

By: Senator(s) Younger

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2895

1 AN ACT TO CREATE NEW SECTION 57-31-35, MISSISSIPPI CODE OF  
 2 1972, TO AUTHORIZE THE ACQUISITION AND DEVELOPMENT BY A COUNTY  
 3 INDUSTRIAL DEVELOPMENT AUTHORITY OR AN ECONOMIC DEVELOPMENT  
 4 DISTRICT OF AT LEAST 800 OR MORE CONTIGUOUS ACRES AS A MEGASITE TO  
 5 ATTRACT SIGNIFICANT INDUSTRIAL DEVELOPMENT PROJECTS; TO PROVIDE  
 6 FOR THE FINANCING AND DEVELOPMENT OF SUCH MEGASITE PROJECTS; TO  
 7 AMEND SECTION 19-9-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY  
 8 COUNTY BOARD OF SUPERVISORS TO ISSUE NEGOTIABLE BONDS OF THE  
 9 COUNTY TO RAISE MONEY FOR THE PURPOSES PROVIDED IN THIS ACT; TO  
 10 AMEND SECTION 19-9-5, MISSISSIPPI CODE OF 1972, TO EXEMPT  
 11 INDEBTEDNESS INCURRED UNDER THIS ACT FROM THE COUNTY DEBT LIMIT;  
 12 TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO EXEMPT  
 13 PURCHASES FOR SUCH MEGASITE PROJECTS FROM PUBLIC BID REQUIREMENTS;  
 14 TO AMEND SECTION 43-37-3, MISSISSIPPI CODE OF 1972, TO EXEMPT ANY  
 15 PERSON, AGENCY OR OTHER ENTITY USING PUBLIC FUNDS IN ACCORDANCE  
 16 WITH THIS ACT FROM CERTAIN APPRAISAL AND PRICING REQUIREMENTS; AND  
 17 FOR RELATED PURPOSES.

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

19 **SECTION 1.** The following shall be codified as Section  
 20 57-31-35, Mississippi Code of 1972:

21 57-31-35. **Qualifying megasite projects.** (1) For purposes  
 22 of this section, the following words shall have the meanings  
 23 ascribed herein, unless the context otherwise requires:

24 (a) "Authority" means an industrial development  
 25 authority created under this chapter or an economic development



26 district created under Section 19-5-99 of any county in which an  
27 industrial development authority is created under this chapter.

28 (b) "Costs of a megasite project" means all costs of a  
29 megasite project including site preparation and other start-up  
30 costs, construction, fixtures, and real and personal property  
31 required for the purposes of a megasite project, whether publicly  
32 or privately owned, including land and any rights or undivided  
33 interest therein, options, easements, franchises, fees, permits,  
34 approvals, licenses and certificates, and the securing of such  
35 permits, approvals, licenses, and certificates, and all machinery  
36 and equipment; any cost associated with the closure, post-closure  
37 maintenance or corrective action on environmental matters,  
38 financing charges and interest prior to and during development  
39 and/or construction during such additional period necessary for  
40 the development and operation of a megasite project; costs of  
41 engineering, surveying, environmental, geotechnical, architectural  
42 and legal services; costs of plans and specifications and all  
43 expenses necessary or incident to determining the feasibility or  
44 practicability of a megasite project; administrative expenses; and  
45 such other expenses as may be necessary or incidental to the  
46 financing authorized in this chapter. The costs of a megasite  
47 project may also include funds for the creation of a debt service  
48 reserve, a renewal and replacement reserve, bond insurance and  
49 credit enhancement, and such other reserves as may be authorized  
50 by any bond resolution or trust agreement or indenture pursuant to



51 the provisions of which the issuance of any such bonds may be  
52 authorized by a county board of supervisors pursuant to subsection  
53 (3) below. Any obligation or expense incurred for any of the  
54 foregoing purposes shall be regarded as a part of the costs of a  
55 megasite project and may be paid or reimbursed as such out of the  
56 proceeds of any revenues obtained by the county, including,  
57 without limitation, special assessments, general obligation bonds  
58 or notes issued pursuant to Section 19-9-1 et seq., or revenue  
59 bonds or notes.

60 (c) "Facilities related to a megasite" means and  
61 includes the acquisition, construction, restoration, repair,  
62 renovation, improvement, demolition or removal of any of the  
63 following, or any portion thereof, as they may pertain to a  
64 megasite and/or the development of one or more industrial projects  
65 thereon:

66 (i) Megasite preparation and improvements,  
67 including clearing, grubbing and grading activities;

68 (ii) Potable and nonpotable water supply systems  
69 that will serve the megasite or any portion thereof, whether or  
70 not such potable and nonpotable water supply systems are located  
71 on or outside of the megasite;

72 (iii) Sewage and waste disposal systems that will  
73 serve the megasite or any portion thereof, whether or not such  
74 sewage and waste disposal systems are located on or outside of the  
75 megasite;



76                   (iv) Storm water drainage and other drainage  
77 systems that will serve the megasite or any portion thereof,  
78 whether or not such storm water drainage and other drainage  
79 systems are located on or outside of the megasite;

80                   (v) Highways, streets and other roadways located  
81 upon the megasite or which are otherwise necessary to provide any  
82 access to and from the megasite or any portion thereof;

83                   (vi) Fire suppression and prevention systems that  
84 will serve the megasite or any portion thereof, whether or not  
85 such fire suppression and prevention systems are located on or  
86 outside of the megasite;

87                   (vii) Utility distribution systems, including, but  
88 not limited to, electricity, natural gas, telephone and other  
89 information and telecommunications facilities, whether by wire,  
90 fiber or wireless means, that will serve the megasite, whether or  
91 not such utility distribution systems are located on or outside of  
92 the megasite, provided that this subparagraph (vii) shall not  
93 empower the authority to acquire, construct, restore, repair,  
94 renovate, improve, demolish or remove any utility distribution  
95 system with respect to the megasite or any portion thereof which  
96 the authority is not otherwise already permitted to do under other  
97 applicable law; and

98                   (viii) Any other purposes authorized by or defined  
99 in Section 19-9-1.



100           (d) "Megasite project" means the acquisition and  
101 development of a megasite by an authority for purposes of  
102 establishing a new industrial park or a single-parcel or  
103 multiple-parcel industrial development zone to attract significant  
104 single-use or multi-use industrial development projects, together  
105 with, as applicable, any industrial project undertaken on a  
106 megasite or any facilities related to a megasite.

107           (e) "Megasite" means any single tract or combination of  
108 contiguous tracts, excluding intervening roadways, railways,  
109 waterways or utility-ways, of at least eight hundred (800) acres  
110 acquired or otherwise under the control of an authority for the  
111 purposes of undertaking a megasite project on all or a portion  
112 thereof, provided that, in the event a megasite initially contains  
113 at least eight hundred (800) acres, the use of the term "megasite"  
114 shall also include any adjoining real property tracts subsequently  
115 acquired or otherwise brought under the control of such authority.

116           (2) (a) An authority is authorized and empowered to:

117                   (i) Acquire by gift, purchase or otherwise, and to  
118 own, hold, maintain, control and develop real estate situated  
119 within the county, or any interests therein, for the purpose of  
120 undertaking a megasite project;

121                   (ii) Acquire by gift, purchase or otherwise, and  
122 to own, hold, repair, maintain, control and develop, any  
123 facilities related to a megasite; and



124 (iii) Sell, lease, sublease, sub-sub lease, sell  
125 and leaseback, lease and sublease-back, trade, exchange or  
126 otherwise convey or dispose of a megasite project or any portions  
127 thereof or any interests therein to individuals, firms or business  
128 enterprises, public or private.

129 (b) Each of the transactions authorized in paragraph  
130 (a) of this subsection (2) shall be for such consideration and  
131 with such safeguards as determined by the authority to best  
132 promote and protect the public interest, convenience and  
133 necessity, and the authority may enter into and execute purchase  
134 options, purchase agreements, deeds, leases, subleases,  
135 development agreements and other contracts, easements and other  
136 legal instruments necessary or convenient therefor. The authority  
137 is further authorized and empowered to undertake any of the  
138 transactions authorized in this subsection (2), and to enter into  
139 and execute any contract, agreement or instruments with respect  
140 thereto, on the basis of negotiation, without the necessity of any  
141 appraisal, advertisement for proposals, bids or offers, or of any  
142 other public procurement or sale requirements.

143 (3) (a) The board of supervisors of any county in which an  
144 authority is created is authorized to:

145 (i) Incur bonded and floating indebtedness by  
146 issuing general obligation bonds, revenue bonds or special  
147 assessment bonds as authorized by any statute authorizing the  
148 issuance of such bonds;



149 (ii) Accept and borrow any loan from the federal  
150 government, its agencies and instrumentalities;

151 (iii) Incur any other indebtedness in any manner  
152 for which it is authorized by law to incur debt;

153 (iv) Appropriate funds for the purposes and in the  
154 manner prescribed by law; and

155 (v) Accept and utilize grants, donations and  
156 contributions from any source, whether public or private, to fund  
157 any costs of a megasite project.

158 (b) Any revenues derived from a project financed with  
159 indebtedness incurred under this section may be pledged in whole  
160 or in part by such county board of supervisors to secure payment  
161 of the bonded indebtedness incurred to finance a project.

162 **SECTION 2.** Section 19-9-1, Mississippi Code of 1972, is  
163 amended as follows:

164 19-9-1. The board of supervisors of any county is authorized  
165 to issue negotiable bonds of the county to raise money for the  
166 following purposes:

167 (a) Purchasing or erecting, equipping, repairing,  
168 reconstructing, remodeling and enlarging county buildings,  
169 courthouses, office buildings, jails, hospitals, nurses' homes,  
170 health centers, clinics, and related facilities, and the purchase  
171 of land therefor;



172           (b) Erecting, equipping, repairing, reconstructing,  
173 remodeling, or acquiring county homes for indigents, and  
174 purchasing land therefor;

175           (c) Purchasing or constructing, repairing, improving  
176 and equipping buildings for public libraries and for purchasing  
177 land, equipment and books therefor, whether the title to same be  
178 vested in the county issuing such bonds or in some subdivision of  
179 the state government other than the county, or jointly in such  
180 county and other such subdivision;

181           (d) Establishing county farms for convicts, purchasing  
182 land therefor, and erecting, remodeling, and equipping necessary  
183 buildings therefor;

184           (e) Constructing, reconstructing, and repairing roads,  
185 highways and bridges, and acquiring the necessary land, including  
186 land for road building materials, acquiring rights-of-way  
187 therefor; and the purchase of heavy construction equipment and  
188 accessories thereto reasonably required to construct, repair and  
189 renovate roads, highways and bridges and approaches thereto within  
190 the county;

191           (f) Erecting, repairing, equipping, remodeling or  
192 enlarging or assisting or cooperating with another county or other  
193 counties in erecting, repairing, equipping, remodeling, or  
194 enlarging buildings, and related facilities for an agricultural  
195 high school, or agricultural high school-junior college, including  
196 gymnasiums, auditoriums, lunchrooms, vocational training





197 buildings, libraries, teachers' homes, school barns, garages for  
198 transportation vehicles, and purchasing land therefor;

199 (g) Purchasing or renting voting machines and any other  
200 election equipment to be used in elections held within the county;

201 (h) Constructing, reconstructing or repairing boat  
202 landing ramps and wharves fronting on the Mississippi Sound or the  
203 Gulf of Mexico and on the banks or shores of the inland waters,  
204 levees, bays and bayous of any county bordering on the Gulf of  
205 Mexico or fronting on the Mississippi Sound, having two (2)  
206 municipalities located therein, each with a population in excess  
207 of twenty thousand (20,000) in accordance with the then last  
208 preceding federal census;

209 (i) Assisting the Board of Trustees of State  
210 Institutions of Higher Learning, the Office of General Services or  
211 any other state agency in acquiring a site for constructing  
212 suitable buildings and runways and equipping an airport for any  
213 state university or other state-supported four-year college now or  
214 hereafter in existence in such county;

215 (j) Aiding and cooperating in the planning,  
216 undertaking, construction or operation of airports and air  
217 navigation facilities, including lending or donating money,  
218 pursuant to the provisions of the airport authorities law, being  
219 Sections 61-3-1 through 61-3-83 \* \* \*, regardless of whether such  
220 airports or air navigation facilities are located in the county or  
221 counties issuing such bonds;



222 (k) Establishing rubbish and garbage disposal systems  
223 in accordance with the provisions of Sections 19-5-17 through  
224 19-5-27;

225 (l) Defraying the expenses of projects of the county  
226 cooperative service district in which it is a participating  
227 county, regardless of whether the project is located in the county  
228 issuing such bonds;

229 (m) Purchasing machinery and equipment which have an  
230 expected useful life in excess of ten (10) years. The life of  
231 such bonds shall not exceed the expected useful life of such  
232 machinery and equipment. Machinery and equipment shall not  
233 include any motor vehicle weighing less than twelve thousand  
234 (12,000) pounds;

235 (n) Purchasing fire fighting equipment and apparatus,  
236 and providing housing for the same and purchasing land necessary  
237 therefor;

238 (o) A project for which a certificate of public  
239 convenience and necessity has been obtained by the county pursuant  
240 to the Regional Economic Development Act;

241 (p) Constructing dams or low-water control structures  
242 on lakes or bodies of water under the provisions of Section  
243 19-5-92; and

244 (q) For the purposes provided for in Sections 57-31-35  
245 and 57-75-37.



246           **SECTION 3.** Section 19-9-5, Mississippi Code of 1972, is  
247 amended as follows:

248           19-9-5. No county shall hereafter issue bonds secured by a  
249 pledge of its full faith and credit for the purposes authorized by  
250 law in an amount which, when added to the then outstanding bonds  
251 of such county, shall exceed either (a) fifteen percent (15%) of  
252 the assessed value of the taxable property within such county  
253 according to the last completed assessment for taxation, or (b)  
254 fifteen percent (15%) of the assessment upon which taxes were  
255 levied for its fiscal year ending September 30, 1984, whichever is  
256 greater.

257           However, any county in the state which shall have experienced  
258 washed-out or collapsed bridges on the public roads of the county  
259 for any cause or reason may hereafter issue bonds for bridge  
260 purposes as now authorized by law in an amount which, when added  
261 to the then outstanding general obligation bonds of such county,  
262 shall not exceed either (a) twenty percent (20%) of the assessed  
263 value of the taxable property within such county according to the  
264 last completed assessment for taxation or (b) fifteen percent  
265 (15%) of the assessment upon which taxes were levied for its  
266 fiscal year ending September 30, 1984, whichever is greater.

267           Provided further, in computing such indebtedness, there may  
268 be deducted all bonds or other evidences of indebtedness  
269 heretofore or hereafter issued, for the construction of hospitals,  
270 ports or other capital improvements which are payable primarily



271 from the net revenue to be generated from such hospital, port or  
272 other capital improvement, which revenue shall be pledged to the  
273 retirement of such bonds or other evidences of indebtedness,  
274 together with the full faith and credit of the county. However,  
275 in no case shall any county contract any indebtedness payable, in  
276 whole or in part, from proceeds of ad valorem taxes which, when  
277 added to all of the outstanding general obligation indebtedness,  
278 both bonded and floating, shall exceed either (a) twenty percent  
279 (20%) of the assessed value of all taxable property within such  
280 county according to the last completed assessment for taxation, or  
281 (b) fifteen percent (15%) of the assessment upon which taxes were  
282 levied for its fiscal year ending September 30, 1984, whichever is  
283 greater. Nothing herein contained shall be construed to apply to  
284 contract obligations in any form heretofore or hereafter incurred  
285 by any county which are subject to annual appropriations therefor,  
286 or to bonds heretofore or hereafter issued by any county for  
287 school purposes, or to bonds issued by any county under the  
288 provisions of Sections 57-1-1 through 57-1-51, or to any  
289 indebtedness incurred under Section 55-23-8, or to bonds issued  
290 under Section 57-75-37 or to any other indebtedness incurred under  
291 Sections 57-31-35, 57-75-37(4), \* \* \* 57-75-37(5) \* \* \*, \* \* \*  
292 57-75-37(6) or \* \* \* 57-75-37(7).

293       **SECTION 4.** Section 31-7-13, Mississippi Code of 1972, is  
294 amended as follows:



295 31-7-13. All agencies and governing authorities shall  
296 purchase their commodities and printing; contract for garbage  
297 collection or disposal; contract for solid waste collection or  
298 disposal; contract for sewage collection or disposal; contract for  
299 public construction; and contract for rentals as herein provided.

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

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

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

310 more than Five Thousand Dollars (\$5,000.00) but not more than  
311 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight  
312 and shipping charges, may be made from the lowest and best bidder  
313 without publishing or posting advertisement for bids, provided at  
314 least two (2) competitive written bids have been obtained. Any  
315 state agency or community or junior college purchasing commodities  
316 or procuring construction pursuant to this paragraph (b) may  
317 authorize its purchasing agent, or his designee, to accept the  
318 lowest competitive written bid under Seventy-five Thousand Dollars  
319 (\$75,000.00). Any governing authority purchasing commodities



320 pursuant to this paragraph (b) may authorize its purchasing agent,  
321 or his designee, with regard to governing authorities other than  
322 counties, or its purchase clerk, or his designee, with regard to  
323 counties, to accept the lowest and best competitive written bid.  
324 Such authorization shall be made in writing by the governing  
325 authority and shall be maintained on file in the primary office of  
326 the agency and recorded in the official minutes of the governing  
327 authority, as appropriate. The purchasing agent or the purchase  
328 clerk, or his designee, as the case may be, and not the governing  
329 authority, shall be liable for any penalties and/or damages as may  
330 be imposed by law for any act or omission of the purchasing agent  
331 or purchase clerk, or his designee, constituting a violation of  
332 law in accepting any bid without approval by the governing  
333 authority. The term "competitive written bid" shall mean a bid  
334 submitted on a bid form furnished by the buying agency or  
335 governing authority and signed by authorized personnel  
336 representing the vendor, or a bid submitted on a vendor's  
337 letterhead or identifiable bid form and signed by authorized  
338 personnel representing the vendor. "Competitive" shall mean that  
339 the bids are developed based upon comparable identification of the  
340 needs and are developed independently and without knowledge of  
341 other bids or prospective bids. Any bid item for construction in  
342 excess of Five Thousand Dollars (\$5,000.00) shall be broken down  
343 by components to provide detail of component description and  
344 pricing. These details shall be submitted with the written bids



345 and become part of the bid evaluation criteria. Bids may be  
346 submitted by facsimile, electronic mail or other generally  
347 accepted method of information distribution. Bids submitted by  
348 electronic transmission shall not require the signature of the  
349 vendor's representative unless required by agencies or governing  
350 authorities.

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

352 (i) **Publication requirement.**

353 1. Purchases which involve an expenditure of  
354 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of  
355 freight and shipping charges, may be made from the lowest and best  
356 bidder after advertising for competitive bids once each week for  
357 two (2) consecutive weeks in a regular newspaper published in the  
358 county or municipality in which such agency or governing authority  
359 is located. However, all American Recovery and Reinvestment Act  
360 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
361 shall be bid. All references to American Recovery and  
362 Reinvestment Act projects in this section shall not apply to  
363 programs identified in Division B of the American Recovery and  
364 Reinvestment Act.

365 2. Reverse auctions shall be the primary  
366 method for receiving bids during the bidding process. If a  
367 purchasing entity determines that a reverse auction is not in the  
368 best interest of the state, then that determination must be  
369 approved by the Public Procurement Review Board. The purchasing



370 entity shall submit a detailed explanation of why a reverse  
371 auction would not be in the best interest of the state and present  
372 an alternative process to be approved by the Public Procurement  
373 Review Board. If the Public Procurement Review Board authorizes  
374 the purchasing entity to solicit bids with a method other than  
375 reverse auction, then the purchasing entity may designate the  
376 other methods by which the bids will be received, including, but  
377 not limited to, bids sealed in an envelope, bids received  
378 electronically in a secure system, or bids received by any other  
379 method that promotes open competition and has been approved by the  
380 Office of Purchasing and Travel. However, reverse auction shall  
381 not be used for any public contract for design, construction,  
382 improvement, repair or remodeling of any public facilities,  
383 including the purchase of materials, supplies, equipment or goods  
384 for same and including buildings, roads and bridges. The Public  
385 Procurement Review Board must approve any contract entered into by  
386 alternative process. The provisions of this item 2 shall not  
387 apply to the individual state institutions of higher learning.  
388 The provisions of this item 2 requiring reverse auction as the  
389 primary method of receiving bids shall not apply to term contract  
390 purchases as provided in paragraph (n) of this section; however, a  
391 purchasing entity may, in its discretion, utilize reverse auction  
392 for such purchases. The provisions of this item 2 shall not apply  
393 to individual public schools, including public charter schools and  
394 public school districts, only when purchasing copyrighted





395 educational supplemental materials and software as a service  
396 product. For such purchases, a local school board may authorize a  
397 purchasing entity in its jurisdiction to use a Request for  
398 Qualifications which promotes open competition and meets the  
399 requirements of the Office of Purchasing and Travel.

400           3. The date as published for the bid opening  
401 shall not be less than seven (7) working days after the last  
402 published notice; however, if the purchase involves a construction  
403 project in which the estimated cost is in excess of Seventy-five  
404 Thousand Dollars (\$75,000.00), such bids shall not be opened in  
405 less than fifteen (15) working days after the last notice is  
406 published and the notice for the purchase of such construction  
407 shall be published once each week for two (2) consecutive weeks.  
408 However, all American Recovery and Reinvestment Act projects in  
409 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.  
410 For any projects in excess of Twenty-five Thousand Dollars  
411 (\$25,000.00) under the American Recovery and Reinvestment Act,  
412 publication shall be made one (1) time and the bid opening for  
413 construction projects shall not be less than ten (10) working days  
414 after the date of the published notice. The notice of intention  
415 to let contracts or purchase equipment shall state the time and  
416 place at which bids shall be received, list the contracts to be  
417 made or types of equipment or supplies to be purchased, and, if  
418 all plans and/or specifications are not published, refer to the  
419 plans and/or specifications on file. If there is no newspaper



420 published in the county or municipality, then such notice shall be  
421 given by posting same at the courthouse, or for municipalities at  
422 the city hall, and at two (2) other public places in the county or  
423 municipality, and also by publication once each week for two (2)  
424 consecutive weeks in some newspaper having a general circulation  
425 in the county or municipality in the above-provided manner. On  
426 the same date that the notice is submitted to the newspaper for  
427 publication, the agency or governing authority involved shall mail  
428 written notice to, or provide electronic notification to the main  
429 office of the Mississippi Procurement Technical Assistance Program  
430 under the Mississippi Development Authority that contains the same  
431 information as that in the published notice. Submissions received  
432 by the Mississippi Procurement Technical Assistance Program for  
433 projects funded by the American Recovery and Reinvestment Act  
434 shall be displayed on a separate and unique Internet web page  
435 accessible to the public and maintained by the Mississippi  
436 Development Authority for the Mississippi Procurement Technical  
437 Assistance Program. Those American Recovery and Reinvestment Act  
438 related submissions shall be publicly posted within twenty-four  
439 (24) hours of receipt by the Mississippi Development Authority and  
440 the bid opening shall not occur until the submission has been  
441 posted for ten (10) consecutive days. The Department of Finance  
442 and Administration shall maintain information regarding contracts  
443 and other expenditures from the American Recovery and Reinvestment  
444 Act, on a unique Internet web page accessible to the public. The



445 Department of Finance and Administration shall promulgate rules  
446 regarding format, content and deadlines, unless otherwise  
447 specified by law, of the posting of award notices, contract  
448 execution and subsequent amendments, links to the contract  
449 documents, expenditures against the awarded contracts and general  
450 expenditures of funds from the American Recovery and Reinvestment  
451 Act. Within one (1) working day of the contract award, the agency  
452 or governing authority shall post to the designated web page  
453 maintained by the Department of Finance and Administration, notice  
454 of the award, including the award recipient, the contract amount,  
455 and a brief summary of the contract in accordance with rules  
456 promulgated by the department. Within one (1) working day of the  
457 contract execution, the agency or governing authority shall post  
458 to the designated web page maintained by the Department of Finance  
459 and Administration a summary of the executed contract and make a  
460 copy of the appropriately redacted contract documents available  
461 for linking to the designated web page in accordance with the  
462 rules promulgated by the department. The information provided by  
463 the agency or governing authority shall be posted to the web page  
464 for the duration of the American Recovery and Reinvestment Act  
465 funding or until the project is completed, whichever is longer.

466 (ii) **Bidding process amendment procedure.** If all  
467 plans and/or specifications are published in the notification,  
468 then the plans and/or specifications may not be amended. If all  
469 plans and/or specifications are not published in the notification,



470 then amendments to the plans/specifications, bid opening date, bid  
471 opening time and place may be made, provided that the agency or  
472 governing authority maintains a list of all prospective bidders  
473 who are known to have received a copy of the bid documents and all  
474 such prospective bidders are sent copies of all amendments. This  
475 notification of amendments may be made via mail, facsimile,  
476 electronic mail or other generally accepted method of information  
477 distribution. No addendum to bid specifications may be issued  
478 within two (2) working days of the time established for the  
479 receipt of bids unless such addendum also amends the bid opening  
480 to a date not less than five (5) working days after the date of  
481 the addendum.

482 (iii) **Filing requirement.** In all cases involving  
483 governing authorities, before the notice shall be published or  
484 posted, the plans or specifications for the construction or  
485 equipment being sought shall be filed with the clerk of the board  
486 of the governing authority. In addition to these requirements, a  
487 bid file shall be established which shall indicate those vendors  
488 to whom such solicitations and specifications were issued, and  
489 such file shall also contain such information as is pertinent to  
490 the bid.

491 (iv) **Specification restrictions.**

492 1. Specifications pertinent to such bidding  
493 shall be written so as not to exclude comparable equipment of  
494 domestic manufacture. However, if valid justification is



495 presented, the Department of Finance and Administration or the  
496 board of a governing authority may approve a request for specific  
497 equipment necessary to perform a specific job. Further, such  
498 justification, when placed on the minutes of the board of a  
499 governing authority, may serve as authority for that governing  
500 authority to write specifications to require a specific item of  
501 equipment needed to perform a specific job. In addition to these  
502 requirements, from and after July 1, 1990, vendors of relocatable  
503 classrooms and the specifications for the purchase of such  
504 relocatable classrooms published by local school boards shall meet  
505 all pertinent regulations of the State Board of Education,  
506 including prior approval of such bid by the State Department of  
507 Education.

508                   2. Specifications for construction projects  
509 may include an allowance for commodities, equipment, furniture,  
510 construction materials or systems in which prospective bidders are  
511 instructed to include in their bids specified amounts for such  
512 items so long as the allowance items are acquired by the vendor in  
513 a commercially reasonable manner and approved by the  
514 agency/governing authority. Such acquisitions shall not be made  
515 to circumvent the public purchasing laws.

516                   (v) **Electronic bids.** Agencies and governing  
517 authorities shall provide a secure electronic interactive system  
518 for the submittal of bids requiring competitive bidding that shall  
519 be an additional bidding option for those bidders who choose to



520 submit their bids electronically. The Department of Finance and  
521 Administration shall provide, by regulation, the standards that  
522 agencies must follow when receiving electronic bids. Agencies and  
523 governing authorities shall make the appropriate provisions  
524 necessary to accept electronic bids from those bidders who choose  
525 to submit their bids electronically for all purchases requiring  
526 competitive bidding under this section. Any special condition or  
527 requirement for the electronic bid submission shall be specified  
528 in the advertisement for bids required by this section. Agencies  
529 or governing authorities that are currently without available high  
530 speed Internet access shall be exempt from the requirement of this  
531 subparagraph (v) until such time that high speed Internet access  
532 becomes available. Any county having a population of less than  
533 twenty thousand (20,000) shall be exempt from the provisions of  
534 this subparagraph (v). Any municipality having a population of  
535 less than ten thousand (10,000) shall be exempt from the  
536 provisions of this subparagraph (v). The provisions of this  
537 subparagraph (v) shall not require any bidder to submit bids  
538 electronically. When construction bids are submitted  
539 electronically, the requirement for including a certificate of  
540 responsibility, or a statement that the bid enclosed does not  
541 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the  
542 bid envelope as indicated in Section 31-3-21(1) and (2) shall be  
543 deemed in compliance with by including same as an attachment with  
544 the electronic bid submittal.



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

546 (i) **Decision procedure.** Purchases may be made  
547 from the lowest and best bidder. In determining the lowest and  
548 best bid, freight and shipping charges shall be included.  
549 Life-cycle costing, total cost bids, warranties, guaranteed  
550 buy-back provisions and other relevant provisions may be included  
551 in the best bid calculation. All best bid procedures for state  
552 agencies must be in compliance with regulations established by the  
553 Department of Finance and Administration. If any governing  
554 authority accepts a bid other than the lowest bid actually  
555 submitted, it shall place on its minutes detailed calculations and  
556 narrative summary showing that the accepted bid was determined to  
557 be the lowest and best bid, including the dollar amount of the  
558 accepted bid and the dollar amount of the lowest bid. No agency  
559 or governing authority shall accept a bid based on items not  
560 included in the specifications.

561 (ii) **Decision procedure for Certified Purchasing**  
562 **Offices.** In addition to the decision procedure set forth in  
563 subparagraph (i) of this paragraph (d), Certified Purchasing  
564 Offices may also use the following procedure: Purchases may be  
565 made from the bidder offering the best value. In determining the  
566 best value bid, freight and shipping charges shall be included.  
567 Life-cycle costing, total cost bids, warranties, guaranteed  
568 buy-back provisions, documented previous experience, training  
569 costs and other relevant provisions, including, but not limited



570 to, a bidder having a local office and inventory located within  
571 the jurisdiction of the governing authority, may be included in  
572 the best value calculation. This provision shall authorize  
573 Certified Purchasing Offices to utilize a Request For Proposals  
574 (RFP) process when purchasing commodities. All best value  
575 procedures for state agencies must be in compliance with  
576 regulations established by the Department of Finance and  
577 Administration. No agency or governing authority shall accept a  
578 bid based on items or criteria not included in the specifications.

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

580 **Landmarks.** In addition to the decision procedure set forth in  
581 subparagraph (i) of this paragraph (d), where purchase involves  
582 renovation, restoration, or both, of the State Capitol Building or  
583 any other historical building designated for at least five (5)  
584 years as a Mississippi Landmark by the Board of Trustees of the  
585 Department of Archives and History under the authority of Sections  
586 39-7-7 and 39-7-11, the agency or governing authority may use the  
587 following procedure: Purchases may be made from the lowest and  
588 best prequalified bidder. Prequalification of bidders shall be  
589 determined not less than fifteen (15) working days before the  
590 first published notice of bid opening. Prequalification criteria  
591 shall be limited to bidder's knowledge and experience in  
592 historical restoration, preservation and renovation. In  
593 determining the lowest and best bid, freight and shipping charges  
594 shall be included. Life-cycle costing, total cost bids,





595 warranties, guaranteed buy-back provisions and other relevant  
596 provisions may be included in the best bid calculation. All best  
597 bid and prequalification procedures for state agencies must be in  
598 compliance with regulations established by the Department of  
599 Finance and Administration. If any governing authority accepts a  
600 bid other than the lowest bid actually submitted, it shall place  
601 on its minutes detailed calculations and narrative summary showing  
602 that the accepted bid was determined to be the lowest and best  
603 bid, including the dollar amount of the accepted bid and the  
604 dollar amount of the lowest bid. No agency or governing authority  
605 shall accept a bid based on items not included in the  
606 specifications.

607 (iv) **Construction project negotiations authority.**  
608 If the lowest and best bid is not more than ten percent (10%)  
609 above the amount of funds allocated for a public construction or  
610 renovation project, then the agency or governing authority shall  
611 be permitted to negotiate with the lowest bidder in order to enter  
612 into a contract for an amount not to exceed the funds allocated.

613 (e) **Lease-purchase authorization.** For the purposes of  
614 this section, the term "equipment" shall mean equipment, furniture  
615 and, if applicable, associated software and other applicable  
616 direct costs associated with the acquisition. Any lease-purchase  
617 of equipment which an agency is not required to lease-purchase  
618 under the master lease-purchase program pursuant to Section  
619 31-7-10 and any lease-purchase of equipment which a governing



620 authority elects to lease-purchase may be acquired by a  
621 lease-purchase agreement under this paragraph (e). Lease-purchase  
622 financing may also be obtained from the vendor or from a  
623 third-party source after having solicited and obtained at least  
624 two (2) written competitive bids, as defined in paragraph (b) of  
625 this section, for such financing without advertising for such  
626 bids. Solicitation for the bids for financing may occur before or  
627 after acceptance of bids for the purchase of such equipment or,  
628 where no such bids for purchase are required, at any time before  
629 the purchase thereof. No such lease-purchase agreement shall be  
630 for an annual rate of interest which is greater than the overall  
631 maximum interest rate to maturity on general obligation  
632 indebtedness permitted under Section 75-17-101, and the term of  
633 such lease-purchase agreement shall not exceed the useful life of  
634 equipment covered thereby as determined according to the upper  
635 limit of the asset depreciation range (ADR) guidelines for the  
636 Class Life Asset Depreciation Range System established by the  
637 Internal Revenue Service pursuant to the United States Internal  
638 Revenue Code and regulations thereunder as in effect on December  
639 31, 1980, or comparable depreciation guidelines with respect to  
640 any equipment not covered by ADR guidelines. Any lease-purchase  
641 agreement entered into pursuant to this paragraph (e) may contain  
642 any of the terms and conditions which a master lease-purchase  
643 agreement may contain under the provisions of Section 31-7-10(5),  
644 and shall contain an annual allocation dependency clause



645 substantially similar to that set forth in Section 31-7-10(8).  
646 Each agency or governing authority entering into a lease-purchase  
647 transaction pursuant to this paragraph (e) shall maintain with  
648 respect to each such lease-purchase transaction the same  
649 information as required to be maintained by the Department of  
650 Finance and Administration pursuant to Section 31-7-10(13).  
651 However, nothing contained in this section shall be construed to  
652 permit agencies to acquire items of equipment with a total  
653 acquisition cost in the aggregate of less than Ten Thousand  
654 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
655 equipment, and the purchase thereof by any lessor, acquired by  
656 lease-purchase under this paragraph and all lease-purchase  
657 payments with respect thereto shall be exempt from all Mississippi  
658 sales, use and ad valorem taxes. Interest paid on any  
659 lease-purchase agreement under this section shall be exempt from  
660 State of Mississippi income taxation.

661 (f) **Alternate bid authorization.** When necessary to  
662 ensure ready availability of commodities for public works and the  
663 timely completion of public projects, no more than two (2)  
664 alternate bids may be accepted by a governing authority for  
665 commodities. No purchases may be made through use of such  
666 alternate bids procedure unless the lowest and best bidder cannot  
667 deliver the commodities contained in his bid. In that event,  
668 purchases of such commodities may be made from one (1) of the  
669 bidders whose bid was accepted as an alternate.



670           (g) **Construction contract change authorization.** In the  
671 event a determination is made by an agency or governing authority  
672 after a construction contract is let that changes or modifications  
673 to the original contract are necessary or would better serve the  
674 purpose of the agency or the governing authority, such agency or  
675 governing authority may, in its discretion, order such changes  
676 pertaining to the construction that are necessary under the  
677 circumstances without the necessity of further public bids;  
678 provided that such change shall be made in a commercially  
679 reasonable manner and shall not be made to circumvent the public  
680 purchasing statutes. In addition to any other authorized person,  
681 the architect or engineer hired by an agency or governing  
682 authority with respect to any public construction contract shall  
683 have the authority, when granted by an agency or governing  
684 authority, to authorize changes or modifications to the original  
685 contract without the necessity of prior approval of the agency or  
686 governing authority when any such change or modification is less  
687 than one percent (1%) of the total contract amount. The agency or  
688 governing authority may limit the number, manner or frequency of  
689 such emergency changes or modifications.

690           (h) **Petroleum purchase alternative.** In addition to  
691 other methods of purchasing authorized in this chapter, when any  
692 agency or governing authority shall have a need for gas, diesel  
693 fuel, oils and/or other petroleum products in excess of the amount  
694 set forth in paragraph (a) of this section, such agency or



695 governing authority may purchase the commodity after having  
696 solicited and obtained at least two (2) competitive written bids,  
697 as defined in paragraph (b) of this section. If two (2)  
698 competitive written bids are not obtained, the entity shall comply  
699 with the procedures set forth in paragraph (c) of this section.  
700 In the event any agency or governing authority shall have  
701 advertised for bids for the purchase of gas, diesel fuel, oils and  
702 other petroleum products and coal and no acceptable bids can be  
703 obtained, such agency or governing authority is authorized and  
704 directed to enter into any negotiations necessary to secure the  
705 lowest and best contract available for the purchase of such  
706 commodities.

707           (i) **Road construction petroleum products price**  
708 **adjustment clause authorization.** Any agency or governing  
709 authority authorized to enter into contracts for the construction,  
710 maintenance, surfacing or repair of highways, roads or streets,  
711 may include in its bid proposal and contract documents a price  
712 adjustment clause with relation to the cost to the contractor,  
713 including taxes, based upon an industry-wide cost index, of  
714 petroleum products including asphalt used in the performance or  
715 execution of the contract or in the production or manufacture of  
716 materials for use in such performance. Such industry-wide index  
717 shall be established and published monthly by the Mississippi  
718 Department of Transportation with a copy thereof to be mailed,  
719 upon request, to the clerks of the governing authority of each



720 municipality and the clerks of each board of supervisors  
721 throughout the state. The price adjustment clause shall be based  
722 on the cost of such petroleum products only and shall not include  
723 any additional profit or overhead as part of the adjustment. The  
724 bid proposals or document contract shall contain the basis and  
725 methods of adjusting unit prices for the change in the cost of  
726 such petroleum products.

727           (j) **State agency emergency purchase procedure.** If the  
728 governing board or the executive head, or his designees, of any  
729 agency of the state shall determine that an emergency exists in  
730 regard to the purchase of any commodities or repair contracts, so  
731 that the delay incident to giving opportunity for competitive  
732 bidding would be detrimental to the interests of the state, then  
733 the head of such agency, or his designees, shall file with the  
734 Department of Finance and Administration (i) a statement  
735 explaining the conditions and circumstances of the emergency,  
736 which shall include a detailed description of the events leading  
737 up to the situation and the negative impact to the entity if the  
738 purchase is made following the statutory requirements set forth in  
739 paragraph (a), (b) or (c) of this section, and (ii) a certified  
740 copy of the appropriate minutes of the board of such agency  
741 requesting the emergency purchase, if applicable. Upon receipt of  
742 the statement and applicable board certification, the State Fiscal  
743 Officer, or his designees, may, in writing, authorize the purchase



744 or repair without having to comply with competitive bidding  
745 requirements.

746 If the governing board or the executive head, or his  
747 designees, of any agency determines that an emergency exists in  
748 regard to the purchase of any commodities or repair contracts, so  
749 that the delay incident to giving opportunity for competitive  
750 bidding would threaten the health or safety of any person, or the  
751 preservation or protection of property, then the provisions in  
752 this section for competitive bidding shall not apply, and any  
753 officer or agent of the agency having general or specific  
754 authority for making the purchase or repair contract shall approve  
755 the bill presented for payment, and he shall certify in writing  
756 from whom the purchase was made, or with whom the repair contract  
757 was made.

758 Total purchases made under this paragraph (j) shall only be  
759 for the purpose of meeting needs created by the emergency  
760 situation. Following the emergency purchase, documentation of the  
761 purchase, including a description of the commodity purchased, the  
762 purchase price thereof and the nature of the emergency shall be  
763 filed with the Department of Finance and Administration. Any  
764 contract awarded pursuant to this paragraph (j) shall not exceed a  
765 term of one (1) year.

766 Purchases under the grant program established under Section  
767 37-68-7 in response to COVID-19 and the directive that school  
768 districts create a distance learning plan and fulfill technology



769 needs expeditiously shall be deemed an emergency purchase for  
770 purposes of this paragraph (j).

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

772 If the governing authority, or the governing authority acting  
773 through its designee, shall determine that an emergency exists in  
774 regard to the purchase of any commodities or repair contracts, so  
775 that the delay incident to giving opportunity for competitive  
776 bidding would be detrimental to the interest of the governing  
777 authority, then the provisions herein for competitive bidding  
778 shall not apply and any officer or agent of such governing  
779 authority having general or special authority therefor in making  
780 such purchase or repair shall approve the bill presented therefor,  
781 and he shall certify in writing thereon from whom such purchase  
782 was made, or with whom such a repair contract was made. At the  
783 board meeting next following the emergency purchase or repair  
784 contract, documentation of the purchase or repair contract,  
785 including a description of the commodity purchased, the price  
786 thereof and the nature of the emergency shall be presented to the  
787 board and shall be placed on the minutes of the board of such  
788 governing authority. Purchases under the grant program  
789 established under Section 37-68-7 in response to COVID-19 and the  
790 directive that school districts create a distance learning plan  
791 and fulfill technology needs expeditiously shall be deemed an  
792 emergency purchase for purposes of this paragraph (k).





793                   (1)   **Hospital purchase, lease-purchase and lease**  
794 **authorization.**

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

800                   (ii)   In addition to the authority granted in  
801 subparagraph (i) of this paragraph (1), the commissioners or board  
802 of trustees is authorized to enter into contracts for the lease of  
803 equipment or services, or both, which it considers necessary for  
804 the proper care of patients if, in its opinion, it is not  
805 financially feasible to purchase the necessary equipment or  
806 services. Any such contract for the lease of equipment or  
807 services executed by the commissioners or board shall not exceed a  
808 maximum of five (5) years' duration and shall include a  
809 cancellation clause based on unavailability of funds. If such  
810 cancellation clause is exercised, there shall be no further  
811 liability on the part of the lessee. Any such contract for the  
812 lease of equipment or services executed on behalf of the  
813 commissioners or board that complies with the provisions of this  
814 subparagraph (ii) shall be excepted from the bid requirements set  
815 forth in this section.

816                   (m)   **Exceptions from bidding requirements.** Excepted  
817 from bid requirements are:



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

819 Purchasing agreements, contracts and maximum price regulations  
820 executed or approved by the Department of Finance and  
821 Administration.

822 (ii) **Outside equipment repairs.** Repairs to  
823 equipment, when such repairs are made by repair facilities in the  
824 private sector; however, engines, transmissions, rear axles and/or  
825 other such components shall not be included in this exemption when  
826 replaced as a complete unit instead of being repaired and the need  
827 for such total component replacement is known before disassembly  
828 of the component; however, invoices identifying the equipment,  
829 specific repairs made, parts identified by number and name,  
830 supplies used in such repairs, and the number of hours of labor  
831 and costs therefor shall be required for the payment for such  
832 repairs.

833 (iii) **In-house equipment repairs.** Purchases of  
834 parts for repairs to equipment, when such repairs are made by  
835 personnel of the agency or governing authority; however, entire  
836 assemblies, such as engines or transmissions, shall not be  
837 included in this exemption when the entire assembly is being  
838 replaced instead of being repaired.

839 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
840 of gravel or fill dirt which are to be removed and transported by  
841 the purchaser.



842                   (v)   **Governmental equipment auctions.**   Motor  
843 vehicles or other equipment purchased from a federal agency or  
844 authority, another governing authority or state agency of the  
845 State of Mississippi, or any governing authority or state agency  
846 of another state at a public auction held for the purpose of  
847 disposing of such vehicles or other equipment. Any purchase by a  
848 governing authority under the exemption authorized by this  
849 subparagraph (v) shall require advance authorization spread upon  
850 the minutes of the governing authority to include the listing of  
851 the item or items authorized to be purchased and the maximum bid  
852 authorized to be paid for each item or items.

853                   (vi)   **Intergovernmental sales and transfers.**  
854 Purchases, sales, transfers or trades by governing authorities or  
855 state agencies when such purchases, sales, transfers or trades are  
856 made by a private treaty agreement or through means of  
857 negotiation, from any federal agency or authority, another  
858 governing authority or state agency of the State of Mississippi,  
859 or any state agency or governing authority of another state.  
860 Nothing in this section shall permit such purchases through public  
861 auction except as provided for in subparagraph (v) of this  
862 paragraph (m). It is the intent of this section to allow  
863 governmental entities to dispose of and/or purchase commodities  
864 from other governmental entities at a price that is agreed to by  
865 both parties. This shall allow for purchases and/or sales at  
866 prices which may be determined to be below the market value if the



867 selling entity determines that the sale at below market value is  
868 in the best interest of the taxpayers of the state. Governing  
869 authorities shall place the terms of the agreement and any  
870 justification on the minutes, and state agencies shall obtain  
871 approval from the Department of Finance and Administration, prior  
872 to releasing or taking possession of the commodities.

873 (vii) **Perishable supplies or food.** Perishable  
874 supplies or food purchased for use in connection with hospitals,  
875 the school lunch programs, homemaking programs and for the feeding  
876 of county or municipal prisoners.

877 (viii) **Single-source items.** Noncompetitive items  
878 available from one (1) source only. In connection with the  
879 purchase of noncompetitive items only available from one (1)  
880 source, a certification of the conditions and circumstances  
881 requiring the purchase shall be filed by the agency with the  
882 Department of Finance and Administration and by the governing  
883 authority with the board of the governing authority. Upon receipt  
884 of that certification the Department of Finance and Administration  
885 or the board of the governing authority, as the case may be, may,  
886 in writing, authorize the purchase, which authority shall be noted  
887 on the minutes of the body at the next regular meeting thereafter.  
888 In those situations, a governing authority is not required to  
889 obtain the approval of the Department of Finance and  
890 Administration. Following the purchase, the executive head of the  
891 state agency, or his designees, shall file with the Department of



892 Finance and Administration, documentation of the purchase,  
893 including a description of the commodity purchased, the purchase  
894 price thereof and the source from whom it was purchased.

895 (ix) **Waste disposal facility construction**  
896 **contracts.** Construction of incinerators and other facilities for  
897 disposal of solid wastes in which products either generated  
898 therein, such as steam, or recovered therefrom, such as materials  
899 for recycling, are to be sold or otherwise disposed of; however,  
900 in constructing such facilities, a governing authority or agency  
901 shall publicly issue requests for proposals, advertised for in the  
902 same manner as provided herein for seeking bids for public  
903 construction projects, concerning the design, construction,  
904 ownership, operation and/or maintenance of such facilities,  
905 wherein such requests for proposals when issued shall contain  
906 terms and conditions relating to price, financial responsibility,  
907 technology, environmental compatibility, legal responsibilities  
908 and such other matters as are determined by the governing  
909 authority or agency to be appropriate for inclusion; and after  
910 responses to the request for proposals have been duly received,  
911 the governing authority or agency may select the most qualified  
912 proposal or proposals on the basis of price, technology and other  
913 relevant factors and from such proposals, but not limited to the  
914 terms thereof, negotiate and enter contracts with one or more of  
915 the persons or firms submitting proposals.



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

919                   (xi) **Information technology products.** Purchases  
920 of information technology products made by governing authorities  
921 under the provisions of purchase schedules, or contracts executed  
922 or approved by the Mississippi Department of Information  
923 Technology Services and designated for use by governing  
924 authorities.

925                   (xii) **Energy efficiency services and equipment.**  
926 Energy efficiency services and equipment acquired by school  
927 districts, community and junior colleges, institutions of higher  
928 learning and state agencies or other applicable governmental  
929 entities on a shared-savings, lease or lease-purchase basis  
930 pursuant to Section 31-7-14.

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

935                   (xiv) **Library books and other reference materials.**  
936 Purchases by libraries or for libraries of books and periodicals;  
937 processed film, videocassette tapes, filmstrips and slides;  
938 recorded audiotapes, cassettes and diskettes; and any such items  
939 as would be used for teaching, research or other information  
940 distribution; however, equipment such as projectors, recorders,



941 audio or video equipment, and monitor televisions are not exempt  
942 under this subparagraph.

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

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

949 (xvii) **Multichannel interactive video systems.**  
950 From and after July 1, 1990, contracts by Mississippi Authority  
951 for Educational Television with any private educational  
952 institution or private nonprofit organization whose purposes are  
953 educational in regard to the construction, purchase, lease or  
954 lease-purchase of facilities and equipment and the employment of  
955 personnel for providing multichannel interactive video systems  
956 (ITSF) in the school districts of this state.

957 (xviii) **Purchases of prison industry products by**  
958 **the Department of Corrections, regional correctional facilities or**  
959 **privately owned prisons.** Purchases made by the Mississippi  
960 Department of Corrections, regional correctional facilities or  
961 privately owned prisons involving any item that is manufactured,  
962 processed, grown or produced from the state's prison industries.

963 (xix) **Undercover operations equipment.** Purchases  
964 of surveillance equipment or any other high-tech equipment to be  
965 used by law enforcement agents in undercover operations, provided



966 that any such purchase shall be in compliance with regulations  
967 established by the Department of Finance and Administration.

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

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

977 (xxii) **Garbage, solid waste and sewage contracts.**  
978 Contracts for garbage collection or disposal, contracts for solid  
979 waste collection or disposal and contracts for sewage collection  
980 or disposal.

981 (xxiii) **Municipal water tank maintenance**  
982 **contracts.** Professional maintenance program contracts for the  
983 repair or maintenance of municipal water tanks, which provide  
984 professional services needed to maintain municipal water storage  
985 tanks for a fixed annual fee for a duration of two (2) or more  
986 years.

987 (xxiv) **Purchases of Mississippi Industries for the**  
988 **Blind products or services.** Purchases made by state agencies or  
989 governing authorities involving any item that is manufactured,





990 processed or produced by, or any services provided by, the  
991 Mississippi Industries for the Blind.

992 (xxv) **Purchases of state-adopted textbooks.**

993 Purchases of state-adopted textbooks by public school districts.

994 (xxvi) **Certain purchases under the Mississippi**

995 **Major Economic Impact Act.** Contracts entered into pursuant to the  
996 provisions of Section 57-75-9(2), (3) and (4).

997 (xxvii) **Used heavy or specialized machinery or**

998 **equipment for installation of soil and water conservation**

999 **practices purchased at auction.** Used heavy or specialized

1000 machinery or equipment used for the installation and

1001 implementation of soil and water conservation practices or

1002 measures purchased subject to the restrictions provided in

1003 Sections 69-27-331 through 69-27-341. Any purchase by the State

1004 Soil and Water Conservation Commission under the exemption

1005 authorized by this subparagraph shall require advance

1006 authorization spread upon the minutes of the commission to include

1007 the listing of the item or items authorized to be purchased and

1008 the maximum bid authorized to be paid for each item or items.

1009 (xxviii) **Hospital lease of equipment or services.**

1010 Leases by hospitals of equipment or services if the leases are in

1011 compliance with paragraph (1)(ii).

1012 (xxix) **Purchases made pursuant to qualified**

1013 **cooperative purchasing agreements.** Purchases made by certified

1014 purchasing offices of state agencies or governing authorities



1015 under cooperative purchasing agreements previously approved by the  
1016 Office of Purchasing and Travel and established by or for any  
1017 municipality, county, parish or state government or the federal  
1018 government, provided that the notification to potential  
1019 contractors includes a clause that sets forth the availability of  
1020 the cooperative purchasing agreement to other governmental  
1021 entities. Such purchases shall only be made if the use of the  
1022 cooperative purchasing agreements is determined to be in the best  
1023 interest of the governmental entity.

1024 (xxx) **School yearbooks.** Purchases of school  
1025 yearbooks by state agencies or governing authorities; however,  
1026 state agencies and governing authorities shall use for these  
1027 purchases the RFP process as set forth in the Mississippi  
1028 Procurement Manual adopted by the Office of Purchasing and Travel.

1029 (xxxii) **Design-build method of contracting and**  
1030 **certain other contracts.** Contracts entered into under the  
1031 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

1032 (xxxiii) **Toll roads and bridge construction**  
1033 **projects.** Contracts entered into under the provisions of Section  
1034 65-43-1 or 65-43-3.

1035 (xxxiiii) **Certain purchases under Section 57-1-221.**  
1036 Contracts entered into pursuant to the provisions of Section  
1037 57-1-221.

1038 (xxxiv) **Certain transfers made pursuant to the**  
1039 **provisions of Section 57-105-1(7).** Transfers of public property



1040 or facilities under Section 57-105-1(7) and construction related  
1041 to such public property or facilities.

1042 (xxxv) **Certain purchases or transfers entered into**  
1043 **with local electrical power associations.** Contracts or agreements  
1044 entered into under the provisions of Section 55-3-33.

1045 (xxxvi) **Certain purchases by an academic medical**  
1046 **center or health sciences school.** Purchases by an academic  
1047 medical center or health sciences school, as defined in Section  
1048 37-115-50, of commodities that are used for clinical purposes and  
1049 1. intended for use in the diagnosis of disease or other  
1050 conditions or in the cure, mitigation, treatment or prevention of  
1051 disease, and 2. medical devices, biological, drugs and  
1052 radiation-emitting devices as defined by the United States Food  
1053 and Drug Administration.

1054 (xxxvii) **Certain purchases made under the Alyce G.**  
1055 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi  
1056 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi  
1057 Lottery Law.

1058 (xxxviii) **Certain purchases made by the Department**  
1059 **of Health and the Department of Revenue.** Purchases made by the  
1060 Department of Health and the Department of Revenue solely for the  
1061 purpose of fulfilling their respective responsibilities under the  
1062 Mississippi Medical Cannabis Act. This subparagraph shall stand  
1063 repealed on June 30, 2026.



1064                    (xxxix) Certain purchases made by an Industrial  
1065 Development Authority or Economic Development District for a  
1066 Megasite. Purchases made by an Industrial Development Authority  
1067 or Economic Development District for a Megasite project under  
1068 Section 57-31-35.

1069                    (n) **Term contract authorization.** All contracts for the  
1070 purchase of:

1071                    (i) All contracts for the purchase of commodities,  
1072 equipment and public construction (including, but not limited to,  
1073 repair and maintenance), may be let for periods of not more than  
1074 sixty (60) months in advance, subject to applicable statutory  
1075 provisions prohibiting the letting of contracts during specified  
1076 periods near the end of terms of office. Term contracts for a  
1077 period exceeding twenty-four (24) months shall also be subject to  
1078 ratification or cancellation by governing authority boards taking  
1079 office subsequent to the governing authority board entering the  
1080 contract.

1081                    (ii) Bid proposals and contracts may include price  
1082 adjustment clauses with relation to the cost to the contractor  
1083 based upon a nationally published industry-wide or nationally  
1084 published and recognized cost index. The cost index used in a  
1085 price adjustment clause shall be determined by the Department of  
1086 Finance and Administration for the state agencies and by the  
1087 governing board for governing authorities. The bid proposal and  
1088 contract documents utilizing a price adjustment clause shall



1089 contain the basis and method of adjusting unit prices for the  
1090 change in the cost of such commodities, equipment and public  
1091 construction.

1092           (o) **Purchase law violation prohibition and vendor**  
1093 **penalty.** No contract or purchase as herein authorized shall be  
1094 made for the purpose of circumventing the provisions of this  
1095 section requiring competitive bids, nor shall it be lawful for any  
1096 person or concern to submit individual invoices for amounts within  
1097 those authorized for a contract or purchase where the actual value  
1098 of the contract or commodity purchased exceeds the authorized  
1099 amount and the invoices therefor are split so as to appear to be  
1100 authorized as purchases for which competitive bids are not  
1101 required. Submission of such invoices shall constitute a  
1102 misdemeanor punishable by a fine of not less than Five Hundred  
1103 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
1104 or by imprisonment for thirty (30) days in the county jail, or  
1105 both such fine and imprisonment. In addition, the claim or claims  
1106 submitted shall be forfeited.

1107           (p) **Electrical utility petroleum-based equipment**  
1108 **purchase procedure.** When in response to a proper advertisement  
1109 therefor, no bid firm as to price is submitted to an electric  
1110 utility for power transformers, distribution transformers, power  
1111 breakers, reclosers or other articles containing a petroleum  
1112 product, the electric utility may accept the lowest and best bid  
1113 therefor although the price is not firm.



1114           (q) **Fuel management system bidding procedure.** Any  
1115 governing authority or agency of the state shall, before  
1116 contracting for the services and products of a fuel management or  
1117 fuel access system, enter into negotiations with not fewer than  
1118 two (2) sellers of fuel management or fuel access systems for  
1119 competitive written bids to provide the services and products for  
1120 the systems. In the event that the governing authority or agency  
1121 cannot locate two (2) sellers of such systems or cannot obtain  
1122 bids from two (2) sellers of such systems, it shall show proof  
1123 that it made a diligent, good-faith effort to locate and negotiate  
1124 with two (2) sellers of such systems. Such proof shall include,  
1125 but not be limited to, publications of a request for proposals and  
1126 letters soliciting negotiations and bids. For purposes of this  
1127 paragraph (q), a fuel management or fuel access system is an  
1128 automated system of acquiring fuel for vehicles as well as  
1129 management reports detailing fuel use by vehicles and drivers, and  
1130 the term "competitive written bid" shall have the meaning as  
1131 defined in paragraph (b) of this section. Governing authorities  
1132 and agencies shall be exempt from this process when contracting  
1133 for the services and products of fuel management or fuel access  
1134 systems under the terms of a state contract established by the  
1135 Office of Purchasing and Travel.

1136           (r) **Solid waste contract proposal procedure.** Before  
1137 entering into any contract for garbage collection or disposal,  
1138 contract for solid waste collection or disposal or contract for



1139 sewage collection or disposal, which involves an expenditure of  
1140 more than Seventy-five Thousand Dollars (\$75,000.00), a governing  
1141 authority or agency shall issue publicly a request for proposals  
1142 concerning the specifications for such services which shall be  
1143 advertised for in the same manner as provided in this section for  
1144 seeking bids for purchases which involve an expenditure of more  
1145 than the amount provided in paragraph (c) of this section. Any  
1146 request for proposals when issued shall contain terms and  
1147 conditions relating to price, financial responsibility,  
1148 technology, legal responsibilities and other relevant factors as  
1149 are determined by the governing authority or agency to be  
1150 appropriate for inclusion; all factors determined relevant by the  
1151 governing authority or agency or required by this paragraph (r)  
1152 shall be duly included in the advertisement to elicit proposals.  
1153 After responses to the request for proposals have been duly  
1154 received, the governing authority or agency shall select the most  
1155 qualified proposal or proposals on the basis of price, technology  
1156 and other relevant factors and from such proposals, but not  
1157 limited to the terms thereof, negotiate and enter into contracts  
1158 with one or more of the persons or firms submitting proposals. If  
1159 the governing authority or agency deems none of the proposals to  
1160 be qualified or otherwise acceptable, the request for proposals  
1161 process may be reinitiated. Notwithstanding any other provisions  
1162 of this paragraph, where a county with at least thirty-five  
1163 thousand (35,000) nor more than forty thousand (40,000)



1164 population, according to the 1990 federal decennial census, owns  
1165 or operates a solid waste landfill, the governing authorities of  
1166 any other county or municipality may contract with the governing  
1167 authorities of the county owning or operating the landfill,  
1168 pursuant to a resolution duly adopted and spread upon the minutes  
1169 of each governing authority involved, for garbage or solid waste  
1170 collection or disposal services through contract negotiations.

1171           (s) **Minority set-aside authorization.** Notwithstanding  
1172 any provision of this section to the contrary, any agency or  
1173 governing authority, by order placed on its minutes, may, in its  
1174 discretion, set aside not more than twenty percent (20%) of its  
1175 anticipated annual expenditures for the purchase of commodities  
1176 from minority businesses; however, all such set-aside purchases  
1177 shall comply with all purchasing regulations promulgated by the  
1178 Department of Finance and Administration and shall be subject to  
1179 bid requirements under this section. Set-aside purchases for  
1180 which competitive bids are required shall be made from the lowest  
1181 and best minority business bidder. For the purposes of this  
1182 paragraph, the term "minority business" means a business which is  
1183 owned by a majority of persons who are United States citizens or  
1184 permanent resident aliens (as defined by the Immigration and  
1185 Naturalization Service) of the United States, and who are Asian,  
1186 Black, Hispanic or Native American, according to the following  
1187 definitions:





1188 (i) "Asian" means persons having origins in any of  
1189 the original people of the Far East, Southeast Asia, the Indian  
1190 subcontinent, or the Pacific Islands.

1191 (ii) "Black" means persons having origins in any  
1192 black racial group of Africa.

1193 (iii) "Hispanic" means persons of Spanish or  
1194 Portuguese culture with origins in Mexico, South or Central  
1195 America, or the Caribbean Islands, regardless of race.

1196 (iv) "Native American" means persons having  
1197 origins in any of the original people of North America, including  
1198 American Indians, Eskimos and Aleuts.

1199 (t) **Construction punch list restriction.** The  
1200 architect, engineer or other representative designated by the  
1201 agency or governing authority that is contracting for public  
1202 construction or renovation may prepare and submit to the  
1203 contractor only one (1) preliminary punch list of items that do  
1204 not meet the contract requirements at the time of substantial  
1205 completion and one (1) final list immediately before final  
1206 completion and final payment.

1207 (u) **Procurement of construction services by state**  
1208 **institutions of higher learning.** Contracts for privately financed  
1209 construction of auxiliary facilities on the campus of a state  
1210 institution of higher learning may be awarded by the Board of  
1211 Trustees of State Institutions of Higher Learning to the lowest  
1212 and best bidder, where sealed bids are solicited, or to the



1213 offeror whose proposal is determined to represent the best value  
1214 to the citizens of the State of Mississippi, where requests for  
1215 proposals are solicited.

1216 (v) **Insurability of bidders for public construction or**  
1217 **other public contracts.** In any solicitation for bids to perform  
1218 public construction or other public contracts to which this  
1219 section applies, including, but not limited to, contracts for  
1220 repair and maintenance, for which the contract will require  
1221 insurance coverage in an amount of not less than One Million  
1222 Dollars (\$1,000,000.00), bidders shall be permitted to either  
1223 submit proof of current insurance coverage in the specified amount  
1224 or demonstrate ability to obtain the required coverage amount of  
1225 insurance if the contract is awarded to the bidder. Proof of  
1226 insurance coverage shall be submitted within five (5) business  
1227 days from bid acceptance.

1228 (w) **Purchase authorization clarification.** Nothing in  
1229 this section shall be construed as authorizing any purchase not  
1230 authorized by law.

1231 (x) **Mississippi Regional Pre-Need Disaster Clean Up**  
1232 **Act.** (i) The Department of Finance and Administration shall  
1233 enter into nine (9) contracts for the pre-need purchase of labor,  
1234 services, work, materials, equipment, supplies or other personal  
1235 property for disaster-related solid waste collection, disposal or  
1236 monitoring. One (1) contract shall be entered into for each of



1237 the nine (9) Mississippi Emergency Management Association  
1238 districts:

- 1239 1. Coahoma, DeSoto, Grenada, Panola, Quitman,  
1240 Tallahatchie, Tate, Tunica and Yalobusha Counties;
- 1241 2. Alcorn, Benton, Itawamba, Lafayette, Lee,  
1242 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union  
1243 Counties;
- 1244 3. Attala, Bolivar, Carroll, Holmes,  
1245 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;
- 1246 4. Calhoun, Chickasaw, Choctaw, Clay,  
1247 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;
- 1248 5. Claiborne, Covich, Hinds, Issaquena,  
1249 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;
- 1250 6. Clarke, Jasper, Kemper, Lauderdale, Leake,  
1251 Neshoba, Newton, Scott, and Smith Counties and the Mississippi  
1252 Band of Choctaw Indians;
- 1253 7. Adams, Amite, Franklin, Jefferson,  
1254 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;
- 1255 8. Covington, Forrest, Greene, Jefferson  
1256 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and
- 1257 9. George, Hancock, Harrison, Jackson, Pearl  
1258 River and Stone Counties.

1259 Any such contract shall set forth the manner of awarding such  
1260 a contract, the method of payment, and any other matter deemed  
1261 necessary to carry out the purposes of the agreement. Such



1262 contract may be entered into only for a term of one (1) year, with  
1263 an option for an additional one-year extension after the  
1264 conclusion of the first year of the contract, and only after  
1265 having solicited bids or proposals, as appropriate, which shall be  
1266 publicly advertised by posting on a web page maintained by the  
1267 Department of Finance and Administration through submission of  
1268 such advertisement to the Mississippi Procurement Technical  
1269 Assistance Program under the Mississippi Development Authority.  
1270 The bid opening shall not occur until after the submission has  
1271 been posted for at least ten (10) consecutive days. The state's  
1272 share of expenditures for solid waste collection, disposal or  
1273 monitoring under any contract shall be appropriated and paid in  
1274 the manner set forth in the contract and in the same manner as for  
1275 other solid waste collection, disposal, or monitoring expenses of  
1276 the state. Any contract entered into under this paragraph shall  
1277 not be subject to the provisions of Section 17-13-11.

1278 (ii) Any board of supervisors of any county or any  
1279 governing authority of any municipality may opt in to the benefits  
1280 and services provided under the appropriate and relevant contract  
1281 established in subparagraph (i) of this paragraph at the time of a  
1282 disaster event in that county or municipality. At the time of opt  
1283 in, the county or municipality shall assume responsibility for  
1284 payment in full to the contractor for the disaster-related solid  
1285 waste collection, disposal or monitoring services provided.  
1286 Nothing in this subparagraph (ii) shall be construed as requiring



1287 a county or municipality to opt in to any such contract  
1288 established in subparagraph (i) of this paragraph.

1289 **SECTION 5.** Section 43-37-3, Mississippi Code of 1972, is  
1290 amended as follows:

1291 43-37-3. (1) Any person, agency or other entity acquiring  
1292 real property for any project or program in which public funds are  
1293 used shall comply with the following policies:

1294 (a) Every reasonable effort shall be made to acquire  
1295 expeditiously real property by negotiation.

1296 (b) Real property shall be appraised before the  
1297 initiation of negotiations, except that the acquiring person,  
1298 agency or other entity may adopt a procedure in compliance with  
1299 federal regulations to waive the appraisal in cases involving the  
1300 acquisition by sale or donation of property with a low fair market  
1301 value. For the purposes of this chapter, property with a low fair  
1302 market value is property with a fair market value of Ten Thousand  
1303 Dollars (\$10,000.00) or less. The owner or his designated  
1304 representative shall be given an opportunity to accompany the  
1305 appraiser during his inspection of the property.

1306 (c) (i) Except as otherwise provided in subparagraph  
1307 (ii) of this paragraph, the price that shall be paid for real  
1308 property shall be the lesser of the best negotiated price or the  
1309 approved appraisal of the fair market value or the price at which  
1310 the property is offered for sale. Any decrease or increase in the  
1311 fair market value of real property prior to the date of valuation



1312 caused by the public improvement for which the property is  
1313 acquired or by the likelihood that the property would be acquired  
1314 for such improvement, other than that due to physical  
1315 deterioration within the reasonable control of the owner, will be  
1316 disregarded in determining the compensation for the property. The  
1317 owner of the real property to be acquired shall be provided with a  
1318 written statement of, and summary of the basis for, the amount  
1319 established as just compensation. Where appropriate, the just  
1320 compensation for the real property acquired and for damages to  
1321 remaining real property shall be separately stated.

1322 (ii) The purchase price for real property may  
1323 exceed the amount offered as just compensation for the property  
1324 when reasonable efforts to negotiate an agreement at that amount  
1325 have failed, and the person, agency or other entity seeking to  
1326 acquire the property approves an administrative settlement as  
1327 reasonable, prudent and in the best interests of the public. When  
1328 state funds pay for all or a portion of the acquisition, the  
1329 purchasing person, agency or other entity shall prepare a written  
1330 statement explaining the reasons that justified the purchase price  
1331 exceeding the amount offered as just compensation, including any  
1332 anticipated trial risks, and any available information supporting  
1333 an administrative settlement.

1334 (d) No owner shall be required to surrender possession  
1335 of real property before the agreed purchase price is paid or there  
1336 is deposited with the state court, in accordance with applicable



1337 law, for the benefit of the owner an amount not less than the  
1338 approved appraisal of the fair market value of such property, or  
1339 the amount of the award of compensation in the condemnation  
1340 proceeding of such property.

1341 (e) The construction or development of a public  
1342 improvement shall be so scheduled that, to the greatest extent  
1343 practicable, no person lawfully occupying real property shall be  
1344 required to move from a dwelling (assuming a replacement dwelling  
1345 will be available) or to move his business or farm operation  
1346 without at least ninety (90) days' written notice from the date by  
1347 which such move is required.

1348 (f) If an owner or tenant is permitted to occupy the  
1349 real property acquired on a rental basis for a short term or for a  
1350 period subject to termination by the acquiring authority on short  
1351 notice, the amount of rent required shall not exceed the fair  
1352 rental value of the property to a short-term occupier.

1353 (g) In no event shall the time of condemnation be  
1354 advanced, or negotiations or condemnation and the deposit of funds  
1355 in court for the use of the owner be deferred, or any other  
1356 coercive action be taken to compel an agreement on the price to be  
1357 paid for the property.

1358 (h) If an interest in real property is to be acquired  
1359 by exercise of power of eminent domain, formal condemnation  
1360 proceedings shall be instituted. The acquiring authority shall  
1361 not intentionally make it necessary for an owner to institute



1362 legal proceedings to prove the fact of the taking of his real  
1363 property.

1364 (i) If the acquisition of only part of the property  
1365 would leave its owner with an uneconomic remnant, an offer to  
1366 acquire that remnant shall be made. For the purposes of this  
1367 chapter, an uneconomic remnant is a parcel of real property in  
1368 which the owner is left with an interest after the partial  
1369 acquisition of the owner's property and which the person, agency  
1370 or other entity acquiring the property determines has little or no  
1371 value or utility to the owner.

1372 (j) A person whose real property is being acquired in  
1373 accordance with this chapter may, after the person has been fully  
1374 informed of his right to receive just compensation for such  
1375 property, donate such property, any part thereof, any interest  
1376 therein or any compensation paid therefor to the person, agency or  
1377 other entity acquiring the property in such manner as he so  
1378 determines.

1379 (2) Any real property acquired by any person, agency or  
1380 other entity using public funds in accordance with Section  
1381 57-31-35 or 57-75-37(3), \* \* \* (4), (5), (6) or (7) shall be  
1382 exempt from the provisions of subsection (1)(b) and (c) of this  
1383 section to the extent permitted by Section 57-31-35 or  
1384 57-75-37(3), \* \* \* (4), (5), (6) or (7).

1385 **SECTION 6.** This act shall take effect and be in force from  
1386 and after its passage.

