

By: Senator(s) Huggins

To: Fees, Salaries and  
Administration;  
Judiciary

SENATE BILL NO. 2538  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "COMMODITIES" AS IT RELATES TO  
3 THE PUBLIC PURCHASING LAWS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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