

By: Senator(s) Burton

To: Fees, Salaries and Administration

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2100

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THAT CERTIFIED PURCHASING OFFICES INCLUDE THE PURCHASING  
3 AGENTS FOR STATE AGENCIES; 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 or agency.

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 its passage.