

By: Representative Pierce

To: Appropriations

HOUSE BILL NO. 1540

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "GOVERNING AUTHORITY" UNDER THE
3 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 or towns,
21 port authorities, commissioners and boards of trustees of any
22 public hospitals, boards of trustees of public library systems,
23 district 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 (i) "Equipment" shall be construed to include:
49 automobiles, trucks, tractors, office appliances and all other
50 equipment of every kind and description.

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

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

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

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

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

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

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