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To: State Affairs;
Technology

HOUSE BILL NO. 297

1 AN ACT TO BRING FORWARD SECTIONS 25-53-1, 25-53-3, 25-53-5,
2 25-53-7, 25-53-9, 25-53-11, 25-53-13, 25-53-15, 25-53-17,
3 25-53-19, 25-53-21, 25-53-23, 25-53-25, 25-53-29, 25-53-51,
4 25-53-53, 25-53-55, 25-53-57, 25-53-59, 25-53-101, 25-53-105,
5 25-53-107, 25-53-109, 25-53-111, 25-53-113, 25-53-115, 25-53-117,
6 25-53-119, 25-53-121, 25-53-123, 25-53-125, 25-53-151, 25-53-171,
7 25-53-191, 25-53-193, 25-53-201, 25-58-1, 25-58-3, 41-143-1,
8 1-1-59, 7-1-403, 7-7-3, 19-5-307, 23-15-165, 25-1-100, 25-58-21,
9 25-65-5, 25-65-7, 27-7-83, 27-65-81, 27-104-7, 27-104-165,
10 27-104-205, 27-115-49, 31-7-10, 31-7-13, 37-101-413, 37-154-1,
11 43-1-28, 43-19-45, 45-27-7, 49-37-7, 57-13-23, 63-9-31, 63-21-18,
12 73-34-8, 75-12-33 AND 89-5-109, MISSISSIPPI CODE OF 1972, WHICH
13 PROVIDE FOR THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY
14 SERVICES, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
15 PURPOSES.

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

17 **SECTION 1.** Section 25-53-1, Mississippi Code of 1972, is
18 brought forward as follows:

19 25-53-1. The Legislature recognizes that in order for the
20 State of Mississippi to receive the maximum use and benefit from
21 information technology and services now in operation or which will
22 in the future be placed in operation, there should be full
23 cooperation and cohesive planning and effort by and between the
24 several state agencies and that it is the responsibility of the



25 Legislature to provide statutory authority therefor. The
26 Legislature, therefore, declares and determines that for these and
27 other related purposes there is hereby established an agency of
28 state government to be known as the Mississippi Department of
29 Information Technology Services (MDITS). The Legislature further
30 declares that the Mississippi Department of Information Technology
31 Services (MDITS) shall provide statewide services that facilitate
32 cost-effective information processing and telecommunication
33 solutions. State agencies shall work in full cooperation with the
34 board of MDITS to identify opportunities to minimize duplication,
35 reduce costs and improve the efficiency of providing common
36 technology services across agency boundaries. The provisions of
37 this chapter shall not apply to the Department of Human Services
38 for a period of three (3) years beginning July 1, 2017. The
39 provisions of this chapter shall not apply to the Department of
40 Child Protection Services for a period of three (3) years
41 beginning July 1, 2017. Through June 30, 2024, the provisions of
42 this chapter shall not apply to the Department of Health and the
43 Department of Revenue for the purposes of implementing,
44 administering and enforcing the provisions of the Mississippi
45 Medical Cannabis Act.

46 **SECTION 2.** Section 25-53-3, Mississippi Code of 1972, is
47 brought forward as follows:

48 25-53-3. (1) Whenever the term "Central Data Processing
49 Authority" or the term "authority," when referring to the Central



50 Data Processing Authority, is used in any law, rule, regulation,
51 document or elsewhere, it shall be construed to mean the
52 Mississippi Department of Information Technology Services.

53 (2) For the purposes of this chapter the following terms
54 shall have the meanings ascribed in this section unless the
55 context otherwise requires:

56 (a) "Central Data Processing Authority" and "CDPA" mean
57 "Mississippi Department of Information Technology Services
58 (MDITS)" and the term "authority" means "board of the MDITS."

59 (b) "Bureau of Systems Policy and Planning," "Bureau of
60 Telecommunications," "Bureau of Central Data Processing" and
61 "bureau" mean "Mississippi Department of Information Technology
62 Services."

63 (c) "Computer equipment or services" means any
64 information technology, computer or computer related
65 telecommunications equipment, electronic word processing and
66 office systems, or services utilized in connection therewith,
67 including, but not limited to, all phases of computer software and
68 consulting services, and insurance on all state-owned computer
69 equipment.

70 (d) "Acquisition" of computer or telecommunications
71 equipment or services means the purchase, lease, rental, or
72 acquisition in any other manner of any such computer or
73 telecommunications equipment or services.



74 (e) "Agency" means and includes all the various state
75 agencies, officers, departments, boards, commissions, offices and
76 institutions of the state.

77 (f) "Governing authority" means boards of supervisors,
78 governing boards of all school districts, all boards of directors
79 of public water supply districts, boards of directors of master
80 public water supply districts, municipal public utility
81 commissions, governing authorities of all municipalities, port
82 authorities, commissioners and boards of trustees of any public
83 hospitals and any political subdivision of the state supported
84 wholly or in part by public funds of the state or political
85 subdivisions thereof.

86 (g) "Bid" means any of the valid source selection
87 techniques and competitive procurement methods appropriate to
88 information technology procurement in the public sector,
89 including, but not limited to, competitive sealed bidding,
90 competitive sealed proposals, simplified small purchase
91 procedures, sole source procurements, and emergency procurements.

92 (h) "Telecommunications transmission facility" means
93 any transmission medium, switch, instrument, inside wiring system
94 or other facility which is used, in whole or part, to provide any
95 transmission.

96 (i) "Equipment support contract" means a contract which
97 covers a single, specific class or classes of telecommunications
98 equipment or service and all features associated with that class,



99 through which state agencies may purchase or lease the item of
100 equipment or service specified by issuing a purchase order under
101 the terms of the contract without the necessity of further
102 competitive bidding.

103 (j) "Inside wiring system" means any wiring which:

104 (i) Directly or indirectly, interconnects any
105 terminal equipment with any other terminal equipment or with any
106 regulated facility or common carrier services; and

107 (ii) Is located at the premises of the customer
108 and is not inside any terminal equipment.

109 (k) "Procurement" means the selling, buying,
110 purchasing, renting, leasing or otherwise obtaining
111 telecommunications equipment, system or related services, as well
112 as activities engaged in, resulting in or expected to result in
113 selling, buying, purchasing, renting, leasing or otherwise
114 obtaining telecommunications equipment.

115 (l) "Telecommunications equipment, systems, related
116 services" are limited to the equipment and means to provide:

117 (i) Telecommunications transmission facilities.

118 (ii) Telephone systems, including voice processing
119 systems.

120 (iii) Facsimile systems.

121 (iv) Radio paging services.

122 (v) Mobile telephone services, including cellular
123 mobile telephone service.



124 (vi) Intercom and paging systems.
125 (vii) Video teleconferencing systems.
126 (viii) Personal communications networks and
127 services.

128 (ix) Any and all systems based on emerging and
129 future telecommunications technologies relative to (i) through
130 (viii) above.

131 (m) "Telecommunications system lease contract" means a
132 contract between a supplier of telecommunications systems,
133 including equipment and related services, and the Mississippi
134 Department of Information Technology Services through which
135 telecommunications systems, including equipment and related
136 services, may be leased for a term which shall not exceed sixty
137 (60) months for a system lease valued less than One Million
138 Dollars (\$1,000,000.00) and shall not exceed one hundred twenty
139 (120) months for a system lease valued One Million Dollars
140 (\$1,000,000.00) or more.

141 (n) "Tariffed or regulated service" means
142 telecommunications service offered by common carriers and subject
143 to control by the Mississippi Public Service Commission or the
144 Federal Communications Commission.

145 (o) "State Data Center" means one or more facilities
146 operated by the Mississippi Department of Information Technology
147 Services to provide information technology resources requiring



148 enterprise computing resources or any other centrally managed
149 information resources.

150 **SECTION 3.** Section 25-53-5, Mississippi Code of 1972, is
151 brought forward as follows:

152 25-53-5. The authority shall have the following powers,
153 duties, and responsibilities:

154 (a) (i) The authority shall provide for the
155 development of plans for the efficient acquisition and utilization
156 of computer equipment and services by all agencies of state
157 government, and provide for their implementation. In so doing,
158 the authority may use the MDITS' staff, at the discretion of the
159 executive director of the authority, or the authority may contract
160 for the services of qualified consulting firms in the field of
161 information technology and utilize the service of such consultants
162 as may be necessary for such purposes. Pursuant to Section
163 25-53-1, the provisions of this section shall not apply to the
164 Department of Human Services for a period of three (3) years
165 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
166 provisions of this section shall not apply to the Department of
167 Child Protection Services for a period of three (3) years
168 beginning July 1, 2017.

169 (ii) [Repealed]

170 (b) The authority shall immediately institute
171 procedures for carrying out the purposes of this chapter and
172 supervise the efficient execution of the powers and duties of the



173 office of executive director of the authority. In the execution
174 of its functions under this chapter, the authority shall maintain
175 as a paramount consideration the successful internal organization
176 and operation of the several agencies so that efficiency existing
177 therein shall not be adversely affected or impaired. In executing
178 its functions in relation to the institutions of higher learning
179 and junior colleges in the state, the authority shall take into
180 consideration the special needs of such institutions in relation
181 to the fields of teaching and scientific research.

182 (c) Title of whatever nature of all computer equipment
183 now vested in any agency of the State of Mississippi is hereby
184 vested in the authority, and no such equipment shall be disposed
185 of in any manner except in accordance with the direction of the
186 authority or under the provisions of such rules and regulations as
187 may hereafter be adopted by the authority in relation thereto.

188 (d) The authority shall adopt rules, regulations, and
189 procedures governing the acquisition of computer and
190 telecommunications equipment and services which shall, to the
191 fullest extent practicable, ensure the maximum of competition
192 between all manufacturers of supplies or equipment or services.
193 In the writing of specifications, in the making of contracts
194 relating to the acquisition of such equipment and services, and in
195 the performance of its other duties the authority shall provide
196 for the maximum compatibility of all information systems hereafter
197 installed or utilized by all state agencies and may require the



198 use of common computer languages where necessary to accomplish the
199 purposes of this chapter. The authority may establish by
200 regulation and charge reasonable fees on a nondiscriminatory basis
201 for the furnishing to bidders of copies of bid specifications and
202 other documents issued by the authority.

203 (e) The authority shall adopt rules and regulations
204 governing the sharing with, or the sale or lease of information
205 technology services to any nonstate agency or person. Such
206 regulations shall provide that any such sharing, sale or lease
207 shall be restricted in that same shall be accomplished only where
208 such services are not readily available otherwise within the
209 state, and then only at a charge to the user not less than the
210 prevailing rate of charge for similar services by private
211 enterprise within this state.

212 (f) The authority may, in its discretion, establish a
213 special technical advisory committee or committees to study and
214 make recommendations on technology matters within the competence
215 of the authority as the authority may see fit. Persons serving on
216 the Information Resource Council, its task forces, or any such
217 technical advisory committees shall be entitled to receive their
218 actual and necessary expenses actually incurred in the performance
219 of such duties, together with mileage as provided by law for state
220 employees, provided the same has been authorized by a resolution
221 duly adopted by the authority and entered on its minutes prior to
222 the performance of such duties.



223 (g) The authority may provide for the development and
224 require the adoption of standardized computer programs and may
225 provide for the dissemination of information to and the
226 establishment of training programs for the personnel of the
227 various information technology centers of state agencies and
228 personnel of the agencies utilizing the services thereof.

229 (h) The authority shall adopt reasonable rules and
230 regulations requiring the reporting to the authority through the
231 office of executive director of such information as may be
232 required for carrying out the purposes of this chapter and may
233 also establish such reasonable procedures to be followed in the
234 presentation of bills for payment under the terms of all contracts
235 for the acquisition of computer equipment and services now or
236 hereafter in force as may be required by the authority or by the
237 executive director in the execution of their powers and duties.

238 (i) The authority shall require such adequate
239 documentation of information technology procedures utilized by the
240 various state agencies and may require the establishment of such
241 organizational structures within state agencies relating to
242 information technology operations as may be necessary to
243 effectuate the purposes of this chapter.

244 (j) The authority may adopt such further reasonable
245 rules and regulations as may be necessary to fully implement the
246 purposes of this chapter. All rules and regulations adopted by
247 the authority shall be published and disseminated in readily



248 accessible form to all affected state agencies, and to all current
249 suppliers of computer equipment and services to the state, and to
250 all prospective suppliers requesting the same. Such rules and
251 regulations shall be kept current, be periodically revised, and
252 copies thereof shall be available at all times for inspection by
253 the public at reasonable hours in the offices of the authority.
254 Whenever possible no rule, regulation or any proposed amendment to
255 such rules and regulations shall be finally adopted or enforced
256 until copies of the proposed rules and regulations have been
257 furnished to all interested parties for their comment and
258 suggestions.

259 (k) The authority shall establish rules and regulations
260 which shall provide for the submission of all contracts proposed
261 to be executed by the executive director for computer equipment
262 and/or telecommunications or services, including cloud computing,
263 to the authority for approval before final execution, and the
264 authority may provide that such contracts involving the
265 expenditure of less than such specified amount as may be
266 established by the authority may be finally executed by the
267 executive director without first obtaining such approval by the
268 authority.

269 (l) The authority is authorized to consider new
270 technologies, such as cloud computing, to purchase, lease, or rent
271 computer equipment or services and to operate that equipment and
272 use those services in providing services to one or more state



273 agencies when in its opinion such operation will provide maximum
274 efficiency and economy in the functions of any such agency or
275 agencies.

276 (m) Upon the request of the governing body of a
277 political subdivision or instrumentality, the authority shall
278 assist the political subdivision or instrumentality in its
279 development of plans for the efficient acquisition and utilization
280 of computer equipment and services. An appropriate fee shall be
281 charged the political subdivision by the authority for such
282 assistance.

283 (n) The authority shall adopt rules and regulations
284 governing the protest procedures to be followed by any actual or
285 prospective bidder, offerer or contractor who is aggrieved in
286 connection with the solicitation or award of a contract for the
287 acquisition of computer equipment or services. Such rules and
288 regulations shall prescribe the manner, time and procedure for
289 making protests and may provide that a protest not timely filed
290 shall be summarily denied. The authority may require the
291 protesting party, at the time of filing the protest, to post a
292 bond, payable to the state, in an amount that the authority
293 determines sufficient to cover any expense or loss incurred by the
294 state, the authority or any state agency as a result of the
295 protest if the protest subsequently is determined by a court of
296 competent jurisdiction to have been filed without any substantial
297 basis or reasonable expectation to believe that the protest was



298 meritorious; however, in no event may the amount of the bond
299 required exceed a reasonable estimate of the total project cost.
300 The authority, in its discretion, also may prohibit any
301 prospective bidder, offerer or contractor who is a party to any
302 litigation involving any such contract with the state, the
303 authority or any agency of the state to participate in any other
304 such bid, offer or contract, or to be awarded any such contract,
305 during the pendency of the litigation.

306 (o) The authority shall make a report in writing to the
307 Legislature each year in the month of January. Such report shall
308 contain a full and detailed account of the work of the authority
309 for the preceding year as specified in Section 25-53-29(3).

310 All acquisitions of computer equipment and services involving
311 the expenditure of funds in excess of the dollar amount
312 established in Section 31-7-13(c), or rentals or leases in excess
313 of the dollar amount established in Section 31-7-13(c) for the
314 term of the contract, shall be based upon competitive and open
315 specifications, and contracts therefor shall be entered into only
316 after advertisements for bids are published in one or more daily
317 newspapers having a general circulation in the state not less than
318 fourteen (14) days prior to receiving sealed bids therefor. The
319 authority may reserve the right to reject any or all bids, and if
320 all bids are rejected, the authority may negotiate a contract
321 within the limitations of the specifications so long as the terms
322 of any such negotiated contract are equal to or better than the



323 comparable terms submitted by the lowest and best bidder, and so
324 long as the total cost to the State of Mississippi does not exceed
325 the lowest bid. If the authority accepts one (1) of such bids, it
326 shall be that which is the lowest and best. Through June 30,
327 2024, the provisions of this paragraph shall not apply to
328 acquisitions of information technology equipment and services made
329 by the Mississippi Department of Health and the Mississippi
330 Department of Revenue for the purposes of implementing,
331 administering and enforcing the provisions of the Mississippi
332 Medical Cannabis Act.

333 (p) When applicable, the authority may procure
334 equipment, systems and related services in accordance with the law
335 or regulations, or both, which govern the Bureau of Purchasing of
336 the Office of General Services or which govern the Mississippi
337 Department of Information Technology Services procurement of
338 telecommunications equipment, software and services.

339 (q) The authority is authorized to purchase, lease, or
340 rent information technology and services for the purpose of
341 establishing pilot projects to investigate emerging technologies.
342 These acquisitions shall be limited to new technologies and shall
343 be limited to an amount set by annual appropriation of the
344 Legislature. These acquisitions shall be exempt from the
345 advertising and bidding requirement.

346 (r) To promote the maximum use and benefit from
347 technology and services now in operation or which will in the



348 future be placed in operation and to identify opportunities,
349 minimize duplication, reduce costs and improve the efficiency of
350 providing common technology services the authority is authorized
351 to:

352 (i) Enter into master agreements for computer or
353 telecommunications equipment or services, including cloud
354 computing, available for shared use by state agencies, institutes
355 of higher learning and governing authorities; and

356 (ii) Enter into contracts for the acquisition of
357 computer or telecommunications equipment or services, including
358 cloud computing, that have been acquired by other entities,
359 located within or outside of the State of Mississippi, so long as
360 it is determined by the authority to be in the best interest of
361 the state. The acquisitions provided in this paragraph (r) shall
362 be exempt from the advertising and bidding requirements of Section
363 25-53-1 et seq.

364 (s) All fees collected by the Mississippi Department of
365 Information Technology Services shall be deposited into the
366 Mississippi Department of Information Technology Services
367 Revolving Fund unless otherwise specified by the Legislature.

368 (t) The authority shall work closely with the council
369 to bring about effective coordination of policies, standards and
370 procedures relating to procurement of remote sensing and
371 geographic information systems (GIS) resources. In addition, the
372 authority is responsible for development, operation and



373 maintenance of a delivery system infrastructure for geographic
374 information systems data. The authority shall provide a warehouse
375 for Mississippi's geographic information systems data.

376 (u) The authority shall manage one or more State Data
377 Centers to provide information technology services on a
378 cost-sharing basis. In determining the appropriate services to be
379 provided through the State Data Center, the authority should
380 consider those services that:

381 (i) Result in savings to the state as a whole;

382 (ii) Improve and enhance the security and
383 reliability of the state's information and business systems; and

384 (iii) Optimize the efficient use of the state's
385 information technology assets, including, but not limited to,
386 promoting partnerships with the state institutions of higher
387 learning and community colleges to capitalize on advanced
388 information technology resources.

389 (v) The authority shall increase federal participation
390 in the cost of the State Data Center to the extent provided by law
391 and its shared technology infrastructure through providing such
392 shared services to agencies that receive federal funds. With
393 regard to state institutions of higher learning and community
394 colleges, the authority may provide shared services when mutually
395 agreeable, following a determination by both the authority and the
396 Board of Trustees of State Institutions of Higher Learning or the



397 Mississippi Community College Board, as the case may be, that the
398 sharing of services is mutually beneficial.

399 (w) The authority, in its discretion, may require new
400 or replacement agency business applications to be hosted at the
401 State Data Center. With regard to state institutions of higher
402 learning and community colleges, the authority and the Board of
403 Trustees of State Institutions of Higher Learning or the
404 Mississippi Community College Board, as the case may be, may agree
405 that institutions of higher learning or community colleges may
406 utilize business applications that are hosted at the State Data
407 Center, following a determination by both the authority and the
408 applicable board that the hosting of those applications is
409 mutually beneficial. In addition, the authority may establish
410 partnerships to capitalize on the advanced technology resources of
411 the Board of Trustees of State Institutions of Higher Learning or
412 the Mississippi Community College Board, following a determination
413 by both the authority and the applicable board that such a
414 partnership is mutually beneficial.

415 (x) The authority shall provide a periodic update
416 regarding reform-based information technology initiatives to the
417 Chairmen of the House and Senate Accountability, Efficiency and
418 Transparency Committees.

419 From and after July 1, 2018, the expenses of this agency
420 shall be defrayed by appropriation from the State General Fund.
421 In addition, in order to receive the maximum use and benefit from



422 information technology and services, expenses for the provision of
423 statewide shared services that facilitate cost-effective
424 information processing and telecommunication solutions shall be
425 defrayed by pass-through funding and shall be deposited into the
426 Mississippi Department of Information Technology Services
427 Revolving Fund unless otherwise specified by the Legislature.
428 These funds shall only be utilized to pay the actual costs
429 incurred by the Mississippi Department of Information Technology
430 Services for providing these shared services to state agencies.
431 Furthermore, state agencies shall work in full cooperation with
432 the Board of the Mississippi Department of Information Technology
433 Services to identify computer equipment or services to minimize
434 duplication, reduce costs, and improve the efficiency of providing
435 common technology services across agency boundaries.

436 **SECTION 4.** Section 25-53-7, Mississippi Code of 1972, is
437 brought forward as follows:

438 25-53-7. (1) The membership of the authority shall be
439 composed of five (5) members to be appointed by the Governor with
440 the advice and consent of the Senate. The initial terms of the
441 members shall be for one (1), two (2), three (3), four (4) and
442 five (5) years, respectively, and thereafter all terms shall be
443 for five (5) years. Each member may continue to serve for a
444 period not to exceed twelve (12) months after the expiration of
445 his term if his successor is not duly appointed. The initial
446 appointments to the reconstituted authority shall be made no later



447 than June 30, 1984, for terms to begin on July 1, 1984. Vacancies
448 shall be filled in the same manner as original appointments for
449 the unexpired portion of the term vacated. Each member of the
450 authority shall have a minimum of four (4) years' experience in an
451 information technology-related executive position or prior service
452 as a member of the authority.

453 (2) Each member of the authority shall be required to
454 furnish a surety bond in the minimum amount of Fifty Thousand
455 Dollars (\$50,000.00) to be approved by the Secretary of State,
456 conditioned according to law and payable to the State of
457 Mississippi, before entering upon his duties. The premiums on
458 such bonds shall be paid from any funds available to the authority
459 for such purpose.

460 (3) No member of the authority, nor its executive director,
461 shall, during his term as such member or director, have any
462 substantial beneficial interest in any corporation or other
463 organization engaged in the information technology business either
464 as manufacturer, supplier, lessor, or otherwise. All members and
465 the executive director shall fully disclose in writing any such
466 beneficial interest, and such disclosure shall be entered on the
467 minutes of the authority.

468 (4) The Lieutenant Governor may designate one (1) Senator
469 and the Speaker of the House of Representatives may designate one
470 (1) Representative to attend any meeting of the authority. The
471 appointing authorities may designate an alternate member from



472 their respective houses to serve when the regular designee is
473 unable to attend such meetings of the authority. Such legislative
474 designees shall have no jurisdiction or vote on any matter within
475 the jurisdiction of the authority. For attending meetings of the
476 authority, such legislators shall receive per diem and expenses
477 which shall be paid from the contingent expense funds of their
478 respective houses in the same amounts as provided for committee
479 meetings when the Legislature is not in session; however, no per
480 diem and expenses for attending meetings of the authority will be
481 paid while the Legislature is in session. No per diem and
482 expenses will be paid except for attending meetings of the
483 authority without prior approval of the proper committee in their
484 respective houses.

485 **SECTION 5.** Section 25-53-9, Mississippi Code of 1972, is
486 brought forward as follows:

487 25-53-9. The members of the authority shall be compensated
488 by a per diem as is authorized by Section 25-3-69 for each day
489 spent in actual discharge of their duties, and shall be reimbursed
490 for mileage and actual expenses incurred in the performance of
491 their duties as provided in Section 25-3-41. No authority member
492 may incur per diem, travel, or other expenses unless previously
493 authorized by vote at a meeting of the authority, which action
494 shall be recorded in the official minutes of said meeting.

495 **SECTION 6.** Section 25-53-11, Mississippi Code of 1972, is
496 brought forward as follows:



497 25-53-11. The authority shall meet regularly at a place
498 designated by it once each calendar month and shall meet at such
499 other times as may be set upon call of the chairman or a majority
500 of the members of the authority. At its first meeting, the
501 authority shall organize and elect a chairman and vice chairman
502 and, as soon as practicable thereafter, the authority shall adopt
503 such rules and regulations, not contrary to the provisions of this
504 chapter and the other laws of the State of Mississippi, as shall
505 be necessary and proper to govern its proceedings. The authority
506 may either elect a secretary from among its membership or delegate
507 the executive director or another employee of the authority as its
508 secretary.

509 **SECTION 7.** Section 25-53-13, Mississippi Code of 1972, is
510 brought forward as follows:

511 25-53-13. In order to have a quorum for a meeting of the
512 authority, at least three (3) members of the authority must be
513 present.

514 **SECTION 8.** Section 25-53-15, Mississippi Code of 1972, is
515 brought forward as follows:

516 25-53-15. Any member of the authority may have his vote on
517 any question before the authority recorded on the minutes thereof
518 at the time of the vote, and a member of the authority who votes
519 against an illegal or unauthorized expenditure of funds may not be
520 held liable therefor.



521 **SECTION 9.** Section 25-53-17, Mississippi Code of 1972, is
522 brought forward as follows:

523 25-53-17. The authority shall keep full, complete, and
524 permanent minutes and records of all its proceedings, including
525 the rules and regulations adopted by it, and said minutes shall be
526 signed by the chairman, or vice-chairman, and attested by the
527 secretary.

528 **SECTION 10.** Section 25-53-19, Mississippi Code of 1972, is
529 brought forward as follows:

530 25-53-19. The authority shall select an executive director,
531 with the advice and consent of the Senate, who shall be the
532 administrative officer of the authority and shall perform such
533 duties as are required of him by law and such other duties as may
534 be assigned him by the authority, and who shall receive such
535 compensation as may be fixed by the authority, subject to the
536 approval of the state personnel board. In addition, he shall be
537 entitled to remuneration for his necessary traveling expenses
538 consistent with general law.

539 The executive director shall be a graduate of an accredited
540 university with a degree in engineering, business administration,
541 electronic communications, information technology or a related
542 field, with at least ten (10) years' experience in information
543 technology, electronic communications, or a related field, of
544 which at least five (5) years shall be in a responsible high level
545 management position with a demonstrated record of management



546 expertise demonstrated through knowledge in the application of
547 information technology and electronic communications. The
548 qualifications for the executive director prescribed herein shall
549 not apply to the executive director serving on June 30, 1984.

550 The executive director shall have no vote in the decisions of
551 said authority, but shall offer such professional or technical
552 advice and assistance to the authority as may be required of him.
553 Said executive director, in order to qualify for his position,
554 shall be required to make a good and sufficient bond in some
555 surety company qualified and doing business in the State of
556 Mississippi, in the minimum penal sum of Fifty Thousand Dollars
557 (\$50,000.00) conditioned upon the faithful performance of his
558 duties as required by law and the directives of the authority.
559 The premium on said bond shall be paid from any funds available to
560 the authority for such purpose. Said executive director may be
561 removed at any time upon a majority vote of the membership of said
562 authority.

563 The executive director, with the approval of the authority,
564 shall employ such technical, professional, and clerical help as
565 may be authorized by the authority; and the authority, upon the
566 recommendation of the executive director, shall define the duties
567 and fix the compensation of such employees.

568 **SECTION 11.** Section 25-53-21, Mississippi Code of 1972, is
569 brought forward as follows:



570 25-53-21. The executive director shall have the following
571 duties, responsibilities and authority:

572 (a) He shall conduct continuing studies of all
573 information technology activities carried out by all agencies of
574 the state and shall develop a long-range plan for the efficient
575 and economical performance of such activities in state government.
576 Such plan shall be submitted to the authority for its approval
577 and, having been approved by the authority, shall be implemented
578 by the executive director and all state agencies. Such plan shall
579 be continuously reviewed and modifications thereof shall be
580 proposed to the authority by the executive director as
581 developments in information technology techniques and changes in
582 the structure, activities, and functions of state government may
583 require.

584 (b) He shall review the purchasing practices of all
585 state agencies in the area of the purchasing of supplies for
586 information technology and make recommendations to the authority
587 and to the Public Procurement Review Board for the institution of
588 purchasing procedures which will ensure the most economical
589 procurement of such supplies commensurate with the efficient
590 operation of all departments and agencies of state government.

591 (c) He shall see that all reports required of all
592 agencies are promptly and accurately made in accordance with the
593 rules and regulations adopted by the authority. Either in person
594 or through his authorized agents, he shall make such inspections



595 of information technology operations being conducted by any of the
596 agencies of the state as may be necessary for the performance of
597 his duties.

598 (d) He shall suggest and cause to be brought about
599 cooperation between the several state agencies in order to provide
600 efficiency in information technology operation. He shall,
601 together with the heads of the agencies involved, reduce to
602 writing and execute cooperative plans for the acquisition and
603 operation of information technology equipment, and any such plan
604 so adopted shall be carried out in accordance with the provisions
605 of such plan unless the same shall be amended by the joint action
606 of the executive director and the heads of agencies involved. The
607 executive director shall report to the authority the details of
608 any plan so adopted and all amendments or modifications thereof,
609 and shall otherwise report to the authority and to the Public
610 Procurement Review Board any failure on the part of any agency to
611 carry out the provisions of such plan. In the event the head of
612 any agency involved or the executive director shall propose
613 amendments to a plan so adopted and such amendment is disapproved
614 by the head of another agency involved or the executive director,
615 an appeal may be taken to the authority which may, after full
616 consideration thereof, order the adoption of the proposed
617 amendment or any modification thereof. The executive director
618 shall make decisions on all questions of the division of the cost
619 of information technology operations among the several agencies,



620 but his findings shall be subject to the approval or modification
621 by the authority on appeal to it.

622 (e) He shall review all contracts for acquisition of
623 computer and/or telecommunications equipment or services now or
624 hereafter in force and may require the renegotiation, termination,
625 amendment or execution of any such contracts in proper form and in
626 accordance with the policies and rules and regulations and subject
627 to the direction of the authority. In the negotiation and
628 execution of such contracts, the executive director may negotiate
629 a limitation on the liability to the state of prospective
630 contractors provided such limitation affords the state reasonable
631 protection and the limitation is approved by the state entity for
632 whom the acquisition is being made.

633 (f) He shall act as the purchasing and contracting
634 agent for the State of Mississippi in the negotiation and
635 execution of all contracts for the acquisition of computer
636 equipment or services. He shall receive, review, and promptly
637 approve or disapprove all requests of agencies of the state for
638 the acquisition of computer equipment or services, which are
639 submitted in accordance with rules and regulations of the
640 authority. In the event that any such request is disapproved, he
641 shall immediately notify the requesting agency and the members of
642 the authority in writing of such disapproval, stating his reasons
643 therefor. The disapproval of any request by the executive
644 director of the authority may be appealed to the authority or to



645 the Public Procurement Review Board, respectively, in such manner
646 as may be authorized by such reasonable rules and regulations
647 hereby authorized to be adopted by the authority and by the Public
648 Procurement Review Board to govern the same. The executive
649 director shall report the approval of all such requests to the
650 authority in such manner as may be directed by the authority, and
651 shall execute any such contracts only after complying with rules
652 and regulations which may be adopted by the authority in relation
653 thereto. Any contracts for personal or professional services
654 entered into by the executive director shall be exempted from the
655 requirements of Section 25-9-120(3) relating to submission of such
656 contract to the State Personal Service Contract Review Board.

657 (g) He shall suggest and cause to be brought about
658 cooperation between the several state agencies, departments and
659 institutions in order that work may be done by one agency for
660 another agency, and equipment in one agency may be made available
661 to another agency, and suggest and cause to be brought about such
662 improvements as may be necessary in joint or cooperative
663 information technology operations.

664 (h) He shall be designated as the "Chief Information
665 Confidentiality Officer" after being duly sworn to the oath of
666 this office by the chairman of the authority and shall be
667 responsible for administering the oath to other qualified officers
668 he may designate.



669 (i) He shall appoint employees of the Mississippi
670 Department of Information Technology Services, or at his
671 discretion, employees of other state agencies and institutions
672 that are responsible for handling or processing data for any
673 agency or institution other than that for which they are employed,
674 to a position of information custodial care that shall be known as
675 "Information Confidentiality Officer." The selection and swearing
676 of all officers shall be reported to the authority at the next
677 regular meeting and names, affirmation dates and employment dates
678 shall be recorded in the permanent minutes of the authority.

679 **SECTION 12.** Section 25-53-23, Mississippi Code of 1972, is
680 brought forward as follows:

681 25-53-23. The authority shall act upon all appeals of
682 decisions made by the executive director thereof and shall, upon
683 such appeals, approve or disapprove such administrative actions as
684 may be taken by him. The form of an appeal to the full authority
685 from an action or recommendation of the executive director thereof
686 shall be a written communication from the executive head of the
687 agency or agencies involved to the chairman of the authority,
688 stating the objection and a request to appear before the full
689 authority to present the case in point, on which appeal the
690 authority shall take such action as is indicated by the facts
691 presented to or made available to the authority.

692 **SECTION 13.** Section 25-53-25, Mississippi Code of 1972, is
693 brought forward as follows:



694 25-53-25. (1) Nothing in this chapter shall be construed to
695 imply exemption from the public purchases law, being Section
696 31-7-1 et seq.

697 (2) The authority may establish policies and procedures for
698 the purpose of delegating the bidding and contracting
699 responsibilities related to the procurement of computer equipment
700 or services to the purchasing agency. Such policies and
701 procedures must address the following issues:

702 (a) Establish categories of equipment or services
703 affected;

704 (b) Establish maximum unit and/or ceiling prices of
705 such procurements;

706 (c) Establish reporting, monitoring and control of such
707 procurements; and

708 (d) Establish other such rules and regulations as
709 necessary to fully implement the purposes of this section.

710 Nothing in this subsection shall be construed to imply exemption
711 from the public purchases law, being Section 31-7-1 et seq.

712 (3) Acquisitions of computer equipment and services by
713 institutions of higher learning or junior colleges wholly with
714 federal funds and not with state general funds shall be exempt
715 from the provisions of this chapter; however, nothing in this
716 subsection shall be construed to imply an exemption of such
717 acquisitions from the public purchases law, being Section 31-7-1
718 et seq.



719 (4) [Repealed]

720 **SECTION 14.** Section 25-53-29, Mississippi Code of 1972, is
721 brought forward as follows:

722 25-53-29. (1) For the purposes of this section the term
723 "bureau" shall mean the "Mississippi Department of Information
724 Technology Services." The authority shall have the following
725 powers and responsibilities to carry out the establishment of
726 policy and provide for long-range planning and consulting:

727 (a) Provide a high level of technical expertise for
728 agencies, institutions, political subdivisions and other
729 governmental entities as follows: planning; consulting; project
730 management; systems and performance review; system definition;
731 design; application programming; training; development and
732 documentation; implementation; maintenance; and other tasks as may
733 be required, within the resources available to the bureau.

734 (b) Publish written planning guides, policies and
735 procedures for use by agencies and institutions in planning future
736 electronic information service systems. The bureau may require
737 agencies and institutions to submit data, including periodic
738 electronic equipment inventory listings, information on agency
739 staffing, systems under study, planned applications for the
740 future, and other information needed for the purposes of preparing
741 the state master plan. The bureau may require agencies and
742 institutions to submit any additional data required for purposes
743 of preparing the state master plan.



744 (c) Inspect agency facilities and equipment, interview
745 agency employees and review records at any time deemed necessary
746 by the bureau for the purpose of identifying cost-effective
747 applications of electronic information technology. Upon
748 conclusion of any inspection, the bureau shall issue a management
749 letter containing cost estimates and recommendations to the agency
750 head and governing board concerning applications identified that
751 would result in staff reductions, other monetary savings and
752 improved delivery of public services.

753 (d) Conduct classroom and on-site training for end
754 users for applications and systems developed by the bureau.

755 (e) Provide consulting services to agencies and
756 institutions or Mississippi governmental subdivisions requesting
757 technical assistance in electronic information services technology
758 applications and systems. The bureau may submit proposals and
759 enter into contracts to provide services to agencies and
760 institutions or governmental subdivisions for such purposes.

761 (2) The bureau shall annually issue a three-year master plan
762 in writing to the Governor, available on request to any member of
763 the Legislature, including recommended statewide strategies and
764 goals for the effective and efficient use of information
765 technology and services in state government. The report shall
766 also include recommended information policy actions and other
767 recommendations for consideration by the Governor and members of
768 the Legislature.



769 (3) The bureau shall make an annual report in writing to the
770 Governor, available on request to any member of the Legislature,
771 to include a full and detailed account of the work of the
772 authority for the preceding year. The report shall contain
773 recommendations to agencies and institutions resulting from
774 inspections or consulting contracts. The report shall also
775 contain a summary of the master plan, progress made, and
776 legislative and policy recommendations for consideration by the
777 Governor and members of the Legislature.

778 (4) The bureau may charge fees to agencies and institutions
779 for services rendered to them. The bureau may charge fees to
780 vendors to recover the cost of providing procurement services and
781 the delivery of procurement awards to public bodies. The amounts
782 of such fees shall be set by the authority upon recommendation of
783 the Executive Director of the MDITS, and all such fees collected
784 shall be paid into the fund established for carrying out the
785 purposes of this section.

786 (5) It is the intention of the Legislature that the
787 employees of the bureau performing services defined by this
788 section be staffed by highly qualified persons possessing
789 technical, consulting and programming expertise. Such employees
790 shall be considered nonstate service employees as defined in
791 Section 25-9-107(c) (x) and may be compensated at a rate comparable
792 to the prevailing rate of individuals in qualified professional
793 consulting firms in the private sector. Such compensation rates



794 shall be determined by the State Personnel Director. The number
795 of such positions shall be set by annual appropriation of the
796 Legislature. Qualifications and compensation of the bureau
797 employees shall be set by the State Personnel Board upon
798 recommendation of the Executive Director of the MDITS. The total
799 number of positions and classification of positions may be
800 increased or decreased during a fiscal year depending upon work
801 load and availability of funds.

802 (6) The bureau may, from time to time, at the discretion of
803 the Executive Director of the MDITS, contract with firms or
804 qualified individuals to be used to augment the bureau's
805 professional staff in order to assure timely completion and
806 implementation of assigned tasks, provided that funds are
807 available in the fund established for carrying out the purposes of
808 this section. Such individuals may be employees of any agency,
809 bureau or institution provided that these individuals or firms
810 meet the requirements of other individuals or firms doing business
811 with the state through the Mississippi Department of Information
812 Technology Services. Individuals who are employees of an agency
813 or institution may contract with the Mississippi Department of
814 Information Technology Services only with the concurrence of the
815 agency or institution for whom they are employed.

816 From and after July 1, 2018, the expenses of this agency
817 shall be defrayed by appropriation from the State General Fund.
818 In addition, in order to receive the maximum use and benefit from



819 information technology and services, expenses for the provision of
820 statewide shared services that facilitate cost-effective
821 information processing and telecommunication solutions shall be
822 defrayed by pass-through funding and shall be deposited into the
823 Mississippi Department of Information Technology Services
824 Revolving Fund unless otherwise specified by the Legislature.
825 These funds shall only be utilized to pay the actual costs
826 incurred by the Mississippi Department of Information Technology
827 Services for providing these shared services to state agencies.
828 Furthermore, state agencies shall work in full cooperation with
829 the Board of the Mississippi Department of Information Technology
830 Services (MDITS) to identify computer equipment or services to
831 minimize duplication, reduce costs, and improve the efficiency of
832 providing common technology services across agency boundaries.

833 **SECTION 15.** Section 25-53-51, Mississippi Code of 1972, is
834 brought forward as follows:

835 25-53-51. (1) To qualify for the position of information
836 confidentiality officer a person must:

837 (a) Be an employee of a state agency or institution in
838 a position such that his duties require him to handle or process
839 or supervise the handling or processing of data in conjunction
840 with the use of automated information technology equipment for an
841 agency or institution other than that for whom he is regularly
842 employed.



843 (b) Have been continuously employed for a period of at
844 least one hundred eighty (180) days by such agency or institution
845 or have successfully been cleared for employment through an
846 investigation that shall consist of a determination as to good
847 moral character and that the prospective employee has not been
848 convicted of a felony. In order to determine the applicant's
849 suitability for employment at the Mississippi Department of
850 Information Technology Services, the applicant shall be
851 fingerprinted. If no disqualifying record is identified at the
852 state level, the fingerprints shall be forwarded by the
853 Mississippi Department of Public Safety to the Federal Bureau of
854 Investigation for a national criminal history record check. A
855 prospective employee may be provisionally employed based on a
856 reference check by the employing agency pending final receipt of
857 the results of a national criminal history record check for a
858 period not to exceed one hundred eighty (180) days.

859 (c) Successfully complete a suitable instructional
860 course on the subjects of information security, privacy and
861 confidentiality and protection, to be developed and taught under
862 the supervision of the executive director. An employee may work
863 in a provisional capacity under the direct supervision of an
864 information confidentiality officer as part of an on-the-job
865 training program while completing instructional requirements, for
866 a period not to exceed ninety (90) days.



867 (d) Be duly sworn to the following oath: "I, _____,
868 do solemnly swear to protect and uphold the confidentiality of all
869 information that may come to my knowledge that is designated as
870 'confidential information' by another state agency or institution
871 for which I may handle or process in the normal course of my
872 duties. I swear to exercise reasonable care in the handling and
873 processing of all such designated data and further that I will not
874 reveal or otherwise divulge information from such data obtained.
875 I understand that proven violation of this oath will subject me to
876 forfeiture of my bond and dismissal from employment."

877 (2) In order to maintain appropriate liability insurance
878 necessary to cover damages for any nonmalicious act, the
879 Department of Information Technology Services will work in
880 conjunction with the Tort Claims Board.

881 (3) In order to clear vendors, such as maintenance
882 personnel, security personnel, cleaning personnel, contractors and
883 other vendors with a valid need to gain access into the State Data
884 Centers and campus, the department shall determine these
885 individuals have not been convicted of a felony through a
886 fingerprint-based criminal history background check. If no
887 disqualifying record is identified at the state level, the
888 fingerprints shall be forwarded by the Department of Public Safety
889 to the Federal Bureau of Investigation for a national criminal
890 history record check.



891 **SECTION 16.** Section 25-53-53, Mississippi Code of 1972, is
892 brought forward as follows:

893 25-53-53. Information and data shall be considered public
894 record information and data and receive normal handling and
895 processing unless designated as "confidential information" by the
896 agency and institution originating the data. Information and data
897 designated as "confidential information" will receive special
898 handling based on procedures agreed to by the executive director
899 and the agency or institution head and shall be handled in
900 accordance with the oath subscribed to by the confidentiality
901 officer.

902 **SECTION 17.** Section 25-53-55, Mississippi Code of 1972, is
903 brought forward as follows:

904 25-53-55. Upon written complaint of any person claiming to
905 be adversely affected by disclosure of confidential information by
906 any information confidentiality officer, the director shall give
907 notice to the information confidentiality officer of the fact that
908 such complaint has been filed and shall give such notice to the
909 Chairman of the Mississippi Department of Information Technology
910 Services, who shall call a meeting of the members of the authority
911 for the purpose of hearing such complaint. The authority shall
912 then conduct an investigation into the matter and shall afford to
913 the complaining party and the information confidentiality officer
914 a hearing, of which reasonable notice shall be given. For
915 purposes of such hearing, the authority, under signature of the



916 secretary of the authority attested by the chairman, shall have
917 the power to subpoena witnesses and documentary or other evidence.
918 After such hearing, if the authority, based upon substantial
919 evidence, shall find that the information confidentiality officer
920 has disclosed confidential information in violation of his oath,
921 the authority shall enter such finding of fact on its minutes and
922 the information confidentiality officer shall be immediately
923 discharged from employment. If the authority shall find that such
924 oath has not been violated, it shall, likewise, enter such finding
925 on its minutes and the complaint shall be dismissed. The finding
926 of the authority shall be prima facie evidence of the truth
927 thereof in any judicial procedure seeking forfeiture of the bond
928 of such information confidentiality officer.

929 **SECTION 18.** Section 25-53-57, Mississippi Code of 1972, is
930 brought forward as follows:

931 25-53-57. An information confidentiality officer shall be
932 considered a legal agent of the agency or institution and for the
933 purposes of Sections 25-53-51 through 25-53-59 shall be considered
934 to be an employee of the agency or institution for which he may be
935 processing data at that particular time.

936 **SECTION 19.** Section 25-53-59, Mississippi Code of 1972, is
937 brought forward as follows:

938 25-53-59. Any information confidentiality officer who shall
939 intentionally and willfully violate his oath by releasing or
940 divulging confidential information without proper authority shall



941 be guilty of a misdemeanor and sentenced to not exceeding one (1)
942 year in jail or a fine of not exceeding One Thousand Dollars
943 (\$1,000.00), or both.

944 **SECTION 20.** Section 25-53-101, Mississippi Code of 1972, is
945 brought forward as follows:

946 25-53-101. The Legislature hereby declares it essential to
947 the creation and maintenance of an efficient, modern, economically
948 feasible, telecommunications system that there should be full
949 cooperation and cohesive planning and effort by and between the
950 several state agencies and that it is the responsibility of the
951 said Legislature to provide statutory authority therefor. The
952 Legislature, therefore, declares and determines that the
953 responsibility for these and other related purposes shall be
954 vested in the Mississippi Department of Information Technology
955 Services.

956 **SECTION 21.** Section 25-53-105, Mississippi Code of 1972, is
957 brought forward as follows:

958 25-53-105. The Mississippi Department of Information
959 Technology Services shall administer the provisions of Sections
960 25-53-109 through 25-53-125. The purposes and aims of the
961 Mississippi Department of Information Technology Services in
962 carrying out said provisions shall be to coordinate and promote
963 efficiency in the acquisition, operation and maintenance of all
964 telecommunications systems and networks being used by agencies of
965 the state and further to coordinate the compatibility of systems



966 and networks to the state with those of governing authorities so
967 as to promote a uniform, compatible telecommunications system for
968 agencies and governing authorities.

969 **SECTION 22.** Section 25-53-107, Mississippi Code of 1972, is
970 brought forward as follows:

971 25-53-107. (1) The Mississippi Department of Information
972 Technology Services shall promulgate rules and regulations
973 governing the manner in which the authority and duties prescribed
974 by Sections 25-53-101 through 25-53-125 shall be carried out. It
975 shall employ competent personnel necessary to carry out its
976 purposes, under rules promulgated by the State Personnel Board.

977 (2) The bureau, during a fiscal year, may utilize
978 time-limited escalated positions in order to implement
979 telecommunications enterprise decisions that yield cost avoidance,
980 cost reductions or revenue increases and so long as the
981 Mississippi Department of Information Technology Services can
982 provide the necessary funds without such action causing a
983 telephone service rate increase to agency customers. Such
984 employees of the bureau shall be considered nonstate service
985 employees, shall be highly qualified telecommunications
986 professionals and may be compensated at a rate comparable to the
987 prevailing rate of telecommunications personnel in the private
988 sector. Such compensation rates shall be determined by the State
989 Personnel Director. The number of such positions shall be set by
990 annual appropriation legislation. The compensation and



991 classification of such positions and qualifications of employees
992 shall be set by the State Personnel Board upon recommendation by
993 the Executive Director of the Mississippi Department of
994 Information Technology Services. Nonstate service positions can
995 be recommended for conversion to permanent state service on a case
996 by case basis if the supported function appears long-term in
997 duration, if accomplished in accordance with State Personnel Board
998 procedures, and if properly identified in the state budgetary
999 process.

1000 **SECTION 23.** Section 25-53-109, Mississippi Code of 1972, is
1001 brought forward as follows:

1002 25-53-109. The bureau is hereby authorized and empowered to
1003 exercise such duties and powers necessary to effectuate the
1004 purposes of Sections 25-53-101 through 25-53-125 including the
1005 following:

1006 (a) Form an advisory council made up of persons with
1007 expertise, and experience in the field of telecommunications for
1008 the purpose of setting goals, establishing long-range plans and
1009 policies and to oversee and assist in the procurement activities
1010 regarding telecommunications equipment and services;

1011 (b) Provide more effective management of state
1012 telecommunications resources and implement long-range plans and
1013 procurement;

1014 (c) Manage, plan and coordinate all telecommunications
1015 systems under the jurisdiction of the state. This centralized



1016 management function would be provided throughout the following
1017 activities:

1018 (i) Administration of existing systems including
1019 coordination of activities, vendors, service orders and
1020 billing/record-keeping functions;

1021 (ii) Planning of new systems or services;

1022 (iii) Design of replacement systems;

1023 (iv) Project management during specification
1024 writing, bid letting, proposal evaluation and contract
1025 negotiations;

1026 (v) Implementation supervision of new systems and
1027 ongoing support;

1028 (vi) Implementation of long-term state plans; and

1029 (vii) Management of intra-LATA and inter-LATA
1030 networks.

1031 **SECTION 24.** Section 25-53-111, Mississippi Code of 1972, is
1032 brought forward as follows:

1033 25-53-111. The bureau shall have the following additional
1034 duties:

1035 (a) To establish and coordinate through either state
1036 ownership or commercial leasing, all telecommunications systems
1037 and services affecting the management and operations of the state.

1038 (b) To act as the sole centralized customer for the
1039 acquisition, billing and record keeping of all telecommunications



1040 systems or services provided to state agencies whether obtained
1041 through lease or purchase.

1042 (c) To charge respective user agencies for their
1043 proportionate cost of the installation, maintenance and operation
1044 of the telecommunications systems and services, including the
1045 operation of the bureau.

1046 (d) To offer or provide transmission, switch and
1047 network services on a reimbursable basis to agencies financed
1048 entirely by federal funds, to governing authorities and to other
1049 governmental agencies.

1050 (e) To approve or provide state telephone services on a
1051 reimbursable basis to full-time students at state institutions of
1052 higher learning and junior colleges, including where such services
1053 are provided by the state or the institution.

1054 (f) To develop coordinated telecommunications systems
1055 or services within and among all state agencies and require, where
1056 appropriate, cooperative utilization of telecommunications
1057 equipment and services by aggregating users. Where such
1058 cooperative utilization of telecommunications system or service
1059 would affect an agency authorized to receive information from the
1060 National Crime Information Center of the Federal Bureau of
1061 Investigation, such plans for cooperative utilization shall first
1062 be approved by the National Crime Information Center before
1063 implementation of such telecommunications systems or service can
1064 proceed.



1065 (g) To review, coordinate, approve or disapprove all
1066 requests by state agencies for the procurement, through purchase
1067 or contract for lease of telecommunications systems or services
1068 including telecommunication proposals, studies and consultation
1069 contracts and intra-LATA and inter-LATA transmission channels.

1070 (h) To establish and define telecommunications systems
1071 and services specifications and designs so as to assure
1072 compatibility of telecommunications systems and services within
1073 state government and governing authorities.

1074 (i) To provide a continuous, comprehensive analysis and
1075 inventory of telecommunications costs, facilities and systems
1076 within state government.

1077 (j) To promote, coordinate or assist in the design and
1078 engineering of emergency telecommunications systems, including but
1079 not limited to "911" service, emergency medical services and other
1080 emergency telecommunications services.

1081 (k) To advise and provide consultation to agencies and
1082 governing authorities with respect to telecommunications
1083 management planning and related matters and to provide training to
1084 users within state government in telecommunications technology and
1085 system use.

1086 (l) To develop policies, procedures and long-range
1087 plans, consistent with the protection of citizens' rights to
1088 privacy and access to information, for the acquisition and use of
1089 telecommunications systems, and to base such policies on current



1090 information about state telecommunications activities in relation
1091 to the full range of emerging technologies.

1092 Any state agency requesting an increase in expenditure of
1093 funds for new telecommunications equipment systems or services
1094 shall submit to the Legislative Budget Office with its budget
1095 request preceding the fiscal year for which funding is requested
1096 detailed justification for such request. The justification shall
1097 be provided on forms developed by the bureau in accordance with
1098 the Administrative Procedure Act. In addition, all state agencies
1099 shall submit to the bureau, when requested, a long-range plan for
1100 use of telecommunications equipment, systems and services.

1101 **SECTION 25.** Section 25-53-113, Mississippi Code of 1972, is
1102 brought forward as follows:

1103 25-53-113. Each and every agency of the state shall give
1104 full cooperation to the bureau in furnishing all information of
1105 any kind as it pertains to telecommunications.

1106 **SECTION 26.** Section 25-53-115, Mississippi Code of 1972, is
1107 brought forward as follows:

1108 25-53-115. No agency shall rent, lease, lease/purchase,
1109 purchase or in any way own or pay for the operation of any
1110 telecommunications system out of any funds available for the use
1111 by that agency without the written approval of the bureau.

1112 **SECTION 27.** Section 25-53-117, Mississippi Code of 1972, is
1113 brought forward as follows:



1114 25-53-117. No agency shall be permitted to obligate the
1115 state to any vendor source for a telecommunications system of any
1116 kind. All transactions dealing with a telecommunications system
1117 shall be conducted through the bureau, and any vendor found in
1118 violation of this policy may be prohibited from bidding on such
1119 systems for a period of time commensurate with the severity of the
1120 violation. Provided, however, that this period shall not exceed
1121 twenty-four (24) months.

1122 **SECTION 28.** Section 25-53-119, Mississippi Code of 1972, is
1123 brought forward as follows:

1124 25-53-119. The bureau shall, subject to the provisions of
1125 Sections 25-53-101 through 25-53-125, have sole authority and
1126 responsibility for defining the specific telecommunications
1127 equipment, systems and related services to which the provisions of
1128 Sections 25-53-101 through 25-53-125 shall be applicable.
1129 However, the provisions of Sections 25-53-101 through 25-53-125
1130 shall not be applicable with respect to computer and
1131 telecommunications equipment, systems and related services that
1132 are only available from a sole source.

1133 **SECTION 29.** Section 25-53-121, Mississippi Code of 1972, is
1134 brought forward as follows:

1135 25-53-121. (1) The types of contracts permitted in the
1136 procurement of telecommunications equipment, systems and related
1137 services are defined herein, and the provisions in Sections



1138 25-53-101 through 25-53-125 supplement the provisions of Chapter
1139 7, Title 31, Mississippi Code of 1972.

1140 (2) The Mississippi Department of Information Technology
1141 Services may, on behalf of any state agency, enter into an
1142 equipment support contract with a vendor of telecommunications
1143 equipment or services for the purchase or lease of such equipment
1144 or services in accordance with the following provisions:

1145 (a) Specifications for equipment support contracts
1146 shall be developed in advance and shall conform to the following
1147 requirements:

1148 (i) Specifications for equipment support contracts
1149 shall cover a specific class or classes of equipment and service
1150 and may include all features associated with that class or
1151 classes.

1152 (ii) Specifications in the request for proposals
1153 for equipment support contracts shall be developed by the
1154 Mississippi Department of Information Technology Services.

1155 (iii) Specifications shall be based on the
1156 projected needs of user agencies.

1157 (iv) Specifications for equipment support
1158 contracts for purchase or lease of telecommunications equipment
1159 may include specifications for the maintenance of the equipment
1160 desired.

1161 (b) The initial procurement of an equipment support
1162 contract, and procurement of equipment and services to be utilized



1163 by agencies under an equipment support contract, shall be as
1164 follows:

1165 (i) Equipment support contracts shall be awarded
1166 by competitive sealed bidding.

1167 (ii) A using agency may procure required
1168 telecommunications equipment and service available under an
1169 equipment support contract through release of a purchase order for
1170 the required equipment and service to the vendor holding an
1171 equipment support contract. However, such procurement by purchase
1172 order shall be accomplished in accordance with the procedures and
1173 regulations prescribed by the Mississippi Department of
1174 Information Technology Services, and shall be subject to all other
1175 statutory requirements including approval by the bureau.

1176 (c) The final authority for entering into equipment
1177 support contracts shall rest with the bureau, and such contracts
1178 shall be executed by the Mississippi Department of Information
1179 Technology Services in accordance with the procedures and
1180 regulations defined by said authority.

1181 (d) Equipment support contracts shall include the
1182 following terms and conditions:

1183 (i) Equipment support contracts shall be valid for
1184 not more than one (1) fiscal year with the Mississippi Department
1185 of Information Technology Services having an option to renew for
1186 two (2) additional fiscal years. The vendor may vary lease or
1187 purchase prices for the optional renewal period(s) by an amount



1188 equal to the lesser of the lease or purchase price permitted by
1189 that vendor's contract with the General Services Administration of
1190 the United States government for such equipment and services, or
1191 any variance in that vendor's published list prices for such
1192 equipment and services during that fiscal year, provided that any
1193 increase may not exceed five percent (5%) and the variance must
1194 have been authorized by the initial equipment and service order
1195 contract.

1196 (ii) The prices stated in such contract shall not
1197 change for the period of the contract.

1198 (iii) Individual items of telecommunications
1199 equipment and service which may be included under an equipment
1200 support contract may not have a purchase price greater than Fifty
1201 Thousand Dollars (\$50,000.00) or a monthly lease price greater
1202 than Three Thousand Dollars (\$3,000.00). Such price shall not
1203 include costs of maintenance, taxes or transportation.

1204 (iv) Equipment support contracts shall include the
1205 following annual appropriation dependency clause:

1206 "The continuation of this contract is contingent upon the
1207 appropriation of funds to fulfill the requirements of the contract
1208 by the Legislature. If the Legislature fails to appropriate
1209 sufficient monies to provide for the continuance of the contract,
1210 the contract shall terminate on the date of the beginning of the
1211 first fiscal year for which funds are not appropriated."



1212 (3) The Mississippi Department of Information Technology
1213 Services may on behalf of any state agency enter into contracts
1214 for the lease or purchase of telecommunications equipment systems
1215 or services in accordance with the following provisions:

1216 (a) The bureau may directly contract for or approve
1217 contracts for regulated or tariffed telecommunications services
1218 upon determination by the bureau that the application of such
1219 service is in the best interests of the State of Mississippi.

1220 (b) All other contracts of this type shall be entered
1221 into through request for proposals as defined in Sections
1222 25-53-101 through 25-53-125.

1223 (c) The justification of such contracts must be
1224 presented to the bureau prior to issuance of a request for
1225 proposals. Such justification shall identify and consider all
1226 cost factors relevant to that contract.

1227 (d) The term of a lease contract shall not exceed sixty
1228 (60) months for a system lease valued less than One Million
1229 Dollars (\$1,000,000.00) and shall not exceed one hundred twenty
1230 (120) months for a system lease valued One Million Dollars
1231 (\$1,000,000.00) or more.

1232 (e) All lease contracts must contain the following
1233 annual appropriation dependency clause:

1234 "The continuation of this contract is contingent upon the
1235 appropriation of funds to fulfill the requirements of the contract
1236 by the Legislature. If the Legislature fails to appropriate



1237 sufficient monies to provide for the continuation of a contract,
1238 the contract shall terminate on the date of the beginning of the
1239 first fiscal year for which funds are not appropriated."

1240 (f) The Mississippi Department of Information
1241 Technology Services shall maintain a list of all such contracts.
1242 This list shall show as a minimum the name of the vendor, the
1243 annual cost of each contract and the term of the contract or the
1244 purchase cost.

1245 (g) Upon the advance written approval of the bureau,
1246 state agencies may extend contracts for the lease of
1247 telecommunications equipment, systems and related services on a
1248 month-to-month basis for a period not to extend more than one (1)
1249 calendar year for the stated lease prices.

1250 **SECTION 30.** Section 25-53-123, Mississippi Code of 1972, is
1251 brought forward as follows:

1252 25-53-123. (1) The only method of procurement permitted for
1253 the acquisition of nonregulated telecommunications systems,
1254 including equipment and related services, shall be in conformity
1255 with the following requirements: All acquisitions of
1256 telecommunications equipment, systems and related services
1257 involving the expenditures of funds in excess of the dollar amount
1258 established in Section 31-7-13(c), or rentals or leases in excess
1259 of the dollar amount established in Section 31-7-13(c), for the
1260 term of the contract, shall be based upon competitive and open
1261 specifications, and contracts therefor shall be entered into only



1262 after advertisements for bids are published in one or more daily
1263 newspapers having a general circulation in the state not less than
1264 fourteen (14) days prior to receiving sealed bids therefor. The
1265 authority may reserve the right to reject any or all bids, and if
1266 all bids are rejected, the authority may negotiate a contract
1267 within the limitations of the specifications so long as the terms
1268 of any such negotiated contract are equal to or better than the
1269 comparable terms submitted by the lowest and best bidder, and so
1270 long as the total cost to the State of Mississippi does not exceed
1271 the lowest bid. If the authority accepts one (1) of such bids, it
1272 shall be that which is the lowest and best.

1273 (2) When applicable, the bureau may procure equipment,
1274 systems and related services in accordance with the law or
1275 regulations, or both, which govern the Bureau of Purchasing of the
1276 Governor's Office of General Services or which govern the
1277 Mississippi Department of Information Technology Services
1278 procurement of computer equipment, software and services.

1279 **SECTION 31.** Section 25-53-125, Mississippi Code of 1972, is
1280 brought forward as follows:

1281 25-53-125. The following general provisions shall apply to
1282 all procurements under Sections 25-53-101 through 25-53-125:

1283 (a) No contracts entered into hereunder shall have an
1284 initial effective date earlier than the date on which such
1285 contract receives approval as required herein.



1286 (b) All changes, modifications and amendments to any
1287 contract hereunder shall be approved in advance by the bureau, in
1288 addition to any other approvals required by law.

1289 (c) The bureau shall promulgate rules and regulations
1290 in accordance with the Administrative Procedure Act, Section
1291 25-43-1 et seq., Mississippi Code of 1972, for the establishment
1292 of contract format.

1293 (d) Where written proposals or bids are submitted by
1294 vendors, the proposal or bid of the successful vendor shall be
1295 incorporated into the final contract consummated with that vendor.

1296 (e) The provisions of Sections 25-53-101 through
1297 25-53-125 shall, with respect to the procurement of
1298 telecommunications equipment, systems or related services,
1299 supersede specifications of any contradictory or conflicting
1300 provisions of Chapter 7, Title 31, Mississippi Code of 1972, and
1301 other laws with respect to awarding public contracts.

1302 **SECTION 32.** Section 25-53-151, Mississippi Code of 1972, is
1303 brought forward as follows:

1304 25-53-151. (1) There is established in the State Treasury
1305 the "Electronic Government Services Fund," into which shall be
1306 deposited specific funds appropriated by the Legislature for
1307 developing and providing electronic government services within the
1308 State of Mississippi. Any funds in the Electronic Government
1309 Services Fund at the end of a fiscal year shall not lapse into the
1310 State General Fund, but shall be available for expenditure in the



1311 subsequent fiscal year. The funds in the Electronic Government
1312 Fund shall be available for expenditure pursuant to specific
1313 appropriation by the Legislature beginning in fiscal year 2002, to
1314 the Mississippi Department of Information Technology Services.

1315 (2) There is hereby established an Electronic Government
1316 Oversight Committee to oversee the implementation of E-Government
1317 and related technology initiatives. Duties of this committee
1318 would include: (a) prioritize and make recommendations for all
1319 electronic government services, in order to cut across state and
1320 local governmental organizational structures; (b) address policy
1321 issues such as privacy, security, transaction fees and
1322 accessibility; (c) review ongoing fiscal and operational
1323 management and support of portal; (d) provide a mechanism for
1324 gathering input from citizens, businesses and government entities;
1325 (e) encourage self-service models for citizens through state
1326 websites and other electronic services; and (f) promote economic
1327 development and efficient delivery of government services by
1328 encouraging governmental and private sector entities to conduct
1329 their business and transactions using electronic media. The
1330 Electronic Government Oversight Committee shall be composed of the
1331 following: (a) the Executive Director of the Mississippi
1332 Department of Information Technology Services, or his designee;
1333 (b) the State Auditor, or his designee; (c) the State Treasurer,
1334 or his designee; (d) the Secretary of State, or his designee; (e)
1335 the Executive Director of the Department of Finance and



1336 Administration, or his designee; (f) the Commissioner of Public
1337 Safety, or his designee; (g) the Commissioner of Revenue, or his
1338 designee. The committee shall annually elect one (1) member to
1339 serve as chairman and one (1) member to serve as vice chairman,
1340 who shall act as chairman in the absence of the chairman. The
1341 committee shall meet monthly or upon the call of the chairman, and
1342 shall make necessary reports and recommendations to the
1343 Legislature and the appropriate agencies of state government. All
1344 agencies of state government shall cooperate with the committee in
1345 providing requested information, shall work closely with and
1346 provide information to the committee and shall report to the
1347 committee at its request. The Mississippi Department of
1348 Information Technology Services shall provide administrative
1349 support for the committee. Nonlegislative members of the
1350 committee shall serve without compensation.

1351 (3) The Electronic Government Oversight Committee shall
1352 advise and provide direction to the Department of Finance and
1353 Administration to develop a procurement portal that will enable
1354 potential vendors of goods and services to access relevant and
1355 necessary information related to the sale of the following types
1356 of goods and services to the State of Mississippi and its
1357 agencies:

1358 (a) Commodities, as defined by Section 31-7-1;

1359 (b) Contract personnel, as defined by Sections 25-9-107
1360 and 25-9-120; and



1361 (c) Computer equipment and services, as defined by
1362 Section 25-53-3.

1363 (4) The procurement portal provided for in subsection (3)
1364 must provide potential vendors with the following:

1365 (a) A searchable database of business procurement
1366 opportunities with the state which includes a breakdown by product
1367 or service and by the organization seeking the product or service;

1368 (b) Listings of the published date and closing date for
1369 each business procurement opportunity;

1370 (c) A "Frequently Asked Questions" section regarding
1371 doing business with the respective agencies;

1372 (d) A breakdown of "Frequently Asked Questions"
1373 regarding the selection process with the respective agencies;

1374 (e) An open-air forum for questions and answers
1375 relating to the procurement process, in general, as well as
1376 specifically relating to a single contract; and

1377 (f) Links to individual agency websites and contacts to
1378 enable potential vendors to obtain more specific information, if
1379 necessary.

1380 (5) The procurement portal must be linked to the
1381 Transparency Mississippi website established in accordance with
1382 Sections 27-104-151 through 27-104-163. The Mississippi
1383 Department of Information Technology Services shall develop and
1384 maintain a link to the procurement portal from the state website.



1385 From and after July 1, 2018, the expenses of this agency
1386 shall be defrayed by appropriation from the State General Fund.
1387 In addition, in order to receive the maximum use and benefit from
1388 information technology and services, expenses for the provision of
1389 statewide shared services that facilitate cost-effective
1390 information processing and telecommunication solutions shall be
1391 defrayed by pass-through funding and shall be deposited into the
1392 Mississippi Department of Information Technology Services
1393 Revolving Fund unless otherwise specified by the Legislature.
1394 These funds shall only be utilized to pay the actual costs
1395 incurred by the Mississippi Department of Information Technology
1396 Services for providing these shared services to state agencies.
1397 Furthermore, state agencies shall work in full cooperation with
1398 the Board of the Mississippi Department of Information Technology
1399 Services (MDITS) to identify computer equipment or services to
1400 minimize duplication, reduce costs, and improve the efficiency of
1401 providing common technology services across agency boundaries.

1402 **SECTION 33.** Section 25-53-171, Mississippi Code of 1972, is
1403 brought forward as follows:

1404 25-53-171. (1) There is hereby created the Wireless
1405 Communication Commission, which shall be responsible for promoting
1406 the efficient use of public resources to ensure that law
1407 enforcement personnel and essential public health and safety
1408 personnel have effective communications services available in
1409 emergency situations, and to ensure the rapid restoration of such



1410 communications services in the event of disruption caused by
1411 natural disaster, terrorist attack or other public emergency.

1412 (2) The Wireless Communication Commission, hereafter
1413 referred to as the "commission," shall consist of the following:

1414 (a) The Executive Director of the Department of
1415 Transportation or his designee;

1416 (b) The Commissioner of Public Safety or his designee;

1417 (c) The Executive Director of the Department of Public
1418 Health or his designee;

1419 (d) The Executive Director of the Department of
1420 Information Technology Services or his designee;

1421 (e) The Executive Director of the Mississippi Emergency
1422 Management Agency or his designee;

1423 (f) The Executive Director of the Mississippi Office of
1424 Homeland Security or his designee;

1425 (g) The President of the Mississippi Sheriffs'
1426 Association or his designee;

1427 (h) The President of the Mississippi Association of
1428 Supervisors or his designee;

1429 (i) The President of the Mississippi Municipal
1430 Association or his designee;

1431 (j) The President of the Mississippi Association of
1432 Fire Chiefs or his designee;

1433 (k) The President of the Mississippi Association of
1434 Police Chiefs or his designee;



1435 (1) The Chief of the Mississippi Highway Safety Patrol
1436 or his designee;

1437 (m) The Commissioner of the Department of Corrections
1438 or his designee;

1439 (n) The Adjutant General of the Mississippi National
1440 Guard or his designee;

1441 (o) The Executive Director of the Mississippi
1442 Department of Environmental Quality or his designee; and

1443 (p) The Executive Director of Wildlife, Fisheries and
1444 Parks or his designee.

1445 All members of the commission shall serve a term of not less
1446 than four (4) years.

1447 (3) Within forty-five (45) days from April 21, 2005, the
1448 Executive Director of the Department of Information Technology
1449 Services shall call a meeting of the commission in the City of
1450 Jackson, Mississippi, and organize by electing a chairman and
1451 other officers from its membership. The commission shall adopt
1452 rules which govern the time and place for meetings and governing
1453 the manner of conducting its business. The commission shall meet
1454 at least monthly and maintain minutes of such meetings. A quorum
1455 shall consist of a majority of the membership of the commission.

1456 (4) The commission, in conjunction with the Department of
1457 Information Technology Services, shall have the sole authority to
1458 promulgate rules and regulations governing the operations of the
1459 wireless communications system described in paragraph (a) and



1460 shall be vested with all legal authority necessary and proper to
1461 perform this function including, but not limited to:

1462 (a) Purchasing, leasing, acquiring and otherwise
1463 implementing a statewide wireless communications system to serve
1464 wireless users in state and local governments and those private
1465 entities that enter into a partnership with the commission. All
1466 purchases shall be made in accordance with public purchasing laws
1467 and, if required, shall be approved by the Department of
1468 Information Technology Services. This system shall enable
1469 interoperability between various wireless communications
1470 technologies.

1471 (b) Ensuring that federal/state communications
1472 requirements are followed with respect to such wireless
1473 communications systems.

1474 (c) Providing system planning with all public safety
1475 communications systems.

1476 (d) Assisting with establishment of state and local
1477 wireless communications.

1478 (e) In consultation with the Department of Information
1479 Technology Services, having the authority to permit state and
1480 local agencies use of the communications system under the terms
1481 and conditions established by the commission.

1482 (f) Providing technical support to users and bearing
1483 the overall responsibility for the design, engineering,
1484 acquisition and implementation of the statewide communications



1485 system and for ensuring the proper operation and maintenance of
1486 all equipment common to the system.

1487 (g) Seeking proposals for services through competitive
1488 processes where required by law and selecting service providers
1489 under procedures provided for by law.

1490 (h) Establishing, in conjunction with the Department of
1491 Information Technology Services, policies, procedures and
1492 standards which shall be incorporated into a comprehensive
1493 management plan for the operation of the statewide communications
1494 system.

1495 (i) Having sign-off approval on all wireless
1496 communications systems within the state which are owned or
1497 operated by any state or local governmental entity, agency or
1498 department.

1499 (j) Creating a standard user agreement.

1500 (5) The commission, in conjunction with the Department of
1501 Information Technology Services, shall exercise its powers and
1502 duties pursuant to this section to plan, manage and administer the
1503 wireless communications system. The commission may:

1504 (a) In consultation with the advisory board and the
1505 Department of Information Technology Services, establish policies,
1506 procedures and standards to incorporate into a comprehensive
1507 management plan for use and operation of the communications
1508 system.



1509 (b) Enter into mutual aid agreements among federal,
1510 state and local agencies for the use of the communications system.

1511 (c) Establish the cost of maintenance and operation of
1512 the system and charge subscribers for access and use of the
1513 system.

1514 (d) Assess charges for use of the system.

1515 (e) Obtain space through rent or lease of space on any
1516 tower under state control. The commission may also rent, lease or
1517 sublease ground space as necessary to locate equipment to support
1518 antennae on the towers. The costs for use of such space shall be
1519 established by the owner/agent for each site when it is determined
1520 to be practicable and feasible to make space available.

1521 (f) Provide space through rent or lease of space on any
1522 tower under the commission's control. The commission may also
1523 rent, lease or sublease ground space as necessary to locate
1524 equipment to support antennae on the towers. The costs for use of
1525 such space shall be established by the commission when it is
1526 determined to be practicable and feasible to make space available.

1527 (g) Refuse to lease space on any tower at any site.

1528 All monies collected by the commission for such rents, leases or
1529 subleases shall be deposited directly into a special fund hereby
1530 created and known as the "Integrated Public Safety Communications
1531 Fund." This fund shall be administered by the Department of
1532 Information Technology Services and may be used by the commission
1533 to construct, maintain and operate the system.



1534 (h) Rent, lease or sublease ground space on lands
1535 acquired by the commission for the construction of privately owned
1536 or publicly owned towers. The commission, as part of such rental,
1537 lease or sublease agreement, may require space on such towers for
1538 antennae as may be necessary for the construction and operation of
1539 the wireless communications system.

1540 (i) Enter into and perform use and occupancy agreements
1541 concerning the system.

1542 (j) Exercise any power necessary to carry out the
1543 intent of this law.

1544 (6) The Department of Transportation, the Department of
1545 Public Safety and other commission members may provide to the
1546 commission, on a full-time or part-time basis, personnel and
1547 technical support necessary and sufficient to effectively and
1548 efficiently carry out the requirements of this section.

1549 (7) (a) Expenditures from the Integrated Public Safety
1550 Communications Fund shall be administered by the Department of
1551 Information Technology Services with expenditures approved jointly
1552 by the commission and the Department of Information Technology
1553 Services.

1554 (b) The Integrated Public Safety Communications Fund
1555 may consist of the following:

1556 (i) Appropriations from the Legislature;

1557 (ii) Gifts;

1558 (iii) Federal grants;



1559 (iv) Fees and contributions from user agencies
1560 that the commission considers necessary to maintain and operate
1561 the system; and

1562 (v) Monies from any other source permitted by law.

1563 (c) Any monies remaining in the Integrated Public
1564 Safety Communications Fund at the end of the fiscal year shall not
1565 revert to the State General Fund, but shall remain in the
1566 Integrated Public Safety Communications Fund.

1567 (8) Members of the commission shall not receive any
1568 compensation or per diem, but may receive travel reimbursement
1569 provided for under Section 25-3-41.

1570 (9) There is hereby created the Wireless Communication
1571 Advisory Board for the purpose of advising the Mississippi
1572 Wireless Communication Commission in performance of its duties.
1573 The advisory board shall be composed of the following:

1574 (a) The Chairman and Vice Chairman of the Senate Public
1575 Utilities Committee or their designees;

1576 (b) The Chairman and Vice Chairman of the House of
1577 Representatives Public Utilities Committee or their designees;

1578 (c) The Chairman of the Senate Appropriations Committee
1579 or his designee;

1580 (d) The Chairman of the House of Representatives
1581 Appropriations Committee or his designee;

1582 (e) The Chairman of the Senate Finance Committee or his
1583 designee; and



1584 (f) The Chairman of the House of Representatives Ways
1585 and Means Committee or his designee.

1586 Members of the advisory board shall receive per diem and
1587 expenses which shall be paid from the contingent expense funds of
1588 their respective houses in the same amounts as provided for
1589 committee meetings when the Legislature is not in session;
1590 however, no per diem and expenses for attending meetings of the
1591 advisory board shall be paid to legislative members while the
1592 Legislature is in session.

1593 (10) It is the intent of the Legislature that all state and
1594 local government entities make available for purposes of this
1595 section all publicly owned wireless communications infrastructure,
1596 including, but not limited to, communications towers, transmission
1597 equipment, transmission frequencies and other related properties
1598 and facilities.

1599 (11) Nothing in this section shall be construed or
1600 interpreted to provide for the regulation or oversight of
1601 commercial mobile radio services.

1602 (12) Nothing in this section shall be construed to supersede
1603 the authority of the Department of Information Technology Services
1604 provided in Section 25-53-1 et seq.

1605 (13) From and after July 1, 2016, the expenses of this
1606 agency shall be defrayed by appropriation from the State General
1607 Fund and all user charges and fees authorized under this section



1608 shall be deposited into the State General Fund as authorized by
1609 law.

1610 (14) From and after July 1, 2016, no state agency shall
1611 charge another state agency a fee, assessment, rent or other
1612 charge for services or resources received by authority of this
1613 section.

1614 **SECTION 34.** Section 25-53-191, Mississippi Code of 1972, is
1615 brought forward as follows:

1616 25-53-191. (1) For the purposes of this section, the
1617 following terms shall have the meanings ascribed to them in this
1618 section unless the context otherwise clearly requires:

1619 (a) "Department" means the Mississippi Department of
1620 Information Technology.

1621 (b) "State agency" means any agency, department,
1622 commission, board, bureau, institution or other instrumentality of
1623 the state.

1624 (c) "Wireless communication device" means a cellular
1625 telephone, pager or a personal digital assistant device having
1626 wireless communication capability.

1627 (2) Before a wireless communication device may be assigned,
1628 issued or made available to an agency officer or employee, the
1629 agency head, or his designee, shall sign a statement certifying
1630 the need or reason for issuing the device. No officer or employee
1631 of any state agency, except for an officer or employee of the
1632 Mississippi Emergency Management Agency, shall be assigned or



1633 issued more than one (1) such wireless communication device. No
1634 officer or employee of any state agency to whom has been assigned,
1635 issued or made available the use of a wireless communication
1636 device, the cost of which is paid through the use of public funds,
1637 shall use such device for personal use.

1638 (3) A state agency shall not reimburse any officer or
1639 employee for use of his or her personal wireless communication
1640 device.

1641 (4) Every state agency that, at the expense of the state
1642 agency, assigns, issues or makes available to any of its officers
1643 or employees a wireless communication device shall obtain and
1644 maintain detailed billing for every wireless communication device
1645 account. A list of approved vendors for the procurement of
1646 wireless communication devices and the delivery of wireless
1647 communication device services shall be developed for all state
1648 agencies by the Mississippi Department of Information Technology
1649 Services. The department shall exercise the option of selecting
1650 one (1) vendor from which to procure wireless communication
1651 devices and to provide wireless communication device services, or
1652 if it deems such to be most advantageous to the state agencies, it
1653 may select multiple vendors. The department shall select a vendor
1654 or vendors on the basis of lowest and best bid proposals. A state
1655 agency may not procure a wireless communication device from any
1656 vendor or contract for wireless communication device services with
1657 any vendor unless the vendor appears on the list approved by the



1658 department. A contract entered into in violation of this section
1659 shall be void and unenforceable.

1660 (5) The department shall promulgate a model acceptable use
1661 policy defining the appropriate use of all wireless communication
1662 devices. The department shall include in its definition of
1663 appropriate use a prohibition on the downloading, accessing, or
1664 using of a prohibited technology pursuant to the National Security
1665 on State Devices and Networks Act. The acceptable use policy
1666 should specify that these resources, including both devices and
1667 services, are provided at the state agency's expense as tools for
1668 accomplishing the business missions of the state agency; that all
1669 those resources are for business use; and that more than
1670 incidental personal use of those resources is prohibited. The
1671 acceptable use policy should require that each official and
1672 employee issued one (1) of the above devices or authorized to
1673 access one (1) of the above services sign the policy and that the
1674 signed copy be placed in the personnel file of the official or
1675 employee. The acceptable use policy should also require that the
1676 use of these resources be tracked, verified and signed by the
1677 official or employee and the supervisor of the official or
1678 employee at each billing cycle or other appropriate interval. All
1679 state agencies shall adopt the model policy or adopt a policy that
1680 is, at minimum, as stringent as the model policy and shall provide
1681 a copy of the policy to the department.



1682 (6) All state agencies shall purchase or acquire only the
1683 lowest cost cellular telephone, pager or personal digital
1684 assistance device which will carry out its intended use.

1685 (7) The University of Mississippi Medical Center and its
1686 employees, the Mississippi State University Extension Service and
1687 its agents and faculty members, the Mississippi State University
1688 Agricultural and Forestry Experiment Station and its faculty
1689 members, the Mississippi State University Forestry and Wildlife
1690 Research Center and its faculty members, and the Mississippi State
1691 University College of Veterinary Medicine and its faculty members
1692 shall be exempt from the application of this section.

1693 (8) Employees of State Institutions of Higher Learning shall
1694 be exempt from the provisions of this section when incurring
1695 international usage charges for the business-related use of their
1696 personal wireless communication devices during business-related
1697 international travel. Such exemption shall only apply after a
1698 determination by the employer-institution that reimbursement to
1699 the employee for the use of his or her personal wireless
1700 communication device is the lowest-cost option to prevent business
1701 interruption during such travel.

1702 (9) The State Auditor shall conduct necessary audits to
1703 ensure compliance with the provisions of this section.

1704 **SECTION 35.** Section 25-53-193, Mississippi Code of 1972, is
1705 brought forward as follows:



1706 25-53-193. (1) This section shall be known and may be cited
1707 as the "National Security on State Devices and Networks Act."

1708 (2) For the purposes of this section, the following words
1709 and phrases shall have the meanings ascribed in this section
1710 unless the context clearly indicates otherwise:

1711 (a) "Prohibited technology" means any information
1712 technology deemed to pose an unacceptable risk to the security of
1713 the United States and/or the State of Mississippi by Mississippi
1714 and/or federal law, regulation, or guidance.

1715 (b) "State-issued devices" means any desktop computer,
1716 laptop computer, cell phone, tablet or any other device capable of
1717 internet connectivity that is issued to a state employee pursuant
1718 to his or her employment and for use in carrying out his or her
1719 professional duties.

1720 (c) "State-operated networks" means any
1721 telecommunications network, including, but not limited to,
1722 wireless local area networks, wireless guest networks, virtual
1723 private networks, or other information technology network systems
1724 owned or operated by the Mississippi Department of Information
1725 Technology Services or any other state agency.

1726 (d) "State agency" means any agency, department,
1727 commission, board, bureau, institution or other instrumentality of
1728 the state.

1729 (e) "State employee" means an employee or agent
1730 complying with and performing duties on behalf of the state.



1731 (3) No state employee shall download, access, or use a
1732 prohibited technology on a state-issued device or a state-operated
1733 network.

1734 (4) The Mississippi Department of Information Technology
1735 Services, or any other appropriate state agency, shall restrict
1736 the download, access or use of prohibited technologies on
1737 state-operated networks. The Mississippi Department of
1738 Information Technology Services shall maintain and timely update a
1739 publicly available list of such prohibited technologies on its
1740 website.

1741 (5) The provisions of this section shall not apply to law
1742 enforcement agencies of the state or its political subdivisions
1743 when downloading, accessing, or using a prohibited technology is
1744 necessary to carry out their official duties for bona fide law
1745 enforcement, investigative or public safety purposes.

1746 **SECTION 36.** Section 25-53-201, Mississippi Code of 1972, is
1747 brought forward as follows:

1748 25-53-201. (1) There is hereby established the Enterprise
1749 Security Program which shall provide for the coordinated oversight
1750 of the cybersecurity efforts across all state agencies, including
1751 cybersecurity systems, services and the development of policies,
1752 standards and guidelines.

1753 (2) The Mississippi Department of Information Technology
1754 Services (MDITS), in conjunction with all state agencies, shall
1755 provide centralized management and coordination of state policies



1756 for the security of data and information technology resources,
1757 which such information shall be compiled by MDITS and distributed
1758 to each participating state agency. MDITS shall:

1759 (a) Serve as sole authority, within the constraints of
1760 this statute, for defining the specific enterprise cybersecurity
1761 systems and services to which this statute is applicable;

1762 (b) Acquire and operate enterprise technology solutions
1763 to provide services to state agencies when it is determined that
1764 such operation will improve the cybersecurity posture in the
1765 function of any agency, institution or function of state
1766 government as a whole;

1767 (c) Provide oversight of enterprise security policies
1768 for state data and information technology (IT) resources
1769 including, the following:

1770 (i) Establishing and maintaining the security
1771 standards and policies for all state data and IT resources state
1772 agencies shall implement to the extent that they apply; and

1773 (ii) Including the defined enterprise security
1774 requirements as minimum requirements in the specifications for
1775 solicitation of state contracts for procuring data and information
1776 technology systems and services;

1777 (d) Adhere to all policies, standards and guidelines in
1778 the management of technology infrastructure supporting the state
1779 data centers, telecommunications networks and backup facilities;



1780 (e) Coordinate and promote efficiency and security with
1781 all applicable laws and regulations in the acquisition, operation
1782 and maintenance of state data, cybersecurity systems and services
1783 used by agencies of the state;

1784 (f) Manage, plan and coordinate all enterprise
1785 cybersecurity systems under the jurisdiction of the state;

1786 (g) Develop, in conjunction with agencies of the state,
1787 coordinated enterprise cybersecurity systems and services for all
1788 state agencies;

1789 (h) Provide ongoing analysis of enterprise
1790 cybersecurity systems and services costs, facilities and systems
1791 within state government;

1792 (i) Develop policies, procedures and long-range plans
1793 for the use of enterprise cybersecurity systems and services;

1794 (j) Form an advisory council of information security
1795 officers from each state agency to plan, develop and implement
1796 cybersecurity initiatives;

1797 (k) Coordinate the activities of the advisory council
1798 to provide education and awareness, identify cybersecurity-related
1799 issues, set future direction for cybersecurity plans and policy,
1800 and provide a forum for interagency communications regarding
1801 cybersecurity;

1802 (l) Charge respective user agencies on a reimbursement
1803 basis for their proportionate cost of the installation,



1804 maintenance and operation of the cybersecurity systems and
1805 services; and

1806 (m) Require cooperative utilization of cybersecurity
1807 systems and services by aggregating users.

1808 (3) Each state agency's executive director or agency head
1809 shall:

1810 (a) Be solely responsible for the security of all data
1811 and IT resources under its purview, irrespective of the location
1812 of the data or resources. Locations include data residing:

1813 (i) At agency sites;

1814 (ii) On agency real property and tangible and
1815 intangible assets;

1816 (iii) On infrastructure in the State Data Centers;

1817 (iv) At a third-party location;

1818 (v) In transit between locations;

1819 (b) Ensure that an agency-wide security program is in
1820 place;

1821 (c) Designate an information security officer to
1822 administer the agency's security program;

1823 (d) Ensure the agency adheres to the requirements
1824 established by the Enterprise Security Program, to the extent that
1825 they apply;

1826 (e) Participate in all Enterprise Security Program
1827 initiatives and services in lieu of deploying duplicate services
1828 specific to the agency;



1829 (f) Develop, implement and maintain written agency
1830 policies and procedures to ensure the security of data and IT
1831 resources. The agency policies and procedures are confidential
1832 information and exempt from public inspection, except that the
1833 information must be available to the Office of the State Auditor
1834 in performing auditing duties;

1835 (g) Implement policies and standards to ensure that all
1836 of the agency's data and IT resources are maintained in compliance
1837 with state and federal laws and regulations, to the extent that
1838 they apply;

1839 (h) Implement appropriate cost-effective safeguards to
1840 reduce, eliminate or recover from identified threats to data and
1841 IT resources;

1842 (i) Ensure that internal assessments of the security
1843 program are conducted. The results of the internal assessments
1844 are confidential and exempt from public inspection, except that
1845 the information must be available to the Office of the State
1846 Auditor in performing auditing duties;

1847 (j) Include all appropriate cybersecurity requirements
1848 in the specifications for the agency's solicitation of state
1849 contracts for procuring data and information technology systems
1850 and services;

1851 (k) Include a general description of the security
1852 program and future plans for ensuring security of data in the
1853 agency long-range information technology plan;



1854 (1) Participate in annual information security training
1855 designed specifically for the executive director or agency head to
1856 ensure that such individual has an understanding of:

1857 (i) The information and information systems that
1858 support the operations and assets of the agency;

1859 (ii) The potential impact of common types of
1860 cyber-attacks and data breaches on the agency's operations and
1861 assets;

1862 (iii) How cyber-attacks and data breaches on the
1863 agency's operations and assets could impact the operations and
1864 assets of other state agencies on the Enterprise State Network;

1865 (iv) How cyber-attacks and data breaches occur;

1866 (v) Steps to be undertaken by the executive
1867 director or agency head and agency employees to protect their
1868 information and information systems; and

1869 (vi) The annual reporting requirements required of
1870 the executive director or agency head.

1871 (4) The Mississippi Department of Information Technology
1872 Services shall evaluate the Enterprise Security Program. Such
1873 evaluation shall include the following factors:

1874 (a) Whether the Enterprise Security Program
1875 incorporates nationwide best practices;

1876 (b) Whether opportunities exist to centralize and
1877 coordinate oversight of cybersecurity efforts across all state
1878 agencies;



1879 (c) A review of the minimum enterprise security
1880 requirements that must be incorporated in solicitations for state
1881 contracts for procuring data and information technology systems
1882 and services; and

1883 (d) Whether opportunities exist to expand the
1884 Enterprise Security Program, including providing oversight of
1885 cybersecurity efforts of those governing authorities as defined in
1886 Section 25-53-3(f).

1887 In performing such evaluation, the Mississippi Department of
1888 Information Technology Services may retain experts. This
1889 evaluation shall be completed by November 1, 2023. All records in
1890 connection with this evaluation shall be exempt from the
1891 Mississippi Public Records Act of 1983, pursuant to Section
1892 25-61-11.2(f) and (k).

1893 (5) For the purpose of this subsection, the following words
1894 shall have the meanings ascribed herein, unless the context
1895 clearly indicates otherwise:

1896 (a) "Cyberattack" shall mean any attempt to gain
1897 illegal access, including any data breach, to a computer, computer
1898 system or computer network for purposes of causing damage,
1899 disruption or harm.

1900 (b) "Ransomware" shall mean a computer contaminant or
1901 lock placed or introduced without authorization into a computer,
1902 computer system or computer network that restricts access by an
1903 authorized person to the computer, computer system, computer



1904 network or any data therein under circumstances in which the
1905 person responsible for the placement or introduction of the
1906 ransomware demands payment of money or other consideration to
1907 remove the computer contaminant, restore access to the computer,
1908 computer system, computer network or data, or otherwise remediate
1909 the impact of the computer contaminant or lock.

1910 (c) From and after July 1, 2023, all state agencies
1911 shall notify the Mississippi Department of Information Technology
1912 Services of any cyberattack or demand for payment as a result of
1913 ransomware no later than the close of the next business day
1914 following the discovery of such cyberattack or demand. The
1915 Mississippi Department of Information Technology Services shall
1916 develop a reporting format to be utilized by state agencies to
1917 provide such notification. The Mississippi Department of
1918 Information Technology Services shall periodically analyze all
1919 such reports and attempt to identify any patterns or weaknesses in
1920 the state's cybersecurity efforts. Such reports shall be exempt
1921 from the Mississippi Public Records Act of 1983, pursuant to
1922 Section 25-61-11.2(j).

1923 **SECTION 37.** Section 25-58-1, Mississippi Code of 1972, is
1924 brought forward as follows:

1925 25-58-1. (1) For the purposes of this section, the
1926 following words shall have the meanings ascribed herein unless the
1927 context clearly requires otherwise:



1928 (a) "Geographic information system" means a
1929 computerized, spatial coordinate mapping and relational data base
1930 technology which (i) captures, assembles, stores, converts,
1931 manages, analyzes, amalgamates and records, in the digital mode,
1932 all kinds and types of information and data; (ii) transforms such
1933 information and data into intelligence; and subsequently (iii)
1934 retrieves, presents and distributes that intelligence to a user
1935 for use in making the intelligent decisions necessary for sound
1936 management of private or political affairs.

1937 (b) "Data base" means a collection of available
1938 information and data assembled into electronic files for efficient
1939 and timely management of county and municipal affairs and
1940 functions and the exercise of the powers, duties and
1941 responsibilities placed upon the governing authorities of a county
1942 or municipality by Mississippi law and the Mississippi
1943 Constitution.

1944 (c) "Multipurpose cadastre" means a uniformly accepted
1945 base map registered to the Mississippi State Plane Coordinate
1946 System and depicting boundaries of all public properties.

1947 (d) "Mississippi State Plane Coordinate System" means
1948 the system of plane rectangular coordinates established by the
1949 National Geodetic Survey which system is further identified as
1950 North American Datum (NAD) 1983.

1951 (2) The board of supervisors of any county and the governing
1952 authorities of any municipality are hereby authorized and



1953 empowered, in their discretion, to do all things necessary and
1954 desirable to create a geographic information system for the county
1955 or municipality, as appropriate. Data bases for such a system
1956 shall be created under the direct supervision of persons who are
1957 experienced in and possess a demonstrated knowledge of the
1958 preparation of geographic information systems and of the data
1959 bases and the other requirements and activities related thereto.

1960 (3) The board of supervisors of any county and the governing
1961 authorities of any municipality are further authorized and
1962 empowered, in their discretion, to prepare, or have prepared, a
1963 multipurpose cadastre registered to the accuracy standards
1964 promulgated by the Federal Geodetic Control Committee established
1965 under the provisions of the United States Office of Management and
1966 Budget Memoranda A-16.

1967 **SECTION 38.** Section 25-58-3, Mississippi Code of 1972, is
1968 brought forward as follows:

1969 25-58-3. (1) The board of supervisors of any county and the
1970 governing authorities of any municipality (both referred to in
1971 this section as "governing authority") are hereby authorized and
1972 empowered, in their discretion, to borrow money, pursuant to the
1973 provisions of this section to create the geographic information
1974 system and prepare the multipurpose cadastre authorized in Section
1975 25-58-1.

1976 (2) Before any money is borrowed under the provisions of
1977 this section, the governing authority shall adopt a resolution



1978 declaring the necessity for such borrowing and specifying the
1979 purpose for which the money borrowed is to be expended, the amount
1980 to be borrowed, the date or dates of the maturity thereof, and how
1981 such indebtedness is to be evidenced. The resolution shall be
1982 certified over the signature of the head of the governing
1983 authority.

1984 (3) The borrowing shall be evidenced by negotiable notes or
1985 certificates of indebtedness of the governing authority which
1986 shall be signed by the principal officer and clerk of such
1987 governing authority. All such notes or certificates of
1988 indebtedness shall be offered at public sale by the governing
1989 authority after not less than ten (10) days' advertising in a
1990 newspaper having general circulation within the governing
1991 authority. Each sale shall be made to the bidder offering the
1992 lowest rate of interest or whose bid represents the lowest net
1993 cost to the governing authority; however, the rate of interest
1994 shall not exceed that now or hereafter authorized in Section
1995 75-17-101, Mississippi Code of 1972. No such notes or
1996 certificates of indebtedness shall be issued and sold for less
1997 than par and accrued interest. All notes or certificates of
1998 indebtedness shall mature in approximately equal installments of
1999 principal and interest over a period not to exceed ten (10) years
2000 from the dates of the issuance thereof. Principal shall be
2001 payable annually, and interest shall be payable annually or
2002 semiannually; provided, however, that the first payment of



2003 principal or interest may be for any period not exceeding one (1)
2004 year. Provided, however, if negotiable notes are outstanding from
2005 not more than one (1) previous issue authorized under the
2006 provisions of this section, then the schedule of payments for a
2007 new or supplementary issue may be so adjusted that the schedule of
2008 maturities of all notes or series of notes hereunder shall, when
2009 combined, mature in approximately equal installments of principal
2010 and interest over a period of ten (10) years from the date of the
2011 new or supplementary issue, or if a lower interest rate will
2012 thereby be secured on notes previously issued and outstanding, a
2013 portion of the proceeds of any issue authorized hereunder may be
2014 used to refund the balance of the indebtedness previously issued
2015 under the authority of this article. Such notes or certificates
2016 of indebtedness shall be issued in such form and in such
2017 denominations as may be determined by the governing authority and
2018 may be made payable at the office of any bank or trust company
2019 selected by the governing authority. In such case, funds for the
2020 payment of principal and interest due thereon shall be provided in
2021 the same manner provided by law for the payment of the principal
2022 and interest due on bonds issued by the governing authority.

2023 (4) For the prompt payment of notes or certificates of
2024 indebtedness at maturity, both principal and interest, the full
2025 faith, credit and resources of the issuing entity are pledged.
2026 Furthermore, the governing authority may annually levy a special
2027 tax in an amount not to exceed three (3) mills upon all of its



2028 taxable property, the avails of which shall be paid into a sinking
2029 fund and used exclusively for the payment of principal of and
2030 interest on the notes or certificates of indebtedness. Until
2031 needed for expenditure, monies in the sinking fund may be invested
2032 in the same manner as the governing authority is elsewhere
2033 authorized by law to invest surplus funds.

2034 (5) The proceeds of any notes or certificates of
2035 indebtedness issued under the provisions of this section shall be
2036 placed in a special fund and shall be expended only for the
2037 purpose or purposes for which they were issued as shown by the
2038 resolution authorizing the issuance thereof. If a balance shall
2039 remain of the proceeds of such notes or certificates of
2040 indebtedness after the purpose or purposes for which they were
2041 issued shall have been accomplished, such balance shall be used to
2042 pay such obligations at or before maturity and may be transferred
2043 to any sinking fund previously established for the payment
2044 thereof.

2045 (6) Proceeds from the sale of notes or certificates of
2046 indebtedness not immediately necessary for expenditure shall be
2047 invested in the same manner as surplus funds of the governing
2048 authority may be invested.

2049 (7) Regardless of the method of paying for the creation of a
2050 geographic information system or for the preparation of a
2051 multipurpose cadastre, and notwithstanding anything in the
2052 Mississippi Public Records Act Section 25-61-1 et seq., to the



2053 contrary, a county or municipality which has created or acquired a
2054 geographic information system or prepared a multipurpose cadastre
2055 may assess a fee or charge in accordance with the provisions of
2056 Section 25-61-7(2). However, all fees shall be subject to a
2057 standard scale adopted by the governing authority. If the
2058 governing authority has issued notes or certificates of
2059 indebtedness, any fees shall be deposited into the sinking fund
2060 and used exclusively for payment of principal and interest on the
2061 notes or certificates of indebtedness until paid in full.
2062 Thereafter, the fees shall be deposited into the county's or
2063 municipality's general fund.

2064 **SECTION 39.** Section 41-143-1, Mississippi Code of 1972, is
2065 brought forward as follows:

2066 41-143-1. (1) For the purpose of this section, the term
2067 "agencies" means the Mississippi State Department of Health, the
2068 Mississippi Department of Human Services, the Mississippi
2069 Department of Mental Health, the Mississippi Department of Child
2070 Protection Services, the Mississippi Office of Workforce
2071 Development, the Mississippi Department of Employment Security and
2072 the Mississippi Division of Medicaid, and the term "agency" means
2073 any one (1) of those entities.

2074 (2) The Department of Information Technology Services (ITS)
2075 shall develop, implement and manage a separate website and a
2076 mobile application (app) that coordinate and promote information
2077 and services related to pregnancy, childbirth and care for



2078 dependent children for expectant mothers and new parents. The
2079 website and mobile app shall include, but shall not be limited to,
2080 comprehensive information and resources related to adoption
2081 assistance, child care, domestic abuse protection, early
2082 intervention, food, clothing and supplies related to pregnancy and
2083 newborn care, job training and placement, unemployment benefits,
2084 paternity, parenting skills, mental health, and prenatal and
2085 postpartum care provided by the State of Mississippi or any other
2086 governmental entity, or relevant nonprofit organizations,
2087 including religious institutions.

2088 (3) The Attorney General shall have the ultimate authority
2089 for oversight of the administration of this act and shall
2090 coordinate the activities of the agencies and the Department of
2091 Information Technology Services under the provisions of this act
2092 in order to best effectuate the purpose and intent of this act.

2093 (4) (a) The information about the services and resources
2094 that will be included on the website and mobile app shall be
2095 provided to the Attorney General by the agencies about the
2096 particular programs and services of the agency that are related to
2097 the purpose of the website and mobile app.

2098 (b) The Attorney General, the agencies and each county
2099 health department shall provide a prominent link on their own
2100 websites to the website and mobile app authorized by this act.

2101 (5) The agencies shall cooperate with ITS, as overseen by
2102 the Attorney General, in developing, implementing and managing the



2103 website and mobile app. The website shall be operational not
2104 later than October 1, 2023, and the mobile app shall be
2105 operational not later than January 1, 2024.

2106 (6) ITS and the agencies, in consultation with the Attorney
2107 General, shall apply for any federal grants that may be available
2108 to assist in paying the costs of developing, implementing and
2109 managing the website and mobile app.

2110 (7) The Attorney General shall promulgate such rules as
2111 necessary to implement this act.

2112 (8) Not later than October 1, 2024, the Attorney General
2113 shall report to the Chairs of the Senate Judiciary, Division A,
2114 and the House Judiciary A Committees, and the Senate Public Health
2115 and Welfare Committee and the House Public Health and Human
2116 Services Committee on the operation and status of the website and
2117 mobile app.

2118 **SECTION 40.** Section 1-1-59, Mississippi Code of 1972, is
2119 brought forward as follows:

2120 1-1-59. The Joint Committee on Compilation, Revision and
2121 Publication of Legislation may contract with a reputable and
2122 competent company to perform any services necessary to update any
2123 computer tape, disc or other technological medium furnished with
2124 the Mississippi Code of 1972, and to provide for and update a
2125 CD-ROM (compact disc, read-only memory) or other disc or
2126 technological medium containing the Mississippi Code of 1972 and
2127 its annotations, so that all laws of a general nature passed by



2128 the Legislature subsequent to the 1971 session thereof will be
2129 incorporated therein in the same format as the pocket part
2130 supplements and supplemental material contained in replacement
2131 volumes to the Code of 1972. This contract may be made with the
2132 same publishing company contracted with under Section 1-1-107(a)
2133 and may be included as a provision of that contract with the
2134 publishing company instead of being a separate contract.

2135 If the same cannot be contracted for, at and for a
2136 consideration considered reasonable, the joint committee may
2137 request the Mississippi Department of Information Technology
2138 Services to perform such services and pay over to the department
2139 such sums as may be appropriated for such purposes, and the
2140 Mississippi Department of Information Technology Services may
2141 expend such sums as paid over for the employment of personnel and
2142 the purchase of such services, supplies, materials and equipment
2143 as may be required to perform the work.

2144 **SECTION 41.** Section 7-1-403, Mississippi Code of 1972, is
2145 brought forward as follows:

2146 7-1-403. The Bond Advisory Division is hereby granted the
2147 authority and charged with the responsibility to perform the
2148 following duties:

2149 (a) To maintain a close working relationship with
2150 agencies authorized to incur bonded indebtedness in order to know
2151 the probable schedule for the issuance of bonds so that
2152 coordination may be accomplished for orderly issuance.



2153 (b) To require all state agencies authorized to incur
2154 bonded indebtedness, in addition to cooperation required in
2155 subsection (a), to submit written notice of intent to sell bonds
2156 at least thirty (30) days prior to requesting the State Bond
2157 Commission to approve the sale of such bonds. Such notification
2158 shall contain such information as may be required by the director.
2159 However, with the concurrence of the State Fiscal Officer, in
2160 cases of emergency the requirement of thirty (30) days' notice may
2161 be waived by the director.

2162 (c) To require all state agencies or political
2163 subdivisions to submit annual financial reports, and such other
2164 interim reports as deemed necessary, on projects financed by state
2165 revenue bonds or by state bonds which have the general obligation
2166 pledge of the state, but which are primarily backed by specified
2167 revenues.

2168 (d) To maintain a complete record of all outstanding
2169 state bonds. The record shall include, but shall not be limited
2170 to, the following:

2171 (i) Amount of principal of the bonds issued and
2172 the rates of interest;

2173 (ii) Dates the bonds were issued, the term or
2174 terms of the bonds, and maturities;

2175 (iii) The overall average interest rate to be paid
2176 on each issue;

2177 (iv) The name of the paying agent;



2178 (v) The trustees named to administer the issue and
2179 the pledges securing such bonds;

2180 (vi) The statutes under which such bonds were
2181 issued and the statutory authority for all bonds authorized,
2182 whether issued or unissued.

2183 (e) To maintain a close working relationship with the
2184 Mississippi Development Authority, the University Research Center
2185 and the Commissioner of Revenue in order to obtain current
2186 information concerning the economic, financial and growth
2187 conditions of the state and such other information necessary to
2188 properly comply with the intent of Sections 7-1-401 and 7-1-403.

2189 (f) To receive the cooperation of all state agencies
2190 and institutions in accumulating the information required by
2191 Sections 7-1-401 and 7-1-403.

2192 (g) To make continuing studies and investigations of
2193 government bond interest costs throughout the United States of
2194 America and to advise the Governor, the State Bond Commission and
2195 the Legislature concerning market conditions and credit condition
2196 of the state.

2197 (h) To contract with the Department of Information
2198 Technology Services for such data processing or computer services
2199 as are necessary in providing complete, current and accurate
2200 information regarding bonds issued, maturity dates, interest
2201 costs, bond market trends and other data necessary for the proper
2202 management of the state's debt and investments of state funds.



2203 (i) To issue rules and regulations as are necessary for
2204 the enforcement of the provisions of Sections 7-1-401 and 7-1-403.

2205 (j) To investigate and require reports covering
2206 proposed transactions involving refunding bond issues, bond
2207 exchanges, bond trades, bond "swaps," redemptions, etc., which may
2208 be engaged in with regard to any state bond.

2209 (k) To keep the Governor, Bond Commission and the
2210 Legislature informed regarding the credit outlook for the state
2211 and to furnish whatever information the Legislature requests which
2212 is required to be maintained under Sections 7-1-401 and 7-1-403.

2213 (l) To maintain a personal relationship with rating
2214 agencies and state bond investors, including the responsibility to
2215 invite people in the national financial community to visit our
2216 state in order for them to better understand our undertakings, and
2217 to incur and pay all expenses in connection with the
2218 administration and function of the division, including information
2219 meetings or other appropriate forms of communication. All such
2220 expenses for these trips shall be paid from appropriations made
2221 for the operation of this division.

2222 (m) To cooperate with and provide assistance to
2223 counties, municipalities and other political subdivisions when the
2224 respective governing authorities request such assistance regarding
2225 matters of financial and credit administration and in the
2226 preparation of materials and information required to be used in
2227 connection with credit ratings and the sale of bonds.



2228 (n) To perform such other duties and acts necessary to
2229 carry out the intent of Sections 7-1-401 and 7-1-403.

2230 (o) To maintain a complete record of the name and
2231 business address of any person, firm, corporation or other entity
2232 deriving any income for services performed with respect to any
2233 bonds issued after May 16, 1988, by the State Bond Commission,
2234 State Development Bank, Mississippi Housing Finance Corporation,
2235 Certified Development Company of Mississippi, Inc., Mississippi
2236 Hospital Equipment and Facilities Authority or any other entity
2237 issuing bonds or notes of the State of Mississippi. The report
2238 shall specify the amount of funds, whether from bond proceeds or
2239 otherwise, paid or to be paid to each such person or entity for
2240 services performed for each such bond issue. The initial report
2241 shall be made available on or before January 15, 1989, to the
2242 Clerk of the House of Representatives and to the Secretary of the
2243 Senate. All subsequent updated reports shall be submitted on or
2244 before January 15 of each year to the Clerk of the House of
2245 Representatives, the Secretary of the Senate, the Chairman of the
2246 House Ways and Means Committee and the Chairman of the Senate
2247 Finance Committee. The State Bond Attorney shall annually compile
2248 a list of all local bond issues, itemizing the name of the issuer,
2249 a description of the issue, the amount of the bonds issued and the
2250 name and address of the person acting as bond counsel on the
2251 issue. Such list shall be submitted on or before January 15 of
2252 each year to the Clerk of the House of Representatives, the



2253 Secretary of the Senate, the Chairman of the House Ways and Means
2254 Committee, the Chairman of the Senate Finance Committee, and the
2255 Joint Performance Evaluation and Expenditure Review Committee
2256 (PEER). The reports required to be compiled pursuant to this
2257 paragraph shall be posted on the Department of Finance and
2258 Administration's website by not later than January 15 of each
2259 year.

2260 **SECTION 42.** Section 7-7-3, Mississippi Code of 1972, is
2261 brought forward as follows:

2262 7-7-3. (1) There is hereby established a General Accounting
2263 Office for the State of Mississippi, the powers and duties of said
2264 office to be performed by the Bureau of Budget and Fiscal
2265 Management under the administration of the State Fiscal Officer.

2266 (2) The Chief of the Fiscal Management Division, under the
2267 supervision of the State Fiscal Officer, shall prescribe and
2268 implement in the office of each state agency an adequate accrual
2269 accounting system, in conformity with generally accepted
2270 accounting principles, and a system for keeping other essential
2271 financial records or, in lieu thereof, may install a state
2272 centralized automated accounting system which facilitates
2273 reporting the financial position and operations of the state as a
2274 whole, in conformity with generally accepted accounting
2275 principles. All such accounting systems so prescribed or
2276 installed shall be as uniform as may be practicable for agencies
2277 and offices of the same class and character.



2278 Each state agency shall adopt and use the system prescribed
2279 and approved for it by the State Fiscal Officer, and the State
2280 Fiscal Officer shall have the authority and power to impound all
2281 funds of such agency until it complies with the provisions of this
2282 section. Said state centralized automated accounting system shall
2283 be made available to the agencies of state government through the
2284 services of the State Computer Center. The State Fiscal Officer
2285 shall conduct training seminars on a regular basis to ensure that
2286 agencies have access to persons proficient in the correct use of
2287 the statewide automated accounting system.

2288 (3) The State Fiscal Officer shall establish an oversight
2289 advisory committee to ensure that the state centralized automated
2290 accounting system meets the needs of the agencies served thereby.
2291 Said oversight advisory committee shall be composed of qualified
2292 public employees proficient in the areas of fiscal management,
2293 accounting, data processing and other fields affected by the
2294 automated accounting and financial management system. Said
2295 committee shall have the following responsibilities:

2296 (a) Provide continual review of laws, rules,
2297 regulations, policies and procedures which affect the continued
2298 successful implementation of the state automated accounting and
2299 financial management system;

2300 (b) Coordination among the control agencies of state
2301 and federal government to identify required modifications and/or



2302 enhancements to the state centralized automated accounting system
2303 as required for successful implementation;

2304 (c) Ensure that agencies using the system are in
2305 compliance with the requirements of the various control agencies;
2306 and

2307 (d) Assign persons knowledgeable in their area of
2308 expertise and proper use of the state centralized automated
2309 accounting system to help agencies use the system correctly.

2310 (4) The State Fiscal Officer shall provide for the
2311 continuing support of the state centralized automated accounting
2312 system from funds appropriated therefor by the Legislature and/or
2313 from user fees charged to the state agencies and institutions
2314 utilizing the system.

2315 The State Fiscal Officer may charge fees to agencies and
2316 institutions for services rendered to them in conjunction with the
2317 statewide automated accounting system. The amounts of such fees
2318 shall be set by the State Fiscal Officer, and all such fees
2319 collected shall be paid into the Statewide Automated Accounting
2320 System Fund.

2321 (5) There is hereby established within the State Treasury a
2322 special fund to be designated as the Mississippi Management and
2323 Reporting System Revolving Fund. This fund is established for the
2324 purpose of developing and maintaining an executive information
2325 system within state government. Such a system may include the
2326 state centralized automated accounting system, a centralized



2327 automated human resource/payroll system for state agencies and the
2328 automation of performance programmatic data and other data as
2329 needed by the legislative and executive branches to monitor the
2330 receipt and expenditure of funds in accordance with desired
2331 objectives.

2332 A Steering Committee consisting of the State Fiscal Officer,
2333 the Executive Director of the State Personnel Board and the
2334 Executive Director of the Mississippi Department of Information
2335 Technology Services shall establish policies and procedures for
2336 the administration of the Mississippi Management and Reporting
2337 System Revolving Fund.

2338 All disbursements from this fund shall be made pursuant to
2339 appropriation by the Legislature. All interest earned from the
2340 investment of monies in this fund shall be credited to such fund.

2341 Any expenditure of funds related to the development of a
2342 Mississippi Management and Reporting System by the State Personnel
2343 Board, the Department of Finance and Administration and the
2344 Mississippi Department of Information Technology Services made
2345 during the fiscal year ending June 30, 1993, shall be reimbursable
2346 from the Mississippi Management and Reporting System Revolving
2347 Fund upon its establishment.

2348 The Bond Commission is hereby authorized to grant a
2349 noninterest-bearing loan to the Mississippi Management and
2350 Reporting System Revolving Fund from the State Treasurer's General



2351 Fund/Special Fund Pool in an amount not to exceed Fifteen Million
2352 Dollars (\$15,000,000.00).

2353 The Mississippi Management and Reporting System Steering
2354 Committee shall appoint an administrator of the Mississippi
2355 Management and Reporting System Revolving Fund. The salary of the
2356 administrator and all other project administrative expenses shall
2357 be disbursed from the revolving fund. The administrator of the
2358 fund is hereby authorized to employ or secure personnel service
2359 contracts for all personnel required to carry out this project.
2360 On or before January 15 of each year, the State Fiscal Officer
2361 shall present a report of all expenditures made during the
2362 previous fiscal year from the Mississippi Management and Reporting
2363 System Revolving Fund to the State Bond Commission and to the
2364 Legislature.

2365 Upon implementation of the Mississippi Management and
2366 Reporting System, or any part thereof, at any state agency, a
2367 repayment schedule shall be determined by the Mississippi
2368 Management and Reporting System Revolving Fund administrator for
2369 payment back into the Mississippi Management and Reporting System
2370 Revolving Fund. This repayment schedule will include direct and
2371 indirect expenses of implementing the Mississippi Management and
2372 Reporting System at each agency and applied interest charges.
2373 Each state agency shall be required to request the amount of its
2374 yearly repayment in its annual budget request.



2375 At the completion of the Mississippi Management and Reporting
2376 System, the Steering Committee shall recommend to the Legislature
2377 an amount to remain in the Mississippi Management and Reporting
2378 System Revolving Fund to fund future upgrades and maintenance for
2379 the system. The remaining amount, as repaid by the agencies,
2380 shall be returned to the General Fund/Special Fund Pool.

2381 Each state agency executive director shall participate in the
2382 Mississippi Management and Reporting System (MMRS) project by
2383 appointing an agency implementation team leader to represent them
2384 on the MMRS project. All agencies will be required to implement
2385 the MMRS unless exempted from such by the MMRS Steering Committee.
2386 If such an exemption is granted, the MMRS Steering Committee may
2387 require selected data to be electronically interfaced into the
2388 MMRS.

2389 (6) In addition to his other duties, the Chief of the Fiscal
2390 Management Division shall perform the following services:

2391 (a) Maintain a set of control accounts on a double
2392 entry accrual basis for each state fund so as to analyze, classify
2393 and record all resources, obligations and financial transactions
2394 of all state agencies.

2395 (b) Submit to the Governor and to the Legislative
2396 Budget Office a monthly report containing the state's financial
2397 operations and conditions.

2398 (c) Approve as to form the manner in which all payrolls
2399 shall be prepared; and require each state agency to furnish copies



2400 of monthly payrolls as required to the State Fiscal Officer. The
2401 Chief of the Fiscal Management Division shall study the
2402 feasibility of a central payroll system for all state officers and
2403 employees, and report his findings and recommendations to the
2404 Legislature.

2405 (d) Require of each state agency, through its governing
2406 board or executive head, the maintaining of continuous internal
2407 audit covering the activities of such agency affecting its revenue
2408 and expenditures, and an adequate internal system of preauditing
2409 claims, demands and accounts against such agency as to adequately
2410 ensure that only valid claims, demands and accounts will be paid,
2411 and to verify compliance with the regulations of the State
2412 Personal Service Contract Review Board regarding the execution of
2413 any personal service or professional service contracts pursuant to
2414 Section 25-9-120(3). The Fiscal Management Division shall report
2415 to the State Fiscal Officer any failure or refusal of the
2416 governing board or executive head of any state agency to comply
2417 with the provisions of this section. The State Fiscal Officer
2418 shall notify the said board of trustees or executive head of such
2419 violation and, upon continued failure or refusal to comply with
2420 the provisions of this section, then the State Fiscal Officer may
2421 require said board of trustees or executive head of such state
2422 agency to furnish competent and adequate personnel to carry out
2423 the provisions of this section, who shall be responsible to the
2424 State Fiscal Officer for the performance of such function with



2425 respect to such state agency. For failure or refusal to comply
2426 with the provisions of this section or the directions of the State
2427 Fiscal Officer, any such employee may be deprived of the power to
2428 perform such functions on behalf of the Fiscal Management
2429 Division.

2430 (7) Every state agency, through the proper officials or
2431 employee, shall make such periodic or special reports on forms
2432 prescribed by the Chief of the Fiscal Management Division as may
2433 be required or necessary to maintain the set of control accounts
2434 required. If any officer or employee of any state agency whose
2435 duty it is to do so shall refuse or fail to make such periodic or
2436 special reports in such form and in such detail and within such
2437 time as the Fiscal Management Division may require in the exercise
2438 of this authority, the State Fiscal Officer shall prepare or cause
2439 to be prepared and submitted such reports and the expense thereof
2440 shall be personally borne by said officer or employee and he or
2441 she shall be responsible on his or her official bond for the
2442 payment of the expense. Provided that a negligently prepared
2443 report shall be considered as a refusal or failure under the
2444 provisions of this section.

2445 (8) From and after July 1, 2016, the expenses of this agency
2446 shall be defrayed by appropriation from the State General Fund and
2447 all user charges and fees authorized under this section shall be
2448 deposited into the State General Fund as authorized by law.



2449 (9) From and after July 1, 2016, no state agency shall
2450 charge another state agency a fee, assessment, rent or other
2451 charge for services or resources received by authority of this
2452 section.

2453 **SECTION 43.** Section 19-5-307, Mississippi Code of 1972, is
2454 brought forward as follows:

2455 19-5-307. (1) When any district is created, the board of
2456 supervisors of the county creating such district may appoint a
2457 board of commissioners composed of seven (7) members to govern its
2458 affairs, and shall fix the domicile of the board at any point
2459 within the district. The members of the board shall be qualified
2460 electors of the district, two (2) of whom shall be appointed for
2461 terms of two (2) years, three (3) for terms of three (3) years,
2462 and two (2) for terms of four (4) years, dating from the date of
2463 the adoption of the ordinance creating the district. Thereafter,
2464 all appointments of the members shall be for terms of four (4)
2465 years.

2466 (2) The board of commissioners shall have complete and sole
2467 authority to appoint a chairman and any other officers it may deem
2468 necessary from among the membership of the board of commissioners.

2469 (3) A majority of the board of commissioners membership
2470 shall constitute a quorum and all official action of the board of
2471 commissioners shall require a quorum.

2472 (4) The board of commissioners shall have authority to
2473 employ such employees, experts and consultants as it may deem



2474 necessary to assist the board of commissioners in the discharge of
2475 its responsibilities to the extent that funds are made available.

2476 (5) In lieu of appointing a board of commissioners, the
2477 board of supervisors of the county may serve as the board of
2478 commissioners of the district, in which case it shall assume all
2479 the powers and duties of the board of commissioners as provided in
2480 Section 19-5-301 et seq.

2481 (6) All emergency communications districts shall purchase,
2482 lease or lease-purchase equipment used to comply with the FCC
2483 Order, as defined in Section 19-5-333, from a products and
2484 equipment list maintained by the Mississippi Department of
2485 Information Technology Services; however, items not available from
2486 the list, or items which may be purchased at a lower price, shall
2487 be purchased in accordance with the Public Purchasing Law (Section
2488 31-7-13).

2489 **SECTION 44.** Section 23-15-165, Mississippi Code of 1972, is
2490 brought forward as follows:

2491 23-15-165. (1) The Office of the Secretary of State, in
2492 cooperation with the county registrars and election commissioners,
2493 shall procure, implement and maintain an electronic information
2494 processing system and programs capable of maintaining a
2495 centralized database of all registered voters in the state. The
2496 system shall encompass software and hardware, at both the state
2497 and county level, software development training, conversion and
2498 support and maintenance for the system. The Secretary of State



2499 shall equip the Statewide Elections Management System with
2500 appropriate security measures to protect private information of
2501 the registered voter and the integrity of Mississippi elections.
2502 This system shall be known as the "Statewide Elections Management
2503 System" and shall constitute the official record of registered
2504 voters in every county of the state.

2505 (2) The Office of the Secretary of State shall develop and
2506 implement the Statewide Elections Management System so that the
2507 registrar and election commissioners of each county shall:

2508 (a) Verify that an applicant that is registering to
2509 vote in that county is not registered to vote in another county;

2510 (b) Be notified automatically that a registered voter
2511 in its county has registered to vote in another county;

2512 (c) Receive regular reports of death, changes of
2513 address and convictions for disenfranchising crimes that apply to
2514 voters registered in the county;

2515 (d) Retain all present functionality related to, but
2516 not limited to, the use of voter roll data and to implement such
2517 other functionality as the law requires to enhance the maintenance
2518 of accurate county voter records and related jury selection and
2519 redistricting programs; and

2520 (e) When evidence exists that a registered voter may
2521 not be a citizen of the United States as provided in Section
2522 23-15-15, send notification to the registrar of the location where
2523 the person is registered to vote.



2524 (3) As a part of the procurement and implementation of the
2525 system, the Office of the Secretary of State shall, with the
2526 assistance of the advisory committee, procure services necessary
2527 to convert current voter registration records in the counties into
2528 a standard, industry accepted file format that can be used on the
2529 Statewide Elections Management System. Thereafter, all official
2530 voter information shall be maintained on the Statewide Elections
2531 Management System. The standard industry accepted format of data
2532 was reviewed and approved by a majority of the advisory committee
2533 created in subsection (5) of this section after consultation with
2534 the Circuit Clerks Association and the format may not be changed
2535 without consulting the Circuit Clerks Association.

2536 (4) The Secretary of State may, with the assistance of the
2537 advisory committee, adopt rules and regulations necessary to
2538 administer the Statewide Elections Management System. The rules
2539 and regulations shall at least:

2540 (a) Provide for the establishment and maintenance of a
2541 centralized database for all voter registration information in the
2542 state;

2543 (b) Provide procedures for integrating data into the
2544 centralized database;

2545 (c) Provide security to ensure that only the registrar,
2546 or his or her designee or other appropriate official, as the law
2547 may require, can add information to, delete information from and
2548 modify information in the system;



2549 (d) Provide the registrar or his or her designee or
2550 other appropriate official, as the law may require, access to the
2551 system at all times, including the ability to download copies of
2552 the industry standard file, for all purposes related to their
2553 official duties, including, but not limited to, exclusive access
2554 for the purpose of printing all local pollbooks;

2555 (e) Provide security and protection of all information
2556 in the system and monitor the system to ensure that unauthorized
2557 access is not allowed;

2558 (f) Provide a procedure that will allow the registrar,
2559 or his or her designee or other appropriate official, as the law
2560 may require, to identify the precinct to which a voter should be
2561 assigned; and

2562 (g) Provide a procedure for phasing in or converting
2563 existing manual and computerized voter registration systems in
2564 counties to the Statewide Elections Management System.

2565 (5) The Secretary of State established an advisory committee
2566 to assist in developing system specifications, procurement,
2567 implementation and maintenance of the Statewide Elections
2568 Management System. The committee included two (2) representatives
2569 from the Circuit Clerks Association, appointed by the association;
2570 two (2) representatives from the Election Commissioners
2571 Association of Mississippi, appointed by the association; one (1)
2572 member of the Mississippi Association of Supervisors, or its
2573 staff, appointed by the association; the Director of the Stennis



2574 Institute of Government at Mississippi State University, or his or
2575 her designee; the Executive Director of the Department of
2576 Information Technology Services, or his or her designee; two (2)
2577 persons knowledgeable about elections and information technology
2578 appointed by the Secretary of State; and the Secretary of State,
2579 who shall serve as the chair of the advisory committee.

2580 (6) (a) Social security numbers, telephone numbers, email
2581 addresses, and date of birth and age information in statewide,
2582 district, county and municipal voter registration files shall be
2583 exempt from and shall not be subject to inspection, examination,
2584 copying or reproduction under the Mississippi Public Records Act
2585 of 1983.

2586 (b) Copies of statewide, district, county or municipal
2587 voter registration files, excluding social security numbers,
2588 telephone numbers, email addresses, and date of birth and age
2589 information, shall be provided to any person in accordance with
2590 the Mississippi Public Records Act of 1983 at a cost not to exceed
2591 the actual cost of production.

2592 **SECTION 45.** Section 25-1-100, Mississippi Code of 1972, is
2593 brought forward as follows:

2594 25-1-100. (1) Personnel records and applications for
2595 employment in the possession of a public body, as defined by
2596 paragraph (a) of Section 25-61-3, except those which may be
2597 released to the person who made the application or with the prior
2598 written consent of the person who made the application, shall be



2599 exempt from the provisions of the Mississippi Public Records Act
2600 of 1983.

2601 (2) Test questions and answers in the possession of a public
2602 body, as defined by paragraph (a) of Section 25-61-3, which are to
2603 be used in employment examinations, shall be exempt from the
2604 provisions of the Mississippi Public Records Act of 1983.

2605 (3) Letters of recommendation in the possession of a public
2606 body, as defined by paragraph (a) of Section 25-61-3, respecting
2607 any application for employment, shall be exempt from the
2608 provisions of the Mississippi Public Records Act of 1983.

2609 (4) Documents relating to contract authorization under
2610 Section 25-9-120 shall not be exempt from the provisions of
2611 Mississippi Public Records Act of 1983.

2612 (5) Contracts for personal and professional services that
2613 are awarded or executed by any state agency, including, but not
2614 limited to, the Department of Information Technology Services and
2615 the Department of Transportation, shall not be exempt from the
2616 Mississippi Public Records Act of 1983.

2617 **SECTION 46.** Section 25-58-21, Mississippi Code of 1972, is
2618 brought forward as follows:

2619 25-58-21. (1) There is established the Mississippi
2620 Coordinating Council for Remote Sensing and Geographic Information
2621 Systems, hereinafter referred to as the "council." The council
2622 shall set and assure enforcement of policies and standards to make
2623 it easier for remote sensing and geographic information system



2624 users around the state to share information and to facilitate
2625 cost-sharing arrangements to reduce the costs of acquiring remote
2626 sensing and geographic information system data. The council shall
2627 not oversee or regulate the activities of higher education
2628 entities where it relates to the fields of teaching or research;
2629 however, the council shall be informed of these activities for the
2630 purpose of coordinating these higher education activities with
2631 other public remote sensing and GIS initiatives to achieve the
2632 maximum benefit for the State of Mississippi and its taxpayers.
2633 The council's responsibilities include, but are not limited to:

2634 (a) Coordination of remote sensing and geographic
2635 information system activities within Mississippi;

2636 (b) Establishing policies and standards to guide
2637 Mississippi Department of Information Technology Services (MDITS)
2638 in the review and approval of state and local government
2639 procurement of both hardware and software development relating to
2640 remote sensing and geographic information systems;

2641 (c) Oversight of MDITS' implementation of these
2642 responsibilities;

2643 (d) Preparing a plan, with proposed state funding
2644 priorities, for Mississippi's remote sensing and geographic
2645 information system activities, including development, operation
2646 and maintenance of the Mississippi Digital Earth Model;

2647 (e) Oversight of the Mississippi Department of
2648 Environmental Quality's development and maintenance of the



2649 Mississippi Digital Earth Model, including establishing policies
2650 and standards for the procurement of remote sensing and geographic
2651 information system data by state and local governmental entities
2652 and establishing the order in which the seven (7) core data layers
2653 shall be developed;

2654 (f) Designating Mississippi's official representative
2655 to the National States Geographic Information Council and to any
2656 other national or regional remote sensing or geographical
2657 information system organizations on which Mississippi has an
2658 official seat;

2659 (g) Establishing and designating the members of an
2660 advisory committee made up of policy level officials from major
2661 state, local, regional and federal agencies, including, but not
2662 limited to, the National Association of Space Administration, the
2663 Mississippi Institute for Forestry Inventory, the Mississippi
2664 Department of Wildlife, Fisheries and Parks, the Mississippi
2665 Public Utilities Staff, the Department of Marine Resources, the
2666 county E911 coordinator, the State Health Officer, the
2667 Commissioner of Agriculture and Commerce, the State Tax
2668 Commission, the Council of Consulting Engineers and the
2669 Mississippi Band of Choctaw Indians, as well as members of the
2670 private sector;

2671 (h) Creating a staff level technical users committee,
2672 in which any public or private sector entity in Mississippi



2673 interested in remote sensing and geographic information may be
2674 allowed to participate;

2675 (i) Coordinating with the State Tax Commission to
2676 assure that state and local governmental entities do not have to
2677 comply with two (2) sets of requirements imposed by different
2678 organizations.

2679 (2) The Mississippi Coordinating Council for Remote Sensing
2680 and Geographic Information Systems will be composed of the
2681 following members:

2682 (a) The Executive Director of the Mississippi
2683 Department of Environmental Quality;

2684 (b) The Executive Director of the Mississippi
2685 Department of Information Technology Services;

2686 (c) The Executive Director of the Mississippi
2687 Department of Transportation;

2688 (d) The Executive Director of the Mississippi Emergency
2689 Management Agency;

2690 (e) The Executive Director of the Mississippi
2691 Development Authority;

2692 (f) The Secretary of State;

2693 (g) The Executive Director of the Mississippi Forestry
2694 Commission;

2695 (h) The Director of the Mississippi State Board of
2696 Registered Professional Geologists;



2697 (i) A representative from the Institutions of Higher
2698 Learning, appointed by the Commissioner of the Institutions of
2699 Higher Learning;

2700 (j) One (1) mayor, serving a municipality, appointed by
2701 the Executive Director of the Mississippi Municipal League;

2702 (k) The Executive Director of the Mississippi Municipal
2703 League or his designee who will serve as the member;

2704 (l) One (1) county supervisor appointed by the
2705 Executive Director of the Mississippi Association of Supervisors;

2706 (m) The Executive Director of the Mississippi
2707 Association of Supervisors or his designee who will serve as the
2708 member;

2709 (n) A member of the Tax Assessors/Collectors
2710 Association or the executive director of the association, to be
2711 appointed by the president of that association;

2712 (o) A representative of the Planning and Development
2713 Districts, appointed by the Governor;

2714 (p) A Senator, as a nonvoting member, appointed by the
2715 Lieutenant Governor;

2716 (q) A Representative, as a nonvoting member, appointed
2717 by the Speaker of the House;

2718 (r) A county surveyor who is a member of the
2719 Mississippi Association of Professional Surveyors, appointed by
2720 the president of the association; and



2721 The members listed in paragraphs (a) through (g) may appoint
2722 a designee, but the designee must be the head of an office,
2723 bureau, division or branch within the member's agency.

2724 The members of the council shall serve for a term concurrent
2725 with their service as an elected or appointed official or
2726 concurrent with the term of the appointing official.

2727 The Executive Director of the Department of Environmental
2728 Quality shall serve as council chair and the Executive Director of
2729 Information Technology Services as vice chair for the first two
2730 (2) years. After the first two (2) years, the council shall elect
2731 from its members a chair and vice chair, for terms to be specified
2732 by the council.

2733 With regard to the designee chosen by the Executive Director
2734 of the Mississippi Municipal League or the Executive Director of
2735 the Mississippi Association of Supervisors, the designee shall
2736 become a permanent member of the council for a term concurrent
2737 with the term of the appointing executive director.

2738 (3) At the direction of the chairman of the council and
2739 contingent upon the availability of sufficient funds, each member
2740 may receive reimbursement for reasonable expenses, including
2741 travel expenses in accordance with rates established pursuant to
2742 Section 25-3-41, incurred in attending meetings of the council.
2743 Any member of the council who is also a state employee may not
2744 receive per diem compensation for attending meetings of the study
2745 committee, but may be reimbursed in accordance with Section



2746 25-3-41 for mileage and actual expenses incurred in the
2747 performance of the duties, if authorized by vote, at a meeting of
2748 the council, which action must be recorded in the official minutes
2749 of the meeting. Legislative members of the council will be paid
2750 from the contingent expense funds of their respective houses in
2751 the same amounts as provided for committee meetings when the
2752 Legislature is not in session.

2753 (4) The council may accept money from any source, public or
2754 private, to be expended in implementing the duties under this
2755 section.

2756 (5) The council may utilize staff employed by the agencies
2757 affected by this section and any other assistance made available
2758 to it.

2759 **SECTION 47.** Section 25-65-5, Mississippi Code of 1972, is
2760 brought forward as follows:

2761 25-65-5. The following words and phrases shall have the
2762 meanings ascribed herein, unless the context clearly indicates
2763 otherwise:

2764 (a) "University" means and includes Alcorn State
2765 University, Delta State University, Jackson State University,
2766 Mississippi State University, Mississippi State University
2767 Agriculture and Forestry Experiment Station, Mississippi
2768 University Cooperative Extension Service, Mississippi State
2769 University Forest and Wildlife Research Center, Mississippi State
2770 University State Chemical Laboratory, Mississippi University for



2771 Women, Mississippi Valley State University, the University of
2772 Mississippi, University of Mississippi Medical Center and the
2773 University of Southern Mississippi.

2774 (b) "Community/Junior college" means and includes
2775 Coahoma Community College, Copiah-Lincoln Community College, East
2776 Central Community College, East Mississippi Community College,
2777 Hinds Community College, Holmes Community College, Itawamba
2778 Community College, Jones County Junior College, Meridian Community
2779 College, Mississippi Delta Community College, Mississippi Gulf
2780 Coast Community College, Northeast Mississippi Community College,
2781 Northwest Mississippi Community College, Pearl River Community
2782 College and Southwest Mississippi Community College.

2783 (c) "State agency" means and includes the Department of
2784 Finance and Administration, the State Tax Commission, the
2785 Department of Education, the State Department of Health, the
2786 Department of Mental Health, the Department of Agriculture and
2787 Commerce, the Mississippi Development Authority, the Department of
2788 Environmental Quality, the Department of Wildlife, Fisheries and
2789 Parks, the Department of Corrections, the Division of Medicaid,
2790 the Department of Rehabilitation Services, the Department of
2791 Public Safety, the Mississippi Employment Security Commission, the
2792 Mississippi Department of Information Technology Services, the
2793 Public Employees Retirement System, the Mississippi Department of
2794 Transportation, the Mississippi Gaming Commission and the
2795 Mississippi Department of Human Services.



2796 (d) "Agency head" means an elected official who heads
2797 an agency, an executive director or a governing board or
2798 commission responsible for heading an agency or a president or
2799 chancellor of a university or a president of a community/junior
2800 college.

2801 (e) "Agency internal audit director" means the person
2802 appointed by the agency head to direct the internal audit function
2803 for the state agency. Where consistent with responsibilities
2804 described in this chapter, the term agency internal audit director
2805 may also be referred to as inspector general, audit director,
2806 chief auditor or similar internal audit administrator
2807 descriptions.

2808 (f) "Audit committee" means a standing committee
2809 external to organization management that collectively has the
2810 expertise to provide effective guidance regarding the acquisition
2811 and provision of internal audit services and to provide guidance
2812 in the provision of those services.

2813 **SECTION 48.** Section 25-65-7, Mississippi Code of 1972, is
2814 brought forward as follows:

2815 25-65-7. The provisions of this chapter shall only apply (a)
2816 to the following universities: (i) Alcorn State University, (ii)
2817 Delta State University, (iii) Jackson State University, (iv)
2818 Mississippi State University, (v) Mississippi State University
2819 Agriculture and Forestry Experiment Station, (vi) Mississippi
2820 State University Cooperative Extension Service, (vii) Mississippi



2821 State University Forest and Wildlife Research Center, (viii)
2822 Mississippi State University State Chemical Laboratory, (ix)
2823 Mississippi University for Women, (x) Mississippi Valley State
2824 University, (xi) The University of Mississippi, (xii) University
2825 of Mississippi Medical Center and the (xiii) University of
2826 Southern Mississippi; (b) to the following community/junior
2827 colleges: (i) Coahoma Community College, (ii) Copiah-Lincoln
2828 Community College, (iii) East Central Community College, (iv) East
2829 Mississippi Community College, (v) Hinds Community College, (vi)
2830 Holmes Community College, (vii) Itawamba Community College, (viii)
2831 Jones County Junior College, (ix) Meridian Community College, (x)
2832 Mississippi Delta Community College, (xi) Mississippi Gulf Coast
2833 Community College, (xii) Northeast Mississippi Community College,
2834 (xiii) Northwest Mississippi Community College, (xiv) Pearl River
2835 Community College and (xv) Southwest Mississippi Community
2836 College; and (c) to the following agencies: (i) the Department of
2837 Finance and Administration, (ii) the State Tax Commission, (iii)
2838 the Department of Education, (iv) the State Department of Health,
2839 (v) the Department of Mental Health, (vi) the Department of
2840 Agriculture and Commerce, (vii) the Mississippi Development
2841 Authority, (viii) the Department of Environmental Quality, (ix)
2842 the Department of Wildlife, Fisheries and Parks, (x) the
2843 Department of Corrections, (xi) the Division of Medicaid, (xii)
2844 the Department of Rehabilitation Services, (xiii) the Department
2845 of Public Safety, (xiv) the Mississippi Employment Security



2846 Commission, (xv) the Mississippi Department of Information
2847 Technology Services, (xvi) the Public Employees Retirement System,
2848 (xvii) the Mississippi Department of Transportation, (xviii) the
2849 Mississippi Gaming Commission and (xix) the Mississippi Department
2850 of Human Services.

2851 **SECTION 49.** Section 27-7-83, Mississippi Code of 1972, is
2852 brought forward as follows:

2853 27-7-83. (1) Returns and return information filed or
2854 furnished under the provisions of this chapter shall be
2855 confidential, and except in accordance with proper judicial order,
2856 as otherwise authorized by this section, as authorized in Section
2857 27-4-3 or as authorized under Section 27-7-821, it shall be
2858 unlawful for the Commissioner of Revenue or any deputy, agent,
2859 clerk or other officer or employee of the Department of Revenue or
2860 the Mississippi Department of Information Technology Services, or
2861 any former employee thereof, to divulge or make known in any
2862 manner the amount of income or any particulars set forth or
2863 disclosed in any report or return required. The provisions of
2864 this section shall apply fully to any federal return, a copy of
2865 any portion of a federal return, or any information reflected on a
2866 federal return which is attached to or made a part of the state
2867 tax return. Likewise, the provisions of this section shall apply
2868 to any federal return or portion thereof, or to any federal return
2869 information data which is acquired from the Internal Revenue
2870 Service for state tax administration purposes pursuant to the



2871 Federal-State Exchange Program cited at Section 6103, Federal
2872 Internal Revenue Code. The term "proper judicial order" as used
2873 in this section shall not include subpoenas or subpoenas duces
2874 tecum, but shall include only those orders entered by a court of
2875 record in this state after furnishing notice and a hearing to the
2876 taxpayer and the Department of Revenue. The court shall not
2877 authorize the furnishing of such information unless it is
2878 satisfied that the information is needed to pursue pending
2879 litigation wherein the return itself is in issue, or the judge is
2880 satisfied that the need for furnishing the information outweighs
2881 the rights of the taxpayer to have such information secreted.

2882 (2) Returns and return information with respect to taxes
2883 imposed by this chapter shall be open to inspection by or
2884 disclosure to the Commissioner of the Internal Revenue Service of
2885 the United States, or the proper officer of any state imposing an
2886 income tax similar to that imposed by this chapter, or the
2887 authorized representatives of such agencies. Such inspection
2888 shall be permitted, or such disclosure made, only upon written
2889 request by the head of such agencies, or the district director in
2890 the case of the Internal Revenue Service, and only to the
2891 representatives of such agencies designated in a written statement
2892 to the Commissioner of Revenue as the individuals who are to
2893 inspect or to receive the return or return information on behalf
2894 of such agency. The Commissioner of Revenue is authorized to
2895 enter into agreements with the Internal Revenue Service and with



2896 other states for the exchange of returns and return information
2897 data, or the disclosure of returns or return information data to
2898 such agencies, only to the extent that the statutes of the United
2899 States or of such other state, as the case may be, grant
2900 substantially similar privileges to the proper officer of this
2901 state charged with the administration of the tax laws of this
2902 state.

2903 (3) (a) The return of a person shall, upon written request,
2904 be open to inspection by or disclosure to:

2905 (i) In the case of the return of an individual,
2906 that individual;

2907 (ii) In the case of an income tax return filed
2908 jointly, either of the individuals with respect to whom the return
2909 is filed;

2910 (iii) In the case of the return of a partnership,
2911 any person who was a member of such partnership during any part of
2912 the period covered by the return;

2913 (iv) In the case of the return of a corporation or
2914 a subsidiary thereof, any person designated by resolution of its
2915 board of directors or other similar governing body, or any officer
2916 or employee of such corporation upon written request signed by any
2917 principal officer and attested to by the secretary or other
2918 officer;

2919 (v) In the case of the return of an estate, the
2920 administrator, executor or trustee of such estate, and any heir at



2921 law, next of kin or beneficiary under the will, of the decedent,
2922 but only to the extent that such latter persons have a material
2923 interest which will be affected by information contained therein;

2924 (vi) In the case of the return of a trust, the
2925 trustee or trustees, jointly or separately, and any beneficiary of
2926 such trust, but only to the extent that such beneficiary has a
2927 material interest which will be affected by information contained
2928 therein;

2929 (vii) In the case of the return of an individual
2930 or a return filed jointly, any claimant agency or claimant local
2931 government seeking to collect a debt through the setoff procedure
2932 established in Sections 27-7-701 through 27-7-713, Sections
2933 27-7-501 through 27-7-519 and/or Sections 27-7-801 through
2934 27-7-823, as the case may be, from an individual with respect to
2935 whom the return is filed.

2936 (b) If an individual described in paragraph (a) is
2937 legally incompetent, the applicable return shall, upon written
2938 request, be open to inspection by or disclosure to the committee,
2939 trustee or guardian of his estate.

2940 (c) If substantially all of the property of the person
2941 with respect to whom the return is filed is in the hands of a
2942 trustee in bankruptcy or receiver, such return or returns for
2943 prior years of such person shall, upon written request, be open to
2944 inspection by or disclosure to such trustee or receiver, but only
2945 if the Commissioner of Revenue finds that such receiver or



2946 trustee, in his fiduciary capacity, has a material interest which
2947 will be affected by information contained therein.

2948 (d) Any return to which this section applies shall,
2949 upon written request, also be open to inspection by or disclosure
2950 to the attorney-in-fact duly authorized in writing by any of the
2951 persons described in paragraph (a) of this subsection to inspect
2952 the return or receive the information on his behalf, subject to
2953 the conditions provided in paragraph (a).

2954 (e) Return information with respect to any taxpayer may
2955 be open to inspection by or disclosure to any person authorized by
2956 this subsection to inspect any return of such taxpayer if the
2957 Commissioner of Revenue determines that such disclosure would not
2958 seriously impair state tax administration.

2959 (4) The State Auditor and the employees of his office shall
2960 have the right to examine only such tax returns as are necessary
2961 for auditing the Department of Revenue and auditing benefits
2962 administered under the United States Department of Health and
2963 Human Services and the United States Department of Agriculture.
2964 The State Auditor and the employees of his office may make
2965 information related to auditing such benefits available to and may
2966 exchange the information with state agencies responsible for the
2967 administration of the benefits. Except as otherwise provided in
2968 this subsection (4), the same prohibitions against disclosure
2969 which apply to the Department of Revenue shall apply to the State
2970 Auditor and his employees or former employees.



2971 (5) Officers and employees of the Mississippi Development
2972 Authority who execute a confidentiality agreement with the
2973 Department of Revenue shall be authorized to discuss and examine
2974 information to which this section applies at the offices of the
2975 Mississippi Department of Revenue. This disclosure is limited to
2976 information necessary to properly administer the programs under
2977 the jurisdiction of the Mississippi Development Authority. The
2978 Department of Revenue is authorized to disclose to officers and
2979 employees of the Mississippi Development Authority who execute a
2980 confidentiality agreement the information necessary under the
2981 circumstances. The same prohibitions against disclosure which
2982 apply to the Department of Revenue shall apply to the officers or
2983 employees of the Mississippi Development Authority.

2984 (6) Information required by the University Research Center
2985 to prepare the analyses required by Sections 57-13-101 through
2986 57-13-109 shall be furnished to the University Research Center
2987 upon request. It shall be unlawful for any officer or employee of
2988 the University Research Center to divulge or make known in any
2989 manner the amount of income or any particulars set forth or
2990 disclosed in any information received by the center from the
2991 Department of Revenue other than as may be required by Sections
2992 57-13-101 through 57-13-109 in an analysis prepared pursuant to
2993 Sections 57-13-101 through 57-13-109.

2994 (7) Information required by the Mississippi Development
2995 Authority to prepare the reports required by Section 57-1-12.2



2996 shall be furnished to the Mississippi Development Authority upon
2997 request. It shall be unlawful for any officer or employee of the
2998 Mississippi Development Authority to divulge or make known in any
2999 manner the amount of income or any particulars set forth or
3000 disclosed in any information received by the Mississippi
3001 Development Authority from the Department of Revenue other than as
3002 may be required by Section 57-1-12.2 in a report prepared pursuant
3003 to Section 57-1-12.2.

3004 (8) Information necessary to comply with Chapter 13, Title
3005 85, may be furnished to financial institutions. It shall be
3006 unlawful for any officer or employee of the financial institution
3007 to divulge or make known in any manner the amount of income or any
3008 particulars set forth or disclosed in any information received by
3009 the financial institution from the Department of Revenue other
3010 than as may be authorized by Chapter 13, Title 85.

3011 (9) The Commissioner of Revenue and the Department of
3012 Revenue are authorized to discuss with and provide the Attorney
3013 General or his designated representative with information related
3014 to an offer to compromise and settle any doubtful claim regarding
3015 a finally determined tax liability as authorized by Section
3016 31-19-30. It shall be unlawful for the Attorney General or any
3017 officer or employee of the Attorney General to divulge or make
3018 known in any manner the amount of income or any particulars set
3019 forth or disclosed in any information received by the Attorney



3020 General's office from the Commissioner of Revenue or Department of
3021 Revenue other than as may be required by Section 31-19-30.

3022 (10) Nothing in this section shall be construed to prohibit
3023 the publication of statistics, so classified as to prevent the
3024 identification of particular reports or returns and the items
3025 thereof, or the inspection by the Attorney General, or any other
3026 attorney representing the state, of the report or return of any
3027 taxpayer who shall bring action to set aside the tax thereon, or
3028 against whom any action or proceeding has been instituted to
3029 recover any tax or penalty imposed.

3030 (11) Nothing in this section shall prohibit the commissioner
3031 from making available information necessary to recover taxes owing
3032 the state pursuant to the authority granted in Section 27-75-16.

3033 (12) Reports and returns required under the provisions of
3034 this chapter shall be preserved in accordance with approved
3035 records control schedules. No records, however, may be destroyed
3036 without the approval of the Director of the Department of Archives
3037 and History.

3038 (13) The Department of Revenue is authorized to disclose to
3039 the Child Support Unit and to the Fraud Investigation Unit of the
3040 Department of Human Services without the need for a subpoena or
3041 proper judicial order the name, address, social security number,
3042 amount of income, source of income, assets and other relevant
3043 information, records and tax forms for individuals who are
3044 delinquent in the payment of any child support as defined in



3045 Section 93-11-101 or who are under investigation for fraud or
3046 abuse of any state or federal program or statute as provided in
3047 Section 43-1-23.

3048 (14) Nothing in this section shall prohibit the Department
3049 of Revenue from exchanging information with the federal government
3050 that is necessary to offset income tax refund payment on debts
3051 owed to this state or the United States.

3052 (15) Nothing in this section shall prohibit the department
3053 from making available information that is necessary to be
3054 disclosed for the administration and enforcement of Section
3055 27-7-87.

3056 **SECTION 50.** Section 27-65-81, Mississippi Code of 1972, is
3057 brought forward as follows:

3058 27-65-81. (1) Applications, returns and information
3059 contained therein filed or furnished under this chapter shall be
3060 confidential, and except in accordance with proper judicial order,
3061 or as otherwise authorized by this section or as authorized by
3062 Section 27-4-3, it shall be unlawful for the Commissioner of
3063 Revenue or any deputy, agent, clerk or other officer or employee
3064 of the Department of Revenue or Department of Information
3065 Technology Services, or any former employee thereof, to divulge or
3066 make known in any manner the amount of income or any particulars
3067 set forth or disclosed on any application, report or return
3068 required.



3069 The term "proper judicial order" as used in this section
3070 shall not include subpoenas or subpoenas duces tecum but shall
3071 include only those orders entered by a court of record in this
3072 state after furnishing notice and a hearing to the taxpayer and
3073 the Department of Revenue. The court shall not authorize the
3074 furnishing of such information unless it is satisfied that the
3075 information is needed to pursue pending litigation wherein the
3076 return itself is in issue, or the judge is satisfied that the need
3077 for furnishing the information outweighs the rights of the
3078 taxpayer to have such information secreted.

3079 (2) Such information contained on the application, returns
3080 or reports may be furnished to:

3081 (a) Members and employees of the Department of Revenue
3082 and the income tax department thereof, for the purpose of
3083 checking, comparing and correcting returns;

3084 (b) The Attorney General, or any other attorney
3085 representing the state in any action in respect to the amount of
3086 tax under the provisions of this chapter;

3087 (c) The revenue department of other states or the
3088 federal government when said states or federal government grants a
3089 like comity to Mississippi.

3090 (3) The State Auditor and the employees of his office shall
3091 have the right to examine only such tax returns as are necessary
3092 for auditing the Department of Revenue, and the same prohibitions



3093 against disclosure which apply to the Department of Revenue shall
3094 apply to the State Auditor and his office.

3095 (4) Officers and employees of the Mississippi Development
3096 Authority who execute a confidentiality agreement with the
3097 Department of Revenue shall be authorized to discuss and examine
3098 information to which this section applies at the offices of the
3099 Mississippi Department of Revenue. This disclosure is limited to
3100 information necessary to properly administer the programs under
3101 the jurisdiction of the Mississippi Development Authority. The
3102 Department of Revenue is authorized to disclose to officers and
3103 employees of the Mississippi Development Authority who execute a
3104 confidentiality agreement the information necessary under the
3105 circumstances. The same prohibitions against disclosure which
3106 apply to the Department of Revenue shall apply to the officers or
3107 employees of the Mississippi Development Authority.

3108 (5) Information required by the University Research Center
3109 to prepare the analyses required by Sections 57-13-101 through
3110 57-13-109 shall be furnished to the University Research Center
3111 upon request. It shall be unlawful for any officer or employee of
3112 the University Research Center to divulge or make known in any
3113 manner the amount of income or any particulars set forth or
3114 disclosed in any information received by the center from the
3115 Department of Revenue other than as may be required by Sections
3116 57-13-101 through 57-13-109 in an analysis prepared pursuant to
3117 Sections 57-13-101 through 57-13-109.



3118 (6) Information required by the Mississippi Development
3119 Authority to prepare the reports required by Section 57-1-12.2
3120 shall be furnished to the Mississippi Development Authority upon
3121 request. It shall be unlawful for any officer or employee of the
3122 Mississippi Development Authority to divulge or make known in any
3123 manner the amount of income or any particulars set forth or
3124 disclosed in any information received by the Mississippi
3125 Development Authority from the Department of Revenue other than as
3126 may be required by Section 57-1-12.2 in a report prepared pursuant
3127 to Section 57-1-12.2.

3128 (7) Information necessary to comply with Chapter 13, Title
3129 85, may be furnished to financial institutions. It shall be
3130 unlawful for any officer or employee of the financial institution
3131 to divulge or make known in any manner the amount of income or any
3132 particulars set forth or disclosed in any information received by
3133 the financial institution from the Department of Revenue other
3134 than as may be authorized by Chapter 13, Title 85.

3135 (8) The Commissioner of Revenue and the Department of
3136 Revenue are authorized to discuss with and provide the Attorney
3137 General or his designated representative with information related
3138 to an offer to compromise and settle any doubtful claim regarding
3139 a finally determined tax liability as authorized by Section
3140 31-19-30. It shall be unlawful for the Attorney General or any
3141 officer or employee of the Attorney General to divulge or make
3142 known in any manner the amount of income or any particulars set



3143 forth or disclosed in any information received by the Attorney
3144 General's office from the Commissioner of Revenue or Department of
3145 Revenue other than as may be required by Section 31-19-30.

3146 (9) Nothing in this section shall prohibit the Commissioner
3147 of Revenue from making available information necessary to recover
3148 taxes owing the state pursuant to the authority granted in Section
3149 27-75-16.

3150 (10) The Department of Revenue is authorized to disclose to
3151 the Child Support Unit and to the Fraud Investigation Unit of the
3152 Department of Human Services without the need for a subpoena or
3153 proper judicial order the name, address, social security number,
3154 amount of income, amount of sales tax, source of income, assets
3155 and other relevant information, records and tax forms for
3156 individuals who are delinquent in the payment of any child support
3157 as defined in Section 93-11-101 or who are under investigation for
3158 fraud or abuse of any state or federal program or statute as
3159 provided in Section 43-1-23.

3160 **SECTION 51.** Section 27-104-7, Mississippi Code of 1972, is
3161 brought forward as follows:

3162 27-104-7. (1) (a) There is created the Public Procurement
3163 Review Board, which shall be reconstituted on January 1, 2018, and
3164 shall be composed of the following members:

3165 (i) Three (3) individuals appointed by the
3166 Governor with the advice and consent of the Senate;



3167 (ii) Two (2) individuals appointed by the
3168 Lieutenant Governor with the advice and consent of the Senate; and
3169 (iii) The Executive Director of the Department of
3170 Finance and Administration, serving as an ex officio and nonvoting
3171 member.

3172 (b) The initial terms of each appointee shall be as
3173 follows:

3174 (i) One (1) member appointed by the Governor to
3175 serve for a term ending on June 30, 2019;

3176 (ii) One (1) member appointed by the Governor to
3177 serve for a term ending on June 30, 2020;

3178 (iii) One (1) member appointed by the Governor to
3179 serve for a term ending on June 30, 2021;

3180 (iv) One (1) member appointed by the Lieutenant
3181 Governor to serve for a term ending on June 30, 2019; and

3182 (v) One (1) member appointed by the Lieutenant
3183 Governor to serve for a term ending on June 30, 2020.

3184 After the expiration of the initial terms, all appointed
3185 members' terms shall be for a period of four (4) years from the
3186 expiration date of the previous term, and until such time as the
3187 member's successor is duly appointed and qualified.

3188 (c) When appointing members to the Public Procurement
3189 Review Board, the Governor and Lieutenant Governor shall take into
3190 consideration persons who possess at least five (5) years of
3191 management experience in general business, health care or finance



3192 for an organization, corporation or other public or private
3193 entity. Any person, or any employee or owner of a company, who
3194 receives any grants, procurements or contracts that are subject to
3195 approval under this section shall not be appointed to the Public
3196 Procurement Review Board. Any person, or any employee or owner of
3197 a company, who is a principal of the source providing a personal
3198 or professional service shall not be appointed to the Public
3199 Procurement Review Board if the principal owns or controls a
3200 greater than five percent (5%) interest or has an ownership value
3201 of One Million Dollars (\$1,000,000.00) in the source's business,
3202 whichever is smaller. No member shall be an officer or employee
3203 of the State of Mississippi while serving as a voting member on
3204 the Public Procurement Review Board.

3205 (d) Members of the Public Procurement Review Board
3206 shall be entitled to per diem as authorized by Section 25-3-69 and
3207 travel reimbursement as authorized by Section 25-3-41.

3208 (e) The members of the Public Procurement Review Board
3209 shall elect a chair from among the membership, and he or she shall
3210 preside over the meetings of the board. The board shall annually
3211 elect a vice chair, who shall serve in the absence of the chair.
3212 No business shall be transacted, including adoption of rules of
3213 procedure, without the presence of a quorum of the board. Three
3214 (3) members shall be a quorum. No action shall be valid unless
3215 approved by a majority of the members present and voting, entered
3216 upon the minutes of the board and signed by the chair. Necessary



3217 clerical and administrative support for the board shall be
3218 provided by the Department of Finance and Administration. Minutes
3219 shall be kept of the proceedings of each meeting, copies of which
3220 shall be filed on a monthly basis with the chairs of the
3221 Accountability, Efficiency and Transparency Committees of the
3222 Senate and House of Representatives and the chairs of the
3223 Appropriations Committees of the Senate and House of
3224 Representatives.

3225 (2) The Public Procurement Review Board shall have the
3226 following powers and responsibilities:

3227 (a) Approve all purchasing regulations governing the
3228 purchase or lease by any agency, as defined in Section 31-7-1, of
3229 commodities and equipment, except computer equipment acquired
3230 pursuant to Sections 25-53-1 through 25-53-29;

3231 (b) Adopt regulations governing the approval of
3232 contracts let for the construction and maintenance of state
3233 buildings and other state facilities as well as related contracts
3234 for architectural and engineering services.

3235 The provisions of this paragraph (b) shall not apply to such
3236 contracts involving buildings and other facilities of state
3237 institutions of higher learning which are self-administered as
3238 provided under this paragraph (b) or Section 37-101-15(m);

3239 (c) Adopt regulations governing any lease or rental
3240 agreement by any state agency or department, including any state
3241 agency financed entirely by federal funds, for space outside the



3242 buildings under the jurisdiction of the Department of Finance and
3243 Administration. These regulations shall require each agency
3244 requesting to lease such space to provide the following
3245 information that shall be published by the Department of Finance
3246 and Administration on its website: the agency to lease the space;
3247 the terms of the lease; the approximate square feet to be leased;
3248 the use for the space; a description of a suitable space; the
3249 general location desired for the leased space; the contact
3250 information for a person from the agency; the deadline date for
3251 the agency to have received a lease proposal; any other specific
3252 terms or conditions of the agency; and any other information
3253 deemed appropriate by the Division of Real Property Management of
3254 the Department of Finance and Administration or the Public
3255 Procurement Review Board. The information shall be provided
3256 sufficiently in advance of the time the space is needed to allow
3257 the Division of Real Property Management of the Department of
3258 Finance and Administration to review and preapprove the lease
3259 before the time for advertisement begins;

3260 (d) Adopt, in its discretion, regulations to set aside
3261 at least five percent (5%) of anticipated annual expenditures for
3262 the purchase of commodities from minority businesses; however, all
3263 such set-aside purchases shall comply with all purchasing
3264 regulations promulgated by the department and shall be subject to
3265 all bid requirements. Set-aside purchases for which competitive
3266 bids are required shall be made from the lowest and best minority



3267 business bidder; however, if no minority bid is available or if
3268 the minority bid is more than two percent (2%) higher than the
3269 lowest bid, then bids shall be accepted and awarded to the lowest
3270 and best bidder. However, the provisions in this paragraph shall
3271 not be construed to prohibit the rejection of a bid when only one
3272 (1) bid is received. Such rejection shall be placed in the
3273 minutes. For the purposes of this paragraph, the term "minority
3274 business" means a business which is owned by a person who is a
3275 citizen or lawful permanent resident of the United States and who
3276 is:

3277 (i) Black: having origins in any of the black
3278 racial groups of Africa;

3279 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
3280 Central or South American, or other Spanish or Portuguese culture
3281 or origin regardless of race;

3282 (iii) Asian-American: having origins in any of
3283 the original people of the Far East, Southeast Asia, the Indian
3284 subcontinent, or the Pacific Islands;

3285 (iv) American Indian or Alaskan Native: having
3286 origins in any of the original people of North America; or

3287 (v) Female;

3288 (e) In consultation with and approval by the Chairs of
3289 the Senate and House Public Property Committees, approve leases,
3290 for a term not to exceed eighteen (18) months, entered into by
3291 state agencies for the purpose of providing parking arrangements



3292 for state employees who work in the Woolfolk Building, the Carroll
3293 Gartin Justice Building or the Walter Sillers Office Building;

3294 (f) (i) Except as otherwise provided in subparagraph
3295 (ii) of this paragraph, promulgate rules and regulations governing
3296 the solicitation and selection of contractual services personnel,
3297 including personal and professional services contracts for any
3298 form of consulting, policy analysis, public relations, marketing,
3299 public affairs, legislative advocacy services or any other
3300 contract that the board deems appropriate for oversight, with the
3301 exception of:

3302 1. Any personal service contracts entered
3303 into by any agency that employs only nonstate service employees as
3304 defined in Section 25-9-107(c);

3305 2. Any personal service contracts entered
3306 into for computer or information technology-related services
3307 governed by the Mississippi Department of Information Technology
3308 Services;

3309 3. Any personal service contracts entered
3310 into by the individual state institutions of higher learning;

3311 4. Any personal service contracts entered
3312 into by the Mississippi Department of Transportation;

3313 5. Any personal service contracts entered
3314 into by the Department of Human Services through June 30, 2019,
3315 which the Executive Director of the Department of Human Services



3316 determines would be useful in establishing and operating the
3317 Department of Child Protection Services;

3318 6. Any personal service contracts entered
3319 into by the Department of Child Protection Services through June
3320 30, 2019;

3321 7. Any contracts for entertainers and/or
3322 performers at the Mississippi State Fairgrounds entered into by
3323 the Mississippi Fair Commission;

3324 8. Any contracts entered into by the
3325 Department of Finance and Administration when procuring aircraft
3326 maintenance, parts, equipment and/or services;

3327 9. Any contract entered into by the
3328 Department of Public Safety for service on specialized equipment
3329 and/or software required for the operation of such specialized
3330 equipment for use by the Office of Forensics Laboratories;

3331 10. Any personal or professional service
3332 contract entered into by the Mississippi Department of Health or
3333 the Department of Revenue solely in connection with their
3334 respective responsibilities under the Mississippi Medical Cannabis
3335 Act from February 2, 2022, through June 30, 2026;

3336 11. Any contract for attorney, accountant,
3337 actuary auditor, architect, engineer, anatomical pathologist, or
3338 utility rate expert services;

3339 12. Any personal service contracts approved
3340 by the Executive Director of the Department of Finance and



3341 Administration and entered into by the Coordinator of Mental
3342 Health Accessibility through June 30, 2022;

3343 13. Any personal or professional services
3344 contract entered into by the State Department of Health in
3345 carrying out its responsibilities under the ARPA Rural Water
3346 Associations Infrastructure Grant Program through June 30, 2026;
3347 and

3348 14. And any personal or professional services
3349 contract entered into by the Mississippi Department of
3350 Environmental Quality in carrying out its responsibilities under
3351 the Mississippi Municipality and County Water Infrastructure Grant
3352 Program Act of 2022, through June 30, 2026.

3353 Any such rules and regulations shall provide for maintaining
3354 continuous internal audit covering the activities of such agency
3355 affecting its revenue and expenditures as required under Section
3356 7-7-3(6)(d). Any rules and regulation changes related to personal
3357 and professional services contracts that the Public Procurement
3358 Review Board may propose shall be submitted to the Chairs of the
3359 Accountability, Efficiency and Transparency Committees of the
3360 Senate and House of Representatives and the Chairs of the
3361 Appropriation Committees of the Senate and House of
3362 Representatives at least fifteen (15) days before the board votes
3363 on the proposed changes, and those rules and regulation changes,
3364 if adopted, shall be promulgated in accordance with the
3365 Mississippi Administrative Procedures Act.



3366 (ii) From and after July 1, 2024, the Public
3367 Procurement Review Board shall promulgate rules and regulations
3368 that require the Department of Finance and Administration to
3369 conduct personal and professional services solicitations as
3370 provided in subparagraph (i) of this paragraph for those services
3371 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
3372 Department of Marine Resources, the Department of Wildlife,
3373 Fisheries and Parks, the Mississippi Emergency Management Agency
3374 and the Mississippi Development Authority, with assistance to be
3375 provided from these entities. Any powers that have been conferred
3376 upon agencies in order to comply with the provisions of this
3377 section for personal and professional services solicitations shall
3378 be conferred upon the Department of Finance and Administration to
3379 conduct personal and professional services solicitations for the
3380 Department of Marine Resources, the Department of Wildlife,
3381 Fisheries and Parks, the Mississippi Emergency Management Agency
3382 and the Mississippi Development Authority for those services in
3383 excess of Seventy-five Thousand Dollars (\$75,000.00). The
3384 Department of Finance and Administration shall make any
3385 submissions that are required to be made by other agencies to the
3386 Public Procurement Review Board for the Department of Marine
3387 Resources, the Department of Wildlife, Fisheries and Parks, the
3388 Mississippi Emergency Management Agency and the Mississippi
3389 Development Authority.



3390 The provisions of this subparagraph (ii) shall stand repealed
3391 on June 30, 2027;

3392 (g) Approve all personal and professional services
3393 contracts involving the expenditures of funds in excess of
3394 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
3395 paragraph (f) of this subsection (2) and in subsection (8);

3396 (h) Develop mandatory standards with respect to
3397 contractual services personnel that require invitations for public
3398 bid, requests for proposals, record keeping and financial
3399 responsibility of contractors. The Public Procurement Review
3400 Board shall, unless exempted under this paragraph (h) or under
3401 paragraph (i) or (o) of this subsection (2), require the agency
3402 involved to submit the procurement to a competitive procurement
3403 process, and may reserve the right to reject any or all resulting
3404 procurements;

3405 (i) Prescribe certain circumstances by which agency
3406 heads may enter into contracts for personal and professional
3407 services without receiving prior approval from the Public
3408 Procurement Review Board. The Public Procurement Review Board may
3409 establish a preapproved list of providers of various personal and
3410 professional services for set prices with which state agencies may
3411 contract without bidding or prior approval from the board;

3412 (i) Agency requirements may be fulfilled by
3413 procuring services performed incident to the state's own programs.
3414 The agency head shall determine in writing whether the price



3415 represents a fair market value for the services. When the
3416 procurements are made from other governmental entities, the
3417 private sector need not be solicited; however, these contracts
3418 shall still be submitted for approval to the Public Procurement
3419 Review Board.

3420 (ii) Contracts between two (2) state agencies,
3421 both under Public Procurement Review Board purview, shall not
3422 require Public Procurement Review Board approval. However, the
3423 contracts shall still be entered into the enterprise resource
3424 planning system;

3425 (j) Provide standards for the issuance of requests for
3426 proposals, the evaluation of proposals received, consideration of
3427 costs and quality of services proposed, contract negotiations, the
3428 administrative monitoring of contract performance by the agency
3429 and successful steps in terminating a contract;

3430 (k) Present recommendations for governmental
3431 privatization and to evaluate privatization proposals submitted by
3432 any state agency;

3433 (l) Authorize personal and professional service
3434 contracts to be effective for more than one (1) year provided a
3435 funding condition is included in any such multiple year contract,
3436 except the State Board of Education, which shall have the
3437 authority to enter into contractual agreements for student
3438 assessment for a period up to ten (10) years. The State Board of



3439 Education shall procure these services in accordance with the
3440 Public Procurement Review Board procurement regulations;

3441 (m) Request the State Auditor to conduct a performance
3442 audit on any personal or professional service contract;

3443 (n) Prepare an annual report to the Legislature
3444 concerning the issuance of personal and professional services
3445 contracts during the previous year, collecting any necessary
3446 information from state agencies in making such report;

3447 (o) Develop and implement the following standards and
3448 procedures for the approval of any sole source contract for
3449 personal and professional services regardless of the value of the
3450 procurement:

3451 (i) For the purposes of this paragraph (o), the
3452 term "sole source" means only one (1) source is available that can
3453 provide the required personal or professional service.

3454 (ii) An agency that has been issued a binding,
3455 valid court order mandating that a particular source or provider
3456 must be used for the required service must include a copy of the
3457 applicable court order in all future sole source contract reviews
3458 for the particular personal or professional service referenced in
3459 the court order.

3460 (iii) Any agency alleging to have a sole source
3461 for any personal or professional service, other than those
3462 exempted under paragraph (f) of this subsection (2) and subsection
3463 (8), shall publish on the procurement portal website established



3464 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
3465 days, the terms of the proposed contract for those services. In
3466 addition, the publication shall include, but is not limited to,
3467 the following information:

3468 1. The personal or professional service
3469 offered in the contract;

3470 2. An explanation of why the personal or
3471 professional service is the only one that can meet the needs of
3472 the agency;

3473 3. An explanation of why the source is the
3474 only person or entity that can provide the required personal or
3475 professional service;

3476 4. An explanation of why the amount to be
3477 expended for the personal or professional service is reasonable;
3478 and

3479 5. The efforts that the agency went through
3480 to obtain the best possible price for the personal or professional
3481 service.

3482 (iv) If any person or entity objects and proposes
3483 that the personal or professional service published under
3484 subparagraph (iii) of this paragraph (o) is not a sole source
3485 service and can be provided by another person or entity, then the
3486 objecting person or entity shall notify the Public Procurement
3487 Review Board and the agency that published the proposed sole



3488 source contract with a detailed explanation of why the personal or
3489 professional service is not a sole source service.

3490 (v) 1. If the agency determines after review that
3491 the personal or professional service in the proposed sole source
3492 contract can be provided by another person or entity, then the
3493 agency must withdraw the sole source contract publication from the
3494 procurement portal website and submit the procurement of the
3495 personal or professional service to an advertised competitive bid
3496 or selection process.

3497 2. If the agency determines after review that
3498 there is only one (1) source for the required personal or
3499 professional service, then the agency may appeal to the Public
3500 Procurement Review Board. The agency has the burden of proving
3501 that the personal or professional service is only provided by one
3502 (1) source.

3503 3. If the Public Procurement Review Board has
3504 any reasonable doubt as to whether the personal or professional
3505 service can only be provided by one (1) source, then the agency
3506 must submit the procurement of the personal or professional
3507 service to an advertised competitive bid or selection process. No
3508 action taken by the Public Procurement Review Board in this appeal
3509 process shall be valid unless approved by a majority of the
3510 members of the Public Procurement Review Board present and voting.

3511 (vi) The Public Procurement Review Board shall
3512 prepare and submit a quarterly report to the House of



3513 Representatives and Senate Accountability, Efficiency and
3514 Transparency Committees that details the sole source contracts
3515 presented to the Public Procurement Review Board and the reasons
3516 that the Public Procurement Review Board approved or rejected each
3517 contract. These quarterly reports shall also include the
3518 documentation and memoranda required in subsection (4) of this
3519 section. An agency that submitted a sole source contract shall be
3520 prepared to explain the sole source contract to each committee by
3521 December 15 of each year upon request by the committee;

3522 (p) Assess any fines and administrative penalties
3523 provided for in Sections 31-7-401 through 31-7-423.

3524 (3) All submissions shall be made sufficiently in advance of
3525 each monthly meeting of the Public Procurement Review Board as
3526 prescribed by the Public Procurement Review Board. If the Public
3527 Procurement Review Board rejects any contract submitted for review
3528 or approval, the Public Procurement Review Board shall clearly set
3529 out the reasons for its action, including, but not limited to, the
3530 policy that the agency has violated in its submitted contract and
3531 any corrective actions that the agency may take to amend the
3532 contract to comply with the rules and regulations of the Public
3533 Procurement Review Board.

3534 (4) All sole source contracts for personal and professional
3535 services awarded by state agencies, other than those exempted
3536 under Section 27-104-7(2) (f) and (8), whether approved by an
3537 agency head or the Public Procurement Review Board, shall contain



3538 in the procurement file a written determination for the approval,
3539 using a request form furnished by the Public Procurement Review
3540 Board. The written determination shall document the basis for the
3541 determination, including any market analysis conducted in order to
3542 ensure that the service required was practicably available from
3543 only one (1) source. A memorandum shall accompany the request
3544 form and address the following four (4) points:

3545 (a) Explanation of why this service is the only service
3546 that can meet the needs of the purchasing agency;

3547 (b) Explanation of why this vendor is the only
3548 practicably available source from which to obtain this service;

3549 (c) Explanation of why the price is considered
3550 reasonable; and

3551 (d) Description of the efforts that were made to
3552 conduct a noncompetitive negotiation to get the best possible
3553 price for the taxpayers.

3554 (5) In conjunction with the State Personnel Board, the
3555 Public Procurement Review Board shall develop and promulgate rules
3556 and regulations to define the allowable legal relationship between
3557 contract employees and the contracting departments, agencies and
3558 institutions of state government under the jurisdiction of the
3559 State Personnel Board, in compliance with the applicable rules and
3560 regulations of the federal Internal Revenue Service (IRS) for
3561 federal employment tax purposes. Under these regulations, the
3562 usual common law rules are applicable to determine and require



3563 that such worker is an independent contractor and not an employee,
3564 requiring evidence of lawful behavioral control, lawful financial
3565 control and lawful relationship of the parties. Any state
3566 department, agency or institution shall only be authorized to
3567 contract for personnel services in compliance with those
3568 regulations.

3569 (6) No member of the Public Procurement Review Board shall
3570 use his or her official authority or influence to coerce, by
3571 threat of discharge from employment, or otherwise, the purchase of
3572 commodities, the contracting for personal or professional
3573 services, or the contracting for public construction under this
3574 chapter.

3575 (7) Notwithstanding any other laws or rules to the contrary,
3576 the provisions of subsection (2) of this section shall not be
3577 applicable to the Mississippi State Port Authority at Gulfport.

3578 (8) Nothing in this section shall impair or limit the
3579 authority of the Board of Trustees of the Public Employees'
3580 Retirement System to enter into any personal or professional
3581 services contracts directly related to their constitutional
3582 obligation to manage the trust funds, including, but not limited
3583 to, actuarial, custodial banks, cash management, investment
3584 consultant and investment management contracts. Nothing in this
3585 section shall impair or limit the authority of the State Treasurer
3586 to enter into any personal or professional services contracts
3587 involving the management of trust funds, including, but not



3588 limited to, actuarial, custodial banks, cash management,
3589 investment consultant and investment management contracts.

3590 (9) Through December 31, 2024, the provisions of this
3591 section related to rental agreements or leasing of real property
3592 for the purpose of conducting agency business shall not apply to
3593 the Office of Workforce Development created in Section 37-153-7.

3594 **SECTION 52.** Section 27-104-165, Mississippi Code of 1972, is
3595 brought forward as follows:

3596 27-104-165. The Department of Finance and Administration,
3597 with assistance from the Mississippi Department of Information
3598 Technology Services and the State Personnel Board, may develop a
3599 phased-in plan that ensures that the procurement portal required
3600 under Section 25-53-151 be fully functional by July 1, 2015.

3601 **SECTION 53.** Section 27-104-205, Mississippi Code of 1972, is
3602 brought forward as follows:

3603 27-104-205. (1) From and after July 1, 2016, the expenses
3604 of the following enumerated state agencies shall be defrayed by
3605 appropriation of the Legislature from the State General Fund: the
3606 State Fire Marshal, the State Fire Academy (not including the
3607 State Fire Academy Workforce Program Fund), the Office of
3608 Secretary of State (not including the Preneed Contracts Loss
3609 Recovery Fund), the Mississippi Public Service Commission, the
3610 Mississippi Department of Information Technology Services, (not
3611 including the Mississippi Department of Information Technology
3612 Services Revolving Fund), the State Personnel Board, the



3613 Mississippi Department of Insurance (not including the Municipal
3614 Fire Protection Fund, Section 83-1-37, the County Volunteer Fire
3615 Department Fund, Section 83-1-39, and the Mississippi Propane
3616 Education and Research Fund, Section 75-57-119), the Mississippi
3617 Law Enforcement Officers' Minimum Standards Board, the Mississippi
3618 Gaming Commission, the Office of the State Public Defender, the
3619 Mississippi Workers' Compensation Commission (not including the
3620 Second Injury Trust Fund) and the Office of Attorney General.
3621 Beginning July 1, 2016, any fees, assessments or other revenues
3622 charged for the support of the above-named state agencies shall be
3623 deposited into the State General Fund, and any special fund or
3624 depository established within the State Treasury for the deposit
3625 of such fees, assessments or revenues shall be abolished and the
3626 balance transferred to the State General Fund. Expenses
3627 heretofore drawn from such special funds or other depositories
3628 shall be drawn from the agencies General Fund Account.

3629 (2) Beginning with the fiscal year ending June 30, 2016, the
3630 amount to be appropriated annually from the State General Fund for
3631 the support of each of the above-named state agencies shall not
3632 exceed the amount appropriated for such purpose in the preceding
3633 fiscal year, plus any increases in or additional fees, assessments
3634 or other charges authorized by act of the Legislature for the
3635 succeeding fiscal year.

3636 (3) The provisions of this section shall not apply to any
3637 trust fund account that is maintained by any above-named agency.



3638 (4) The provisions of this section shall not prohibit any of
3639 the above-named agencies from maintaining clearing accounts in
3640 approved depositories.

3641 (5) The provisions of this section shall not apply to any
3642 trust fund accounts maintained by the Public Employees' Retirement
3643 System and protected under Section 272A of the Mississippi
3644 Constitution of 1890.

3645 **SECTION 54.** Section 27-115-49, Mississippi Code of 1972, is
3646 brought forward as follows:

3647 27-115-49. (1) The corporation shall enter into its
3648 contracts for major procurements after bidding. The corporation
3649 may adopt administrative rules and regulations pursuant to the
3650 provisions of this chapter providing for special procedures
3651 whereby the Mississippi Lottery Corporation may make any class of
3652 procurement.

3653 (2) In its bidding processes, the corporation may do its own
3654 bidding and procurement or may utilize the services of the
3655 Department of Finance and Administration, the Department of
3656 Information Technology Services, or other state agencies as
3657 appropriate and necessary. The president of the corporation may,
3658 with approval of the board, declare an emergency for purchasing
3659 purposes which shall be governed by the administrative rules and
3660 regulations adopted by the board.

3661 **SECTION 55.** Section 31-7-10, Mississippi Code of 1972, is
3662 brought forward as follows:



3663 31-7-10. (1) For the purposes of this section, the term
3664 "equipment" shall mean equipment, furniture, and if applicable,
3665 associated software and other applicable direct costs associated
3666 with the acquisition. In addition to its other powers and duties,
3667 the Department of Finance and Administration shall have the
3668 authority to develop a master lease-purchase program and, pursuant
3669 to that program, shall have the authority to execute on behalf of
3670 the state master lease-purchase agreements for equipment to be
3671 used by an agency, as provided in this section. Each agency
3672 electing to acquire equipment by a lease-purchase agreement shall
3673 participate in the Department of Finance and Administration's
3674 master lease-purchase program, unless the Department of Finance
3675 and Administration makes a determination that such equipment
3676 cannot be obtained under the program or unless the equipment can
3677 be obtained elsewhere at an overall cost lower than that for which
3678 the equipment can be obtained under the program. Such
3679 lease-purchase agreements may include the refinancing or
3680 consolidation, or both, of any state agency lease-purchase
3681 agreements entered into after June 30, 1990.

3682 (2) All funds designated by agencies for procurement of
3683 equipment and financing thereof under the master lease-purchase
3684 program shall be paid into a special fund created in the State
3685 Treasury known as the "Master Lease-Purchase Program Fund," which
3686 shall be used by the Department of Finance and Administration for



3687 payment to the lessors for equipment acquired under master
3688 lease-purchase agreements.

3689 (3) Upon final approval of an appropriation bill, each
3690 agency shall submit to the Public Procurement Review Board a
3691 schedule of proposed equipment acquisitions for the master
3692 lease-purchase program. Upon approval of an equipment schedule by
3693 the Public Procurement Review Board with the advice of the
3694 Department of Information Technology Services, the Office of
3695 Purchasing, Travel and Fleet Management, and the Division of
3696 Energy and Transportation of the Mississippi Development Authority
3697 as it pertains to energy efficient climate control systems, the
3698 Public Procurement Review Board shall forward a copy of the
3699 equipment schedule to the Department of Finance and
3700 Administration.

3701 (4) The level of lease-purchase debt recommended by the
3702 Department of Finance and Administration shall be subject to
3703 approval by the State Bond Commission. After such approval, the
3704 Department of Finance and Administration shall be authorized to
3705 advertise and solicit written competitive proposals for a lessor,
3706 who will purchase the equipment pursuant to bid awards made by the
3707 using agency under a given category and then transfer the
3708 equipment to the Department of Finance and Administration as
3709 lessee, pursuant to a master lease-purchase agreement.

3710 The Department of Finance and Administration shall select the
3711 successful proposer for the financing of equipment under the



3712 master lease-purchase program with the approval of the State Bond
3713 Commission.

3714 (5) Each master lease-purchase agreement, and any subsequent
3715 amendments, shall include such terms and conditions as the State
3716 Bond Commission shall determine to be appropriate and in the
3717 public interest, and may include any covenants deemed necessary or
3718 desirable to protect the interests of the lessor, including, but
3719 not limited to, provisions setting forth the interest rate (or
3720 method for computing interest rates) for financing pursuant to
3721 such agreement, covenants concerning application of payments and
3722 funds held in the Master Lease-Purchase Program Fund, covenants to
3723 maintain casualty insurance with respect to equipment subject to
3724 the master lease-purchase agreement (and all state agencies are
3725 specifically authorized to purchase any insurance required by a
3726 master lease-purchase agreement) and covenants precluding or
3727 limiting the right of the lessee or user to acquire equipment
3728 within a specified time (not to exceed five (5) years) after
3729 cancellation on the basis of a failure to appropriate funds for
3730 payment of amounts due under a lease-purchase agreement covering
3731 comparable equipment. The State Bond Commission shall transmit
3732 copies of each such master lease-purchase agreement and each such
3733 amendment to the Joint Legislative Budget Committee. To the
3734 extent provided in any master lease-purchase agreement, title to
3735 equipment leased pursuant thereto shall be deemed to be vested in
3736 the state or the user of the equipment (as specified in such



3737 master lease-purchase agreement), subject to default under or
3738 termination of such master lease-purchase agreement.

3739 A master lease-purchase agreement may provide for payment by
3740 the lessor to the lessee of the purchase price of the equipment to
3741 be acquired pursuant thereto prior to the date on which payment is
3742 due to the vendor for such equipment and that the lease payments
3743 by the lessee shall commence as though the equipment had been
3744 provided on the date of payment. If the lessee, or lessee's
3745 escrow agent, has sufficient funds for payment of equipment
3746 purchases prior to payment due date to vendor of equipment, such
3747 funds shall be held or utilized on an as-needed basis for payment
3748 of equipment purchases either by the State Treasurer (in which
3749 event the master lease-purchase agreement may include provisions
3750 concerning the holding of such funds, the creation of a security
3751 interest for the benefit of the lessor in such funds until
3752 disbursed and other appropriate provisions approved by the Bond
3753 Commission) or by a corporate trustee selected by the Department
3754 of Finance and Administration (in which event the Department of
3755 Finance and Administration shall have the authority to enter into
3756 an agreement with such a corporate trustee containing terms and
3757 conditions approved by the Bond Commission). Earnings on any
3758 amount paid by the lessor prior to the acquisition of the
3759 equipment may be used to make lease payments under the master
3760 lease-purchase agreement or applied to pay costs and expenses
3761 incurred in connection with such lease-purchase agreement. In



3762 such event, the equipment-use agreements with the user agency may
3763 provide for lease payments to commence upon the date of payment by
3764 the lessor and may also provide for a credit against such payments
3765 to the extent that investment receipts from investment of the
3766 purchase price are to be used to make lease-purchase payments.

3767 (6) The annual rate of interest paid under any
3768 lease-purchase agreement authorized under this section shall not
3769 exceed the maximum interest rate to maturity on general obligation
3770 indebtedness permitted under Section 75-17-101.

3771 (7) The Department of Finance and Administration shall
3772 furnish the equipment to the various agencies, also known as the
3773 user, pursuant to an equipment-use agreement developed by the
3774 Department of Finance and Administration. Such agreements shall
3775 require that all monthly payments due from such agency be paid,
3776 transferred or allocated into the Master Lease-Purchase Program
3777 Fund pursuant to a schedule established by the Department of
3778 Finance and Administration. In the event such sums are not paid
3779 by the defined payment period, the Executive Director of the
3780 Department of Finance and Administration shall issue a requisition
3781 for a warrant to draw such amount as may be due from any funds
3782 appropriated for the use of the agency which has failed to make
3783 the payment as agreed.

3784 (8) All master lease-purchase agreements executed under the
3785 authority of this section shall contain the following annual
3786 allocation dependency clause or an annual allocation dependency



3787 clause which is substantially equivalent thereto: "The
3788 continuation of each equipment schedule to this agreement is
3789 contingent in whole or in part upon the appropriation of funds by
3790 the Legislature to make the lease-purchase payments required under
3791 such equipment schedule. If the Legislature fails to appropriate
3792 sufficient funds to provide for the continuation of the
3793 lease-purchase payments under any such equipment schedule, then
3794 the obligations of the lessee and of the agency to make such
3795 lease-purchase payments and the corresponding provisions of any
3796 such equipment schedule to this agreement shall terminate on the
3797 last day of the fiscal year for which appropriations were made."

3798 (9) The maximum lease term for any equipment acquired under
3799 the master lease-purchase program shall not exceed the useful life
3800 of such equipment as determined according to the upper limit of
3801 the asset depreciation range (ADR) guidelines for the Class Life
3802 Asset Depreciation Range System established by the Internal
3803 Revenue Service pursuant to the United States Internal Revenue
3804 Code and Regulations thereunder as in effect on December 31, 1980,
3805 or comparable depreciation guidelines with respect to any
3806 equipment not covered by ADR guidelines. The Department of
3807 Finance and Administration shall be deemed to have met the
3808 requirements of this subsection if the term of a master
3809 lease-purchase agreement does not exceed the weighted average
3810 useful life of all equipment covered by such agreement and the
3811 schedules thereto as determined by the Department of Finance and



3812 Administration. For purposes of this subsection, the "term of a
3813 master lease-purchase agreement" shall be the weighted average
3814 maturity of all principal payments to be made under such master
3815 lease-purchase agreement and all schedules thereto.

3816 (10) Interest paid on any master lease-purchase agreement
3817 under this section shall be exempt from State of Mississippi
3818 income taxation. All equipment, and the purchase thereof by any
3819 lessor, acquired under the master lease-purchase program and all
3820 lease-purchase payments with respect thereto shall be exempt from
3821 all Mississippi sales, use and ad valorem taxes.

3822 (11) The Governor, in his annual executive budget to the
3823 Legislature, shall recommend appropriations sufficient to provide
3824 funds to pay all amounts due and payable during the applicable
3825 fiscal year under master lease-purchase agreements entered into
3826 pursuant to this section.

3827 (12) Any master lease-purchase agreement reciting in
3828 substance that such agreement has been entered into pursuant to
3829 this section shall be conclusively deemed to have been entered
3830 into in accordance with all of the provisions and conditions set
3831 forth in this section. Any defect or irregularity arising with
3832 respect to procedures applicable to the acquisition of any
3833 equipment shall not invalidate or otherwise limit the obligation
3834 of the Department of Finance and Administration, or the state or
3835 any agency of the state, under any master lease-purchase agreement
3836 or any equipment-use agreement.



3837 (13) There shall be maintained by the Department of Finance
3838 and Administration, with respect to each master lease-purchase
3839 agreement, an itemized statement of the cash price, interest
3840 rates, interest costs, commissions, debt service schedules and all
3841 other costs and expenses paid by the state incident to the
3842 lease-purchase of equipment under such agreement.

3843 (14) Lease-purchase agreements entered into by the Board of
3844 Trustees of State Institutions of Higher Learning pursuant to the
3845 authority of Section 37-101-413 or by any other agency which has
3846 specific statutory authority other than pursuant to Section
3847 31-7-13(e) to acquire equipment by lease-purchase shall not be
3848 made pursuant to the master lease-purchase program under this
3849 section, unless the Board of Trustees of State Institutions of
3850 Higher Learning or such other agency elects to participate as to
3851 part or all of its lease-purchase acquisitions in the master
3852 lease-purchase program pursuant to this section.

3853 (15) The Department of Finance and Administration may
3854 develop a master lease-purchase program for school districts and,
3855 pursuant to that program, may execute on behalf of the school
3856 districts master lease-purchase agreements for equipment to be
3857 used by the school districts. The form and structure of this
3858 program shall be substantially the same as set forth in this
3859 section for the master lease-purchase program for state agencies.
3860 If sums due from a school district under the master lease-purchase
3861 program are not paid by the expiration of the defined payment



3862 period, the Executive Director of the Department of Finance and
3863 Administration may withhold such amount that is due from the
3864 school district's minimum education or adequate education program
3865 fund allotments.

3866 (16) The Department of Finance and Administration may
3867 develop a master lease-purchase program for community and junior
3868 college districts and, pursuant to that program, may execute on
3869 behalf of the community and junior college districts master
3870 lease-purchase agreements for equipment to be used by the
3871 community and junior college districts. The form and structure of
3872 this program must be substantially the same as set forth in this
3873 section for the master lease-purchase program for state agencies.
3874 If sums due from a community or junior college district under the
3875 master lease-purchase program are not paid by the expiration of
3876 the defined payment period, the Executive Director of the
3877 Department of Finance and Administration may withhold an amount
3878 equal to the amount due under the program from any funds allocated
3879 for that community or junior college district in the state
3880 appropriations for the use and support of the community and junior
3881 colleges.

3882 (17) From and after July 1, 2016, the expenses of this
3883 agency shall be defrayed by appropriation from the State General
3884 Fund and all user charges and fees authorized under this section
3885 shall be deposited into the State General Fund as authorized by
3886 law.



3887 (18) From and after July 1, 2016, no state agency shall
3888 charge another state agency a fee, assessment, rent or other
3889 charge for services or resources received by authority of this
3890 section.

3891 **SECTION 56.** Section 31-7-13, Mississippi Code of 1972, is
3892 brought forward as follows:

3893 31-7-13. All agencies and governing authorities shall
3894 purchase their commodities and printing; contract for garbage
3895 collection or disposal; contract for solid waste collection or
3896 disposal; contract for sewage collection or disposal; contract for
3897 public construction; and contract for rentals as herein provided.

3898 (a) **Bidding procedure for purchases not over \$5,000.00.**

3899 Purchases which do not involve an expenditure of more than Five
3900 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
3901 charges, may be made without advertising or otherwise requesting
3902 competitive bids. However, nothing contained in this paragraph

3903 (a) shall be construed to prohibit any agency or governing
3904 authority from establishing procedures which require competitive
3905 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

3906 (b) **Bidding procedure for purchases over \$5,000.00 but**

3907 **not over \$75,000.00.** Purchases which involve an expenditure of
3908 more than Five Thousand Dollars (\$5,000.00) but not more than
3909 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight
3910 and shipping charges, may be made from the lowest and best bidder
3911 without publishing or posting advertisement for bids, provided at



3912 least two (2) competitive written bids have been obtained. Any
3913 state agency or community or junior college purchasing commodities
3914 or procuring construction pursuant to this paragraph (b) may
3915 authorize its purchasing agent, or his designee, to accept the
3916 lowest competitive written bid under Seventy-five Thousand Dollars
3917 (\$75,000.00). Any governing authority purchasing commodities
3918 pursuant to this paragraph (b) may authorize its purchasing agent,
3919 or his designee, with regard to governing authorities other than
3920 counties, or its purchase clerk, or his designee, with regard to
3921 counties, to accept the lowest and best competitive written bid.
3922 Such authorization shall be made in writing by the governing
3923 authority and shall be maintained on file in the primary office of
3924 the agency and recorded in the official minutes of the governing
3925 authority, as appropriate. The purchasing agent or the purchase
3926 clerk, or his designee, as the case may be, and not the governing
3927 authority, shall be liable for any penalties and/or damages as may
3928 be imposed by law for any act or omission of the purchasing agent
3929 or purchase clerk, or his designee, constituting a violation of
3930 law in accepting any bid without approval by the governing
3931 authority. The term "competitive written bid" shall mean a bid
3932 submitted on a bid form furnished by the buying agency or
3933 governing authority and signed by authorized personnel
3934 representing the vendor, or a bid submitted on a vendor's
3935 letterhead or identifiable bid form and signed by authorized
3936 personnel representing the vendor. "Competitive" shall mean that



3937 the bids are developed based upon comparable identification of the
3938 needs and are developed independently and without knowledge of
3939 other bids or prospective bids. Any bid item for construction in
3940 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
3941 by components to provide detail of component description and
3942 pricing. These details shall be submitted with the written bids
3943 and become part of the bid evaluation criteria. Bids may be
3944 submitted by facsimile, electronic mail or other generally
3945 accepted method of information distribution. Bids submitted by
3946 electronic transmission shall not require the signature of the
3947 vendor's representative unless required by agencies or governing
3948 authorities.

3949 (c) **Bidding procedure for purchases over \$75,000.00.**

3950 (i) **Publication requirement.**

3951 1. Purchases which involve an expenditure of
3952 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
3953 freight and shipping charges, may be made from the lowest and best
3954 bidder after advertising for competitive bids once each week for
3955 two (2) consecutive weeks in a regular newspaper published in the
3956 county or municipality in which such agency or governing authority
3957 is located. However, all American Recovery and Reinvestment Act
3958 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3959 shall be bid. All references to American Recovery and
3960 Reinvestment Act projects in this section shall not apply to



3961 programs identified in Division B of the American Recovery and
3962 Reinvestment Act.

3963 2. Reverse auctions shall be the primary
3964 method for receiving bids during the bidding process. If a
3965 purchasing entity determines that a reverse auction is not in the
3966 best interest of the state, then that determination must be
3967 approved by the Public Procurement Review Board. The purchasing
3968 entity shall submit a detailed explanation of why a reverse
3969 auction would not be in the best interest of the state and present
3970 an alternative process to be approved by the Public Procurement
3971 Review Board. If the Public Procurement Review Board authorizes
3972 the purchasing entity to solicit bids with a method other than
3973 reverse auction, then the purchasing entity may designate the
3974 other methods by which the bids will be received, including, but
3975 not limited to, bids sealed in an envelope, bids received
3976 electronically in a secure system, or bids received by any other
3977 method that promotes open competition and has been approved by the
3978 Office of Purchasing and Travel. However, reverse auction shall
3979 not be used for any public contract for design, construction,
3980 improvement, repair or remodeling of any public facilities,
3981 including the purchase of materials, supplies, equipment or goods
3982 for same and including buildings, roads and bridges. The Public
3983 Procurement Review Board must approve any contract entered into by
3984 alternative process. The provisions of this item 2 shall not
3985 apply to the individual state institutions of higher learning.



3986 The provisions of this item 2 requiring reverse auction as the
3987 primary method of receiving bids shall not apply to term contract
3988 purchases as provided in paragraph (n) of this section; however, a
3989 purchasing entity may, in its discretion, utilize reverse auction
3990 for such purchases. The provisions of this item 2 shall not apply
3991 to individual public schools, including public charter schools and
3992 public school districts, only when purchasing copyrighted
3993 educational supplemental materials and software as a service
3994 product. For such purchases, a local school board may authorize a
3995 purchasing entity in its jurisdiction to use a Request for
3996 Qualifications which promotes open competition and meets the
3997 requirements of the Office of Purchasing and Travel.

3998 3. The date as published for the bid opening
3999 shall not be less than seven (7) working days after the last
4000 published notice; however, if the purchase involves a construction
4001 project in which the estimated cost is in excess of Seventy-five
4002 Thousand Dollars (\$75,000.00), such bids shall not be opened in
4003 less than fifteen (15) working days after the last notice is
4004 published and the notice for the purchase of such construction
4005 shall be published once each week for two (2) consecutive weeks.
4006 However, all American Recovery and Reinvestment Act projects in
4007 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
4008 For any projects in excess of Twenty-five Thousand Dollars
4009 (\$25,000.00) under the American Recovery and Reinvestment Act,
4010 publication shall be made one (1) time and the bid opening for



4011 construction projects shall not be less than ten (10) working days
4012 after the date of the published notice. The notice of intention
4013 to let contracts or purchase equipment shall state the time and
4014 place at which bids shall be received, list the contracts to be
4015 made or types of equipment or supplies to be purchased, and, if
4016 all plans and/or specifications are not published, refer to the
4017 plans and/or specifications on file. If there is no newspaper
4018 published in the county or municipality, then such notice shall be
4019 given by posting same at the courthouse, or for municipalities at
4020 the city hall, and at two (2) other public places in the county or
4021 municipality, and also by publication once each week for two (2)
4022 consecutive weeks in some newspaper having a general circulation
4023 in the county or municipality in the above-provided manner. On
4024 the same date that the notice is submitted to the newspaper for
4025 publication, the agency or governing authority involved shall mail
4026 written notice to, or provide electronic notification to the main
4027 office of the Mississippi Procurement Technical Assistance Program
4028 under the Mississippi Development Authority that contains the same
4029 information as that in the published notice. Submissions received
4030 by the Mississippi Procurement Technical Assistance Program for
4031 projects funded by the American Recovery and Reinvestment Act
4032 shall be displayed on a separate and unique Internet web page
4033 accessible to the public and maintained by the Mississippi
4034 Development Authority for the Mississippi Procurement Technical
4035 Assistance Program. Those American Recovery and Reinvestment Act



4036 related submissions shall be publicly posted within twenty-four
4037 (24) hours of receipt by the Mississippi Development Authority and
4038 the bid opening shall not occur until the submission has been
4039 posted for ten (10) consecutive days. The Department of Finance
4040 and Administration shall maintain information regarding contracts
4041 and other expenditures from the American Recovery and Reinvestment
4042 Act, on a unique Internet web page accessible to the public. The
4043 Department of Finance and Administration shall promulgate rules
4044 regarding format, content and deadlines, unless otherwise
4045 specified by law, of the posting of award notices, contract
4046 execution and subsequent amendments, links to the contract
4047 documents, expenditures against the awarded contracts and general
4048 expenditures of funds from the American Recovery and Reinvestment
4049 Act. Within one (1) working day of the contract award, the agency
4050 or governing authority shall post to the designated web page
4051 maintained by the Department of Finance and Administration, notice
4052 of the award, including the award recipient, the contract amount,
4053 and a brief summary of the contract in accordance with rules
4054 promulgated by the department. Within one (1) working day of the
4055 contract execution, the agency or governing authority shall post
4056 to the designated web page maintained by the Department of Finance
4057 and Administration a summary of the executed contract and make a
4058 copy of the appropriately redacted contract documents available
4059 for linking to the designated web page in accordance with the
4060 rules promulgated by the department. The information provided by



4061 the agency or governing authority shall be posted to the web page
4062 for the duration of the American Recovery and Reinvestment Act
4063 funding or until the project is completed, whichever is longer.

4064 (ii) **Bidding process amendment procedure.** If all
4065 plans and/or specifications are published in the notification,
4066 then the plans and/or specifications may not be amended. If all
4067 plans and/or specifications are not published in the notification,
4068 then amendments to the plans/specifications, bid opening date, bid
4069 opening time and place may be made, provided that the agency or
4070 governing authority maintains a list of all prospective bidders
4071 who are known to have received a copy of the bid documents and all
4072 such prospective bidders are sent copies of all amendments. This
4073 notification of amendments may be made via mail, facsimile,
4074 electronic mail or other generally accepted method of information
4075 distribution. No addendum to bid specifications may be issued
4076 within two (2) working days of the time established for the
4077 receipt of bids unless such addendum also amends the bid opening
4078 to a date not less than five (5) working days after the date of
4079 the addendum.

4080 (iii) **Filing requirement.** In all cases involving
4081 governing authorities, before the notice shall be published or
4082 posted, the plans or specifications for the construction or
4083 equipment being sought shall be filed with the clerk of the board
4084 of the governing authority. In addition to these requirements, a
4085 bid file shall be established which shall indicate those vendors



4086 to whom such solicitations and specifications were issued, and
4087 such file shall also contain such information as is pertinent to
4088 the bid.

4089 (iv) **Specification restrictions.**

4090 1. Specifications pertinent to such bidding
4091 shall be written so as not to exclude comparable equipment of
4092 domestic manufacture. However, if valid justification is
4093 presented, the Department of Finance and Administration or the
4094 board of a governing authority may approve a request for specific
4095 equipment necessary to perform a specific job. Further, such
4096 justification, when placed on the minutes of the board of a
4097 governing authority, may serve as authority for that governing
4098 authority to write specifications to require a specific item of
4099 equipment needed to perform a specific job. In addition to these
4100 requirements, from and after July 1, 1990, vendors of relocatable
4101 classrooms and the specifications for the purchase of such
4102 relocatable classrooms published by local school boards shall meet
4103 all pertinent regulations of the State Board of Education,
4104 including prior approval of such bid by the State Department of
4105 Education.

4106 2. Specifications for construction projects
4107 may include an allowance for commodities, equipment, furniture,
4108 construction materials or systems in which prospective bidders are
4109 instructed to include in their bids specified amounts for such
4110 items so long as the allowance items are acquired by the vendor in



4111 a commercially reasonable manner and approved by the
4112 agency/governing authority. Such acquisitions shall not be made
4113 to circumvent the public purchasing laws.

4114 (v) **Electronic bids.** Agencies and governing
4115 authorities shall provide a secure electronic interactive system
4116 for the submittal of bids requiring competitive bidding that shall
4117 be an additional bidding option for those bidders who choose to
4118 submit their bids electronically. The Department of Finance and
4119 Administration shall provide, by regulation, the standards that
4120 agencies must follow when receiving electronic bids. Agencies and
4121 governing authorities shall make the appropriate provisions
4122 necessary to accept electronic bids from those bidders who choose
4123 to submit their bids electronically for all purchases requiring
4124 competitive bidding under this section. Any special condition or
4125 requirement for the electronic bid submission shall be specified
4126 in the advertisement for bids required by this section. Agencies
4127 or governing authorities that are currently without available high
4128 speed Internet access shall be exempt from the requirement of this
4129 subparagraph (v) until such time that high speed Internet access
4130 becomes available. Any county having a population of less than
4131 twenty thousand (20,000) shall be exempt from the provisions of
4132 this subparagraph (v). Any municipality having a population of
4133 less than ten thousand (10,000) shall be exempt from the
4134 provisions of this subparagraph (v). The provisions of this
4135 subparagraph (v) shall not require any bidder to submit bids



4136 electronically. When construction bids are submitted
4137 electronically, the requirement for including a certificate of
4138 responsibility, or a statement that the bid enclosed does not
4139 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
4140 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
4141 deemed in compliance with by including same as an attachment with
4142 the electronic bid submittal.

4143 (d) **Lowest and best bid decision procedure.**

4144 (i) **Decision procedure.** Purchases may be made
4145 from the lowest and best bidder. In determining the lowest and
4146 best bid, freight and shipping charges shall be included.
4147 Life-cycle costing, total cost bids, warranties, guaranteed
4148 buy-back provisions and other relevant provisions may be included
4149 in the best bid calculation. All best bid procedures for state
4150 agencies must be in compliance with regulations established by the
4151 Department of Finance and Administration. If any governing
4152 authority accepts a bid other than the lowest bid actually
4153 submitted, it shall place on its minutes detailed calculations and
4154 narrative summary showing that the accepted bid was determined to
4155 be the lowest and best bid, including the dollar amount of the
4156 accepted bid and the dollar amount of the lowest bid. No agency
4157 or governing authority shall accept a bid based on items not
4158 included in the specifications.

4159 (ii) **Decision procedure for Certified Purchasing**
4160 **Offices.** In addition to the decision procedure set forth in



4161 subparagraph (i) of this paragraph (d), Certified Purchasing
4162 Offices may also use the following procedure: Purchases may be
4163 made from the bidder offering the best value. In determining the
4164 best value bid, freight and shipping charges shall be included.
4165 Life-cycle costing, total cost bids, warranties, guaranteed
4166 buy-back provisions, documented previous experience, training
4167 costs and other relevant provisions, including, but not limited
4168 to, a bidder having a local office and inventory located within
4169 the jurisdiction of the governing authority, may be included in
4170 the best value calculation. This provision shall authorize
4171 Certified Purchasing Offices to utilize a Request For Proposals
4172 (RFP) process when purchasing commodities. All best value
4173 procedures for state agencies must be in compliance with
4174 regulations established by the Department of Finance and
4175 Administration. No agency or governing authority shall accept a
4176 bid based on items or criteria not included in the specifications.

4177 (iii) **Decision procedure for Mississippi**

4178 **Landmarks.** In addition to the decision procedure set forth in
4179 subparagraph (i) of this paragraph (d), where purchase involves
4180 renovation, restoration, or both, of the State Capitol Building or
4181 any other historical building designated for at least five (5)
4182 years as a Mississippi Landmark by the Board of Trustees of the
4183 Department of Archives and History under the authority of Sections
4184 39-7-7 and 39-7-11, the agency or governing authority may use the
4185 following procedure: Purchases may be made from the lowest and



4186 best prequalified bidder. Prequalification of bidders shall be
4187 determined not less than fifteen (15) working days before the
4188 first published notice of bid opening. Prequalification criteria
4189 shall be limited to bidder's knowledge and experience in
4190 historical restoration, preservation and renovation. In
4191 determining the lowest and best bid, freight and shipping charges
4192 shall be included. Life-cycle costing, total cost bids,
4193 warranties, guaranteed buy-back provisions and other relevant
4194 provisions may be included in the best bid calculation. All best
4195 bid and prequalification procedures for state agencies must be in
4196 compliance with regulations established by the Department of
4197 Finance and Administration. If any governing authority accepts a
4198 bid other than the lowest bid actually submitted, it shall place
4199 on its minutes detailed calculations and narrative summary showing
4200 that the accepted bid was determined to be the lowest and best
4201 bid, including the dollar amount of the accepted bid and the
4202 dollar amount of the lowest bid. No agency or governing authority
4203 shall accept a bid based on items not included in the
4204 specifications.

4205 (iv) **Construction project negotiations authority.**
4206 If the lowest and best bid is not more than ten percent (10%)
4207 above the amount of funds allocated for a public construction or
4208 renovation project, then the agency or governing authority shall
4209 be permitted to negotiate with the lowest bidder in order to enter
4210 into a contract for an amount not to exceed the funds allocated.



4211 (e) **Lease-purchase authorization.** For the purposes of
4212 this section, the term "equipment" shall mean equipment, furniture
4213 and, if applicable, associated software and other applicable
4214 direct costs associated with the acquisition. Any lease-purchase
4215 of equipment which an agency is not required to lease-purchase
4216 under the master lease-purchase program pursuant to Section
4217 31-7-10 and any lease-purchase of equipment which a governing
4218 authority elects to lease-purchase may be acquired by a
4219 lease-purchase agreement under this paragraph (e). Lease-purchase
4220 financing may also be obtained from the vendor or from a
4221 third-party source after having solicited and obtained at least
4222 two (2) written competitive bids, as defined in paragraph (b) of
4223 this section, for such financing without advertising for such
4224 bids. Solicitation for the bids for financing may occur before or
4225 after acceptance of bids for the purchase of such equipment or,
4226 where no such bids for purchase are required, at any time before
4227 the purchase thereof. No such lease-purchase agreement shall be
4228 for an annual rate of interest which is greater than the overall
4229 maximum interest rate to maturity on general obligation
4230 indebtedness permitted under Section 75-17-101, and the term of
4231 such lease-purchase agreement shall not exceed the useful life of
4232 equipment covered thereby as determined according to the upper
4233 limit of the asset depreciation range (ADR) guidelines for the
4234 Class Life Asset Depreciation Range System established by the
4235 Internal Revenue Service pursuant to the United States Internal



4236 Revenue Code and regulations thereunder as in effect on December
4237 31, 1980, or comparable depreciation guidelines with respect to
4238 any equipment not covered by ADR guidelines. Any lease-purchase
4239 agreement entered into pursuant to this paragraph (e) may contain
4240 any of the terms and conditions which a master lease-purchase
4241 agreement may contain under the provisions of Section 31-7-10(5),
4242 and shall contain an annual allocation dependency clause
4243 substantially similar to that set forth in Section 31-7-10(8).
4244 Each agency or governing authority entering into a lease-purchase
4245 transaction pursuant to this paragraph (e) shall maintain with
4246 respect to each such lease-purchase transaction the same
4247 information as required to be maintained by the Department of
4248 Finance and Administration pursuant to Section 31-7-10(13).
4249 However, nothing contained in this section shall be construed to
4250 permit agencies to acquire items of equipment with a total
4251 acquisition cost in the aggregate of less than Ten Thousand
4252 Dollars (\$10,000.00) by a single lease-purchase transaction. All
4253 equipment, and the purchase thereof by any lessor, acquired by
4254 lease-purchase under this paragraph and all lease-purchase
4255 payments with respect thereto shall be exempt from all Mississippi
4256 sales, use and ad valorem taxes. Interest paid on any
4257 lease-purchase agreement under this section shall be exempt from
4258 State of Mississippi income taxation.

4259 (f) **Alternate bid authorization.** When necessary to
4260 ensure ready availability of commodities for public works and the



4261 timely completion of public projects, no more than two (2)
4262 alternate bids may be accepted by a governing authority for
4263 commodities. No purchases may be made through use of such
4264 alternate bids procedure unless the lowest and best bidder cannot
4265 deliver the commodities contained in his bid. In that event,
4266 purchases of such commodities may be made from one (1) of the
4267 bidders whose bid was accepted as an alternate.

4268 (g) **Construction contract change authorization.** In the
4269 event a determination is made by an agency or governing authority
4270 after a construction contract is let that changes or modifications
4271 to the original contract are necessary or would better serve the
4272 purpose of the agency or the governing authority, such agency or
4273 governing authority may, in its discretion, order such changes
4274 pertaining to the construction that are necessary under the
4275 circumstances without the necessity of further public bids;
4276 provided that such change shall be made in a commercially
4277 reasonable manner and shall not be made to circumvent the public
4278 purchasing statutes. In addition to any other authorized person,
4279 the architect or engineer hired by an agency or governing
4280 authority with respect to any public construction contract shall
4281 have the authority, when granted by an agency or governing
4282 authority, to authorize changes or modifications to the original
4283 contract without the necessity of prior approval of the agency or
4284 governing authority when any such change or modification is less
4285 than one percent (1%) of the total contract amount. The agency or



4286 governing authority may limit the number, manner or frequency of
4287 such emergency changes or modifications.

4288 (h) **Petroleum purchase alternative.** In addition to
4289 other methods of purchasing authorized in this chapter, when any
4290 agency or governing authority shall have a need for gas, diesel
4291 fuel, oils and/or other petroleum products in excess of the amount
4292 set forth in paragraph (a) of this section, such agency or
4293 governing authority may purchase the commodity after having
4294 solicited and obtained at least two (2) competitive written bids,
4295 as defined in paragraph (b) of this section. If two (2)
4296 competitive written bids are not obtained, the entity shall comply
4297 with the procedures set forth in paragraph (c) of this section.
4298 In the event any agency or governing authority shall have
4299 advertised for bids for the purchase of gas, diesel fuel, oils and
4300 other petroleum products and coal and no acceptable bids can be
4301 obtained, such agency or governing authority is authorized and
4302 directed to enter into any negotiations necessary to secure the
4303 lowest and best contract available for the purchase of such
4304 commodities.

4305 (i) **Road construction petroleum products price**
4306 **adjustment clause authorization.** Any agency or governing
4307 authority authorized to enter into contracts for the construction,
4308 maintenance, surfacing or repair of highways, roads or streets,
4309 may include in its bid proposal and contract documents a price
4310 adjustment clause with relation to the cost to the contractor,



4311 including taxes, based upon an industry-wide cost index, of
4312 petroleum products including asphalt used in the performance or
4313 execution of the contract or in the production or manufacture of
4314 materials for use in such performance. Such industry-wide index
4315 shall be established and published monthly by the Mississippi
4316 Department of Transportation with a copy thereof to be mailed,
4317 upon request, to the clerks of the governing authority of each
4318 municipality and the clerks of each board of supervisors
4319 throughout the state. The price adjustment clause shall be based
4320 on the cost of such petroleum products only and shall not include
4321 any additional profit or overhead as part of the adjustment. The
4322 bid proposals or document contract shall contain the basis and
4323 methods of adjusting unit prices for the change in the cost of
4324 such petroleum products.

4325 (j) **State agency emergency purchase procedure.** If the
4326 governing board or the executive head, or his designees, of any
4327 agency of the state shall determine that an emergency exists in
4328 regard to the purchase of any commodities or repair contracts, so
4329 that the delay incident to giving opportunity for competitive
4330 bidding would be detrimental to the interests of the state, then
4331 the head of such agency, or his designees, shall file with the
4332 Department of Finance and Administration (i) a statement
4333 explaining the conditions and circumstances of the emergency,
4334 which shall include a detailed description of the events leading
4335 up to the situation and the negative impact to the entity if the



4336 purchase is made following the statutory requirements set forth in
4337 paragraph (a), (b) or (c) of this section, and (ii) a certified
4338 copy of the appropriate minutes of the board of such agency
4339 requesting the emergency purchase, if applicable. Upon receipt of
4340 the statement and applicable board certification, the State Fiscal
4341 Officer, or his designees, may, in writing, authorize the purchase
4342 or repair without having to comply with competitive bidding
4343 requirements.

4344 If the governing board or the executive head, or his
4345 designees, of any agency determines that an emergency exists in
4346 regard to the purchase of any commodities or repair contracts, so
4347 that the delay incident to giving opportunity for competitive
4348 bidding would threaten the health or safety of any person, or the
4349 preservation or protection of property, then the provisions in
4350 this section for competitive bidding shall not apply, and any
4351 officer or agent of the agency having general or specific
4352 authority for making the purchase or repair contract shall approve
4353 the bill presented for payment, and he shall certify in writing
4354 from whom the purchase was made, or with whom the repair contract
4355 was made.

4356 Total purchases made under this paragraph (j) shall only be
4357 for the purpose of meeting needs created by the emergency
4358 situation. Following the emergency purchase, documentation of the
4359 purchase, including a description of the commodity purchased, the
4360 purchase price thereof and the nature of the emergency shall be



4361 filed with the Department of Finance and Administration. Any
4362 contract awarded pursuant to this paragraph (j) shall not exceed a
4363 term of one (1) year.

4364 Purchases under the grant program established under Section
4365 37-68-7 in response to COVID-19 and the directive that school
4366 districts create a distance learning plan and fulfill technology
4367 needs expeditiously shall be deemed an emergency purchase for
4368 purposes of this paragraph (j).

4369 (k) **Governing authority emergency purchase procedure.**

4370 If the governing authority, or the governing authority acting
4371 through its designee, shall determine that an emergency exists in
4372 regard to the purchase of any commodities or repair contracts, so
4373 that the delay incident to giving opportunity for competitive
4374 bidding would be detrimental to the interest of the governing
4375 authority, then the provisions herein for competitive bidding
4376 shall not apply and any officer or agent of such governing
4377 authority having general or special authority therefor in making
4378 such purchase or repair shall approve the bill presented therefor,
4379 and he shall certify in writing thereon from whom such purchase
4380 was made, or with whom such a repair contract was made. At the
4381 board meeting next following the emergency purchase or repair
4382 contract, documentation of the purchase or repair contract,
4383 including a description of the commodity purchased, the price
4384 thereof and the nature of the emergency shall be presented to the
4385 board and shall be placed on the minutes of the board of such



4386 governing authority. Purchases under the grant program
4387 established under Section 37-68-7 in response to COVID-19 and the
4388 directive that school districts create a distance learning plan
4389 and fulfill technology needs expeditiously shall be deemed an
4390 emergency purchase for purposes of this paragraph (k).

4391 (1) **Hospital purchase, lease-purchase and lease**
4392 **authorization.**

4393 (i) The commissioners or board of trustees of any
4394 public hospital may contract with such lowest and best bidder for
4395 the purchase or lease-purchase of any commodity under a contract
4396 of purchase or lease-purchase agreement whose obligatory payment
4397 terms do not exceed five (5) years.

4398 (ii) In addition to the authority granted in
4399 subparagraph (i) of this paragraph (1), the commissioners or board
4400 of trustees is authorized to enter into contracts for the lease of
4401 equipment or services, or both, which it considers necessary for
4402 the proper care of patients if, in its opinion, it is not
4403 financially feasible to purchase the necessary equipment or
4404 services. Any such contract for the lease of equipment or
4405 services executed by the commissioners or board shall not exceed a
4406 maximum of five (5) years' duration and shall include a
4407 cancellation clause based on unavailability of funds. If such
4408 cancellation clause is exercised, there shall be no further
4409 liability on the part of the lessee. Any such contract for the
4410 lease of equipment or services executed on behalf of the



4411 commissioners or board that complies with the provisions of this
4412 subparagraph (ii) shall be excepted from the bid requirements set
4413 forth in this section.

4414 (m) **Exceptions from bidding requirements.** Excepted
4415 from bid requirements are:

4416 (i) **Purchasing agreements approved by department.**
4417 Purchasing agreements, contracts and maximum price regulations
4418 executed or approved by the Department of Finance and
4419 Administration.

4420 (ii) **Outside equipment repairs.** Repairs to
4421 equipment, when such repairs are made by repair facilities in the
4422 private sector; however, engines, transmissions, rear axles and/or
4423 other such components shall not be included in this exemption when
4424 replaced as a complete unit instead of being repaired and the need
4425 for such total component replacement is known before disassembly
4426 of the component; however, invoices identifying the equipment,
4427 specific repairs made, parts identified by number and name,
4428 supplies used in such repairs, and the number of hours of labor
4429 and costs therefor shall be required for the payment for such
4430 repairs.

4431 (iii) **In-house equipment repairs.** Purchases of
4432 parts for repairs to equipment, when such repairs are made by
4433 personnel of the agency or governing authority; however, entire
4434 assemblies, such as engines or transmissions, shall not be



4435 included in this exemption when the entire assembly is being
4436 replaced instead of being repaired.

4437 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
4438 of gravel or fill dirt which are to be removed and transported by
4439 the purchaser.

4440 (v) **Governmental equipment auctions.** Motor
4441 vehicles or other equipment purchased from a federal agency or
4442 authority, another governing authority or state agency of the
4443 State of Mississippi, or any governing authority or state agency
4444 of another state at a public auction held for the purpose of
4445 disposing of such vehicles or other equipment. Any purchase by a
4446 governing authority under the exemption authorized by this
4447 subparagraph (v) shall require advance authorization spread upon
4448 the minutes of the governing authority to include the listing of
4449 the item or items authorized to be purchased and the maximum bid
4450 authorized to be paid for each item or items.

4451 (vi) **Intergovernmental sales and transfers.**
4452 Purchases, sales, transfers or trades by governing authorities or
4453 state agencies when such purchases, sales, transfers or trades are
4454 made by a private treaty agreement or through means of
4455 negotiation, from any federal agency or authority, another
4456 governing authority or state agency of the State of Mississippi,
4457 or any state agency or governing authority of another state.
4458 Nothing in this section shall permit such purchases through public
4459 auction except as provided for in subparagraph (v) of this



4460 paragraph (m). It is the intent of this section to allow
4461 governmental entities to dispose of and/or purchase commodities
4462 from other governmental entities at a price that is agreed to by
4463 both parties. This shall allow for purchases and/or sales at
4464 prices which may be determined to be below the market value if the
4465 selling entity determines that the sale at below market value is
4466 in the best interest of the taxpayers of the state. Governing
4467 authorities shall place the terms of the agreement and any
4468 justification on the minutes, and state agencies shall obtain
4469 approval from the Department of Finance and Administration, prior
4470 to releasing or taking possession of the commodities.

4471 (vii) **Perishable supplies or food.** Perishable
4472 supplies or food purchased for use in connection with hospitals,
4473 the school lunch programs, homemaking programs and for the feeding
4474 of county or municipal prisoners.

4475 (viii) **Single-source items.** Noncompetitive items
4476 available from one (1) source only. In connection with the
4477 purchase of noncompetitive items only available from one (1)
4478 source, a certification of the conditions and circumstances
4479 requiring the purchase shall be filed by the agency with the
4480 Department of Finance and Administration and by the governing
4481 authority with the board of the governing authority. Upon receipt
4482 of that certification the Department of Finance and Administration
4483 or the board of the governing authority, as the case may be, may,
4484 in writing, authorize the purchase, which authority shall be noted



4485 on the minutes of the body at the next regular meeting thereafter.
4486 In those situations, a governing authority is not required to
4487 obtain the approval of the Department of Finance and
4488 Administration. Following the purchase, the executive head of the
4489 state agency, or his designees, shall file with the Department of
4490 Finance and Administration, documentation of the purchase,
4491 including a description of the commodity purchased, the purchase
4492 price thereof and the source from whom it was purchased.

4493 (ix) **Waste disposal facility construction**
4494 **contracts.** Construction of incinerators and other facilities for
4495 disposal of solid wastes in which products either generated
4496 therein, such as steam, or recovered therefrom, such as materials
4497 for recycling, are to be sold or otherwise disposed of; however,
4498 in constructing such facilities, a governing authority or agency
4499 shall publicly issue requests for proposals, advertised for in the
4500 same manner as provided herein for seeking bids for public
4501 construction projects, concerning the design, construction,
4502 ownership, operation and/or maintenance of such facilities,
4503 wherein such requests for proposals when issued shall contain
4504 terms and conditions relating to price, financial responsibility,
4505 technology, environmental compatibility, legal responsibilities
4506 and such other matters as are determined by the governing
4507 authority or agency to be appropriate for inclusion; and after
4508 responses to the request for proposals have been duly received,
4509 the governing authority or agency may select the most qualified



4510 proposal or proposals on the basis of price, technology and other
4511 relevant factors and from such proposals, but not limited to the
4512 terms thereof, negotiate and enter contracts with one or more of
4513 the persons or firms submitting proposals.

4514 (x) **Hospital group purchase contracts.** Supplies,
4515 commodities and equipment purchased by hospitals through group
4516 purchase programs pursuant to Section 31-7-38.

4517 (xi) **Information technology products.** Purchases
4518 of information technology products made by governing authorities
4519 under the provisions of purchase schedules, or contracts executed
4520 or approved by the Mississippi Department of Information
4521 Technology Services and designated for use by governing
4522 authorities.

4523 (xii) **Energy efficiency services and equipment.**
4524 Energy efficiency services and equipment acquired by school
4525 districts, community and junior colleges, institutions of higher
4526 learning and state agencies or other applicable governmental
4527 entities on a shared-savings, lease or lease-purchase basis
4528 pursuant to Section 31-7-14.

4529 (xiii) **Municipal electrical utility system fuel.**
4530 Purchases of coal and/or natural gas by municipally owned electric
4531 power generating systems that have the capacity to use both coal
4532 and natural gas for the generation of electric power.

4533 (xiv) **Library books and other reference materials.**
4534 Purchases by libraries or for libraries of books and periodicals;



4535 processed film, videocassette tapes, filmstrips and slides;
4536 recorded audiotapes, cassettes and diskettes; and any such items
4537 as would be used for teaching, research or other information
4538 distribution; however, equipment such as projectors, recorders,
4539 audio or video equipment, and monitor televisions are not exempt
4540 under this subparagraph.

4541 (xv) **Unmarked vehicles.** Purchases of unmarked
4542 vehicles when such purchases are made in accordance with
4543 purchasing regulations adopted by the Department of Finance and
4544 Administration pursuant to Section 31-7-9(2).

4545 (xvi) **Election ballots.** Purchases of ballots
4546 printed pursuant to Section 23-15-351.

4547 (xvii) **Multichannel interactive video systems.**
4548 From and after July 1, 1990, contracts by Mississippi Authority
4549 for Educational Television with any private educational
4550 institution or private nonprofit organization whose purposes are
4551 educational in regard to the construction, purchase, lease or
4552 lease-purchase of facilities and equipment and the employment of
4553 personnel for providing multichannel interactive video systems
4554 (ITSF) in the school districts of this state.

4555 (xviii) **Purchases of prison industry products by**
4556 **the Department of Corrections, regional correctional facilities or**
4557 **privately owned prisons.** Purchases made by the Mississippi
4558 Department of Corrections, regional correctional facilities or



4559 privately owned prisons involving any item that is manufactured,
4560 processed, grown or produced from the state's prison industries.

4561 (xix) **Undercover operations equipment.** Purchases
4562 of surveillance equipment or any other high-tech equipment to be
4563 used by law enforcement agents in undercover operations, provided
4564 that any such purchase shall be in compliance with regulations
4565 established by the Department of Finance and Administration.

4566 (xx) **Junior college books for rent.** Purchases by
4567 community or junior colleges of textbooks which are obtained for
4568 the purpose of renting such books to students as part of a book
4569 service system.

4570 (xxi) **Certain school district purchases.**
4571 Purchases of commodities made by school districts from vendors
4572 with which any levying authority of the school district, as
4573 defined in Section 37-57-1, has contracted through competitive
4574 bidding procedures for purchases of the same commodities.

4575 (xxii) **Garbage, solid waste and sewage contracts.**
4576 Contracts for garbage collection or disposal, contracts for solid
4577 waste collection or disposal and contracts for sewage collection
4578 or disposal.

4579 (xxiii) **Municipal water tank maintenance**
4580 **contracts.** Professional maintenance program contracts for the
4581 repair or maintenance of municipal water tanks, which provide
4582 professional services needed to maintain municipal water storage



4583 tanks for a fixed annual fee for a duration of two (2) or more
4584 years.

4585 (xxiv) **Purchases of Mississippi Industries for the**
4586 **Blind products or services.** Purchases made by state agencies or
4587 governing authorities involving any item that is manufactured,
4588 processed or produced by, or any services provided by, the
4589 Mississippi Industries for the Blind.

4590 (xxv) **Purchases of state-adopted textbooks.**
4591 Purchases of state-adopted textbooks by public school districts.

4592 (xxvi) **Certain purchases under the Mississippi**
4593 **Major Economic Impact Act.** Contracts entered into pursuant to the
4594 provisions of Section 57-75-9(2), (3) and (4).

4595 (xxvii) **Used heavy or specialized machinery or**
4596 **equipment for installation of soil and water conservation**
4597 **practices purchased at auction.** Used heavy or specialized
4598 machinery or equipment used for the installation and
4599 implementation of soil and water conservation practices or
4600 measures purchased subject to the restrictions provided in
4601 Sections 69-27-331 through 69-27-341. Any purchase by the State
4602 Soil and Water Conservation Commission under the exemption
4603 authorized by this subparagraph shall require advance
4604 authorization spread upon the minutes of the commission to include
4605 the listing of the item or items authorized to be purchased and
4606 the maximum bid authorized to be paid for each item or items.



4607 (xxviii) **Hospital lease of equipment or services.**
4608 Leases by hospitals of equipment or services if the leases are in
4609 compliance with paragraph (1)(ii).

4610 (xxix) **Purchases made pursuant to qualified**
4611 **cooperative purchasing agreements.** Purchases made by certified
4612 purchasing offices of state agencies or governing authorities
4613 under cooperative purchasing agreements previously approved by the
4614 Office of Purchasing and Travel and established by or for any
4615 municipality, county, parish or state government or the federal
4616 government, provided that the notification to potential
4617 contractors includes a clause that sets forth the availability of
4618 the cooperative purchasing agreement to other governmental
4619 entities. Such purchases shall only be made if the use of the
4620 cooperative purchasing agreements is determined to be in the best
4621 interest of the governmental entity.

4622 (xxx) **School yearbooks.** Purchases of school
4623 yearbooks by state agencies or governing authorities; however,
4624 state agencies and governing authorities shall use for these
4625 purchases the RFP process as set forth in the Mississippi
4626 Procurement Manual adopted by the Office of Purchasing and Travel.

4627 (xxxi) **Design-build method of contracting and**
4628 **certain other contracts.** Contracts entered into under the
4629 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.



4630 (xxxii) **Toll roads and bridge construction**
4631 **projects.** Contracts entered into under the provisions of Section
4632 65-43-1 or 65-43-3.

4633 (xxxiii) **Certain purchases under Section 57-1-221.**
4634 Contracts entered into pursuant to the provisions of Section
4635 57-1-221.

4636 (xxxiv) **Certain transfers made pursuant to the**
4637 **provisions of Section 57-105-1(7).** Transfers of public property
4638 or facilities under Section 57-105-1(7) and construction related
4639 to such public property or facilities.

4640 (xxxv) **Certain purchases or transfers entered into**
4641 **with local electrical power associations.** Contracts or agreements
4642 entered into under the provisions of Section 55-3-33.

4643 (xxxvi) **Certain purchases by an academic medical**
4644 **center or health sciences school.** Purchases by an academic
4645 medical center or health sciences school, as defined in Section
4646 37-115-50, of commodities that are used for clinical purposes and
4647 1. intended for use in the diagnosis of disease or other
4648 conditions or in the cure, mitigation, treatment or prevention of
4649 disease, and 2. medical devices, biological, drugs and
4650 radiation-emitting devices as defined by the United States Food
4651 and Drug Administration.

4652 (xxxvii) **Certain purchases made under the Alyce G.**
4653 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi



4654 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
4655 Lottery Law.

4656 (xxxviii) **Certain purchases made by the Department**
4657 **of Health and the Department of Revenue.** Purchases made by the
4658 Department of Health and the Department of Revenue solely for the
4659 purpose of fulfilling their respective responsibilities under the
4660 Mississippi Medical Cannabis Act. This subparagraph shall stand
4661 repealed on June 30, 2026.

4662 (n) **Term contract authorization.** All contracts for the
4663 purchase of:

4664 (i) All contracts for the purchase of commodities,
4665 equipment and public construction (including, but not limited to,
4666 repair and maintenance), may be let for periods of not more than
4667 sixty (60) months in advance, subject to applicable statutory
4668 provisions prohibiting the letting of contracts during specified
4669 periods near the end of terms of office. Term contracts for a
4670 period exceeding twenty-four (24) months shall also be subject to
4671 ratification or cancellation by governing authority boards taking
4672 office subsequent to the governing authority board entering the
4673 contract.

4674 (ii) Bid proposals and contracts may include price
4675 adjustment clauses with relation to the cost to the contractor
4676 based upon a nationally published industry-wide or nationally
4677 published and recognized cost index. The cost index used in a
4678 price adjustment clause shall be determined by the Department of



4679 Finance and Administration for the state agencies and by the
4680 governing board for governing authorities. The bid proposal and
4681 contract documents utilizing a price adjustment clause shall
4682 contain the basis and method of adjusting unit prices for the
4683 change in the cost of such commodities, equipment and public
4684 construction.

4685 (o) **Purchase law violation prohibition and vendor**
4686 **penalty.** No contract or purchase as herein authorized shall be
4687 made for the purpose of circumventing the provisions of this
4688 section requiring competitive bids, nor shall it be lawful for any
4689 person or concern to submit individual invoices for amounts within
4690 those authorized for a contract or purchase where the actual value
4691 of the contract or commodity purchased exceeds the authorized
4692 amount and the invoices therefor are split so as to appear to be
4693 authorized as purchases for which competitive bids are not
4694 required. Submission of such invoices shall constitute a
4695 misdemeanor punishable by a fine of not less than Five Hundred
4696 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
4697 or by imprisonment for thirty (30) days in the county jail, or
4698 both such fine and imprisonment. In addition, the claim or claims
4699 submitted shall be forfeited.

4700 (p) **Electrical utility petroleum-based equipment**
4701 **purchase procedure.** When in response to a proper advertisement
4702 therefor, no bid firm as to price is submitted to an electric
4703 utility for power transformers, distribution transformers, power



4704 breakers, reclosers or other articles containing a petroleum
4705 product, the electric utility may accept the lowest and best bid
4706 therefor although the price is not firm.

4707 (q) **Fuel management system bidding procedure.** Any
4708 governing authority or agency of the state shall, before
4709 contracting for the services and products of a fuel management or
4710 fuel access system, enter into negotiations with not fewer than
4711 two (2) sellers of fuel management or fuel access systems for
4712 competitive written bids to provide the services and products for
4713 the systems. In the event that the governing authority or agency
4714 cannot locate two (2) sellers of such systems or cannot obtain
4715 bids from two (2) sellers of such systems, it shall show proof
4716 that it made a diligent, good-faith effort to locate and negotiate
4717 with two (2) sellers of such systems. Such proof shall include,
4718 but not be limited to, publications of a request for proposals and
4719 letters soliciting negotiations and bids. For purposes of this
4720 paragraph (q), a fuel management or fuel access system is an
4721 automated system of acquiring fuel for vehicles as well as
4722 management reports detailing fuel use by vehicles and drivers, and
4723 the term "competitive written bid" shall have the meaning as
4724 defined in paragraph (b) of this section. Governing authorities
4725 and agencies shall be exempt from this process when contracting
4726 for the services and products of fuel management or fuel access
4727 systems under the terms of a state contract established by the
4728 Office of Purchasing and Travel.



4729 (r) **Solid waste contract proposal procedure.** Before
4730 entering into any contract for garbage collection or disposal,
4731 contract for solid waste collection or disposal or contract for
4732 sewage collection or disposal, which involves an expenditure of
4733 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
4734 authority or agency shall issue publicly a request for proposals
4735 concerning the specifications for such services which shall be
4736 advertised for in the same manner as provided in this section for
4737 seeking bids for purchases which involve an expenditure of more
4738 than the amount provided in paragraph (c) of this section. Any
4739 request for proposals when issued shall contain terms and
4740 conditions relating to price, financial responsibility,
4741 technology, legal responsibilities and other relevant factors as
4742 are determined by the governing authority or agency to be
4743 appropriate for inclusion; all factors determined relevant by the
4744 governing authority or agency or required by this paragraph (r)
4745 shall be duly included in the advertisement to elicit proposals.
4746 After responses to the request for proposals have been duly
4747 received, the governing authority or agency shall select the most
4748 qualified proposal or proposals on the basis of price, technology
4749 and other relevant factors and from such proposals, but not
4750 limited to the terms thereof, negotiate and enter into contracts
4751 with one or more of the persons or firms submitting proposals. If
4752 the governing authority or agency deems none of the proposals to
4753 be qualified or otherwise acceptable, the request for proposals



4754 process may be reinitiated. Notwithstanding any other provisions
4755 of this paragraph, where a county with at least thirty-five
4756 thousand (35,000) nor more than forty thousand (40,000)
4757 population, according to the 1990 federal decennial census, owns
4758 or operates a solid waste landfill, the governing authorities of
4759 any other county or municipality may contract with the governing
4760 authorities of the county owning or operating the landfill,
4761 pursuant to a resolution duly adopted and spread upon the minutes
4762 of each governing authority involved, for garbage or solid waste
4763 collection or disposal services through contract negotiations.

4764 (s) **Minority set-aside authorization.** Notwithstanding
4765 any provision of this section to the contrary, any agency or
4766 governing authority, by order placed on its minutes, may, in its
4767 discretion, set aside not more than twenty percent (20%) of its
4768 anticipated annual expenditures for the purchase of commodities
4769 from minority businesses; however, all such set-aside purchases
4770 shall comply with all purchasing regulations promulgated by the
4771 Department of Finance and Administration and shall be subject to
4772 bid requirements under this section. Set-aside purchases for
4773 which competitive bids are required shall be made from the lowest
4774 and best minority business bidder. For the purposes of this
4775 paragraph, the term "minority business" means a business which is
4776 owned by a majority of persons who are United States citizens or
4777 permanent resident aliens (as defined by the Immigration and
4778 Naturalization Service) of the United States, and who are Asian,



4779 Black, Hispanic or Native American, according to the following
4780 definitions:

4781 (i) "Asian" means persons having origins in any of
4782 the original people of the Far East, Southeast Asia, the Indian
4783 subcontinent, or the Pacific Islands.

4784 (ii) "Black" means persons having origins in any
4785 black racial group of Africa.

4786 (iii) "Hispanic" means persons of Spanish or
4787 Portuguese culture with origins in Mexico, South or Central
4788 America, or the Caribbean Islands, regardless of race.

4789 (iv) "Native American" means persons having
4790 origins in any of the original people of North America, including
4791 American Indians, Eskimos and Aleuts.

4792 (t) **Construction punch list restriction.** The
4793 architect, engineer or other representative designated by the
4794 agency or governing authority that is contracting for public
4795 construction or renovation may prepare and submit to the
4796 contractor only one (1) preliminary punch list of items that do
4797 not meet the contract requirements at the time of substantial
4798 completion and one (1) final list immediately before final
4799 completion and final payment.

4800 (u) **Procurement of construction services by state**
4801 **institutions of higher learning.** Contracts for privately financed
4802 construction of auxiliary facilities on the campus of a state
4803 institution of higher learning may be awarded by the Board of



4804 Trustees of State Institutions of Higher Learning to the lowest
4805 and best bidder, where sealed bids are solicited, or to the
4806 offeror whose proposal is determined to represent the best value
4807 to the citizens of the State of Mississippi, where requests for
4808 proposals are solicited.

4809 (v) **Insurability of bidders for public construction or**
4810 **other public contracts.** In any solicitation for bids to perform
4811 public construction or other public contracts to which this
4812 section applies, including, but not limited to, contracts for
4813 repair and maintenance, for which the contract will require
4814 insurance coverage in an amount of not less than One Million
4815 Dollars (\$1,000,000.00), bidders shall be permitted to either
4816 submit proof of current insurance coverage in the specified amount
4817 or demonstrate ability to obtain the required coverage amount of
4818 insurance if the contract is awarded to the bidder. Proof of
4819 insurance coverage shall be submitted within five (5) business
4820 days from bid acceptance.

4821 (w) **Purchase authorization clarification.** Nothing in
4822 this section shall be construed as authorizing any purchase not
4823 authorized by law.

4824 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
4825 **Act.** (i) The Department of Finance and Administration shall
4826 enter into nine (9) contracts for the pre-need purchase of labor,
4827 services, work, materials, equipment, supplies or other personal
4828 property for disaster-related solid waste collection, disposal or



4829 monitoring. One (1) contract shall be entered into for each of
4830 the nine (9) Mississippi Emergency Management Association
4831 districts:

4832 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
4833 Tallahatchie, Tate, Tunica and Yalobusha Counties;

4834 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
4835 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
4836 Counties;

4837 3. Attala, Bolivar, Carroll, Holmes,
4838 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

4839 4. Calhoun, Chickasaw, Choctaw, Clay,
4840 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

4841 5. Claiborne, Covich, Hinds, Issaquena,
4842 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

4843 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
4844 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
4845 Band of Choctaw Indians;

4846 7. Adams, Amite, Franklin, Jefferson,
4847 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

4848 8. Covington, Forrest, Greene, Jefferson
4849 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

4850 9. George, Hancock, Harrison, Jackson, Pearl
4851 River and Stone Counties.

4852 Any such contract shall set forth the manner of awarding such
4853 a contract, the method of payment, and any other matter deemed



4854 necessary to carry out the purposes of the agreement. Such
4855 contract may be entered into only for a term of one (1) year, with
4856 an option for an additional one-year extension after the
4857 conclusion of the first year of the contract, and only after
4858 having solicited bids or proposals, as appropriate, which shall be
4859 publicly advertised by posting on a web page maintained by the
4860 Department of Finance and Administration through submission of
4861 such advertisement to the Mississippi Procurement Technical
4862 Assistance Program under the Mississippi Development Authority.
4863 The bid opening shall not occur until after the submission has
4864 been posted for at least ten (10) consecutive days. The state's
4865 share of expenditures for solid waste collection, disposal or
4866 monitoring under any contract shall be appropriated and paid in
4867 the manner set forth in the contract and in the same manner as for
4868 other solid waste collection, disposal, or monitoring expenses of
4869 the state. Any contract entered into under this paragraph shall
4870 not be subject to the provisions of Section 17-13-11.

4871 (ii) Any board of supervisors of any county or any
4872 governing authority of any municipality may opt in to the benefits
4873 and services provided under the appropriate and relevant contract
4874 established in subparagraph (i) of this paragraph at the time of a
4875 disaster event in that county or municipality. At the time of opt
4876 in, the county or municipality shall assume responsibility for
4877 payment in full to the contractor for the disaster-related solid
4878 waste collection, disposal or monitoring services provided.



4879 Nothing in this subparagraph (ii) shall be construed as requiring
4880 a county or municipality to opt in to any such contract
4881 established in subparagraph (i) of this paragraph.

4882 **SECTION 57.** Section 37-101-413, Mississippi Code of 1972, is
4883 brought forward as follows:

4884 37-101-413. (1) As used in this section, the term "state
4885 institutions of higher learning" means those institutions
4886 identified in Section 37-101-1 and the University Research Center.

4887 (2) The Board of Trustees of State Institutions of Higher
4888 Learning may establish an equipment leasing and purchase program
4889 for the use of the state institutions of higher learning. In
4890 establishing and administering the program, the board may perform
4891 the following actions:

4892 (a) Adopt policies and procedures to implement the
4893 program;

4894 (b) Establish offices or subordinate units as may be
4895 necessary for the administration of the program;

4896 (c) Adopt rules and regulations pertaining to the
4897 program;

4898 (d) Acquire by purchase, lease or lease-purchase
4899 contract and retain or transfer ownership or possession of
4900 instructional and other equipment;

4901 (e) Contract for the leasing of such properties and for
4902 the financing of leases and purchases;



4903 (f) Enter into contracts with others to provide any
4904 services deemed necessary and advisable by the board;

4905 (g) Make purchases and enter into leases according to
4906 the requirements of the state public purchasing laws and the
4907 requirements of those laws establishing the Mississippi Department
4908 of Information Technology Services;

4909 (h) Enter into lease financing agreements in connection
4910 with purchases made under the authority of this section;

4911 (i) Require the transfer of appropriations of general
4912 funds or self-generated funds from the state institutions to those
4913 funds that the board may determine are required in connection with
4914 any lease financing agreements;

4915 (j) Develop administrative methods for determining age,
4916 useful life, replacement value, current use, condition and other
4917 characteristics of instructional and research equipment at the
4918 state institutions and research facilities;

4919 (k) Determine obsolescence of the equipment and
4920 establish priorities for replacement or provision of the equipment
4921 or its transfer to another state institution that can continue to
4922 utilize it; and

4923 (l) Develop long-range plans for the orderly and
4924 systematic acquisition and utilization of the instructional and
4925 research equipment in order to eliminate waste and duplication,
4926 provide the maximum efficiency of use for expenditures, and
4927 achieve equitable allocations of equipment funds to the state



4928 institutions consistent with the roles of the institutions and
4929 disciplines served.

4930 (3) All institutions of higher learning desiring to
4931 purchase, lease or lease-purchase equipment involving an
4932 expenditure or expenditures of more than Five Thousand Dollars
4933 (\$5,000.00) must procure that equipment under the equipment
4934 leasing and purchase program unless funds for the procurement of
4935 the equipment under the program are unavailable or the equipment
4936 can be procured elsewhere at an overall cost lower than that for
4937 which the equipment can be procured under the program.

4938 **SECTION 58.** Section 37-154-1, Mississippi Code of 1972, is
4939 brought forward as follows:

4940 37-154-1. (1) To improve quality of life, education and
4941 employment opportunities for all citizens, the appropriate
4942 agencies of the State of Mississippi listed in subsection (2) of
4943 this section shall develop and maintain a State Longitudinal Data
4944 System (SLDS). The system will allow stakeholders and
4945 policymakers access data on state residents from birth to the
4946 workforce to drive accountability and investment decisions. The
4947 system will include data from multiple state agencies and
4948 entities. The system will provide decision makers a tool to
4949 develop policies to support objectives, including, but not limited
4950 to:



4951 (a) Enabling Mississippians to secure and retain
4952 employment and receive better pay after completing training or
4953 postsecondary degrees;

4954 (b) Enabling Mississippi to meet the education and job
4955 skill demands of business and industry;

4956 (c) Developing an early warning system, which allows
4957 the state to intervene early, improving the graduation rates in
4958 high school and college;

4959 (d) Identifying teachers, teaching methods and programs
4960 that lead to positive student outcomes; and

4961 (e) Encouraging the sharing of electronic data across
4962 educational and other entities.

4963 (2) Individual state agencies and state entities will send
4964 data from their internal system to the Statewide Longitudinal Data
4965 System. These initial agencies and entities shall provide data to
4966 the SLDS under the provisions developed by the SLDS Governing
4967 Board established in Section 37-154-3:

4968 (a) Mississippi Department of Education (MDE);

4969 (b) Mississippi Community College Board;

4970 (c) Board of Trustees of State Institutions of Higher
4971 Learning (IHL);

4972 (d) State Workforce Investment Board (SWIB);

4973 (e) Mississippi Department of Employment Security
4974 (MDES);



4975 (f) Mississippi Department of Human Services (MDHS);

4976 and

4977 (g) State Early Childhood Advisory Council (SECAC).

4978 Any agencies or entities added to SLDS shall provide a
4979 representative to the SLDS Governing Board and be governed in the
4980 same manner as the initial agencies and entities.

4981 (3) The system will be based on an existing system currently
4982 housed, developed and maintained by the National Strategic
4983 Planning and Analysis Research Center (nSPARC) at Mississippi
4984 State University. The initial agencies participating in the SLDS
4985 Governing Board and nSPARC have worked collaboratively to secure
4986 funding through the United States Department of Education to
4987 expand and enhance the capacity of the state's existing technology
4988 infrastructure for the purposes of developing the SLDS. The State
4989 Data Center, operated by the Mississippi Department of Information
4990 Technology Services (ITS), will provide application hosting
4991 services for the SLDS until such time the SLDS Governing Board
4992 approves that another entity should perform these services.

4993 **SECTION 59.** Section 43-1-28, Mississippi Code of 1972, is
4994 brought forward as follows:

4995 43-1-28. (1) The Department of Human Services shall develop
4996 an on-line electronic benefit transfer (EBT) system for the food
4997 stamp program in Mississippi as an alternative to issuing food
4998 stamp coupons. The EBT system developed by the department under
4999 this section shall (a) provide that food stamp benefits are stored



5000 in and issued from a central computer data base and are
5001 electronically accessed by households at the point of sale through
5002 the use of reusable magnetic-stripe plastic cards; and (b) meet
5003 all requirements and standards specified in 7 USCS Section 2016(h)
5004 and the rules and regulations issued under that provision for
5005 approval by the Secretary of the United States Department of
5006 Agriculture.

5007 (2) The department shall develop the EBT system and shall
5008 submit an application to the Secretary of the United States
5009 Department of Agriculture for approval of the system. After the
5010 EBT system has been approved, the department shall implement and
5011 operate the system as a pilot project in a county selected by the
5012 department. After the pilot project has been evaluated and
5013 approved by the United States Department of Agriculture, and
5014 subject to the availability of funds specifically appropriated
5015 therefor, the system may be expanded statewide at a rate
5016 determined by the Executive Director of the Department of Human
5017 Services. The system shall be expanded and implemented statewide
5018 not later than October 1, 2002.

5019 (3) The department shall seek to obtain the maximum amount
5020 of federal financial participation available to fund the cost of
5021 administering the EBT system.

5022 (4) The Department of Human Services may develop an on-line
5023 electronic benefit transfer (EBT) system for the Temporary
5024 Assistance for Needy Families (TANF) program in Mississippi as an



5025 alternative to issuing cash or voucher payments. The EBT system
5026 developed by the department under this section shall (a) provide
5027 that TANF benefits are stored in and issued from a central
5028 computer data base and are electronically accessed; and (b) meet
5029 all requirements and standards specified in the Personal
5030 Responsibility and Work Opportunity Reconciliation Act of 1996
5031 (Public Law 104-193), and the rules and regulations issued under
5032 that act. The department shall seek to obtain the maximum amount
5033 of federal financial participation available to fund the cost of
5034 administering the EBT system for TANF payments.

5035 (5) In order to facilitate the acquisition and deployment of
5036 EBT products and services in Mississippi, the Department of Human
5037 Services (DHS) and the Mississippi Department of Information
5038 Technology Services (MDITS), at their discretion, may utilize EBT
5039 agreements from other states and/or multistate coalition
5040 agreements that allow other states to acquire EBT products and
5041 services. After going through the approved ITS bidding process
5042 and the state is unable to acquire an EBT contract, DHS and ITS
5043 may negotiate an EBT contract with any vendor who meets DHS and
5044 ITS, EBT requirements.

5045 **SECTION 60.** Section 43-19-45, Mississippi Code of 1972, is
5046 brought forward as follows:

5047 43-19-45. (1) The Child Support Unit shall establish a
5048 state parent locator service for the purpose of locating absent
5049 and nonsupporting parents and alleged parents, which will utilize



5050 all appropriate public and private locator sources. In order to
5051 carry out the responsibilities imposed under Sections 43-19-31
5052 through 43-19-53, the Child Support Unit may secure, by
5053 administrative subpoena from the customer records of public
5054 utilities and cable television companies, the names and addresses
5055 of individuals and the names and addresses of employers of such
5056 individuals that would enable the location of parents or alleged
5057 parents who have a duty to provide support and maintenance for
5058 their children. The Child Support Unit may also administratively
5059 subpoena any and all financial information, including account
5060 numbers, names and social security numbers of record for assets,
5061 accounts, and account balances from any individual, financial
5062 institution, business or other entity, public or private, needed
5063 to establish, modify or enforce a support order. No entity
5064 complying with an administrative subpoena to supply the requested
5065 information of whatever nature shall be liable in any civil action
5066 or proceeding on account of such compliance. Full faith and
5067 credit shall be given to all uniform administrative subpoenas
5068 issued by other state child support units. The recipient of an
5069 administrative subpoena shall supply the Child Support Unit, other
5070 state and federal IV-D agencies, its attorneys, investigators,
5071 probation officers, county or district attorneys in this state,
5072 all information relative to the location, employment,
5073 employment-related benefits including, but not limited to,
5074 availability of medical insurance, income and property of such



5075 parents and alleged parents and with all information on hand
5076 relative to the location and prosecution of any person who has, by
5077 means of a false statement or misrepresentation or by
5078 impersonation or other fraudulent device, obtained Temporary
5079 Assistance for Needy Families (TANF) to which he or she was not
5080 entitled, notwithstanding any provision of law making such
5081 information confidential. The Mississippi Department of
5082 Information Technology Services and any other agency in this state
5083 using the facilities of the Mississippi Department of Information
5084 Technology Services are directed to permit the Child Support Unit
5085 access to their files, inclusive of those maintained for other
5086 state agencies, for the purpose of locating absent and
5087 nonsupporting parents and alleged parents, except to the extent
5088 that any such access would violate any valid federal statute or
5089 regulation issued pursuant thereto. The Child Support Unit, other
5090 state and federal IV-D agencies, its attorneys, investigators,
5091 probation officers, or county or district attorneys, shall use
5092 such information only for the purpose of investigating or
5093 enforcing the support liability of such absent parents or alleged
5094 parents or for the prosecution of other persons mentioned herein.
5095 Neither the Child Support Unit nor those authorities shall use the
5096 information, or disclose it, for any other purpose. All records
5097 maintained pursuant to the provisions of Sections 43-19-31 through
5098 43-19-53 shall be confidential and shall be available only to the
5099 Child Support Unit, other state and federal IV-D agencies, the



5100 attorneys, investigators and other staff employed or under
5101 contract under Sections 43-19-31 through 43-19-53, district or
5102 county attorneys, probation departments, child support units in
5103 other states, and courts having jurisdiction in paternity, support
5104 or abandonment proceedings. The Child Support Unit may release to
5105 the public the name, photo, last-known address, arrearage amount
5106 and other necessary information of a parent who has a judgment
5107 against him for child support and is currently in arrears in the
5108 payment of this support. Such release may be included in a "Most
5109 Wanted List" or other media in order to solicit assistance.

5110 (2) The Child Support Unit shall have the authority to
5111 secure information from the records of the Mississippi Department
5112 of Employment Security that may be necessary to locate absent and
5113 nonsupporting parents and alleged parents under the provisions of
5114 Sections 43-19-31 through 43-19-53. Upon request of the Child
5115 Support Unit, all departments, boards, bureaus and agencies of the
5116 state shall provide to the Child Support Unit verification of
5117 employment or payment and the address and social security number
5118 of any person designated as an absent or nonsupporting parent or
5119 alleged parent. In addition, upon request of the Child Support
5120 Unit, the Mississippi Department of Employment Security, or any
5121 private employer or payor of any income to a person designated as
5122 an absent or nonsupporting parent or alleged parent, shall provide
5123 to the Child Support Unit verification of employment or payment
5124 and the address and social security number of the person so



5125 designated. Full faith and credit shall be given to such notices
5126 issued by child support units in other states. All such records
5127 and information shall be confidential and shall not be used for
5128 any purposes other than those specified by Sections 43-19-31
5129 through 43-19-53. The violation of the provisions of this
5130 subsection shall be unlawful and any person convicted of violating
5131 the provisions of this subsection shall be guilty of a misdemeanor
5132 and shall pay a fine of not more than Two Hundred Dollars
5133 (\$200.00).

5134 (3) Federal and state IV-D agencies shall have access to the
5135 state parent locator service and any system used by the Child
5136 Support Unit to locate an individual for purposes relating to
5137 motor vehicles or law enforcement. No employer or other source of
5138 income who complies with this section shall be liable in any civil
5139 action or proceeding brought by the obligor or obligee on account
5140 of such compliance.

5141 **SECTION 61.** Section 45-27-7, Mississippi Code of 1972, is
5142 brought forward as follows:

5143 45-27-7. (1) The Mississippi Justice Information Center
5144 shall:

5145 (a) Develop, operate and maintain an information system
5146 which will support the collection, storage, retrieval and
5147 dissemination of all data described in this chapter, consistent
5148 with those principles of scope, security and responsiveness
5149 prescribed by this chapter.



5150 (b) Cooperate with all criminal justice agencies within
5151 the state in providing those forms, procedures, standards and
5152 related training assistance necessary for the uniform operation of
5153 the statewide center.

5154 (c) Offer assistance and, when practicable, instruction
5155 to all local law enforcement agencies in establishing efficient
5156 local records systems.

5157 (d) Make available, upon request, to all local and
5158 state criminal justice agencies, to all federal criminal justice
5159 agencies and to criminal justice agencies in other states any
5160 information in the files of the center which will aid such
5161 agencies in the performance of their official duties. For this
5162 purpose the center shall operate on a twenty-four-hour basis,
5163 seven (7) days a week. Such information, when authorized by the
5164 director of the center, may also be made available to any other
5165 agency of this state or any political subdivision thereof and to
5166 any federal agency, upon assurance by the agency concerned that
5167 the information is to be used for official purposes only in the
5168 prevention or detection of crime or the apprehension of criminal
5169 offenders.

5170 (e) Cooperate with other agencies of this state, the
5171 crime information agencies of other states, and the national crime
5172 information center systems of the Federal Bureau of Investigation
5173 in developing and conducting an interstate, national and
5174 international system of criminal identification and records.



5175 (f) Make available, upon request, to nongovernmental
5176 entities or employers certain information for noncriminal justice
5177 purposes as specified in Section 45-27-12.

5178 (g) Institute necessary measures in the design,
5179 implementation and continued operation of the justice information
5180 system to ensure the privacy and security of the system. Such
5181 measures shall include establishing complete control over use of
5182 and access to the system and restricting its integral resources
5183 and facilities and those either possessed or procured and
5184 controlled by criminal justice agencies. Such security measures
5185 must meet standards developed by the center as well as those set
5186 by the nationally operated systems for interstate sharing of
5187 information.

5188 (h) Provide data processing for files listing motor
5189 vehicle drivers' license numbers, motor vehicle registration
5190 numbers, wanted and stolen motor vehicles, outstanding warrants,
5191 identifiable stolen property and such other files as may be of
5192 general assistance to law enforcement agencies; provided, however,
5193 that the purchase, lease, rental or acquisition in any manner of
5194 "computer equipment or services," as defined in Section 25-53-3,
5195 Mississippi Code of 1972, shall be subject to the approval of the
5196 Mississippi Information Technology Services.

5197 (i) Maintain a field coordination and support unit
5198 which shall have all the power conferred by law upon any peace
5199 officer of this state.



5200 (2) The department, including the investigative division or
5201 the center, may:

5202 (a) Obtain and store fingerprints, descriptions,
5203 photographs and any other pertinent identifying data from crime
5204 scenes and on persons who:

5205 (i) Have been or are hereafter arrested or taken
5206 into custody in this state:

- 5207 1. For an offense which is a felony;
5208 2. For an offense which is a misdemeanor;
5209 3. As a fugitive from justice; or

5210 (ii) Are or become habitual offenders; or

5211 (iii) Are currently or become confined to any
5212 prison, penitentiary or other penal institution; or

5213 (iv) Are unidentified human corpses found in the
5214 state; or

5215 (v) Have submitted fingerprints for conducting
5216 criminal history record checks.

5217 (b) Compare all fingerprint and other identifying data
5218 received with that already on file and determine whether or not a
5219 criminal record is found for such person, and at once inform the
5220 requesting agency or arresting officer of those facts that may be
5221 disseminated consistent with applicable security and privacy laws
5222 and regulations. A record shall be maintained for a minimum of
5223 one (1) year of the dissemination of each individual criminal



5224 history, including at least the date and recipient of such
5225 information.

5226 (c) Establish procedures to respond to those
5227 individuals who file requests to review their own records,
5228 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
5229 the correction of the central center records and those of
5230 contributing agencies when their accuracy has been successfully
5231 challenged either through the related contributing agencies or by
5232 court order issued on behalf of an individual.

5233 (d) Retain in the system the fingerprints of all law
5234 enforcement officers and part-time law enforcement officers, as
5235 those terms are defined in Section 45-6-3, any fingerprints sent
5236 by the Mississippi State Department of Health, and of all
5237 applicants to law enforcement agencies.

5238 (3) There shall be a presumption that a copy of any document
5239 submitted to the center in accordance with the provisions of
5240 Section 45-27-9 that has been processed as set forth in this
5241 chapter and subsequently certified and provided by the center to a
5242 law enforcement agency or a court shall be admissible in any
5243 proceeding without further authentication unless a person
5244 objecting to that admissibility has successfully challenged the
5245 document under the provisions of Section 45-27-11.

5246 **SECTION 62.** Section 49-37-7, Mississippi Code of 1972, is
5247 brought forward as follows:



5248 49-37-7. (1) There is created the Mississippi Statewide
5249 Scientific Information Management System Coordinating Council,
5250 hereinafter referred to as "coordinating council," for the purpose
5251 of developing a strategic plan for a statewide scientific
5252 information management system and serving as a coordinating entity
5253 for all aspects of scientific information management.

5254 (2) (a) The council shall consist of the following voting
5255 members: the Executive Director of the Department of
5256 Environmental Quality; the Executive Director of the Department of
5257 Economic and Community Development; the Executive Director of the
5258 Department of Wildlife, Fisheries and Parks; the Executive
5259 Director of the Department of Marine Resources; the State Health
5260 Officer; the State Forester; the Executive Director of the
5261 Department of Transportation; the Chairman of the Mississippi
5262 Water Resources Advisory Council; the Vice-President for Research
5263 and Sponsored Programs at each university on the Mississippi
5264 Research Consortium; the Vice-President for Agriculture, Forestry
5265 and Veterinary Medicine at Mississippi State University; the State
5266 Director of Technology Transfer; the Center Director of the
5267 National Aeronautics and Space Administration, Stennis Space
5268 Center; the District Chief, Mississippi District, United States
5269 Geological Survey; the Executive Director of the Mississippi
5270 Automated Resource Information System; the Executive Director of
5271 the Department of Information Technology Services; the President
5272 of the Institute of Technology Development; and two (2)



5273 representatives of the private sector user community appointed by
5274 the Governor.

5275 Members of the coordinating council not appointed by the
5276 Governor shall serve a term concurrent with their term of office
5277 in their respective position. Nonappointed members may designate
5278 an alternate to serve in their stead and the alternate shall have
5279 the authority to act for the designating member.

5280 Members of the council appointed by the Governor shall serve
5281 four-year terms.

5282 (b) In addition to the members of the coordinating
5283 council specified in paragraph (a) of this subsection, the
5284 coordinating council may invite, as participating members,
5285 representatives of any other state and federal organizations, or
5286 individuals possessing appropriate expertise or who have a viable
5287 interest in the development and implementation of the statewide
5288 scientific information management system.

5289 (c) The Chairman of the Senate Environmental
5290 Protection, Conservation and Water Resources Committee and one (1)
5291 member of that committee appointed by the chairman may attend
5292 meetings of the coordinating council. The Speaker of the House of
5293 Representatives may designate the Chairman of the House
5294 Conservation and Water Resources Committee and one (1) member of
5295 that committee to attend any meeting of the coordinating council.
5296 The appointing authorities may designate alternate members from
5297 their respective houses to serve when the regular designees are



5298 unable to attend such meetings of the coordinating council. The
5299 legislative designees shall have no jurisdiction or vote on any
5300 matter within the jurisdiction of the coordinating council. For
5301 attending meetings of the coordinating council, the legislators
5302 shall receive per diem and expenses which shall be paid from the
5303 contingent expense funds of their respective houses in the same
5304 amounts as provided for committee meetings when the Legislature is
5305 not in session; however, no per diem and expenses for attending
5306 meetings of the coordinating council will be paid while the
5307 Legislature is in session. No per diem and expenses will be paid
5308 except for attending meetings of the coordinating council without
5309 prior approval of the proper committee in their respective houses.

5310 (d) Original appointments to the coordinating council
5311 shall be made no later than October 1, 1999. The Governor shall
5312 require adequate disclosure of potential conflicts of interest by
5313 appointed members of the coordinating council. Vacancies on the
5314 coordinating council shall be filled by appointment in the same
5315 manner as the original appointments.

5316 (e) The coordinating council shall elect from its
5317 membership a chairperson to preside over meetings and
5318 vice-chairperson to preside in the absence of the chairperson or
5319 when the chairperson shall be excused. The coordinating council
5320 shall adopt procedures governing the manner of conducting its
5321 business. A majority of the members shall constitute a quorum to
5322 do business.



5323 (f) Members of the coordinating council shall serve
5324 without compensation, except as otherwise provided in paragraph
5325 (c) of this subsection. At the direction of the chairman of the
5326 coordinating council and contingent upon the availability of
5327 sufficient funds, each member may receive reimbursement for
5328 reasonable expenses, including travel expenses in accordance with
5329 rates established pursuant to Section 25-3-41, Mississippi Code of
5330 1972, incurred in attending meetings of the coordinating council.

5331 (3) The coordinating council shall convene before November
5332 15, 1999.

5333 (4) The coordinating council shall not employ any permanent
5334 staff, rent or occupy independent office space or otherwise
5335 establish a full-time office.

5336 (5) In conducting its activities under this chapter, the
5337 coordinating council may elicit the support of and participation
5338 by any state or local governmental agency as may be necessary or
5339 appropriate. All state and local governmental agencies shall
5340 provide support or participation as requested.

5341 (6) The coordinating council may exercise those duties and
5342 powers necessary to carry out the purposes of this chapter,
5343 including, but not limited to, the following functions:

5344 (a) Conduct, or cause to be conducted any studies,
5345 analyses or evaluations related to the development and
5346 implementation of a scientific information management system;



5347 (b) Apply and contract for and accept any grants,
5348 public or private funds, gifts or proceeds in furtherance of the
5349 activities of the coordinating council;

5350 (c) Authorize the Executive Director of the Department
5351 of Environmental Quality to enter into all contracts or execute
5352 all instruments, on behalf of the coordinating council, and do all
5353 acts necessary, desirable or convenient to carry out any power
5354 expressly granted to the council in this chapter; and

5355 (d) Expend or distribute any funds or assets in its
5356 custody or under its control appropriate in carrying out the
5357 purposes of this chapter.

5358 **SECTION 63.** Section 57-13-23, Mississippi Code of 1972, is
5359 brought forward as follows:

5360 57-13-23. (1) There is created and established the
5361 Mississippi Automated Resource Information System (MARIS),
5362 (heretofore created by Executive Order No. 459, dated May 26,
5363 1983, as amended by Executive Order No. 562, dated January 15,
5364 1986), which shall be the mechanism within state government for
5365 the storing, processing, extracting and disseminating of useful
5366 data and information relating to the state's resources.

5367 (2) The goal of MARIS shall be to facilitate the achievement
5368 of state agencies' responsibilities as they relate to the
5369 development, management, conservation, protection and utilization
5370 of the resources of Mississippi by making usable resource data and
5371 information more readily available and in a format that is



5372 consistent throughout state departments, agencies and
5373 institutions, and, to the extent possible, with federal and
5374 privately generated resource data banks.

5375 (3) MARIS shall be under the supervision and general policy
5376 formulations of a policy committee as the cooperative effort of
5377 state departments, agencies and institutions for the sharing of
5378 useful data acquired and generated by state agencies in
5379 discharging their individual responsibilities.

5380 (4) There is created and established the MARIS Policy
5381 Committee composed of the directors or their designees of the
5382 following departments, agencies and institutions:

5383 Center for Population Studies, University of Mississippi
5384 Department of Information Technology Services
5385 Department of Agriculture and Commerce
5386 Department of Archives and History
5387 Mississippi Development Authority
5388 Department of Human Services
5389 Department of Child Protection Services
5390 Department of Environmental Quality
5391 Department of Wildlife, Fisheries and Parks
5392 Mississippi Department of Transportation
5393 Mississippi Emergency Management Agency
5394 Mississippi Mineral Resources Institute, University of
5395 Mississippi
5396 Department of Finance and Administration



5397 Office of the Secretary of State
5398 Public Service Commission
5399 Remote Sensing Center, Mississippi State University
5400 State Forestry Commission
5401 State Department of Health
5402 State Oil and Gas Board
5403 State Soil and Water Conservation Commission
5404 Department of Revenue
5405 University Research Center
5406 Water Management Council.

5407 (5) The MARIS Policy Committee shall elect a chairman, vice
5408 chairman and secretary, and it shall elect an executive committee
5409 from the membership of the policy committee to be composed of not
5410 less than five (5) nor more than nine (9) members, including the
5411 aforesaid officers. The policy committee may elect to the
5412 executive committee one (1) person other than from its membership.
5413 The policy committee shall determine the authority and
5414 responsibility to be exercised by the executive committee.

5415 (6) There is created and established the MARIS Task Force
5416 which shall be composed of at least one (1) representative from
5417 each of the aforesaid agencies with knowledge in computer
5418 applications to natural, cultural, industrial or economic
5419 resources to be appointed by the respective directors thereof, and
5420 any other persons deemed advisable by the policy committee.



5421 (7) The University Research Center shall house the MARIS
5422 equipment and staff and shall provide administrative support for
5423 the policy committee and technical support to all member agencies.

5424 (8) It shall be the duty of every department, agency, office
5425 and institution of the State of Mississippi, and the officers
5426 thereof, to cooperate with and assist the MARIS Policy Committee
5427 in every reasonable way.

5428 **SECTION 64.** Section 63-9-31, Mississippi Code of 1972, is
5429 brought forward as follows:

5430 63-9-31. (1) In addition to any other monetary penalties
5431 and other penalties imposed by law, any county, municipality or
5432 the Pearl River Valley Water Supply District Patrol which
5433 participates in a wireless radio communications program approved
5434 by the applicable governing authorities may assess an additional
5435 surcharge in an amount not to exceed Ten Dollars (\$10.00) on each
5436 person upon whom a court imposes a fine or other penalty for each
5437 violation of Title 63, Mississippi Code of 1972, except offenses
5438 relating to vehicular parking or registration. On all citations
5439 issued by Mississippi Highway Safety Patrol officers, a surcharge
5440 in the amount of Ten Dollars (\$10.00) shall be collected by the
5441 court and deposited as provided in subsection (2) of this section.
5442 The proceeds from the surcharge on citations issued by county and
5443 municipal law enforcement officers or the Pearl River Valley Water
5444 Supply District Patrol may be used by a county or municipality
5445 only to fund that county's or municipality's or the Pearl River



5446 Valley Water Supply District Patrol's participation in the
5447 wireless radio communications program by funding public safety
5448 wireless communications systems and related computer and
5449 communications equipment. The proceeds from the surcharge on
5450 citations issued by Mississippi Highway Safety Patrol officers
5451 shall be used as provided in subsection (2) of this section. All
5452 proceeds from the surcharge imposed by this subsection shall be
5453 deposited into a special fund in the Department of Public Safety's
5454 Office of Public Safety Planning. The Office of Public Safety
5455 Planning shall promulgate rules and procedures relating to the
5456 administration of the special fund and the disbursement of monies
5457 in the fund to participating governmental entities. The maximum
5458 amount that a governmental entity may receive from the special
5459 fund shall be an amount equal to the deposits made into the fund
5460 by that entity, less one percent (1%) to be retained by the Office
5461 of Public Safety Planning to defray the costs of administering the
5462 special fund. Interest earned on the special fund shall remain in
5463 the fund and shall be used by the Office of Public Safety Planning
5464 to further defray the costs of administering the special fund.

5465 (2) Deposits into the special fund resulting from citations
5466 issued by the Mississippi Highway Safety Patrol shall be utilized
5467 as follows: Fifty percent (50%) of the deposits into the special
5468 fund shall be used to automate the citations issued by Mississippi
5469 Highway Safety Patrol officers (including the transmittal of
5470 citations to the justice court, retrieval of the disposition from



5471 the justice court, and updating the driver's records) and fifty
5472 percent (50%) of the deposits into the special fund shall be used
5473 for the purpose of funding wireless communications and related
5474 computer equipment and computer software, subject to the approval
5475 of the Mississippi Department of Information Technology Services.

5476 (3) Approval of a wireless radio communications program must
5477 be given by the applicable governing authorities when:

5478 (a) The program includes the sharing of support
5479 facilities including, but not limited to, towers, shelters and
5480 microwave by participating entities; or

5481 (b) The program includes the establishment of a mutual
5482 aid system using common radio frequency channels between
5483 participating entities; or

5484 (c) The program sets forth a feasible methodology that
5485 utilizes the radio frequency spectrum in an efficient manner.

5486 (4) Participating counties, municipalities, the Pearl River
5487 Valley Water Supply District Patrol and the Mississippi Highway
5488 Safety Patrol must provide notification of facilities available
5489 for interoperability to the Mississippi Department of Information
5490 Technology Services annually.

5491 (5) Counties and municipalities and the Pearl River Valley
5492 Water Supply District Patrol participating in a wireless radio
5493 communications program and the Mississippi Highway Safety Patrol
5494 must comply with competitive bidding requirements prescribed in



5495 Section 31-7-13 and are encouraged to utilize an open
5496 architecture, nonproprietary system.

5497 (6) From and after July 1, 2016, the expenses of this agency
5498 shall be defrayed by appropriation from the State General Fund and
5499 all user charges and fees authorized under this section shall be
5500 deposited into the State General Fund as authorized by law.

5501 (7) From and after July 1, 2016, no state agency shall
5502 charge another state agency a fee, assessment, rent or other
5503 charge for services or resources received by authority of this
5504 section.

5505 **SECTION 65.** Section 63-21-18, Mississippi Code of 1972, is
5506 brought forward as follows:

5507 63-21-18. The Mississippi Department of Information
5508 Technology Services shall provide equipment for the operation and
5509 maintenance of the automated statewide motor vehicle, manufactured
5510 housing and mobile home registration system by the State Tax
5511 Commission.

5512 The automated statewide motor vehicle, manufactured housing
5513 and mobile home registration system shall provide for computer
5514 terminals and printers, as authorized by the Mississippi
5515 Department of Information Technology Services, to be located in
5516 the quantity necessary in each county seat tax collector's office
5517 and any other office in which more than fifty percent (50%) of the
5518 motor vehicle registrations in the county are made.



5519 All county tax collectors shall participate in such system as
5520 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
5521 21, Title 63; Mississippi Code of 1972, in accordance with rules
5522 and regulations promulgated by the State Tax Commission. Such
5523 rules and regulations shall provide that counties which have an
5524 existing computer system designed to produce registration data may
5525 elect to use such existing system to communicate
5526 title/registration data to the commission through the computer
5527 furnished by the state as hereinabove provided in this section.
5528 If the State Tax Commission finds and determines that a county has
5529 failed to successfully establish or update title/registration data
5530 into the statewide vehicle, manufactured housing and mobile home
5531 title/registration system, either through use of equipment
5532 supplied by the State Tax Commission or through the interfacing
5533 between the network system and county computer equipment, the
5534 State Tax Commission shall thereafter cause to be withheld the
5535 county's homestead exemption reimbursement monies, except for
5536 school districts and municipalities, until such time as the county
5537 has complied with this provision. Such monies as are withheld
5538 from a county for failure to comply with this provision shall be
5539 placed into a special escrow account to be established in the
5540 State Treasury. Once the county achieves compliance by
5541 successfully establishing or updating title/registration data into
5542 the statewide vehicle, manufactured housing and mobile home
5543 title/registration system, then the commission shall cause to be



5544 released to the county all funds held in escrow on the county's
5545 behalf during the period of noncompliance. All interest earned
5546 shall accrue to the benefit of the county on any funds placed in
5547 an escrow account. Any cost involved in interfacing between
5548 existing county computer systems and the state-provided computer
5549 shall be paid by the county.

5550 The computer terminals and printers placed in each county tax
5551 collector's office may be utilized to provide additional computer
5552 functions as authorized by the Mississippi Department of
5553 Information Technology Services.

5554 The State Fiscal Officer shall issue his warrants to the
5555 State Treasurer for the expenditures for the implementation and
5556 maintenance of the system upon requisitions signed by the Chairman
5557 of the State Tax Commission, as authorized by the Legislature.

5558 It is the intent of the Legislature that the operation of the
5559 statewide motor vehicle, manufactured housing and mobile home
5560 title registration system shall be the responsibility of the State
5561 Tax Commission.

5562 The State Tax Commission shall provide for the transfer of
5563 motor vehicle, manufactured housing and mobile home title and lien
5564 registration information to the commission by electronic means
5565 from banks and other lending institutions as provided in Section
5566 63-21-18. The Mississippi Department of Information Technology
5567 Services shall cooperate with the State Tax Commission in
5568 implementing the provisions of Section 63-21-18, and shall provide



5569 the State Tax Commission with whatever assistance the commission
5570 needs to carry out the provisions of Section 63-21-18.

5571 **SECTION 66.** Section 73-34-8, Mississippi Code of 1972, is
5572 brought forward as follows:

5573 73-34-8. (1) Effective July 1, 2023, the Mississippi Real
5574 Estate Appraiser Licensing and Certification Board shall be
5575 separated from the Mississippi Real Estate Commission
5576 ("commission") and shall thereafter operate as an independent
5577 board to be known as the Mississippi Real Estate Appraisal Board
5578 ("board").

5579 (2) The Mississippi Real Estate Commission and the
5580 Mississippi Real Estate Appraisal Board shall cooperate on the
5581 orderly transfer of functions and resources as provided under this
5582 chapter to ensure that by July 1, 2023, the Mississippi Real
5583 Estate Appraisal Board shall be fully functional and independent
5584 from the Real Estate Commission.

5585 (3) The Mississippi Real Estate Commission and the
5586 Mississippi Real Estate Appraisal Board shall comply with the
5587 provisions of Section 5-11-1 et seq., regarding the transfer of
5588 agency functions.

5589 (4) (a) The Mississippi State Personnel Board shall provide
5590 assistance to the commission and the board to ensure that all
5591 authorized positions of the Mississippi Real Estate Appraiser
5592 Licensing and Certification Board are identified and properly



5593 assigned to the Mississippi Real Estate Appraisal Board by July 1,
5594 2023.

5595 (b) The Department of Finance and Administration shall
5596 assist the Mississippi Real Estate Appraisal Board in identifying
5597 office space appropriate to meet its needs in a state-owned office
5598 building if possible, and shall further provide any temporary
5599 accounting or other assistance to the board to assist the board in
5600 becoming operational and independent.

5601 (c) The Department of Information Technology Services
5602 shall provide assistance to the Mississippi Real Estate Appraisal
5603 Board to ensure that any and all computer systems, web pages and
5604 other information technology communications systems are
5605 operational by July 1, 2023.

5606 (d) Beginning on July 1, 2023, wherever the terms
5607 "Mississippi Real Estate Appraiser Licensing and Certification
5608 Board" or "board," when referring to the Mississippi Real Estate
5609 Appraiser Licensing and Certification Board, appear in any law,
5610 rule, regulation or document the same shall be construed to mean
5611 the Mississippi Real Estate Appraisal Board.

5612 **SECTION 67.** Section 75-12-33, Mississippi Code of 1972, is
5613 brought forward as follows:

5614 75-12-33. The executive authority of each governmental
5615 agency of this state shall determine whether, and the extent to
5616 which, it will create and retain electronic records and convert
5617 written records to electronic records subject to applicable



5618 policies and standards of the Mississippi Department of
5619 Information Technology Services and the Mississippi Department of
5620 Archives and History as may be adopted pursuant to law.

5621 **SECTION 68.** Section 89-5-109, Mississippi Code of 1972, is
5622 brought forward as follows:

5623 89-5-109. **ADMINISTRATION AND STANDARDS.**

5624 (a) The Mississippi Electronic Recording Commission
5625 consisting of eleven (11) members is created to adopt standards to
5626 implement this article. The membership of the commission shall
5627 comprise the following:

5628 (1) A person appointed by the Governor;

5629 (2) A person appointed by the Lieutenant Governor;

5630 (3) A person appointed by the Speaker of the House of
5631 Representatives;

5632 (4) Three (3) members of the Chancery Clerks'
5633 Association;

5634 (5) A person appointed by the Mississippi Association
5635 of Supervisors;

5636 (6) The Director of the Mississippi Information
5637 Technology Services or his designee; and

5638 (7) Three (3) persons appointed by the Secretary of
5639 State.

5640 Appointed members of the commission shall serve a term of two
5641 (2) years from the date of appointment as evidenced by letters to
5642 the Secretary of the Senate and the Clerk of the House of



5643 Representatives, with the appointment letter last received being
5644 the effective date of appointment. Any member serving by virtue
5645 of appointment shall serve until a successor is duly appointed.
5646 Appointed members shall be eligible for reappointment at the end
5647 of their terms.

5648 (b) Appointments are to be made no later than October 1,
5649 2011, and the initial meeting of the commission is to be held no
5650 later than November 1, 2011. The initial meeting is to be called
5651 at a time and place designated by the Secretary of State who shall
5652 preside until a permanent chair is elected. The election of a
5653 permanent chair shall be held at the initial meeting. The chair
5654 shall serve during the chair's tenure but shall not serve
5655 consecutive terms as chair. The commission shall establish rules
5656 to govern the conduct of its meetings and shall elect such
5657 officers as provided in the rules. A quorum shall consist of no
5658 fewer than six (6) members.

5659 (c) To keep the standards and practices of chancery clerks
5660 in this state in harmony with the standards and practices of
5661 recording offices in other jurisdictions that enact substantially
5662 this article and to keep the technology used by chancery clerks in
5663 this state compatible with technology used by recording offices in
5664 other jurisdictions that enact substantially this article, the
5665 commission, so far as is consistent with the purposes, policies,
5666 and provisions of this article, in adopting, amending, and
5667 repealing standards shall consider:



- 5668 (1) Standards and practices of other jurisdictions;
- 5669 (2) The most recent standards promulgated by national
5670 standard-setting bodies, such as the Property Records Industry
5671 Association;
- 5672 (3) The views of interested persons and governmental
5673 officials and entities;
- 5674 (4) The needs of counties of varying size, population,
5675 and resources; and
- 5676 (5) Standards requiring adequate information security
5677 protection to ensure that electronic documents are accurate,
5678 authentic, adequately preserved, and resistant to tampering.

5679 **SECTION 69.** This act shall take effect and be in force from
5680 and after July 1, 2024.

