

By: Representative Weathersby

To: Public Property;  
Accountability, Efficiency,  
Transparency

HOUSE BILL NO. 940

1 AN ACT TO AMEND SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF TERM "CONSTRUCTION" FOR THE PURPOSE OF  
3 INCLUDING THE INCIDENTAL COST OF INSTALLING FURNITURE AND  
4 EQUIPMENT THAT IS LESS THAN \$50,000.00; 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" means 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; except  
17 a charter school authorized by the Mississippi Charter School  
18 Authorizer Board; and except the Mississippi State Port Authority.



19                   (b) "Governing authority" means boards of supervisors,  
20 governing boards of all school districts, all boards of directors  
21 of public water supply districts, boards of directors of master  
22 public water supply districts, municipal public utility  
23 commissions, governing authorities of all municipalities, port  
24 authorities, Mississippi State Port Authority, commissioners and  
25 boards of trustees of any public hospitals, boards of trustees of  
26 public library systems, district attorneys, school attendance  
27 officers and any political subdivision of the state supported  
28 wholly or in part by public funds of the state or political  
29 subdivisions thereof, including commissions, boards and agencies  
30 created or operated under the authority of any county or  
31 municipality of this state. The term "governing authority" shall  
32 not include economic development authorities supported in part by  
33 private funds, or commissions appointed to hold title to and  
34 oversee the development and management of lands and buildings  
35 which are donated by private individuals to the public for the use  
36 and benefit of the community and which are supported in part by  
37 private funds. The term "governing authority" also shall not  
38 include the governing board of a charter school.

39                   (c) "Purchasing agent" means any administrator,  
40 superintendent, purchase clerk or other chief officer so  
41 designated having general or special authority to negotiate for  
42 and make private contract for or purchase for any governing



43 authority or agency, including issue purchase orders, invitations  
44 for bid, requests for proposals, and receive and accept bids.

45 (d) "Public funds" means and includes any appropriated  
46 funds, special funds, fees or any other emoluments received by an  
47 agency or governing authority.

48 (e) "Commodities" means and includes the various  
49 commodities, goods, merchandise, furniture, equipment, automotive  
50 equipment of every kind, and other personal property purchased by  
51 the agencies of the state and governing authorities, but not  
52 commodities purchased for resale or raw materials converted into  
53 products for resale.

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

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

62 (f) "Emergency" means any circumstances caused by fire,  
63 flood, explosion, storm, earthquake, epidemic, riot, insurrection  
64 or caused by any inherent defect due to defective construction, or  
65 when the immediate preservation of order or of public health is  
66 necessary by reason of unforeseen emergency, or when the immediate  
67 restoration of a condition of usefulness of any public building,



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

80 (g) "Construction" means the process of building,  
81 altering, improving, renovating or demolishing a public structure,  
82 public building, or other public real property. It does not  
83 include installation work incidental to the purchase of furniture  
84 where such installation work is less than Fifty Thousand Dollars  
85 (\$50,000.00), or the routine operation, routine repair or  
86 regularly scheduled maintenance of existing public structures,  
87 public buildings or other public real property.

88 (h) "Purchase" means buying, renting, leasing or  
89 otherwise acquiring.

90 (i) "Certified purchasing office" means any purchasing  
91 office in which fifty percent (50%) or more of the purchasing  
92 agents hold a certification from the Universal Public Purchasing



Certification Council or other nationally recognized purchasing certification, and in which, in the case of a state agency purchasing office, in addition to the national certification, one hundred percent (100%) of the purchasing officials hold a certification from the State of Mississippi's Basic or Advanced Purchasing Certification Program.

(j) "Certified Mississippi Purchasing Agent" means a state agency purchasing official who holds a certification from the Mississippi Basic Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

(k) "Certified Mississippi Procurement Manager" means a state agency purchasing official who holds a certification from the Mississippi Advanced Purchasing Certification Program as established by the Office of Purchasing, Travel and Fleet Management.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2017.

