

By: Representatives Barker, Campbell,
Bennett, Hines, Dixon

To: Public Health and Human
Services; Revenue and
Expenditure General Bills

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1011

1 AN ACT TO REORGANIZE THE MISSISSIPPI DEPARTMENT OF HUMAN
2 SERVICES BY CREATING A NEW DIVISION OF CHILD PROTECTION SERVICES;
3 TO PROVIDE FOR A COMMISSIONER OF THE DIVISION OF CHILD PROTECTION
4 SERVICES TO BE APPOINTED BY THE GOVERNOR AT THE WILL AND PLEASURE
5 OF THE GOVERNOR; TO PROVIDE THAT THE AGENCY SHALL BE EXEMPT FROM
6 STATE PERSONNEL BOARD RULES AND REGULATIONS FOR THREE FISCAL YEARS
7 IN ORDER TO ORGANIZE STAFF AND STRUCTURE; TO PROVIDE FOR A
8 TRANSITION COMMITTEE TO FACILITATE THE IMPLEMENTATION OF THE NEW
9 AGENCY; TO AMEND SECTIONS 43-1-2, 43-1-3, 43-1-51, 43-1-53,
10 43-1-55, 43-1-57 AND 43-1-63, MISSISSIPPI CODE OF 1972, TO
11 CONFORM; TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
12 EXEMPT THE SALARY OF THE COMMISSIONER OF CHILD PROTECTION SERVICES
13 FROM STATUTORY SALARY LIMITATIONS; TO AMEND SECTION 25-9-120,
14 MISSISSIPPI CODE OF 1972, TO EXEMPT PERSONAL SERVICE CONTRACTS
15 ENTERED INTO BY THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES OR
16 THE DIVISION OF CHILD PROTECTION SERVICES FROM THE REGULATIONS OF
17 THE PERSONAL SERVICE CONTRACT REVIEW BOARD; TO AMEND SECTION
18 25-9-127, MISSISSIPPI CODE OF 1972, TO EXEMPT PERSONNEL ACTIONS OF
19 THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES AND THE DIVISION OF
20 CHILD PROTECTION SERVICES FROM STATE PERSONNEL BOARD REGULATIONS
21 FOR A PERIOD OF THREE YEARS; TO AMEND SECTIONS 25-53-1 AND
22 25-53-5, MISSISSIPPI CODE OF 1972, TO EXEMPT ACTIONS OF THE
23 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES AND THE DIVISION OF CHILD
24 PROTECTION SERVICES FROM THE REGULATIONS OF THE MISSISSIPPI
25 DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES FOR A PERIOD OF
26 THREE YEARS; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** (1) There is established a Child Protection
29 Services Transition Committee, which shall consist of seven (7)
30 members, as follows:



31 (a) The Governor shall appoint three (3) members, one
32 (1) of whom he shall designate as Chairperson;

33 (b) The Lieutenant Governor shall appoint one (1)
34 member;

35 (c) The Speaker of the House of Representatives shall
36 appoint one (1) member;

37 (d) The Executive Director of the Department of Human
38 Services, or designee; and

39 (e) The Commissioner of the Division of Child
40 Protection Services, or designee.

41 (2) The Transition Committee shall be advisory and shall
42 meet at a time and place to be determined by the chairperson. The
43 Transition Committee shall consult with the executive directors of
44 the following agencies for advice on developing the advisory plan
45 pursuant to subsection (3) of this section: (a) the Department of
46 Finance and Administration; (b) the Department of Information
47 Technology Services; and (c) the State Personnel Board. The
48 committee shall use clerical and other staff assistance made
49 available by agency heads serving on the committee. Members of
50 the committee shall serve without compensation; however, members
51 who are not state employees may request and receive reimbursement
52 in accordance with Section 25-3-41 for mileage and actual expenses
53 incurred in the performance of committee business. Expense
54 reimbursements shall be paid from any funds appropriated to the
55 Division of Child Protection Services for fiscal year 2017.



56 Actions of the committee shall be approved by consensus of its
57 members.

58 (3) The Transition Committee shall develop an advisory plan
59 for the orderly implementation of the Division of Child Protection
60 Services and its transition from the Office of Family and
61 Children's Services of the Department of Human Services. The plan
62 shall include:

63 (a) A mechanism for the transfer of all equipment,
64 supplies, records, furnishings or other materials, resources or
65 funds dedicated to the operation of the Office of Family and
66 Children's Services of the Department of Human Services;

67 (b) Determine the allocation of resources between the
68 newly created Division of Child Protection Services and the
69 Department of Human Services, as practicable;

70 (c) Determine the allocation of functions where the
71 performance of services may be shared between the Office of Family
72 and Children's Services and other employees of the Department of
73 Human Services, as practicable;

74 (d) Determine whether any administrative support
75 services, such as Information Technology Services, bookkeeping and
76 payroll can continue to be provided by the Department of Human
77 Services; and

78 (e) Identify other areas deemed relevant by the
79 committee and make recommendations thereon to achieve an orderly
80 transition.



81 (4) The Transition Committee will cease to operate and be
82 abolished on July 1, 2018.

83 **SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is
84 amended as follows:

85 43-1-2. (1) There is created the Mississippi Department of
86 Human Services, whose offices shall be located in Jackson,
87 Mississippi, and which shall be under the policy direction of the
88 Governor.

89 (2) The chief administrative officer of the department shall
90 be the Executive Director of Human Services. The Governor shall
91 appoint the Executive Director of Human Services with the advice
92 and consent of the Senate, and he shall serve at the will and
93 pleasure of the Governor, and until his successor is appointed and
94 qualified. The Executive Director of Human Services shall possess
95 the following qualifications:

96 (a) A bachelor's degree from an accredited institution
97 of higher learning and ten (10) years' experience in management,
98 public administration, finance or accounting; or

99 (b) A master's or doctoral degree from an accredited
100 institution of higher learning and five (5) years' experience in
101 management, public administration, finance or accounting.

102 * * *

103 (3) There shall be a Joint Oversight Committee of the
104 Department of Human Services composed of the respective Chairmen
105 of the Senate Public Health and Welfare Committee, the Senate



106 Appropriations Committee, the House Public Health and Human
107 Services Committee and the House Appropriations Committee, three
108 (3) members of the Senate appointed by the Lieutenant Governor to
109 serve at the will and pleasure of the Lieutenant Governor, and
110 three (3) members of the House of Representatives appointed by the
111 Speaker of the House to serve at the will and pleasure of the
112 Speaker. The chairmanship of the committee shall alternate for
113 twelve-month periods between the Senate members and the House
114 members, on May 1 of each year, with the Chairman of the Senate
115 Public Health and Welfare Committee serving as chairman beginning
116 in even-numbered years, and the Chairman of the House Public
117 Health and Human Services Committee serving as chairman beginning
118 in odd-numbered years. The committee shall meet once each
119 quarter, or upon the call of the chairman at such times as he
120 deems necessary or advisable, and may make recommendations to the
121 Legislature pertaining to any matter within the jurisdiction of
122 the Mississippi Department of Human Services. The appointing
123 authorities may designate an alternate member from their
124 respective houses to serve when the regular designee is unable to
125 attend such meetings of the oversight committee. For attending
126 meetings of the oversight committee, such legislators shall
127 receive per diem and expenses which shall be paid from the
128 contingent expense funds of their respective houses in the same
129 amounts as provided for committee meetings when the Legislature is
130 not in session; however, no per diem and expenses for attending



131 meetings of the committee will be paid while the Legislature is in
132 session. No per diem and expenses will be paid except for
133 attending meetings of the oversight committee without prior
134 approval of the proper committee in their respective houses.

135 (4) The Department of Human Services shall provide the
136 services authorized by law to every individual determined to be
137 eligible therefor, and in carrying out the purposes of the
138 department, the executive director is authorized:

139 (a) To formulate the policy of the department regarding
140 human services within the jurisdiction of the department;

141 (b) To adopt, modify, repeal and promulgate, after due
142 notice and hearing, and where not otherwise prohibited by federal
143 or state law, to make exceptions to and grant exemptions and
144 variances from, and to enforce rules and regulations implementing
145 or effectuating the powers and duties of the department under any
146 and all statutes within the department's jurisdiction, all of
147 which shall be binding upon the county departments of human
148 services;

149 (c) To apply for, receive and expend any federal or
150 state funds or contributions, gifts, devises, bequests or funds
151 from any other source;

152 (d) Except as limited by Section 43-1-3, to enter into
153 and execute contracts, grants and cooperative agreements with any
154 federal or state agency or subdivision thereof, or any public or
155 private institution located inside or outside the State of



156 Mississippi, or any person, corporation or association in
157 connection with carrying out the programs of the department; and
158 (e) To discharge such other duties, responsibilities
159 and powers as are necessary to implement the programs of the
160 department.

161 (5) The executive director shall establish the
162 organizational structure of the Mississippi Department of Human
163 Services which shall include the creation of any units necessary
164 to implement the duties assigned to the department and consistent
165 with specific requirements of law, including, but not limited to:

166 * * *

167 (* * *a) Office of Youth Services;
168 (* * *b) Office of Economic Assistance;
169 (* * *c) Office of Child Support Enforcement; or
170 (* * *d) Office of Field Operations to administer any
171 state or county level programs under the purview of the
172 Mississippi Department of Human Services, with the exception of
173 programs which fall under * * * paragraph (a) * * * of this
174 subsection.

175 (6) The Executive Director of Human Services shall appoint
176 heads of offices, bureaus and divisions, as defined in Section
177 7-17-11, who shall serve at the pleasure of the executive
178 director. The salary and compensation of such office, bureau and
179 division heads shall be subject to the rules and regulations
180 adopted and promulgated by the State Personnel Board as created



181 under Section 25-9-101 et seq. The executive director shall have
182 the authority to organize offices as deemed appropriate to carry
183 out the responsibilities of the department. The organization
184 charts of the department shall be presented annually with the
185 budget request of the Governor for review by the Legislature.

186 (7) There is created within the Department of Human Services
187 the Division of Child Protection Services, which shall be under
188 the policy direction of the Governor. The Governor shall appoint
189 the Commissioner of the Division of Child Protection Services,
190 with the advice and consent of the Senate, and the commissioner
191 shall serve at the will and pleasure of the Governor, and until
192 his successor is appointed and qualified.

193 The Commissioner of the Division of Child Protection Services
194 shall appoint heads of offices, bureaus and divisions, as defined
195 in Section 7-17-11, who shall serve at the pleasure of the
196 commissioner. Except as otherwise provided in Section 25-9-127,
197 the salary and compensation of such office, bureau and division
198 heads shall be subject to the rules and regulations adopted and
199 promulgated by the State Personnel Board as created under Section
200 25-9-101 et seq. The commissioner shall have the authority to
201 organize offices as deemed appropriate to carry out the
202 responsibilities of the division. The organization charts of the
203 division shall be presented annually with the budget request of
204 the Governor for review by the Legislature.

205 (* * *8) This section shall stand repealed on July 1, 2019.



206 **SECTION 3.** Section 43-1-3, Mississippi Code of 1972, is
207 amended as follows:

208 43-1-3. Notwithstanding the authority granted under
209 subsection (4) (d) of Section 43-1-2, the Department of Human
210 Services or the Executive Director of Human Services, or the
211 Division of Child Protection Services or the Commissioner of Child
212 Protection Services shall not be * * * prohibited from entering
213 into any contract with vendors or contractors intended to improve
214 performance, reduce costs or increase efficiency, so long as the
215 contract remains under the supervision or control of an office,
216 bureau or division of the department * * *.

217 This section shall stand repealed on July 1, 2019.

218 **SECTION 4.** Section 43-1-51, Mississippi Code of 1972, is
219 amended as follows:

220 43-1-51. There is * * * created within the Department of
221 Human Services a single and separate Division of * * * Child
222 Protection Services. The division shall be responsible for the
223 development, execution and provision of services in the following
224 areas: (a) protective services for children; (b) foster care; (c)
225 adoption services; (d) special services; (e) interstate compact;
226 (f) licensure; and (g) such services as may be designated by the
227 board. Employees working within the division shall be limited to
228 work within the areas of service enumerated herein. Services
229 enumerated under Section 43-15-13 et seq. for the foster care



230 program shall be provided by qualified staff with appropriate case
231 loads.

232 **SECTION 5.** Section 43-1-53, Mississippi Code of 1972, is
233 amended as follows:

234 43-1-53. (1) The Division of * * * Child Protection
235 Services shall be formed at each level of the Department of Human
236 Services, including state, regional and county levels. The * * *
237 Governor shall appoint and employ a director for the division who
238 shall * * * possess the following qualifications:

239 (a) A bachelor's degree from an accredited institution
240 of higher learning and ten (10) years' experience in management,
241 public administration, finance or accounting; or

242 (b) A master's or doctoral degree from an accredited
243 institution of higher learning and five (5) years' experience in
244 management, public administration, finance or accounting.

245 (2) The state office of the Division of * * * Child
246 Protection Services shall develop policy, provide training and
247 oversee the implementation of services. The * * * commissioner
248 shall establish such planning and policy councils as may be
249 necessary to carry out these functions.

250 (3) The regional office of the Division of * * * Child
251 Protection Services shall consist of a regional services director
252 and a crisis intervention team to be dispatched on a case-by-case
253 basis by the regional services director * * *, as well as



254 additional regional services directors for supervision of the
255 foster care program.

256 * * *

257 **SECTION 6.** Section 43-1-55, Mississippi Code of 1972, is
258 amended as follows:

259 43-1-55. (1) The * * * Division of Child Protection
260 Services and the Division of Aging and Adult Services shall devise
261 formal standards for employment as a family protection worker and
262 as a family protection specialist within their respective * * *
263 divisions and for service delivery designed to measure the quality
264 of services delivered to clients, as well as the timeliness of
265 services. Each family protection worker and family protection
266 specialist shall be assessed annually by a supervisor who is a
267 licensed social worker * * * and is knowledgeable in the standards
268 promulgated. The standards devised by each * * * division shall
269 be applicable to all family protection workers and family
270 protection specialists working under that * * * division.

271 (2) The * * * Division of Child Protection Services shall
272 devise formal standards for family protection workers of the * * *
273 division who are not licensed social workers. Those standards
274 shall require that:

275 (a) In order to be employed as a family protection
276 worker, a person must have a bachelor's degree in either
277 psychology, sociology, nursing, family studies, or a related
278 field, or a graduate degree in either psychology, sociology,



279 nursing, criminal justice, counseling, marriage and family therapy
280 or a related field. The determination of what is a related field
281 shall be made by certification of the State Personnel Board; and

282 (b) Before a person may provide services as a family
283 protection worker, the person shall complete four (4) weeks of
284 intensive training provided by the training unit of the * * *
285 Division of Child Protection Services, and shall take and receive
286 a passing score on the certification test administered by the
287 training unit upon completion of the four-week training. Upon
288 receiving a passing score on the certification test, the person
289 shall be certified as a family protection worker by the * * *
290 Division of Child Protection Services. Any person who does not
291 receive a passing score on the certification test shall not be
292 employed or maintain employment as a family protection worker for
293 the * * * division. Further, a person, qualified as a family
294 protection worker through the procedures set forth above, shall
295 not conduct forensic interviews of children until the worker
296 receives additional specialized training in child forensic
297 interview protocols and techniques by a course or curriculum
298 approved by the * * * Division of Child Protection Services to be
299 not less than forty (40) hours.

300 (3) For the purpose of providing services in child abuse or
301 neglect cases * * * in youth court proceedings, vulnerable adults
302 cases, and such other cases as designated by the Executive
303 Director of Human Services or the Commissioner of Child Protection



304 Services, the caseworker or service provider shall be a family
305 protection specialist or a family protection worker whose work is
306 overseen by a * * * supervisor who is a licensed social worker.

307 (4) The Department of Human Services and the * * * Division
308 of Child Protection Services shall seek to employ and use family
309 protection specialists to provide the services of the office, and
310 may employ and use family protection workers to provide those
311 services only in counties in which there is not a sufficient
312 number of family protection specialists to adequately provide
313 those services in the county.

314 (5) (a) There is created a Training and Testing Advisory
315 Council to review the * * * Department of Human Services program,
316 or the Division of Child Protection Services program of training
317 and testing of family protection workers and to make
318 recommendations pertaining to the program to the respective
319 department or division. The advisory council shall be composed of
320 the following ten (10) members: * * * one (1) representative of
321 the * * * Division of Child Protection Services appointed by the
322 commissioner of the division and one (1) representative of the
323 Division of Aging and Adult Services appointed by the Executive
324 Director of the Department of Human Services; the Chairman of the
325 Consortium of Accredited Schools of Social Work in Mississippi;
326 and the executive director or a board member of a professional
327 association or licensing board for each field of study named in
328 subsection (2) (a) of this section, as follows: the Mississippi



329 Chapter of the National Association of Social Workers; a marriage
330 and family therapist who is a member of the Board of Examiners for
331 Social Workers and Marriage and Family Therapists, to be selected
332 by the four (4) members of the board of examiners who are marriage
333 and family therapists; the Mississippi Nurses Association; the
334 Mississippi Prosecutors Association; the Mississippi Counseling
335 Association; the Mississippi Psychological Association; and an
336 officer of the Alabama-Mississippi Sociological Association who is
337 a Mississippi resident elected by the executive committee of the
338 association. The executive director of each association
339 (excluding the Alabama-Mississippi Sociological Association) and
340 chairman of the consortium may designate an alternate member to
341 serve in his stead on the advisory council. Members of the
342 advisory council shall serve without salary or per diem.

343 (b) A majority of the advisory council members shall
344 select from their membership a chairperson to preside over
345 meetings and a vice chairperson to preside in the absence of the
346 chairperson or when the chairperson is excused. The advisory
347 council shall adopt procedures governing the manner of conducting
348 its business. A majority of the members shall constitute a quorum
349 to do business.

350 (6) Beginning July 1, 2016, the Office of Family and
351 Children's Services shall be the Division of Child Protection
352 Services.



353 (* * *7) This section and Section 43-27-107, Mississippi
354 Code of 1972, shall stand repealed on July 1, 2019.

355 **SECTION 7.** Section 43-1-57, Mississippi Code of 1972, is
356 amended as follows:

357 43-1-57. (1) The Division of * * * Child Protection
358 Services shall establish a record-keeping procedure to insure that
359 all referrals of neglect and/or abuse are accurately and
360 adequately maintained for future or cross-reference.

361 (2) In addition to the toll-free abuse reporting telephone
362 system, the division shall establish a uniform intake procedure
363 for the receipt and referral to the appropriate personnel for
364 investigation. The uniform intake procedure shall be made
365 available to all appropriate agencies and the public in order to
366 facilitate the necessary protective services.

367 **SECTION 8.** Section 43-1-63, Mississippi Code of 1972, is
368 amended as follows:

369 43-1-63. The * * * Division of Child Protection Services
370 shall have the authority to use the services and resources of the
371 State Department of Education and the State Department of Health
372 and of all other appropriate state departments, agencies,
373 institutions or political subdivisions as will aid in carrying out
374 the purposes of this chapter. It shall be the duty of all such
375 state departments, agencies and institutions to make available
376 such services and resources to the department, including, but not
377 necessarily limited to, such services and resources as may be



378 required to perform appropriate criminal history record checks on
379 prospective foster and relative child placements for the purpose
380 of preventing and detecting abuse and neglect.

381 **SECTION 9.** Section 25-3-39, Mississippi Code of 1972, is
382 amended as follows:

383 25-3-39. (1) (a) Except as otherwise provided in this
384 section, no public officer, public employee, administrator, or
385 executive head of any arm or agency of the state, in the executive
386 branch of government, shall be paid a salary or compensation,
387 directly or indirectly, greater than one hundred fifty percent
388 (150%) of the salary fixed in Section 25-3-31 for the Governor,
389 nor shall the salary of any public officer, public employee,
390 administrator, or executive head of any arm or agency of the
391 state, in the executive branch of government, be supplemented with
392 any funds from any source, including federal or private funds.
393 Such salaries shall be completely paid by the state. All academic
394 officials, members of the teaching staffs and employees of the
395 state institutions of higher learning, the Mississippi Community
396 College Board, and community and junior colleges, and licensed
397 physicians who are public employees, shall be exempt from this
398 subsection. All professional employees who hold a bachelor's
399 degree or more advanced degree from an accredited four-year
400 college or university or a certificate or license issued by a
401 state licensing board, commission or agency and who are employed



402 by the Department of Mental Health shall be exempt from this
403 subsection if the State Personnel Board approves the exemption.

404 (b) The Governor shall fix the annual salary of the
405 Executive Director of the Mississippi Development Authority, the
406 annual salary of the Commissioner of the Division of Child
407 Protection Services of the Mississippi Department of Human
408 Services, and the annual salary of the Chief of Staff of the
409 Governor's Office. The salary of the Governor's Chief of Staff
410 shall not be greater than one hundred fifty percent (150%) of the
411 salary of the Governor and shall be completely paid by the state
412 without supplementation from another source. The salary of the
413 Executive Director of the Mississippi Development Authority and
414 the Commissioner of the Division of Child Protection Services may
415 be greater than one hundred fifty percent (150%) of the salary of
416 the Governor and may be supplemented with funds from any source,
417 including federal or private funds; however, any state funds used
418 to pay the salary of the Executive Director of the Mississippi
419 Development Authority or the Commissioner of the Division of Child
420 Protection Services shall not exceed one hundred fifty percent
421 (150%) of the salary of the Governor. If either the executive
422 director's salary or the commissioner's salary is supplemented
423 with private funds, the Mississippi Development Authority or the
424 Division of Child Protection Services shall publish on its website
425 the amount of the supplement and the name of the donor of the
426 private funds.



427 (2) No public officer, employee or administrator shall be
428 paid a salary or compensation, directly or indirectly, in excess
429 of the salary authorized to be paid the executive head of the
430 state agency or department in which he is employed. The State
431 Personnel Board, based upon its findings of fact, may exempt
432 physicians and actuaries from this subsection when the acquisition
433 of such professional services is precluded based on the prevailing
434 wage in the relevant labor market.

435 (3) The executive head of any state agency or department
436 appointed by the Governor, in such executive head's discretion,
437 may waive all or any portion of the salary or compensation
438 lawfully established for the position.

439 **SECTION 10.** Section 25-9-120, Mississippi Code of 1972, is
440 amended as follows:

441 25-9-120. (1) Contract personnel, whether classified as
442 contract workers or independent contractors shall not be deemed
443 state service or nonstate service employees of the State of
444 Mississippi, and shall not be eligible to participate in the
445 Public Employees' Retirement System, or the State and School
446 Employees' Health Insurance Plan, nor be allowed credit for
447 personal and sick leave and other leave benefits as employees of
448 the State of Mississippi, notwithstanding Sections 25-3-91 through
449 25-3-101; 25-9-101 through 25-9-151; 25-11-1 through 25-11-126;
450 25-11-128 through 25-11-131; 25-15-1 through 25-15-23 and for the
451 purpose set forth herein. Contract workers, i.e., contract



452 personnel who do not meet the criteria of independent contractors,
453 shall be subject to the provisions of Section 25-11-127.

454 (2) (a) There is hereby created the Personal Service
455 Contract Review Board, which shall be composed of the following
456 members:

457 (i) The State Personnel Director;

458 (ii) Two (2) individuals appointed by the Governor
459 with the advice and consent of the Senate;

460 (iii) Two (2) individuals appointed by the
461 Lieutenant Governor with the advice and consent of the Senate; and

462 (iv) The Executive Director of the Department of
463 Finance and Administration, serving as an ex officio member;

464 (b) The initial terms of each appointee shall be as
465 follows:

466 (i) One (1) member appointed by the Governor to
467 serve for a term ending June 30, 2017;

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

470 (iii) One (1) member appointed by the Lieutenant
471 Governor to serve for a term ending June 30, 2018; and

472 (iv) One (1) member appointed by the Lieutenant
473 Governor to serve for a term ending June 30, 2019.

474 After the expiration of the initial terms, all appointed
475 members' terms shall be for a period of four (4) years from the



476 expiration date of the previous term, and until such time as the
477 member's successor is duly appointed and qualified;

478 (c) When appointing members to the Personal Service
479 Contract Review Board, the Governor and Lieutenant Governor shall
480 take into consideration persons who possess at least five (5)
481 years of management experience in general business, health care,
482 or finance for an organization, corporation, or other public or
483 private entity. Any person, or any employee or owner of a
484 company, who receives any grants, procurements or contracts that
485 are subject to approval under this section shall not be appointed
486 to the Personal Service Contract Review Board. Any person, or any
487 employee or owner of a company, who is a principal of the source
488 providing the personal or professional service shall not be
489 appointed to the Personal Service Contract Review Board if the
490 principal owns or controls a greater than five percent (5%)
491 interest or has an ownership value of One Million Dollars
492 (\$1,000,000.00) in the source's business, whichever is smaller;

493 (d) Members of the Personal Service Contract Review
494 Board shall be entitled to per diem as authorized by Section
495 25-3-69 and travel reimbursement as authorized by Section 25-3-41;

496 (e) The State Personnel Director shall be chairman and
497 shall preside over the meetings of the board. The board shall
498 annually elect a vice chairman, who shall serve in the absence of
499 the chairman. No business shall be transacted, including adoption
500 of rules of procedure, without the presence of a quorum of the



501 board. Three (3) members shall be a quorum. No action shall be
502 valid unless approved by the chairman and two (2) other of those
503 members present and voting, entered upon the minutes of the board
504 and signed by the chairman. Necessary clerical and administrative
505 support for the board shall be provided by the State Personnel
506 Board. Minutes shall be kept of the proceedings of each meeting,
507 copies of which shall be filed on a monthly basis with the
508 Chairmen of the Accountability, Efficiency and Transparency
509 Committees of the Senate and House of Representatives.

510 (3) The Personal Service Contract Review Board shall have
511 the following powers and responsibilities:

512 (a) Promulgate rules and regulations governing the
513 solicitation and selection of contractual services personnel
514 including personal and professional services contracts for any
515 form of consulting, policy analysis, public relations, marketing,
516 public affairs, legislative advocacy services or any other
517 contract that the board deems appropriate for oversight, with the
518 exception of any personal service contracts entered into for
519 computer or information technology-related services governed by
520 the Mississippi Department of Information Technology Services, any
521 personal service contracts entered into by the Mississippi
522 Department of Transportation, any personal service contracts
523 entered into by the Mississippi Department of Human Services
524 through June 30, 2019, any personal service contracts entered into
525 by the Division of Child Protection Services through June 30,



526 2019, and any contract for attorney, accountant, auditor,
527 architect, engineer, and utility rate expert services. Any such
528 rules and regulations shall provide for maintaining continuous
529 internal audit covering the activities of such agency affecting
530 its revenue and expenditures as required under Section
531 7-7-3(6) (d), Mississippi Code of 1972. Any rules and regulation
532 changes related to personal and professional services contracts
533 that may be proposed by the Personal Service Contract Review Board
534 shall be submitted to the Chairmen of the Accountability,
535 Efficiency and Transparency Committees of the Senate and House of
536 Representatives at least fifteen (15) days prior to the board
537 voting on the proposed changes, and such rules and regulation
538 changes, if adopted, shall be promulgated in accordance with the
539 Mississippi Administrative Procedures Act;

540 (b) Approve all personal and professional services
541 contracts involving the expenditures of funds in excess of
542 Seventy-five Thousand Dollars (\$75,000.00);

543 (c) Develop mandatory standards with respect to
544 contractual services personnel which require invitations for
545 public bid, requests for proposals, record keeping and financial
546 responsibility of contractors. The Personal Service Contract
547 Review Board shall, unless exempted under this paragraph (c) or
548 under paragraph (d) or (j) of this subsection (3), require the
549 agency involved to advertise such contract for public bid, and may
550 reserve the right to reject any or all bids;



551 (i) Any agency that seeks to procure personal or
552 professional service contracts that are required to be approved by
553 the Personal Service Contract Review Board may petition for relief
554 from any requirement that the agency use competitive bidding as a
555 procurement method. The agency shall be required to show to the
556 Personal Service Contract Review Board's satisfaction one (1) of
557 the following:

558 1. Federal law or federal court order has
559 established limitations on the use of competitive bidding for the
560 personal or professional contracts the agency is seeking to
561 procure; or

562 2. The agency is required to hire
563 professionals whose members are prohibited from bidding by the
564 rules of professional conduct promulgated by the regulating agency
565 or agencies for that professional; or

566 3. The agency can establish that the use of
567 competitive bidding will be counterproductive to the business of
568 the agency.

569 (ii) If the Personal Service Contract Review Board
570 determines that competitive bidding shall not be required for the
571 particular personal or professional service the agency seeks to
572 procure, then the Personal Service Contract Review Board shall
573 direct the agency to establish a competitive procurement procedure
574 for selecting the personal or professional service contract that
575 ensures open, transparent procedures for making a selection. Such



576 procedures shall include, but not be limited to, qualifications
577 based selection or requests for qualifications. The Personal
578 Service Contract Review Board shall also have the authority to
579 audit the records of any agency to ensure it has used competitive
580 procedures to contract for the personal or professional service;

581 (d) Prescribe certain circumstances whereby agency
582 heads may enter into contracts for personal and professional
583 services without receiving prior approval from the Personal
584 Service Contract Review Board. The Personal Service Contract
585 Review Board may establish a preapproved list of providers of
586 various personal and professional services for set prices with
587 which state agencies may contract without bidding or prior
588 approval from the board;

589 (e) To provide standards for the issuance of requests
590 for proposals, the evaluation of proposals received, consideration
591 of costs and quality of services proposed, contract negotiations,
592 the administrative monitoring of contract performance by the
593 agency and successful steps in terminating a contract;

594 (f) To present recommendations for governmental
595 privatization and to evaluate privatization proposals submitted by
596 any state agency;

597 (g) To authorize personal and professional service
598 contracts to be effective for more than one (1) year provided a
599 funding condition is included in any such multiple year contract,
600 except the State Board of Education, which shall have the



601 authority to enter into contractual agreements for student
602 assessment for a period up to ten (10) years. The State Board of
603 Education shall procure these services in accordance with the
604 Personal Service Contract Review Board procurement regulations;

605 (h) To request the State Auditor to conduct a
606 performance audit on any personal or professional service
607 contract;

608 (i) Prepare an annual report to the Legislature
609 concerning the issuance of personal service contracts during the
610 previous year, collecting any necessary information from state
611 agencies in making such report;

612 (j) Develop and implement the following standards and
613 procedures for the approval of any sole source contract for
614 personal and professional services regardless of the value of the
615 procurement:

616 (i) For the purposes of this paragraph (j), the
617 term "sole source" means only one (1) source is available that can
618 provide the required personal or professional service.

619 (ii) An agency that has been issued a binding,
620 valid court order mandating that a particular source or provider
621 must be used for the required service must include a copy of the
622 applicable court order in all future sole source contract reviews
623 for the particular personal or professional service referenced in
624 the court order.



625 (iii) Any agency alleging to have a sole source
626 for any personal or professional service shall have published on
627 the procurement portal website established by Sections 25-53-151
628 and 27-104-165, for at least fourteen (14) days, the terms of the
629 proposed contract for those services. In addition, the
630 publication shall include, but is not limited to, the following
631 information:

632 1. The personal or professional service
633 offered in the contract;

634 2. An explanation of why the personal or
635 professional service is the only one that can meet the needs of
636 the agency;

637 3. An explanation of why the source is the
638 only person or entity that can provide the required personal or
639 professional service;

640 4. An explanation of why the amount to be
641 expended for the personal or professional service is reasonable;
642 and

643 5. The efforts that the agency went through
644 to obtain the best possible price for the personal or professional
645 service.

646 (iv) If any person or entity objects and proposes
647 that the personal or professional service published under
648 subparagraph (iii) of this paragraph (j) is not a sole source
649 service and can be provided by another person or entity, then the



650 objecting person or entity shall notify the Personal Service
651 Contract Review Board and the agency that published the proposed
652 sole source contract with a detailed explanation of why the
653 personal or professional service is not a sole source service.

654 (v) 1. If the agency determines after review that
655 the personal or professional service in the proposed sole source
656 contract can be provided by another person or entity, then the
657 agency must withdraw the sole source contract publication from the
658 procurement portal website and submit the procurement of the
659 personal or professional service to an advertised competitive bid
660 or selection process.

661 2. If the agency determines after review that
662 there is only one (1) source for the required personal or
663 professional service, then the agency may appeal to the Personal
664 Service Contract Review Board. The agency has the burden of
665 proving that the personal or professional service is only provided
666 by one (1) source.

667 3. If the Personal Service Contract Review
668 Board has any reasonable doubt as to whether the personal or
669 professional service can only be provided by one (1) source, then
670 the agency must submit the procurement of the personal or
671 professional service to an advertised competitive bid or selection
672 process. No action taken by the Personal Service Contract Review
673 Board in this appeal process shall be valid unless approved by the



674 chairman and two (2) other members of the Personal Service
675 Contract Review Board present and voting.

676 (vi) The Personal Service Contract Review Board
677 shall prepare and submit a quarterly report to the House of
678 Representatives and Senate Committees on Accountability,
679 Efficiency and Transparency that details the sole source contracts
680 presented to the Personal Service Contract Review Board and the
681 reasons that the Personal Service Contract Review Board approved
682 or rejected each contract. Such quarterly reports shall also
683 include the documentation and memoranda required in subsection (5)
684 of this section. An agency that submitted a sole source contract
685 shall be prepared to explain the sole source contract to each
686 committee by December 15 of each year upon request by the
687 committee.

688 (4) Any contract submitted to the Personal Service Contract
689 Review Board for review and approval shall be presumed to be
690 approved if the Personal Service Contract Review Board does not
691 object to the contract within thirty (30) days of the agency's
692 submission of the contract. All submissions shall be made thirty
693 (30) days before the monthly meeting of the Personal Service
694 Contract Review Board or as prescribed by the Personal Service
695 Contract Review Board. If the Personal Service Contract Review
696 Board rejects any contract submitted for review or approval, the
697 Personal Service Contract Review Board shall clearly set out the
698 reasons for its action, including, but not limited to, the policy



699 that the agency has violated in its submitted contract and any
700 corrective actions that the agency may take to amend the contract
701 to comply with the rules and regulations of the Personal Service
702 Contract Review Board.

703 (5) All sole source contracts for personal and professional
704 services awarded by state agencies, whether approved by an agency
705 head or the Personal Service Contract Review Board, shall contain
706 in the procurement file a written determination for the approval,
707 using a request form furnished by the Personal Service Contract
708 Review Board. The written determination shall document the basis
709 for the determination, including any market analysis conducted in
710 order to ensure that the service required was practicably
711 available from only one (1) source. A memorandum shall accompany
712 the request form and address the following four (4) points:

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

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

717 (c) Explanation of why the price is considered
718 reasonable; and

719 (d) Description of the efforts that were made to
720 conduct a noncompetitive negotiation to get the best possible
721 price for the taxpayers.

722 (6) The Personal Service Contract Review Board shall develop
723 and promulgate rules and regulations to define the allowable legal



724 relationship between contract employees and the contracting
725 departments, agencies and institutions of state government under
726 the jurisdiction of the State Personnel Board, in compliance with
727 the applicable rules and regulations of the federal Internal
728 Revenue Service (IRS) for federal employment tax purposes. Under
729 these regulations, the usual common law rules are applicable to
730 determine and require that such worker is an independent
731 contractor and not an employee, requiring evidence of lawful
732 behavioral control, lawful financial control and lawful
733 relationship of the parties. Any state department, agency or
734 institution shall only be authorized to contract for personnel
735 services in compliance with said regulations.

736 (7) No member of the Personal Service Contract Review Board
737 shall use his official authority or influence to coerce, by threat
738 of discharge from employment, or otherwise, the purchase of
739 commodities or the contracting for personal or professional
740 services under this section.

741 (8) Nothing in this section shall impair or limit the
742 authority of the Board of Trustees of the Public Employees'
743 Retirement System to enter into any personal or professional
744 services contracts directly related to their constitutional
745 obligation to manage the trust funds, including, but not limited
746 to, actuarial, custodial banks, cash management, investment
747 consultant, and investment management contracts.



748 **SECTION 11.** Section 25-9-127, Mississippi Code of 1972, is
749 amended as follows:

750 25-9-127. (1) No employee of any department, agency or
751 institution who is included under this chapter or hereafter
752 included under its authority, and who is subject to the rules and
753 regulations prescribed by the state personnel system, may be
754 dismissed or otherwise adversely affected as to compensation or
755 employment status except for inefficiency or other good cause, and
756 after written notice and hearing within the department, agency or
757 institution as shall be specified in the rules and regulations of
758 the State Personnel Board complying with due process of law; and
759 any employee who has by written notice of dismissal or action
760 adversely affecting his compensation or employment status shall,
761 on hearing and on any appeal of any decision made in such action,
762 be required to furnish evidence that the reasons stated in the
763 notice of dismissal or action adversely affecting his compensation
764 or employment status are not true or are not sufficient grounds
765 for the action taken; provided, however, that this provision shall
766 not apply (a) to persons separated from any department, agency or
767 institution due to curtailment of funds or reduction in staff when
768 such separation is in accordance with rules and regulations of the
769 state personnel system; (b) during the probationary period of
770 state service of twelve (12) months; and (c) to an executive
771 officer of any state agency who serves at the will and pleasure of
772 the Governor, board, commission or other appointing authority.



773 (2) The operation of a state-owned motor vehicle without a
774 valid Mississippi driver's license by an employee of any
775 department, agency or institution that is included under this
776 chapter and that is subject to the rules and regulations of the
777 state personnel system shall constitute good cause for dismissal
778 of such person from employment.

779 (3) Beginning July 1, 1999, every male between the ages of
780 eighteen (18) and twenty-six (26) who is required to register
781 under the federal Military Selective Service Act, 50 USCS App.
782 453, and who is an employee of the state shall not be promoted to
783 any higher position of employment with the state until he submits
784 to the person, commission, board or agency by which he is employed
785 satisfactory documentation of his compliance with the draft
786 registration requirements of the Military Selective Service Act.
787 The documentation shall include a signed affirmation under penalty
788 of perjury that the male employee has complied with the
789 requirements of the Military Selective Service Act.

790 (4) For a period of two (2) years beginning July 1, 2014,
791 the provisions of subsection (1) shall not apply to the personnel
792 actions of the State Department of Education that are subject to
793 the rules and regulations of the State Personnel Board, and all
794 employees of the department shall be classified as nonstate
795 service during that period. However, any employee hired after
796 July 1, 2014, by the department shall meet the criteria of the
797 State Personnel Board as it presently exists for employment. The



798 State Superintendent of Public Education and the State Board of
799 Education shall consult with the Office of the Attorney General
800 before taking personnel actions authorized by this section to
801 review those actions for compliance with applicable state and
802 federal law.

803 It is not the intention or effect of this section to include
804 any school attendance officer in any exemption from coverage under
805 the State Personnel Board policy or regulations, including, but
806 not limited to, termination and conditions of employment.

807 (5) For a period of one (1) year beginning July 1, 2015, the
808 provisions of subsection (1) shall not apply to the personnel
809 actions of the Department of Corrections, and all employees of the
810 department shall be classified as nonstate service during that
811 period. However, any employee hired after July 1, 2015, by the
812 department shall meet the criteria of the State Personnel Board as
813 it presently exists for employment. The Commissioner of
814 Corrections shall consult with the Office of the Attorney General
815 before taking personnel actions authorized by this section to
816 review those actions for compliance with applicable state and
817 federal law.

818 (6) For a period of three (3) years beginning July 1, 2016,
819 the provisions of subsection (1) of this section shall not apply
820 to the personnel actions of the Mississippi Department of Human
821 Services that are subject to the rules and regulations of the
822 State Personnel Board, and all employees of the department shall



823 be classified as nonstate service during that period. Any
824 employee hired on or after July 1, 2019, by the department shall
825 meet the criteria of the State Personnel Board as it presently
826 exists for employment. The Executive Director of the Department
827 of Human Services shall consult with the Office of the Attorney
828 General before taking personnel actions authorized by this section
829 to review those actions for compliance with applicable state and
830 federal law.

831 (7) For a period of three (3) years beginning July 1, 2016,
832 the provisions of subsection (1) of this section shall not apply
833 to the personnel actions of the Division of Child Protection
834 Services that are subject to the rules and regulations of the
835 State Personnel Board, and all employees of the division shall be
836 classified as nonstate service during that period. Any employee
837 hired on or after July 1, 2019, by the division shall meet the
838 criteria of the State Personnel Board as it presently exists for
839 employment. The Commissioner of the Division of Child Protection
840 Services shall consult with the Office of the Attorney General
841 before taking personnel actions authorized by this section to
842 review those actions for compliance with applicable state and
843 federal law.

844 **SECTION 12.** Section 25-53-1, Mississippi Code of 1972, is
845 amended as follows:

846 25-53-1. The Legislature * * * recognizes that in order for
847 the State of Mississippi to receive the maximum use and benefit



848 from information technology and services now in operation or which
849 will in the future be placed in operation, there should be full
850 cooperation and cohesive planning and effort by and between the
851 several state agencies and that it is the responsibility of the
852 said Legislature to provide statutory authority therefor. The
853 Legislature, therefore, declares and determines that for these and
854 other related purposes there is hereby established an agency of
855 state government to be known as the Mississippi Department of
856 Information Technology Services (MDITS). The Legislature further
857 declares that the Mississippi Department of Information Technology
858 Services (MDITS) shall provide statewide services that facilitate
859 cost-effective information processing and telecommunication
860 solutions. State agencies shall work in full cooperation with the
861 board of MDITS to identify opportunities to minimize duplication,
862 reduce costs and improve the efficiency of providing common
863 technology services across agency boundaries. The provisions of
864 this chapter shall not apply to the Mississippi Department of
865 Human Services for a period of three (3) years beginning July 1,
866 2016. The provisions of this chapter shall not apply to the
867 Division of Child Protection Services for a period of three (3)
868 years beginning July 1, 2016.

869 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is
870 amended as follows:

871 25-53-5. The authority shall have the following powers,
872 duties, and responsibilities:



873 (a) The authority shall provide for the development of
874 plans for the efficient acquisition and utilization of computer
875 equipment and services by all agencies of state government, and
876 provide for their implementation. In so doing, the authority may
877 use the MDITS' staff, at the discretion of the executive director
878 of the authority, or the authority may contract for the services
879 of qualified consulting firms in the field of information
880 technology and utilize the service of such consultants as may be
881 necessary for such purposes. Pursuant to Section 25-53-1, the
882 provisions of this section shall not apply to the Mississippi
883 Department of Human Services for a period of three (3) years
884 beginning on July 1, 2016. Pursuant to Section 25-53-1, the
885 provisions of this section shall not apply to the Division of
886 Child Protection Services for a period of three (3) years
887 beginning July 1, 2016.

888 (b) The authority shall immediately institute
889 procedures for carrying out the purposes of this chapter and
890 supervise the efficient execution of the powers and duties of the
891 office of executive director of the authority. In the execution
892 of its functions under this chapter, the authority shall maintain
893 as a paramount consideration the successful internal organization
894 and operation of the several agencies so that efficiency existing
895 therein shall not be adversely affected or impaired. In executing
896 its functions in relation to the institutions of higher learning
897 and junior colleges in the state, the authority shall take into



898 consideration the special needs of such institutions in relation
899 to the fields of teaching and scientific research.

900 (c) Title of whatever nature of all computer equipment
901 now vested in any agency of the State of Mississippi is hereby
902 vested in the authority, and no such equipment shall be disposed
903 of in any manner except in accordance with the direction of the
904 authority or under the provisions of such rules and regulations as
905 may hereafter be adopted by the authority in relation thereto.

906 (d) The authority shall adopt rules, regulations, and
907 procedures governing the acquisition of computer and
908 telecommunications equipment and services which shall, to the
909 fullest extent practicable, insure the maximum of competition
910 between all manufacturers of supplies or equipment or services.
911 In the writing of specifications, in the making of contracts
912 relating to the acquisition of such equipment and services, and in
913 the performance of its other duties the authority shall provide
914 for the maximum compatibility of all information systems hereafter
915 installed or utilized by all state agencies and may require the
916 use of common computer languages where necessary to accomplish the
917 purposes of this chapter. The authority may establish by
918 regulation and charge reasonable fees on a nondiscriminatory basis
919 for the furnishing to bidders of copies of bid specifications and
920 other documents issued by the authority.

921 (e) The authority shall adopt rules and regulations
922 governing the sharing with, or the sale or lease of information



923 technology services to any nonstate agency or person. Such
924 regulations shall provide that any such sharing, sale or lease
925 shall be restricted in that same shall be accomplished only where
926 such services are not readily available otherwise within the
927 state, and then only at a charge to the user not less than the
928 prevailing rate of charge for similar services by private
929 enterprise within this state.

930 (f) The authority may, in its discretion, establish a
931 special technical advisory committee or committees to study and
932 make recommendations on technology matters within the competence
933 of the authority as the authority may see fit. Persons serving on
934 the Information Resource Council, its task forces, or any such
935 technical advisory committees shall be entitled to receive their
936 actual and necessary expenses actually incurred in the performance
937 of such duties, together with mileage as provided by law for state
938 employees, provided the same has been authorized by a resolution
939 duly adopted by the authority and entered on its minutes prior to
940 the performance of such duties.

941 (g) The authority may provide for the development and
942 require the adoption of standardized computer programs and may
943 provide for the dissemination of information to and the
944 establishment of training programs for the personnel of the
945 various information technology centers of state agencies and
946 personnel of the agencies utilizing the services thereof.



947 (h) The authority shall adopt reasonable rules and
948 regulations requiring the reporting to the authority through the
949 office of executive director of such information as may be
950 required for carrying out the purposes of this chapter and may
951 also establish such reasonable procedures to be followed in the
952 presentation of bills for payment under the terms of all contracts
953 for the acquisition of computer equipment and services now or
954 hereafter in force as may be required by the authority or by the
955 executive director in the execution of their powers and duties.

956 (i) The authority shall require such adequate
957 documentation of information technology procedures utilized by the
958 various state agencies and may require the establishment of such
959 organizational structures within state agencies relating to
960 information technology operations as may be necessary to
961 effectuate the purposes of this chapter.

962 (j) The authority may adopt such further reasonable
963 rules and regulations as may be necessary to fully implement the
964 purposes of this chapter. All rules and regulations adopted by
965 the authority shall be published and disseminated in readily
966 accessible form to all affected state agencies, and to all current
967 suppliers of computer equipment and services to the state, and to
968 all prospective suppliers requesting the same. Such rules and
969 regulations shall be kept current, be periodically revised, and
970 copies thereof shall be available at all times for inspection by
971 the public at reasonable hours in the offices of the authority.



972 Whenever possible no rule, regulation or any proposed amendment to
973 such rules and regulations shall be finally adopted or enforced
974 until copies of said proposed rules and regulations have been
975 furnished to all interested parties for their comment and
976 suggestions.

977 (k) The authority shall establish rules and regulations
978 which shall provide for the submission of all contracts proposed
979 to be executed by the executive director for computer equipment or
980 services to the authority for approval before final execution, and
981 the authority may provide that such contracts involving the
982 expenditure of less than such specified amount as may be
983 established by the authority may be finally executed by the
984 executive director without first obtaining such approval by the
985 authority.

986 (l) The authority is authorized to purchase, lease, or
987 rent computer equipment or services and to operate said equipment
988 and utilize said services in providing services to one or more
989 state agencies when in its opinion such operation will provide
990 maximum efficiency and economy in the functions of any such agency
991 or agencies.

992 (m) Upon the request of the governing body of a
993 political subdivision or instrumentality, the authority shall
994 assist the political subdivision or instrumentality in its
995 development of plans for the efficient acquisition and utilization
996 of computer equipment and services. An appropriate fee shall be



997 charged the political subdivision by the authority for such
998 assistance.

999 (n) The authority shall adopt rules and regulations
1000 governing the protest procedures to be followed by any actual or
1001 prospective bidder, offerer or contractor who is aggrieved in
1002 connection with the solicitation or award of a contract for the
1003 acquisition of computer equipment or services. Such rules and
1004 regulations shall prescribe the manner, time and procedure for
1005 making protests and may provide that a protest not timely filed
1006 shall be summarily denied. The authority may require the
1007 protesting party, at the time of filing the protest, to post a
1008 bond, payable to the state, in an amount that the authority
1009 determines sufficient to cover any expense or loss incurred by the
1010 state, the authority or any state agency as a result of the
1011 protest if the protest subsequently is determined by a court of
1012 competent jurisdiction to have been filed without any substantial
1013 basis or reasonable expectation to believe that the protest was
1014 meritorious; however, in no event may the amount of the bond
1015 required exceed a reasonable estimate of the total project cost.
1016 The authority, in its discretion, also may prohibit any
1017 prospective bidder, offerer or contractor who is a party to any
1018 litigation involving any such contract with the state, the
1019 authority or any agency of the state to participate in any other
1020 such bid, offer or contract, or to be awarded any such contract,
1021 during the pendency of the litigation.



1022 (o) The authority shall make a report in writing to the
1023 Legislature each year in the month of January. Such report shall
1024 contain a full and detailed account of the work of the authority
1025 for the preceding year as specified in Section 25-53-29(3).

1026 All acquisitions of computer equipment and services involving
1027 the expenditure of funds in excess of the dollar amount
1028 established in Section 31-7-13(c), or rentals or leases in excess
1029 of the dollar amount established in Section 31-7-13(c) for the
1030 term of the contract, shall be based upon competitive and open
1031 specifications, and contracts therefor shall be entered into only
1032 after advertisements for bids are published in one or more daily
1033 newspapers having a general circulation in the state not less than
1034 fourteen (14) days prior to receiving sealed bids therefor. The
1035 authority may reserve the right to reject any or all bids, and if
1036 all bids are rejected, the authority may negotiate a contract
1037 within the limitations of the specifications so long as the terms
1038 of any such negotiated contract are equal to or better than the
1039 comparable terms submitted by the lowest and best bidder, and so
1040 long as the total cost to the State of Mississippi does not exceed
1041 the lowest bid. If the authority accepts one (1) of such bids, it
1042 shall be that which is the lowest and best.

1043 (p) When applicable, the authority may procure
1044 equipment, systems and related services in accordance with the law
1045 or regulations, or both, which govern the Bureau of Purchasing of
1046 the Office of General Services or which govern the Mississippi



1047 Department of Information Technology Services procurement of
1048 telecommunications equipment, software and services.

1049 (q) The authority is authorized to purchase, lease, or
1050 rent information technology and services for the purpose of
1051 establishing pilot projects to investigate emerging technologies.
1052 These acquisitions shall be limited to new technologies and shall
1053 be limited to an amount set by annual appropriation of the
1054 Legislature. These acquisitions shall be exempt from the
1055 advertising and bidding requirement.

1056 (r) All fees collected by the Mississippi Department of
1057 Information Technology Services shall be deposited into the
1058 Mississippi Department of Information Technology Services
1059 Revolving Fund unless otherwise specified by the Legislature.

1060 (s) The authority shall work closely with the council
1061 to bring about effective coordination of policies, standards and
1062 procedures relating to procurement of remote sensing and
1063 geographic information systems (GIS) resources. In addition, the
1064 authority is responsible for development, operation and
1065 maintenance of a delivery system infrastructure for geographic
1066 information systems data. The authority shall provide a warehouse
1067 for Mississippi's geographic information systems data.

1068 (t) The authority shall manage one or more State Data
1069 Centers * * * to provide information technology services on a
1070 cost-sharing basis. In determining the appropriate services to be



1071 provided through the State Data Center, the authority should
1072 consider those services that:

1073 (i) Result in savings to the state as a whole;

1074 (ii) Improve and enhance the security and
1075 reliability of the state's information and business systems; and

1076 (iii) Optimize the efficient use of the state's
1077 information technology assets, including, but not limited to,
1078 promoting partnerships with the state institutions of higher
1079 learning and community colleges to capitalize on advanced
1080 information technology resources.

1081 (u) The authority shall increase federal participation
1082 in the cost of the State Data Center to the extent provided by law
1083 and its shared technology infrastructure through providing such
1084 shared services to agencies that receive federal funds. With
1085 regard to state institutions of higher learning and community
1086 colleges, the authority may provide shared services when mutually
1087 agreeable, following a determination by both the authority and the
1088 Board of Trustees of State Institutions of Higher Learning or the
1089 Mississippi Community College Board, as the case may be, that the
1090 sharing of services is mutually beneficial.

1091 (v) The authority, in its discretion, may require new
1092 or replacement agency business applications to be hosted at the
1093 State Data Center. With regard to state institutions of higher
1094 learning and community colleges, the authority and the Board of
1095 Trustees of State Institutions of Higher Learning or the



1096 Mississippi Community College Board, as the case may be, may agree
1097 that institutions of higher learning or community colleges may
1098 utilize business applications that are hosted at the State Data
1099 Center, following a determination by both the authority and the
1100 applicable board that the hosting of those applications is
1101 mutually beneficial. In addition, the authority may establish
1102 partnerships to capitalize on the advanced technology resources of
1103 the Board of Trustees of State Institutions of Higher Learning or
1104 the Mississippi Community College Board, following a determination
1105 by both the authority and the applicable board that such a
1106 partnership is mutually beneficial.

1107 (w) The authority shall provide a periodic update
1108 regarding reform-based information technology initiatives to the
1109 Chairmen of the House and Senate Accountability, Efficiency and
1110 Transparency Committees.

1111 **SECTION 14.** This act shall take effect and be in force from
1112 and after July 1, 2016, except that Section 1 of this act shall
1113 take effect and be in force from and after passage of this act.

