

By: Representative Frierson

To: Appropriations

HOUSE BILL NO. 964

1 AN ACT TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO
 2 PROHIBIT SELLERS IN SALES OF GOODS OR SERVICES FROM IMPOSING A
 3 SURCHARGE ON A BUYER WHO USES A STATE-ISSUED CREDIT CARD,
 4 PROCUREMENT CARD, TRAVEL CARD, OR FUEL CARD; AND FOR RELATED
 5 PURPOSES.

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

7 **SECTION 1.** Section 31-7-9, Mississippi Code of 1972, is
 8 amended as follows:

9 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
 10 Management shall adopt purchasing regulations governing the
 11 purchase by any agency of any commodity or commodities and
 12 establishing standards and specifications for a commodity or
 13 commodities and the maximum fair prices of a commodity or
 14 commodities, subject to the approval of the Public Procurement
 15 Review Board. It shall have the power to amend, add to or
 16 eliminate purchasing regulations. The adoption of, amendment,
 17 addition to or elimination of purchasing regulations shall be
 18 based upon a determination by the Office of Purchasing, Travel and
 19 Fleet Management with the approval of the Public Procurement



20 Review Board, that such action is reasonable and practicable and
21 advantageous to promote efficiency and economy in the purchase of
22 commodities by the agencies of the state. Upon the adoption of
23 any purchasing regulation, or an amendment, addition or
24 elimination therein, copies of same shall be furnished to the
25 State Auditor and to all agencies affected thereby. Thereafter,
26 and except as otherwise may be provided in subsection (2) of this
27 section, no agency of the state shall purchase any commodities
28 covered by existing purchasing regulations unless such commodities
29 be in conformity with the standards and specifications set forth
30 in the purchasing regulations and unless the price thereof does
31 not exceed the maximum fair price established by such purchasing
32 regulations. The * * * Office of Purchasing, Travel and Fleet
33 Management shall furnish to any county or municipality or other
34 local public agency of the state requesting same, copies of
35 purchasing regulations adopted by the Office of Purchasing, Travel
36 and Fleet Management and any amendments, changes or eliminations
37 of same that may be made from time to time.

38 (b) The Office of Purchasing, Travel and Fleet
39 Management may adopt purchasing regulations governing the use of
40 credit cards, procurement cards and purchasing club membership
41 cards to be used by state agencies, governing authorities of
42 counties and municipalities, school districts and the Chickasawhay
43 Natural Gas District. Use of the cards shall be in strict
44 compliance with the regulations promulgated by the office. Any



45 amounts due on the cards shall incur interest charges as set forth
46 in Section 31-7-305 and shall not be considered debt.

47 (c) Pursuant to the provision of Section 37-61-33(3),
48 the Office of Purchasing, Travel and Fleet Management of the
49 Department of Finance and Administration is authorized to issue
50 procurement cards to all public school district classroom teachers
51 and other necessary direct support personnel at the beginning of
52 the school year for the purchase of instructional supplies using
53 Educational Enhancement Funds. The cards will be issued in equal
54 amounts per teacher determined by the total number of qualifying
55 personnel and the then current state appropriation for classroom
56 instructional supplies under the Education Enhancement Fund. All
57 purchases shall be in accordance with state law and teachers are
58 responsible for verification of capital asset requirements when
59 pooling monies to purchase equipment. The cards will expire on a
60 pre-determined date at the end of each school year. All
61 unexpended amounts will be carried forward, to be combined with
62 the following year's instructional supply fund allocation, and
63 reallocated for the following year. The Department of Finance and
64 Administration is authorized to loan any start-up funds at the
65 beginning of the school year to fund this procurement system for
66 instructional supplies with loan repayment being made from sales
67 tax receipts earmarked for the Education Enhancement Fund.

68 (d) In a sale of goods or services, the seller shall
69 not impose a surcharge on a buyer who uses a state-issued credit



70 card, procurement card, travel card, or fuel card. The Department
71 of Finance and Administration shall have exclusive jurisdiction to
72 enforce and adopt rules relating to this paragraph. Any rules
73 adopted under this paragraph shall be consistent with federal laws
74 and regulations governing credit card transactions described by
75 this paragraph. This paragraph does not create a cause of action
76 against an individual for a violation of this paragraph.

77 (2) The Office of Purchasing, Travel and Fleet Management
78 shall adopt, subject to the approval of the Public Procurement
79 Review Board, purchasing regulations governing the purchase of
80 unmarked vehicles to be used by the Bureau of Narcotics and
81 Department of Public Safety in official investigations pursuant to
82 Section 25-1-87. Such regulations shall ensure that purchases of
83 such vehicles shall be at a fair price and shall take into
84 consideration the peculiar needs of the Bureau of Narcotics and
85 Department of Public Safety in undercover operations.

86 (3) The Office of Purchasing, Travel and Fleet Management
87 shall adopt, subject to the approval of the Public Procurement
88 Review Board, regulations governing the certification process for
89 certified purchasing offices. Such regulations shall require
90 entities desiring to be classified as certified purchasing offices
91 to submit applications and applicable documents on an annual
92 basis, at which time the Office of Purchasing, Travel and Fleet
93 Management may provide the governing entity with a certification
94 valid for one (1) year from the date of issuance.



95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2013.

