

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2822

BY: Committee

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

59 SECTION 1. (1) No court or county board of supervisors may
60 enter into any multiyear contract or service agreement for the
61 purchase of a web-based application that is to be utilized with
62 the Mississippi Youth Court Information System (MYCIDS) without
63 the court or board of supervisors, as the case may be, having
64 completed a competitive bidding process for the web-based
65 application.

66 (2) The Department of Information Technology Services shall
67 maintain on its website a list of all web-based application
68 service providers who are authorized to provide such web-based



69 application services to any court or county board of supervisors.
70 The list shall contain the email address, mailing address and
71 phone number for each such provider. No formal bid process will
72 be necessary, including newspaper or bid bank advertising, if the
73 purchase is an E-Rate purchase that follows the federal
74 procurement and contract award rules for such a purchase. The
75 court or county board of supervisors shall provide a descriptive
76 Request For Proposal describing the services to be purchased and
77 the term of the contract. Courts or county boards of supervisors
78 shall solicit quotes from all providers on the ITS list. Price
79 quotes shall be received in sealed envelopes by the court or
80 county board of supervisors. Quotes shall not be opened until at
81 least twenty-eight (28) calendar days from the date all vendors on
82 the ITS list are provided with the Request for Proposal. All
83 price quotes shall be opened at a specified time in a public
84 setting. If any state contract exists for the services being
85 sought, the court or county board of supervisors must consider the
86 contract pricing as if it were a submitted quote. The Office of
87 Administrative Courts or the Mississippi Association of
88 Supervisors, as the case may be, shall aid the courts or county
89 boards of supervisors in the procurement process by providing
90 training and instructions.

91 (3) The Department of Information Technology Services shall
92 provide the courts or county boards of supervisors, as the case
93 may be, with a contract template for such courts and boards of



94 supervisors to use for the contract and service agreement during
95 the procurement process. The contract shall not exceed five (5)
96 years and shall contain a specific price redetermination process
97 every two (2) years from the date of the contract whereby the
98 service provider may adjust pricing to comply with the E-Rate's
99 requirement that providers provide courts or counties boards of
100 supervisors with the lowest corresponding pricing available.

101 **SECTION 2.** Section 31-7-13, Mississippi Code of 1972, is
102 amended as follows:

103 31-7-13. All agencies and governing authorities shall
104 purchase their commodities and printing; contract for garbage
105 collection or disposal; contract for solid waste collection or
106 disposal; contract for sewage collection or disposal; contract for
107 public construction; and contract for rentals as herein provided.

108 (a) **Bidding procedure for purchases not over \$5,000.00.**

109 Purchases which do not involve an expenditure of more than Five
110 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
111 charges, may be made without advertising or otherwise requesting
112 competitive bids. However, nothing contained in this paragraph

113 (a) shall be construed to prohibit any agency or governing
114 authority from establishing procedures which require competitive
115 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

116 (b) **Bidding procedure for purchases over \$5,000.00 but**

117 **not over \$75,000.00.** Purchases which involve an expenditure of
118 more than Five Thousand Dollars (\$5,000.00) but not more than



119 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight
120 and shipping charges, may be made from the lowest and best bidder
121 without publishing or posting advertisement for bids, provided at
122 least two (2) competitive written bids have been obtained. Any
123 state agency or community or junior college purchasing commodities
124 or procuring construction pursuant to this paragraph (b) may
125 authorize its purchasing agent, or his designee, to accept the
126 lowest competitive written bid under Seventy-five Thousand Dollars
127 (\$75,000.00). Any governing authority purchasing commodities
128 pursuant to this paragraph (b) may authorize its purchasing agent,
129 or his designee, with regard to governing authorities other than
130 counties, or its purchase clerk, or his designee, with regard to
131 counties, to accept the lowest and best competitive written bid.
132 Such authorization shall be made in writing by the governing
133 authority and shall be maintained on file in the primary office of
134 the agency and recorded in the official minutes of the governing
135 authority, as appropriate. The purchasing agent or the purchase
136 clerk, or his designee, as the case may be, and not the governing
137 authority, shall be liable for any penalties and/or damages as may
138 be imposed by law for any act or omission of the purchasing agent
139 or purchase clerk, or his designee, constituting a violation of
140 law in accepting any bid without approval by the governing
141 authority. The term "competitive written bid" shall mean a bid
142 submitted on a bid form furnished by the buying agency or
143 governing authority and signed by authorized personnel



144 representing the vendor, or a bid submitted on a vendor's
145 letterhead or identifiable bid form and signed by authorized
146 personnel representing the vendor. "Competitive" shall mean that
147 the bids are developed based upon comparable identification of the
148 needs and are developed independently and without knowledge of
149 other bids or prospective bids. Any bid item for construction in
150 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
151 by components to provide detail of component description and
152 pricing. These details shall be submitted with the written bids
153 and become part of the bid evaluation criteria. Bids may be
154 submitted by facsimile, electronic mail or other generally
155 accepted method of information distribution. Bids submitted by
156 electronic transmission shall not require the signature of the
157 vendor's representative unless required by agencies or governing
158 authorities.

159 (c) **Bidding procedure for purchases over \$75,000.00.**

160 (i) **Publication requirement.**

161 1. Purchases which involve an expenditure of
162 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
163 freight and shipping charges, may be made from the lowest and best
164 bidder after advertising for competitive bids once each week for
165 two (2) consecutive weeks in a regular newspaper published in the
166 county or municipality in which such agency or governing authority
167 is located. However, all American Recovery and Reinvestment Act
168 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)



169 shall be bid. All references to American Recovery and
170 Reinvestment Act projects in this section shall not apply to
171 programs identified in Division B of the American Recovery and
172 Reinvestment Act.

173 2. Reverse auctions shall be the primary
174 method for receiving bids during the bidding process. If a
175 purchasing entity determines that a reverse auction is not in the
176 best interest of the state, then that determination must be
177 approved by the Public Procurement Review Board. The purchasing
178 entity shall submit a detailed explanation of why a reverse
179 auction would not be in the best interest of the state and present
180 an alternative process to be approved by the Public Procurement
181 Review Board. If the Public Procurement Review Board authorizes
182 the purchasing entity to solicit bids with a method other than
183 reverse auction, then the purchasing entity may designate the
184 other methods by which the bids will be received, including, but
185 not limited to, bids sealed in an envelope, bids received
186 electronically in a secure system, or bids received by any other
187 method that promotes open competition and has been approved by the
188 Office of Purchasing and Travel. However, reverse auction shall
189 not be used for any public contract for design, construction,
190 improvement, repair or remodeling of any public facilities,
191 including the purchase of materials, supplies, equipment or goods
192 for same and including buildings, roads and bridges. The Public
193 Procurement Review Board must approve any contract entered into by



194 alternative process. The provisions of this item 2 shall not
195 apply to the individual state institutions of higher learning.
196 The provisions of this item 2 requiring reverse auction as the
197 primary method of receiving bids shall not apply to term contract
198 purchases as provided in paragraph (n) of this section; however, a
199 purchasing entity may, in its discretion, utilize reverse auction
200 for such purchases. The provisions of this item 2 shall not apply
201 to individual public schools, including public charter schools and
202 public school districts, only when purchasing copyrighted
203 educational supplemental materials and software as a service
204 product. For such purchases, a local school board may authorize a
205 purchasing entity in its jurisdiction to use a Request for
206 Qualifications which promotes open competition and meets the
207 requirements of the Office of Purchasing and Travel.

208 3. The date as published for the bid opening
209 shall not be less than seven (7) working days after the last
210 published notice; however, if the purchase involves a construction
211 project in which the estimated cost is in excess of Seventy-five
212 Thousand Dollars (\$75,000.00), such bids shall not be opened in
213 less than fifteen (15) working days after the last notice is
214 published and the notice for the purchase of such construction
215 shall be published once each week for two (2) consecutive weeks.
216 However, all American Recovery and Reinvestment Act projects in
217 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
218 For any projects in excess of Twenty-five Thousand Dollars



219 (\$25,000.00) under the American Recovery and Reinvestment Act,
220 publication shall be made one (1) time and the bid opening for
221 construction projects shall not be less than ten (10) working days
222 after the date of the published notice. The notice of intention
223 to let contracts or purchase equipment shall state the time and
224 place at which bids shall be received, list the contracts to be
225 made or types of equipment or supplies to be purchased, and, if
226 all plans and/or specifications are not published, refer to the
227 plans and/or specifications on file. If there is no newspaper
228 published in the county or municipality, then such notice shall be
229 given by posting same at the courthouse, or for municipalities at
230 the city hall, and at two (2) other public places in the county or
231 municipality, and also by publication once each week for two (2)
232 consecutive weeks in some newspaper having a general circulation
233 in the county or municipality in the above-provided manner. On
234 the same date that the notice is submitted to the newspaper for
235 publication, the agency or governing authority involved shall mail
236 written notice to, or provide electronic notification to the main
237 office of the Mississippi Procurement Technical Assistance Program
238 under the Mississippi Development Authority that contains the same
239 information as that in the published notice. Submissions received
240 by the Mississippi Procurement Technical Assistance Program for
241 projects funded by the American Recovery and Reinvestment Act
242 shall be displayed on a separate and unique Internet web page
243 accessible to the public and maintained by the Mississippi



244 Development Authority for the Mississippi Procurement Technical
245 Assistance Program. Those American Recovery and Reinvestment Act
246 related submissions shall be publicly posted within twenty-four
247 (24) hours of receipt by the Mississippi Development Authority and
248 the bid opening shall not occur until the submission has been
249 posted for ten (10) consecutive days. The Department of Finance
250 and Administration shall maintain information regarding contracts
251 and other expenditures from the American Recovery and Reinvestment
252 Act, on a unique Internet web page accessible to the public. The
253 Department of Finance and Administration shall promulgate rules
254 regarding format, content and deadlines, unless otherwise
255 specified by law, of the posting of award notices, contract
256 execution and subsequent amendments, links to the contract
257 documents, expenditures against the awarded contracts and general
258 expenditures of funds from the American Recovery and Reinvestment
259 Act. Within one (1) working day of the contract award, the agency
260 or governing authority shall post to the designated web page
261 maintained by the Department of Finance and Administration, notice
262 of the award, including the award recipient, the contract amount,
263 and a brief summary of the contract in accordance with rules
264 promulgated by the department. Within one (1) working day of the
265 contract execution, the agency or governing authority shall post
266 to the designated web page maintained by the Department of Finance
267 and Administration a summary of the executed contract and make a
268 copy of the appropriately redacted contract documents available



269 for linking to the designated web page in accordance with the
270 rules promulgated by the department. The information provided by
271 the agency or governing authority shall be posted to the web page
272 for the duration of the American Recovery and Reinvestment Act
273 funding or until the project is completed, whichever is longer.

274 (ii) **Bidding process amendment procedure.** If all
275 plans and/or specifications are published in the notification,
276 then the plans and/or specifications may not be amended. If all
277 plans and/or specifications are not published in the notification,
278 then amendments to the plans/specifications, bid opening date, bid
279 opening time and place may be made, provided that the agency or
280 governing authority maintains a list of all prospective bidders
281 who are known to have received a copy of the bid documents and all
282 such prospective bidders are sent copies of all amendments. This
283 notification of amendments may be made via mail, facsimile,
284 electronic mail or other generally accepted method of information
285 distribution. No addendum to bid specifications may be issued
286 within two (2) working days of the time established for the
287 receipt of bids unless such addendum also amends the bid opening
288 to a date not less than five (5) working days after the date of
289 the addendum.

290 (iii) **Filing requirement.** In all cases involving
291 governing authorities, before the notice shall be published or
292 posted, the plans or specifications for the construction or
293 equipment being sought shall be filed with the clerk of the board



294 of the governing authority. In addition to these requirements, a
295 bid file shall be established which shall indicate those vendors
296 to whom such solicitations and specifications were issued, and
297 such file shall also contain such information as is pertinent to
298 the bid.

299 (iv) **Specification restrictions.**

300 1. Specifications pertinent to such bidding
301 shall be written so as not to exclude comparable equipment of
302 domestic manufacture. However, if valid justification is
303 presented, the Department of Finance and Administration or the
304 board of a governing authority may approve a request for specific
305 equipment necessary to perform a specific job. Further, such
306 justification, when placed on the minutes of the board of a
307 governing authority, may serve as authority for that governing
308 authority to write specifications to require a specific item of
309 equipment needed to perform a specific job. In addition to these
310 requirements, from and after July 1, 1990, vendors of relocatable
311 classrooms and the specifications for the purchase of such
312 relocatable classrooms published by local school boards shall meet
313 all pertinent regulations of the State Board of Education,
314 including prior approval of such bid by the State Department of
315 Education.

316 2. Specifications for construction projects
317 may include an allowance for commodities, equipment, furniture,
318 construction materials or systems in which prospective bidders are



319 instructed to include in their bids specified amounts for such
320 items so long as the allowance items are acquired by the vendor in
321 a commercially reasonable manner and approved by the
322 agency/governing authority. Such acquisitions shall not be made
323 to circumvent the public purchasing laws.

324 (v) **Electronic bids.** Agencies and governing
325 authorities shall provide a secure electronic interactive system
326 for the submittal of bids requiring competitive bidding that shall
327 be an additional bidding option for those bidders who choose to
328 submit their bids electronically. The Department of Finance and
329 Administration shall provide, by regulation, the standards that
330 agencies must follow when receiving electronic bids. Agencies and
331 governing authorities shall make the appropriate provisions
332 necessary to accept electronic bids from those bidders who choose
333 to submit their bids electronically for all purchases requiring
334 competitive bidding under this section. Any special condition or
335 requirement for the electronic bid submission shall be specified
336 in the advertisement for bids required by this section. Agencies
337 or governing authorities that are currently without available high
338 speed Internet access shall be exempt from the requirement of this
339 subparagraph (v) until such time that high speed Internet access
340 becomes available. Any county having a population of less than
341 twenty thousand (20,000) shall be exempt from the provisions of
342 this subparagraph (v). Any municipality having a population of
343 less than ten thousand (10,000) shall be exempt from the



344 provisions of this subparagraph (v). The provisions of this
345 subparagraph (v) shall not require any bidder to submit bids
346 electronically. When construction bids are submitted
347 electronically, the requirement for including a certificate of
348 responsibility, or a statement that the bid enclosed does not
349 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
350 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
351 deemed in compliance with by including same as an attachment with
352 the electronic bid submittal.

353 (d) **Lowest and best bid decision procedure.**

354 (i) **Decision procedure.** Purchases may be made
355 from the lowest and best bidder. In determining the lowest and
356 best bid, freight and shipping charges shall be included.
357 Life-cycle costing, total cost bids, warranties, guaranteed
358 buy-back provisions and other relevant provisions may be included
359 in the best bid calculation. All best bid procedures for state
360 agencies must be in compliance with regulations established by the
361 Department of Finance and Administration. If any governing
362 authority accepts a bid other than the lowest bid actually
363 submitted, it shall place on its minutes detailed calculations and
364 narrative summary showing that the accepted bid was determined to
365 be the lowest and best bid, including the dollar amount of the
366 accepted bid and the dollar amount of the lowest bid. No agency
367 or governing authority shall accept a bid based on items not
368 included in the specifications.



369 (ii) **Decision procedure for Certified Purchasing**
370 **Offices.** In addition to the decision procedure set forth in
371 subparagraph (i) of this paragraph (d), Certified Purchasing
372 Offices may also use the following procedure: Purchases may be
373 made from the bidder offering the best value. In determining the
374 best value bid, freight and shipping charges shall be included.
375 Life-cycle costing, total cost bids, warranties, guaranteed
376 buy-back provisions, documented previous experience, training
377 costs and other relevant provisions, including, but not limited
378 to, a bidder having a local office and inventory located within
379 the jurisdiction of the governing authority, may be included in
380 the best value calculation. This provision shall authorize
381 Certified Purchasing Offices to utilize a Request For Proposals
382 (RFP) process when purchasing commodities. All best value
383 procedures for state agencies must be in compliance with
384 regulations established by the Department of Finance and
385 Administration. No agency or governing authority shall accept a
386 bid based on items or criteria not included in the specifications.

387 (iii) **Decision procedure for Mississippi**
388 **Landmarks.** In addition to the decision procedure set forth in
389 subparagraph (i) of this paragraph (d), where purchase involves
390 renovation, restoration, or both, of the State Capitol Building or
391 any other historical building designated for at least five (5)
392 years as a Mississippi Landmark by the Board of Trustees of the
393 Department of Archives and History under the authority of Sections



394 39-7-7 and 39-7-11, the agency or governing authority may use the
395 following procedure: Purchases may be made from the lowest and
396 best prequalified bidder. Prequalification of bidders shall be
397 determined not less than fifteen (15) working days before the
398 first published notice of bid opening. Prequalification criteria
399 shall be limited to bidder's knowledge and experience in
400 historical restoration, preservation and renovation. In
401 determining the lowest and best bid, freight and shipping charges
402 shall be included. Life-cycle costing, total cost bids,
403 warranties, guaranteed buy-back provisions and other relevant
404 provisions may be included in the best bid calculation. All best
405 bid and prequalification procedures for state agencies must be in
406 compliance with regulations established by the Department of
407 Finance and Administration. If any governing authority accepts a
408 bid other than the lowest bid actually submitted, it shall place
409 on its minutes detailed calculations and narrative summary showing
410 that the accepted bid was determined to be the lowest and best
411 bid, including the dollar amount of the accepted bid and the
412 dollar amount of the lowest bid. No agency or governing authority
413 shall accept a bid based on items not included in the
414 specifications.

415 (iv) **Construction project negotiations authority.**

416 If the lowest and best bid is not more than ten percent (10%)
417 above the amount of funds allocated for a public construction or
418 renovation project, then the agency or governing authority shall



419 be permitted to negotiate with the lowest bidder in order to enter
420 into a contract for an amount not to exceed the funds allocated.

421 (e) **Lease-purchase authorization.** For the purposes of
422 this section, the term "equipment" shall mean equipment, furniture
423 and, if applicable, associated software and other applicable
424 direct costs associated with the acquisition. Any lease-purchase
425 of equipment which an agency is not required to lease-purchase
426 under the master lease-purchase program pursuant to Section
427 31-7-10 and any lease-purchase of equipment which a governing
428 authority elects to lease-purchase may be acquired by a
429 lease-purchase agreement under this paragraph (e). Lease-purchase
430 financing may also be obtained from the vendor or from a
431 third-party source after having solicited and obtained at least
432 two (2) written competitive bids, as defined in paragraph (b) of
433 this section, for such financing without advertising for such
434 bids. Solicitation for the bids for financing may occur before or
435 after acceptance of bids for the purchase of such equipment or,
436 where no such bids for purchase are required, at any time before
437 the purchase thereof. No such lease-purchase agreement shall be
438 for an annual rate of interest which is greater than the overall
439 maximum interest rate to maturity on general obligation
440 indebtedness permitted under Section 75-17-101, and the term of
441 such lease-purchase agreement shall not exceed the useful life of
442 equipment covered thereby as determined according to the upper
443 limit of the asset depreciation range (ADR) guidelines for the



444 Class Life Asset Depreciation Range System established by the
445 Internal Revenue Service pursuant to the United States Internal
446 Revenue Code and regulations thereunder as in effect on December
447 31, 1980, or comparable depreciation guidelines with respect to
448 any equipment not covered by ADR guidelines. Any lease-purchase
449 agreement entered into pursuant to this paragraph (e) may contain
450 any of the terms and conditions which a master lease-purchase
451 agreement may contain under the provisions of Section 31-7-10(5),
452 and shall contain an annual allocation dependency clause
453 substantially similar to that set forth in Section 31-7-10(8).
454 Each agency or governing authority entering into a lease-purchase
455 transaction pursuant to this paragraph (e) shall maintain with
456 respect to each such lease-purchase transaction the same
457 information as required to be maintained by the Department of
458 Finance and Administration pursuant to Section 31-7-10(13).
459 However, nothing contained in this section shall be construed to
460 permit agencies to acquire items of equipment with a total
461 acquisition cost in the aggregate of less than Ten Thousand
462 Dollars (\$10,000.00) by a single lease-purchase transaction. All
463 equipment, and the purchase thereof by any lessor, acquired by
464 lease-purchase under this paragraph and all lease-purchase
465 payments with respect thereto shall be exempt from all Mississippi
466 sales, use and ad valorem taxes. Interest paid on any
467 lease-purchase agreement under this section shall be exempt from
468 State of Mississippi income taxation.



469 (f) **Alternate bid authorization.** When necessary to
470 ensure ready availability of commodities for public works and the
471 timely completion of public projects, no more than two (2)
472 alternate bids may be accepted by a governing authority for
473 commodities. No purchases may be made through use of such
474 alternate bids procedure unless the lowest and best bidder cannot
475 deliver the commodities contained in his bid. In that event,
476 purchases of such commodities may be made from one (1) of the
477 bidders whose bid was accepted as an alternate.

478 (g) **Construction contract change authorization.** In the
479 event a determination is made by an agency or governing authority
480 after a construction contract is let that changes or modifications
481 to the original contract are necessary or would better serve the
482 purpose of the agency or the governing authority, such agency or
483 governing authority may, in its discretion, order such changes
484 pertaining to the construction that are necessary under the
485 circumstances without the necessity of further public bids;
486 provided that such change shall be made in a commercially
487 reasonable manner and shall not be made to circumvent the public
488 purchasing statutes. In addition to any other authorized person,
489 the architect or engineer hired by an agency or governing
490 authority with respect to any public construction contract shall
491 have the authority, when granted by an agency or governing
492 authority, to authorize changes or modifications to the original
493 contract without the necessity of prior approval of the agency or



494 governing authority when any such change or modification is less
495 than one percent (1%) of the total contract amount. The agency or
496 governing authority may limit the number, manner or frequency of
497 such emergency changes or modifications.

498 (h) **Petroleum purchase alternative.** In addition to
499 other methods of purchasing authorized in this chapter, when any
500 agency or governing authority shall have a need for gas, diesel
501 fuel, oils and/or other petroleum products in excess of the amount
502 set forth in paragraph (a) of this section, such agency or
503 governing authority may purchase the commodity after having
504 solicited and obtained at least two (2) competitive written bids,
505 as defined in paragraph (b) of this section. If two (2)
506 competitive written bids are not obtained, the entity shall comply
507 with the procedures set forth in paragraph (c) of this section.
508 In the event any agency or governing authority shall have
509 advertised for bids for the purchase of gas, diesel fuel, oils and
510 other petroleum products and coal and no acceptable bids can be
511 obtained, such agency or governing authority is authorized and
512 directed to enter into any negotiations necessary to secure the
513 lowest and best contract available for the purchase of such
514 commodities.

515 (i) **Road construction petroleum products price**
516 **adjustment clause authorization.** Any agency or governing
517 authority authorized to enter into contracts for the construction,
518 maintenance, surfacing or repair of highways, roads or streets,



519 may include in its bid proposal and contract documents a price
520 adjustment clause with relation to the cost to the contractor,
521 including taxes, based upon an industry-wide cost index, of
522 petroleum products including asphalt used in the performance or
523 execution of the contract or in the production or manufacture of
524 materials for use in such performance. Such industry-wide index
525 shall be established and published monthly by the Mississippi
526 Department of Transportation with a copy thereof to be mailed,
527 upon request, to the clerks of the governing authority of each
528 municipality and the clerks of each board of supervisors
529 throughout the state. The price adjustment clause shall be based
530 on the cost of such petroleum products only and shall not include
531 any additional profit or overhead as part of the adjustment. The
532 bid proposals or document contract shall contain the basis and
533 methods of adjusting unit prices for the change in the cost of
534 such petroleum products.

535 (j) **State agency emergency purchase procedure.** If the
536 governing board or the executive head, or his designees, of any
537 agency of the state shall determine that an emergency exists in
538 regard to the purchase of any commodities or repair contracts, so
539 that the delay incident to giving opportunity for competitive
540 bidding would be detrimental to the interests of the state, then
541 the head of such agency, or his designees, shall file with the
542 Department of Finance and Administration (i) a statement
543 explaining the conditions and circumstances of the emergency,



544 which shall include a detailed description of the events leading
545 up to the situation and the negative impact to the entity if the
546 purchase is made following the statutory requirements set forth in
547 paragraph (a), (b) or (c) of this section, and (ii) a certified
548 copy of the appropriate minutes of the board of such agency
549 requesting the emergency purchase, if applicable. Upon receipt of
550 the statement and applicable board certification, the State Fiscal
551 Officer, or his designees, may, in writing, authorize the purchase
552 or repair without having to comply with competitive bidding
553 requirements.

554 If the governing board or the executive head, or his
555 designees, of any agency determines that an emergency exists in
556 regard to the purchase of any commodities or repair contracts, so
557 that the delay incident to giving opportunity for competitive
558 bidding would threaten the health or safety of any person, or the
559 preservation or protection of property, then the provisions in
560 this section for competitive bidding shall not apply, and any
561 officer or agent of the agency having general or specific
562 authority for making the purchase or repair contract shall approve
563 the bill presented for payment, and he shall certify in writing
564 from whom the purchase was made, or with whom the repair contract
565 was made.

566 Total purchases made under this paragraph (j) shall only be
567 for the purpose of meeting needs created by the emergency
568 situation. Following the emergency purchase, documentation of the



569 purchase, including a description of the commodity purchased, the
570 purchase price thereof and the nature of the emergency shall be
571 filed with the Department of Finance and Administration. Any
572 contract awarded pursuant to this paragraph (j) shall not exceed a
573 term of one (1) year.

574 Purchases under the grant program established under Section
575 37-68-7 in response to COVID-19 and the directive that school
576 districts create a distance learning plan and fulfill technology
577 needs expeditiously shall be deemed an emergency purchase for
578 purposes of this paragraph (j).

579 (k) **Governing authority emergency purchase procedure.**

580 If the governing authority, or the governing authority acting
581 through its designee, shall determine that an emergency exists in
582 regard to the purchase of any commodities or repair contracts, so
583 that the delay incident to giving opportunity for competitive
584 bidding would be detrimental to the interest of the governing
585 authority, then the provisions herein for competitive bidding
586 shall not apply and any officer or agent of such governing
587 authority having general or special authority therefor in making
588 such purchase or repair shall approve the bill presented therefor,
589 and he shall certify in writing thereon from whom such purchase
590 was made, or with whom such a repair contract was made. At the
591 board meeting next following the emergency purchase or repair
592 contract, documentation of the purchase or repair contract,
593 including a description of the commodity purchased, the price



594 thereof and the nature of the emergency shall be presented to the
595 board and shall be placed on the minutes of the board of such
596 governing authority. Purchases under the grant program
597 established under Section 37-68-7 in response to COVID-19 and the
598 directive that school districts create a distance learning plan
599 and fulfill technology needs expeditiously shall be deemed an
600 emergency purchase for purposes of this paragraph (k).

601 (1) **Hospital purchase, lease-purchase and lease**
602 **authorization.**

603 (i) The commissioners or board of trustees of any
604 public hospital may contract with such lowest and best bidder for
605 the purchase or lease-purchase of any commodity under a contract
606 of purchase or lease-purchase agreement whose obligatory payment
607 terms do not exceed five (5) years.

608 (ii) In addition to the authority granted in
609 subparagraph (i) of this paragraph (1), the commissioners or board
610 of trustees is authorized to enter into contracts for the lease of
611 equipment or services, or both, which it considers necessary for
612 the proper care of patients if, in its opinion, it is not
613 financially feasible to purchase the necessary equipment or
614 services. Any such contract for the lease of equipment or
615 services executed by the commissioners or board shall not exceed a
616 maximum of five (5) years' duration and shall include a
617 cancellation clause based on unavailability of funds. If such
618 cancellation clause is exercised, there shall be no further



619 liability on the part of the lessee. Any such contract for the
620 lease of equipment or services executed on behalf of the
621 commissioners or board that complies with the provisions of this
622 subparagraph (ii) shall be excepted from the bid requirements set
623 forth in this section.

624 (m) **Exceptions from bidding requirements.** Excepted
625 from bid requirements are:

626 (i) **Purchasing agreements approved by department.**

627 Purchasing agreements, contracts and maximum price regulations
628 executed or approved by the Department of Finance and
629 Administration.

630 (ii) **Outside equipment repairs.** Repairs to
631 equipment, when such repairs are made by repair facilities in the
632 private sector; however, engines, transmissions, rear axles and/or
633 other such components shall not be included in this exemption when
634 replaced as a complete unit instead of being repaired and the need
635 for such total component replacement is known before disassembly
636 of the component; however, invoices identifying the equipment,
637 specific repairs made, parts identified by number and name,
638 supplies used in such repairs, and the number of hours of labor
639 and costs therefor shall be required for the payment for such
640 repairs.

641 (iii) **In-house equipment repairs.** Purchases of
642 parts for repairs to equipment, when such repairs are made by
643 personnel of the agency or governing authority; however, entire



644 assemblies, such as engines or transmissions, shall not be
645 included in this exemption when the entire assembly is being
646 replaced instead of being repaired.

647 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
648 of gravel or fill dirt which are to be removed and transported by
649 the purchaser.

650 (v) **Governmental equipment auctions.** Motor
651 vehicles or other equipment purchased from a federal agency or
652 authority, another governing authority or state agency of the
653 State of Mississippi, or any governing authority or state agency
654 of another state at a public auction held for the purpose of
655 disposing of such vehicles or other equipment. Any purchase by a
656 governing authority under the exemption authorized by this
657 subparagraph (v) shall require advance authorization spread upon
658 the minutes of the governing authority to include the listing of
659 the item or items authorized to be purchased and the maximum bid
660 authorized to be paid for each item or items.

661 (vi) **Intergovernmental sales and transfers.**
662 Purchases, sales, transfers or trades by governing authorities or
663 state agencies when such purchases, sales, transfers or trades are
664 made by a private treaty agreement or through means of
665 negotiation, from any federal agency or authority, another
666 governing authority or state agency of the State of Mississippi,
667 or any state agency or governing authority of another state.
668 Nothing in this section shall permit such purchases through public



669 auction except as provided for in subparagraph (v) of this
670 paragraph (m). It is the intent of this section to allow
671 governmental entities to dispose of and/or purchase commodities
672 from other governmental entities at a price that is agreed to by
673 both parties. This shall allow for purchases and/or sales at
674 prices which may be determined to be below the market value if the
675 selling entity determines that the sale at below market value is
676 in the best interest of the taxpayers of the state. Governing
677 authorities shall place the terms of the agreement and any
678 justification on the minutes, and state agencies shall obtain
679 approval from the Department of Finance and Administration, prior
680 to releasing or taking possession of the commodities.

681 (vii) **Perishable supplies or food.** Perishable
682 supplies or food purchased for use in connection with hospitals,
683 the school lunch programs, homemaking programs and for the feeding
684 of county or municipal prisoners.

685 (viii) **Single-source items.** Noncompetitive items
686 available from one (1) source only. In connection with the
687 purchase of noncompetitive items only available from one (1)
688 source, a certification of the conditions and circumstances
689 requiring the purchase shall be filed by the agency with the
690 Department of Finance and Administration and by the governing
691 authority with the board of the governing authority. Upon receipt
692 of that certification the Department of Finance and Administration
693 or the board of the governing authority, as the case may be, may,



694 in writing, authorize the purchase, which authority shall be noted
695 on the minutes of the body at the next regular meeting thereafter.
696 In those situations, a governing authority is not required to
697 obtain the approval of the Department of Finance and
698 Administration. Following the purchase, the executive head of the
699 state agency, or his designees, shall file with the Department of
700 Finance and Administration, documentation of the purchase,
701 including a description of the commodity purchased, the purchase
702 price thereof and the source from whom it was purchased.

703 (ix) **Waste disposal facility construction**

704 **contracts.** Construction of incinerators and other facilities for
705 disposal of solid wastes in which products either generated
706 therein, such as steam, or recovered therefrom, such as materials
707 for recycling, are to be sold or otherwise disposed of; however,
708 in constructing such facilities, a governing authority or agency
709 shall publicly issue requests for proposals, advertised for in the
710 same manner as provided herein for seeking bids for public
711 construction projects, concerning the design, construction,
712 ownership, operation and/or maintenance of such facilities,
713 wherein such requests for proposals when issued shall contain
714 terms and conditions relating to price, financial responsibility,
715 technology, environmental compatibility, legal responsibilities
716 and such other matters as are determined by the governing
717 authority or agency to be appropriate for inclusion; and after
718 responses to the request for proposals have been duly received,



719 the governing authority or agency may select the most qualified
720 proposal or proposals on the basis of price, technology and other
721 relevant factors and from such proposals, but not limited to the
722 terms thereof, negotiate and enter contracts with one or more of
723 the persons or firms submitting proposals.

724 (x) **Hospital group purchase contracts.** Supplies,
725 commodities and equipment purchased by hospitals through group
726 purchase programs pursuant to Section 31-7-38.

727 (xi) **Information technology products.** Purchases
728 of information technology products made by governing authorities
729 under the provisions of purchase schedules, or contracts executed
730 or approved by the Mississippi Department of Information
731 Technology Services and designated for use by governing
732 authorities. However, the purchase of a web-based application
733 for Mississippi Youth Court Information Delivery System (MYCIDS)
734 for a multiyear contract or service agreement that is made by a
735 court or county board of supervisors shall be governed by Section
736 1 of this act and shall not be exempt from competitive bidding.

737 (xii) **Energy efficiency services and equipment.**
738 Energy efficiency services and equipment acquired by school
739 districts, community and junior colleges, institutions of higher
740 learning and state agencies or other applicable governmental
741 entities on a shared-savings, lease or lease-purchase basis
742 pursuant to Section 31-7-14.



743 (xiii) **Municipal electrical utility system fuel.**

744 Purchases of coal and/or natural gas by municipally owned electric
745 power generating systems that have the capacity to use both coal
746 and natural gas for the generation of electric power.

747 (xiv) **Library books and other reference materials.**

748 Purchases by libraries or for libraries of books and periodicals;
749 processed film, videocassette tapes, filmstrips and slides;
750 recorded audiotapes, cassettes and diskettes; and any such items
751 as would be used for teaching, research or other information
752 distribution; however, equipment such as projectors, recorders,
753 audio or video equipment, and monitor televisions are not exempt
754 under this subparagraph.

755 (xv) **Unmarked vehicles.** Purchases of unmarked
756 vehicles when such purchases are made in accordance with
757 purchasing regulations adopted by the Department of Finance and
758 Administration pursuant to Section 31-7-9(2).

759 (xvi) **Election ballots.** Purchases of ballots
760 printed pursuant to Section 23-15-351.

761 (xvii) **Multichannel interactive video systems.**
762 From and after July 1, 1990, contracts by Mississippi Authority
763 for Educational Television with any private educational
764 institution or private nonprofit organization whose purposes are
765 educational in regard to the construction, purchase, lease or
766 lease-purchase of facilities and equipment and the employment of



767 personnel for providing multichannel interactive video systems
768 (ITSF) in the school districts of this state.

769 (xviii) **Purchases of prison industry products by**
770 **the Department of Corrections, regional correctional facilities or**
771 **privately owned prisons.** Purchases made by the Mississippi
772 Department of Corrections, regional correctional facilities or
773 privately owned prisons involving any item that is manufactured,
774 processed, grown or produced from the state's prison industries.

775 (xix) **Undercover operations equipment.** Purchases
776 of surveillance equipment or any other high-tech equipment to be
777 used by law enforcement agents in undercover operations, provided
778 that any such purchase shall be in compliance with regulations
779 established by the Department of Finance and Administration.

780 (xx) **Junior college books for rent.** Purchases by
781 community or junior colleges of textbooks which are obtained for
782 the purpose of renting such books to students as part of a book
783 service system.

784 (xxi) **Certain school district purchases.**
785 Purchases of commodities made by school districts from vendors
786 with which any levying authority of the school district, as
787 defined in Section 37-57-1, has contracted through competitive
788 bidding procedures for purchases of the same commodities.

789 (xxii) **Garbage, solid waste and sewage contracts.**
790 Contracts for garbage collection or disposal, contracts for solid



791 waste collection or disposal and contracts for sewage collection
792 or disposal.

793 (xxiii) **Municipal water tank maintenance**
794 **contracts.** Professional maintenance program contracts for the
795 repair or maintenance of municipal water tanks, which provide
796 professional services needed to maintain municipal water storage
797 tanks for a fixed annual fee for a duration of two (2) or more
798 years.

799 (xxiv) **Purchases of Mississippi Industries for the**
800 **Blind products or services.** Purchases made by state agencies or
801 governing authorities involving any item that is manufactured,
802 processed or produced by, or any services provided by, the
803 Mississippi Industries for the Blind.

804 (xxv) **Purchases of state-adopted textbooks.**
805 Purchases of state-adopted textbooks by public school districts.

806 (xxvi) **Certain purchases under the Mississippi**
807 **Major Economic Impact Act.** Contracts entered into pursuant to the
808 provisions of Section 57-75-9(2), (3) and (4).

809 (xxvii) **Used heavy or specialized machinery or**
810 **equipment for installation of soil and water conservation**
811 **practices purchased at auction.** Used heavy or specialized
812 machinery or equipment used for the installation and
813 implementation of soil and water conservation practices or
814 measures purchased subject to the restrictions provided in
815 Sections 69-27-331 through 69-27-341. Any purchase by the State



816 Soil and Water Conservation Commission under the exemption
817 authorized by this subparagraph shall require advance
818 authorization spread upon the minutes of the commission to include
819 the listing of the item or items authorized to be purchased and
820 the maximum bid authorized to be paid for each item or items.

821 (xxviii) **Hospital lease of equipment or services.**
822 Leases by hospitals of equipment or services if the leases are in
823 compliance with paragraph (1)(ii).

824 (xxix) **Purchases made pursuant to qualified**
825 **cooperative purchasing agreements.** Purchases made by certified
826 purchasing offices of state agencies or governing authorities
827 under cooperative purchasing agreements previously approved by the
828 Office of Purchasing and Travel and established by or for any
829 municipality, county, parish or state government or the federal
830 government, provided that the notification to potential
831 contractors includes a clause that sets forth the availability of
832 the cooperative purchasing agreement to other governmental
833 entities. Such purchases shall only be made if the use of the
834 cooperative purchasing agreements is determined to be in the best
835 interest of the governmental entity.

836 (xxx) **School yearbooks.** Purchases of school
837 yearbooks by state agencies or governing authorities; however,
838 state agencies and governing authorities shall use for these
839 purchases the RFP process as set forth in the Mississippi
840 Procurement Manual adopted by the Office of Purchasing and Travel.



841 (xxxii) **Design-build method of contracting and**
842 **certain other contracts.** Contracts entered into under the
843 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

844 (xxxiii) **Toll roads and bridge construction**
845 **projects.** Contracts entered into under the provisions of Section
846 65-43-1 or 65-43-3.

847 (xxxiiii) **Certain purchases under Section 57-1-221.**
848 Contracts entered into pursuant to the provisions of Section
849 57-1-221.

850 (xxxv) **Certain transfers made pursuant to the**
851 **provisions of Section 57-105-1(7).** Transfers of public property
852 or facilities under Section 57-105-1(7) and construction related
853 to such public property or facilities.

854 (xxxvi) **Certain purchases or transfers entered into**
855 **with local electrical power associations.** Contracts or agreements
856 entered into under the provisions of Section 55-3-33.

857 (xxxvii) **Certain purchases by an academic medical**
858 **center or health sciences school.** Purchases by an academic
859 medical center or health sciences school, as defined in Section
860 37-115-50, of commodities that are used for clinical purposes and
861 1. intended for use in the diagnosis of disease or other
862 conditions or in the cure, mitigation, treatment or prevention of
863 disease, and 2. medical devices, biological, drugs and
864 radiation-emitting devices as defined by the United States Food
865 and Drug Administration.



866 (xxxvii) **Certain purchases made under the Alyce G.**
867 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
868 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
869 Lottery Law.

870 (xxxviii) **Certain purchases made by the Department**
871 **of Health and the Department of Revenue.** Purchases made by the
872 Department of Health and the Department of Revenue solely for the
873 purpose of fulfilling their respective responsibilities under the
874 Mississippi Medical Cannabis Act. This subparagraph shall stand
875 repealed on June 30, 2026.

876 (n) **Term contract authorization.** All contracts for the
877 purchase of:

878 (i) All contracts for the purchase of commodities,
879 equipment and public construction (including, but not limited to,
880 repair and maintenance), may be let for periods of not more than
881 sixty (60) months in advance, subject to applicable statutory
882 provisions prohibiting the letting of contracts during specified
883 periods near the end of terms of office. Term contracts for a
884 period exceeding twenty-four (24) months shall also be subject to
885 ratification or cancellation by governing authority boards taking
886 office subsequent to the governing authority board entering the
887 contract.

888 (ii) Bid proposals and contracts may include price
889 adjustment clauses with relation to the cost to the contractor
890 based upon a nationally published industry-wide or nationally



891 published and recognized cost index. The cost index used in a
892 price adjustment clause shall be determined by the Department of
893 Finance and Administration for the state agencies and by the
894 governing board for governing authorities. The bid proposal and
895 contract documents utilizing a price adjustment clause shall
896 contain the basis and method of adjusting unit prices for the
897 change in the cost of such commodities, equipment and public
898 construction.

899 (o) **Purchase law violation prohibition and vendor**
900 **penalty.** No contract or purchase as herein authorized shall be
901 made for the purpose of circumventing the provisions of this
902 section requiring competitive bids, nor shall it be lawful for any
903 person or concern to submit individual invoices for amounts within
904 those authorized for a contract or purchase where the actual value
905 of the contract or commodity purchased exceeds the authorized
906 amount and the invoices therefor are split so as to appear to be
907 authorized as purchases for which competitive bids are not
908 required. Submission of such invoices shall constitute a
909 misdemeanor punishable by a fine of not less than Five Hundred
910 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
911 or by imprisonment for thirty (30) days in the county jail, or
912 both such fine and imprisonment. In addition, the claim or claims
913 submitted shall be forfeited.

914 (p) **Electrical utility petroleum-based equipment**
915 **purchase procedure.** When in response to a proper advertisement



916 therefor, no bid firm as to price is submitted to an electric
917 utility for power transformers, distribution transformers, power
918 breakers, reclosers or other articles containing a petroleum
919 product, the electric utility may accept the lowest and best bid
920 therefor although the price is not firm.

921 (q) **Fuel management system bidding procedure.** Any
922 governing authority or agency of the state shall, before
923 contracting for the services and products of a fuel management or
924 fuel access system, enter into negotiations with not fewer than
925 two (2) sellers of fuel management or fuel access systems for
926 competitive written bids to provide the services and products for
927 the systems. In the event that the governing authority or agency
928 cannot locate two (2) sellers of such systems or cannot obtain
929 bids from two (2) sellers of such systems, it shall show proof
930 that it made a diligent, good-faith effort to locate and negotiate
931 with two (2) sellers of such systems. Such proof shall include,
932 but not be limited to, publications of a request for proposals and
933 letters soliciting negotiations and bids. For purposes of this
934 paragraph (q), a fuel management or fuel access system is an
935 automated system of acquiring fuel for vehicles as well as
936 management reports detailing fuel use by vehicles and drivers, and
937 the term "competitive written bid" shall have the meaning as
938 defined in paragraph (b) of this section. Governing authorities
939 and agencies shall be exempt from this process when contracting
940 for the services and products of fuel management or fuel access



941 systems under the terms of a state contract established by the
942 Office of Purchasing and Travel.

943 (r) **Solid waste contract proposal procedure.** Before
944 entering into any contract for garbage collection or disposal,
945 contract for solid waste collection or disposal or contract for
946 sewage collection or disposal, which involves an expenditure of
947 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
948 authority or agency shall issue publicly a request for proposals
949 concerning the specifications for such services which shall be
950 advertised for in the same manner as provided in this section for
951 seeking bids for purchases which involve an expenditure of more
952 than the amount provided in paragraph (c) of this section. Any
953 request for proposals when issued shall contain terms and
954 conditions relating to price, financial responsibility,
955 technology, legal responsibilities and other relevant factors as
956 are determined by the governing authority or agency to be
957 appropriate for inclusion; all factors determined relevant by the
958 governing authority or agency or required by this paragraph (r)
959 shall be duly included in the advertisement to elicit proposals.
960 After responses to the request for proposals have been duly
961 received, the governing authority or agency shall select the most
962 qualified proposal or proposals on the basis of price, technology
963 and other relevant factors and from such proposals, but not
964 limited to the terms thereof, negotiate and enter into contracts
965 with one or more of the persons or firms submitting proposals. If



966 the governing authority or agency deems none of the proposals to
967 be qualified or otherwise acceptable, the request for proposals
968 process may be reinitiated. Notwithstanding any other provisions
969 of this paragraph, where a county with at least thirty-five
970 thousand (35,000) nor more than forty thousand (40,000)
971 population, according to the 1990 federal decennial census, owns
972 or operates a solid waste landfill, the governing authorities of
973 any other county or municipality may contract with the governing
974 authorities of the county owning or operating the landfill,
975 pursuant to a resolution duly adopted and spread upon the minutes
976 of each governing authority involved, for garbage or solid waste
977 collection or disposal services through contract negotiations.

978 (s) **Minority set-aside authorization.** Notwithstanding
979 any provision of this section to the contrary, any agency or
980 governing authority, by order placed on its minutes, may, in its
981 discretion, set aside not more than twenty percent (20%) of its
982 anticipated annual expenditures for the purchase of commodities
983 from minority businesses; however, all such set-aside purchases
984 shall comply with all purchasing regulations promulgated by the
985 Department of Finance and Administration and shall be subject to
986 bid requirements under this section. Set-aside purchases for
987 which competitive bids are required shall be made from the lowest
988 and best minority business bidder. For the purposes of this
989 paragraph, the term "minority business" means a business which is
990 owned by a majority of persons who are United States citizens or



991 permanent resident aliens (as defined by the Immigration and
992 Naturalization Service) of the United States, and who are Asian,
993 Black, Hispanic or Native American, according to the following
994 definitions:

995 (i) "Asian" means persons having origins in any of
996 the original people of the Far East, Southeast Asia, the Indian
997 subcontinent, or the Pacific Islands.

998 (ii) "Black" means persons having origins in any
999 black racial group of Africa.

1000 (iii) "Hispanic" means persons of Spanish or
1001 Portuguese culture with origins in Mexico, South or Central
1002 America, or the Caribbean Islands, regardless of race.

1003 (iv) "Native American" means persons having
1004 origins in any of the original people of North America, including
1005 American Indians, Eskimos and Aleuts.

1006 (t) **Construction punch list restriction.** The
1007 architect, engineer or other representative designated by the
1008 agency or governing authority that is contracting for public
1009 construction or renovation may prepare and submit to the
1010 contractor only one (1) preliminary punch list of items that do
1011 not meet the contract requirements at the time of substantial
1012 completion and one (1) final list immediately before final
1013 completion and final payment.

1014 (u) **Procurement of construction services by state**
1015 **institutions of higher learning.** Contracts for privately financed



1016 construction of auxiliary facilities on the campus of a state
1017 institution of higher learning may be awarded by the Board of
1018 Trustees of State Institutions of Higher Learning to the lowest
1019 and best bidder, where sealed bids are solicited, or to the
1020 offeror whose proposal is determined to represent the best value
1021 to the citizens of the State of Mississippi, where requests for
1022 proposals are solicited.

1023 (v) **Insurability of bidders for public construction or**
1024 **other public contracts.** In any solicitation for bids to perform
1025 public construction or other public contracts to which this
1026 section applies, including, but not limited to, contracts for
1027 repair and maintenance, for which the contract will require
1028 insurance coverage in an amount of not less than One Million
1029 Dollars (\$1,000,000.00), bidders shall be permitted to either
1030 submit proof of current insurance coverage in the specified amount
1031 or demonstrate ability to obtain the required coverage amount of
1032 insurance if the contract is awarded to the bidder. Proof of
1033 insurance coverage shall be submitted within five (5) business
1034 days from bid acceptance.

1035 (w) **Purchase authorization clarification.** Nothing in
1036 this section shall be construed as authorizing any purchase not
1037 authorized by law.

1038 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
1039 **Act.** (i) The Department of Finance and Administration shall
1040 enter into nine (9) contracts for the pre-need purchase of labor,



1041 services, work, materials, equipment, supplies or other personal
1042 property for disaster-related solid waste collection, disposal or
1043 monitoring. One (1) contract shall be entered into for each of
1044 the nine (9) Mississippi Emergency Management Association
1045 districts:

1046 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
1047 Tallahatchie, Tate, Tunica and Yalobusha Counties;

1048 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
1049 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
1050 Counties;

1051 3. Attala, Bolivar, Carroll, Holmes,
1052 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

1053 4. Calhoun, Chickasaw, Choctaw, Clay,
1054 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

1055 5. Claiborne, Covich, Hinds, Issaquena,
1056 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

1057 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
1058 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
1059 Band of Choctaw Indians;

1060 7. Adams, Amite, Franklin, Jefferson,
1061 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

1062 8. Covington, Forrest, Greene, Jefferson
1063 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

1064 9. George, Hancock, Harrison, Jackson, Pearl
1065 River and Stone Counties.



1066 Any such contract shall set forth the manner of awarding such
1067 a contract, the method of payment, and any other matter deemed
1068 necessary to carry out the purposes of the agreement. Such
1069 contract may be entered into only for a term of one (1) year, with
1070 an option for an additional one-year extension after the
1071 conclusion of the first year of the contract, and only after
1072 having solicited bids or proposals, as appropriate, which shall be
1073 publicly advertised by posting on a web page maintained by the
1074 Department of Finance and Administration through submission of
1075 such advertisement to the Mississippi Procurement Technical
1076 Assistance Program under the Mississippi Development Authority.
1077 The bid opening shall not occur until after the submission has
1078 been posted for at least ten (10) consecutive days. The state's
1079 share of expenditures for solid waste collection, disposal or
1080 monitoring under any contract shall be appropriated and paid in
1081 the manner set forth in the contract and in the same manner as for
1082 other solid waste collection, disposal, or monitoring expenses of
1083 the state. Any contract entered into under this paragraph shall
1084 not be subject to the provisions of Section 17-13-11.

1085 (ii) Any board of supervisors of any county or any
1086 governing authority of any municipality may opt in to the benefits
1087 and services provided under the appropriate and relevant contract
1088 established in subparagraph (i) of this paragraph at the time of a
1089 disaster event in that county or municipality. At the time of opt
1090 in, the county or municipality shall assume responsibility for



1091 payment in full to the contractor for the disaster-related solid
1092 waste collection, disposal or monitoring services provided.
1093 Nothing in this subparagraph (ii) shall be construed as requiring
1094 a county or municipality to opt in to any such contract
1095 established in subparagraph (i) of this paragraph.

1096 **SECTION 3.** Section 9-21-71, Mississippi Code of 1972, is
1097 amended as follows:

1098 9-21-71. The following words and phrases have the meanings
1099 ascribed in this section unless the context clearly requires
1100 otherwise:

1101 (a) "Limited English Proficient (LEP) individual" means
1102 any party * * *, witness or participant who cannot readily
1103 understand or communicate in spoken English or who does not speak
1104 English as his or her primary language and who consequently has a
1105 limited ability to read, speak, write or understand English and
1106 cannot equally participate in or benefit from the proceedings
1107 unless an interpreter is available to assist the individual. The
1108 fact that an individual is a person for whom English is a second
1109 language * * * does not prohibit that individual from being
1110 allowed to have an interpreter.

1111 (b) "Court interpreter" means any person authorized by
1112 a court who is competent to translate or interpret oral or written
1113 communication in a foreign language during court proceedings. A
1114 court interpreter may be one (1) of the following:



1115 (i) "Certified court interpreter," which means an
1116 interpreter who successfully has met all requirements promulgated
1117 by the Administrative Office of Courts to be designated a
1118 registered court interpreter and has scored at least seventy
1119 percent (70%) on each of the three (3) sections of an approved
1120 criterion-referenced oral performance examination.

1121 (ii) "Registered court interpreter," which means
1122 an interpreter who has:

- 1123 1. Attended an approved two-day,
1124 fourteen-hour ethics and skill building workshop;
- 1125 2. Passed an approved criterion-referenced
1126 written examination with a minimum overall score of eighty percent
1127 (80%);
- 1128 3. Submitted to a criminal background check;
- 1129 4. Provided verification of legal right to
1130 work in the United States;
- 1131 5. Executed the Interpreter Oath; and
- 1132 6. Satisfied any additional requirements that
1133 the Administrative Office of Courts may establish * * * to be
1134 listed as a registered court interpreter on the Roster.

1135 (iii) "Noncredentialed interpreter," which means
1136 an interpreter who has not met the requirements promulgated by the
1137 Administrative Office of Courts to be classified as a registered
1138 or certified court interpreter and therefore, is not listed on the
1139 Roster.



1140 (c) "Court proceedings" means a proceeding before any
1141 court of this state or a grand jury hearing, including all civil
1142 and criminal hearings and trials.

1143 (d) "Interpretation" means the accurate and complete
1144 unrehearsed transmission of an oral message from one (1) language
1145 to an oral message in another language. Interpretation may be one
1146 (1) of the following:

1147 (i) "Consecutive interpretation," which means
1148 providing the target-language message after the speaker has
1149 finished speaking.

1150 (ii) "Sight translation," which means oral
1151 translation of a written document.

1152 (iii) "Simultaneous interpretation," which means
1153 providing the target-language message at approximately the same
1154 time the source-language message is being produced.

1155 (e) "Source language" means the input language
1156 requiring interpretation.

1157 (f) "Target language" means the output language into
1158 which the utterance is being interpreted.

1159 (g) "Translation" means the process of translating text
1160 from one (1) language to another to maintain the original message
1161 and communication.

1162 **SECTION 4.** Section 9-21-73, Mississippi Code of 1972, is
1163 amended as follows:



1164 9-21-73. (1) The Administrative Office of Courts shall
1165 establish a program for language access and to facilitate the use
1166 of interpreters in all courts of the State of Mississippi.

1167 (2) (a) The Administrative Office of Courts shall prescribe
1168 the qualifications of and qualify persons who may serve as
1169 credentialed court interpreters in all courts of the State of
1170 Mississippi. The Administrative Office of Courts may set and
1171 charge a reasonable fee for credentialing.

1172 (b) The Administrative Office of Courts shall maintain
1173 a current master list of all credentialed court interpreters (the
1174 "Roster").

1175 (3) In all bilingual proceedings, the presiding judicial
1176 officer, with the assistance of the Administrative Office of
1177 Courts, shall utilize the services of an interpreter to
1178 communicate all spoken or written words * * *.

1179 (4) A Limited English Proficient (LEP) individual is
1180 entitled to use an interpreter in any instance arising out of or
1181 pertaining to the individual's involvement in litigation.

1182 (5) All courts shall maintain on file in the office of the
1183 clerk of the court a list of all persons who have been
1184 credentialed as court interpreters in accordance with the
1185 Administrative Office of Court's Credentialing Program established
1186 pursuant to this section.

1187 **SECTION 5.** Section 9-21-77, Mississippi Code of 1972, is
1188 amended as follows:



1189 9-21-77. (1) Prior to providing any service to a Limited
1190 English Proficient (LEP) individual, the interpreter shall
1191 subscribe to an oath that he or she shall interpret all
1192 communications in an accurate manner to the best of his or her
1193 skill and knowledge.

1194 (2) The oath shall conform substantially to the following
1195 form:

1196 INTERPRETER'S OATH

1197 "Do you solemnly swear or affirm that you will faithfully
1198 interpret from (state the language) into English and from English
1199 into (state the language) * * * accurately, completely and
1200 impartially, using your best * * * skill and * * * judgment in
1201 accordance with prescribed law, the Mississippi Rules on Standards
1202 for Court Interpreters, and the Mississippi Code of Ethics for
1203 Court Interpreters, and that you will discharge all the solemn
1204 duties and obligations of legal interpretation and translation?"

1205 (3) Interpreters shall not voluntarily disclose any
1206 admission or communication that is declared to be confidential or
1207 privileged under state law. Out-of-court disclosures made by a
1208 Limited English Proficient (LEP) individual communicating through
1209 an interpreter shall be treated by the interpreter as confidential
1210 or privileged or both unless the court orders the interpreter to
1211 disclose such communications or the Limited English Proficient
1212 (LEP) individual waives such confidentiality or privilege.



1213 (4) Interpreters shall not publicly discuss, report or offer
1214 an opinion concerning a matter in which they are engaged, even
1215 when that information is not privileged or required by law to be
1216 confidential.

1217 (5) The presence of an interpreter shall not affect the
1218 privileged nature of any discussion.

1219 **SECTION 6.** Section 9-21-79, Mississippi Code of 1972, is
1220 amended as follows:

1221 9-21-79. (1) An interpreter is needed and a court
1222 interpreter shall be appointed when the judge determines * * *
1223 that: (a) * * * a party, witness or participant cannot understand
1224 and speak English well enough to participate fully in the
1225 proceedings and to assist counsel; or (b) the witness cannot speak
1226 English so as to be understood directly by counsel, court and
1227 jury.

1228 (2) The court should examine a party or witness on the
1229 record to determine whether an interpreter is needed if:

1230 (a) A party or counsel requests such an examination; or

1231 (b) It appears to the court that the party or witness
1232 may not understand and speak English well enough to participate
1233 fully in the proceedings * * *.

1234 * * *

1235 (3) After the examination, the court should state its
1236 conclusion on the record, and the file in the case shall be
1237 clearly marked and data entered electronically when appropriate by



1238 court personnel to ensure that an interpreter will be present when
1239 needed in any subsequent hearing or instance arising out of the
1240 litigation.

1241 (4) * * * The court shall determine whether the interpreter
1242 provided is able to communicate accurately with and translate
1243 information to and from the Limited English Proficient (LEP)
1244 individual. If it is determined that the interpreter cannot
1245 perform these functions, the court shall provide the Limited
1246 English Proficient (LEP) individual with another interpreter.

1247 (5) Recognition of the need for a court interpreter may
1248 arise from a request by a party or counsel, the court's own voir
1249 dire of a party or witness, or disclosures made to the court by a
1250 party, counsel, court employee, or other person familiar with the
1251 ability or inability of the person to understand and communicate
1252 in English.

1253 (6) A Limited English Proficient (LEP) individual, at any
1254 point in a proceeding, may waive the services of a court
1255 interpreter. The waiver of the interpreter's services must be in
1256 writing in the person's native language. In addition, the waiver
1257 must be knowing and voluntary and with the approval of the court.
1258 Any deliberations made on matters of waiver or the retraction of a
1259 waiver must be made on the record. Granting a waiver under this
1260 subsection is a matter of judicial discretion. The waiver may be
1261 approved only after:



1262 (a) The court explains in open court to the LEP
1263 individual, through an interpreter, the nature and effect of the
1264 waiver;

1265 (b) The court determines in open court that the waiver
1266 has been made knowingly, intelligently and voluntarily; and

1267 (c) In a criminal matter, the court determines that the
1268 defendant has been afforded the opportunity to consult with the
1269 defendant's attorney regarding the waiver.

1270 (7) At any point in the proceeding, the LEP individual may
1271 retract the waiver and request an interpreter.

1272 **SECTION 7.** Section 9-21-80, Mississippi Code of 1972, is
1273 amended as follows:

1274 9-21-80. (1) The court shall appoint an interpreter in the
1275 following order of preference:

1276 (a) Certified court interpreter.

1277 (b) Registered court interpreter.

1278 (c) Noncredentialed interpreter.

1279 (2) A noncredentialed interpreter may be appointed if:

1280 (a) Neither a certified nor registered court
1281 interpreter reasonably is available; and

1282 (b) The court has evaluated the totality of the
1283 circumstances, including the gravity of the judicial proceeding
1284 and the potential penalty or consequence involved.



1285 (3) If the court appoints * * * an interpreter who is not
1286 certified, the court must make the following findings on the
1287 record:

1288 * * * The proposed interpreter appears to have: (i)
1289 adequate language skills, knowledge of interpreting techniques,
1290 and familiarity with interpreting in a court setting; and (ii)
1291 read and understand, and agrees to abide by, the Mississippi Code
1292 of Ethics for Court Interpreters and the Mississippi Rules on
1293 Standards for Court Interpreters.

1294 (4) A summary of the efforts made to obtain a
1295 certified * * * court interpreter, as well as a summary of the
1296 efforts to determine the capabilities of the proposed * * *
1297 interpreter, must be made in open court and placed on the record.

1298 (5) Each interpreter providing court interpreting services
1299 is subject to the ethical requirements set forth in the
1300 Mississippi Court Interpreter Credentialing Program without regard
1301 to whether or not the interpreter is listed on the Roster.

1302 **SECTION 8.** Section 9-21-81, Mississippi Code of 1972, is
1303 amended as follows:

1304 9-21-81. (1) Any volunteer interpreter providing services
1305 under Sections 9-21-71 through 9-21-81 shall be paid reasonable
1306 expenses by the court.

1307 (2) The expenses of providing an interpreter in any court
1308 proceeding or instance arising out of litigation must be payable
1309 out of the county or municipal treasury or any other source of



1310 funds available for this purpose at no cost to the litigant or the
1311 Limited English Proficient (LEP) party, witness or participant.

1312 **SECTION 9.** The following shall be codified as Section
1313 9-21-82, Mississippi Code of 1972:

1314 9-21-82. Each court in the State of Mississippi shall
1315 prepare and submit a report annually to the Administrative Office
1316 of Courts with information and plans concerning implementation of
1317 language access. The report must include, but is not limited to,
1318 the following:

1319 (a) The number of bilingual staff who are available to
1320 facilitate language access and the languages they facilitate;

1321 (b) A plan to address any insufficiency in its ability
1322 to provide language access;

1323 (c) A list of vital documents that the court has had
1324 translated and the language of the translation;

1325 (d) The number of times a court interpreter was
1326 utilized, what language was needed, and the total cost of
1327 utilizing court interpreters; and

1328 (e) A staff training plan related to language access,
1329 which plan must contain specific information regarding
1330 implementation, including the specific types of language services
1331 available and how the court will do all of the following:

1332 (i) Obtain language services internally or from
1333 vendors;



- 1334 (ii) Respond to callers with limited English
1335 proficiency;
- 1336 (iii) Respond to written communications from
1337 individuals with limited English proficiency;
- 1338 (iv) Respond to individuals with limited English
1339 proficiency who have in-person contact with staff;
- 1340 (v) Collect language data for all public
1341 encounters; and
- 1342 (vi) Indicate limited English proficiency status
1343 in data and information systems.

1344 **SECTION 10.** Section 99-17-7, Mississippi Code of 1972, is
1345 amended as follows:

1346 99-17-7. In all criminal cases wherein * * * a defendant,
1347 witness or participant is a Limited English Proficient (LEP)
1348 individual, the court shall appoint a qualified interpreter as
1349 provided in **Section 9-21-80, sworn truly to interpret, and allow**
1350 **him a reasonable compensation, as set by the court, payable out of**
1351 **the county or municipal treasury or any other source of funds**
1352 **available for this purpose at no cost to the * * * Limited English**
1353 **Proficient (LEP) party, witness or participant.**

1354 **SECTION 11.** Section 9-21-9, Mississippi Code of 1972, is
1355 amended as follows:

1356 9-21-9. (1) The Administrative Director of Courts shall
1357 have the following duties and authority with respect to all courts



1358 in addition to any other duties and responsibilities as may be
1359 properly assigned by the Supreme Court and/or by law:

1360 (a) To require the filing of reports, the collection
1361 and compilation of statistical data and other information on the
1362 judicial and financial operation of the courts and on the
1363 operation of other offices directly related to and serving the
1364 courts;

1365 (b) To determine the state of the dockets and evaluate
1366 the practices and procedures of the courts and make
1367 recommendations concerning the number of judges and other
1368 personnel required for the efficient administration of justice;

1369 (c) To prescribe uniform administrative and business
1370 methods, systems, forms and records to be used in the offices of
1371 the clerks of courts;

1372 (d) To devise, promulgate and require the use of a
1373 uniform youth court case tracking system, including a youth court
1374 case filing form for filing with each individual youth court
1375 matter, to be utilized by the Administrative Office of Courts and
1376 the youth courts in order that the number of youthful offenders,
1377 abused, neglected, truant and dependent children, as well as
1378 children in need of special care and children in need of
1379 supervision, may be tracked with specificity through the youth
1380 court and adult justice systems; in support of the uniform case
1381 docketing system, the director shall require that all youth courts



1382 utilize the Mississippi Youth Court Information Delivery System
1383 (MYCIDS);

1384 (e) To develop, promulgate and require the use of a
1385 statewide docket numbering system to be utilized by the youth
1386 courts, which youth court docket numbers shall standardize and
1387 unify the numbering system by which youth court docket numbers are
1388 assigned, such that each docket number would, among other things,
1389 identify the county and year in which a particular youth court
1390 action was commenced;

1391 (f) To develop, promulgate and require the use of
1392 uniform youth court orders and forms in all youth courts and youth
1393 court proceedings;

1394 (g) To prepare and submit budget recommendations for
1395 state appropriations necessary for the maintenance and operation
1396 of the judicial system and to authorize expenditures from funds
1397 appropriated for these purposes as permitted or authorized by law;

1398 (h) To develop and implement personnel policies for
1399 nonjudicial personnel employed by the courts;

1400 (i) To investigate, make recommendations concerning and
1401 assist in the securing of adequate physical accommodations for the
1402 judicial system;

1403 (j) To procure, distribute, exchange, transfer and
1404 assign such equipment, books, forms and supplies as are acquired
1405 with state funds or grant funds or otherwise for the judicial
1406 system;



1407 (k) To make recommendations for the improvement of the
1408 operations of the judicial system;

1409 (l) To prepare and submit an annual report on the work
1410 of the judicial system to the Supreme Court;

1411 (m) To take necessary steps in the collection of unpaid
1412 court costs, fines and forfeitures;

1413 (n) To perform such additional administrative duties
1414 relating to the improvement of the administration of justice as
1415 may be assigned by the Supreme Court; and

1416 (o) To promulgate standards, rules and regulations for
1417 computer and/or electronic filing and storage of all court records
1418 and court-related records maintained throughout the state in
1419 courts and in offices of circuit and chancery clerks.

1420 (p) To utilize the provisions of law that regulate
1421 public purchasing in Sections 31-7-1 et. seq., to contract with a
1422 provider to effectuate the requirements of paragraph (d) for the
1423 Mississippi Youth Court Information Delivery System (MYCIDS).

1424 (2) The Administrative Director of Courts shall conduct an
1425 audit of the Mississippi Youth Court Information Delivery System
1426 (MYCIDS) by November 15, 2024, to make recommendations regarding
1427 any complaints, deficiencies and/or improvements, and provide a
1428 report of the audit to the Judiciary A Committees of the
1429 Mississippi House of Representatives and the Senate by January 1,
1430 2025.



1431 **SECTION 12.** Section 43-21-261, Mississippi Code of 1972, is
1432 brought forward as follows:

1433 43-21-261. (1) Except as otherwise provided in this
1434 section, records involving children shall not be disclosed, other
1435 than to necessary staff or officials of the youth court, a
1436 guardian ad litem appointed to a child by the court, or a
1437 Court-Appointed Special Advocate (CASA) volunteer who may be
1438 assigned in an abuse and neglect case, except pursuant to an order
1439 of the youth court specifying the person or persons to whom the
1440 records may be disclosed, the extent of the records which may be
1441 disclosed and the purpose of the disclosure. Such court orders
1442 for disclosure shall be limited to those instances in which the
1443 youth court concludes, in its discretion, that disclosure is
1444 required for the best interests of the child, the public safety,
1445 the functioning of the youth court, or to identify a person who
1446 knowingly made a false allegation of child abuse or neglect, and
1447 then only to the following persons:

1448 (a) The judge of another youth court or member of
1449 another youth court staff;

1450 (b) The court of the parties in a child custody or
1451 adoption cause in another court;

1452 (c) A judge of any other court or members of another
1453 court staff, including the chancery court that ordered a forensic
1454 interview;



1455 (d) Representatives of a public or private agency
1456 providing supervision or having custody of the child under order
1457 of the youth court;

1458 (e) Any person engaged in a bona fide research purpose,
1459 provided that no information identifying the subject of the
1460 records shall be made available to the researcher unless it is
1461 absolutely essential to the research purpose and the judge gives
1462 prior written approval, and the child, through his or her
1463 representative, gives permission to release the information;

1464 (f) The Mississippi Department of Employment Security,
1465 or its duly authorized representatives, for the purpose of a
1466 child's enrollment into the Job Corps Training Program as
1467 authorized by Title IV of the Comprehensive Employment Training
1468 Act of 1973 (29 USCS Section 923 et seq.). However, no records,
1469 reports, investigations or information derived therefrom
1470 pertaining to child abuse or neglect shall be disclosed;

1471 (g) Any person pursuant to a finding by a judge of the
1472 youth court of compelling circumstances affecting the health,
1473 safety or well-being of a child and that such disclosure is in the
1474 best interests of the child or an adult who was formerly the
1475 subject of a youth court delinquency proceeding;

1476 (h) A person who was the subject of a knowingly made
1477 false allegation of child abuse or neglect which has resulted in a
1478 conviction of a perpetrator in accordance with Section 97-35-47 or
1479 which allegation was referred by the Department of Child



1480 Protection Services to a prosecutor or law enforcement official in
1481 accordance with the provisions of Section 43-21-353(4).

1482 Law enforcement agencies may disclose information to the
1483 public concerning the taking of a child into custody for the
1484 commission of a delinquent act without the necessity of an order
1485 from the youth court. The information released shall not identify
1486 the child or his address unless the information involves a child
1487 convicted as an adult.

1488 (2) Any records involving children which are disclosed under
1489 an order of the youth court or pursuant to the terms of this
1490 section and the contents thereof shall be kept confidential by the
1491 person or agency to whom the record is disclosed unless otherwise
1492 provided in the order. Any further disclosure of any records
1493 involving children shall be made only under an order of the youth
1494 court as provided in this section.

1495 (3) Upon request, the parent, guardian or custodian of the
1496 child who is the subject of a youth court cause or any attorney
1497 for such parent, guardian or custodian, shall have the right to
1498 inspect any record, report or investigation relevant to a matter
1499 to be heard by a youth court, except that the identity of the
1500 reporter shall not be released, nor the name of any other person
1501 where the person or agency making the information available finds
1502 that disclosure of the information would be likely to endanger the
1503 life or safety of such person. The attorney for the parent,
1504 guardian or custodian of the child, upon request, shall be



1505 provided a copy of any record, report or investigation relevant to
1506 a matter to be heard by a youth court, but the identity of the
1507 reporter must be redacted and the name of any other person must
1508 also be redacted if the person or agency making the information
1509 available finds that disclosure of the information would be likely
1510 to endanger the life, safety or well-being of the person. A
1511 record provided to the attorney under this section must remain in
1512 the attorney's control and the attorney may not provide copies or
1513 access to another person or entity without prior consent of a
1514 court with appropriate jurisdiction.

1515 (4) Upon request, the child who is the subject of a youth
1516 court cause shall have the right to have his counsel inspect and
1517 copy any record, report or investigation which is filed with the
1518 youth court or which is to be considered by the youth court at a
1519 hearing.

1520 (5) (a) The youth court prosecutor or prosecutors, the
1521 county attorney, the district attorney, the youth court defender
1522 or defenders, or any attorney representing a child shall have the
1523 right to inspect and copy any law enforcement record involving
1524 children.

1525 (b) The Department of Child Protection Services shall
1526 disclose to a county prosecuting attorney or district attorney any
1527 and all records resulting from an investigation into suspected
1528 child abuse or neglect when the case has been referred by the



1529 Department of Child Protection Services to the county prosecuting
1530 attorney or district attorney for criminal prosecution.

1531 (c) Agency records made confidential under the
1532 provisions of this section may be disclosed to a court of
1533 competent jurisdiction.

1534 (d) Records involving children shall be disclosed to
1535 the Division of Victim Compensation of the Office of the Attorney
1536 General upon the division's request without order of the youth
1537 court for purposes of determination of eligibility for victim
1538 compensation benefits.

1539 (6) Information concerning an investigation into a report of
1540 child abuse or child neglect may be disclosed by the Department of
1541 Child Protection Services without order of the youth court to any
1542 attorney, physician, dentist, intern, resident, nurse,
1543 psychologist, social worker, family protection worker, family
1544 protection specialist, child caregiver, minister, law enforcement
1545 officer, or a public or private school employee making that report
1546 pursuant to Section 43-21-353(1) if the reporter has a continuing
1547 professional relationship with the child and a need for such
1548 information in order to protect or treat the child.

1549 (7) Information concerning an investigation into a report of
1550 child abuse or child neglect may be disclosed without further
1551 order of the youth court to any interagency child abuse task force
1552 established in any county or municipality by order of the youth
1553 court of that county or municipality.



1554 (8) Names and addresses of juveniles twice adjudicated as
1555 delinquent for an act which would be a felony if committed by an
1556 adult or for the unlawful possession of a firearm shall not be
1557 held confidential and shall be made available to the public.

1558 (9) Names and addresses of juveniles adjudicated as
1559 delinquent for murder, manslaughter, burglary, arson, armed
1560 robbery, aggravated assault, any sex offense as defined in Section
1561 45-33-23, for any violation of Section 41-29-139(a)(1) or for any
1562 violation of Section 63-11-30, shall not be held confidential and
1563 shall be made available to the public.

1564 (10) The judges of the circuit and county courts, and
1565 presentence investigators for the circuit courts, as provided in
1566 Section 47-7-9, shall have the right to inspect any youth court
1567 records of a person convicted of a crime for sentencing purposes
1568 only.

1569 (11) The victim of an offense committed by a child who is
1570 the subject of a youth court cause shall have the right to be
1571 informed of the child's disposition by the youth court.

1572 (12) A classification hearing officer of the State
1573 Department of Corrections, as provided in Section 47-5-103, shall
1574 have the right to inspect any youth court records, excluding abuse
1575 and neglect records, of any offender in the custody of the
1576 department who as a child or minor was a juvenile offender or was
1577 the subject of a youth court cause of action, and the State Parole
1578 Board, as provided in Section 47-7-17, shall have the right to



1579 inspect such records when the offender becomes eligible for
1580 parole.

1581 (13) The youth court shall notify the Department of Public
1582 Safety of the name, and any other identifying information such
1583 department may require, of any child who is adjudicated delinquent
1584 as a result of a violation of the Uniform Controlled Substances
1585 Law.

1586 (14) The Administrative Office of Courts shall have the
1587 right to inspect any youth court records in order that the number
1588 of youthful offenders, abused, neglected, truant and dependent
1589 children, as well as children in need of special care and children
1590 in need of supervision, may be tracked with specificity through
1591 the youth court and adult justice system, and to utilize tracking
1592 forms for such purpose.

1593 (15) Upon a request by a youth court, the Administrative
1594 Office of Courts shall disclose all information at its disposal
1595 concerning any previous youth court intakes alleging that a child
1596 was a delinquent child, child in need of supervision, child in
1597 need of special care, truant child, abused child or neglected
1598 child, as well as any previous youth court adjudications for the
1599 same and all dispositional information concerning a child who at
1600 the time of such request comes under the jurisdiction of the youth
1601 court making such request.

1602 (16) The Administrative Office of Courts may, in its
1603 discretion, disclose to the Department of Public Safety any or all



1604 of the information involving children contained in the office's
1605 youth court data management system known as Mississippi Youth
1606 Court Information Delivery System or "MYCIDS."

1607 (17) The youth courts of the state shall disclose to the
1608 Joint Legislative Committee on Performance Evaluation and
1609 Expenditure Review (PEER) any youth court records in order that
1610 the number of youthful offenders, abused, neglected, truant and
1611 dependent children, as well as children in need of special care
1612 and children in need of supervision, may be tracked with
1613 specificity through the youth court and adult justice system, and
1614 to utilize tracking forms for such purpose. The disclosure
1615 prescribed in this subsection shall not require a court order and
1616 shall be made in sortable, electronic format where possible. The
1617 PEER Committee may seek the assistance of the Administrative
1618 Office of Courts in seeking this information. The PEER Committee
1619 shall not disclose the identities of any youth who have been
1620 adjudicated in the youth courts of the state and shall only use
1621 the disclosed information for the purpose of monitoring the
1622 effectiveness and efficiency of programs established to assist
1623 adjudicated youth, and to ascertain the incidence of adjudicated
1624 youth who become adult offenders.

1625 (18) In every case where an abuse or neglect allegation has
1626 been made, the confidentiality provisions of this section shall
1627 not apply to prohibit access to a child's records by any state
1628 regulatory agency, any state or local prosecutorial agency or law



1629 enforcement agency; however, no identifying information concerning
1630 the child in question may be released to the public by such agency
1631 except as otherwise provided herein.

1632 (19) In every case of child abuse or neglect, if a child's
1633 physical condition is medically labeled as medically "serious" or
1634 "critical" or a child dies, the confidentiality provisions of this
1635 section shall not apply. In such cases, the following information
1636 may be released by the Mississippi Department of Child Protection
1637 Services: the cause of the circumstances regarding the fatality
1638 or medically serious or critical physical condition; the age and
1639 gender of the child; information describing any previous reports
1640 of child abuse or neglect investigations that are pertinent to the
1641 child abuse or neglect that led to the fatality or medically
1642 serious or critical physical condition; the result of any such
1643 investigations; and the services provided by and actions of the
1644 state on behalf of the child that are pertinent to the child abuse
1645 or neglect that led to the fatality or medically serious or
1646 critical physical condition.

1647 (20) Any member of a foster care review board designated by
1648 the Department of Child Protection Services shall have the right
1649 to inspect youth court records relating to the abuse, neglect or
1650 child in need of supervision cases assigned to such member for
1651 review.

1652 (21) Information concerning an investigation into a report
1653 of child abuse or child neglect may be disclosed without further



1654 order of the youth court in any administrative or due process
1655 hearing held, pursuant to Section 43-21-257, by the Department of
1656 Child Protection Services for individuals whose names will be
1657 placed on the central registry as substantiated perpetrators.

1658 (22) The Department of Child Protection Services may
1659 disclose records involving children to the following:

1660 (a) A foster home, residential child-caring agency or
1661 child-placing agency to the extent necessary to provide such care
1662 and services to a child;

1663 (b) An individual, agency or organization that provides
1664 services to a child or the child's family in furtherance of the
1665 child's permanency plan to the extent necessary in providing those
1666 services;

1667 (c) Health and mental health care providers of a child
1668 to the extent necessary for the provider to properly treat and
1669 care for the child;

1670 (d) An educational institution or educational services
1671 provider where the child is enrolled or where enrollment is
1672 anticipated to the extent necessary for the school to provide
1673 appropriate services to the child;

1674 (e) Any state agency or board that administers student
1675 financial assistance programs. However, any records request under
1676 this paragraph shall be initiated by the agency or board for the
1677 purpose determining the child's eligibility for student financial
1678 assistance, and any disclosure shall be limited to the



1679 verification of the child's age during the period of time in which
1680 the child was in the department's legal custody; and

1681 (f) Any other state agency if the disclosure is
1682 necessary to the department in fulfilling its statutory
1683 responsibilities in protecting the best interests of the child.

1684 (23) Nothing in this section or chapter shall require youth
1685 court approval for disclosure of records involving children as
1686 defined in Section 43-21-105(u), if the disclosure is made in a
1687 criminal matter by a municipal or county prosecutor, a district
1688 attorney or statewide prosecutor, pursuant to the Mississippi
1689 Rules of Criminal Procedure and the records are disclosed under a
1690 protective order issued by the Circuit Court presiding over the
1691 criminal matter which incorporates the penalties stated in Section
1692 43-21-267.

1693 **SECTION 13.** Section 43-21-351, Mississippi Code of 1972, is
1694 brought forward as follows:

1695 43-21-351. (1) Any person or agency having knowledge that a
1696 child residing or being within the county is within the
1697 jurisdiction of the youth court may make a written report to the
1698 intake unit alleging facts sufficient to establish the
1699 jurisdiction of the youth court. The report shall bear a
1700 permanent number that will be assigned by the court in accordance
1701 with the standards established by the Administrative Office of
1702 Courts pursuant to Section 9-21-9(d), and shall be preserved until
1703 destroyed on order of the court.



1704 (2) There shall be in each youth court of the state an
1705 intake officer who shall be responsible for the accurate and
1706 timely entering of all intake and case information into the
1707 Mississippi Youth Court Information Delivery System (MYCIDS) for
1708 the Department of Human Services - Division of Youth Services,
1709 truancy matters, and the Department of Child Protection Services.
1710 It shall be the responsibility of the youth court judge or referee
1711 of each county to ensure that the intake officer is carrying out
1712 the responsibility of this section.

1713 **SECTION 14.** Section 43-21-801, Mississippi Code of 1972, is
1714 brought forward as follows:

1715 43-21-801. (1) There is established the Youth Court Support
1716 Program. The purpose of the program shall be to ensure that all
1717 youth courts have sufficient support funds to carry on the
1718 business of the youth court. The Administrative Office of Courts
1719 shall establish a formula consistent with this section for
1720 providing state support payable from the Youth Court Support Fund
1721 for the support of the youth courts.

1722 (a) (i) Each regular youth court referee is eligible
1723 for youth court support funds so long as the senior chancellor
1724 does not elect to employ a youth court administrator as set forth
1725 in paragraph (b); a municipal youth court judge is also eligible.
1726 The Administrative Office of Courts shall direct any funds to the
1727 appropriate county or municipality. The funds shall be utilized
1728 to compensate an intake officer who shall be responsible for



1729 ensuring that all intake and case information for the Department
1730 of Human Services - Division of Youth Services, truancy matters,
1731 and the Department of Child Protection Services is entered into
1732 the Mississippi Youth Court Information Delivery System (MYCIDS)
1733 in an accurate and timely manner. If the court already has an
1734 intake officer responsible for entering all cases of the
1735 Department of Human Services - Division of Youth Services, truancy
1736 matters, and the Department of Child Protection Services into
1737 MYCIDS, the regular youth court referee or municipal court judge
1738 may certify to the Administrative Office of Courts that such a
1739 person is already on staff. In such a case, each regular youth
1740 court referee or municipal youth court judge shall have the sole
1741 individual discretion to appropriate those funds as expense monies
1742 to assist in hiring secretarial staff and acquiring materials and
1743 equipment incidental to carrying on the business of the court
1744 within the private practice of law of the referee or judge, or may
1745 direct the use of those funds through the county or municipal
1746 budget for court support supplies or services. The regular youth
1747 court referee and municipal youth court judge shall be accountable
1748 for assuring through private, county or municipal employees the
1749 proper preparation and filing of all necessary tracking and other
1750 documentation attendant to the administration of the youth court.

1751 (ii) Title to all tangible property, excepting
1752 stamps, stationery and minor expendable office supplies, procured
1753 with funds authorized by this section, shall be and forever remain



1754 in the county or municipality to be used by the judge or referee
1755 during the term of his office and thereafter by his successors.

1756 (b) (i) When permitted by the Administrative Office of
1757 Courts and as funds are available, the senior chancellor for
1758 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
1759 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
1760 administrator for the district whose responsibility will be to
1761 perform all reporting, tracking and other duties of a court
1762 administrator for all youth courts in the district that are under
1763 the chancery court system. Any chancery district listed in this
1764 paragraph in which a chancellor appoints a referee or special
1765 master to hear any youth court matter is ineligible for funding
1766 under this paragraph (b). The Administrative Office of Courts may
1767 allocate to an eligible chancery district a sum not to exceed
1768 Thirty Thousand Dollars (\$30,000.00) per year for the salary,
1769 fringe benefits and equipment of the youth court administrator,
1770 and an additional sum not to exceed One Thousand Nine Hundred
1771 Dollars (\$1,900.00) for the administrator's travel expenses.

1772 (ii) The appointment of a youth court
1773 administrator shall be evidenced by the entry of an order on the
1774 minutes of the court. The person appointed shall serve at the
1775 will and pleasure of the senior chancellor but shall be an
1776 employee of the Administrative Office of Courts.

1777 (iii) The Administrative Office of Courts must
1778 approve the position, job description and salary before the



1779 position can be filled. The Administrative Office of Courts shall
1780 not approve any plan that does not first require the expenditure
1781 of the funds from the Youth Court Support Fund before expenditure
1782 of county funds is authorized for that purpose.

1783 (iv) Title to any tangible property procured with
1784 funds authorized under this paragraph shall be and forever remain
1785 in the State of Mississippi.

1786 (c) (i) Each county court is eligible for youth court
1787 support funds. The funds shall be utilized to provide
1788 compensation to an intake officer who shall be responsible for
1789 ensuring that all intake and case information for the Department
1790 of Human Services - Division of Youth Services, truancy matters,
1791 and the Department of Child Protection Services is entered into
1792 the Mississippi Youth Court Information Delivery System (MYCIDS)
1793 in an accurate and timely manner. If the county court already has
1794 an intake officer or other staff person responsible for entering
1795 all cases of the Department of Human Services - Division of Youth
1796 Services, truancy matters and the Department of Child Protection
1797 Services into MYCIDS, the senior county court judge may certify
1798 that such a person is already on staff. In such a case, the
1799 senior county court judge shall have discretion to direct the
1800 expenditure of those funds in hiring other support staff to carry
1801 on the business of the court.

1802 (ii) For the purposes of this paragraph, "support
1803 staff" means court administrators, law clerks, legal research



1804 assistants, secretaries, resource administrators or case managers
1805 appointed by a youth court judge, or any combination thereof, but
1806 shall not mean school attendance officers.

1807 (iii) The appointment of support staff shall be
1808 evidenced by the entry of an order on the minutes of the court.
1809 The support staff so appointed shall serve at the will and
1810 pleasure of the senior county court judge but shall be an employee
1811 of the county.

1812 (iv) The Administrative Office of Courts must
1813 approve the positions, job descriptions and salaries before the
1814 positions may be filled. The Administrative Office of Courts
1815 shall not approve any plan that does not first require the
1816 expenditure of funds from the Youth Court Support Fund before
1817 expenditure of county funds is authorized for that purpose.

1818 (v) The Administrative Office of Courts may
1819 approve expenditure from the fund for additional equipment for
1820 support staff appointed pursuant to this paragraph if the
1821 additional expenditure falls within the formula. Title to any
1822 tangible property procured with funds authorized under this
1823 paragraph shall be and forever remain in the county to be used by
1824 the youth court and support staff.

1825 (2) (a) (i) The formula developed by the Administrative
1826 Office of Courts for providing youth court support funds shall be
1827 devised so as to distribute appropriated funds proportional to
1828 caseload and other appropriate factors as set forth in regulations



1829 promulgated by the Administrative Office of Courts. The formula
1830 will determine a reasonable maximum amount per judge or referee
1831 per annum that will not be exceeded in allocating funds under this
1832 section.

1833 (ii) The formula shall be reviewed by the
1834 Administrative Office of Courts every two (2) years to ensure that
1835 the youth court support funds provided herein are proportional to
1836 each youth court's caseload and other specified factors.

1837 (iii) The Administrative Office of Courts shall
1838 have wide latitude in the first two-year cycle to implement a
1839 formula designed to maximize caseload data collection.

1840 (b) Application to receive funds under this section
1841 shall be submitted in accordance with procedures established by
1842 the Administrative Office of Courts.

1843 (c) Approval of the use of any of the youth court
1844 support funds distributed under this section shall be made by the
1845 Administrative Office of Courts in accordance with procedures
1846 established by the Administrative Office of Courts.

1847 (3) (a) There is created in the State Treasury a special
1848 fund to be designated as the "Youth Court Support Fund," which
1849 shall consist of funds appropriated or otherwise made available by
1850 the Legislature in any manner and funds from any other source
1851 designated for deposit into such fund. Unexpended amounts
1852 remaining in the fund at the end of a fiscal year shall not lapse
1853 into the State General Fund, and any investment earnings or



1854 interest earned on amounts in the fund shall be deposited to the
1855 credit of the fund. Monies in the fund shall be distributed to
1856 the youth courts by the Administrative Office of Courts for the
1857 purposes described in this section.

1858 (b) (i) During the regular legislative session held in
1859 calendar year 2007, the Legislature may appropriate an amount not
1860 to exceed Two Million Five Hundred Thousand Dollars
1861 (\$2,500,000.00) to the Youth Court Support Fund.

1862 (ii) During each regular legislative session
1863 subsequent to the 2007 Regular Session, the Legislature shall
1864 appropriate Two Million Five Hundred Thousand Dollars
1865 (\$2,500,000.00) to the Youth Court Support Fund.

1866 (c) No youth court judge or youth court referee shall
1867 be eligible to receive funding from the Youth Court Support Fund
1868 who has not received annual continuing education in the field of
1869 juvenile justice in an amount to conform with the requirements of
1870 the Rules and Regulations for Mandatory Continuing Judicial
1871 Education promulgated by the Supreme Court. The Administrative
1872 Office of Courts shall maintain records of all referees and youth
1873 court judges regarding such training and shall not disburse funds
1874 to any county or municipality for the budget of a youth court
1875 judge or referee who is not in compliance with the judicial
1876 training requirements.

1877 (4) Any recipient of funds from the Youth Court Support Fund
1878 shall not be eligible for continuing disbursement of funds if the



1879 recipient is not in compliance with the terms, conditions and
1880 reporting requirements set forth in the procedures promulgated by
1881 the Administrative Office of Courts.

1882 **SECTION 15.** Section 45-33-61, Mississippi Code of 1972, is
1883 brought forward as follows:

1884 45-33-61. (1) A person convicted of a sex offense shall not
1885 access the Administrative Office of Courts' youth court data
1886 management system known as the Mississippi Youth Court Information
1887 Delivery System or "MYCIDS."

1888 (2) This section applies to all registered sex offenders
1889 without regard to the date of conviction for a registrable
1890 offense.

1891 **SECTION 16.** Section 93-31-3, Mississippi Code of 1972, is
1892 brought forward as follows:

1893 93-31-3. (1) (a) A parent or legal custodian of a child,
1894 by means of a properly executed power of attorney as provided in
1895 Section 93-31-5, may delegate to another willing person or persons
1896 as attorney-in-fact any of the powers regarding the care and
1897 custody of the child other than the following:

1898 (i) The power to consent to marriage or adoption
1899 of the child;

1900 (ii) The performance or inducement of an abortion
1901 on or for the child; or

1902 (iii) The termination of parental rights to the
1903 child.



1904 (b) A delegation of powers under this section does not:
1905 (i) Change or modify any parental or legal rights,
1906 obligations, or authority established by an existing court order;
1907 (ii) Deprive any custodial or noncustodial parent
1908 or legal guardian of any parental or legal rights, obligations, or
1909 authority regarding the custody, visitation, or support of the
1910 child; or
1911 (iii) Affect a court's ability to determine the
1912 best interests of a child.
1913 (c) If both parents are living and neither parent's
1914 parental rights have been terminated, both parents must execute
1915 the power of attorney. If a noncustodial parent is absent or
1916 unknown, the custodial parent must complete the affidavit
1917 contemplated under Section 93-31-5 and attach it to the power of
1918 attorney.
1919 (d) A power of attorney under this chapter must be
1920 facilitated by either a child welfare agency that is licensed to
1921 place children for adoption and that is operating under the Safe
1922 Families for Children model or another charitable organization
1923 that is operating under the Safe Families for Children model. A
1924 full criminal history and child abuse and neglect background check
1925 must be conducted on any person who is not a grandparent, aunt,
1926 uncle, or sibling of the child if the person is:
1927 (i) Designated or proposed to be designated as the
1928 attorney-in-fact; or



1929 (ii) Is a person over the age of fifteen (15) who
1930 resides in the home of the designated attorney-in-fact.

1931 (2) A power of attorney executed under this chapter shall
1932 not be used for the sole purposes of enrolling a child in a school
1933 to participate in the academic or interscholastic athletic
1934 programs provided by that school or for any other unlawful
1935 purposes, except as may be permitted by the federal Every Student
1936 Succeeds Act (Public Law 114-95).

1937 (3) The parent or legal custodian of the child has the
1938 authority to revoke or withdraw the power of attorney authorized
1939 by this section at any time. Upon the termination, expiration, or
1940 revocation of the power of attorney, the child must be returned to
1941 the custody of the parent or legal custodian.

1942 (4) Until the authority expires or is revoked or withdrawn
1943 by the parent or legal custodian, the attorney-in-fact shall
1944 exercise parental or legal authority on a continuous basis without
1945 compensation for the duration of the power of attorney.

1946 (5) The execution of a power of attorney by a parent or
1947 legal custodian does not, in the absence of other evidence,
1948 constitute abandonment, desertion, abuse, neglect, or any evidence
1949 of unfitness as a parent unless the parent or legal custodian
1950 fails to take custody of the child or execute a new power of
1951 attorney after the one-year time limit, or after a longer time
1952 period as allowed for a serving parent, has elapsed. Nothing in
1953 this subsection prevents the Department of Child Protection



1954 Services or law enforcement from investigating allegations of
1955 abuse, abandonment, desertion, neglect or other mistreatment of a
1956 child.

1957 (6) When the custody of a child is transferred by a power of
1958 attorney under this chapter, the child is not considered to have
1959 been placed in foster care and the attorney-in-fact will not be
1960 subject to any of the requirements or licensing regulations for
1961 foster care or other regulations relating to out-of-home care for
1962 children and will not be subject to any statutes or regulations
1963 dealing with the licensing or regulation of foster care homes.

1964 (7) (a) "Serving parent" means a parent who is a member of
1965 the Armed Forces of the United States, including any reserve
1966 component thereof, or the National Oceanic and Atmospheric
1967 Administration Commissioned Officer Corps or the Public Health
1968 Service of the United States Department of Health and Human
1969 Services detailed by proper authority for duty with the Armed
1970 Forces of the United States, or who is required to enter or serve
1971 in the active military service of the United States under a call
1972 or order of the President of the United States or to serve on
1973 state active duty.

1974 (b) A serving parent may delegate the powers designated
1975 in subsection (1) of this section for longer than one (1) year if
1976 on active-duty service or if scheduled to be on active-duty
1977 service. The term of delegation, however, may not exceed the term
1978 of active-duty service plus thirty (30) days.



1979 (8) (a) A power of attorney under this chapter must be
1980 filed in the youth court of the county where the minor child or
1981 children reside at the time the form is completed, and the clerk
1982 of the youth court will not impose or collect a filing fee. The
1983 filing is informational only, and no judicial intervention shall
1984 result at the time of filing.

1985 (b) The power of attorney must be entered into the
1986 Mississippi Youth Court Information Delivery System (MYCIDS) under
1987 Section 43-21-351, and must be administratively reviewed by the
1988 youth court judge or referee, or a person designated by the youth
1989 court judge or referee, to ensure the safety of the child or
1990 children who are the subjects of the power of attorney one (1)
1991 year after the date of execution.

1992 **SECTION 17.** Section 9-17-1, Mississippi Code of 1972, is
1993 amended as follows:

1994 9-17-1. (1) * * * If a circuit or chancery district
1995 contains more than one (1) judge or chancellor, the judges or
1996 chancellors may * * * establish jointly the office of court
1997 administrator * * * for that judicial district with an order
1998 entered on the minutes of each * * * court in * * * that judicial
1999 district.

2000 The establishment of the office of court administrator shall
2001 be accomplished by vote of a majority of the participating
2002 judges * * * or chancellors in the * * * district, and such court
2003 administrator shall be appointed by vote of a majority of the



2004 judges or chancellors and may be removed by a majority vote of the
2005 judges or chancellors. In case of a tie vote, the senior judge or
2006 senior chancellor shall cast two (2) votes.

2007 (2) As an alternative to subsection (1), in a circuit or
2008 chancery district containing more than one (1) judge or
2009 chancellor, a judge or chancellor independently may establish the
2010 office of court administrator for that judge's or chancellor's
2011 office with an order entered on the minutes of each court in that
2012 judicial district appointing the court administrator to serve at
2013 the will and pleasure of the hiring judge or chancellor.

2014 (3) In a county court where there is more than one (1)
2015 county judge, the county judges may establish jointly the office
2016 of court administrator for that county court with an order entered
2017 on the minutes of that court.

2018 The establishment of the office of court administrator shall
2019 be accomplished by vote of a majority of the county judges in the
2020 county, and the court administrator shall be appointed by a vote
2021 of a majority of the county judges and may be removed by a
2022 majority vote of the county judges. In the case of a tie vote,
2023 the senior county judge shall cast two (2) votes.

2024 (4) In a county court with one (1) county judge, the office
2025 of court administrator shall be established with an order entered
2026 on the minutes of that court. The appointment of the court
2027 administrator shall be accomplished with an order entered on the



2028 minutes of the court stating that the court administrator serves
2029 at the will and pleasure of the county judge.

2030 (5) Before a court administrator appointed under this
2031 section may be hired, the Administrative Office of Courts will
2032 evaluate the chosen applicant to determine if the applicant meets
2033 the minimum requirements of the position of court administrator.

2034 (6) The court administrators shall be provided office space
2035 in the same manner as such is afforded the circuit judges * * *,
2036 chancellors and county judges.

2037 (* * *7) The annual salary of * * * the court administrator
2038 appointed pursuant to * * * subsection (1) shall be set by vote of
2039 the circuit judges * * * or chancellors of * * * the district and
2040 shall be submitted to the Administrative Office of Courts for
2041 approval pursuant to Section 9-1-36. The salary shall be paid in
2042 twelve (12) installments on the last working day of the month by
2043 the Administrative Office of Courts after it has been authorized
2044 by the participating judges and chancellors and an order has been
2045 duly placed on the minutes of each participating court.

2046 Any county within a judicial district having a court
2047 administrator shall transfer to the Administrative Office of
2048 Courts one-twelfth (1/12) of its pro rata cost of authorized
2049 compensation, as defined in Section 9-1-36, for the court
2050 administrator by the twentieth day of each month for the
2051 compensation that is to be paid on the last day of that month.
2052 The board of supervisors may transfer the pro rata cost of the



2053 county from the funds of that county pursuant to Section
2054 9-17-5(2) (b) .

2055 (* * *8) The annual salary of each court administrator
2056 appointed pursuant to subsection (2) shall be set by the
2057 appointing circuit judge or chancellor and shall be submitted to
2058 the Administrative Office of Courts for approval pursuant to
2059 Section 9-1-36. The salary shall be paid in twelve (12)
2060 installments on the last working day of the month by the
2061 Administrative Office of Courts after it has been authorized by
2062 the appointing judge or chancellor and an order has been duly
2063 placed on the minutes of the participating court. A county within
2064 a judicial district have a court administrator shall transfer to
2065 the Administrative Office of Courts one-twelfth (1/12) of its pro
2066 rata cost of authorized compensation, as defined in Section
2067 9-1-36, for the court administrator by the twentieth day of each
2068 month for the compensation that is to be paid on the last day of
2069 that month. The board of supervisors may transfer the pro rata
2070 cost of the county from the funds of that county pursuant to
2071 Section 9-17-5(2) (b) .

2072 (9) The annual salary of the court administrator appointed
2073 to subsection (3) shall be set by a vote of the county judges of
2074 the county and shall be paid by the county's board of supervisors.

2075 (10) The annual salary of the court administrator appointed
2076 pursuant to subsection (4) shall be set by the county judge of the
2077 county and shall be paid by that county's board of supervisors.



2078 (11) For all travel required in the performance of official
2079 duties, the court administrator shall be paid mileage by the
2080 county in which the duties were performed at the same rate as
2081 provided for state employees in Section 25-3-41, Mississippi Code
2082 of 1972. The court administrator shall file a certificate of
2083 mileage expense incurred during that term with the board of
2084 supervisors of each participating county and payment of such
2085 expense shall be paid proportionately out of the court
2086 administration fund established pursuant to Section 9-17-5.

2087 **SECTION 18.** Section 9-1-36, Mississippi Code of 1972, is
2088 amended as follows:

2089 9-1-36. (1) Each circuit judge and chancellor shall receive
2090 an office operating allowance for the expenses of operating the
2091 office of the judge, including retaining a law clerk, legal
2092 research, stenographic help, stationery, stamps, furniture, office
2093 equipment, telephone, office rent and other items and expenditures
2094 necessary and incident to maintaining the office of judge. The
2095 allowance shall be paid only to the extent of actual expenses
2096 incurred by the judge as itemized and certified by the judge to
2097 the Supreme Court in the amounts set forth in this subsection;
2098 however, the judge may expend sums in excess thereof from the
2099 compensation otherwise provided for his office.

2100 From and after July 1, 2023, the office operating allowance
2101 under this subsection shall be Fifteen Thousand Dollars
2102 (\$15,000.00) per annum.



2103 (2) In addition to the amounts provided for in subsection
2104 (1), there is created a separate office allowance fund for the
2105 purpose of providing support staff to judges. This fund shall be
2106 managed by the Administrative Office of Courts.

2107 (3) Each judge who desires to employ support staff * * *
2108 must have each candidate approved by the Administrative Office of
2109 Courts * * * before the positions may be filled. The
2110 Administrative Office of Courts shall not approve any * * * hire
2111 which does not first require the expenditure of the funds in the
2112 support staff fund for compensation of any of the support staff
2113 before expenditure is authorized of county funds for that purpose.
2114 Upon approval by the Administrative Office of Courts, the judge or
2115 judges may appoint the employees to the position or positions, and
2116 each employee so appointed will work at the will and pleasure of
2117 the judge or judges who appointed him but will be employees of the
2118 Administrative Office of Courts. Upon approval by the
2119 Administrative Office of Courts, the appointment of any support
2120 staff shall be evidenced by the entry of an order on the minutes
2121 of the court. When support staff is appointed jointly by two (2)
2122 or more judges, the order setting forth any appointment shall be
2123 entered on the minutes of each participating court.

2124 (4) * * * Support staff shall receive compensation pursuant
2125 to personnel policies established by the Administrative Office of
2126 Courts * * *. Each judge shall be allotted the amount of One
2127 Hundred Thousand Dollars (\$100,000.00) per fiscal year * * *



2128 for * * * all support staff * * * approved * * * by the
2129 Administrative Office of Courts.

2130 The Administrative Office of Courts may approve expenditures
2131 from the fund for additional equipment for support staff appointed
2132 pursuant to this section in any year in which the allocation per
2133 judge is sufficient to meet the equipment expense after provision
2134 for the compensation of the support staff.

2135 (* * * 5) For the purposes of this section, the following
2136 terms have the meaning ascribed in this subsection unless the
2137 context clearly requires otherwise:

2138 (a) "Judges" means circuit judges and chancellors, or
2139 any combination thereof.

2140 (b) "Support staff" means court administrators, law
2141 clerks, legal research assistants or secretaries, or any
2142 combination thereof, but shall not mean school attendance
2143 officers.

2144 (c) "Compensation" means the gross salary plus all
2145 amounts paid for benefits or otherwise as a result of employment
2146 or as required by employment; however, only salary earned for
2147 services rendered shall be reported and credited for Public
2148 Employees' Retirement System purposes. Amounts paid for benefits
2149 or otherwise, including reimbursement for travel expenses, shall
2150 not be reported or credited for retirement purposes.



2151 (d) "Law clerk" means a clerk hired to assist a judge
2152 or judges who has a law degree or who is a full-time law student
2153 who is making satisfactory progress at an accredited law school.

2154 (* * *6) Title to all tangible property, excepting stamps,
2155 stationery and minor expendable office supplies, procured with
2156 funds authorized by this section, shall be and forever remain in
2157 the State of Mississippi to be used by the circuit judge or
2158 chancellor during the term of his office and thereafter by his
2159 successors.

2160 (* * *7) Any circuit judge or chancellor who did not have a
2161 primary office provided by the county on March 1, 1988, shall be
2162 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum
2163 to defray the actual expenses incurred by the judge or chancellor
2164 in maintaining an office; however, any circuit judge or chancellor
2165 who had a primary office provided by the county on March 1, 1988,
2166 and who vacated the office space after that date for a legitimate
2167 reason, as determined by the Department of Finance and
2168 Administration, shall be allowed the additional office expense
2169 allowance provided under this subsection. The county in which a
2170 circuit judge or chancellor sits is authorized to provide funds
2171 from any available source to assist in defraying the actual
2172 expenses to maintain an office.

2173 (* * *8) The Supreme Court, through the Administrative
2174 Office of Courts, shall submit to the Department of Finance and
2175 Administration the itemized and certified expenses for office



2176 operating allowances that are directed to the court pursuant to
2177 this section.

2178 (* * *9) The Supreme Court, through the Administrative
2179 Office of Courts, shall have the power to adopt rules and
2180 regulations regarding the administration of the office operating
2181 allowance authorized pursuant to this section.

2182 **SECTION 19.** This act shall take effect and be in force from
2183 and after July 1, 2024, and shall stand repealed on June 30, 2024.

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

1 AN ACT TO PROHIBIT ANY COURT OR COUNTY BOARD OF SUPERVISORS
2 FROM ENTERING INTO ANY MULTIYEAR CONTRACT OR SERVICE AGREEMENT FOR
3 THE PURCHASE OF ANY WEB-BASED APPLICATION TO BE UTILIZED WITH THE
4 MISSISSIPPI YOUTH COURT INFORMATION DELIVERY SYSTEM (MYCIDS)
5 WITHOUT COMPLETING A COMPETITIVE BIDDING PROCESS FOR THOSE
6 SERVICES; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO
7 CONFORM TO THE PRECEDING SECTION; TO MAKE TECHNICAL REVISIONS TO
8 THE COURT INTERPRETERS PROGRAM ADMINISTERED BY THE ADMINISTRATIVE
9 OFFICE OF COURTS; TO AMEND SECTION 9-21-71, MISSISSIPPI CODE OF
10 1972, TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 9-21-73,
11 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE COURT INTERPRETER
12 PROGRAM IS TO PROVIDE LANGUAGE ACCESS IN ALL MISSISSIPPI COURTS;
13 TO AMEND SECTION 9-21-77, MISSISSIPPI CODE OF 1972, TO REVISE THE
14 INTERPRETER'S OATH; TO AMEND SECTION 9-21-79, MISSISSIPPI CODE OF
15 1972, TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF
16 WHETHER A COURT INTERPRETER IS NEEDED AND TO AUTHORIZE A LIMITED
17 ENGLISH PROFICIENT INDIVIDUAL TO WAIVE THE SERVICES OF AN
18 INTERPRETER; TO AMEND SECTION 9-21-80, MISSISSIPPI CODE OF 1972,
19 TO DECLARE THAT ALL COURT INTERPRETERS ARE SUBJECT TO THE ETHICAL
20 REQUIREMENTS OF THE MISSISSIPPI COURT INTERPRETER CREDENTIALING
21 PROGRAM REGARDLESS OF WHETHER OR NOT THEY ARE LISTED ON THE ROSTER
22 OF CREDENTIALLED INTERPRETERS MAINTAINED BY THE ADMINISTRATIVE
23 OFFICE OF COURTS; TO AMEND SECTION 9-21-81, MISSISSIPPI CODE OF
24 1972, TO AUTHORIZE THE EXPENSES OF AN INTERPRETER TO BE PAID WITH
25 ANY FUNDS AVAILABLE FOR SUCH PURPOSE FOR ANY LIMITED ENGLISH
26 PROFICIENT PARTY, WITNESS OR PARTICIPANT; TO CREATE NEW SECTION
27 9-21-82, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH COURT TO SUBMIT
28 AN ANNUAL REPORT CONTAINING SPECIFIED INFORMATION TO THE



29 ADMINISTRATIVE OFFICE OF COURTS; TO AMEND SECTION 99-17-7,
30 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXPENSES OF AN
31 INTERPRETER IN A CRIMINAL PROCEEDING TO BE PAID WITH ANY FUNDS
32 AVAILABLE FOR SUCH PURPOSE FOR ANY LIMITED ENGLISH PROFICIENT
33 PARTY, WITNESS OR PARTICIPANT; TO AMEND SECTION 9-21-9,
34 MISSISSIPPI CODE OF 1972, TO REQUIRE THE ADMINISTRATIVE DIRECTOR
35 OF COURTS TO AUDIT THE MISSISSIPPI YOUTH COURT INFORMATION SYSTEM
36 (MYCIDS); TO BRING FORWARD SECTION 43-21-261, MISSISSIPPI CODE OF
37 1972, WHICH PROVIDES THE ADMINISTRATIVE OFFICE OF COURT MAY
38 DISCLOSE CERTAIN INFORMATION CONTAINED IN MYCIDS, FOR PURPOSES OF
39 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 43-21-351 AND
40 43-21-801, MISSISSIPPI CODE OF 1972, WHICH REQUIRES INTAKE
41 OFFICERS IN YOUTH COURT AND COUNTY COURT TO TIMELY ENTER
42 INFORMATION INTO MYCIDS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
43 BRING FORWARD SECTION 45-33-61, MISSISSIPPI CODE OF 1972, WHICH
44 PROHIBITS SEX OFFENDERS FROM UTILIZING MYCIDS, FOR PURPOSES OF
45 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 93-31-3, MISSISSIPPI
46 CODE OF 1972, WHICH REQUIRES THE POWER OF ATTORNEY BE ENTERED INTO
47 MYCIDS UNDER CERTAIN CIRCUMSTANCES, FOR PURPOSES OF POSSIBLE
48 AMENDMENT; TO AMEND SECTION 9-17-1, MISSISSIPPI CODE OF 1972, TO
49 REVISE THE MANNER IN WHICH THE CIRCUIT JUDGES, CHANCELLORS AND
50 COUNTY COURT JUDGES MAY ESTABLISH THE OFFICE OF COURT
51 ADMINISTRATOR; TO REQUIRE THE ADMINISTRATIVE OFFICE OF COURTS TO
52 DETERMINE IF A PROSPECTIVE COURT ADMINISTRATOR MEETS THE MINIMUM
53 REQUIREMENTS BEFORE THE PERSON IS HIRED; TO AMEND SECTION 9-1-36,
54 MISSISSIPPI CODE OF 1972, TO REQUIRE CIRCUIT JUDGES AND
55 CHANCELLORS DESIRING TO EMPLOY SUPPORT STAFF TO HAVE CANDIDATES
56 APPROVED BY THE ADMINISTRATIVE OFFICE OF COURTS BEFORE FILLING
57 POSITIONS; AND FOR RELATED PURPOSES.

