

By: Representative Malone

To: Appropriations

HOUSE BILL NO. 1199
(As Passed the House)

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT RAW MATERIALS CONVERTED INTO PRODUCTS FOR RESALE ARE
3 NOT "COMMODITIES" UNDER THE PUBLIC PURCHASING LAWS; AND FOR
4 RELATED PURPOSES.

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

6 SECTION 1. Section 31-7-1, Mississippi Code of 1972, is
7 amended as follows:

8 31-7-1. The following terms are defined for the purposes of
9 this chapter to have the following meanings:

10 (a) "Agency" shall mean any state board, commission,
11 committee, council, university, department or unit thereof created
12 by the Constitution or statutes if such board, commission,
13 committee, council, university, department, unit or the head
14 thereof is authorized to appoint subordinate staff by the
15 Constitution or statute, except a legislative or judicial board,
16 commission, committee, council, department or unit thereof.

17 (b) "Governing authority" shall mean boards of
18 supervisors, governing boards of all school districts, all boards
19 of directors of public water supply districts, boards of directors
20 of master public water supply districts, municipal public utility
21 commissions, governing authorities of all municipalities, port
22 authorities, commissioners and boards of trustees of any public
23 hospitals, boards of trustees of public library systems, district
24 attorneys, school attendance officers and any political
25 subdivision of the state supported wholly or in part by public
26 funds of the state or political subdivisions thereof, including
27 commissions, boards and agencies created or operated under the

28 authority of any county or municipality of this state. The term
29 "governing authority" shall not include economic development
30 authorities supported in part by private funds, or commissions
31 appointed to hold title to and oversee the development and
32 management of lands and buildings which are donated by private
33 individuals to the public for the use and benefit of the community
34 and which are supported in part by private funds.

35 (c) "Purchasing agent" shall mean any administrator,
36 superintendent, purchase clerk or other chief officer so
37 designated having general or special authority to negotiate for
38 and make private contract for or purchase for any governing
39 authority.

40 (d) "Public funds" shall mean and include any
41 appropriated funds, special funds, fees or any other emoluments
42 received by an agency or governing authority.

43 (e) "Commodities" shall mean and include the various
44 commodities, goods, merchandise, furniture, equipment, automotive
45 equipment of every kind, and other personal property purchased by
46 the agencies of the state and governing authorities, but not
47 commodities purchased for resale or raw materials converted into
48 products for resale.

49 (f) "Office of General Services" shall mean the
50 Department of Finance and Administration. Provided that when
51 purchases are made for the Legislature or functions under its
52 jurisdiction, it shall mean the Legislative Budget Office.

53 (g) "Equipment" shall be construed to include:
54 automobiles, trucks, tractors, office appliances and all other
55 equipment of every kind and description.

56 (h) "Furniture" shall be construed to include: desks,
57 chairs, tables, seats, filing cabinets, bookcases and all other
58 items of a similar nature as well as dormitory furniture,
59 appliances, carpets and all other items of personal property
60 generally referred to as home, office or school furniture.

61 (i) "Emergency" shall mean any circumstances caused by
62 fire, flood, explosion, storm, earthquake, epidemic, riot,
63 insurrection or caused by any inherent defect due to defective
64 construction, or when the immediate preservation of order or of

65 public health is necessary by reason of unforeseen emergency, or
66 when the immediate restoration of a condition of usefulness of any
67 public building, equipment, road or bridge appears advisable, or
68 in the case of a public utility when there is a failure of any
69 machine or other thing used and useful in the generation,
70 production or distribution of electricity, water or natural gas,
71 or in the transportation or treatment of sewage; or when the delay
72 incident to obtaining competitive bids could cause adverse impact
73 upon the governing authorities or agency, its employees or its
74 citizens; or in the case of a public airport, when the delay
75 incident to publishing an advertisement for competitive bids would
76 endanger public safety in a specific (not general) manner, result
77 in or perpetuate a specific breach of airport security, or prevent
78 the airport from providing specific air transportation services.

79 SECTION 2. This act shall take effect and be in force from
80 and after July 1, 1999.