

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 725

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT A STATE AGENCY MAY DESIGNATE A PURCHASING AGENT TO
3 MAKE PURCHASES FOR THE AGENCY UNDER THE PROVISIONS OF LAWS
4 REGULATING PUBLIC PURCHASES; AND FOR 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 or state agency.

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 (i) "Equipment" shall be construed to include:
50 automobiles, trucks, tractors, office appliances and all other
51 equipment of every kind and description.

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

57 (f) "Emergency" shall mean any circumstances caused by
58 fire, flood, explosion, storm, earthquake, epidemic, riot,
59 insurrection or caused by any inherent defect due to defective
60 construction, or when the immediate preservation of order or of
61 public health is necessary by reason of unforeseen emergency, or

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

75 (g) "Construction" shall mean the process of building,
76 altering, improving, renovating or demolishing a public structure,
77 public building, or other public real property. It does not
78 include routine operation, routine repair or regularly scheduled
79 maintenance of existing public structures, public buildings or
80 other public real property.

81 (h) "Purchase" shall mean buying, renting, leasing or
82 otherwise acquiring.

83 (i) "Certified purchasing office" shall mean any
84 purchasing office wherein fifty percent (50%) or more of the
85 purchasing agents hold a certification from the Universal Public
86 Purchasing Certification Council or other nationally recognized
87 purchasing certification.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2004.