

By: Representative Turner

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1503

1 AN ACT TO AMEND SECTIONS 31-7-1 AND 31-7-9, MISSISSIPPI CODE
2 OF 1972, TO CLARIFY THE DEFINITION OF "PURCHASING AGENT" FOR THE
3 PURPOSE OF DEFINING WHO MUST ATTEND THE OFFICE OF PURCHASING,
4 TRAVEL AND FLEET MANAGEMENT'S MANDATED CERTIFICATION PROGRAM FOR
5 PURCHASING AGENTS; AND FOR RELATED PURPOSES.

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

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

9 31-7-1. The following terms are defined for the purposes of
10 this chapter to have the following meanings:

11 (a) "Agency" means any state board, commission,
12 committee, council, university, department or unit thereof created
13 by the Constitution or statutes if such board, commission,
14 committee, council, university, department, unit or the head
15 thereof is authorized to appoint subordinate staff by the
16 Constitution or statute, except a legislative or judicial board,
17 commission, committee, council, department or unit thereof; except
18 a charter school authorized by the Mississippi Charter School
19 Authorizer Board; and except the Mississippi State Port Authority.



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

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



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

46 **SECTION 2.** Section 31-7-9, Mississippi Code of 1972, is
47 amended as follows:

48 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
49 Management shall adopt purchasing regulations governing the
50 purchase by any agency of any commodity or commodities and
51 establishing standards and specifications for a commodity or
52 commodities and the maximum fair prices of a commodity or
53 commodities, subject to the approval of the Public Procurement
54 Review Board. It shall have the power to amend, add to or
55 eliminate purchasing regulations. The adoption of, amendment,
56 addition to or elimination of purchasing regulations shall be
57 based upon a determination by the Office of Purchasing, Travel and
58 Fleet Management with the approval of the Public Procurement
59 Review Board, that such action is reasonable and practicable and
60 advantageous to promote efficiency and economy in the purchase of
61 commodities by the agencies of the state. Upon the adoption of
62 any purchasing regulation, or an amendment, addition or
63 elimination therein, copies of same shall be furnished to the
64 State Auditor and to all agencies affected thereby. Thereafter,
65 and except as otherwise may be provided in subsection (2) of this
66 section, no agency of the state shall purchase any commodities
67 covered by existing purchasing regulations unless such commodities
68 be in conformity with the standards and specifications set forth



69 in the purchasing regulations and unless the price thereof does
70 not exceed the maximum fair price established by such purchasing
71 regulations. The Office of Purchasing, Travel and Fleet
72 Management shall furnish to any county or municipality or other
73 local public agency of the state requesting same, copies of
74 purchasing regulations adopted by the Office of Purchasing, Travel
75 and Fleet Management and any amendments, changes or eliminations
76 of same that may be made from time to time.

77 (b) The Office of Purchasing, Travel and Fleet
78 Management may adopt purchasing regulations governing the use of
79 credit cards, procurement cards and purchasing club membership
80 cards to be used by state agencies, governing authorities of
81 counties and municipalities, school districts and the Chickasawhay
82 Natural Gas District. Use of the cards shall be in strict
83 compliance with the regulations promulgated by the office. Any
84 amounts due on the cards shall incur interest charges as set forth
85 in Section 31-7-305 and shall not be considered debt.

86 (c) Pursuant to the provision of Section 37-61-33(3),
87 the Office of Purchasing, Travel and Fleet Management of the
88 Department of Finance and Administration is authorized to issue
89 procurement cards to all public school district classroom teachers
90 and other necessary direct support personnel at the beginning of
91 the school year for the purchase of instructional supplies using
92 Educational Enhancement Funds. The cards will be issued in equal
93 amounts per teacher determined by the total number of qualifying



94 personnel and the then current state appropriation for classroom
95 instructional supplies under the Education Enhancement Fund. All
96 purchases shall be in accordance with state law and teachers are
97 responsible for verification of capital asset requirements when
98 pooling monies to purchase equipment. The cards will expire on a
99 pre-determined date at the end of each school year. All
100 unexpended amounts will be carried forward, to be combined with
101 the following year's instructional supply fund allocation, and
102 reallocated for the following year. The Department of Finance and
103 Administration is authorized to loan any start-up funds at the
104 beginning of the school year to fund this procurement system for
105 instructional supplies with loan repayment being made from sales
106 tax receipts earmarked for the Education Enhancement Fund.

107 (d) In a sale of goods or services, the seller shall
108 not impose a surcharge on a buyer who uses a state-issued credit
109 card, procurement card, travel card, or fuel card. The Department
110 of Finance and Administration shall have exclusive jurisdiction to
111 enforce and adopt rules relating to this paragraph. Any rules
112 adopted under this paragraph shall be consistent with federal laws
113 and regulations governing credit card transactions described by
114 this paragraph. This paragraph does not create a cause of action
115 against an individual for a violation of this paragraph.

116 (2) The Office of Purchasing, Travel and Fleet Management
117 shall adopt, subject to the approval of the Public Procurement
118 Review Board, purchasing regulations governing the purchase of



119 unmarked vehicles to be used by the Bureau of Narcotics and
120 Department of Public Safety in official investigations pursuant to
121 Section 25-1-87. Such regulations shall ensure that purchases of
122 such vehicles shall be at a fair price and shall take into
123 consideration the peculiar needs of the Bureau of Narcotics and
124 Department of Public Safety in undercover operations.

125 (3) The Office of Purchasing, Travel and Fleet Management
126 shall adopt, subject to the approval of the Public Procurement
127 Review Board, regulations governing the certification process for
128 certified purchasing offices, including the Mississippi Purchasing
129 Certification Program, which shall be required of all
130 purchasing * * * agents at state agencies. Such regulations shall
131 require entities desiring to be classified as certified purchasing
132 offices to submit applications and applicable documents on an
133 annual basis, and in the case of a state agency purchasing office,
134 to have one hundred percent (100%) participation and completion by
135 purchasing * * * agents in the Mississippi Purchasing
136 Certification Program, at which time the Office of Purchasing,
137 Travel and Fleet Management may provide the governing entity with
138 a certification valid for one (1) year from the date of issuance.
139 The Office of Purchasing, Travel and Fleet Management shall set a
140 fee in an amount that recovers its costs to administer the
141 Mississippi Purchasing Certification Program, which shall be
142 assessed to the participating state agencies.



143 **SECTION 3.** This act shall take effect and be in force from
144 and after July 1, 2016.

