

By: Senator(s) DeLano

To: Environment Prot, Cons
and Water Res;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2649
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-2-13, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
3 QUALITY TO ENTER INTO CONTRACTS FOR THE PURPOSE OF OBTAINING
4 ASSISTANCE WITH THE REVIEW, EVALUATION, AND PROCESSING OF PERMIT
5 AND CERTIFICATION APPLICATIONS; TO AMEND SECTION 27-104-7,
6 MISSISSIPPI CODE OF 1972, TO GRANT THE DEPARTMENT OF ENVIRONMENTAL
7 QUALITY AN EXCEPTION TO PROCUREMENT REVIEW PROCESSES FOR SUCH
8 CONTRACTS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 49-2-13, Mississippi Code of 1972, is
11 amended as follows:

12 49-2-13. The executive director shall have the following
13 powers and duties:

14 (a) To administer the policies of the commission within
15 the authority granted by the commission;

16 (b) To supervise and direct all administrative and
17 technical activities of the department;

18 (c) To organize the administrative units of the
19 department in accordance with the plan adopted by the commission
20 and, with commission approval, alter such organizational plan and



21 reassign responsibilities as he may deem necessary to carry out
22 the policies of the commission;

23 (d) To coordinate the activities of the various offices
24 of the department;

25 (e) To employ, subject to the approval of the
26 commission, qualified professional personnel in the subject matter
27 or fields of each office, and such other technical and clerical
28 staff as may be required for the operation of the department;

29 (f) To recommend to the commission such studies and
30 investigations as he may deem appropriate, and to carry out the
31 approved recommendations in conjunction with the various offices;

32 (g) To merge and coordinate functions and duties where
33 possible to eliminate the possibility of two (2) separate
34 organizational entities performing the same or similar functions,
35 including, but not limited to, functions of audit, inspection,
36 collection, personnel, motor vehicles, accounting, data
37 processing, payroll and any other such administrative, procedural
38 or enforcement function;

39 (h) To coordinate all studies in the State of
40 Mississippi concerned with the supply, development, use and
41 conservation of natural resources within the jurisdiction of the
42 department;

43 (i) To prepare and deliver to the Legislature and the
44 Governor on or before January 1 of each year, and at such other
45 times as may be required by the Legislature or Governor, a full



46 report of the work of the department and the offices thereof,
47 including a detailed statement of expenditures of the department
48 and any recommendations the commission may have;

49 (j) To issue, modify or revoke any and all orders under
50 authority granted by the commission which include, but are not
51 limited to those which (i) prohibit, control or abate discharges
52 of contaminants and wastes into the air and waters of the state;
53 (ii) require the construction of new disposal systems or
54 air-cleaning devices or any parts thereof, or the modification,
55 extension or alteration of existing disposal systems or
56 air-cleaning devices or any parts thereof, or the adoption of
57 other remedial measures to prevent, control or abate air and water
58 pollution or to cause the proper management of solid wastes; (iii)
59 impose penalties pursuant to Section 17-17-29 and Section 49-17-43
60 which have been agreed upon with alleged violators; and (iv)
61 require compliance with the conditions of any permit issued by the
62 Permit Board created in Section 49-17-28 and all regulations of
63 the commission; * * *

64 (k) With the approval of the commission, to enter into
65 contracts, grants and cooperative agreements with any federal or
66 state agency or subdivision thereof, or any public or private
67 institution located inside or outside the State of Mississippi, or
68 any person, corporation or association in connection with carrying
69 out the provisions of this chapter, provided the agreements do not



70 have a financial cost in excess of the amounts appropriated for
71 such purposes by the Legislature * * *; and

72 (1) With the approval of the commission, to enter into
73 a contract(s) with any person or any public or private corporate
74 entity to assist with the review, evaluation and processing of
75 permit application(s) and/or certification application(s). Any
76 person or entity requesting additional assistance for review,
77 evaluation, and processing of an application for permit(s) or
78 certification(s) must agree to pay all additional costs associated
79 with such review, evaluation, and processing. The executive
80 director shall submit an annual report on the following to the
81 Chairs of the House and Senate Accountability, Efficiency and
82 Transparency Committees:

83 (i) The backlog of permit applications and/or
84 certification applications that exist on July 1, 2024;

85 (ii) The backlog of permit applications and/or
86 certification applications that exist when the report is
87 submitted;

88 (iii) The average price of permits and/or
89 certifications that are being expedited;

90 (iv) The types of permits and/or certifications
91 that are being expedited;

92 (v) What persons or public or private corporate
93 entities are being used to assist with the review, evaluation and



94 processing of permit applications and/or certification
95 applications;

96 (vi) How much the persons or public or private
97 corporate entities have been paid through the program; and

98 (vii) How many people leave the department for
99 employment with the persons or public or private corporate
100 entities that are being used to assist with the review, evaluation
101 and processing of permit applications and/or certification
102 applications.

103 This paragraph (1) shall stand repealed on July 1, 2028.

104 **SECTION 2.** Section 27-104-7, Mississippi Code of 1972, is
105 amended as follows:

106 27-104-7. (1) (a) There is created the Public Procurement
107 Review Board, which shall be reconstituted on January 1, 2018, and
108 shall be composed of the following members:

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

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

113 (iii) The Executive Director of the Department of
114 Finance and Administration, serving as an ex officio and nonvoting
115 member.

116 (b) The initial terms of each appointee shall be as
117 follows:



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

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

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

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

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

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

132 (c) When appointing members to the Public Procurement
133 Review Board, the Governor and Lieutenant Governor shall take into
134 consideration persons who possess at least five (5) years of
135 management experience in general business, health care or finance
136 for an organization, corporation or other public or private
137 entity. Any person, or any employee or owner of a company, who
138 receives any grants, procurements or contracts that are subject to
139 approval under this section shall not be appointed to the Public
140 Procurement Review Board. Any person, or any employee or owner of
141 a company, who is a principal of the source providing a personal
142 or professional service shall not be appointed to the Public



143 Procurement Review Board if the principal owns or controls a
144 greater than five percent (5%) interest or has an ownership value
145 of One Million Dollars (\$1,000,000.00) in the source's business,
146 whichever is smaller. No member shall be an officer or employee
147 of the State of Mississippi while serving as a voting member on
148 the Public Procurement Review Board.

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

152 (e) The members of the Public Procurement Review Board
153 shall elect a chair from among the membership, and he or she shall
154 preside over the meetings of the board. The board shall annually
155 elect a vice chair, who shall serve in the absence of the chair.
156 No business shall be transacted, including adoption of rules of
157 procedure, without the presence of a quorum of the board. Three
158 (3) members shall be a quorum. No action shall be valid unless
159 approved by a majority of the members present and voting, entered
160 upon the minutes of the board and signed by the chair. Necessary
161 clerical and administrative support for the board shall be
162 provided by the Department of Finance and Administration. Minutes
163 shall be kept of the proceedings of each meeting, copies of which
164 shall be filed on a monthly basis with the chairs of the
165 Accountability, Efficiency and Transparency Committees of the
166 Senate and House of Representatives and the chairs of the



167 Appropriations Committees of the Senate and House of
168 Representatives.

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

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

175 (b) Adopt regulations governing the approval of
176 contracts let for the construction and maintenance of state
177 buildings and other state facilities as well as related contracts
178 for architectural and engineering services.

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

183 (c) Adopt regulations governing any lease or rental
184 agreement by any state agency or department, including any state
185 agency financed entirely by federal funds, for space outside the
186 buildings under the jurisdiction of the Department of Finance and
187 Administration. These regulations shall require each agency
188 requesting to lease such space to provide the following
189 information that shall be published by the Department of Finance
190 and Administration on its website: the agency to lease the space;
191 the terms of the lease; the approximate square feet to be leased;



192 the use for the space; a description of a suitable space; the
193 general location desired for the leased space; the contact
194 information for a person from the agency; the deadline date for
195 the agency to have received a lease proposal; any other specific
196 terms or conditions of the agency; and any other information
197 deemed appropriate by the Division of Real Property Management of
198 the Department of Finance and Administration or the Public
199 Procurement Review Board. The information shall be provided
200 sufficiently in advance of the time the space is needed to allow
201 the Division of Real Property Management of the Department of
202 Finance and Administration to review and preapprove the lease
203 before the time for advertisement begins;

204 (d) Adopt, in its discretion, regulations to set aside
205 at least five percent (5%) of anticipated annual expenditures for
206 the purchase of commodities from minority businesses; however, all
207 such set-aside purchases shall comply with all purchasing
208 regulations promulgated by the department and shall be subject to
209 all bid requirements. Set-aside purchases for which competitive
210 bids are required shall be made from the lowest and best minority
211 business bidder; however, if no minority bid is available or if
212 the minority bid is more than two percent (2%) higher than the
213 lowest bid, then bids shall be accepted and awarded to the lowest
214 and best bidder. However, the provisions in this paragraph shall
215 not be construed to prohibit the rejection of a bid when only one
216 (1) bid is received. Such rejection shall be placed in the



217 minutes. For the purposes of this paragraph, the term "minority
218 business" means a business which is owned by a person who is a
219 citizen or lawful permanent resident of the United States and who
220 is:

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

223 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
224 Central or South American, or other Spanish or Portuguese culture
225 or origin regardless of race;

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

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

231 (v) Female;

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

238 (f) (i) Except as otherwise provided in subparagraph
239 (ii) of this paragraph, promulgate rules and regulations governing
240 the solicitation and selection of contractual services personnel,
241 including personal and professional services contracts for any



242 form of consulting, policy analysis, public relations, marketing,
243 public affairs, legislative advocacy services or any other
244 contract that the board deems appropriate for oversight, with the
245 exception of:

246 1. Any personal service contracts entered
247 into by any agency that employs only nonstate service employees as
248 defined in Section 25-9-107(c);

249 2. Any personal service contracts entered
250 into for computer or information technology-related services
251 governed by the Mississippi Department of Information Technology
252 Services;

253 3. Any personal service contracts entered
254 into by the individual state institutions of higher learning;

255 4. Any personal service contracts entered
256 into by the Mississippi Department of Transportation;

257 5. Any personal service contracts entered
258 into by the Department of Human Services through June 30, 2019,
259 which the Executive Director of the Department of Human Services
260 determines would be useful in establishing and operating the
261 Department of Child Protection Services;

262 6. Any personal service contracts entered
263 into by the Department of Child Protection Services through June
264 30, 2019;



265 7. Any contracts for entertainers and/or
266 performers at the Mississippi State Fairgrounds entered into by
267 the Mississippi Fair Commission;

268 8. Any contracts entered into by the
269 Department of Finance and Administration when procuring aircraft
270 maintenance, parts, equipment and/or services;

271 9. Any contract entered into by the
272 Department of Public Safety for service on specialized equipment
273 and/or software required for the operation of such specialized
274 equipment for use by the Office of Forensics Laboratories;

275 10. Any personal or professional service
276 contract entered into by the Mississippi Department of Health or
277 the Department of Revenue solely in connection with their
278 respective responsibilities under the Mississippi Medical Cannabis
279 Act from February 2, 2022, through June 30, 2026;

280 11. Any contract for attorney, accountant,
281 actuary auditor, architect, engineer, anatomical pathologist, or
282 utility rate expert services;

283 12. Any personal service contracts approved
284 by the Executive Director of the Department of Finance and
285 Administration and entered into by the Coordinator of Mental
286 Health Accessibility through June 30, 2022;

287 13. Any personal or professional services
288 contract entered into by the State Department of Health in
289 carrying out its responsibilities under the ARPA Rural Water



290 Associations Infrastructure Grant Program through June 30,
291 2026; * * *

292 14. And any personal or professional services
293 contract entered into by the Mississippi Department of
294 Environmental Quality in carrying out its responsibilities under
295 the Mississippi Municipality and County Water Infrastructure Grant
296 Program Act of 2022, through June 30, 2026 * * *; and

297 15. Any personal or professional services
298 contract entered into by the Mississippi Department of
299 Environmental Quality in carrying out its responsibilities under
300 Section 49-2-13(1). This item 15 shall stand repealed on July 1,
301 2028.

302 Any such rules and regulations shall provide for maintaining
303 continuous internal audit covering the activities of such agency
304 affecting its revenue and expenditures as required under Section
305 7-7-3(6) (d). Any rules and regulation changes related to personal
306 and professional services contracts that the Public Procurement
307 Review Board may propose shall be submitted to the Chairs of the
308 Accountability, Efficiency and Transparency Committees of the
309 Senate and House of Representatives and the Chairs of the
310 Appropriation Committees of the Senate and House of
311 Representatives at least fifteen (15) days before the board votes
312 on the proposed changes, and those rules and regulation changes,
313 if adopted, shall be promulgated in accordance with the
314 Mississippi Administrative Procedures Act.



315 (ii) From and after July 1, 2024, the Public
316 Procurement Review Board shall promulgate rules and regulations
317 that require the Department of Finance and Administration to
318 conduct personal and professional services solicitations as
319 provided in subparagraph (i) of this paragraph for those services
320 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
321 Department of Marine Resources, the Department of Wildlife,
322 Fisheries and Parks, the Mississippi Emergency Management Agency
323 and the Mississippi Development Authority, with assistance to be
324 provided from these entities. Any powers that have been conferred
325 upon agencies in order to comply with the provisions of this
326 section for personal and professional services solicitations shall
327 be conferred upon the Department of Finance and Administration to
328 conduct personal and professional services solicitations for the
329 Department of Marine Resources, the Department of Wildlife,
330 Fisheries and Parks, the Mississippi Emergency Management Agency
331 and the Mississippi Development Authority for those services in
332 excess of Seventy-five Thousand Dollars (\$75,000.00). The
333 Department of Finance and Administration shall make any
334 submissions that are required to be made by other agencies to the
335 Public Procurement Review Board for the Department of Marine
336 Resources, the Department of Wildlife, Fisheries and Parks, the
337 Mississippi Emergency Management Agency and the Mississippi
338 Development Authority.



339 The provisions of this subparagraph (ii) shall stand repealed
340 on June 30, 2027;

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

345 (h) Develop mandatory standards with respect to
346 contractual services personnel that require invitations for public
347 bid, requests for proposals, record keeping and financial
348 responsibility of contractors. The Public Procurement Review
349 Board shall, unless exempted under this paragraph (h) or under
350 paragraph (i) or (o) of this subsection (2), require the agency
351 involved to submit the procurement to a competitive procurement
352 process, and may reserve the right to reject any or all resulting
353 procurements;

354 (i) Prescribe certain circumstances by which agency
355 heads may enter into contracts for personal and professional
356 services without receiving prior approval from the Public
357 Procurement Review Board. The Public Procurement Review Board may
358 establish a preapproved list of providers of various personal and
359 professional services for set prices with which state agencies may
360 contract without bidding or prior approval from the board;

361 (i) Agency requirements may be fulfilled by
362 procuring services performed incident to the state's own programs.
363 The agency head shall determine in writing whether the price



364 represents a fair market value for the services. When the
365 procurements are made from other governmental entities, the
366 private sector need not be solicited; however, these contracts
367 shall still be submitted for approval to the Public Procurement
368 Review Board.

369 (ii) Contracts between two (2) state agencies,
370 both under Public Procurement Review Board purview, shall not
371 require Public Procurement Review Board approval. However, the
372 contracts shall still be entered into the enterprise resource
373 planning system;

374 (j) Provide standards for the issuance of requests for
375 proposals, the evaluation of proposals received, consideration of
376 costs and quality of services proposed, contract negotiations, the
377 administrative monitoring of contract performance by the agency
378 and successful steps in terminating a contract;

379 (k) Present recommendations for governmental
380 privatization and to evaluate privatization proposals submitted by
381 any state agency;

382 (l) Authorize personal and professional service
383 contracts to be effective for more than one (1) year provided a
384 funding condition is included in any such multiple year contract,
385 except the State Board of Education, which shall have the
386 authority to enter into contractual agreements for student
387 assessment for a period up to ten (10) years. The State Board of



388 Education shall procure these services in accordance with the
389 Public Procurement Review Board procurement regulations;

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

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

396 (o) Develop and implement the following standards and
397 procedures for the approval of any sole source contract for
398 personal and professional services regardless of the value of the
399 procurement:

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

403 (ii) An agency that has been issued a binding,
404 valid court order mandating that a particular source or provider
405 must be used for the required service must include a copy of the
406 applicable court order in all future sole source contract reviews
407 for the particular personal or professional service referenced in
408 the court order.

409 (iii) Any agency alleging to have a sole source
410 for any personal or professional service, other than those
411 exempted under paragraph (f) of this subsection (2) and subsection
412 (8), shall publish on the procurement portal website established



413 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
414 days, the terms of the proposed contract for those services. In
415 addition, the publication shall include, but is not limited to,
416 the following information:

417 1. The personal or professional service
418 offered in the contract;

419 2. An explanation of why the personal or
420 professional service is the only one that can meet the needs of
421 the agency;

422 3. An explanation of why the source is the
423 only person or entity that can provide the required personal or
424 professional service;

425 4. An explanation of why the amount to be
426 expended for the personal or professional service is reasonable;
427 and

428 5. The efforts that the agency went through
429 to obtain the best possible price for the personal or professional
430 service.

431 (iv) If any person or entity objects and proposes
432 that the personal or professional service published under
433 subparagraph (iii) of this paragraph (o) is not a sole source
434 service and can be provided by another person or entity, then the
435 objecting person or entity shall notify the Public Procurement
436 Review Board and the agency that published the proposed sole



437 source contract with a detailed explanation of why the personal or
438 professional service is not a sole source service.

439 (v) 1. If the agency determines after review that
440 the personal or professional service in the proposed sole source
441 contract can be provided by another person or entity, then the
442 agency must withdraw the sole source contract publication from the
443 procurement portal website and submit the procurement of the
444 personal or professional service to an advertised competitive bid
445 or selection process.

446 2. If the agency determines after review that
447 there is only one (1) source for the required personal or
448 professional service, then the agency may appeal to the Public
449 Procurement Review Board. The agency has the burden of proving
450 that the personal or professional service is only provided by one
451 (1) source.

452 3. If the Public Procurement Review Board has
453 any reasonable doubt as to whether the personal or professional
454 service can only be provided by one (1) source, then the agency
455 must submit the procurement of the personal or professional
456 service to an advertised competitive bid or selection process. No
457 action taken by the Public Procurement Review Board in this appeal
458 process shall be valid unless approved by a majority of the
459 members of the Public Procurement Review Board present and voting.

460 (vi) The Public Procurement Review Board shall
461 prepare and submit a quarterly report to the House of



462 Representatives and Senate Accountability, Efficiency and
463 Transparency Committees that details the sole source contracts
464 presented to the Public Procurement Review Board and the reasons
465 that the Public Procurement Review Board approved or rejected each
466 contract. These quarterly reports shall also include the
467 documentation and memoranda required in subsection (4) of this
468 section. An agency that submitted a sole source contract shall be
469 prepared to explain the sole source contract to each committee by
470 December 15 of each year upon request by the committee;

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

473 (3) All submissions shall be made sufficiently in advance of
474 each monthly meeting of the Public Procurement Review Board as
475 prescribed by the Public Procurement Review Board. If the Public
476 Procurement Review Board rejects any contract submitted for review
477 or approval, the Public Procurement Review Board shall clearly set
478 out the reasons for its action, including, but not limited to, the
479 policy that the agency has violated in its submitted contract and
480 any corrective actions that the agency may take to amend the
481 contract to comply with the rules and regulations of the Public
482 Procurement Review Board.

483 (4) All sole source contracts for personal and professional
484 services awarded by state agencies, other than those exempted
485 under Section 27-104-7(2)(f) and (8), whether approved by an
486 agency head or the Public Procurement Review Board, shall contain



487 in the procurement file a written determination for the approval,
488 using a request form furnished by the Public Procurement Review
489 Board. The written determination shall document the basis for the
490 determination, including any market analysis conducted in order to
491 ensure that the service required was practicably available from
492 only one (1) source. A memorandum shall accompany the request
493 form and address the following four (4) points:

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

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

498 (c) Explanation of why the price is considered
499 reasonable; and

500 (d) Description of the efforts that were made to
501 conduct a noncompetitive negotiation to get the best possible
502 price for the taxpayers.

503 (5) In conjunction with the State Personnel Board, the
504 Public Procurement Review Board shall develop and promulgate rules
505 and regulations to define the allowable legal relationship between
506 contract employees and the contracting departments, agencies and
507 institutions of state government under the jurisdiction of the
508 State Personnel Board, in compliance with the applicable rules and
509 regulations of the federal Internal Revenue Service (IRS) for
510 federal employment tax purposes. Under these regulations, the
511 usual common law rules are applicable to determine and require



512 that such worker is an independent contractor and not an employee,
513 requiring evidence of lawful behavioral control, lawful financial
514 control and lawful relationship of the parties. Any state
515 department, agency or institution shall only be authorized to
516 contract for personnel services in compliance with those
517 regulations.

518 (6) No member of the Public Procurement Review Board shall
519 use his or her official authority or influence to coerce, by
520 threat of discharge from employment, or otherwise, the purchase of
521 commodities, the contracting for personal or professional
522 services, or the contracting for public construction under this
523 chapter.

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

527 (8) Nothing in this section shall impair or limit the
528 authority of the Board of Trustees of the Public Employees'
529 Retirement System to enter into any personal or professional
530 services contracts directly related to their constitutional
531 obligation to manage the trust funds, including, but not limited
532 to, actuarial, custodial banks, cash management, investment
533 consultant and investment management contracts. Nothing in this
534 section shall impair or limit the authority of the State Treasurer
535 to enter into any personal or professional services contracts
536 involving the management of trust funds, including, but not



537 limited to, actuarial, custodial banks, cash management,
538 investment consultant and investment management contracts.

539 (9) Through December 31, 2024, the provisions of this
540 section related to rental agreements or leasing of real property
541 for the purpose of conducting agency business shall not apply to
542 the Office of Workforce Development created in Section 37-153-7.

543 **SECTION 3.** This act shall take effect and be in force from
544 and after July 1, 2024.

