

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2810**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

39           **SECTION 1.** Section 71-5-353, Mississippi Code of 1972, is  
40 amended as follows:  
41           71-5-353. (1) (a) Each employer shall pay unemployment  
42 insurance contributions equal to five and four-tenths percent  
43 (5.4%) of taxable wages paid by him each calendar year, except as  
44 may be otherwise provided in Section 71-5-361 and except that each  
45 newly subject employer shall pay unemployment insurance  
46 contributions at the rate of one percent (1%) of taxable wages,  
47 for his first year of liability, one and one-tenth percent (1.1%)  
48 of taxable wages for his second year of liability, and one and



49 two-tenths percent (1.2%) of taxable wages for his third and  
50 subsequent years of liability unless the employer's  
51 experience-rating record has been chargeable throughout at least  
52 the twelve (12) consecutive calendar months ending on the most  
53 recent computation date at the time the rate for a year is  
54 determined; thereafter the employer's contribution rate shall be  
55 determined in accordance with the provisions of Section 71-5-355.

56 (b) Notwithstanding the newly subject employer  
57 contribution rate provided for in paragraph (a) of this  
58 subsection, the contribution rate of all newly subject employers  
59 shall be reduced by seven one-hundredths of one percent (.07%) for  
60 calendar year 2013 only. The contribution rate of all newly  
61 subject employers shall be reduced by three one-hundredths of one  
62 percent (.03%) for calendar year 2014 only. For purposes of this  
63 chapter, "newly subject employers" means employers whose  
64 unemployment insurance experience-rating record has not been  
65 chargeable throughout at least the twelve (12) consecutive  
66 calendar months ending on the most recent computation date at the  
67 time the contribution rate for a year is determined.

68 (2) (a) (i) There is hereby created in the Treasury of the  
69 State of Mississippi special funds to be known as the "Mississippi  
70 Workforce Enhancement Training Fund" \* \* \*, the "Mississippi Works  
71 Fund" and the "Mississippi K-12 Workforce Development Grant  
72 Program Fund" which consist of funds collected pursuant to



73 subsection (3) of this section and any other monies that may be  
74 appropriated to the funds from the Legislature.

75 (ii) Funds collected shall initially be deposited  
76 into the Mississippi Department of Employment Security bank  
77 account for clearing contribution collections and subsequently  
78 appropriate amounts shall be transferred to the Mississippi  
79 Workforce Investment and Training Fund Holding Account described  
80 in Section 71-5-453. In the event any employer pays an amount  
81 insufficient to cover the total contributions due, the amounts due  
82 shall be satisfied in the following order:

- 83 1. Unemployment contributions;
- 84 2. Mississippi Workforce Enhancement Training  
85 contributions, \* \* \* Mississippi K-12 Workforce Development Grant  
86 Program contributions and the Mississippi Works contributions,  
87 known collectively as the Mississippi Workforce Investment and  
88 Training contributions, on a pro rata basis;
- 89 3. Interest and damages; then
- 90 4. Legal and processing costs.

91 The amount of unemployment insurance contributions due for  
92 any period will be the amount due according to the actual  
93 computations unless the employer is participating in the MLPP. In  
94 that event, the amount due is the MLPP amount computed by the  
95 department.

96 Cost of collection and administration of the Mississippi  
97 Workforce Enhancement Training contribution, the \* \* \* Mississippi



98 K-12 Workforce Development Grant Program contribution and the  
99 Mississippi Works contribution shall be allocated based on a plan  
100 approved by the United States Department of Labor (USDOL). The  
101 Mississippi Community College Board shall pay the cost of  
102 collecting the Mississippi Workforce Enhancement Training  
103 contributions, the \* \* \* Office of Workforce Development shall pay  
104 the cost of collecting the \* \* \* Mississippi K-12 Workforce  
105 Development Grant Program contributions and the Mississippi  
106 Department of Employment Security shall pay the cost of collecting  
107 the Mississippi Works contributions. Payments shall be made  
108 semiannually with the cost allocated to each based on a USDOL  
109 approved plan on a pro rata basis, for periods ending in June and  
110 December of each year. Payment shall be made by each organization  
111 to the department no later than sixty (60) days after the billing  
112 date. Cost shall be allocated under the USDOL's approved plan and  
113 in the same ratio as each contribution type represents to the  
114 total authorized by subparagraph (ii)2 of this paragraph to be  
115 collected for the period.

116 (b) Mississippi Workforce Enhancement Training  
117 contributions and \* \* \* Mississippi K-12 Workforce Development  
118 Grant Program contributions shall be distributed \* \* \* for  
119 calendar years \* \* \* after calendar year 2014 as follows,  
120 ninety-three and seventy-five one-hundredths percent (93.75%)  
121 shall be distributed to the Mississippi Workforce Enhancement



122 Training Fund and the remainder shall be distributed to the \* \* \*  
123 Mississippi K-12 Workforce Development Grant Program Fund;

124 \* \* \*

125 (c) All contributions collected for the State Workforce  
126 Enhancement Training Fund, the \* \* \* Mississippi K-12 Workforce  
127 Development Grant Program Fund and the Mississippi Works Fund will  
128 be initially deposited into the Mississippi Department of  
129 Employment Security bank account for clearing contribution  
130 collections and subsequently transferred to the Workforce  
131 Investment and Training Holding Account and will be held by the  
132 Mississippi Department of Employment Security in such account for  
133 a period of not less than thirty (30) days. After such period,  
134 the Mississippi Workforce Enhancement Training contributions shall  
135 be transferred to the Mississippi Community College Board Treasury  
136 Account, with oversight provided by the Mississippi Office of  
137 Workforce Development, the \* \* \* Mississippi K-12 Workforce  
138 Development Grant Program contributions shall be transferred to  
139 the Mississippi K-12 Workforce Development Grant Program Treasury  
140 Account and the Mississippi Works contributions shall be  
141 transferred to the Mississippi Department of Employment Security  
142 Mississippi Works Treasury Account. The Mississippi K-12  
143 Workforce Development Grant Program contributions and the  
144 Mississippi Works contributions shall be transferred in the same  
145 ratio as each contribution type represents to the total authorized  
146 by paragraph (a)(ii)2 of this subsection to be collected for the



147 period and within the time frame determined by the department;  
148 however, except in cases of extraordinary circumstances, these  
149 funds shall be transferred within fifteen (15) days. Interest  
150 earnings or interest credits on deposit amounts in the Workforce  
151 Investment and Training Holding Account shall be retained in the  
152 account to pay the banking costs of the account. If after the  
153 period of twelve (12) months interest earnings less banking costs  
154 exceeds Ten Thousand Dollars (\$10,000.00), such excess amounts  
155 shall be transferred to the respective accounts within thirty (30)  
156 days following the end of each calendar year on the basis  
157 described in paragraph (b) of this subsection. Interest earnings  
158 and/or interest credits for the \* \* \* Mississippi K-12 Workforce  
159 Development Grant Program funds shall be used for the payment of  
160 banking costs and excess amounts shall be used in accordance with  
161 the rules and regulations of the \* \* \* Mississippi K-12 Workforce  
162 Development Grant Program created in Section 2 of this act.

163 (d) All enforcement procedures for the collection of  
164 delinquent unemployment contributions contained in Sections  
165 71-5-363 through 71-5-383 shall be applicable in all respects for  
166 collections of delinquent unemployment insurance contributions  
167 designated for the Unemployment Compensation Fund, the Mississippi  
168 Workforce Enhancement Training Fund, the \* \* \* Mississippi K-12  
169 Workforce Development Grant Program Fund and the Mississippi Works  
170 Fund.



171           (e) (i) Except as otherwise provided for in this  
172 subparagraph (i), all monies deposited into the Mississippi  
173 Workforce Enhancement Training Fund Treasury Account shall be  
174 directed by the Mississippi Office of Workforce Development, in  
175 collaboration with the Mississippi Community College Board, in  
176 accordance with the Workforce Training Act of 1994 (Section  
177 37-153-1 et seq.) and under policies approved by the Mississippi  
178 Office of Workforce Development for the following purposes: to  
179 provide training in collaboration with the Mississippi Community  
180 College Board and individual community and junior colleges to  
181 employers and employees in order to enhance employee productivity.  
182 Such training may be subject to a minimal administrative fee of  
183 not more than five percent (5%) to be paid from the Mississippi  
184 Workforce Enhancement Training Fund as established by the Office  
185 of Workforce Development. The initial priority of these funds  
186 shall be for the benefit of existing businesses located within the  
187 state. Employers may request training for existing employees  
188 and/or newly hired employees from the Mississippi Office of  
189 Workforce Development. The office, in consultation with the  
190 Mississippi Community College Board, will be responsible for  
191 approving the training. A portion of the funds collected for the  
192 Mississippi Workforce Enhancement Training Fund shall be used for  
193 the development of performance measures to measure the  
194 effectiveness of the use of the Mississippi Workforce Enhancement  
195 Training Fund dollars. These performance measures shall be



196 uniform for all training projects and shall be reported to the  
197 Governor, Lieutenant Governor, Speaker of the House, and members  
198 of the Legislature. Nothing in this section or elsewhere in law  
199 shall be interpreted as giving the Office of Workforce Development  
200 or State Workforce Investment Board authority to direct the  
201 Mississippi Community College Board or individual community or  
202 junior colleges on how to expend other funds, aside from funds  
203 appropriated to the Mississippi Workforce Enhancement Training  
204 Fund and Mississippi Works Fund, appropriated or received for  
205 workforce training. The Mississippi Office of Workforce  
206 Development, Mississippi Community College Board, individual  
207 community or junior colleges, State Workforce Investment Board and  
208 other agencies implementing or coordinating state-funded workforce  
209 development programs under state law shall cooperate with each  
210 other to promote effective workforce training in Mississippi,  
211 under the direction of the office. Any subsequent changes to  
212 these performance measures shall also be reported to the Governor,  
213 Lieutenant Governor, Speaker of the House, and members of the  
214 Legislature. A performance report for each training project and  
215 community college, based upon these measures, shall be submitted  
216 annually to the Governor, Lieutenant Governor, Speaker of the  
217 House, and members of the Legislature.

218 (ii) Except as otherwise provided in this  
219 paragraph (e), all funds deposited into the \* \* \* Mississippi K-12  
220 Workforce Development Grant Program Fund shall be used for





221 administration of \* \* \* the Mississippi K-12 Workforce Development  
222 Grant Program created in Section 2 of this act. Any funds  
223 remaining in the State Workforce Investment board bank account on  
224 June 30, 2023, shall be transferred to the Mississippi K-12  
225 Workforce Development Grant Program Fund.

226 (iii) All funds deposited into the Mississippi  
227 Department of Employment Security Mississippi Works Fund shall be  
228 disbursed exclusively by the Executive Director of the Mississippi  
229 Department of Employment Security, in accordance with the rules  
230 and regulations promulgated by the Office of Workforce  
231 Development, in support of workforce training activities approved  
232 by the Mississippi Office of Workforce Development in support of  
233 economic development activities. Funds allocated by the executive  
234 director under this subparagraph (iii) shall only be utilized for  
235 the training of unemployed persons, for immediate training needs  
236 for the net new jobs created by an employer, for the retention of  
237 jobs, to create a work-ready applicant pool of Mississippians with  
238 credentials and/or postsecondary education in accordance with the  
239 state's Workforce Investment and Opportunity Act plan, or for the  
240 support of local economic and community development activities  
241 related to workforce development in the state. The Mississippi  
242 Office of Workforce Development, in collaboration with the  
243 Mississippi Public Community College System and its partners,  
244 shall be the primary entity to facilitate training. Training  
245 conducted utilizing these Mississippi Works funds may be subject



246 to a minimal administrative fee of not more than five percent (5%)  
247 to be paid from the Mississippi Works Fund as authorized by the  
248 Mississippi Office of Workforce Development. All costs associated  
249 with the administration of these funds shall be reimbursed to the  
250 Mississippi Department of Employment Security from the Mississippi  
251 Works Fund.

252 (iv) 1. The Department of Employment Security  
253 shall be the fiscal agent for the receipt and disbursement of all  
254 funds remaining in the State Workforce Investment Board bank  
255 account, subject to the administrative oversight of the Office of  
256 Workforce Development. The Mississippi Department of Employment  
257 Security shall be the fiscal agent for all funds appropriated to  
258 it for use by the Office of Workforce Development.

259 2. \* \* \* The Office of Workforce Development,  
260 in coordination with the Mississippi Department of Employment  
261 Security as fiscal agent, shall ensure that any funds expended for  
262 contractual services rendered to the Office of Workforce  
263 Development over Five Thousand Dollars (\$5,000.00) shall be paid  
264 only to service providers who have been selected on a competitive  
265 basis. Any contract for services entered into using funds \* \* \*  
266 appropriated to the Mississippi Department of Employment Security  
267 for the Office of Workforce Development shall meet the  
268 requirements for state contracts set out in Section 31-7-1 et seq.



269 3. Any commodities procured for the office  
270 shall be procured in accordance with the provisions of Section  
271 31-7-13.

272 \* \* \*

273 (3) (a) (i) Mississippi Workforce Enhancement Training  
274 contributions and \* \* \* Mississippi K-12 Workforce Development  
275 Grant Program contributions shall be collected \* \* \* for calendar  
276 years \* \* \* after calendar year 2016 \* \* \* at a rate of twenty  
277 one-hundredths percent (.20%), based upon taxable wages, of which  
278 fifteen one-hundredths percent (.15%) shall be the Workforce  
279 Enhancement Training contribution, one-hundredths of one percent  
280 (.01%) shall be the \* \* \* Mississippi K-12 Workforce Development  
281 Grant Program contribution and four one-hundredths percent (.04%)  
282 shall be the Mississippi Works contribution. The Mississippi  
283 Works contribution shall be collected for calendar years in which  
284 the general experience ratio, adjusted on the basis of the trust  
285 fund adjustment factor and reduced by fifty percent (50%), results  
286 in a general experience rate of less than two-tenths percent  
287 (.2%). In all other years the Mississippi Works contribution  
288 shall not be in effect.

289 ( \* \* \* ii) The Mississippi Workforce Enhancement  
290 Training Fund contribution, the \* \* \* Mississippi K-12 Workforce  
291 Development Grant Program Fund contribution and the Mississippi  
292 Works contribution shall be in addition to the general experience  
293 rate plus the individual experience rate of all employers but



294 shall not be charged to reimbursing or rate-paying political  
295 subdivisions or institutions of higher learning, or reimbursing  
296 nonprofit organizations, as described in Sections 71-5-357 and  
297 71-5-359.

298 (b) All Mississippi Workforce Enhancement Training  
299 contributions, \* \* \* Mississippi K-12 Workforce Development Grant  
300 Program contributions and Mississippi Works contributions  
301 collected shall be deposited initially into the Mississippi  
302 Department of Employment Security bank account for clearing  
303 contribution collections and shall within two (2) business days be  
304 transferred to the Workforce Investment and Training Holding  
305 Account. Any Mississippi Workforce Enhancement Training Fund  
306 and/or \* \* \* Mississippi K-12 Workforce Development Grant Program  
307 Fund and/or Mississippi Works Fund transactions from the  
308 Mississippi Department of Employment Security bank account for  
309 clearing contribution collections that are deposited into the  
310 Workforce Investment and Training Fund Holding Account and are not  
311 honored by a financial institution will be transferred back to the  
312 Mississippi Department of Employment Security bank account for  
313 clearing contribution collections out of funds in the Mississippi  
314 Workforce Investment and Training Fund Holding Account.

315 (c) Suspension of the Workforce Enhancement Training  
316 Fund contributions required pursuant to this chapter shall occur  
317 if the insured unemployment rate exceeds an average of five and  
318 five-tenths percent (5.5%) for the three (3) consecutive months



319 immediately preceding the effective date of the new rate year  
320 following such occurrence and shall remain suspended throughout  
321 the duration of that rate year. Such suspension shall continue  
322 until such time as the three (3) consecutive months immediately  
323 preceding the effective date of the next rate year that has an  
324 insured unemployment rate of less than an average of four and  
325 five-tenths percent (4.5%). Upon such occurrence, reactivation  
326 shall be effective upon the first day of the rate year following  
327 the event that lifts suspension and shall be in effect for that  
328 year and shall continue until such time as a subsequent suspension  
329 event as described in this chapter occurs.

330 (d) Notwithstanding any other provision contained  
331 herein, contribution collections for the \* \* \* Mississippi K-12  
332 Workforce Development Grant Program Fund, Mississippi Works Fund  
333 and Mississippi Workforce Enhancement Training Fund shall not be  
334 suspended, under any circumstances, for tax rate year 2021, and  
335 the resulting contribution rate of twenty one-hundredths percent  
336 (.20%) shall be added to the employer's general and individual  
337 experience rate to obtain the total unemployment insurance rate  
338 for 2021.

339 (4) All collections due or accrued prior to any suspension  
340 of the Mississippi Workforce Enhancement Training Fund will be  
341 collected based upon the law at the time the contributions  
342 accrued, regardless of when they are actually collected.



343           **SECTION 2.** (1) The Office of Workforce Development shall  
344 establish and administer the Mississippi K-12 Workforce  
345 Development Grant Program for the purpose of constructing,  
346 remodeling, purchasing or upgrading equipment or otherwise  
347 providing support to career technical centers at the K-12  
348 education level. The grant program shall be funded from the  
349 Mississippi K-12 Workforce Development Grant Program Fund as  
350 provided in Section 71-5-353 and any other monies appropriated by  
351 the Legislature for that purpose.

352           (2) The Office of Workforce Development shall prescribe the  
353 terms and conditions of the grant program. To be eligible to  
354 receive a grant from the Office of Workforce Development under the  
355 grant program, a school at the K-12 education level shall provide  
356 the following information:

357                   (a) The number of students enrolled in the workforce  
358 development program for which the funds will be used;

359                   (b) The purpose of the program;

360                   (c) Whether the program fits into the ecosystem for the  
361 training needs in the area;

362                   (d) Evidence of the school's local involvement with  
363 industry partners in the area; and

364                   (e) Any other information that the office determines is  
365 necessary.



366 (3) The Office of Workforce Development may use a maximum of  
367 five percent (5%) of funds appropriated for the program for the  
368 administration of the program.

369 (4) The Office of Workforce Development shall comply with  
370 the reporting requirements provided in Section 37-153-7. Each  
371 school that received grants from the program shall assist the  
372 office in completing the reporting requirement.

373 **SECTION 3.** Section 37-153-7, Mississippi Code of 1972, is  
374 amended as follows:

375 37-153-7. (1) There is created the Mississippi Office of  
376 Workforce Development and the Mississippi State Workforce  
377 Investment Board, which shall serve as the advisory board for the  
378 office. The Mississippi State Workforce Investment Board shall be  
379 composed of thirty-one (31) voting members, of which a majority  
380 shall be representatives of business and industry in accordance  
381 with the federal Workforce Innovation and Opportunity Act, or any  
382 successive acts.

383 (2) The members of the State Workforce Investment Board  
384 shall include:

385 (a) The Governor, or his designee;

386 (b) Nineteen (19) members, appointed by the Governor,  
387 of whom:

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



390                   1. Are owners of businesses, chief executives  
391 or operating officers of businesses, or other business executives  
392 or employers with optimum policymaking or hiring authority, and  
393 who, in addition, may be members of a local board described in  
394 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and  
395 Opportunity Act. At least two (2) of the members appointed under  
396 this item 1. shall be small business owners, chief executives or  
397 operating officers of businesses with less than fifty (50)  
398 employees;

399                   2. Represent businesses, including small  
400 businesses, or organizations representing businesses, which  
401 provide employment opportunities that, at a minimum, include  
402 high-quality, work-relevant training and development in  
403 high-demand industry sectors or occupations in the state; and

404                   3. Are appointed from among individuals  
405 nominated by state business organizations and business trade  
406 associations;

407                   (ii) Not less than twenty percent (20%) shall  
408 consist of representatives of the workforce within the state,  
409 which:

410                   1. Includes labor organization  
411 representatives who have been nominated by state labor  
412 federations;

413                   2. Includes a labor organization member or  
414 training director from an apprenticeship program in the state,





415 which shall be a joint labor-management apprenticeship program if  
416 such a program exists in the state;

417           3. May include representatives of  
418 community-based organizations, including organizations serving  
419 veterans or providing or supporting competitive, integrated  
420 employment for individuals with disabilities, who have  
421 demonstrated experience and expertise in addressing employment,  
422 training or education needs of individuals with barriers to  
423 employment; and

424           4. May include representatives of  
425 organizations, including organizations serving out-of-school  
426 youth, who have demonstrated experience or expertise in addressing  
427 the employment, training or education needs of eligible youth;

428           (iii) The balance shall include government  
429 representatives, including the lead state officials with primary  
430 responsibility for core programs, and chief elected officials  
431 (collectively representing both cities and counties, where  
432 appropriate);

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

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

438           (e) The following state officials:



439                   (i) The Executive Director of the Mississippi  
440 Department of Employment Security;

441                   (ii) The Executive Director of the Department of  
442 Rehabilitation Services;

443                   (iii) The State Superintendent of Public  
444 Education;

445                   (iv) The Executive Director of the Mississippi  
446 Development Authority;

447                   (v) The Executive Director of the Mississippi  
448 Community College Board;

449                   (vi) The President of the Community College  
450 Association; and

451                   (vii) The Commissioner of the Institutions of  
452 Higher Learning.

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

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

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

461                   (i) The membership of the board shall reflect the  
462 diversity of the State of Mississippi.



463           (j) The Governor shall designate the Chairman of the  
464 Mississippi State Workforce Investment Board from among the  
465 business and industry voting members of the board, and a quorum of  
466 the board shall consist of a majority of the voting members of the  
467 board.

468           (k) The voting members of the board who are not state  
469 employees shall be entitled to reimbursement of their reasonable  
470 expenses in the manner and amount specified in Section 25-3-41 and  
471 shall be entitled to receive per diem compensation as authorized  
472 in Section 25-3-69.

473           (3) Members of the state board may be recalled by their  
474 appointing authority for cause, including a felony conviction,  
475 fraudulent or dishonest acts or gross abuse of discretion, failure  
476 to meet board member qualifications, or chronic failure to attend  
477 board meetings.

478           (4) The Mississippi Department of Employment Security shall  
479 establish limits on administrative costs for each portion of  
480 Mississippi's workforce development system consistent with the  
481 federal Workforce Investment Act or any future federal workforce  
482 legislation.

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



488           (a) Through the office, develop and submit to the  
489 Governor, Lieutenant Governor and Speaker of the House a strategic  
490 plan for an integrated state workforce development system that  
491 aligns resources and structures the system to more effectively and  
492 efficiently meet the demands of Mississippi's employers and job  
493 seekers. This plan will comply with the federal Workforce  
494 Investment Act of 1998, as amended, the federal Workforce  
495 Innovation and Opportunity Act of 2014 and amendments and  
496 successor legislation to these acts;

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

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

502                   (ii) Review local workforce development plans that  
503 reflect the use of funds from the federal Workforce Investment  
504 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser  
505 Act and the amendment or successor legislation to the acts, and  
506 the Mississippi Comprehensive Workforce Training and Education  
507 Consolidation Act;

508           (c) Recommend to the office the designation of local  
509 workforce investment areas as required in Section 116 of the  
510 federal Workforce Investment Act of 1998 and the Workforce  
511 Innovation and Opportunity Act of 2014. There shall be four (4)  
512 workforce investment areas that are generally aligned with the



513 planning and development district structure in Mississippi.  
514 Planning and development districts will serve as the fiscal agents  
515 to manage Workforce Investment Act funds, oversee and support the  
516 local workforce investment boards aligned with the area and the  
517 local programs and activities as delivered by the one-stop  
518 employment and training system. The planning and development  
519 districts will perform this function through the provisions of the  
520 county cooperative service districts created under Sections  
521 19-3-101 through 19-3-115; however, planning and development  
522 districts currently performing this function under the Interlocal  
523 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
524 continue to do so;

525           (d) Assist the Governor in the development of an  
526 allocation formula for the distribution of funds for adult  
527 employment and training activities and youth activities to local  
528 workforce investment areas;

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

532           (f) Assist the Governor in the establishment and  
533 management of a one-stop employment and training system conforming  
534 to the requirements of the federal Workforce Investment Act of  
535 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
536 amended, recommending policy for implementing the Governor's  
537 approved plan for employment and training activities and services



538 within the state. In developing this one-stop career operating  
539 system, the Mississippi State Workforce Investment Board, in  
540 conjunction with local workforce investment boards, shall:

541 (i) Design broad guidelines for the delivery of  
542 workforce development programs;

543 (ii) Identify all existing delivery agencies and  
544 other resources;

545 (iii) Define appropriate roles of the various  
546 agencies to include an analysis of service providers' strengths  
547 and weaknesses;

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

550 (v) Develop a financial plan to support the  
551 delivery system that shall, at a minimum, include an  
552 accountability system;

553 (g) To provide authority, in accordance with any  
554 executive order of the Governor, for developing the necessary  
555 collaboration among state agencies at the highest level for  
556 accomplishing the purposes of this article;

557 (h) To monitor the effectiveness of the workforce  
558 development centers and WIN job centers;

559 (i) To advise the Governor, public schools,  
560 community/junior colleges and institutions of higher learning on  
561 effective school-to-work transition policies and programs that  
562 link students moving from high school to higher education and



563 students moving between community colleges and four-year  
564 institutions in pursuit of academic and technical skills training;

565 (j) To work with industry to identify barriers that  
566 inhibit the delivery of quality workforce education and the  
567 responsiveness of educational institutions to the needs of  
568 industry;

569 (k) To provide periodic assessments on effectiveness  
570 and results of the overall Mississippi comprehensive workforce  
571 development system and district councils;

572 (l) Develop broad statewide development goals,  
573 including a goal to raise the state's labor force participation  
574 rate;

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

578 (n) To assist the Governor in carrying out any other  
579 responsibility required by the federal Workforce Investment Act of  
580 1998, as amended and the Workforce Innovation and Opportunity Act,  
581 successor legislation and amendments.

582 (6) The Mississippi State Workforce Investment Board shall  
583 coordinate all training programs and funds within its purview,  
584 consistent with the federal Workforce Investment Act, Workforce  
585 Innovation and Opportunity Act, amendments and successor  
586 legislation to these acts, and other relevant federal law.



587           Each state agency director responsible for workforce training  
588 activities shall advise the Mississippi Office of Workforce  
589 Development and the State Workforce Investment Board of  
590 appropriate federal and state requirements. Each state agency,  
591 department and institution shall report any monies received for  
592 workforce training activities or career and technical education  
593 and a detailed itemization of how those monies were spent to the  
594 state board. The board shall compile the data and provide a  
595 report of the monies and expenditures to the Chairs of the House  
596 and Senate Appropriations Committee, the Chair of the House  
597 Workforce Development Committee and the Chair of the Senate  
598 Economic and Workforce Development Committee by October 1 of each  
599 year. Each such state agency director shall remain responsible  
600 for the actions of his agency; however, each state agency and  
601 director shall work cooperatively to fulfill the state's goals.

602           (7) The State Workforce Investment Board shall establish an  
603 executive committee, which shall consist of the following State  
604 Workforce Investment Board members:

605                   (a) The Chair of the State Workforce Investment Board;

606                   (b) Two (2) business representatives currently serving  
607 on the state board selected by the Governor;

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





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

613 (e) The two (2) legislators, who shall serve in a  
614 nonvoting capacity, one (1) of whom shall be appointed by the  
615 Lieutenant Governor from the membership of the Mississippi Senate  
616 and one (1) of whom shall be appointed by the Speaker of the House  
617 of Representatives from the membership of the Mississippi House of  
618 Representatives.

619 (8) The executive committee shall select an executive  
620 director of the Office of Workforce Development, with the advice  
621 and consent of a majority of the State Workforce Investment Board.  
622 The executive committee shall seek input from economic development  
623 organizations across the state when selecting the executive  
624 director. The executive director shall:

625 (a) Be a person with extensive experience in  
626 development of economic, human and physical resources, and  
627 promotion of industrial and commercial development. The executive  
628 director shall have a bachelor's degree from a state-accredited  
629 institution and no less than eight (8) years of professional  
630 experience related to workforce or economic development;

631 (b) Perform the functions necessary for the daily  
632 operation and administration of the office, with oversight from  
633 the executive committee and the State Workforce Investment Board,



634 to fulfill the duties of the state board as described in Chapter  
635 476, Laws of 2020;

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

641 (d) Enter any part of the Mississippi Community College  
642 Board, individual community and junior colleges, or other  
643 workforce training facilities operated by the state or its  
644 subdivisions;

645 (e) Serve at the will and pleasure of the executive  
646 committee;

647 (f) Promulgate rules and regulations, subject to  
648 oversight by the executive committee, not inconsistent with this  
649 article, as may be necessary to enforce the provisions in Chapter  
650 476, Laws of 2020; and

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

654 (9) The Office of Workforce Development and Mississippi  
655 Community College Board shall collaborate in the administration  
656 and oversight of the Mississippi Workforce Enhancement Training  
657 Fund and Mississippi Works Fund, as described in Section 71-5-353.



658 The executive director shall maintain complete and exclusive  
659 operational control of the office's functions.

660 (10) The office shall file an annual and a quarterly report  
661 each year with the Governor, Secretary of State, President of the  
662 Senate, \* \* \* Speaker of the House, \* \* \* Chairman of the House  
663 Workforce Development Committee and Chairman of the Senate  
664 Economic and Workforce Development Committee. The annual report  
665 shall be filed not later than October 1 of each year regarding all  
666 funds approved by the office to be expended on workforce training  
667 during the prior calendar year. The quarterly and annual report  
668 shall include:

669 (a) Information on the performance of the Mississippi  
670 Workforce Enhancement Training Fund and the Mississippi Works  
671 Fund, in terms of adding value to the local and state economy, the  
672 contribution to future growth of the state economy, and movement  
673 toward state goals, including increasing the labor force  
674 participation rate; \* \* \*

675 (b) With respect to specific workforce training  
676 projects:

677 (i) The location of the training;  
678 (ii) The amount allocated to the project;  
679 (iii) The purpose of the project;  
680 (iv) The specific business entity that is the  
681 beneficiary of the project; \* \* \*



682 (v) The number of employees intended to be trained  
683 and actually trained, if applicable, in the course of the  
684 project \* \* \*; and

685 (vi) The types of funds used for the project;

686 (c) With respect to the grants that have been awarded  
687 under the Mississippi K-12 Workforce Development Grant Program  
688 created in Section 2 of this act:

689 (i) The entity that was awarded the grant;

690 (ii) The amount allocated to the grant;

691 (iii) The purpose of the grant; and

692 (iv) How the grant has been used since it was  
693 awarded; and

694 (d) With respect to the office's authority to select  
695 tools and resources, including necessary online platforms and  
696 similar systems in furtherance of the mission of the office:

697 (i) The policies that the office has adopted or  
698 amended on the process for the selection of tools and resources,  
699 including necessary online platforms and similar systems in  
700 furtherance of the mission of the office;

701 (ii) The eligible entities that the office  
702 determined may provide services, such as companies, nonprofit  
703 organizations, or other similar groups;

704 (iii) Any tools and resources, including necessary  
705 online platforms and similar systems in furtherance of the mission  
706 of the office, that have been selected by the office; and



707                   (iv) What entity received the benefit of the tools  
708 and resources that were selected.

709           All information concerning a proposed project which is  
710 provided to the executive director shall be kept confidential.  
711 Except as provided in subsections (13) and (14), such  
712 confidentiality shall not limit disclosure under the Mississippi  
713 Public Records Act of 1983 of records describing the nature,  
714 quantity, cost or other pertinent information related to the  
715 activities of, or services performed using, the Mississippi  
716 Workforce Enhancement Training Fund or the Mississippi Works Fund.

717           (11) In addition to other powers and duties provided in this  
718 section, the Office of Workforce Development shall also have the  
719 following powers and duties:

720                   (a) Direct access to accounting and banking statements  
721 for all funds under its direction to ensure accurate and efficient  
722 management of funds and to improve internal control;

723                   (b) The ability to enter into nondisclosure agreements  
724 to effectively support economic development activities and the  
725 proprietary nature of customized training for existing and new  
726 industry;

727                   (c) To adopt and promulgate such rules and regulations  
728 as may be necessary or desirable for the purpose of implementing  
729 the Mississippi K-12 Workforce Development Grant Program created  
730 in Section 2 of this act;



731 (d) To receive contributions, donations, gifts,  
732 bequests of money, other forms of financial assistance and  
733 property, equipment, materials or manpower from persons,  
734 foundations, trust funds, corporations, organizations and other  
735 sources, public or private, made to the office, and may expend or  
736 use the same in accordance with the conditions prescribed by the  
737 donor, provided that no such condition is contrary to any  
738 provision of law;

739 (e) To contract with state agencies, governing  
740 authorities or economic and workforce development entities for  
741 shared programmatic efforts and support service or joint  
742 employment of personnel in order to further the office's purposes;  
743 and

744 (f) To determine, subject to appropriation, the need  
745 for and, if desired, the selection of tools and resources,  
746 including necessary online platforms and similar systems in  
747 furtherance of the mission of the office, through processes  
748 established in policies adopted by the office that are deemed to  
749 be practical, feasible and in the public interest. These  
750 processes shall outline eligible entities that may provide such  
751 services, such as companies, nonprofit organizations, or other  
752 similar groups and shall ensure the office determines metrics for  
753 success, including deliverables as required by the office.

754 Through December 31, 2024, the provisions of Section 27-104-7  
755 related to rental agreements or leasing of real property for the



756 purpose of conducting agency business shall not apply to the  
757 office.

758 ( \* \* \*12) Nothing in Chapter 476, Laws of 2020 [Senate Bill  
759 No. 2564] shall void or otherwise interrupt any contract, lease,  
760 grant or other agreement previously entered into by the State  
761 Workforce Investment Board, Mississippi Community College Board,  
762 individual community or junior colleges, or other entities.

763 (13) Any records of the office which contain client  
764 information from the Mississippi Development Authority or local  
765 economic development entities concerning development projects  
766 shall be exempt from the provisions of the Mississippi Public  
767 Records Act of 1983 for a period of two (2) years after receipt of  
768 the information by the office. Confidential client information as  
769 described in this section shall not include the information which  
770 must be disclosed by the certified applicant related to a  
771 qualified economic development project in the annual report  
772 described in Section 57-1-759.

773 (14) Confidential client information in public records held  
774 by the office shall be exempt from the provisions of the  
775 Mississippi Public Records Act of 1983 during any period of review  
776 and negotiation on a project proposal facilitated by the  
777 Mississippi Development Authority or local economic development  
778 entities and for a period of thirty (30) days after approval,  
779 disapproval or abandonment of the proposal not to exceed one (1)  
780 year.



781           **SECTION 4.** Section 27-104-7, Mississippi Code of 1972, is  
782 amended as follows:

783           27-104-7. (1) (a) There is created the Public Procurement  
784 Review Board, which shall be reconstituted on January 1, 2018, and  
785 shall be composed of the following members:

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

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

790                       (iii) The Executive Director of the Department of  
791 Finance and Administration, serving as an ex officio and nonvoting  
792 member.

793           (b) The initial terms of each appointee shall be as  
794 follows:

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

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

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

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

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





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

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

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



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

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

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

852           (b) Adopt regulations governing the approval of  
853 contracts let for the construction and maintenance of state



854 buildings and other state facilities as well as related contracts  
855 for architectural and engineering services.

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

860 (c) Adopt regulations governing any lease or rental  
861 agreement by any state agency or department, including any state  
862 agency financed entirely by federal funds, for space outside the  
863 buildings under the jurisdiction of the Department of Finance and  
864 Administration. These regulations shall require each agency  
865 requesting to lease such space to provide the following  
866 information that shall be published by the Department of Finance  
867 and Administration on its website: the agency to lease the space;  
868 the terms of the lease; the approximate square feet to be leased;  
869 the use for the space; a description of a suitable space; the  
870 general location desired for the leased space; the contact  
871 information for a person from the agency; the deadline date for  
872 the agency to have received a lease proposal; any other specific  
873 terms or conditions of the agency; and any other information  
874 deemed appropriate by the Division of Real Property Management of  
875 the Department of Finance and Administration or the Public  
876 Procurement Review Board. The information shall be provided  
877 sufficiently in advance of the time the space is needed to allow  
878 the Division of Real Property Management of the Department of



879 Finance and Administration to review and preapprove the lease  
880 before the time for advertisement begins;

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

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

900 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,  
901 Central or South American, or other Spanish or Portuguese culture  
902 or origin regardless of race;



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

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

908 (v) Female;

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

915 (f) Promulgate rules and regulations governing the  
916 solicitation and selection of contractual services personnel,  
917 including personal and professional services contracts for any  
918 form of consulting, policy analysis, public relations, marketing,  
919 public affairs, legislative advocacy services or any other  
920 contract that the board deems appropriate for oversight, with the  
921 exception of any personal service contracts entered into by any  
922 agency that employs only nonstate service employees as defined in  
923 Section 25-9-107(c), any personal service contracts entered into  
924 for computer or information technology-related services governed  
925 by the Mississippi Department of Information Technology Services,  
926 any personal service contracts entered into by the individual  
927 state institutions of higher learning, any personal service



928 contracts entered into by the Mississippi Department of  
929 Transportation, any personal service contracts entered into by the  
930 Department of Human Services through June 30, 2019, which the  
931 Executive Director of the Department of Human Services determines  
932 would be useful in establishing and operating the Department of  
933 Child Protection Services, any personal service contracts entered  
934 into by the Department of Child Protection Services through June  
935 30, 2019, any contracts for entertainers and/or performers at the  
936 Mississippi State Fairgrounds entered into by the Mississippi Fair  
937 Commission, any contracts entered into by the Department of  
938 Finance and Administration when procuring aircraft maintenance,  
939 parts, equipment and/or services, any contract entered into by the  
940 Department of Public Safety for service on specialized equipment  
941 and/or software required for the operation at such specialized  
942 equipment for use by the Office of Forensics Laboratories, any  
943 personal or professional service contract entered into by the  
944 Mississippi Department of Health and/or the Department of Revenue  
945 solely in connection with their respective responsibilities under  
946 the Mississippi Medical Cannabis Act from February 2, 2022,  
947 through June 30, 2023, any contract for attorney, accountant,  
948 actuary auditor, architect, engineer, anatomical pathologist,  
949 utility rate expert services, any personal service contracts  
950 approved by the Executive Director of the Department of Finance  
951 and Administration and entered into by the Coordinator of Mental  
952 Health Accessibility through June 30, 2022, any personal or



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

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



977           (h) Develop mandatory standards with respect to  
978 contractual services personnel that require invitations for public  
979 bid, requests for proposals, record keeping and financial  
980 responsibility of contractors. The Public Procurement Review  
981 Board shall, unless exempted under this paragraph (h) or under  
982 paragraph (i) or (o) of this subsection (2), require the agency  
983 involved to submit the procurement to a competitive procurement  
984 process, and may reserve the right to reject any or all resulting  
985 procurements;

986           (i) Prescribe certain circumstances by which agency  
987 heads may enter into contracts for personal and professional  
988 services without receiving prior approval from the Public  
989 Procurement Review Board. The Public Procurement Review Board may  
990 establish a preapproved list of providers of various personal and  
991 professional services for set prices with which state agencies may  
992 contract without bidding or prior approval from the board;

993           (i) Agency requirements may be fulfilled by  
994 procuring services performed incident to the state's own programs.  
995 The agency head shall determine in writing whether the price  
996 represents a fair market value for the services. When the  
997 procurements are made from other governmental entities, the  
998 private sector need not be solicited; however, these contracts  
999 shall still be submitted for approval to the Public Procurement  
1000 Review Board.





1001                   (ii) Contracts between two (2) state agencies,  
1002 both under Public Procurement Review Board purview, shall not  
1003 require Public Procurement Review Board approval. However, the  
1004 contracts shall still be entered into the enterprise resource  
1005 planning system;

1006                   (j) Provide standards for the issuance of requests for  
1007 proposals, the evaluation of proposals received, consideration of  
1008 costs and quality of services proposed, contract negotiations, the  
1009 administrative monitoring of contract performance by the agency  
1010 and successful steps in terminating a contract;

1011                   (k) Present recommendations for governmental  
1012 privatization and to evaluate privatization proposals submitted by  
1013 any state agency;

1014                   (l) Authorize personal and professional service  
1015 contracts to be effective for more than one (1) year provided a  
1016 funding condition is included in any such multiple year contract,  
1017 except the State Board of Education, which shall have the  
1018 authority to enter into contractual agreements for student  
1019 assessment for a period up to ten (10) years. The State Board of  
1020 Education shall procure these services in accordance with the  
1021 Public Procurement Review Board procurement regulations;

1022                   (m) Request the State Auditor to conduct a performance  
1023 audit on any personal or professional service contract;

1024                   (n) Prepare an annual report to the Legislature  
1025 concerning the issuance of personal and professional services



1026 contracts during the previous year, collecting any necessary  
1027 information from state agencies in making such report;

1028 (o) Develop and implement the following standards and  
1029 procedures for the approval of any sole source contract for  
1030 personal and professional services regardless of the value of the  
1031 procurement:

1032 (i) For the purposes of this paragraph (o), the  
1033 term "sole source" means only one (1) source is available that can  
1034 provide the required personal or professional service.

1035 (ii) An agency that has been issued a binding,  
1036 valid court order mandating that a particular source or provider  
1037 must be used for the required service must include a copy of the  
1038 applicable court order in all future sole source contract reviews  
1039 for the particular personal or professional service referenced in  
1040 the court order.

1041 (iii) Any agency alleging to have a sole source  
1042 for any personal or professional service, other than those  
1043 exempted under paragraph (f) of this subsection (2) and subsection  
1044 (8), shall publish on the procurement portal website established  
1045 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)  
1046 days, the terms of the proposed contract for those services. In  
1047 addition, the publication shall include, but is not limited to,  
1048 the following information:

1049 1. The personal or professional service  
1050 offered in the contract;



1051                   2. An explanation of why the personal or  
1052 professional service is the only one that can meet the needs of  
1053 the agency;

1054                   3. An explanation of why the source is the  
1055 only person or entity that can provide the required personal or  
1056 professional service;

1057                   4. An explanation of why the amount to be  
1058 expended for the personal or professional service is reasonable;  
1059 and

1060                   5. The efforts that the agency went through  
1061 to obtain the best possible price for the personal or professional  
1062 service.

1063                   (iv) If any person or entity objects and proposes  
1064 that the personal or professional service published under  
1065 subparagraph (iii) of this paragraph (o) is not a sole source  
1066 service and can be provided by another person or entity, then the  
1067 objecting person or entity shall notify the Public Procurement  
1068 Review Board and the agency that published the proposed sole  
1069 source contract with a detailed explanation of why the personal or  
1070 professional service is not a sole source service.

1071                   (v) 1. If the agency determines after review that  
1072 the personal or professional service in the proposed sole source  
1073 contract can be provided by another person or entity, then the  
1074 agency must withdraw the sole source contract publication from the  
1075 procurement portal website and submit the procurement of the



1076 personal or professional service to an advertised competitive bid  
1077 or selection process.

1078                   2. If the agency determines after review that  
1079 there is only one (1) source for the required personal or  
1080 professional service, then the agency may appeal to the Public  
1081 Procurement Review Board. The agency has the burden of proving  
1082 that the personal or professional service is only provided by one  
1083 (1) source.

1084                   3. If the Public Procurement Review Board has  
1085 any reasonable doubt as to whether the personal or professional  
1086 service can only be provided by one (1) source, then the agency  
1087 must submit the procurement of the personal or professional  
1088 service to an advertised competitive bid or selection process. No  
1089 action taken by the Public Procurement Review Board in this appeal  
1090 process shall be valid unless approved by a majority of the  
1091 members of the Public Procurement Review Board present and voting.

1092                   (vi) The Public Procurement Review Board shall  
1093 prepare and submit a quarterly report to the House of  
1094 Representatives and Senate Accountability, Efficiency and  
1095 Transparency Committees that details the sole source contracts  
1096 presented to the Public Procurement Review Board and the reasons  
1097 that the Public Procurement Review Board approved or rejected each  
1098 contract. These quarterly reports shall also include the  
1099 documentation and memoranda required in subsection (4) of this  
1100 section. An agency that submitted a sole source contract shall be



1101 prepared to explain the sole source contract to each committee by  
1102 December 15 of each year upon request by the committee;

1103 (p) Assess any fines and administrative penalties  
1104 provided for in Sections 31-7-401 through 31-7-423.

1105 (3) All submissions shall be made sufficiently in advance of  
1106 each monthly meeting of the Public Procurement Review Board as  
1107 prescribed by the Public Procurement Review Board. If the Public  
1108 Procurement Review Board rejects any contract submitted for review  
1109 or approval, the Public Procurement Review Board shall clearly set  
1110 out the reasons for its action, including, but not limited to, the  
1111 policy that the agency has violated in its submitted contract and  
1112 any corrective actions that the agency may take to amend the  
1113 contract to comply with the rules and regulations of the Public  
1114 Procurement Review Board.

1115 (4) All sole source contracts for personal and professional  
1116 services awarded by state agencies, other than those exempted  
1117 under Section 27-104-7(2) (f) and (8), whether approved by an  
1118 agency head or the Public Procurement Review Board, shall contain  
1119 in the procurement file a written determination for the approval,  
1120 using a request form furnished by the Public Procurement Review  
1121 Board. The written determination shall document the basis for the  
1122 determination, including any market analysis conducted in order to  
1123 ensure that the service required was practicably available from  
1124 only one (1) source. A memorandum shall accompany the request  
1125 form and address the following four (4) points:



1126 (a) Explanation of why this service is the only service  
1127 that can meet the needs of the purchasing agency;

1128 (b) Explanation of why this vendor is the only  
1129 practicably available source from which to obtain this service;

1130 (c) Explanation of why the price is considered  
1131 reasonable; and

1132 (d) Description of the efforts that were made to  
1133 conduct a noncompetitive negotiation to get the best possible  
1134 price for the taxpayers.

1135 (5) In conjunction with the State Personnel Board, the  
1136 Public Procurement Review Board shall develop and promulgate rules  
1137 and regulations to define the allowable legal relationship between  
1138 contract employees and the contracting departments, agencies and  
1139 institutions of state government under the jurisdiction of the  
1140 State Personnel Board, in compliance with the applicable rules and  
1141 regulations of the federal Internal Revenue Service (IRS) for  
1142 federal employment tax purposes. Under these regulations, the  
1143 usual common law rules are applicable to determine and require  
1144 that such worker is an independent contractor and not an employee,  
1145 requiring evidence of lawful behavioral control, lawful financial  
1146 control and lawful relationship of the parties. Any state  
1147 department, agency or institution shall only be authorized to  
1148 contract for personnel services in compliance with those  
1149 regulations.



1150           (6) No member of the Public Procurement Review Board shall  
1151 use his or her official authority or influence to coerce, by  
1152 threat of discharge from employment, or otherwise, the purchase of  
1153 commodities, the contracting for personal or professional  
1154 services, or the contracting for public construction under this  
1155 chapter.

1156           (7) Notwithstanding any other laws or rules to the contrary,  
1157 the provisions of subsection (2) of this section shall not be  
1158 applicable to the Mississippi State Port Authority at Gulfport.

1159           (8) Nothing in this section shall impair or limit the  
1160 authority of the Board of Trustees of the Public Employees'  
1161 Retirement System to enter into any personal or professional  
1162 services contracts directly related to their constitutional  
1163 obligation to manage the trust funds, including, but not limited  
1164 to, actuarial, custodial banks, cash management, investment  
1165 consultant and investment management contracts.

1166           (9) Notwithstanding the exemption of personal and  
1167 professional services contracts entered into by the Department of  
1168 Human Services and personal and professional services contracts  
1169 entered into by the Department of Child Protection Services from  
1170 the provisions of this section under subsection (2)(f), before the  
1171 Department of Human Services or the Department of Child Protection  
1172 Services may enter into a personal or professional service  
1173 contract, the department(s) shall give notice of the proposed  
1174 personal or professional service contract to the Public



1175 Procurement Review Board for any recommendations by the board.  
1176 Upon receipt of the notice, the board shall post the notice on its  
1177 website and on the procurement portal website established by  
1178 Sections 25-53-151 and 27-104-165. If the board does not respond  
1179 to the department(s) within seven (7) calendar days after  
1180 receiving the notice, the department(s) may enter the proposed  
1181 personal or professional service contract. If the board responds  
1182 to the department(s) within seven (7) calendar days, then the  
1183 board has seven (7) calendar days from the date of its initial  
1184 response to provide any additional recommendations. After the end  
1185 of the second seven-day period, the department(s) may enter the  
1186 proposed personal or professional service contract. The board is  
1187 not authorized to disapprove any proposed personal or professional  
1188 services contracts. This subsection shall stand repealed on July  
1189 1, 2022.

1190 (10) Through December 31, 2024, the provisions of this  
1191 section related to rental agreements or leasing of real property  
1192 for the purpose of conducting agency business shall not apply to  
1193 the Office of Workforce Development created in Section 37-153-7.

1194 **SECTION 5.** Section 71-5-355, Mississippi Code of 1972, is  
1195 amended as follows:

1196 71-5-355. (1) As used in this section, the following words  
1197 and phrases shall have the following meanings, unless the context  
1198 clearly requires otherwise:





1199           (a) "Tax year" means any period beginning on January 1  
1200 and ending on December 31 of a year.

1201           (b) "Computation date" means June 30 of any calendar  
1202 year immediately preceding the tax year during which the  
1203 particular contribution rates are effective.

1204           (c) "Effective date" means January 1 of the tax year.

1205           (d) Except as hereinafter provided, "payroll" means the  
1206 total of all wages paid for employment by an employer as defined  
1207 in Section 71-5-11, subsection H, plus the total of all  
1208 remuneration paid by such employer excluded from the definition of  
1209 wages by Section 71-5-351. For the computation of modified rates,  
1210 "payroll" means the total of all wages paid for employment by an  
1211 employer as defined in Section 71-5-11, subsection H.

1212           (e) For the computation of modified rates, "eligible  
1213 employer" means an employer whose experience-rating record has  
1214 been chargeable with benefits throughout the thirty-six (36)  
1215 consecutive calendar-month period ending on the computation date,  
1216 except that any employer who has not been subject to the  
1217 Mississippi Employment Security Law for a period of time  
1218 sufficient to meet the thirty-six (36) consecutive calendar-month  
1219 requirement shall be an eligible employer if his or her  
1220 experience-rating record has been chargeable throughout not less  
1221 than the twelve (12) consecutive calendar-month period ending on  
1222 the computation date. No employer shall be considered eligible  
1223 for a contribution rate less than five and four-tenths percent



1224 (5.4%) with respect to any tax year, who has failed to file any  
1225 two (2) quarterly reports within the qualifying period by  
1226 September 30 following the computation date. No employer or  
1227 employing unit shall be eligible for a contribution rate of less  
1228 than five and four-tenths percent (5.4%) for the tax year in which  
1229 the employing unit is found by the department to be in violation  
1230 of Section 71-5-19(2) or (3) and for the next two (2) succeeding  
1231 tax years. No representative of such employing unit who was a  
1232 party to a violation as described in Section 71-5-19(2) or (3), if  
1233 such representative was or is an employing unit in this state,  
1234 shall be eligible for a contribution rate of less than five and  
1235 four-tenths percent (5.4%) for the tax year in which such  
1236 violation was detected by the department and for the next two (2)  
1237 succeeding tax years.

1238 (f) With respect to any tax year, "reserve ratio" means  
1239 the ratio which the total amount available for the payment of  
1240 benefits in the Unemployment Compensation Fund, excluding any  
1241 amount which has been credited to the account of this state under  
1242 Section 903 of the Social Security Act, as amended, and which has  
1243 been appropriated for the expenses of administration pursuant to  
1244 Section 71-5-457 whether or not withdrawn from such account, on  
1245 October 31 (close of business) of each calendar year bears to the  
1246 aggregate of the taxable payrolls of all employers for the twelve  
1247 (12) calendar months ending on June 30 next preceding.



1248 (g) "Modified rates" means the rates of employer  
1249 unemployment insurance contributions determined under the  
1250 provisions of this chapter and the rates of newly subject  
1251 employers, as provided in Section 71-5-353.

1252 (h) For the computation of modified rates, "qualifying  
1253 period" means a period of not less than the thirty-six (36)  
1254 consecutive calendar months ending on the computation date  
1255 throughout which an employer's experience-rating record has been  
1256 chargeable with benefits; except that with respect to any eligible  
1257 employer who has not been subject to this article for a period of  
1258 time sufficient to meet the thirty-six (36) consecutive  
1259 calendar-month requirement, "qualifying period" means the period  
1260 ending on the computation date throughout which his or her  
1261 experience-rating record has been chargeable with benefits, but in  
1262 no event less than the twelve (12) consecutive calendar-month  
1263 period ending on the computation date throughout which his or her  
1264 experience-rating record has been so chargeable.

1265 (i) The "exposure criterion" (EC) is defined as the  
1266 cash balance of the Unemployment Compensation Fund which is  
1267 available for the payment of benefits as of November 16 of each  
1268 calendar year or the next working day if November 16 falls on a  
1269 holiday or a weekend, divided by the total wages, exclusive of  
1270 wages paid by all state agencies, all political subdivisions,  
1271 reimbursable nonprofit corporations, and tax-exempt public service  
1272 employment, for the twelve-month period ending June 30 immediately



1273 preceding such date. The EC shall be computed to four (4) decimal  
1274 places and rounded up if any fraction remains. Notwithstanding  
1275 any other provision contained herein, the date for determining the  
1276 cash balance of the Unemployment Compensation Fund which is  
1277 available for the payment of benefits for the calendar years 2020  
1278 and 2021 shall be December 31.

1279 (j) The "cost rate criterion" (CRC) is defined as  
1280 follows: Beginning with January 1974, the benefits paid for the  
1281 twelve-month period ending December 1974 are summed and divided by  
1282 the total wages for the twelve-month period ending on June 30,  
1283 1975. Similar ratios are computed by subtracting the earliest  
1284 month's benefit payments and adding the benefits of the next month  
1285 in the sequence and dividing each sum of twelve (12) months'  
1286 benefits by the total wages for the twelve-month period ending on  
1287 the June 30 which is nearest to the final month of the period used  
1288 to compute the numerator. If December is the final month of the  
1289 period used to compute the numerator, then the twelve-month period  
1290 ending the following June 30 will be used for the denominator.  
1291 Benefits and total wages used in the computation of the cost rate  
1292 criterion shall exclude all benefits and total wages applicable to  
1293 state agencies, political subdivisions, reimbursable nonprofit  
1294 corporations, and tax-exempt PSE employment.

1295 The CRC shall be computed as the average for the highest  
1296 monthly value of the cost rate criterion computations during each  
1297 of the economic cycles since the calendar year 1974 as defined by



1298 the National Bureau of Economic Research. The CRC shall be  
1299 computed to four (4) decimal places and any remainder shall be  
1300 rounded up.

1301 The CRC shall be adjusted only through annual computations  
1302 and additions of future economic cycles.

1303 (k) "Size of fund index" (SOFI) is defined as the ratio  
1304 of the exposure criterion (EC) to the cost rate criterion (CRC).  
1305 The target size of fund index will be fixed at 1.0. If the  
1306 insured unemployment rate (IUR) exceeds a four and five-tenths  
1307 percent (4.5%) average for the most recent completed July to June  
1308 period, the target SOFI will be .8 and will remain at that level  
1309 until the computed SOFI (the average exposure criterion of the  
1310 current year and the preceding year divided by the average cost  
1311 rate criterion) equals 1.0 or the average IUR falls to four and  
1312 five-tenths percent (4.5%) or less for any period July to June.  
1313 However, if the IUR falls below two and five-tenths percent (2.5%)  
1314 for any period July to June the target SOFI shall be 1.2 until  
1315 such time as the computed SOFI is equal to or greater than 1.0 or  
1316 the IUR is equal to or greater than two and five-tenths percent  
1317 (2.5%), at which point the target SOFI shall return to 1.0.

1318 (l) No employer's unemployment contribution general  
1319 experience rate plus individual unemployment experience rate shall  
1320 exceed five and four-tenths percent (5.4%). Accrual rules shall  
1321 apply for purposes of computing contribution rates including  
1322 associated functions.



1323 (m) The term "general experience rate" has the same  
1324 meaning as the minimum tax rate.

1325 (2) Modified rates:

1326 (a) For any tax year, when the reserve ratio on the  
1327 preceding November 16, in the case of any tax year, equals or  
1328 exceeds three percent (3%), the modified rates, as hereinafter  
1329 prescribed, shall be in effect. In computation of this reserve  
1330 ratio, any remainder shall be rounded down.

1331 (b) Modified rates shall be determined for the tax year  
1332 for each eligible employer on the basis of his or her  
1333 experience-rating record in the following manner:

1334 (i) The department shall maintain an  
1335 experience-rating record for each employer. Nothing in this  
1336 chapter shall be construed to grant any employer or individuals  
1337 performing services for him or her any prior claim or rights to  
1338 the amounts paid by the employer into the fund.

1339 (ii) Benefits paid to an eligible individual shall  
1340 be charged against the experience-rating record of his or her base  
1341 period employers in the proportion to which the wages paid by each  
1342 base period employer bears to the total wages paid to the  
1343 individual by all the base period employers, provided that  
1344 benefits shall not be charged to an employer's experience-rating  
1345 record if the department finds that the individual:



- 1346                   1. Voluntarily left the employ of such  
1347 employer without good cause attributable to the employer or to  
1348 accept other work;
- 1349                   2. Was discharged by such employer for  
1350 misconduct connected with his or her work;
- 1351                   3. Refused an offer of suitable work by such  
1352 employer without good cause, and the department further finds that  
1353 such benefits are based on wages for employment for such employer  
1354 prior to such voluntary leaving, discharge or refusal of suitable  
1355 work, as the case may be;
- 1356                   4. Had base period wages which included wages  
1357 for previously uncovered services as defined in Section  
1358 71-5-511(e) to the extent that the Unemployment Compensation Fund  
1359 is reimbursed for such benefits pursuant to Section 121 of Public  
1360 Law 94-566;
- 1361                   5. Extended benefits paid under the  
1362 provisions of Section 71-5-541 which are not reimbursable from  
1363 federal funds shall be charged to the experience-rating record of  
1364 base period employers;
- 1365                   6. Is still working for such employer on a  
1366 regular part-time basis under the same employment conditions as  
1367 hired. Provided, however, that benefits shall be charged against  
1368 an employer if an eligible individual is paid benefits who is  
1369 still working for such employer on a part-time "as-needed" basis;



1370                   7. Was hired to replace a United States  
1371 serviceman or servicewoman called into active duty and was laid  
1372 off upon the return to work by that serviceman or servicewoman,  
1373 unless such employer is a state agency or other political  
1374 subdivision or instrumentality of the state;

1375                   8. Was paid benefits during any week while in  
1376 training with the approval of the department, under the provisions  
1377 of Section 71-5-513B, or for any week while in training approved  
1378 under Section 236(a)(1) of the Trade Act of 1974, under the  
1379 provisions of Section 71-5-513C;

1380                   9. Is not required to serve the one-week  
1381 waiting period as described in Section 71-5-505(2). In that  
1382 event, only the benefits paid in lieu of the waiting period week  
1383 may be noncharged; or

1384                   10. Was paid benefits as a result of a  
1385 fraudulent claim, provided notification was made to the  
1386 Mississippi Department of Employment Security in writing or by  
1387 email by the employer, within ten (10) days of the mailing of the  
1388 notice of claim filed to the employer's last-known address.

1389                   (iii) Notwithstanding any other provision  
1390 contained herein, an employer shall not be noncharged when the  
1391 department finds that the employer or the employer's agent of  
1392 record was at fault for failing to respond timely or adequately to  
1393 the request of the department for information relating to an  
1394 unemployment claim that was subsequently determined to be





1395 improperly paid, unless the employer or the employer's agent of  
1396 record shows good cause for having failed to respond timely or  
1397 adequately to the request of the department for information. For  
1398 purposes of this subparagraph "good cause" means an event that  
1399 prevents the employer or employer's agent of record from timely  
1400 responding, and includes a natural disaster, emergency or similar  
1401 event, or an illness on the part of the employer, the employer's  
1402 agent of record, or their staff charged with responding to such  
1403 inquiries when there is no other individual who has the knowledge  
1404 or ability to respond. Any agency error that resulted in a delay  
1405 in, or the failure to deliver notice to, the employer or the  
1406 employer's agent of record shall also be considered good cause for  
1407 purposes of this subparagraph.

1408 (iv) The department shall compute a benefit ratio  
1409 for each eligible employer, which shall be the quotient obtained  
1410 by dividing the total benefits charged to his or her  
1411 experience-rating record during the period his or her  
1412 experience-rating record has been chargeable, but not less than  
1413 the twelve (12) consecutive calendar-month period nor more than  
1414 the thirty-six (36) consecutive calendar-month period ending on  
1415 the computation date, by his or her total taxable payroll for the  
1416 same period on which all unemployment insurance contributions due  
1417 have been paid on or before the September 30 immediately following  
1418 the computation date. Such benefit ratio shall be computed to the



1419 tenth of a percent (.1%), rounding any remainder to the next  
1420 higher tenth.

1421 (v) 1. The unemployment insurance contribution  
1422 rate for each eligible employer shall be the sum of two (2) rates:  
1423 his or her individual experience rate in the range from zero  
1424 percent (0%) to five and four-tenths percent (5.4%), plus a  
1425 general experience rate. In no event shall the resulting  
1426 unemployment insurance rate be in excess of five and four-tenths  
1427 percent (5.4%), however, it is the intent of this section to  
1428 provide the ability for employers to have a tax rate, the general  
1429 experience rate plus the individual experience rate, of up to five  
1430 and four-tenths percent (5.4%).

1431 2. The employer's individual experience rate  
1432 shall be equal to his or her benefit ratio as computed under  
1433 paragraph (b)(iv) of this subsection (2).

1434 3. The general experience rate shall be  
1435 determined in the following manner: The department shall  
1436 determine annually, for the thirty-six (36) consecutive  
1437 calendar-month period ending on the computation date, the amount  
1438 of benefits which were not charged to the record of any employer  
1439 and of benefits which were ineffectively charged to the employer's  
1440 experience-rating record. For the purposes of this item 3, the  
1441 term "ineffectively charged benefits" shall include:

1442 a. The total of the amounts of benefits  
1443 charged to the experience-rating records of all eligible employers



1444 which caused their benefit ratios to exceed five and four-tenths  
1445 percent (5.4%);

1446                   b. The total of the amounts of benefits  
1447 charged to the experience-rating records of all ineligible  
1448 employers which would cause their benefit ratios to exceed five  
1449 and four-tenths percent (5.4%) if they were eligible employers;  
1450 and

1451                   c. The total of the amounts of benefits  
1452 charged or chargeable to the experience-rating record of any  
1453 employer who has discontinued his or her business or whose  
1454 coverage has been terminated within such period; provided, that  
1455 solely for the purposes of determining the amounts of  
1456 ineffectively charged benefits as herein defined, a "benefit  
1457 ratio" shall be computed for each ineligible employer, which shall  
1458 be the quotient obtained by dividing the total benefits charged to  
1459 his or her experience-rating record throughout the period ending  
1460 on the computation date, during which his or her experience-rating  
1461 record has been chargeable with benefits, by his or her total  
1462 taxable payroll for the same period on which all unemployment  
1463 insurance contributions due have been paid on or before the  
1464 September 30 immediately following the computation date; and  
1465 provided further, that such benefit ratio shall be computed to the  
1466 tenth of one percent (.1%) and any remainder shall be rounded to  
1467 the next higher tenth.



1468           The ratio of the sum of these amounts (subsection  
1469 (2) (b) (v) 3a, b and c) to the taxable wages paid during the same  
1470 period divided by all eligible employers whose benefit ratio did  
1471 not exceed five and four-tenths percent (5.4%), computed to the  
1472 next higher tenth of one percent (.1%), shall be the general  
1473 experience rate; however, the general experience rate for rate  
1474 year 2014 shall be two tenths of one percent (.2%) and to that  
1475 will be added the employer's individual experience rate for the  
1476 total unemployment insurance rate.

1477                           4. a. Except as otherwise provided in this  
1478 item 4, the general experience rate shall be adjusted by use of  
1479 the size of fund index factor. This factor may be positive or  
1480 negative, and shall be determined as follows: From the target  
1481 SOFI, as defined in subsection (1) (k) of this section, subtract  
1482 the simple average of the current and preceding years' exposure  
1483 criteria divided by the cost rate criterion, as defined in  
1484 subsection (1) (j) of this section. The result is then multiplied  
1485 by the product of the CRC, as defined in subsection (1) (j) of this  
1486 section, and total wages for the twelve-month period ending June  
1487 30 divided by the taxable wages for the twelve-month period ending  
1488 June 30. This is the percentage positive or negative added to the  
1489 general experience rate. The sum of the general experience rate  
1490 and the trust fund adjustment factor shall be multiplied by fifty  
1491 percent (50%) and this product shall be computed to one (1)  
1492 decimal place, and rounded to the next higher tenth.



1493                                   b. Notwithstanding the minimum rate  
1494 provisions as set forth in subsection (1)(1) of this section, the  
1495 general experience rate of all employers shall be reduced by seven  
1496 one-hundredths of one percent (.07%) for calendar year 2013 only.

1497                                   5. The general experience rate shall be zero  
1498 percent (0%) unless the general experience ratio for any tax year  
1499 as computed and adjusted on the basis of the trust fund adjustment  
1500 factor and reduced by fifty percent (50%) is an amount equal to or  
1501 greater than two-tenths of one percent (.2%), then the general  
1502 experience rate shall be the computed general experience ratio and  
1503 adjusted on the basis of the trust fund adjustment factor and  
1504 reduced by fifty percent (50%); however, in no case shall the sum  
1505 of the general experience plus the individual experience  
1506 unemployment insurance rate exceed five and four-tenths percent  
1507 (5.4%). For rate years subsequent to 2014, Mississippi Workforce  
1508 Enhancement Training contribution rate, and/or \* \* \* Mississippi  
1509 K-12 Workforce Development Grant Program contribution rate, and/or  
1510 Mississippi Works contribution rate, when in effect, shall be  
1511 added to the unemployment contribution rate, regardless of whether  
1512 the addition of this contribution rate causes the total  
1513 contribution rate for the employer to exceed five and four-tenths  
1514 percent (5.4%).

1515                                   6. The department shall include in its annual  
1516 rate notice to employers a brief explanation of the elements of  
1517 the general experience rate, and shall include in its regular



1518 publications an annual analysis of benefits not charged to the  
1519 record of any employer, and of the benefit experience of employers  
1520 by industry group whose benefit ratio exceeds four percent (4%),  
1521 and of any other factors which may affect the size of the general  
1522 experience rate.

1523                   7. Notwithstanding any other provision  
1524 contained herein, the general experience rate for calendar year  
1525 2021 shall be zero percent (0%). Charges attributed to each  
1526 employer's individual experience rate for the period March 8,  
1527 2020, through June 30, 2020, will not impact the employer's  
1528 individual experience rate calculations for purposes of  
1529 calculating the total unemployment insurance rate for 2021 and the  
1530 two (2) subsequent tax rate years. Moreover, charges attributed  
1531 to each employer's individual experience rate for the period July  
1532 1, 2020, through December 31, 2020, will not impact the employer's  
1533 individual experience rate calculations for purposes of  
1534 calculating the total unemployment insurance rate for 2022 and the  
1535 two (2) subsequent tax rate years.

1536                   (vi) When any employing unit in any manner  
1537 succeeds to or acquires the organization, trade, business or  
1538 substantially all the assets thereof of an employer, excepting any  
1539 assets retained by such employer incident to the liquidation of  
1540 his or her obligations, whether or not such acquiring employing  
1541 unit was an employer within the meaning of Section 71-5-11,  
1542 subsection H, prior to such acquisition, and continues such



1543 organization, trade or business, the experience-rating and payroll  
1544 records of the predecessor employer shall be transferred as of the  
1545 date of acquisition to the successor employer for the purpose of  
1546 rate determination.

1547 (vii) When any employing unit succeeds to or  
1548 acquires a distinct and severable portion of an organization,  
1549 trade or business, the experience-rating and payroll records of  
1550 such portion, if separately identifiable, shall be transferred to  
1551 the successor upon:

1552 1. The mutual consent of the predecessor and  
1553 the successor;

1554 2. Approval of the department;

1555 3. Continued operation of the transferred  
1556 portion by the successor after transfer; and

1557 4. The execution and the filing with the  
1558 department by the predecessor employer of a waiver relinquishing  
1559 all rights to have the experience-rating and payroll records of  
1560 the transferred portion used for the purpose of determining  
1561 modified rates of contribution for such predecessor.

1562 (viii) If the successor was an employer subject to  
1563 this chapter prior to the date of acquisition, it shall continue  
1564 to pay unemployment insurance contributions at the rate applicable  
1565 to it from the date the acquisition occurred until the end of the  
1566 then current tax year. If the successor was not an employer prior  
1567 to the date of acquisition, it shall pay unemployment insurance



1568 contributions at the rate applicable to the predecessor or, if  
1569 more than one (1) predecessor and the same rate is applicable to  
1570 both, the rate applicable to the predecessor or predecessors, from  
1571 the date the acquisition occurred until the end of the then  
1572 current tax year. If the successor was not an employer prior to  
1573 the date the acquisition occurred and simultaneously acquires the  
1574 businesses of two (2) or more employers to whom different rates of  
1575 unemployment insurance contributions are applicable, it shall pay  
1576 unemployment insurance contributions from the date of the  
1577 acquisition until the end of the current tax year at a rate  
1578 computed on the basis of the combined experience-rating and  
1579 payroll records of the predecessors as of the computation date for  
1580 such tax year. In all cases the rate of unemployment insurance  
1581 contributions applicable to such successor for each succeeding tax  
1582 year shall be computed on the basis of the combined  
1583 experience-rating and payroll records of the successor and the  
1584 predecessor or predecessors.

1585                   (ix) The department shall notify each employer  
1586 quarterly of the benefits paid and charged to his or her  
1587 experience-rating record; and such notification, in the absence of  
1588 an application for redetermination filed within thirty (30) days  
1589 after the date of such notice, shall be final, conclusive and  
1590 binding upon the employer for all purposes. A redetermination,  
1591 made after notice and opportunity for a fair hearing, by a hearing  
1592 officer designated by the department who shall consider and decide





1593 these and related applications and protests; and the finding of  
1594 fact in connection therewith may be introduced into any subsequent  
1595 administrative or judicial proceedings involving the determination  
1596 of the rate of unemployment insurance contributions of any  
1597 employer for any tax year, and shall be entitled to the same  
1598 finality as is provided in this subsection with respect to the  
1599 findings of fact in proceedings to redetermine the contribution  
1600 rate of an employer.

1601                   (x) The department shall notify each employer of  
1602 his or her rate of contribution as determined for any tax year as  
1603 soon as reasonably possible after September 1 of the preceding  
1604 year. Such determination shall be final, conclusive and binding  
1605 upon such employer unless, within thirty (30) days after the date  
1606 of such notice to his or her last-known address, the employer  
1607 files with the department an application for review and  
1608 redetermination of his or her contribution rate, setting forth his  
1609 or her reasons therefor. If the department grants such review,  
1610 the employer shall be promptly notified thereof and shall be  
1611 afforded an opportunity for a fair hearing by a hearing officer  
1612 designated by the department who shall consider and decide these  
1613 and related applications and protests; but no employer shall be  
1614 allowed, in any proceeding involving his or her rate of  
1615 unemployment insurance contributions or contribution liability, to  
1616 contest the chargeability to his or her account of any benefits  
1617 paid in accordance with a determination, redetermination or



1618 decision pursuant to Sections 71-5-515 through 71-5-533 except  
1619 upon the ground that the services on the basis of which such  
1620 benefits were found to be chargeable did not constitute services  
1621 performed in employment for him or her, and then only in the event  
1622 that he or she was not a party to such determination,  
1623 redetermination, decision or to any other proceedings provided in  
1624 this chapter in which the character of such services was  
1625 determined. The employer shall be promptly notified of the denial  
1626 of this application or of the redetermination, both of which shall  
1627 become final unless, within ten (10) days after the date of notice  
1628 thereof, there shall be an appeal to the department itself. Any  
1629 such appeal shall be on the record before said designated hearing  
1630 officer, and the decision of said department shall become final  
1631 unless, within thirty (30) days after the date of notice thereof  
1632 to the employer's last-known address, there shall be an appeal to  
1633 the Circuit Court of the First Judicial District of Hinds County,  
1634 Mississippi, in accordance with the provisions of law with respect  
1635 to review of civil causes by certiorari.

1636 (3) Notwithstanding any other provision of law, the  
1637 following shall apply regarding assignment of rates and transfers  
1638 of experience:

1639 (a) (i) If an employer transfers its trade or  
1640 business, or a portion thereof, to another employer and, at the  
1641 time of the transfer, there is substantially common ownership,  
1642 management or control of the two (2) employers, then the



1643 unemployment experience attributable to the transferred trade or  
1644 business shall be transferred to the employer to whom such  
1645 business is so transferred. The rates of both employers shall be  
1646 recalculated and made effective on January 1 of the year following  
1647 the year the transfer occurred.

1648           (ii) If, following a transfer of experience under  
1649 subparagraph (i) of this paragraph (a), the department determines  
1650 that a substantial purpose of the transfer of trade or business  
1651 was to obtain a reduced liability of unemployment insurance  
1652 contributions, then the experience-rating accounts of the  
1653 employers involved shall be combined into a single account and a  
1654 single rate assigned to such account.

1655           (b) Whenever a person who is not an employer or an  
1656 employing unit under this chapter at the time it acquires the  
1657 trade or business of an employer, the unemployment experience of  
1658 the acquired business shall not be transferred to such person if  
1659 the department finds that such person acquired the business solely  
1660 or primarily for the purpose of obtaining a lower rate of  
1661 unemployment insurance contributions. Instead, such person shall  
1662 be assigned the new employer rate under Section 71-5-353, unless  
1663 assignment of the new employer rate results in an increase of less  
1664 than two percent (2%), in which case such person would be assigned  
1665 the new employer rate plus an additional two percent (2%) penalty  
1666 for the rate year. In determining whether the business was  
1667 acquired solely or primarily for the purpose of obtaining a lower



1668 rate of unemployment insurance contributions, the department shall  
1669 use objective factors which may include the cost of acquiring the  
1670 business, whether the person continued the business enterprise of  
1671 the acquired business, how long such business enterprise was  
1672 continued, or whether a substantial number of new employees were  
1673 hired for performance of duties unrelated to the business activity  
1674 conducted prior to acquisition.

1675 (c) (i) If a person knowingly violates or attempts to  
1676 violate paragraph (a) or (b) of this subsection or any other  
1677 provision of this chapter related to determining the assignment of  
1678 a contribution rate, or if a person knowingly advises another  
1679 person in a way that results in a violation of such provision, the  
1680 person shall be subject to the following penalties:

1681 1. If the person is an employer, then such  
1682 employer shall be assigned the highest rate assignable under this  
1683 chapter for the rate year during which such violation or attempted  
1684 violation occurred and the three (3) rate years immediately  
1685 following this rate year. However, if the person's business is  
1686 already at such highest rate for any year, or if the amount of  
1687 increase in the person's rate would be less than two percent (2%)  
1688 for such year, then the person's tax rate shall be increased by  
1689 two percent (2%) for such year. The penalty rate will apply to  
1690 the successor business as well as the related entity from which  
1691 the employees were transferred in an effort to obtain a lower rate  
1692 of unemployment insurance contributions.



1693                   2. If the person is not an employer, such  
1694 person shall be subject to a civil money penalty of not more than  
1695 Five Thousand Dollars (\$5,000.00). Each such transaction for  
1696 which advice was given and each occurrence or reoccurrence after  
1697 notification being given by the department shall be a separate  
1698 offense and punishable by a separate penalty. Any such fine shall  
1699 be deposited in the penalty and interest account established under  
1700 Section 71-5-114.

1701                   (ii) For purposes of this paragraph (c), the term  
1702 "knowingly" means having actual knowledge of or acting with  
1703 deliberate ignorance or reckless disregard for the prohibition  
1704 involved.

1705                   (iii) For purposes of this paragraph (c), the term  
1706 "violates or attempts to violate" includes, but is not limited to,  
1707 intent to evade, misrepresentation or willful nondisclosure.

1708                   (iv) In addition to the penalty imposed by  
1709 subparagraph (i) of this paragraph (c), any violation of this  
1710 subsection may be punishable by a fine of not more than Ten  
1711 Thousand Dollars (\$10,000.00) or by imprisonment for not more than  
1712 five (5) years, or by both such fine and imprisonment. This  
1713 subsection shall prohibit prosecution under any other criminal  
1714 statute of this state.

1715                   (d) The department shall establish procedures to  
1716 identify the transfer or acquisition of a business for purposes of  
1717 this subsection.



1718 (e) For purposes of this subsection:

1719 (i) "Person" has the meaning given such term by  
1720 Section 7701(a) (1) of the Internal Revenue Code of 1986; and

1721 (ii) "Employing unit" has the meaning as set forth  
1722 in Section 71-5-11.

1723 (f) This subsection shall be interpreted and applied in  
1724 such a manner as to meet the minimum requirements contained in any  
1725 guidance or regulations issued by the United States Department of  
1726 Labor.

1727 **SECTION 6.** Section 71-5-453, Mississippi Code of 1972, is  
1728 amended as follows:

1729 71-5-453. The department shall be the treasurer and  
1730 custodian of the fund, and shall administer such fund in  
1731 accordance with the directions of the department, and shall issue  
1732 its warrants upon it in accordance with such regulations as the  
1733 department shall prescribe. The department shall maintain within  
1734 the fund three (3) separate accounts: (a) a clearing account, (b)  
1735 an unemployment trust fund account, and (c) a benefit payment  
1736 account. All monies payable to the fund, upon receipt thereof by  
1737 the department, shall be immediately deposited in the clearing  
1738 account. Refunds payable pursuant to Section 71-5-383 may be paid  
1739 from the clearing account by the department. Transfers pursuant  
1740 to Section 71-5-114 of all interest, penalties and damages  
1741 collected shall be made to the Special Employment Security  
1742 Administration Fund as soon as practicable after the end of each



1743 calendar quarter. Workforce Enhancement Training  
1744 contributions, \* \* \* Mississippi K-12 Workforce Development Grant  
1745 Program contributions and Mississippi Works contributions shall be  
1746 deposited into the Workforce Investment and Training Holding  
1747 Account as described in this section. All other monies in the  
1748 clearing account shall be immediately deposited with the Secretary  
1749 of the Treasury of the United States of America to the  
1750 Unemployment Trust Fund account for the State of Mississippi,  
1751 established and maintained pursuant to Section 904 of the Social  
1752 Security Act, as amended, any provisions of law in this state  
1753 relating to the deposit, administration, release or disbursement  
1754 of monies in the possession or custody of this state to the  
1755 contrary notwithstanding. The benefit account shall consist of  
1756 all monies requisitioned from this state's account in the  
1757 Unemployment Trust Fund. Except as herein otherwise provided,  
1758 monies in the clearing and benefit accounts may be deposited by  
1759 the department, in any bank or public depository in which general  
1760 funds of the state may be deposited, but no public deposit  
1761 insurance charge or premium shall be paid out of the fund. The  
1762 department shall be liable for the faithful performance of its  
1763 duties in connection with the Unemployment Compensation Fund under  
1764 this chapter. A Workforce Investment and Training Holding Account  
1765 shall be established by and maintained under the control of the  
1766 Mississippi Department of Employment Security. Contributions  
1767 collected pursuant to the provisions in this chapter for the



1768 Workforce Enhancement Training Fund, \* \* \* Mississippi K-12  
1769 Workforce Development Grant Program Fund and the Mississippi Works  
1770 Fund shall be transferred from the clearing account into the  
1771 Workforce Investment and Training Holding Account on the same  
1772 schedule and under the same conditions as funds transferred to the  
1773 Unemployment Compensation Fund. Such funds shall remain on  
1774 deposit in the holding account for a period of thirty (30) days.  
1775 After such period, Workforce Enhancement Training contributions  
1776 shall be transferred to the appropriate Mississippi Community  
1777 College Board Treasury Account, with oversight provided by the  
1778 Mississippi Office of Workforce Development, by the department.  
1779 The \* \* \* Mississippi K-12 Workforce Development Grant program  
1780 contributions shall be transferred to the \* \* \* Mississippi K-12  
1781 Workforce Development Grant Program Treasury Account for the  
1782 Mississippi K-12 Workforce Development Grant Program Fund. The  
1783 Mississippi Works contributions shall be transferred to the  
1784 Mississippi Department of Employment Security Treasury Account for  
1785 the Mississippi Works Fund. Such transfers shall occur within  
1786 fifteen (15) days after the funds have resided in the Workforce  
1787 Investment and Training Holding Account for thirty (30) days. One  
1788 (1) such transfer shall be made monthly, but the department, in  
1789 its discretion, may make additional transfers in any month. In  
1790 the event such funds transferred are subsequently determined to be  
1791 erroneously paid or collected, or if deposit of such funds is  
1792 denied or rejected by the banking institution for any reason, or





1793 deposits are unable to clear drawer's account for any reason, the  
1794 funds must be reimbursed by the recipient of such funds within  
1795 thirty (30) days of mailing of notice by the department demanding  
1796 such refund, unless funds are available in the Workforce  
1797 Investment and Training Holding Account. In that event such  
1798 amounts shall be immediately withdrawn from the Workforce  
1799 Investment and Training Holding Account by the department and  
1800 redeposited into the clearing account.

1801       **SECTION 7.** Section 25-61-5, Mississippi Code of 1972, is  
1802 amended as follows:

1803       25-61-5. (1) (a) Except as otherwise provided by Sections  
1804 25-61-9, 25-61-11 \* \* \*, 25-61-11.2 and 37-153-7, all public  
1805 records are hereby declared to be public property, and any person  
1806 shall have the right to inspect, copy or mechanically reproduce or  
1807 obtain a reproduction of any public record of a public body in  
1808 accordance with reasonable written procedures adopted by the  
1809 public body concerning the cost, time, place and method of access,  
1810 and public notice of the procedures shall be given by the public  
1811 body, or, if a public body has not adopted written procedures, the  
1812 right to inspect, copy or mechanically reproduce or obtain a  
1813 reproduction of a public record of the public body shall be  
1814 provided within one (1) working day after a written request for a  
1815 public record is made. No public body shall adopt procedures  
1816 which will authorize the public body to produce or deny production



1817 of a public record later than seven (7) working days from the date  
1818 of the receipt of the request for the production of the record.

1819 (b) If a public body is unable to produce a public  
1820 record by the seventh working day after the request is made, the  
1821 public body must provide a written explanation to the person  
1822 making the request stating that the record requested will be  
1823 produced and specifying with particularity why the records cannot  
1824 be produced within the seven-day period. Unless there is mutual  
1825 agreement of the parties, or the information requested is part of  
1826 ongoing negotiations related to a request for competitive sealed  
1827 proposals, in no event shall the date for the public body's  
1828 production of the requested records be any later than fourteen  
1829 (14) working days from the receipt by the public body of the  
1830 original request. Production of competitive sealed proposals in  
1831 accordance with requests made pursuant to this section shall be no  
1832 later than seven (7) working days after the notice of intent to  
1833 award is issued to the winning proposer. Persons making a request  
1834 for production of competitive sealed proposals after the notice of  
1835 intent to award is issued by the public body shall have a  
1836 reasonable amount of time, but in no event less than seven (7)  
1837 working days after the production of the competitive sealed  
1838 proposals, to protest the procurement or intended award prior to  
1839 contract execution. However, in any instance where a person has  
1840 filed for a protective order for a competitive sealed proposal and  
1841 the court has not ruled on the protective order within ninety (90)



1842 days of filing, then the public body may proceed with awarding the  
1843 contract without production of competitive sealed proposals and  
1844 the contract may be protested after execution.

1845 (2) If any public record contains material which is not  
1846 exempted under this chapter, the public agency shall redact the  
1847 exempted material and make the nonexempted material available for  
1848 examination. Such public agency shall be entitled to charge a  
1849 reasonable fee for the redaction of any exempted material, not to  
1850 exceed the agency's actual cost.

1851 (3) Denial by a public body of a request for access to or  
1852 copies of public records under this chapter shall be in writing  
1853 and shall contain a statement of the specific exemption relied  
1854 upon by the public body for the denial. Each public body shall  
1855 maintain a file of all denials of requests for public records.  
1856 Public bodies shall be required to preserve such denials on file  
1857 for not less than three (3) years from the date such denials are  
1858 made. This file shall be made available for inspection or  
1859 copying, or both, during regular office hours to any person upon  
1860 written request.

1861 (4) This section shall stand repealed on July 1, 2024.

1862 **SECTION 8.** This act shall take effect and be in force from  
1863 and after July 1, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**



1 AN ACT TO AMEND SECTION 71-5-353, MISSISSIPPI CODE OF 1972,  
2 TO CREATE THE MISSISSIPPI K-12 WORKFORCE DEVELOPMENT GRANT PROGRAM  
3 FUND IN THE STATE TREASURY WHICH SHALL CONSIST OF FUNDS COLLECTED  
4 FROM THE MISSISSIPPI K-12 WORKFORCE DEVELOPMENT GRANT PROGRAM  
5 CONTRIBUTIONS AND ANY OTHER MONIES THAT MAY BE APPROPRIATED TO IT  
6 FROM THE LEGISLATURE; TO PROVIDE THAT THE STATE WORKFORCE  
7 INVESTMENT BOARD CONTRIBUTIONS THAT WERE BEING DEPOSITED INTO THE  
8 STATE WORKFORCE INVESTMENT BOARD BANK ACCOUNT SHALL NOW BE  
9 CONTRIBUTIONS FOR THE MISSISSIPPI K-12 WORKFORCE DEVELOPMENT GRANT  
10 PROGRAM AND DEPOSITED INTO THE MISSISSIPPI K-12 WORKFORCE  
11 DEVELOPMENT GRANT PROGRAM FUND; TO PROVIDE THAT ADMINISTRATIVE FEE  
12 COLLECTED FOR THE TRAINING PROVIDED USING THE MISSISSIPPI  
13 WORKFORCE ENHANCEMENT TRAINING AND MISSISSIPPI WORKS FUNDS MAY NOT  
14 BE MORE THAN FIVE PERCENT; TO PROVIDE THAT THE MISSISSIPPI  
15 DEPARTMENT OF EMPLOYMENT SECURITY SHALL BE THE FISCAL AGENT FOR  
16 ALL FUNDS APPROPRIATED TO IT FOR USE BY THE OFFICE OF WORKFORCE  
17 DEVELOPMENT; TO CREATE A NEW SECTION THAT ESTABLISHES THE  
18 MISSISSIPPI K-12 WORKFORCE DEVELOPMENT GRANT PROGRAM; TO PROVIDE  
19 THAT THE PURPOSE FOR THE GRANT PROGRAM SHALL BE FOR CONSTRUCTING,  
20 REMODELING, PURCHASING OR UPGRADING EQUIPMENT OR OTHERWISE  
21 PROVIDING SUPPORT TO CAREER TECHNICAL CENTERS AT THE K-12  
22 EDUCATION LEVEL; TO PROVIDE HOW THE PROGRAM SHALL BE FUNDED; TO  
23 PROVIDE HOW A SCHOOL MAY APPLY FOR A GRANT; TO PROVIDE THAT  
24 MAXIMUM AMOUNT OF FUNDS APPROPRIATED TO THE PROGRAM THAT MAY BE  
25 USED FOR ADMINISTERING THE PROGRAM; TO PROVIDE THE REPORTING  
26 REQUIREMENTS OF THE PROGRAM; TO AMEND SECTION 37-153-7,  
27 MISSISSIPPI CODE OF 1972, TO REVISE THE REPORTING REQUIREMENTS OF  
28 THE OFFICE OF WORKFORCE DEVELOPMENT; TO PROVIDE SPECIFIC POWERS  
29 AND DUTIES FOR THE OFFICE OF WORKFORCE DEVELOPMENT; TO PROVIDE  
30 TIME-LIMITED EXEMPTIONS FROM THE MISSISSIPPI PUBLIC RECORDS ACT  
31 FOR CERTAIN RECORDS AND CONFIDENTIAL CLIENT INFORMATION FROM THE  
32 MISSISSIPPI DEVELOPMENT AUTHORITY OR LOCAL ECONOMIC DEVELOPMENT  
33 ENTITIES HELD BY THE OFFICE OF WORKFORCE DEVELOPMENT; TO AMEND  
34 SECTIONS 71-5-355, 71-5-453 AND 27-104-7, MISSISSIPPI CODE OF  
35 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION  
36 25-61-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
37 PURPOSES.

