

By: Representatives Bennett, Haney, Stamps,  
Paden, Karriem

To: Education

## HOUSE BILL NO. 879

1 AN ACT TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE PROCUREMENT CARD FOR CLASSROOM SUPPLIES SHALL BE  
3 RECEIVED BY DFA BY JULY 1 AND ISSUED TO TEACHERS ON AUGUST 1  
4 BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE FOR THE  
5 ISSUANCE OF SUCH PROCUREMENT CARDS TO TEACHERS EMPLOYED AT  
6 UNIVERSITY-BASED PROGRAMS, PART-TIME GIFTED AND SPECIAL EDUCATION  
7 TEACHERS; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO  
8 INCREASE THE PERCENTAGE OF FUNDS DEPOSITED INTO THE EDUCATION  
9 ENHANCEMENT FUND FOR APPROPRIATION TO STATE DEPARTMENT OF  
10 EDUCATION TO BE USED TOWARD THE COST OF MAEP TO 26.22%; TO PROVIDE  
11 FOR THIS INCREASE BY ERADICATING THE 9.61% OF EDUCATION  
12 ENHANCEMENT FUNDS APPROPRIATED TO THE CLASSROOM SUPPLY FUND; TO  
13 SPECIFY THAT \$25,000,000.00 DEPOSITED INTO THE EDUCATION  
14 ENHANCEMENT FUND SHALL BE APPROPRIATED FOR THE CLASSROOM SUPPLY  
15 FUND; AND FOR RELATED PURPOSES.

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

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

19 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet  
20 Management shall adopt purchasing regulations governing the  
21 purchase by any agency of any commodity or commodities and  
22 establishing standards and specifications for a commodity or  
23 commodities and the maximum fair prices of a commodity or  
24 commodities, subject to the approval of the Public Procurement



25 Review Board. It shall have the power to amend, add to or  
26 eliminate purchasing regulations. The adoption of, amendment,  
27 addition to or elimination of purchasing regulations shall be  
28 based upon a determination by the Office of Purchasing, Travel and  
29 Fleet Management with the approval of the Public Procurement  
30 Review Board, that such action is reasonable and practicable and  
31 advantageous to promote efficiency and economy in the purchase of  
32 commodities by the agencies of the state. Upon the adoption of  
33 any purchasing regulation, or an amendment, addition or  
34 elimination therein, copies of same shall be furnished to the  
35 State Auditor and to all agencies affected thereby. Thereafter,  
36 and except as otherwise may be provided in subsection (2) of this  
37 section, no agency of the state shall purchase any commodities  
38 covered by existing purchasing regulations unless such commodities  
39 be in conformity with the standards and specifications set forth  
40 in the purchasing regulations and unless the price thereof does  
41 not exceed the maximum fair price established by such purchasing  
42 regulations. The Office of Purchasing, Travel and Fleet  
43 Management shall furnish to any county or municipality or other  
44 local public agency of the state requesting same, copies of  
45 purchasing regulations adopted by the Office of Purchasing, Travel  
46 and Fleet Management and any amendments, changes or eliminations  
47 of same that may be made from time to time.

48 (b) The Office of Purchasing, Travel and Fleet  
49 Management may adopt purchasing regulations governing the use of



50 credit cards, procurement cards and purchasing club membership  
51 cards to be used by state agencies, governing authorities of  
52 counties and municipalities, school districts and the Chickasawhay  
53 Natural Gas District. Use of the cards shall be in strict  
54 compliance with the regulations promulgated by the office. Any  
55 amounts due on the cards shall incur interest charges as set forth  
56 in Section 31-7-305 and shall not be considered debt.

57 (c) Pursuant to the provision of Section 37-61-33(3),  
58 the Office of Purchasing, Travel and Fleet Management of the  
59 Department of Finance and Administration, which by July 1 shall  
60 have received from the provider of procurement cards with whom it  
61 has contracted for such services, is authorized to issue  
62 procurement cards to all public school district classroom  
63 teachers, teachers employed by a university-based program, full-  
64 and part-time gifted and special education teachers and other  
65 necessary direct support personnel \* \* \* on August 1 before the  
66 beginning of the school year for the purchase of instructional  
67 supplies using Educational Enhancement Funds. The cards will be  
68 issued in equal amounts per teacher determined by the total number  
69 of qualifying personnel and the then current state appropriation  
70 for classroom instructional supplies under the Education  
71 Enhancement Fund. All purchases shall be in accordance with state  
72 law and teachers are responsible for verification of capital asset  
73 requirements when pooling monies to purchase equipment. All  
74 unexpended amounts remaining on procurement cards on December 31



75 shall expire on that date and returned to the fund for  
76 reallocation to STEM, arts and gifted teachers on January 31 of  
77 the second term of the school year. Thereafter, the cards will  
78 expire on a predetermined date at the end of each school year.  
79 All unexpended amounts will be carried forward, to be combined  
80 with the following year's instructional supply fund allocation,  
81 and reallocated for the following year. The Department of Finance  
82 and Administration is authorized to loan any start-up funds at the  
83 beginning of the school year to fund this procurement system for  
84 instructional supplies with loan repayment being made from sales  
85 tax receipts earmarked for the Education Enhancement Fund.

86 (d) In a sale of goods or services, the seller shall  
87 not impose a surcharge on a buyer who uses a state-issued credit  
88 card, procurement card, travel card, or fuel card. The Department  
89 of Finance and Administration shall have exclusive jurisdiction to  
90 enforce and adopt rules relating to this paragraph. Any rules  
91 adopted under this paragraph shall be consistent with federal laws  
92 and regulations governing credit card transactions described by  
93 this paragraph. This paragraph does not create a cause of action  
94 against an individual for a violation of this paragraph.

95 (2) The Office of Purchasing, Travel and Fleet Management  
96 shall adopt, subject to the approval of the Public Procurement  
97 Review Board, purchasing regulations governing the purchase of  
98 unmarked vehicles to be used by the Bureau of Narcotics and  
99 Department of Public Safety in official investigations pursuant to



100 Section 25-1-87. Such regulations shall ensure that purchases of  
101 such vehicles shall be at a fair price and shall take into  
102 consideration the peculiar needs of the Bureau of Narcotics and  
103 Department of Public Safety in undercover operations.

104 (3) The Office of Purchasing, Travel and Fleet Management  
105 shall adopt, subject to the approval of the Public Procurement  
106 Review Board, regulations governing the certification process for  
107 certified purchasing offices, including the Mississippi Purchasing  
108 Certification Program, which shall be required of all purchasing  
109 agents at state agencies. Such regulations shall require entities  
110 desiring to be classified as certified purchasing offices to  
111 submit applications and applicable documents on an annual basis,  
112 and in the case of a state agency purchasing office, to have one  
113 hundred percent (100%) participation and completion by purchasing  
114 agents in the Mississippi Purchasing Certification Program, at  
115 which time the Office of Purchasing, Travel and Fleet Management  
116 may provide the governing entity with a certification valid for  
117 one (1) year from the date of issuance. The Office of Purchasing,  
118 Travel and Fleet Management shall set a fee in an amount that  
119 recovers its costs to administer the Mississippi Purchasing  
120 Certification Program, which shall be assessed to the  
121 participating state agencies.

122 (4) The Office of Purchasing, Travel and Fleet Management  
123 shall adopt purchasing regulations authorizing rural water



124 associations to purchase at the state contract price afforded to  
125 agencies and governing authorities under this chapter.

126         **SECTION 2.** Section 37-61-33, Mississippi Code of 1972, is  
127 amended as follows:

128         37-61-33. (1) There is created within the State Treasury a  
129 special fund to be designated the "Education Enhancement Fund"  
130 into which shall be deposited all the revenues collected pursuant  
131 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

132         (2) Of the amount deposited into the Education Enhancement  
133 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
134 appropriated each fiscal year to the State Department of Education  
135 to be distributed to all school districts. Such money shall be  
136 distributed to all school districts in the proportion that the  
137 average daily attendance of each school district bears to the  
138 average daily attendance of all school districts within the state  
139 for the following purposes:

140                 (a) Purchasing, erecting, repairing, equipping,  
141 remodeling and enlarging school buildings and related facilities,  
142 including gymnasiums, auditoriums, lunchrooms, vocational training  
143 buildings, libraries, teachers' homes, school barns,  
144 transportation vehicles (which shall include new and used  
145 transportation vehicles) and garages for transportation vehicles,  
146 and purchasing land therefor.



147           (b) Establishing and equipping school athletic fields  
148 and necessary facilities connected therewith, and purchasing land  
149 therefor.

150           (c) Providing necessary water, light, heating,  
151 air-conditioning and sewerage facilities for school buildings, and  
152 purchasing land therefor.

153           (d) As a pledge to pay all or a portion of the debt  
154 service on debt issued by the school district under Sections  
155 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
156 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
157 and 37-41-81, or debt issued by boards of supervisors for  
158 agricultural high schools pursuant to Section 37-27-65, if such  
159 pledge is accomplished pursuant to a written contract or  
160 resolution approved and spread upon the minutes of an official  
161 meeting of the district's school board or board of supervisors.  
162 The annual grant to such district in any subsequent year during  
163 the term of the resolution or contract shall not be reduced below  
164 an amount equal to the district's grant amount for the year in  
165 which the contract or resolution was adopted. The intent of this  
166 provision is to allow school districts to irrevocably pledge a  
167 certain, constant stream of revenue as security for long-term  
168 obligations issued under the code sections enumerated in this  
169 paragraph or as otherwise allowed by law. It is the intent of the  
170 Legislature that the provisions of this paragraph shall be  
171 cumulative and supplemental to any existing funding programs or



172 other authority conferred upon school districts or school boards.  
173 Debt of a district secured by a pledge of sales tax revenue  
174 pursuant to this paragraph shall not be subject to any debt  
175 limitation contained in the foregoing enumerated code sections.

176 (3) The remainder of the money deposited into the Education  
177 Enhancement Fund shall be appropriated as follows:

178 (a) To the State Department of Education as follows:

179 (i) \* \* \* Twenty-six and twenty-two one-hundredths  
180 percent (26.22%) to the cost of the adequate education program  
181 determined under Section 37-151-7; of the funds generated by the  
182 percentage set forth in this section for the support of the  
183 adequate education program, one and one hundred seventy-eight  
184 one-thousandths percent (1.178%) of the funds shall be  
185 appropriated to be used by the State Department of Education for  
186 the purchase of textbooks to be loaned under Sections 37-43-1  
187 through 37-43-59 to approved nonpublic schools, as described in  
188 Section 37-43-1. The funds to be distributed to each nonpublic  
189 school shall be in the proportion that the average daily  
190 attendance of each nonpublic school bears to the total average  
191 daily attendance of all nonpublic schools;

192 (ii) Seven and ninety-seven one-hundredths percent  
193 (7.97%) to assist the funding of transportation operations and  
194 maintenance pursuant to Section 37-19-23; and

195 (iii) \* \* \* Twenty-five Million Dollars  
196 (\$25,000,000.00) for classroom supplies, instructional materials





197 and equipment, including computers and computer software, to be  
198 distributed to all eligible teachers within the state through the  
199 use of procurement cards. Classroom supply funds shall not be  
200 expended for administrative purposes. On or before \* \* \* June 15  
201 of each year, local school districts shall determine and submit to  
202 the State Department of Education the number of teachers eligible  
203 to receive an allocation for the \* \* \* immediately subsequent  
204 school year. For purposes of this subparagraph, "teacher" means  
205 any employee of the school board of a school district, or the  
206 Mississippi School for the Arts, the Mississippi School for Math  
207 and Science, the Mississippi School for the Blind or the  
208 Mississippi School for the Deaf, who is required by law to obtain  
209 a teacher's license from the State Department of Education and who  
210 is assigned to an instructional area of work as defined by the  
211 department, and shall include any full- or part-time gifted or  
212 special education teacher and any teacher serving qualified  
213 students at a university-based program, but shall not  
214 include \* \* \* any other federally funded teacher. It is the  
215 intent of the Legislature that all classroom teachers shall  
216 utilize these funds in a manner that addresses individual  
217 classroom needs and supports the overall goals of the school  
218 regarding supplies, instructional materials, equipment, computers  
219 or computer software under the provisions of this subparagraph,  
220 including the type, quantity and quality of such supplies,  
221 materials and equipment. Classroom supply funds allocated under



222 this subparagraph shall supplement, not replace, other local and  
223 state funds available for the same purposes. The State Board of  
224 Education shall develop and promulgate rules and regulations for  
225 the administration of this subparagraph consistent with the above  
226 criteria, with particular emphasis on allowing the individual  
227 teachers to expend funds as they deem appropriate. Effective with  
228 the 2013-2014 school year, the local school board shall require  
229 each school to issue procurement cards provided by the Department  
230 of Finance and Administration under the provisions of Section  
231 31-7-9(1)(c) for the use of teachers, teacher employed by a  
232 university-based program, full- and part-time gifted and special  
233 education teachers and necessary support personnel in making  
234 instructional supply fund expenditures under this section,  
235 consistent with the regulations of the Mississippi Department of  
236 Finance and Administration pursuant to Section 31-7-9. Such  
237 procurement cards, which shall have been provided to the  
238 Department of Finance and Administration from the vendor for such  
239 services by July 1, shall be issued \* \* \* on August 1 before the  
240 beginning of the school year and shall be issued in equal amounts  
241 per teacher determined by the total number of qualifying personnel  
242 and the current state appropriation for classroom supplies with  
243 the Education Enhancement Fund. All unexpended amounts remaining  
244 on procurement cards on December 31 shall expire on that date and  
245 returned to the fund for reallocation to STEM, arts and gifted  
246 teachers on January 31 of the second term of the school year.



247 \* \* \* Thereafter, the cards will expire on a predetermined date  
248 at the end of each school year. All unexpended amounts will be  
249 carried forward, combined with the following year's allocation of  
250 Education Enhancement Fund instructional supplies funds and  
251 reallocated for the following year;

252 (b) Twenty-two and nine one-hundredths percent (22.09%)  
253 to the Board of Trustees of State Institutions of Higher Learning  
254 for the purpose of supporting institutions of higher learning; and

255 (c) Fourteen and forty-one one-hundredths percent  
256 (14.41%) to the Mississippi Community College Board for the  
257 purpose of providing support to community and junior colleges.

258 (4) The amount remaining in the Education Enhancement Fund  
259 after funds are distributed as provided in subsections (2) and (3)  
260 of this section shall be appropriated for other educational needs.

261 (5) None of the funds appropriated pursuant to subsection  
262 (3)(a) of this section shall be used to reduce the state's General  
263 Fund appropriation for the categories listed in an amount below  
264 the following amounts:

265 (a) For subsection (3)(a)(ii) of this section,  
266 Thirty-six Million Seven Hundred Thousand Dollars  
267 (\$36,700,000.00);

268 (b) For the aggregate of minimum program allotments in  
269 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
270 37, Mississippi Code of 1972, as amended, excluding those funds



271 for transportation as provided for in paragraph (a) of this  
272 subsection.

273 (6) Any funds appropriated from the Education Enhancement  
274 Fund that are unexpended at the end of a fiscal year shall lapse  
275 into the Education Enhancement Fund, except as otherwise provided  
276 in subsection (3) (a) (iii) of this section.

277 **SECTION 3.** This act shall take effect and be in force from  
278 and after its passage.

