPERTY FOR THE PURPOSE OF CONDUCTING AGENCY  
17 BUSINESS; TO AUTHORIZE THE OFFICE OF WORKFORCE DEVELOPMENT TO  
18 RECEIVE AND USE BEQUESTS AND TRANSFERS SUBJECT TO THE GRANTOR'S  
19 CONDITIONS, PROVIDED SUCH CONDITIONS ARE NOT CONTRARY TO LAW; TO  
20 AUTHORIZE THE OFFICE OF WORKFORCE DEVELOPMENT TO CONTRACT WITH  
21 OTHER STATE AGENCIES, GOVERNING AUTHORITIES, OR ECONOMIC AND  
22 WORKFORCE DEVELOPMENT ENTITIES TO FURTHER ITS PURPOSES; TO ALLOW  
23 THE OFFICE DIRECT AND IMMEDIATE ACCESS TO ALL ACCOUNTING AND  
24 BANKING STATEMENTS RELATED TO FUNDS WITHIN ITS DIRECTION; TO AMEND  
25 SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
26 TEMPORARY EXEMPTION FROM THE PUBLIC PROCUREMENT REVIEW BOARD; TO  
27 AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
28 TEMPORARY EXEMPTION FROM THE PUBLIC RECORDS ACT OF 1983; AND FOR  
29 RELATED PURPOSES.

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



31           **SECTION 1.** Section 37-153-7, Mississippi Code of 1972, is  
32 amended as follows:

33           37-153-7. (1) There is created the Mississippi Office of  
34 Workforce Development and the Mississippi State Workforce  
35 Investment Board, which shall serve as the advisory board for the  
36 office. The Mississippi State Workforce Investment Board shall be  
37 composed of thirty-one (31) voting members, of which a majority  
38 shall be representatives of business and industry in accordance  
39 with the federal Workforce Innovation and Opportunity Act, or any  
40 successive acts.

41           (2) The members of the State Workforce Investment Board  
42 shall include:

43                   (a) The Governor, or his designee;

44                   (b) Nineteen (19) members, appointed by the Governor,  
45 of whom:

46                           (i) A majority shall be representatives of  
47 businesses in the state, who:

48                                   1. Are owners of businesses, chief executives  
49 or operating officers of businesses, or other business executives  
50 or employers with optimum policymaking or hiring authority, and  
51 who, in addition, may be members of a local board described in  
52 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and  
53 Opportunity Act. At least two (2) of the members appointed under  
54 this item 1. shall be small business owners, chief executives or



55 operating officers of businesses with less than fifty (50)  
56 employees;

57                   2. Represent businesses, including small  
58 businesses, or organizations representing businesses, which  
59 provide employment opportunities that, at a minimum, include  
60 high-quality, work-relevant training and development in  
61 high-demand industry sectors or occupations in the state; and

62                   3. Are appointed from among individuals  
63 nominated by state business organizations and business trade  
64 associations;

65                   (ii) Not less than twenty percent (20%) shall  
66 consist of representatives of the workforce within the state,  
67 which:

68                   1. Includes labor organization  
69 representatives who have been nominated by state labor  
70 federations;

71                   2. Includes a labor organization member or  
72 training director from an apprenticeship program in the state,  
73 which shall be a joint labor-management apprenticeship program if  
74 such a program exists in the state;

75                   3. May include representatives of  
76 community-based organizations, including organizations serving  
77 veterans or providing or supporting competitive, integrated  
78 employment for individuals with disabilities, who have  
79 demonstrated experience and expertise in addressing employment,



80 training or education needs of individuals with barriers to  
81 employment; and

82 4. May include representatives of  
83 organizations, including organizations serving out-of-school  
84 youth, who have demonstrated experience or expertise in addressing  
85 the employment, training or education needs of eligible youth;

86 (iii) The balance shall include government  
87 representatives, including the lead state officials with primary  
88 responsibility for core programs, and chief elected officials  
89 (collectively representing both cities and counties, where  
90 appropriate);

91 (c) Two (2) representatives of businesses in the state  
92 appointed by the Lieutenant Governor;

93 (d) Two (2) representatives of businesses in the state  
94 appointed by the Governor from a list of three (3) recommendations  
95 from the Speaker of the House; and

96 (e) The following state officials:

97 (i) The Executive Director of the Mississippi  
98 Department of Employment Security;

99 (ii) The Executive Director of the Department of  
100 Rehabilitation Services;

101 (iii) The State Superintendent of Public  
102 Education;

103 (iv) The Executive Director of the Mississippi  
104 Development Authority;



105                   (v) The Executive Director of the Mississippi  
106 Community College Board;

107                   (vi) The President of the Community College  
108 Association; and

109                   (vii) The Commissioner of the Institutions of  
110 Higher Learning.

111                   (f) One (1) senator, appointed by the Lieutenant  
112 Governor, and one (1) representative, appointed by the Speaker of  
113 the House, shall serve on the state board in a nonvoting capacity.

114                   (g) The Governor may appoint additional members if  
115 required by the federal Workforce Innovation and Opportunity Act,  
116 or any successive acts.

117                   (h) Members of the board shall serve a term of four (4)  
118 years, and shall not serve more than three (3) consecutive terms.

119                   (i) The membership of the board shall reflect the  
120 diversity of the State of Mississippi.

121                   (j) The Governor shall designate the Chairman of the  
122 Mississippi State Workforce Investment Board from among the  
123 business and industry voting members of the board, and a quorum of  
124 the board shall consist of a majority of the voting members of the  
125 board.

126                   (k) The voting members of the board who are not state  
127 employees shall be entitled to reimbursement of their reasonable  
128 expenses in the manner and amount specified in Section 25-3-41 and



129 shall be entitled to receive per diem compensation as authorized  
130 in Section 25-3-69.

131 (3) Members of the state board may be recalled by their  
132 appointing authority for cause, including a felony conviction,  
133 fraudulent or dishonest acts or gross abuse of discretion, failure  
134 to meet board member qualifications, or chronic failure to attend  
135 board meetings.

136 (4) The Mississippi Department of Employment Security shall  
137 establish limits on administrative costs for each portion of  
138 Mississippi's workforce development system consistent with the  
139 federal Workforce Investment Act or any future federal workforce  
140 legislation.

141 (5) The Mississippi State Workforce Investment Board shall  
142 have the following duties. These duties are intended to be  
143 consistent with the scope of duties provided in the federal  
144 Workforce Innovation and Opportunity Act, amendments and successor  
145 legislation to this act, and other relevant federal law:

146 (a) Through the office, develop and submit to the  
147 Governor, Lieutenant Governor and Speaker of the House a strategic  
148 plan for an integrated state workforce development system that  
149 aligns resources and structures the system to more effectively and  
150 efficiently meet the demands of Mississippi's employers and job  
151 seekers. This plan will comply with the federal Workforce  
152 Investment Act of 1998, as amended, the federal Workforce



153 Innovation and Opportunity Act of 2014 and amendments and  
154 successor legislation to these acts;

155 (b) Assist the Governor, Lieutenant Governor and  
156 Speaker of the House in the development and continuous improvement  
157 of the statewide workforce investment system that shall include:

158 (i) Development of linkages in order to assure  
159 coordination and nonduplication among programs and activities; and

160 (ii) Review local workforce development plans that  
161 reflect the use of funds from the federal Workforce Investment  
162 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser  
163 Act and the amendment or successor legislation to the acts, and  
164 the Mississippi Comprehensive Workforce Training and Education  
165 Consolidation Act;

166 (c) Recommend to the office the designation of local  
167 workforce investment areas as required in Section 116 of the  
168 federal Workforce Investment Act of 1998 and the Workforce  
169 Innovation and Opportunity Act of 2014. There shall be four (4)  
170 workforce investment areas that are generally aligned with the  
171 planning and development district structure in Mississippi.  
172 Planning and development districts will serve as the fiscal agents  
173 to manage Workforce Investment Act funds, oversee and support the  
174 local workforce investment boards aligned with the area and the  
175 local programs and activities as delivered by the one-stop  
176 employment and training system. The planning and development  
177 districts will perform this function through the provisions of the



178 county cooperative service districts created under Sections  
179 19-3-101 through 19-3-115; however, planning and development  
180 districts currently performing this function under the Interlocal  
181 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
182 continue to do so;

183 (d) Assist the Governor in the development of an  
184 allocation formula for the distribution of funds for adult  
185 employment and training activities and youth activities to local  
186 workforce investment areas;

187 (e) Recommend comprehensive, results-oriented measures  
188 that shall be applied to all of Mississippi's workforce  
189 development system programs;

190 (f) Assist the Governor in the establishment and  
191 management of a one-stop employment and training system conforming  
192 to the requirements of the federal Workforce Investment Act of  
193 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
194 amended, recommending policy for implementing the Governor's  
195 approved plan for employment and training activities and services  
196 within the state. In developing this one-stop career operating  
197 system, the Mississippi State Workforce Investment Board, in  
198 conjunction with local workforce investment boards, shall:

199 (i) Design broad guidelines for the delivery of  
200 workforce development programs;

201 (ii) Identify all existing delivery agencies and  
202 other resources;





203 (iii) Define appropriate roles of the various  
204 agencies to include an analysis of service providers' strengths  
205 and weaknesses;

206 (iv) Determine the best way to utilize the various  
207 agencies to deliver services to recipients; and

208 (v) Develop a financial plan to support the  
209 delivery system that shall, at a minimum, include an  
210 accountability system;

211 (g) To provide authority, in accordance with any  
212 executive order of the Governor, for developing the necessary  
213 collaboration among state agencies at the highest level for  
214 accomplishing the purposes of this article;

215 (h) To monitor the effectiveness of the workforce  
216 development centers and WIN job centers;

217 (i) To advise the Governor, public schools,  
218 community/junior colleges and institutions of higher learning on  
219 effective school-to-work transition policies and programs that  
220 link students moving from high school to higher education and  
221 students moving between community colleges and four-year  
222 institutions in pursuit of academic and technical skills training;

223 (j) To work with industry to identify barriers that  
224 inhibit the delivery of quality workforce education and the  
225 responsiveness of educational institutions to the needs of  
226 industry;



227           (k) To provide periodic assessments on effectiveness  
228 and results of the overall Mississippi comprehensive workforce  
229 development system and district councils;

230           (l) Develop broad statewide development goals,  
231 including a goal to raise the state's labor force participation  
232 rate;

233           (m) Perform a comprehensive review of Mississippi's  
234 workforce development efforts, including the amount spent and  
235 effectiveness of programs supported by state or federal money; and

236           (n) To assist the Governor in carrying out any other  
237 responsibility required by the federal Workforce Investment Act of  
238 1998, as amended and the Workforce Innovation and Opportunity Act,  
239 successor legislation and amendments.

240           (6) The Mississippi State Workforce Investment Board shall  
241 coordinate all training programs and funds within its purview,  
242 consistent with the federal Workforce Investment Act, Workforce  
243 Innovation and Opportunity Act, amendments and successor  
244 legislation to these acts, and other relevant federal law.

245           Each state agency director responsible for workforce training  
246 activities shall advise the Mississippi Office of Workforce  
247 Development and the State Workforce Investment Board of  
248 appropriate federal and state requirements. Each state agency,  
249 department and institution shall report any monies received for  
250 workforce training activities or career and technical education  
251 and a detailed itemization of how those monies were spent to the



252 state board. The board shall compile the data and provide a  
253 report of the monies and expenditures to the Chairs of the House  
254 and Senate Appropriations Committee, the Chair of the House  
255 Workforce Development Committee and the Chair of the Senate  
256 Economic and Workforce Development Committee by October 1 of each  
257 year. Each such state agency director shall remain responsible  
258 for the actions of his agency; however, each state agency and  
259 director shall work cooperatively to fulfill the state's goals.

260 (7) The State Workforce Investment Board shall establish an  
261 executive committee, which shall consist of the following State  
262 Workforce Investment Board members:

263 (a) The Chair of the State Workforce Investment Board;  
264 (b) Two (2) business representatives currently serving  
265 on the state board selected by the Governor;

266 (c) The two (2) business representatives currently  
267 serving on the state board appointed by the Lieutenant Governor;

268 (d) The two (2) business representatives currently  
269 serving on the state board appointed by the Governor from a list  
270 of three (3) recommendations from the Speaker of the House;

271 (e) The two (2) legislators, who shall serve in a  
272 nonvoting capacity, one (1) of whom shall be appointed by the  
273 Lieutenant Governor from the membership of the Mississippi Senate  
274 and one (1) of whom shall be appointed by the Speaker of the House  
275 of Representatives from the membership of the Mississippi House of  
276 Representatives.



277           (8) The executive committee shall select an executive  
278 director of the Office of Workforce Development, with the advice  
279 and consent of a majority of the State Workforce Investment Board.  
280 The executive committee shall seek input from economic development  
281 organizations across the state when selecting the executive  
282 director. The executive director shall:

283           (a) Be a person with extensive experience in  
284 development of economic, human and physical resources, and  
285 promotion of industrial and commercial development. The executive  
286 director shall have a bachelor's degree from a state-accredited  
287 institution and no less than eight (8) years of professional  
288 experience related to workforce or economic development;

289           (b) Perform the functions necessary for the daily  
290 operation and administration of the office, with oversight from  
291 the executive committee and the State Workforce Investment Board,  
292 to fulfill the duties of the state board as described in Chapter  
293 476, Laws of 2020;

294           (c) Hire staff needed for the performance of his or her  
295 duties under Chapter 476, Laws of 2020. The executive director,  
296 with approval from the executive committee, shall set the  
297 compensation of any hired employees from any funds made available  
298 for that purpose;

299           (d) Enter any part of the Mississippi Community College  
300 Board, individual community and junior colleges, or other



301 workforce training facilities operated by the state or its  
302 subdivisions;

303 (e) Serve at the will and pleasure of the executive  
304 committee;

305 (f) Promulgate rules and regulations, subject to  
306 oversight by the executive committee, not inconsistent with this  
307 article, as may be necessary to enforce the provisions in Chapter  
308 476, Laws of 2020; and

309 (g) Perform any other actions he or she, in  
310 consultation with the executive committee, deems necessary to  
311 fulfill the duties under Chapter 476, Laws of 2020.

312 (9) The Office of Workforce Development and Mississippi  
313 Community College Board shall collaborate in the administration  
314 and oversight of the Mississippi Workforce Enhancement Training  
315 Fund and Mississippi Works Fund, as described in Section 71-5-353.  
316 The executive director shall maintain complete and exclusive  
317 operational control of the office's functions.

318 (10) The office shall file an annual report with the  
319 Governor, Secretary of State, President of the Senate, Secretary  
320 of the Senate, Speaker of the House, and Clerk of the House not  
321 later than October 1 of each year regarding all funds approved by  
322 the office to be expended on workforce training during the prior  
323 calendar year. The report shall include:

324 (a) Information on the performance of the Mississippi  
325 Workforce Enhancement Training Fund and the Mississippi Works



326 Fund, in terms of adding value to the local and state economy, the  
327 contribution to future growth of the state economy, and movement  
328 toward state goals, including increasing the labor force  
329 participation rate; and

330 (b) With respect to specific workforce training  
331 projects:

332 (i) The location of the training;

333 (ii) The amount allocated to the project;

334 (iii) The purpose of the project;

335 (iv) The specific business entity that is the  
336 beneficiary of the project; and

337 (v) The number of employees intended to be trained  
338 and actually trained, if applicable, in the course of the project.

339 (c) All information concerning a proposed project which  
340 is provided to the executive director shall be kept confidential.

341 Such confidentiality shall not limit disclosure under the

342 Mississippi Public Records Act of 1983 of records describing the

343 nature, quantity, cost or other pertinent information related to

344 the activities of, or services performed using, the Mississippi

345 Workforce Enhancement Training Fund or the Mississippi Works Fund,

346 except as provided in subsection (11) or (12) of this section.

347 (11) Any records of the office which contain client

348 information from the Mississippi Development Authority or local

349 economic development entities concerning development projects

350 shall be exempt from the provisions of the Mississippi Public



351 Records Act of 1983 for a period of two (2) years after receipt of  
352 the information by the office. Confidential client information as  
353 described in this section shall not include the information which  
354 must be disclosed by the certified applicant related to a  
355 qualified economic development project in the annual report  
356 described in Section 57-1-759.

357 (12) Confidential client information in public records held  
358 by the office shall be exempt from the provisions of the  
359 Mississippi Public Records Act of 1983 during any period of review  
360 and negotiation on a project proposal facilitated by the  
361 Mississippi Development Authority or local economic development  
362 entities and for a period of thirty (30) days after approval,  
363 disapproval or abandonment of the proposal not to exceed one (1)  
364 year.

365 ( \* \* \*13) Nothing in Chapter 476, Laws of 2020 [Senate Bill  
366 No. 2564] shall void or otherwise interrupt any contract, lease,  
367 grant or other agreement previously entered into by the State  
368 Workforce Investment Board, Mississippi Community College Board,  
369 individual community or junior colleges, or other entities.

370 **SECTION 2.** Section 71-5-353, Mississippi Code of 1972, is  
371 amended as follows:

372 71-5-353. (1) (a) Each employer shall pay unemployment  
373 insurance contributions equal to five and four-tenths percent  
374 (5.4%) of taxable wages paid by him each calendar year, except as  
375 may be otherwise provided in Section 71-5-361 and except that each



376 newly subject employer shall pay unemployment insurance  
377 contributions at the rate of one percent (1%) of taxable wages,  
378 for his first year of liability, one and one-tenth percent (1.1%)  
379 of taxable wages for his second year of liability, and one and  
380 two-tenths percent (1.2%) of taxable wages for his third and  
381 subsequent years of liability unless the employer's  
382 experience-rating record has been chargeable throughout at least  
383 the twelve (12) consecutive calendar months ending on the most  
384 recent computation date at the time the rate for a year is  
385 determined; thereafter the employer's contribution rate shall be  
386 determined in accordance with the provisions of Section 71-5-355.

387 (b) Notwithstanding the newly subject employer  
388 contribution rate provided for in paragraph (a) of this  
389 subsection, the contribution rate of all newly subject employers  
390 shall be reduced by seven one-hundredths of one percent (.07%) for  
391 calendar year 2013 only. The contribution rate of all newly  
392 subject employers shall be reduced by three one-hundredths of one  
393 percent (.03%) for calendar year 2014 only. For purposes of this  
394 chapter, "newly subject employers" means employers whose  
395 unemployment insurance experience-rating record has not been  
396 chargeable throughout at least the twelve (12) consecutive  
397 calendar months ending on the most recent computation date at the  
398 time the contribution rate for a year is determined.

399 (2) (a) (i) There is hereby created in the Treasury of the  
400 State of Mississippi special funds to be known as the "Mississippi





401 Workforce Enhancement Training Fund" and the "Mississippi Works  
402 Fund" which consist of funds collected pursuant to subsection (3)  
403 of this section.

404                   (ii) Funds collected shall initially be deposited  
405 into the Mississippi Department of Employment Security bank  
406 account for clearing contribution collections and subsequently  
407 appropriate amounts shall be transferred to the Mississippi  
408 Workforce Investment and Training Fund Holding Account described  
409 in Section 71-5-453. In the event any employer pays an amount  
410 insufficient to cover the total contributions due, the amounts due  
411 shall be satisfied in the following order:

- 412                   1. Unemployment contributions;
- 413                   2. Mississippi Workforce Enhancement Training  
414 contributions, State Workforce Investment contributions and the  
415 Mississippi Works contributions, known collectively as the  
416 Mississippi Workforce Investment and Training contributions, on a  
417 pro rata basis;
- 418                   3. Interest and damages; then
- 419                   4. Legal and processing costs.

420           The amount of unemployment insurance contributions due for  
421 any period will be the amount due according to the actual  
422 computations unless the employer is participating in the MLPP. In  
423 that event, the amount due is the MLPP amount computed by the  
424 department.



425 Cost of collection and administration of the Mississippi  
426 Workforce Enhancement Training contribution, the State Workforce  
427 Investment contribution and the Mississippi Works contribution  
428 shall be allocated based on a plan approved by the United States  
429 Department of Labor (USDOL). The Mississippi Community College  
430 Board shall pay the cost of collecting the Mississippi Workforce  
431 Enhancement Training contributions, the State Workforce Investment  
432 Board shall pay the cost of collecting the State Workforce  
433 Investment contributions and the Mississippi Department of  
434 Employment Security shall pay the cost of collecting the  
435 Mississippi Works contributions. Payments shall be made  
436 semiannually with the cost allocated to each based on a USDOL  
437 approved plan on a pro rata basis, for periods ending in June and  
438 December of each year. Payment shall be made by each organization  
439 to the department no later than sixty (60) days after the billing  
440 date. Cost shall be allocated under the USDOL's approved plan and  
441 in the same ratio as each contribution type represents to the  
442 total authorized by subparagraph (ii)2 of this paragraph to be  
443 collected for the period.

444 (b) Mississippi Workforce Enhancement Training  
445 contributions and State Workforce Investment contributions shall  
446 be distributed as follows:

447 (i) For calendar year 2014, ninety-four and  
448 seventy-five one-hundredths percent (94.75%) shall be distributed  
449 to the Mississippi Workforce Enhancement Training Fund and the



450 remainder shall be distributed to the State Workforce Investment  
451 Board bank account;

452 (ii) For calendar years subsequent to calendar  
453 year 2014, ninety-three and seventy-five one-hundredths percent  
454 (93.75%) shall be distributed to the Mississippi Workforce  
455 Enhancement Training Fund and the remainder shall be distributed  
456 to the State Workforce Investment Board bank account;

457 (iii) Workforce Enhancement Training contributions  
458 and State Workforce Investment contributions for calendar years  
459 2014 and 2015 shall be distributed as provided in subparagraphs  
460 (i) and (ii) of this paragraph regardless of when the  
461 contributions were collected.

462 (c) All contributions collected for the State Workforce  
463 Enhancement Training Fund, the State Workforce Investment Fund and  
464 the Mississippi Works Fund will be initially deposited into the  
465 Mississippi Department of Employment Security bank account for  
466 clearing contribution collections and subsequently transferred to  
467 the Workforce Investment and Training Holding Account and will be  
468 held by the Mississippi Department of Employment Security in such  
469 account for a period of not less than thirty (30) days. After  
470 such period, the Mississippi Workforce Enhancement Training  
471 contributions shall be transferred to the Mississippi Community  
472 College Board Treasury Account, with oversight provided by  
473 the \* \* \* office \* \* \*, the State Workforce Investment  
474 contributions and the Mississippi Works contributions shall be



475 transferred to the Mississippi Department of Employment Security  
476 Mississippi Works Treasury Account in the same ratio as each  
477 contribution type represents to the total authorized by paragraph  
478 (a)(ii)2 of this subsection to be collected for the period and  
479 within the time frame determined by the department; however,  
480 except in cases of extraordinary circumstances, these funds shall  
481 be transferred within fifteen (15) days. Interest earnings or  
482 interest credits on deposit amounts in the Workforce Investment  
483 and Training Holding Account shall be retained in the account to  
484 pay the banking costs of the account. If after the period of  
485 twelve (12) months interest earnings less banking costs exceeds  
486 Ten Thousand Dollars (\$10,000.00), such excess amounts shall be  
487 transferred to the respective accounts within thirty (30) days  
488 following the end of each calendar year on the basis described in  
489 paragraph (b) of this subsection. Interest earnings and/or  
490 interest credits for the State Workforce Investments funds shall  
491 be used for the payment of banking costs and excess amounts shall  
492 be used in accordance with the rules and regulations of the State  
493 Workforce Investment Board expenditure policies.

494 (d) All enforcement procedures for the collection of  
495 delinquent unemployment contributions contained in Sections  
496 71-5-363 through 71-5-383 shall be applicable in all respects for  
497 collections of delinquent unemployment insurance contributions  
498 designated for the Unemployment Compensation Fund, the Mississippi



499 Workforce Enhancement Training Fund, the State Workforce  
500 Investment Board Fund and the Mississippi Works Fund.

501 (e) (i) Except as otherwise provided for in this  
502 subparagraph (i), all monies deposited into the Mississippi  
503 Workforce Enhancement Training Fund Treasury Account shall be  
504 directed by the \* \* \* office \* \* \*, in collaboration with the  
505 Mississippi Community College Board, in accordance with the  
506 Workforce Training Act of 1994 (Section 37-153-1 et seq.) and  
507 under policies approved by the \* \* \* office \* \* \* for the  
508 following purposes: to provide training in collaboration with the  
509 Mississippi Community College Board and individual community and  
510 junior colleges to employers and employees in order to enhance  
511 employee productivity. Such training may be subject to a minimal  
512 administrative fee to be paid from the Mississippi Workforce  
513 Enhancement Training Fund as established by the office \* \* \*. The  
514 initial priority of these funds shall be for the benefit of  
515 existing businesses located within the state. Employers may  
516 request training for existing employees and/or newly hired  
517 employees from the \* \* \* office \* \* \*. The office, in  
518 consultation with the Mississippi Community College Board, will be  
519 responsible for approving the training. A portion of the funds  
520 collected for the Mississippi Workforce Enhancement Training Fund  
521 shall be used for the development of performance measures to  
522 measure the effectiveness of the use of the Mississippi Workforce  
523 Enhancement Training Fund dollars. These performance measures



524 shall be uniform for all training projects and shall be reported  
525 to the Governor, Lieutenant Governor, Speaker of the House, and  
526 members of the Legislature. Nothing in this section or elsewhere  
527 in law shall be interpreted as giving the office \* \* \* or State  
528 Workforce Investment Board authority to direct the Mississippi  
529 Community College Board or individual community or junior colleges  
530 on how to expend other funds, aside from funds appropriated to the  
531 Mississippi Workforce Enhancement Training Fund and Mississippi  
532 Works Fund, appropriated or received for workforce training.  
533 The \* \* \* office \* \* \*, Mississippi Community College Board,  
534 individual community or junior colleges, State Workforce  
535 Investment Board and other agencies implementing or coordinating  
536 state-funded workforce development programs under state law shall  
537 cooperate with each other to promote effective workforce training  
538 in Mississippi, under the direction of the office. Any subsequent  
539 changes to these performance measures shall also be reported to  
540 the Governor, Lieutenant Governor, Speaker of the House, and  
541 members of the Legislature. A performance report for each  
542 training project and community college, based upon these measures,  
543 shall be submitted annually to the Governor, Lieutenant Governor,  
544 Speaker of the House, and members of the Legislature.

545 (ii) Except as otherwise provided in this  
546 paragraph (e), all funds deposited into the State Workforce  
547 Investment Board bank account shall be used for administration of  
548 State Workforce Investment Board business, the office \* \* \*,



549 grants related to training, and other projects as determined  
550 appropriate by the State Workforce Investment Board and shall be  
551 nonexpiring. Policies for grants and other projects shall be  
552 approved through a majority vote of the State Workforce Investment  
553 Board.

554 (iii) All funds deposited into the Mississippi  
555 Department of Employment Security Mississippi Works Fund shall be  
556 disbursed exclusively by the Executive Director of the Mississippi  
557 Department of Employment Security, in accordance with the rules  
558 and regulations promulgated by the office \* \* \* in support of  
559 workforce training activities approved by the \* \* \* office \* \* \*  
560 in support of economic development activities. Funds allocated by  
561 the executive director under this subparagraph (iii) shall only be  
562 utilized for the training of unemployed persons, for immediate  
563 training needs for the net new jobs created by an employer, for  
564 the retention of jobs, to create a work-ready applicant pool of  
565 Mississippians with credentials and/or postsecondary education in  
566 accordance with the state's Workforce Investment and Opportunity  
567 Act plan, or for the support of local economic and community  
568 development activities related to workforce development in the  
569 state. The \* \* \* office \* \* \*, in collaboration with the  
570 Mississippi Public Community College System and its partners,  
571 shall be the primary entity to facilitate training. Training  
572 conducted utilizing these Mississippi Works funds may be subject



573 to a minimal administrative fee to be paid from the Mississippi  
574 Works Fund as authorized by the \* \* \* office \* \* \*.

575 (iv) 1. The Department of Employment Security  
576 shall be the fiscal agent for the receipt and disbursement of all  
577 funds in the State Workforce Investment Board bank account,  
578 subject to the administrative oversight of the office \* \* \*.

579 2. In managing the State Workforce Investment  
580 Board bank account, the office \* \* \*, in coordination with the  
581 Mississippi Department of Employment Security as fiscal agent,  
582 shall ensure that any funds expended for contractual services  
583 rendered to the office \* \* \* over Five Thousand Dollars  
584 (\$5,000.00) shall be paid only to service providers who have been  
585 selected on a competitive basis. Any contract for services  
586 entered into using funds from the Workforce Investment Fund bank  
587 account shall meet the requirements \* \* \* established in policies  
588 approved by the State Workforce Investment Board's executive  
589 committee deemed to be practical, feasible and in the public  
590 interest.

591 3. Any commodities over Five Thousand Dollars  
592 (\$5,000.00) procured for the office \* \* \* to further its purpose  
593 must be done competitively, in accordance with office policies  
594 approved by the State Workforce Investment Board's executive  
595 committee deemed to be practical, feasible and in the public  
596 interest.





597 4. Through July 1, 2024, the provisions of  
598 Section 27-104-7 related to rental agreements or leasing of real  
599 property for the purpose of conducting agency business shall not  
600 apply to the office.

601 5. The office may receive contributions,  
602 donations, gifts, bequests of money, other forms of financial  
603 assistance and property, equipment, materials or manpower from  
604 persons, foundations, trust funds, corporations, organizations and  
605 other sources, public or private, made to the office, and may  
606 expend or use the same in accordance with the conditions  
607 prescribed by the donor, provided that no such condition is  
608 contrary to any provision of law.

609 6. The office may contract with state  
610 agencies, governing authorities, or economic and workforce  
611 development entities for shared programmatic efforts and support  
612 services or joint employment of personnel in order to further the  
613 office's purpose.

614 (v) In addition to other expenditures, the  
615 office \* \* \* shall expend from the State Workforce Investment  
616 Board bank account for the use and benefit of the office \* \* \*,  
617 such funds as are necessary to prepare and develop a study of  
618 workforce development needs that will consist of the following:

619 1. An identification of the state's workforce  
620 development needs through a well-documented quantitative and  
621 qualitative analysis of:



622 a. The current and projected workforce  
623 training needs of existing and identified potential Mississippi  
624 industries, with priority given to assessing the needs of existing  
625 in-state industry and business. Where possible, the analysis  
626 should include a verification and expansion of existing  
627 information previously developed by workforce training and service  
628 providers, as well as analysis of existing workforce data, such as  
629 the data collected through the Statewide Longitudinal Data System;

630 b. The needs of the state's workers and  
631 residents requiring additional workforce training to improve their  
632 work skills in order to compete for better employment  
633 opportunities, including a priority-based analysis of the critical  
634 factors currently limiting the state's ability to provide a  
635 trained and ready workforce; and

636 c. The needs of workforce service and  
637 training providers in improving their ability to offer  
638 industry-relevant training, including an assessment of the  
639 practical limits of keeping training programs on the leading edge  
640 and eliminating those programs with marginal workforce relevance.

641 2. An assessment of Mississippi's current  
642 workforce development service delivery structure relative to the  
643 needs quantified in this subparagraph, including:

644 a. Development of a list of  
645 strengths/weaknesses/opportunities/threats (SWOT) of the current



646 workforce development delivery system relative to the identified  
647 needs;

648                   b. Identification of strategic options  
649 for workforce development services based on the results of the  
650 SWOT analysis; and

651                   c. Development of results-oriented  
652 measures for each option that can be baselined and, if  
653 implemented, tracked over time, with quantifiable milestones and  
654 goals.

655                   3. Preparation of a report presenting all  
656 subjects set out in this subparagraph to be delivered to the  
657 Lieutenant Governor, Speaker of the House of Representatives,  
658 Chairman of the Senate Finance Committee and Chairman of the House  
659 Appropriations Committee no later than February 1, 2015.

660                   4. Following the preparation of the report,  
661 the State Workforce Investment Board shall make a recommendation  
662 to the House and Senate Appropriations Committees on future uses  
663 of funds deposited to the State Workforce Investment Fund account.  
664 Such future uses may include:

665                   a. The development of promotion  
666 strategies for workforce development programs;

667                   b. Initiatives designed to reduce the  
668 state's dropout rate, including the development of a statewide  
669 career awareness program;



670 c. The long-term monitoring of the  
671 state's workforce development programs to determine whether they  
672 are addressing the needs of business, industry, and the workers of  
673 the state; and

674 d. The study of the potential  
675 restructuring of the state's workforce programs and delivery  
676 systems.

677 (vi) The office shall be provided direct and  
678 immediate access to all accounting and banking statements related  
679 to funds within its direction.

680 (3) (a) (i) Mississippi Workforce Enhancement Training  
681 contributions and State Workforce Investment contributions shall  
682 be collected at the following rates:

683 1. For calendar year 2014 only, the rate of  
684 nineteen one-hundredths of one percent (.19%) based upon taxable  
685 wages of which eighteen one-hundredths of one percent (.18%) shall  
686 be the Workforce Enhancement Training contribution and  
687 one-hundredths of one percent (.01%) shall be the State Workforce  
688 Investment contribution; and

689 2. For calendar year 2015 only, the rate of  
690 sixteen one-hundredths of one percent (.16%), based upon taxable  
691 wages of which fifteen one-hundredths of one percent (.15%) shall  
692 be the Workforce Enhancement Training contribution and  
693 one-hundredths of one percent (.01%) shall be the State Workforce  
694 Investment contribution.



695 (ii) Mississippi Workforce Enhancement Training  
696 contributions, State Workforce Investment contributions and  
697 Mississippi Works contributions shall be collected at the  
698 following rates:

699 1. For calendar year 2016 only, at a rate of  
700 twenty-four one-hundredths percent (.24%), based upon taxable  
701 wages, of which fifteen one-hundredths percent (.15%) shall be the  
702 Workforce Enhancement Training contribution, one-hundredths of one  
703 percent (.01%) shall be the State Workforce Investment  
704 contribution and eight one-hundredths percent (.08%) shall be the  
705 Mississippi Works contribution.

706 2. For calendar years subsequent to calendar  
707 year 2016, at a rate of twenty one-hundredths percent (.20%),  
708 based upon taxable wages, of which fifteen one-hundredths percent  
709 (.15%) shall be the Workforce Enhancement Training contribution,  
710 one-hundredths of one percent (.01%) shall be the State Workforce  
711 Investment contribution and four one-hundredths percent (.04%)  
712 shall be the Mississippi Works contribution. The Mississippi  
713 Works contribution shall be collected for calendar years in which  
714 the general experience ratio, adjusted on the basis of the trust  
715 fund adjustment factor and reduced by fifty percent (50%), results  
716 in a general experience rate of less than two-tenths percent  
717 (.2%). In all other years the Mississippi Works contribution  
718 shall not be in effect.



719 (iii) The Mississippi Workforce Enhancement  
720 Training Fund contribution, the State Workforce Investment  
721 contribution and the Mississippi Works contribution shall be in  
722 addition to the general experience rate plus the individual  
723 experience rate of all employers but shall not be charged to  
724 reimbursing or rate-paying political subdivisions or institutions  
725 of higher learning, or reimbursing nonprofit organizations, as  
726 described in Sections 71-5-357 and 71-5-359.

727 (b) All Mississippi Workforce Enhancement Training  
728 contributions, State Workforce Investment contributions and  
729 Mississippi Works contributions collected shall be deposited  
730 initially into the Mississippi Department of Employment Security  
731 bank account for clearing contribution collections and shall  
732 within two (2) business days be transferred to the Workforce  
733 Investment and Training Holding Account. Any Mississippi  
734 Workforce Enhancement Training Fund and/or State Workforce  
735 Investment Board bank account and/or Mississippi Works Fund  
736 transactions from the Mississippi Department of Employment  
737 Security bank account for clearing contribution collections that  
738 are deposited into the Workforce Investment and Training Fund  
739 Holding Account and are not honored by a financial institution  
740 will be transferred back to the Mississippi Department of  
741 Employment Security bank account for clearing contribution  
742 collections out of funds in the Mississippi Workforce Investment  
743 and Training Fund Holding Account.



744 (c) Suspension of the Workforce Enhancement Training  
745 Fund contributions required pursuant to this chapter shall occur  
746 if the insured unemployment rate exceeds an average of five and  
747 five-tenths percent (5.5%) for the three (3) consecutive months  
748 immediately preceding the effective date of the new rate year  
749 following such occurrence and shall remain suspended throughout  
750 the duration of that rate year. Such suspension shall continue  
751 until such time as the three (3) consecutive months immediately  
752 preceding the effective date of the next rate year that has an  
753 insured unemployment rate of less than an average of four and  
754 five-tenths percent (4.5%). Upon such occurrence, reactivation  
755 shall be effective upon the first day of the rate year following  
756 the event that lifts suspension and shall be in effect for that  
757 year and shall continue until such time as a subsequent suspension  
758 event as described in this chapter occurs.

759 (d) Notwithstanding any other provision contained  
760 herein, contribution collections for the State Workforce  
761 Investment Fund, Mississippi Works Fund and Mississippi Workforce  
762 Enhancement Training Fund shall not be suspended, under any  
763 circumstances, for tax rate year 2021, and the resulting  
764 contribution rate of twenty one-hundredths percent (.20%) shall be  
765 added to the employer's general and individual experience rate to  
766 obtain the total unemployment insurance rate for 2021.

767 (4) All collections due or accrued prior to any suspension  
768 of the Mississippi Workforce Enhancement Training Fund will be



769 collected based upon the law at the time the contributions  
770 accrued, regardless of when they are actually collected.

771 (5) As used in this section, "office" means the Mississippi  
772 Office of Workforce Development established in Section 37-153-7.

773 **SECTION 3.** Section 27-104-7, Mississippi Code of 1972, is  
774 amended as follows:

775 27-104-7. (1) (a) There is created the Public Procurement  
776 Review Board, which shall be reconstituted on January 1, 2018, and  
777 shall be composed of the following members:

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

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

782 (iii) The Executive Director of the Department of  
783 Finance and Administration, serving as an ex officio and nonvoting  
784 member.

785 (b) The initial terms of each appointee shall be as  
786 follows:

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

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

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





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

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

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

801 (c) When appointing members to the Public Procurement  
802 Review Board, the Governor and Lieutenant Governor shall take into  
803 consideration persons who possess at least five (5) years of  
804 management experience in general business, health care or finance  
805 for an organization, corporation or other public or private  
806 entity. Any person, or any employee or owner of a company, who  
807 receives any grants, procurements or contracts that are subject to  
808 approval under this section shall not be appointed to the Public  
809 Procurement Review Board. Any person, or any employee or owner of  
810 a company, who is a principal of the source providing a personal  
811 or professional service shall not be appointed to the Public  
812 Procurement Review Board if the principal owns or controls a  
813 greater than five percent (5%) interest or has an ownership value  
814 of One Million Dollars (\$1,000,000.00) in the source's business,  
815 whichever is smaller. No member shall be an officer or employee  
816 of the State of Mississippi while serving as a voting member on  
817 the Public Procurement Review Board.



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

821 (e) The members of the Public Procurement Review Board  
822 shall elect a chair from among the membership, and he or she shall  
823 preside over the meetings of the board. The board shall annually  
824 elect a vice chair, who shall serve in the absence of the chair.  
825 No business shall be transacted, including adoption of rules of  
826 procedure, without the presence of a quorum of the board. Three  
827 (3) members shall be a quorum. No action shall be valid unless  
828 approved by a majority of the members present and voting, entered  
829 upon the minutes of the board and signed by the chair. Necessary  
830 clerical and administrative support for the board shall be  
831 provided by the Department of Finance and Administration. Minutes  
832 shall be kept of the proceedings of each meeting, copies of which  
833 shall be filed on a monthly basis with the chairs of the  
834 Accountability, Efficiency and Transparency Committees of the  
835 Senate and House of Representatives and the chairs of the  
836 Appropriations Committees of the Senate and House of  
837 Representatives.

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

840 (a) Approve all purchasing regulations governing the  
841 purchase or lease by any agency, as defined in Section 31-7-1, of



842 commodities and equipment, except computer equipment acquired  
843 pursuant to Sections 25-53-1 through 25-53-29;

844 (b) Adopt regulations governing the approval of  
845 contracts let for the construction and maintenance of state  
846 buildings and other state facilities as well as related contracts  
847 for architectural and engineering services.

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

852 (c) Adopt regulations governing any lease or rental  
853 agreement by any state agency or department, including any state  
854 agency financed entirely by federal funds, for space outside the  
855 buildings under the jurisdiction of the Department of Finance and  
856 Administration. These regulations shall require each agency  
857 requesting to lease such space to provide the following  
858 information that shall be published by the Department of Finance  
859 and Administration on its website: the agency to lease the space;  
860 the terms of the lease; the approximate square feet to be leased;  
861 the use for the space; a description of a suitable space; the  
862 general location desired for the leased space; the contact  
863 information for a person from the agency; the deadline date for  
864 the agency to have received a lease proposal; any other specific  
865 terms or conditions of the agency; and any other information  
866 deemed appropriate by the Division of Real Property Management of



867 the Department of Finance and Administration or the Public  
868 Procurement Review Board. The information shall be provided  
869 sufficiently in advance of the time the space is needed to allow  
870 the Division of Real Property Management of the Department of  
871 Finance and Administration to review and preapprove the lease  
872 before the time for advertisement begins;

873 (d) Adopt, in its discretion, regulations to set aside  
874 at least five percent (5%) of anticipated annual expenditures for  
875 the purchase of commodities from minority businesses; however, all  
876 such set-aside purchases shall comply with all purchasing  
877 regulations promulgated by the department and shall be subject to  
878 all bid requirements. Set-aside purchases for which competitive  
879 bids are required shall be made from the lowest and best minority  
880 business bidder; however, if no minority bid is available or if  
881 the minority bid is more than two percent (2%) higher than the  
882 lowest bid, then bids shall be accepted and awarded to the lowest  
883 and best bidder. However, the provisions in this paragraph shall  
884 not be construed to prohibit the rejection of a bid when only one  
885 (1) bid is received. Such rejection shall be placed in the  
886 minutes. For the purposes of this paragraph, the term "minority  
887 business" means a business which is owned by a person who is a  
888 citizen or lawful permanent resident of the United States and who  
889 is:

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



892 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,  
893 Central or South American, or other Spanish or Portuguese culture  
894 or origin regardless of race;

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

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

900 (v) Female;

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

907 (f) Promulgate rules and regulations governing the  
908 solicitation and selection of contractual services personnel,  
909 including personal and professional services contracts for any  
910 form of consulting, policy analysis, public relations, marketing,  
911 public affairs, legislative advocacy services or any other  
912 contract that the board deems appropriate for oversight, with the  
913 exception of any personal service contracts entered into by any  
914 agency that employs only nonstate service employees as defined in  
915 Section 25-9-107(c), any personal service contracts entered into  
916 for computer or information technology-related services governed



917 by the Mississippi Department of Information Technology Services,  
918 any personal service contracts entered into by the individual  
919 state institutions of higher learning, any personal service  
920 contracts entered into by the Mississippi Department of  
921 Transportation, any personal service contracts entered into by the  
922 Department of Human Services through June 30, 2019, which the  
923 Executive Director of the Department of Human Services determines  
924 would be useful in establishing and operating the Department of  
925 Child Protection Services, any personal service contracts entered  
926 into by the Department of Child Protection Services through June  
927 30, 2019, any contracts for entertainers and/or performers at the  
928 Mississippi State Fairgrounds entered into by the Mississippi Fair  
929 Commission, any contracts entered into by the Department of  
930 Finance and Administration when procuring aircraft maintenance,  
931 parts, equipment and/or services, any contract entered into by the  
932 Department of Public Safety for service on specialized equipment  
933 and/or software required for the operation at such specialized  
934 equipment for use by the Office of Forensics Laboratories, any  
935 personal or professional service contract entered into by the  
936 Mississippi Department of Health and/or the Department of Revenue  
937 solely in connection with their respective responsibilities under  
938 the Mississippi Medical Cannabis Act from February 2, 2022,  
939 through June 30, 2023, any contract for attorney, accountant,  
940 actuary auditor, architect, engineer, anatomical pathologist,  
941 utility rate expert services, any personal service contracts



942 approved by the Executive Director of the Department of Finance  
943 and Administration and entered into by the Coordinator of Mental  
944 Health Accessibility through June 30, 2022, any personal or  
945 professional services contract entered into by the State  
946 Department of Health in carrying out its responsibilities under  
947 the ARPA Rural Water Associations Infrastructure Grant Program  
948 through June 30, 2026, and any personal or professional services  
949 contract entered into by the Mississippi Department of  
950 Environmental Quality in carrying out its responsibilities under  
951 the Mississippi Municipality and County Water Infrastructure Grant  
952 Program Act of 2022, through June 30, 2026. Any such rules and  
953 regulations shall provide for maintaining continuous internal  
954 audit covering the activities of such agency affecting its revenue  
955 and expenditures as required under Section 7-7-3(6)(d). Any rules  
956 and regulation changes related to personal and professional  
957 services contracts that the Public Procurement Review Board may  
958 propose shall be submitted to the Chairs of the Accountability,  
959 Efficiency and Transparency Committees of the Senate and House of  
960 Representatives and the Chairs of the Appropriation Committees of  
961 the Senate and House of Representatives at least fifteen (15) days  
962 before the board votes on the proposed changes, and those rules  
963 and regulation changes, if adopted, shall be promulgated in  
964 accordance with the Mississippi Administrative Procedures Act;

965 (g) Approve all personal and professional services  
966 contracts involving the expenditures of funds in excess of



967 Seventy-five Thousand Dollars (\$75,000.00), except as provided in  
968 paragraph (f) of this subsection (2) and in subsection (8);

969 (h) Develop mandatory standards with respect to  
970 contractual services personnel that require invitations for public  
971 bid, requests for proposals, record keeping and financial  
972 responsibility of contractors. The Public Procurement Review  
973 Board shall, unless exempted under this paragraph (h) or under  
974 paragraph (i) or (o) of this subsection (2), require the agency  
975 involved to submit the procurement to a competitive procurement  
976 process, and may reserve the right to reject any or all resulting  
977 procurements;

978 (i) Prescribe certain circumstances by which agency  
979 heads may enter into contracts for personal and professional  
980 services without receiving prior approval from the Public  
981 Procurement Review Board. The Public Procurement Review Board may  
982 establish a preapproved list of providers of various personal and  
983 professional services for set prices with which state agencies may  
984 contract without bidding or prior approval from the board;

985 (i) Agency requirements may be fulfilled by  
986 procuring services performed incident to the state's own programs.  
987 The agency head shall determine in writing whether the price  
988 represents a fair market value for the services. When the  
989 procurements are made from other governmental entities, the  
990 private sector need not be solicited; however, these contracts





991 shall still be submitted for approval to the Public Procurement  
992 Review Board.

993 (ii) Contracts between two (2) state agencies,  
994 both under Public Procurement Review Board purview, shall not  
995 require Public Procurement Review Board approval. However, the  
996 contracts shall still be entered into the enterprise resource  
997 planning system;

998 (j) Provide standards for the issuance of requests for  
999 proposals, the evaluation of proposals received, consideration of  
1000 costs and quality of services proposed, contract negotiations, the  
1001 administrative monitoring of contract performance by the agency  
1002 and successful steps in terminating a contract;

1003 (k) Present recommendations for governmental  
1004 privatization and to evaluate privatization proposals submitted by  
1005 any state agency;

1006 (l) Authorize personal and professional service  
1007 contracts to be effective for more than one (1) year provided a  
1008 funding condition is included in any such multiple year contract,  
1009 except the State Board of Education, which shall have the  
1010 authority to enter into contractual agreements for student  
1011 assessment for a period up to ten (10) years. The State Board of  
1012 Education shall procure these services in accordance with the  
1013 Public Procurement Review Board procurement regulations;

1014 (m) Request the State Auditor to conduct a performance  
1015 audit on any personal or professional service contract;



1016 (n) Prepare an annual report to the Legislature  
1017 concerning the issuance of personal and professional services  
1018 contracts during the previous year, collecting any necessary  
1019 information from state agencies in making such report;

1020 (o) Develop and implement the following standards and  
1021 procedures for the approval of any sole source contract for  
1022 personal and professional services regardless of the value of the  
1023 procurement:

1024 (i) For the purposes of this paragraph (o), the  
1025 term "sole source" means only one (1) source is available that can  
1026 provide the required personal or professional service.

1027 (ii) An agency that has been issued a binding,  
1028 valid court order mandating that a particular source or provider  
1029 must be used for the required service must include a copy of the  
1030 applicable court order in all future sole source contract reviews  
1031 for the particular personal or professional service referenced in  
1032 the court order.

1033 (iii) Any agency alleging to have a sole source  
1034 for any personal or professional service, other than those  
1035 exempted under paragraph (f) of this subsection (2) and subsection  
1036 (8), shall publish on the procurement portal website established  
1037 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)  
1038 days, the terms of the proposed contract for those services. In  
1039 addition, the publication shall include, but is not limited to,  
1040 the following information:



- 1041                   1. The personal or professional service  
1042 offered in the contract;
- 1043                   2. An explanation of why the personal or  
1044 professional service is the only one that can meet the needs of  
1045 the agency;
- 1046                   3. An explanation of why the source is the  
1047 only person or entity that can provide the required personal or  
1048 professional service;
- 1049                   4. An explanation of why the amount to be  
1050 expended for the personal or professional service is reasonable;  
1051 and
- 1052                   5. The efforts that the agency went through  
1053 to obtain the best possible price for the personal or professional  
1054 service.
- 1055                   (iv) If any person or entity objects and proposes  
1056 that the personal or professional service published under  
1057 subparagraph (iii) of this paragraph (o) is not a sole source  
1058 service and can be provided by another person or entity, then the  
1059 objecting person or entity shall notify the Public Procurement  
1060 Review Board and the agency that published the proposed sole  
1061 source contract with a detailed explanation of why the personal or  
1062 professional service is not a sole source service.
- 1063                   (v) 1. If the agency determines after review that  
1064 the personal or professional service in the proposed sole source  
1065 contract can be provided by another person or entity, then the



1066 agency must withdraw the sole source contract publication from the  
1067 procurement portal website and submit the procurement of the  
1068 personal or professional service to an advertised competitive bid  
1069 or selection process.

1070                   2. If the agency determines after review that  
1071 there is only one (1) source for the required personal or  
1072 professional service, then the agency may appeal to the Public  
1073 Procurement Review Board. The agency has the burden of proving  
1074 that the personal or professional service is only provided by one  
1075 (1) source.

1076                   3. If the Public Procurement Review Board has  
1077 any reasonable doubt as to whether the personal or professional  
1078 service can only be provided by one (1) source, then the agency  
1079 must submit the procurement of the personal or professional  
1080 service to an advertised competitive bid or selection process. No  
1081 action taken by the Public Procurement Review Board in this appeal  
1082 process shall be valid unless approved by a majority of the  
1083 members of the Public Procurement Review Board present and voting.

1084                   (vi) The Public Procurement Review Board shall  
1085 prepare and submit a quarterly report to the House of  
1086 Representatives and Senate Accountability, Efficiency and  
1087 Transparency Committees that details the sole source contracts  
1088 presented to the Public Procurement Review Board and the reasons  
1089 that the Public Procurement Review Board approved or rejected each  
1090 contract. These quarterly reports shall also include the



1091 documentation and memoranda required in subsection (4) of this  
1092 section. An agency that submitted a sole source contract shall be  
1093 prepared to explain the sole source contract to each committee by  
1094 December 15 of each year upon request by the committee;

1095 (p) Assess any fines and administrative penalties  
1096 provided for in Sections 31-7-401 through 31-7-423.

1097 (3) All submissions shall be made sufficiently in advance of  
1098 each monthly meeting of the Public Procurement Review Board as  
1099 prescribed by the Public Procurement Review Board. If the Public  
1100 Procurement Review Board rejects any contract submitted for review  
1101 or approval, the Public Procurement Review Board shall clearly set  
1102 out the reasons for its action, including, but not limited to, the  
1103 policy that the agency has violated in its submitted contract and  
1104 any corrective actions that the agency may take to amend the  
1105 contract to comply with the rules and regulations of the Public  
1106 Procurement Review Board.

1107 (4) All sole source contracts for personal and professional  
1108 services awarded by state agencies, other than those exempted  
1109 under Section 27-104-7(2) (f) and (8), whether approved by an  
1110 agency head or the Public Procurement Review Board, shall contain  
1111 in the procurement file a written determination for the approval,  
1112 using a request form furnished by the Public Procurement Review  
1113 Board. The written determination shall document the basis for the  
1114 determination, including any market analysis conducted in order to  
1115 ensure that the service required was practicably available from



1116 only one (1) source. A memorandum shall accompany the request  
1117 form and address the following four (4) points:

1118 (a) Explanation of why this service is the only service  
1119 that can meet the needs of the purchasing agency;

1120 (b) Explanation of why this vendor is the only  
1121 practicably available source from which to obtain this service;

1122 (c) Explanation of why the price is considered  
1123 reasonable; and

1124 (d) Description of the efforts that were made to  
1125 conduct a noncompetitive negotiation to get the best possible  
1126 price for the taxpayers.

1127 (5) In conjunction with the State Personnel Board, the  
1128 Public Procurement Review Board shall develop and promulgate rules  
1129 and regulations to define the allowable legal relationship between  
1130 contract employees and the contracting departments, agencies and  
1131 institutions of state government under the jurisdiction of the  
1132 State Personnel Board, in compliance with the applicable rules and  
1133 regulations of the federal Internal Revenue Service (IRS) for  
1134 federal employment tax purposes. Under these regulations, the  
1135 usual common law rules are applicable to determine and require  
1136 that such worker is an independent contractor and not an employee,  
1137 requiring evidence of lawful behavioral control, lawful financial  
1138 control and lawful relationship of the parties. Any state  
1139 department, agency or institution shall only be authorized to



1140 contract for personnel services in compliance with those  
1141 regulations.

1142 (6) No member of the Public Procurement Review Board shall  
1143 use his or her official authority or influence to coerce, by  
1144 threat of discharge from employment, or otherwise, the purchase of  
1145 commodities, the contracting for personal or professional  
1146 services, or the contracting for public construction under this  
1147 chapter.

1148 (7) Notwithstanding any other laws or rules to the contrary,  
1149 the provisions of subsection (2) of this section shall not be  
1150 applicable to the Mississippi State Port Authority at Gulfport.

1151 (8) Nothing in this section shall impair or limit the  
1152 authority of the Board of Trustees of the Public Employees'  
1153 Retirement System to enter into any personal or professional  
1154 services contracts directly related to their constitutional  
1155 obligation to manage the trust funds, including, but not limited  
1156 to, actuarial, custodial banks, cash management, investment  
1157 consultant and investment management contracts.

1158 (9) Notwithstanding the exemption of personal and  
1159 professional services contracts entered into by the Department of  
1160 Human Services and personal and professional services contracts  
1161 entered into by the Department of Child Protection Services from  
1162 the provisions of this section under subsection (2)(f), before the  
1163 Department of Human Services or the Department of Child Protection  
1164 Services may enter into a personal or professional service



1165 contract, the department(s) shall give notice of the proposed  
1166 personal or professional service contract to the Public  
1167 Procurement Review Board for any recommendations by the board.  
1168 Upon receipt of the notice, the board shall post the notice on its  
1169 website and on the procurement portal website established by  
1170 Sections 25-53-151 and 27-104-165. If the board does not respond  
1171 to the department(s) within seven (7) calendar days after  
1172 receiving the notice, the department(s) may enter the proposed  
1173 personal or professional service contract. If the board responds  
1174 to the department(s) within seven (7) calendar days, then the  
1175 board has seven (7) calendar days from the date of its initial  
1176 response to provide any additional recommendations. After the end  
1177 of the second seven-day period, the department(s) may enter the  
1178 proposed personal or professional service contract. The board is  
1179 not authorized to disapprove any proposed personal or professional  
1180 services contracts. This subsection shall stand repealed on July  
1181 1, 2022.

1182 (10) Through July 1, 2024, the provisions of this section  
1183 related to rental agreements or leasing of real property for the  
1184 purpose of conducting agency business shall not apply to the  
1185 Office of Workforce Development created in Section 37-153-7.

1186 **SECTION 4.** Section 25-61-5, Mississippi Code of 1972, is  
1187 amended as follows:

1188 25-61-5. (1) (a) Except as otherwise provided by Sections  
1189 25-61-9, 25-61-11 \* \* \*, 25-61-11.2 and 37-153-7, all public





1190 records are hereby declared to be public property, and any person  
1191 shall have the right to inspect, copy or mechanically reproduce or  
1192 obtain a reproduction of any public record of a public body in  
1193 accordance with reasonable written procedures adopted by the  
1194 public body concerning the cost, time, place and method of access,  
1195 and public notice of the procedures shall be given by the public  
1196 body, or, if a public body has not adopted written procedures, the  
1197 right to inspect, copy or mechanically reproduce or obtain a  
1198 reproduction of a public record of the public body shall be  
1199 provided within one (1) working day after a written request for a  
1200 public record is made. No public body shall adopt procedures  
1201 which will authorize the public body to produce or deny production  
1202 of a public record later than seven (7) working days from the date  
1203 of the receipt of the request for the production of the record.

1204 (b) If a public body is unable to produce a public  
1205 record by the seventh working day after the request is made, the  
1206 public body must provide a written explanation to the person  
1207 making the request stating that the record requested will be  
1208 produced and specifying with particularity why the records cannot  
1209 be produced within the seven-day period. Unless there is mutual  
1210 agreement of the parties, or the information requested is part of  
1211 ongoing negotiations related to a request for competitive sealed  
1212 proposals, in no event shall the date for the public body's  
1213 production of the requested records be any later than fourteen  
1214 (14) working days from the receipt by the public body of the



1215 original request. Production of competitive sealed proposals in  
1216 accordance with requests made pursuant to this section shall be no  
1217 later than seven (7) working days after the notice of intent to  
1218 award is issued to the winning proposer. Persons making a request  
1219 for production of competitive sealed proposals after the notice of  
1220 intent to award is issued by the public body shall have a  
1221 reasonable amount of time, but in no event less than seven (7)  
1222 working days after the production of the competitive sealed  
1223 proposals, to protest the procurement or intended award prior to  
1224 contract execution. However, in any instance where a person has  
1225 filed for a protective order for a competitive sealed proposal and  
1226 the court has not ruled on the protective order within ninety (90)  
1227 days of filing, then the public body may proceed with awarding the  
1228 contract without production of competitive sealed proposals and  
1229 the contract may be protested after execution.

1230 (2) If any public record contains material which is not  
1231 exempted under this chapter, the public agency shall redact the  
1232 exempted material and make the nonexempted material available for  
1233 examination. Such public agency shall be entitled to charge a  
1234 reasonable fee for the redaction of any exempted material, not to  
1235 exceed the agency's actual cost.

1236 (3) Denial by a public body of a request for access to or  
1237 copies of public records under this chapter shall be in writing  
1238 and shall contain a statement of the specific exemption relied  
1239 upon by the public body for the denial. Each public body shall



1240 maintain a file of all denials of requests for public records.  
1241 Public bodies shall be required to preserve such denials on file  
1242 for not less than three (3) years from the date such denials are  
1243 made. This file shall be made available for inspection or  
1244 copying, or both, during regular office hours to any person upon  
1245 written request.

1246 (4) This section shall stand repealed on July 1, 2024.

1247 **SECTION 5.** This act shall take effect and be in force from  
1248 and after its passage.

