

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1942

BY: Committee

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

34 SECTION 1. (1) As used in this section, the following words
35 and phrases shall have the meanings as defined in this subsection
36 unless the context clearly requires otherwise:

37 (a) "Applicable percentage" means seven percent (7%)
38 for each of the first through seventh credit allowance dates for
39 purposes of the taxes imposed by Section 27-7-5 or the taxes
40 imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

41 (b) "CDFI fund" means the Community Development
42 Financial Institutions fund of the United States Department of the
43 Treasury.



44 (c) "Credit allowance date" means, with respect to any
45 qualified equity investment: (i) the later of: 1. the date on
46 which the qualified equity investment is initially made; or 2. the
47 date upon which the MDA issues a tax credit certificate under
48 subsection (4) of this section; and (ii) each of the subsequent
49 six (6) anniversary dates of the applicable date from subparagraph
50 (i) of this paragraph.

51 (d) "MDA" means the Mississippi Development Authority.

52 (e) "Mississippi qualified community development
53 entity" means a qualified community development entity that is or
54 whose controlling entity is headquartered in the State of
55 Mississippi.

56 (f) "Principal business operations" means the physical
57 location where at least sixty percent (60%) of a qualified active
58 low-income community business' employees work. An entity that has
59 agreed to relocate employees or a Mississippi business that has
60 agreed to hire employees using the proceeds of a qualified
61 low-income community investment to establish principal business
62 operations in Mississippi is deemed to have principal business
63 operations in Mississippi if the entity satisfies the requirements
64 of this paragraph within one hundred eighty (180) days of
65 receiving the qualified low-income community investment or another
66 date as agreed by the business and the MDA.



67 (g) "Purchase price" means the amount paid to the
68 qualified community development entity for a qualified equity
69 investment.

70 (h) "Qualified active low-income community business"
71 shall have the meaning ascribed to such term in Section 45D of the
72 Internal Revenue Code of 1986, as amended, provided such entity
73 has its principal business operations within the state's
74 geographical boundary. An entity is deemed a qualified active
75 low-income community business for the duration of a qualified
76 low-income community investment if the qualified community
77 development entity reasonably expects, at the time it makes the
78 qualified low-income community investment, that the entity will
79 continue to satisfy the requirements for being a qualified active
80 low-income community business throughout the entire period of the
81 qualified low-income community investment. A business that
82 otherwise satisfies this definition but for being located in a
83 low-income community, as defined in Section 45D of the Internal
84 Revenue Code of 1986, as amended, and 26 CFR 1.45D-1, shall
85 satisfy this definition if the business is located in a recovery
86 zone.

87 (i) "Qualified community development entity" shall have
88 the meaning ascribed to such term in Section 45D of the Internal
89 Revenue Code of 1986, as amended, provided that:

90 (i) The entity, or an affiliate thereof, has
91 previously entered into an allocation agreement with the CDFI fund



92 with respect to credits authorized by Section 45D of the Internal
93 Revenue Code of 1986, as amended;

94 (ii) Such allocation agreement includes the State
95 of Mississippi within the service area set forth in the allocation
96 agreement; and

97 (iii) Except for Mississippi qualified community
98 development entities, the entity, together with affiliates:

99 1. Has made qualified low-income community
100 investments under Section 57-105-1 et seq. of at least Thirty
101 Million Dollars (\$30,000,000.00) in Mississippi qualified active
102 low-income community businesses;

103 2. Has made at least One Hundred Million
104 Dollars (\$100,000,000) of investments in businesses located in
105 Mississippi; or

106 3. Has received at least four (4) original
107 tax credit certificates from the MDA.

108 (j) "Qualified equity investment" means an equity
109 investment in a qualified community development entity, if the
110 equity investment:

111 (i) Is acquired after the effective date of this
112 act at its original issuance solely in exchange for cash, and if
113 not so acquired, was a qualified equity investment in the hands of
114 a prior holder;

115 (ii) Has at least eighty-five percent (85%) of its
116 cash purchase price used by the qualified community development



117 entity to make qualified low-income community investments in
118 qualified active low-income community businesses that have their
119 principal business operations in the State of Mississippi; and

120 (iii) Is:

121 1. Designated by the qualified community
122 development entity as a qualified equity investment under this
123 section; and

124 2. At least fifty percent (50%) designated by
125 the qualified community development entity as a qualified equity
126 investment under Section 45D of the Internal Revenue Code of 1986,
127 as amended.

128 (k) "Qualified low-income community investment" shall
129 have the meaning ascribed to such term in Section 45D of the
130 Internal Revenue Code of 1986, as amended; provided, however, that
131 the maximum amount of qualified low-income community investments
132 issued for a single qualified active low-income community
133 business, on an aggregate basis with all of its affiliates, that
134 may be included for purposes of complying with subsection
135 (4) (d) (iii) of this section shall not exceed Ten Million Dollars
136 (\$10,000,000.00), in the aggregate, whether issued by one (1) or
137 several qualified community development entities and exclusive of
138 repaid or redeemed qualified low-income community investments in
139 such business.

140 (l) "Recovery zone" means any county for which the
141 Federal Emergency Management Agency of the United States



142 Department of Homeland Security has made a determination that the
143 county is eligible for both individual and public assistance under
144 the declaration of major disaster for the State of Mississippi for
145 the duration of the declaration. Follow-on investments in a
146 qualified active low-income community business that was qualified
147 by its location in a recovery zone at the time of the initial
148 investment shall be considered qualified low-income community
149 investments even if made after the end of the declaration, subject
150 to the other provisions of this section.

151 (2) A person or entity that holds a qualified equity
152 investment on the credit allowance date shall be entitled to a
153 credit applicable against the taxes imposed by Sections 27-7-5,
154 27-15-103, 27-15-109 and 27-15-123 during the taxable year that
155 includes the credit allowance date. The amount of the credit
156 shall be equal to the applicable percentage for such taxable year
157 of the purchase price paid to the qualified community development
158 entity for the qualified equity investment. The amount of the
159 credit that may be utilized in any one (1) tax year shall be
160 limited to an amount not greater than the total tax liability of
161 the claimant for the taxes imposed by the above-referenced
162 sections. The credit shall not be refundable or transferable.
163 Any unused portion of the credit may be carried forward for seven
164 (7) taxable years beyond the credit allowance date on which the
165 credit was earned. The maximum aggregate amount of qualified
166 equity investments that may be allocated by the MDA under this



167 section may not exceed an amount that would result in taxpayers
168 claiming in any one (1) state fiscal year credits in excess of
169 Twenty-one Million Dollars (\$21,000,000.00), exclusive of the
170 fiscal year cap on credits set forth in Section 57-105-1, and
171 exclusive of credits that might be carried forward from previous
172 taxable years; however, a maximum of Eighteen Million Dollars
173 (\$18,000,000.00) with respect to such allocations may be allocated
174 as credits for taxes imposed by Sections 27-15-103, 27-15-109 and
175 27-15-123. Any person or entity claiming a credit under this
176 section against the taxes imposed by Sections 27-7-5, 27-15-103,
177 27-15-109 and 27-15-123 shall not be required to pay any
178 additional tax under Section 27-15-123 as a result of claiming
179 such credit. The MDA shall allocate credits within this limit as
180 provided for in subsection (4) of this section.

181 (3) Tax credits authorized by this section that are earned
182 by a partnership, limited liability company, S corporation or
183 other similar pass-through entity, shall be allocated among its
184 partners, members or shareholders, respectively, either in
185 proportion to their ownership interest in such entity or as the
186 partners, members or shareholders mutually agree as provided in an
187 executed document. Such allocation shall be made each taxable
188 year of such pass-through entity which contains a credit allowance
189 date. An allocation or pass-through of a credit is not considered
190 a sale for the purposes of this section or any other state law.



191 (4) (a) For three (3) consecutive fiscal years beginning
192 July 1, 2024, qualified community development entities shall apply
193 to the MDA for an award of credits and related qualified equity
194 investment authority on a form provided by the MDA that includes:

195 (i) The name, address, and tax identification
196 number of the applicant, and evidence of the applicant's
197 certification as a qualified community development entity by the
198 CDFI fund;

199 (ii) A copy of the allocation agreement executed
200 by the applicant or its controlling entity, and the CDFI fund;

201 (iii) A certificate executed by an executive
202 officer of the applicant attesting that the allocation agreement
203 remains in effect and has not been revoked or canceled by the CDFI
204 fund;

205 (iv) A description of the proposed amount,
206 structure, and purchaser of the equity investment;

207 (v) The amount of qualified equity investment
208 authority sought which collectively may not exceed the applicant
209 or its controlling entity's available qualified equity investment
210 authority under Section 45D of the Internal Revenue Code of 1986,
211 as amended multiplied by two (2);

212 (vi) Evidence of the applicant or its controlling
213 entity's available qualified equity investment authority under
214 Section 45D of the Internal Revenue Code of 1986, as amended;



215 (vii) A nonrefundable application fee of One
216 Thousand Dollars (\$1,000.00);

217 (viii) Except for Mississippi qualified community
218 development entities, evidence that the applicant, on a collective
219 basis with its affiliates, satisfies at least one (1) of the
220 requirements of subsection (1)(i)(iii) of this section for the
221 definition of qualified community development entity; and

222 (ix) Other information as required by the MDA
223 pursuant to paragraph (c) of this subsection.

224 (b) The MDA shall set a date to accept applications not
225 less than thirty (30) days but not more than forty-five (45) days
226 after the CDFI fund announces allocation awards under a notice of
227 funding availability that was published in the Federal Register.
228 In the event that the CDFI fund is unable to publish a notice of
229 funding of allocation awards because of a lack of award authority
230 under Section 45D of the Internal Revenue Code of 1986, as
231 amended, with respect to the fiscal year beginning July 1, 2026,
232 the MDA shall set a date for accepting applications and waive the
233 requirement that a qualified community development entity
234 designate at least fifty percent (50%) of qualified equity
235 investment authority awarded as a qualified equity investment
236 under Section 45D of the Internal Revenue Code of 1986, as
237 amended, provided that the MDA shall give a preference in the
238 award of tax credits to qualified community development entities



239 that apply with remaining allocation under Section 45D of the
240 Internal Revenue Code of 1986, as amended.

241 (c) The MDA shall award credits and the related
242 qualified equity investment authority, subject to the limitations
243 set forth in subsection (2) of this section, fifty percent (50%)
244 to applicants that agree to utilize qualified equity investment
245 authority for loan funds. The MDA may require additional
246 information in the application to delineate between types of
247 applications. Within forty-five (45) days with respect to a loan
248 fund application and ninety (90) days for all other applications,
249 the MDA shall grant or deny the application in full or in part.
250 If the MDA denies any part of the application, the MDA shall
251 inform the applicant of the grounds for the denial. If the
252 applicant provides the information required by the MDA or
253 otherwise completes its application within fifteen (15) days of
254 the notice of denial, the application is deemed complete as of the
255 original date of submission. If the applicant fails to provide
256 the requested information or complete its application within the
257 fifteen-day period, the applicant must submit a new application.
258 If requests for either allocation are not fully subscribed, the
259 MDA shall reallocate such remaining allocation to the other
260 allocation pool. Once the MDA has allocated credits to a
261 qualified community development entity, the corresponding
262 qualified equity investment must be issued and, if applicable,
263 fifty percent (50%) of such qualified equity investment must be



264 designated under Section 45D of the Internal Revenue Code of 1986,
265 as amended, not later than one hundred twenty (120) days from the
266 date of such allocation. If the qualified equity investment is
267 not issued and, if applicable, such designation under Section 45D
268 of the Internal Revenue Code of 1986, as amended, is not made
269 within such time period, the allocation shall be cancelled and
270 returned to the MDA for reallocation. If the actual dollar amount
271 of qualified equity investment is lower than the amount awarded by
272 the MDA, the MDA shall adjust the tax credit allowed under this
273 section and reissue awards to other applicants that did not
274 receive the awards requested pro rata. Qualified community
275 development entities shall provide the MDA evidence of qualified
276 equity investments and designation under Section 45D of the
277 Internal Revenue Code of 1986, as amended, if applicable, within
278 one hundred thirty (130) days from the date of an allocation. An
279 applicant certified an award under this paragraph may transfer all
280 or a portion of its certified qualified equity investment
281 authority to any affiliated qualified community development entity
282 by sending written notice to the MDA endorsing the certificate.
283 If there are credits for loan funds or nonloan funds available in
284 any application round after MDA's initial award of credits, the
285 MDA shall set a date to accept applications without reserving
286 credits by type of applicant. If there are still remaining
287 credits after this additional application round, the MDA shall set
288 a date to accept applications from applicants that otherwise meet



289 the requirements of this section except for subsection (1)(i)(iii)
290 of this section. The MDA and such applicants shall otherwise
291 comply with all other requirements of this section. Applicants
292 that do meet the requirement of subsection (1)(i)(iii) of this
293 section are eligible to apply under such additional application
294 round.

295 (d) The Department of Revenue may recapture credits
296 under this section if:

297 (i) Any amount of the federal tax credit available
298 with respect to a qualified equity investment that is eligible for
299 a credit under this section is recaptured under Section 45D of the
300 Internal Revenue Code of 1986, as amended;

301 (ii) The qualified community development entity
302 redeems a qualified equity investment prior to the seventh
303 anniversary of the issuance of the qualified equity investment; or

304 (iii) The qualified community development entity
305 fails to invest at least eighty-five percent (85%) of the cash
306 purchase price of the qualified equity investment in qualified
307 low-income community investments within twelve (12) months of the
308 issuance of the qualified equity investment and maintain that
309 level of investment until the seventh anniversary of the initial
310 credit allowance date for the qualified equity investment.

311 A qualified community development entity shall notify the
312 Department of Revenue of any of the events set forth in this



313 paragraph (d) within five (5) days of actual knowledge of such
314 event.

315 (e) For purposes of paragraph (d)(iii) of this
316 subsection, an investment is considered maintained by a qualified
317 community development entity even if the investment has been sold
318 or repaid, provided that the qualified community development
319 entity reinvests an amount equal to the capital returned to or
320 recovered by the qualified community development entity from the
321 original investment, exclusive of any profits realized, in another
322 qualified low-income community investment in this state within
323 twelve (12) months after the receipt of that capital. Periodic
324 loan repayments received by a qualified community development
325 entity from a qualified active low-income community business
326 within a calendar year must be treated as maintained in qualified
327 low-income community investments if a qualified community
328 development entity reinvests the repayments in qualified
329 low-income community investments by the end of the following
330 calendar year.

331 (f) A qualified community development entity is not
332 required to reinvest capital returned from qualified low-income
333 community investments after the sixth anniversary of the issuance
334 of the qualified equity investment, the proceeds of which were
335 used to make the qualified low-income community investment, and
336 the qualified low-income community investment is considered held



337 by the qualified community development entity through the seventh
338 anniversary of the qualified equity investment's issuance.

339 (g) The MDA shall provide notice to the qualified
340 community development entity and the Department of Revenue of any
341 proposed recapture of credits pursuant to this subsection. The
342 notice must specify the conditions under which the deficiency
343 resulting in the proposed recapture occurred and state that the
344 credits will be recaptured within ninety (90) days unless the
345 qualified community development entity complies with the
346 conditions identified in the notice. If the entity does not
347 comply with the conditions identified in the notice within the
348 ninety-day period, the Department of Revenue shall provide the
349 entity from whom the credit is to be recaptured with a final order
350 of recapture. Any credit for which a final recapture order has
351 been issued must be recaptured by the Department of Revenue from
352 the entity that claimed the credit on a tax return. The qualified
353 equity investment authority of the recaptured credits must be
354 returned to the MDA and must first be awarded pro rata to
355 applicants that have received awards of qualified equity
356 investment authority and complied with this subsection. If
357 credits are recaptured under this section, any remaining credit is
358 forfeited.

359 (h) The MDA shall not make awards of credits and
360 related qualified equity investment authority after July 1, 2027.



361 (5) Each qualified community development entity that
362 receives qualified equity investments to make qualified low-income
363 community investments in Mississippi must annually report to the
364 MDA the North American Industry Classification System Code, the
365 county, the dollars invested, the number of jobs assisted and the
366 number of jobs assisted with wages over one hundred percent (100%)
367 of the federal poverty level for a family of four (4) of each
368 qualified low-income community investment.

369 (6) The MDA shall file an annual report on all qualified
370 low-income community investments with the Governor, the Clerk of
371 the House of Representatives, the Secretary of the Senate and the
372 Secretary of State describing the North American Industry
373 Classification System Code, the county, the dollars invested, the
374 number of jobs assisted and the number of jobs assisted with wages
375 over one hundred percent (100%) of the federal poverty level for a
376 family of four (4) of each qualified low-income community
377 investment. The annual report will be posted on the MDA internet
378 website.

379 (7) (a) The purpose of this subsection is to authorize the
380 creation and establishment of public benefit corporations for
381 financing arrangements regarding public property and facilities.

382 (b) As used in this subsection:

383 (i) "New Markets Tax Credit transaction" means any
384 financing transaction which utilizes either this section or
385 Section 45D of the Internal Revenue Code of 1986, as amended.



386 (ii) "Public benefit corporation" means a
387 nonprofit corporation formed or designated by a public entity to
388 carry out the purposes of this subsection.

389 (iii) "Public entity or public entities" includes
390 utility districts, regional solid waste authorities, regional
391 utility authorities, community hospitals, regional airport
392 authorities, municipal airport authorities, community and junior
393 colleges, educational building corporations established by or on
394 behalf of the state institutions of higher learning, school
395 districts, planning and development districts, county economic
396 development districts, urban renewal agencies, any other regional
397 or local economic development authority, agency or governmental
398 entity, and any other regional or local industrial development
399 authority, agency or governmental entity.

400 (iv) "Public property or facilities" means any
401 property or facilities owned or leased by a public entity or
402 public benefit corporation.

403 (c) Notwithstanding any other provision of law to the
404 contrary, public entities are authorized pursuant to this
405 subsection to create one or more public benefit corporations or
406 designate an existing corporation as a public benefit corporation
407 for the purpose of entering into financing agreements and engaging
408 in New Markets Tax Credit transactions, which shall include,
409 without limitation, arrangements to plan, acquire, renovate,
410 construct, lease, sublease, manage, operate and/or improve new or



411 existing public property or facilities located within the
412 boundaries or service area of the public entity. Any financing
413 arrangement authorized under this subsection shall further any
414 purpose of the public entity and may include a term of up to fifty
415 (50) years.

416 (d) Notwithstanding any other provision of law to the
417 contrary and in order to facilitate the acquisition, renovation,
418 construction, leasing, subleasing, management, operating and/or
419 improvement of new or existing public property or facilities to
420 further any purpose of a public entity, public entities are
421 authorized to enter into financing arrangements in order to
422 transfer public property or facilities to and/or from public
423 benefit corporations, including, without limitation, sales,
424 sale-leasebacks, leases and lease-leasebacks, provided such
425 transfer is related to any New Markets Tax Credit transaction
426 furthering any purpose of the public entity. Any such transfer
427 under this paragraph (d) and the public property or facilities
428 transferred in connection therewith shall be exempted from any
429 limitation or requirements with respect to leasing, acquiring,
430 and/or constructing public property or facilities.

431 (e) With respect to a New Markets Tax Credit
432 transaction, public entities and public benefit corporations are
433 authorized to enter into financing arrangements with any
434 governmental, nonprofit or for-profit entity in order to leverage
435 funds not otherwise available to public entities for the



436 acquisition, construction and/or renovation of properties
437 transferred to such public benefit corporations. The use of any
438 funds loaned by or contributed by a public benefit corporation or
439 borrowed by or otherwise made available to a public benefit
440 corporation in such financing arrangement shall be dedicated
441 solely to (i) the development of new properties or facilities
442 and/or the renovation of existing properties or facilities or
443 operation of properties or facilities, and/or (ii) the payment of
444 costs and expenditures related to any such financing arrangements,
445 including, but not limited to, funding any reserves required in
446 connection therewith, the repayment of any indebtedness incurred
447 in connection therewith, and the payment of fees and expenses
448 incurred in connection with the closing, administration,
449 accounting and/or compliance with respect to the New Markets Tax
450 Credit transaction.

451 (f) A public benefit corporation created pursuant to
452 this subsection shall not be a political subdivision of the state
453 but shall be a nonprofit corporation organized and governed under
454 the provisions of the laws of this state and shall be a special
455 purpose corporation established to facilitate New Markets Tax
456 Credit transactions consistent with the requirements of this
457 section.

458 (g) Neither this subsection nor anything herein
459 contained is or shall be construed as a restriction or limitation
460 upon any powers which the public entity or public benefit



461 corporation might otherwise have under any laws of this state, and
462 this subsection is cumulative to any such powers. This subsection
463 does and shall be construed to provide a complete additional and
464 alternative method for doing the things authorized thereby and
465 shall be regarded as supplemental and additional to powers
466 conferred by other laws.

467 (8) The MDA shall promulgate rules and regulations to
468 implement the provisions of this section.

469 **SECTION 2.** Section 27-15-129, Mississippi Code of 1972, is
470 amended as follows:

471 27-15-129. (1) The amount of premium tax payable pursuant
472 to Sections 27-15-103, 27-15-109, 27-15-119 and 83-31-45,
473 Mississippi Code of 1972, shall be reduced from the amount
474 otherwise fixed in such sections if the payer files a sworn
475 statement with the required annual report showing as of the
476 beginning of the reporting period that at least the following
477 amounts of the total admitted assets of the payer were invested
478 and maintained in qualifying Mississippi investments as
479 hereinafter defined in subsection (2) of this section over the
480 period covered by such report:

481	Percentage of Total Admitted	Percentage of Premium
482	Assets in Qualifying	Tax Payable
483	Mississippi Investments	
484	1%	99%
485	2%	98%



486	3%	97%
487	4%	96%
488	5%	95%
489	6%	94%
490	7%	93%
491	8%	92%
492	9%	91%
493	10%	80%
494	15%	70%
495	20%	60%
496	25%	50%

497 (2) For the purpose of this section, "a qualifying
498 Mississippi investment" is hereby defined as follows:

499 (a) Certificates of deposit issued by any bank or
500 savings and loan association domiciled in this state;

501 (b) Bonds of this state or bonds of municipal, school,
502 road or levee districts, or other political subdivisions of this
503 state;

504 (c) Loans evidenced by notes and secured by deeds of
505 trust on property located in this state;

506 (d) Real property located in this state;

507 (e) Policy loans to residents of Mississippi, or other
508 loans to residents of this state, or to corporations domiciled in
509 this state;



510 (f) Common or preferred stock, bonds and other
511 evidences of indebtedness of corporations domiciled in this state;
512 and

513 (g) Cash on deposit in any bank or savings and loan
514 association domiciled in this state.

515 "A qualifying Mississippi investment" shall not include any
516 investment for which a credit is allocated under Section
517 57-105-1 * * *, Section 57-115-1 et seq., and/or Section 1 of this
518 act.

519 (3) If the credits, or any part thereof, authorized by the
520 preceding provisions of this section shall be held by a court of
521 final jurisdiction to be unconstitutional and void for any reason
522 or to make the annual premium taxes levied by Sections 27-15-103,
523 27-15-109, 27-15-119 and 83-31-45, Mississippi Code of 1972,
524 unlawfully discriminatory or otherwise invalid under the
525 Fourteenth Amendment or the Commerce Clause of the Constitution of
526 the United States or under any state or other federal
527 constitutional provisions, it is hereby expressly declared that
528 such fact shall in no way affect the validity of the annual
529 premium taxes levied thereby, and that such provisions would have
530 been enacted even though the Legislature had known this credit
531 section would be held invalid.

532 (4) This section shall apply to taxes accruing and
533 investments existing from and after July 1, 1985.



534 **SECTION 3.** Section 31-7-13, Mississippi Code of 1972, is
535 amended as follows:

536 31-7-13. All agencies and governing authorities shall
537 purchase their commodities and printing; contract for garbage
538 collection or disposal; contract for solid waste collection or
539 disposal; contract for sewage collection or disposal; contract for
540 public construction; and contract for rentals as herein provided.

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

542 Purchases which do not involve an expenditure of more than Five
543 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
544 charges, may be made without advertising or otherwise requesting
545 competitive bids. However, nothing contained in this paragraph
546 (a) shall be construed to prohibit any agency or governing
547 authority from establishing procedures which require competitive
548 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

549 (b) **Bidding procedure for purchases over \$5,000.00 but**
550 **not over \$75,000.00.** Purchases which involve an expenditure of

551 more than Five Thousand Dollars (\$5,000.00) but not more than
552 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight
553 and shipping charges, may be made from the lowest and best bidder
554 without publishing or posting advertisement for bids, provided at
555 least two (2) competitive written bids have been obtained. Any
556 state agency or community or junior college purchasing commodities
557 or procuring construction pursuant to this paragraph (b) may
558 authorize its purchasing agent, or his designee, to accept the



559 lowest competitive written bid under Seventy-five Thousand Dollars
560 (\$75,000.00). Any governing authority purchasing commodities
561 pursuant to this paragraph (b) may authorize its purchasing agent,
562 or his designee, with regard to governing authorities other than
563 counties, or its purchase clerk, or his designee, with regard to
564 counties, to accept the lowest and best competitive written bid.
565 Such authorization shall be made in writing by the governing
566 authority and shall be maintained on file in the primary office of
567 the agency and recorded in the official minutes of the governing
568 authority, as appropriate. The purchasing agent or the purchase
569 clerk, or his designee, as the case may be, and not the governing
570 authority, shall be liable for any penalties and/or damages as may
571 be imposed by law for any act or omission of the purchasing agent
572 or purchase clerk, or his designee, constituting a violation of
573 law in accepting any bid without approval by the governing
574 authority. The term "competitive written bid" shall mean a bid
575 submitted on a bid form furnished by the buying agency or
576 governing authority and signed by authorized personnel
577 representing the vendor, or a bid submitted on a vendor's
578 letterhead or identifiable bid form and signed by authorized
579 personnel representing the vendor. "Competitive" shall mean that
580 the bids are developed based upon comparable identification of the
581 needs and are developed independently and without knowledge of
582 other bids or prospective bids. Any bid item for construction in
583 excess of Five Thousand Dollars (\$5,000.00) shall be broken down



584 by components to provide detail of component description and
585 pricing. These details shall be submitted with the written bids
586 and become part of the bid evaluation criteria. Bids may be
587 submitted by facsimile, electronic mail or other generally
588 accepted method of information distribution. Bids submitted by
589 electronic transmission shall not require the signature of the
590 vendor's representative unless required by agencies or governing
591 authorities.

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

593 (i) **Publication requirement.**

594 1. Purchases which involve an expenditure of
595 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
596 freight and shipping charges, may be made from the lowest and best
597 bidder after advertising for competitive bids once each week for
598 two (2) consecutive weeks in a regular newspaper published in the
599 county or municipality in which such agency or governing authority
600 is located. However, all American Recovery and Reinvestment Act
601 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
602 shall be bid. All references to American Recovery and
603 Reinvestment Act projects in this section shall not apply to
604 programs identified in Division B of the American Recovery and
605 Reinvestment Act.

606 2. Reverse auctions shall be the primary
607 method for receiving bids during the bidding process. If a
608 purchasing entity determines that a reverse auction is not in the



609 best interest of the state, then that determination must be
610 approved by the Public Procurement Review Board. The purchasing
611 entity shall submit a detailed explanation of why a reverse
612 auction would not be in the best interest of the state and present
613 an alternative process to be approved by the Public Procurement
614 Review Board. If the Public Procurement Review Board authorizes
615 the purchasing entity to solicit bids with a method other than
616 reverse auction, then the purchasing entity may designate the
617 other methods by which the bids will be received, including, but
618 not limited to, bids sealed in an envelope, bids received
619 electronically in a secure system, or bids received by any other
620 method that promotes open competition and has been approved by the
621 Office of Purchasing and Travel. However, reverse auction shall
622 not be used for any public contract for design, construction,
623 improvement, repair or remodeling of any public facilities,
624 including the purchase of materials, supplies, equipment or goods
625 for same and including buildings, roads and bridges. The Public
626 Procurement Review Board must approve any contract entered into by
627 alternative process. The provisions of this item 2 shall not
628 apply to the individual state institutions of higher learning.
629 The provisions of this item 2 requiring reverse auction as the
630 primary method of receiving bids shall not apply to term contract
631 purchases as provided in paragraph (n) of this section; however, a
632 purchasing entity may, in its discretion, utilize reverse auction
633 for such purchases. The provisions of this item 2 shall not apply



634 to individual public schools, including public charter schools and
635 public school districts, only when purchasing copyrighted
636 educational supplemental materials and software as a service
637 product. For such purchases, a local school board may authorize a
638 purchasing entity in its jurisdiction to use a Request for
639 Qualifications which promotes open competition and meets the
640 requirements of the Office of Purchasing and Travel.

641 3. The date as published for the bid opening
642 shall not be less than seven (7) working days after the last
643 published notice; however, if the purchase involves a construction
644 project in which the estimated cost is in excess of Seventy-five
645 Thousand Dollars (\$75,000.00), such bids shall not be opened in
646 less than fifteen (15) working days after the last notice is
647 published and the notice for the purchase of such construction
648 shall be published once each week for two (2) consecutive weeks.
649 However, all American Recovery and Reinvestment Act projects in
650 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
651 For any projects in excess of Twenty-five Thousand Dollars
652 (\$25,000.00) under the American Recovery and Reinvestment Act,
653 publication shall be made one (1) time and the bid opening for
654 construction projects shall not be less than ten (10) working days
655 after the date of the published notice. The notice of intention
656 to let contracts or purchase equipment shall state the time and
657 place at which bids shall be received, list the contracts to be
658 made or types of equipment or supplies to be purchased, and, if



659 all plans and/or specifications are not published, refer to the
660 plans and/or specifications on file. If there is no newspaper
661 published in the county or municipality, then such notice shall be
662 given by posting same at the courthouse, or for municipalities at
663 the city hall, and at two (2) other public places in the county or
664 municipality, and also by publication once each week for two (2)
665 consecutive weeks in some newspaper having a general circulation
666 in the county or municipality in the above-provided manner. On
667 the same date that the notice is submitted to the newspaper for
668 publication, the agency or governing authority involved shall mail
669 written notice to, or provide electronic notification to the main
670 office of the Mississippi Procurement Technical Assistance Program
671 under the Mississippi Development Authority that contains the same
672 information as that in the published notice. Submissions received
673 by the Mississippi Procurement Technical Assistance Program for
674 projects funded by the American Recovery and Reinvestment Act
675 shall be displayed on a separate and unique Internet web page
676 accessible to the public and maintained by the Mississippi
677 Development Authority for the Mississippi Procurement Technical
678 Assistance Program. Those American Recovery and Reinvestment Act
679 related submissions shall be publicly posted within twenty-four
680 (24) hours of receipt by the Mississippi Development Authority and
681 the bid opening shall not occur until the submission has been
682 posted for ten (10) consecutive days. The Department of Finance
683 and Administration shall maintain information regarding contracts



684 and other expenditures from the American Recovery and Reinvestment
685 Act, on a unique Internet web page accessible to the public. The
686 Department of Finance and Administration shall promulgate rules
687 regarding format, content and deadlines, unless otherwise
688 specified by law, of the posting of award notices, contract
689 execution and subsequent amendments, links to the contract
690 documents, expenditures against the awarded contracts and general
691 expenditures of funds from the American Recovery and Reinvestment
692 Act. Within one (1) working day of the contract award, the agency
693 or governing authority shall post to the designated web page
694 maintained by the Department of Finance and Administration, notice
695 of the award, including the award recipient, the contract amount,
696 and a brief summary of the contract in accordance with rules
697 promulgated by the department. Within one (1) working day of the
698 contract execution, the agency or governing authority shall post
699 to the designated web page maintained by the Department of Finance
700 and Administration a summary of the executed contract and make a
701 copy of the appropriately redacted contract documents available
702 for linking to the designated web page in accordance with the
703 rules promulgated by the department. The information provided by
704 the agency or governing authority shall be posted to the web page
705 for the duration of the American Recovery and Reinvestment Act
706 funding or until the project is completed, whichever is longer.

707 (ii) **Bidding process amendment procedure.** If all
708 plans and/or specifications are published in the notification,



709 then the plans and/or specifications may not be amended. If all
710 plans and/or specifications are not published in the notification,
711 then amendments to the plans/specifications, bid opening date, bid
712 opening time and place may be made, provided that the agency or
713 governing authority maintains a list of all prospective bidders
714 who are known to have received a copy of the bid documents and all
715 such prospective bidders are sent copies of all amendments. This
716 notification of amendments may be made via mail, facsimile,
717 electronic mail or other generally accepted method of information
718 distribution. No addendum to bid specifications may be issued
719 within two (2) working days of the time established for the
720 receipt of bids unless such addendum also amends the bid opening
721 to a date not less than five (5) working days after the date of
722 the addendum.

723 (iii) **Filing requirement.** In all cases involving
724 governing authorities, before the notice shall be published or
725 posted, the plans or specifications for the construction or
726 equipment being sought shall be filed with the clerk of the board
727 of the governing authority. In addition to these requirements, a
728 bid file shall be established which shall indicate those vendors
729 to whom such solicitations and specifications were issued, and
730 such file shall also contain such information as is pertinent to
731 the bid.

732 (iv) **Specification restrictions.**



733 1. Specifications pertinent to such bidding
734 shall be written so as not to exclude comparable equipment of
735 domestic manufacture. However, if valid justification is
736 presented, the Department of Finance and Administration or the
737 board of a governing authority may approve a request for specific
738 equipment necessary to perform a specific job. Further, such
739 justification, when placed on the minutes of the board of a
740 governing authority, may serve as authority for that governing
741 authority to write specifications to require a specific item of
742 equipment needed to perform a specific job. In addition to these
743 requirements, from and after July 1, 1990, vendors of relocatable
744 classrooms and the specifications for the purchase of such
745 relocatable classrooms published by local school boards shall meet
746 all pertinent regulations of the State Board of Education,
747 including prior approval of such bid by the State Department of
748 Education.

749 2. Specifications for construction projects
750 may include an allowance for commodities, equipment, furniture,
751 construction materials or systems in which prospective bidders are
752 instructed to include in their bids specified amounts for such
753 items so long as the allowance items are acquired by the vendor in
754 a commercially reasonable manner and approved by the
755 agency/governing authority. Such acquisitions shall not be made
756 to circumvent the public purchasing laws.



757 (v) **Electronic bids.** Agencies and governing
758 authorities shall provide a secure electronic interactive system
759 for the submittal of bids requiring competitive bidding that shall
760 be an additional bidding option for those bidders who choose to
761 submit their bids electronically. The Department of Finance and
762 Administration shall provide, by regulation, the standards that
763 agencies must follow when receiving electronic bids. Agencies and
764 governing authorities shall make the appropriate provisions
765 necessary to accept electronic bids from those bidders who choose
766 to submit their bids electronically for all purchases requiring
767 competitive bidding under this section. Any special condition or
768 requirement for the electronic bid submission shall be specified
769 in the advertisement for bids required by this section. Agencies
770 or governing authorities that are currently without available high
771 speed Internet access shall be exempt from the requirement of this
772 subparagraph (v) until such time that high speed Internet access
773 becomes available. Any county having a population of less than
774 twenty thousand (20,000) shall be exempt from the provisions of
775 this subparagraph (v). Any municipality having a population of
776 less than ten thousand (10,000) shall be exempt from the
777 provisions of this subparagraph (v). The provisions of this
778 subparagraph (v) shall not require any bidder to submit bids
779 electronically. When construction bids are submitted
780 electronically, the requirement for including a certificate of
781 responsibility, or a statement that the bid enclosed does not



782 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
783 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
784 deemed in compliance with by including same as an attachment with
785 the electronic bid submittal.

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

787 (i) **Decision procedure.** Purchases may be made
788 from the lowest and best bidder. In determining the lowest and
789 best bid, freight and shipping charges shall be included.
790 Life-cycle costing, total cost bids, warranties, guaranteed
791 buy-back provisions and other relevant provisions may be included
792 in the best bid calculation. All best bid procedures for state
793 agencies must be in compliance with regulations established by the
794 Department of Finance and Administration. If any governing
795 authority accepts a bid other than the lowest bid actually
796 submitted, it shall place on its minutes detailed calculations and
797 narrative summary showing that the accepted bid was determined to
798 be the lowest and best bid, including the dollar amount of the
799 accepted bid and the dollar amount of the lowest bid. No agency
800 or governing authority shall accept a bid based on items not
801 included in the specifications.

802 (ii) **Decision procedure for Certified Purchasing**
803 **Offices.** In addition to the decision procedure set forth in
804 subparagraph (i) of this paragraph (d), Certified Purchasing
805 Offices may also use the following procedure: Purchases may be
806 made from the bidder offering the best value. In determining the



807 best value bid, freight and shipping charges shall be included.
808 Life-cycle costing, total cost bids, warranties, guaranteed
809 buy-back provisions, documented previous experience, training
810 costs and other relevant provisions, including, but not limited
811 to, a bidder having a local office and inventory located within
812 the jurisdiction of the governing authority, may be included in
813 the best value calculation. This provision shall authorize
814 Certified Purchasing Offices to utilize a Request For Proposals
815 (RFP) process when purchasing commodities. All best value
816 procedures for state agencies must be in compliance with
817 regulations established by the Department of Finance and
818 Administration. No agency or governing authority shall accept a
819 bid based on items or criteria not included in the specifications.

820 (iii) **Decision procedure for Mississippi**

821 **Landmarks.** In addition to the decision procedure set forth in
822 subparagraph (i) of this paragraph (d), where purchase involves
823 renovation, restoration, or both, of the State Capitol Building or
824 any other historical building designated for at least five (5)
825 years as a Mississippi Landmark by the Board of Trustees of the
826 Department of Archives and History under the authority of Sections
827 39-7-7 and 39-7-11, the agency or governing authority may use the
828 following procedure: Purchases may be made from the lowest and
829 best prequalified bidder. Prequalification of bidders shall be
830 determined not less than fifteen (15) working days before the
831 first published notice of bid opening. Prequalification criteria



832 shall be limited to bidder's knowledge and experience in
833 historical restoration, preservation and renovation. In
834 determining the lowest and best bid, freight and shipping charges
835 shall be included. Life-cycle costing, total cost bids,
836 warranties, guaranteed buy-back provisions and other relevant
837 provisions may be included in the best bid calculation. All best
838 bid and prequalification procedures for state agencies must be in
839 compliance with regulations established by the Department of
840 Finance and Administration. If any governing authority accepts a
841 bid other than the lowest bid actually submitted, it shall place
842 on its minutes detailed calculations and narrative summary showing
843 that the accepted bid was determined to be the lowest and best
844 bid, including the dollar amount of the accepted bid and the
845 dollar amount of the lowest bid. No agency or governing authority
846 shall accept a bid based on items not included in the
847 specifications.

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

849 If the lowest and best bid is not more than ten percent (10%)
850 above the amount of funds allocated for a public construction or
851 renovation project, then the agency or governing authority shall
852 be permitted to negotiate with the lowest bidder in order to enter
853 into a contract for an amount not to exceed the funds allocated.

854 (e) **Lease-purchase authorization.** For the purposes of
855 this section, the term "equipment" shall mean equipment, furniture
856 and, if applicable, associated software and other applicable



857 direct costs associated with the acquisition. Any lease-purchase
858 of equipment which an agency is not required to lease-purchase
859 under the master lease-purchase program pursuant to Section
860 31-7-10 and any lease-purchase of equipment which a governing
861 authority elects to lease-purchase may be acquired by a
862 lease-purchase agreement under this paragraph (e). Lease-purchase
863 financing may also be obtained from the vendor or from a
864 third-party source after having solicited and obtained at least
865 two (2) written competitive bids, as defined in paragraph (b) of
866 this section, for such financing without advertising for such
867 bids. Solicitation for the bids for financing may occur before or
868 after acceptance of bids for the purchase of such equipment or,
869 where no such bids for purchase are required, at any time before
870 the purchase thereof. No such lease-purchase agreement shall be
871 for an annual rate of interest which is greater than the overall
872 maximum interest rate to maturity on general obligation
873 indebtedness permitted under Section 75-17-101, and the term of
874 such lease-purchase agreement shall not exceed the useful life of
875 equipment covered thereby as determined according to the upper
876 limit of the asset depreciation range (ADR) guidelines for the
877 Class Life Asset Depreciation Range System established by the
878 Internal Revenue Service pursuant to the United States Internal
879 Revenue Code and regulations thereunder as in effect on December
880 31, 1980, or comparable depreciation guidelines with respect to
881 any equipment not covered by ADR guidelines. Any lease-purchase



882 agreement entered into pursuant to this paragraph (e) may contain
883 any of the terms and conditions which a master lease-purchase
884 agreement may contain under the provisions of Section 31-7-10(5),
885 and shall contain an annual allocation dependency clause
886 substantially similar to that set forth in Section 31-7-10(8).
887 Each agency or governing authority entering into a lease-purchase
888 transaction pursuant to this paragraph (e) shall maintain with
889 respect to each such lease-purchase transaction the same
890 information as required to be maintained by the Department of
891 Finance and Administration pursuant to Section 31-7-10(13).
892 However, nothing contained in this section shall be construed to
893 permit agencies to acquire items of equipment with a total
894 acquisition cost in the aggregate of less than Ten Thousand
895 Dollars (\$10,000.00) by a single lease-purchase transaction. All
896 equipment, and the purchase thereof by any lessor, acquired by
897 lease-purchase under this paragraph and all lease-purchase
898 payments with respect thereto shall be exempt from all Mississippi
899 sales, use and ad valorem taxes. Interest paid on any
900 lease-purchase agreement under this section shall be exempt from
901 State of Mississippi income taxation.

902 (f) **Alternate bid authorization.** When necessary to
903 ensure ready availability of commodities for public works and the
904 timely completion of public projects, no more than two (2)
905 alternate bids may be accepted by a governing authority for
906 commodities. No purchases may be made through use of such



907 alternate bids procedure unless the lowest and best bidder cannot
908 deliver the commodities contained in his bid. In that event,
909 purchases of such commodities may be made from one (1) of the
910 bidders whose bid was accepted as an alternate.

911 (g) **Construction contract change authorization.** In the
912 event a determination is made by an agency or governing authority
913 after a construction contract is let that changes or modifications
914 to the original contract are necessary or would better serve the
915 purpose of the agency or the governing authority, such agency or
916 governing authority may, in its discretion, order such changes
917 pertaining to the construction that are necessary under the
918 circumstances without the necessity of further public bids;
919 provided that such change shall be made in a commercially
920 reasonable manner and shall not be made to circumvent the public
921 purchasing statutes. In addition to any other authorized person,
922 the architect or engineer hired by an agency or governing
923 authority with respect to any public construction contract shall
924 have the authority, when granted by an agency or governing
925 authority, to authorize changes or modifications to the original
926 contract without the necessity of prior approval of the agency or
927 governing authority when any such change or modification is less
928 than one percent (1%) of the total contract amount. The agency or
929 governing authority may limit the number, manner or frequency of
930 such emergency changes or modifications.



931 (h) **Petroleum purchase alternative.** In addition to
932 other methods of purchasing authorized in this chapter, when any
933 agency or governing authority shall have a need for gas, diesel
934 fuel, oils and/or other petroleum products in excess of the amount
935 set forth in paragraph (a) of this section, such agency or
936 governing authority may purchase the commodity after having
937 solicited and obtained at least two (2) competitive written bids,
938 as defined in paragraph (b) of this section. If two (2)
939 competitive written bids are not obtained, the entity shall comply
940 with the procedures set forth in paragraph (c) of this section.
941 In the event any agency or governing authority shall have
942 advertised for bids for the purchase of gas, diesel fuel, oils and
943 other petroleum products and coal and no acceptable bids can be
944 obtained, such agency or governing authority is authorized and
945 directed to enter into any negotiations necessary to secure the
946 lowest and best contract available for the purchase of such
947 commodities.

948 (i) **Road construction petroleum products price**
949 **adjustment clause authorization.** Any agency or governing
950 authority authorized to enter into contracts for the construction,
951 maintenance, surfacing or repair of highways, roads or streets,
952 may include in its bid proposal and contract documents a price
953 adjustment clause with relation to the cost to the contractor,
954 including taxes, based upon an industry-wide cost index, of
955 petroleum products including asphalt used in the performance or



956 execution of the contract or in the production or manufacture of
957 materials for use in such performance. Such industry-wide index
958 shall be established and published monthly by the Mississippi
959 Department of Transportation with a copy thereof to be mailed,
960 upon request, to the clerks of the governing authority of each
961 municipality and the clerks of each board of supervisors
962 throughout the state. The price adjustment clause shall be based
963 on the cost of such petroleum products only and shall not include
964 any additional profit or overhead as part of the adjustment. The
965 bid proposals or document contract shall contain the basis and
966 methods of adjusting unit prices for the change in the cost of
967 such petroleum products.

968 (j) **State agency emergency purchase procedure.** If the
969 governing board or the executive head, or his designees, of any
970 agency of the state shall determine that an emergency exists in
971 regard to the purchase of any commodities or repair contracts, so
972 that the delay incident to giving opportunity for competitive
973 bidding would be detrimental to the interests of the state, then
974 the head of such agency, or his designees, shall file with the
975 Department of Finance and Administration (i) a statement
976 explaining the conditions and circumstances of the emergency,
977 which shall include a detailed description of the events leading
978 up to the situation and the negative impact to the entity if the
979 purchase is made following the statutory requirements set forth in
980 paragraph (a), (b) or (c) of this section, and (ii) a certified



981 copy of the appropriate minutes of the board of such agency
982 requesting the emergency purchase, if applicable. Upon receipt of
983 the statement and applicable board certification, the State Fiscal
984 Officer, or his designees, may, in writing, authorize the purchase
985 or repair without having to comply with competitive bidding
986 requirements.

987 If the governing board or the executive head, or his
988 designees, of any agency determines that an emergency exists in
989 regard to the purchase of any commodities or repair contracts, so
990 that the delay incident to giving opportunity for competitive
991 bidding would threaten the health or safety of any person, or the
992 preservation or protection of property, then the provisions in
993 this section for competitive bidding shall not apply, and any
994 officer or agent of the agency having general or specific
995 authority for making the purchase or repair contract shall approve
996 the bill presented for payment, and he shall certify in writing
997 from whom the purchase was made, or with whom the repair contract
998 was made.

999 Total purchases made under this paragraph (j) shall only be
1000 for the purpose of meeting needs created by the emergency
1001 situation. Following the emergency purchase, documentation of the
1002 purchase, including a description of the commodity purchased, the
1003 purchase price thereof and the nature of the emergency shall be
1004 filed with the Department of Finance and Administration. Any



1005 contract awarded pursuant to this paragraph (j) shall not exceed a
1006 term of one (1) year.

1007 Purchases under the grant program established under Section
1008 37-68-7 in response to COVID-19 and the directive that school
1009 districts create a distance learning plan and fulfill technology
1010 needs expeditiously shall be deemed an emergency purchase for
1011 purposes of this paragraph (j).

1012 (k) **Governing authority emergency purchase procedure.**

1013 If the governing authority, or the governing authority acting
1014 through its designee, shall determine that an emergency exists in
1015 regard to the purchase of any commodities or repair contracts, so
1016 that the delay incident to giving opportunity for competitive
1017 bidding would be detrimental to the interest of the governing
1018 authority, then the provisions herein for competitive bidding
1019 shall not apply and any officer or agent of such governing
1020 authority having general or special authority therefor in making
1021 such purchase or repair shall approve the bill presented therefor,
1022 and he shall certify in writing thereon from whom such purchase
1023 was made, or with whom such a repair contract was made. At the
1024 board meeting next following the emergency purchase or repair
1025 contract, documentation of the purchase or repair contract,
1026 including a description of the commodity purchased, the price
1027 thereof and the nature of the emergency shall be presented to the
1028 board and shall be placed on the minutes of the board of such
1029 governing authority. Purchases under the grant program



1030 established under Section 37-68-7 in response to COVID-19 and the
1031 directive that school districts create a distance learning plan
1032 and fulfill technology needs expeditiously shall be deemed an
1033 emergency purchase for purposes of this paragraph (k).

1034 (1) **Hospital purchase, lease-purchase and lease**
1035 **authorization.**

1036 (i) The commissioners or board of trustees of any
1037 public hospital may contract with such lowest and best bidder for
1038 the purchase or lease-purchase of any commodity under a contract
1039 of purchase or lease-purchase agreement whose obligatory payment
1040 terms do not exceed five (5) years.

1041 (ii) In addition to the authority granted in
1042 subparagraph (i) of this paragraph (1), the commissioners or board
1043 of trustees is authorized to enter into contracts for the lease of
1044 equipment or services, or both, which it considers necessary for
1045 the proper care of patients if, in its opinion, it is not
1046 financially feasible to purchase the necessary equipment or
1047 services. Any such contract for the lease of equipment or
1048 services executed by the commissioners or board shall not exceed a
1049 maximum of five (5) years' duration and shall include a
1050 cancellation clause based on unavailability of funds. If such
1051 cancellation clause is exercised, there shall be no further
1052 liability on the part of the lessee. Any such contract for the
1053 lease of equipment or services executed on behalf of the
1054 commissioners or board that complies with the provisions of this



1055 subparagraph (ii) shall be excepted from the bid requirements set
1056 forth in this section.

1057 (m) **Exceptions from bidding requirements.** Excepted
1058 from bid requirements are:

1059 (i) **Purchasing agreements approved by department.**

1060 Purchasing agreements, contracts and maximum price regulations
1061 executed or approved by the Department of Finance and
1062 Administration.

1063 (ii) **Outside equipment repairs.** Repairs to
1064 equipment, when such repairs are made by repair facilities in the
1065 private sector; however, engines, transmissions, rear axles and/or
1066 other such components shall not be included in this exemption when
1067 replaced as a complete unit instead of being repaired and the need
1068 for such total component replacement is known before disassembly
1069 of the component; however, invoices identifying the equipment,
1070 specific repairs made, parts identified by number and name,
1071 supplies used in such repairs, and the number of hours of labor
1072 and costs therefor shall be required for the payment for such
1073 repairs.

1074 (iii) **In-house equipment repairs.** Purchases of
1075 parts for repairs to equipment, when such repairs are made by
1076 personnel of the agency or governing authority; however, entire
1077 assemblies, such as engines or transmissions, shall not be
1078 included in this exemption when the entire assembly is being
1079 replaced instead of being repaired.



1080 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
1081 of gravel or fill dirt which are to be removed and transported by
1082 the purchaser.

1083 (v) **Governmental equipment auctions.** Motor
1084 vehicles or other equipment purchased from a federal agency or
1085 authority, another governing authority or state agency of the
1086 State of Mississippi, or any governing authority or state agency
1087 of another state at a public auction held for the purpose of
1088 disposing of such vehicles or other equipment. Any purchase by a
1089 governing authority under the exemption authorized by this
1090 subparagraph (v) shall require advance authorization spread upon
1091 the minutes of the governing authority to include the listing of
1092 the item or items authorized to be purchased and the maximum bid
1093 authorized to be paid for each item or items.

1094 (vi) **Intergovernmental sales and transfers.**
1095 Purchases, sales, transfers or trades by governing authorities or
1096 state agencies when such purchases, sales, transfers or trades are
1097 made by a private treaty agreement or through means of
1098 negotiation, from any federal agency or authority, another
1099 governing authority or state agency of the State of Mississippi,
1100 or any state agency or governing authority of another state.
1101 Nothing in this section shall permit such purchases through public
1102 auction except as provided for in subparagraph (v) of this
1103 paragraph (m). It is the intent of this section to allow
1104 governmental entities to dispose of and/or purchase commodities



1105 from other governmental entities at a price that is agreed to by
1106 both parties. This shall allow for purchases and/or sales at
1107 prices which may be determined to be below the market value if the
1108 selling entity determines that the sale at below market value is
1109 in the best interest of the taxpayers of the state. Governing
1110 authorities shall place the terms of the agreement and any
1111 justification on the minutes, and state agencies shall obtain
1112 approval from the Department of Finance and Administration, prior
1113 to releasing or taking possession of the commodities.

1114 (vii) **Perishable supplies or food.** Perishable
1115 supplies or food purchased for use in connection with hospitals,
1116 the school lunch programs, homemaking programs and for the feeding
1117 of county or municipal prisoners.

1118 (viii) **Single-source items.** Noncompetitive items
1119 available from one (1) source only. In connection with the
1120 purchase of noncompetitive items only available from one (1)
1121 source, a certification of the conditions and circumstances
1122 requiring the purchase shall be filed by the agency with the
1123 Department of Finance and Administration and by the governing
1124 authority with the board of the governing authority. Upon receipt
1125 of that certification the Department of Finance and Administration
1126 or the board of the governing authority, as the case may be, may,
1127 in writing, authorize the purchase, which authority shall be noted
1128 on the minutes of the body at the next regular meeting thereafter.
1129 In those situations, a governing authority is not required to



1130 obtain the approval of the Department of Finance and
1131 Administration. Following the purchase, the executive head of the
1132 state agency, or his designees, shall file with the Department of
1133 Finance and Administration, documentation of the purchase,
1134 including a description of the commodity purchased, the purchase
1135 price thereof and the source from whom it was purchased.

1136 (ix) **Waste disposal facility construction**
1137 **contracts.** Construction of incinerators and other facilities for
1138 disposal of solid wastes in which products either generated
1139 therein, such as steam, or recovered therefrom, such as materials
1140 for recycling, are to be sold or otherwise disposed of; however,
1141 in constructing such facilities, a governing authority or agency
1142 shall publicly issue requests for proposals, advertised for in the
1143 same manner as provided herein for seeking bids for public
1144 construction projects, concerning the design, construction,
1145 ownership, operation and/or maintenance of such facilities,
1146 wherein such requests for proposals when issued shall contain
1147 terms and conditions relating to price, financial responsibility,
1148 technology, environmental compatibility, legal responsibilities
1149 and such other matters as are determined by the governing
1150 authority or agency to be appropriate for inclusion; and after
1151 responses to the request for proposals have been duly received,
1152 the governing authority or agency may select the most qualified
1153 proposal or proposals on the basis of price, technology and other
1154 relevant factors and from such proposals, but not limited to the



1155 terms thereof, negotiate and enter contracts with one or more of
1156 the persons or firms submitting proposals.

1157 (x) **Hospital group purchase contracts.** Supplies,
1158 commodities and equipment purchased by hospitals through group
1159 purchase programs pursuant to Section 31-7-38.

1160 (xi) **Information technology products.** Purchases
1161 of information technology products made by governing authorities
1162 under the provisions of purchase schedules, or contracts executed
1163 or approved by the Mississippi Department of Information
1164 Technology Services and designated for use by governing
1165 authorities.

1166 (xii) **Energy efficiency services and equipment.**
1167 Energy efficiency services and equipment acquired by school
1168 districts, community and junior colleges, institutions of higher
1169 learning and state agencies or other applicable governmental
1170 entities on a shared-savings, lease or lease-purchase basis
1171 pursuant to Section 31-7-14.

1172 (xiii) **Municipal electrical utility system fuel.**
1173 Purchases of coal and/or natural gas by municipally owned electric
1174 power generating systems that have the capacity to use both coal
1175 and natural gas for the generation of electric power.

1176 (xiv) **Library books and other reference materials.**
1177 Purchases by libraries or for libraries of books and periodicals;
1178 processed film, videocassette tapes, filmstrips and slides;
1179 recorded audiotapes, cassettes and diskettes; and any such items



1180 as would be used for teaching, research or other information
1181 distribution; however, equipment such as projectors, recorders,
1182 audio or video equipment, and monitor televisions are not exempt
1183 under this subparagraph.

1184 (xv) **Unmarked vehicles.** Purchases of unmarked
1185 vehicles when such purchases are made in accordance with
1186 purchasing regulations adopted by the Department of Finance and
1187 Administration pursuant to Section 31-7-9(2).

1188 (xvi) **Election ballots.** Purchases of ballots
1189 printed pursuant to Section 23-15-351.

1190 (xvii) **Multichannel interactive video systems.**
1191 From and after July 1, 1990, contracts by Mississippi Authority
1192 for Educational Television with any private educational
1193 institution or private nonprofit organization whose purposes are
1194 educational in regard to the construction, purchase, lease or
1195 lease-purchase of facilities and equipment and the employment of
1196 personnel for providing multichannel interactive video systems
1197 (ITSF) in the school districts of this state.

1198 (xviii) **Purchases of prison industry products by**
1199 **the Department of Corrections, regional correctional facilities or**
1200 **privately owned prisons.** Purchases made by the Mississippi
1201 Department of Corrections, regional correctional facilities or
1202 privately owned prisons involving any item that is manufactured,
1203 processed, grown or produced from the state's prison industries.



1204 (xix) **Undercover operations equipment.** Purchases
1205 of surveillance equipment or any other high-tech equipment to be
1206 used by law enforcement agents in undercover operations, provided
1207 that any such purchase shall be in compliance with regulations
1208 established by the Department of Finance and Administration.

1209 (xx) **Junior college books for rent.** Purchases by
1210 community or junior colleges of textbooks which are obtained for
1211 the purpose of renting such books to students as part of a book
1212 service system.

1213 (xxi) **Certain school district purchases.**
1214 Purchases of commodities made by school districts from vendors
1215 with which any levying authority of the school district, as
1216 defined in Section 37-57-1, has contracted through competitive
1217 bidding procedures for purchases of the same commodities.

1218 (xxii) **Garbage, solid waste and sewage contracts.**
1219 Contracts for garbage collection or disposal, contracts for solid
1220 waste collection or disposal and contracts for sewage collection
1221 or disposal.

1222 (xxiii) **Municipal water tank maintenance**
1223 **contracts.** Professional maintenance program contracts for the
1224 repair or maintenance of municipal water tanks, which provide
1225 professional services needed to maintain municipal water storage
1226 tanks for a fixed annual fee for a duration of two (2) or more
1227 years.



1228 (xxiv) **Purchases of Mississippi Industries for the**
1229 **Blind products or services.** Purchases made by state agencies or
1230 governing authorities involving any item that is manufactured,
1231 processed or produced by, or any services provided by, the
1232 Mississippi Industries for the Blind.

1233 (xxv) **Purchases of state-adopted textbooks.**
1234 Purchases of state-adopted textbooks by public school districts.

1235 (xxvi) **Certain purchases under the Mississippi**
1236 **Major Economic Impact Act.** Contracts entered into pursuant to the
1237 provisions of Section 57-75-9(2), (3) and (4).

1238 (xxvii) **Used heavy or specialized machinery or**
1239 **equipment for installation of soil and water conservation**
1240 **practices purchased at auction.** Used heavy or specialized
1241 machinery or equipment used for the installation and
1242 implementation of soil and water conservation practices or
1243 measures purchased subject to the restrictions provided in
1244 Sections 69-27-331 through 69-27-341. Any purchase by the State
1245 Soil and Water Conservation Commission under the exemption
1246 authorized by this subparagraph shall require advance
1247 authorization spread upon the minutes of the commission to include
1248 the listing of the item or items authorized to be purchased and
1249 the maximum bid authorized to be paid for each item or items.

1250 (xxviii) **Hospital lease of equipment or services.**
1251 Leases by hospitals of equipment or services if the leases are in
1252 compliance with paragraph (1)(ii).



1253 (xxix) **Purchases made pursuant to qualified**
1254 **cooperative purchasing agreements.** Purchases made by certified
1255 purchasing offices of state agencies or governing authorities
1256 under cooperative purchasing agreements previously approved by the
1257 Office of Purchasing and Travel and established by or for any
1258 municipality, county, parish or state government or the federal
1259 government, provided that the notification to potential
1260 contractors includes a clause that sets forth the availability of
1261 the cooperative purchasing agreement to other governmental
1262 entities. Such purchases shall only be made if the use of the
1263 cooperative purchasing agreements is determined to be in the best
1264 interest of the governmental entity.

1265 (xxx) **School yearbooks.** Purchases of school
1266 yearbooks by state agencies or governing authorities; however,
1267 state agencies and governing authorities shall use for these
1268 purchases the RFP process as set forth in the Mississippi
1269 Procurement Manual adopted by the Office of Purchasing and Travel.

1270 (xxxi) **Design-build method of contracting and**
1271 **certain other contracts.** Contracts entered into under the
1272 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

1273 (xxxii) **Toll roads and bridge construction**
1274 **projects.** Contracts entered into under the provisions of Section
1275 65-43-1 or 65-43-3.



1276 (xxxiii) **Certain purchases under Section 57-1-221.**
1277 Contracts entered into pursuant to the provisions of Section
1278 57-1-221.

1279 (xxxiv) **Certain transfers made pursuant to the**
1280 **provisions of Section 57-105-1(7).** Transfers of public property
1281 or facilities under Section 57-105-1(7) and construction related
1282 to such public property or facilities.

1283 (xxxv) **Certain purchases or transfers entered into**
1284 **with local electrical power associations.** Contracts or agreements
1285 entered into under the provisions of Section 55-3-33.

1286 (xxxvi) **Certain purchases by an academic medical**
1287 **center or health sciences school.** Purchases by an academic
1288 medical center or health sciences school, as defined in Section
1289 37-115-50, of commodities that are used for clinical purposes and
1290 1. intended for use in the diagnosis of disease or other
1291 conditions or in the cure, mitigation, treatment or prevention of
1292 disease, and 2. medical devices, biological, drugs and
1293 radiation-emitting devices as defined by the United States Food
1294 and Drug Administration.

1295 (xxxvii) **Certain purchases made under the Alyce G.**
1296 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
1297 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
1298 Lottery Law.

1299 (xxxviii) **Certain purchases made by the Department**
1300 **of Health and the Department of Revenue.** Purchases made by the



1301 Department of Health and the Department of Revenue solely for the
1302 purpose of fulfilling their respective responsibilities under the
1303 Mississippi Medical Cannabis Act. This subparagraph shall stand
1304 repealed on June 30, 2026.

1305 (xxxvix) Certain transfers made pursuant to the
1306 provisions of Section 1(7) of this act. Transfers of public
1307 property or facilities under Section 1(7) of this act and
1308 construction related to such public property or facilities.

1309 (n) **Term contract authorization.** All contracts for the
1310 purchase of:

1311 (i) All contracts for the purchase of commodities,
1312 equipment and public construction (including, but not limited to,
1313 repair and maintenance), may be let for periods of not more than
1314 sixty (60) months in advance, subject to applicable statutory
1315 provisions prohibiting the letting of contracts during specified
1316 periods near the end of terms of office. Term contracts for a
1317 period exceeding twenty-four (24) months shall also be subject to
1318 ratification or cancellation by governing authority boards taking
1319 office subsequent to the governing authority board entering the
1320 contract.

1321 (ii) Bid proposals and contracts may include price
1322 adjustment clauses with relation to the cost to the contractor
1323 based upon a nationally published industry-wide or nationally
1324 published and recognized cost index. The cost index used in a
1325 price adjustment clause shall be determined by the Department of



1326 Finance and Administration for the state agencies and by the
1327 governing board for governing authorities. The bid proposal and
1328 contract documents utilizing a price adjustment clause shall
1329 contain the basis and method of adjusting unit prices for the
1330 change in the cost of such commodities, equipment and public
1331 construction.

1332 (o) **Purchase law violation prohibition and vendor**
1333 **penalty.** No contract or purchase as herein authorized shall be
1334 made for the purpose of circumventing the provisions of this
1335 section requiring competitive bids, nor shall it be lawful for any
1336 person or concern to submit individual invoices for amounts within
1337 those authorized for a contract or purchase where the actual value
1338 of the contract or commodity purchased exceeds the authorized
1339 amount and the invoices therefor are split so as to appear to be
1340 authorized as purchases for which competitive bids are not
1341 required. Submission of such invoices shall constitute a
1342 misdemeanor punishable by a fine of not less than Five Hundred
1343 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
1344 or by imprisonment for thirty (30) days in the county jail, or
1345 both such fine and imprisonment. In addition, the claim or claims
1346 submitted shall be forfeited.

1347 (p) **Electrical utility petroleum-based equipment**
1348 **purchase procedure.** When in response to a proper advertisement
1349 therefor, no bid firm as to price is submitted to an electric
1350 utility for power transformers, distribution transformers, power



1351 breakers, reclosers or other articles containing a petroleum
1352 product, the electric utility may accept the lowest and best bid
1353 therefor although the price is not firm.

1354 (q) **Fuel management system bidding procedure.** Any
1355 governing authority or agency of the state shall, before
1356 contracting for the services and products of a fuel management or
1357 fuel access system, enter into negotiations with not fewer than
1358 two (2) sellers of fuel management or fuel access systems for
1359 competitive written bids to provide the services and products for
1360 the systems. In the event that the governing authority or agency
1361 cannot locate two (2) sellers of such systems or cannot obtain
1362 bids from two (2) sellers of such systems, it shall show proof
1363 that it made a diligent, good-faith effort to locate and negotiate
1364 with two (2) sellers of such systems. Such proof shall include,
1365 but not be limited to, publications of a request for proposals and
1366 letters soliciting negotiations and bids. For purposes of this
1367 paragraph (q), a fuel management or fuel access system is an
1368 automated system of acquiring fuel for vehicles as well as
1369 management reports detailing fuel use by vehicles and drivers, and
1370 the term "competitive written bid" shall have the meaning as
1371 defined in paragraph (b) of this section. Governing authorities
1372 and agencies shall be exempt from this process when contracting
1373 for the services and products of fuel management or fuel access
1374 systems under the terms of a state contract established by the
1375 Office of Purchasing and Travel.



1376 (r) **Solid waste contract proposal procedure.** Before
1377 entering into any contract for garbage collection or disposal,
1378 contract for solid waste collection or disposal or contract for
1379 sewage collection or disposal, which involves an expenditure of
1380 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
1381 authority or agency shall issue publicly a request for proposals
1382 concerning the specifications for such services which shall be
1383 advertised for in the same manner as provided in this section for
1384 seeking bids for purchases which involve an expenditure of more
1385 than the amount provided in paragraph (c) of this section. Any
1386 request for proposals when issued shall contain terms and
1387 conditions relating to price, financial responsibility,
1388 technology, legal responsibilities and other relevant factors as
1389 are determined by the governing authority or agency to be
1390 appropriate for inclusion; all factors determined relevant by the
1391 governing authority or agency or required by this paragraph (r)
1392 shall be duly included in the advertisement to elicit proposals.
1393 After responses to the request for proposals have been duly
1394 received, the governing authority or agency shall select the most
1395 qualified proposal or proposals on the basis of price, technology
1396 and other relevant factors and from such proposals, but not
1397 limited to the terms thereof, negotiate and enter into contracts
1398 with one or more of the persons or firms submitting proposals. If
1399 the governing authority or agency deems none of the proposals to
1400 be qualified or otherwise acceptable, the request for proposals



1401 process may be reinitiated. Notwithstanding any other provisions
1402 of this paragraph, where a county with at least thirty-five
1403 thousand (35,000) nor more than forty thousand (40,000)
1404 population, according to the 1990 federal decennial census, owns
1405 or operates a solid waste landfill, the governing authorities of
1406 any other county or municipality may contract with the governing
1407 authorities of the county owning or operating the landfill,
1408 pursuant to a resolution duly adopted and spread upon the minutes
1409 of each governing authority involved, for garbage or solid waste
1410 collection or disposal services through contract negotiations.

1411 (s) **Minority set-aside authorization.** Notwithstanding
1412 any provision of this section to the contrary, any agency or
1413 governing authority, by order placed on its minutes, may, in its
1414 discretion, set aside not more than twenty percent (20%) of its
1415 anticipated annual expenditures for the purchase of commodities
1416 from minority businesses; however, all such set-aside purchases
1417 shall comply with all purchasing regulations promulgated by the
1418 Department of Finance and Administration and shall be subject to
1419 bid requirements under this section. Set-aside purchases for
1420 which competitive bids are required shall be made from the lowest
1421 and best minority business bidder. For the purposes of this
1422 paragraph, the term "minority business" means a business which is
1423 owned by a majority of persons who are United States citizens or
1424 permanent resident aliens (as defined by the Immigration and
1425 Naturalization Service) of the United States, and who are Asian,



1426 Black, Hispanic or Native American, according to the following
1427 definitions:

1428 (i) "Asian" means persons having origins in any of
1429 the original people of the Far East, Southeast Asia, the Indian
1430 subcontinent, or the Pacific Islands.

1431 (ii) "Black" means persons having origins in any
1432 black racial group of Africa.

1433 (iii) "Hispanic" means persons of Spanish or
1434 Portuguese culture with origins in Mexico, South or Central
1435 America, or the Caribbean Islands, regardless of race.

1436 (iv) "Native American" means persons having
1437 origins in any of the original people of North America, including
1438 American Indians, Eskimos and Aleuts.

1439 (t) **Construction punch list restriction.** The
1440 architect, engineer or other representative designated by the
1441 agency or governing authority that is contracting for public
1442 construction or renovation may prepare and submit to the
1443 contractor only one (1) preliminary punch list of items that do
1444 not meet the contract requirements at the time of substantial
1445 completion and one (1) final list immediately before final
1446 completion and final payment.

1447 (u) **Procurement of construction services by state**
1448 **institutions of higher learning.** Contracts for privately financed
1449 construction of auxiliary facilities on the campus of a state
1450 institution of higher learning may be awarded by the Board of



1451 Trustees of State Institutions of Higher Learning to the lowest
1452 and best bidder, where sealed bids are solicited, or to the
1453 offeror whose proposal is determined to represent the best value
1454 to the citizens of the State of Mississippi, where requests for
1455 proposals are solicited.

1456 (v) **Insurability of bidders for public construction or**
1457 **other public contracts.** In any solicitation for bids to perform
1458 public construction or other public contracts to which this
1459 section applies, including, but not limited to, contracts for
1460 repair and maintenance, for which the contract will require
1461 insurance coverage in an amount of not less than One Million
1462 Dollars (\$1,000,000.00), bidders shall be permitted to either
1463 submit proof of current insurance coverage in the specified amount
1464 or demonstrate ability to obtain the required coverage amount of
1465 insurance if the contract is awarded to the bidder. Proof of
1466 insurance coverage shall be submitted within five (5) business
1467 days from bid acceptance.

1468 (w) **Purchase authorization clarification.** Nothing in
1469 this section shall be construed as authorizing any purchase not
1470 authorized by law.

1471 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
1472 **Act.** (i) The Department of Finance and Administration shall
1473 enter into nine (9) contracts for the pre-need purchase of labor,
1474 services, work, materials, equipment, supplies or other personal
1475 property for disaster-related solid waste collection, disposal or



1476 monitoring. One (1) contract shall be entered into for each of
1477 the nine (9) Mississippi Emergency Management Association
1478 districts:

1479 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
1480 Tallahatchie, Tate, Tunica and Yalobusha Counties;

1481 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
1482 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
1483 Counties;

1484 3. Attala, Bolivar, Carroll, Holmes,
1485 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

1486 4. Calhoun, Chickasaw, Choctaw, Clay,
1487 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

1488 5. Claiborne, Copiah, Hinds, Issaquena,
1489 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

1490 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
1491 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
1492 Band of Choctaw Indians;

1493 7. Adams, Amite, Franklin, Jefferson,
1494 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

1495 8. Covington, Forrest, Greene, Jefferson
1496 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

1497 9. George, Hancock, Harrison, Jackson, Pearl
1498 River and Stone Counties.

1499 Any such contract shall set forth the manner of awarding such
1500 a contract, the method of payment, and any other matter deemed



1501 necessary to carry out the purposes of the agreement. Such
1502 contract may be entered into only for a term of one (1) year, with
1503 an option for an additional one-year extension after the
1504 conclusion of the first year of the contract, and only after
1505 having solicited bids or proposals, as appropriate, which shall be
1506 publicly advertised by posting on a web page maintained by the
1507 Department of Finance and Administration through submission of
1508 such advertisement to the Mississippi Procurement Technical
1509 Assistance Program under the Mississippi Development Authority.
1510 The bid opening shall not occur until after the submission has
1511 been posted for at least ten (10) consecutive days. The state's
1512 share of expenditures for solid waste collection, disposal or
1513 monitoring under any contract shall be appropriated and paid in
1514 the manner set forth in the contract and in the same manner as for
1515 other solid waste collection, disposal, or monitoring expenses of
1516 the state. Any contract entered into under this paragraph shall
1517 not be subject to the provisions of Section 17-13-11.

1518 (ii) Any board of supervisors of any county or any
1519 governing authority of any municipality may opt in to the benefits
1520 and services provided under the appropriate and relevant contract
1521 established in subparagraph (i) of this paragraph at the time of a
1522 disaster event in that county or municipality. At the time of opt
1523 in, the county or municipality shall assume responsibility for
1524 payment in full to the contractor for the disaster-related solid
1525 waste collection, disposal or monitoring services provided.



1526 Nothing in this subparagraph (ii) shall be construed as requiring
1527 a county or municipality to opt in to any such contract
1528 established in subparagraph (i) of this paragraph.

1529 **SECTION 4.** This act shall take effect and be in force from
1530 and after July 1, 2024, and shall stand repealed on June 30, 2024.

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

1 AN ACT TO PROVIDE FOR AN INCOME TAX AND INSURANCE PREMIUM TAX
2 CREDIT FOR TAXPAYERS THAT PAY A QUALIFIED COMMUNITY DEVELOPMENT
3 ENTITY FOR QUALIFIED EQUITY INVESTMENTS; TO DEFINE CERTAIN TERMS
4 FOR THE PURPOSES OF THE TAX CREDIT; TO PROVIDE THAT THE AMOUNT OF
5 THE CREDIT SHALL BE EQUAL TO A CERTAIN PERCENTAGE OF THE ADJUSTED
6 PURCHASE PRICE PAID TO THE QUALIFIED COMMUNITY DEVELOPMENT ENTITY
7 FOR THE QUALIFIED EQUITY INVESTMENT; TO PROVIDE THAT THE MAXIMUM
8 AGGREGATE AMOUNT OF THE CREDITS THAT MAY BE ALLOCATED TO ALL
9 TAXPAYERS IN ANY ONE STATE FISCAL YEAR SHALL NOT EXCEED
10 \$21,000,000.00 AND THAT THE CREDITS SHALL BE ALLOCATED BY THE
11 MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE RECAPTURE OF
12 ALL OR A PORTION OF THE CREDIT UNDER CERTAIN CIRCUMSTANCES; TO
13 DEFINE THE TERMS "NEW MARKETS TAX CREDIT TRANSACTION," "PUBLIC
14 BENEFIT CORPORATION," "PUBLIC ENTITY OR PUBLIC ENTITIES" AND
15 "PUBLIC PROPERTY OR FACILITIES"; TO AUTHORIZE PUBLIC ENTITIES TO
16 CREATE PUBLIC BENEFIT CORPORATIONS FOR THE PURPOSE OF ENTERING
17 INTO FINANCING AGREEMENTS AND ENGAGING IN NEW MARKETS TAX CREDIT
18 TRANSACTIONS; TO AUTHORIZE PUBLIC ENTITIES TO ENTER INTO FINANCING
19 ARRANGEMENTS IN ORDER TO TRANSFER PUBLIC PROPERTY OR FACILITIES TO
20 OR FROM PUBLIC BENEFIT CORPORATIONS; TO AUTHORIZE PUBLIC ENTITIES
21 AND PUBLIC BENEFIT CORPORATIONS, WITH RESPECT TO NEW MARKETS TAX
22 CREDIT TRANSACTIONS, TO ENTER INTO FINANCING ARRANGEMENTS WITH
23 GOVERNMENTAL, NONPROFIT OR FOR PROFIT ENTITIES IN ORDER TO
24 LEVERAGE FUNDS NOT OTHERWISE AVAILABLE TO PUBLIC ENTITIES FOR THE
25 ACQUISITION, CONSTRUCTION OR RENOVATION OF PROPERTIES TRANSFERRED
26 TO A PUBLIC BENEFIT CORPORATION; TO AMEND SECTION 27-15-129,
27 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTMENTS THAT MAY
28 REDUCE A TAXPAYER'S INSURANCE PREMIUM TAX LIABILITY UNDER SUCH
29 SECTION SHALL NOT INCLUDE ANY INVESTMENT FOR WHICH A TAX CREDIT IS
30 ALLOCATED UNDER THIS ACT; TO AMEND SECTION 31-7-13, MISSISSIPPI
31 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
32 RELATED PURPOSES.

