

By: Representative McCarty

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 885

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
3 DISTRIBUTE EDUCATION ENHANCEMENT FUNDS FOR CLASSROOM SUPPLIES TO
4 ELIGIBLE TEACHERS THROUGH THE USE OF DIGITAL SOLUTIONS AND THEIR
5 APPLICABLE CREDENTIALS; TO PROVIDE EEF FUNDS TO UNIVERSITY OF
6 MISSISSIPPI MEDICAL CENTER FOR THE ESTABLISHMENT AND
7 ADMINISTRATION OF A FELLOWSHIP PROGRAM TO EDUCATE CERTAIN
8 HEALTHCARE PROFESSIONALS ON PROVIDING EARLY CHILDHOOD SERVICES TO
9 CHILDREN WITH BEHAVIORAL AND DEVELOPMENTAL DELAYS; TO AMEND
10 SECTION 31-7-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
11 AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is
14 amended as follows:

15 37-61-33. (1) There is created within the State Treasury a
16 special fund to be designated the "Education Enhancement Fund"
17 into which shall be deposited all the revenues collected pursuant
18 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

19 (2) Of the amount deposited into the Education Enhancement
20 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
21 appropriated each fiscal year to the State Department of Education
22 to be distributed to all school districts. Such money shall be



23 distributed to all school districts in the proportion that the
24 average daily attendance of each school district bears to the
25 average daily attendance of all school districts within the state
26 for the following purposes:

27 (a) Purchasing, erecting, repairing, equipping,
28 remodeling and enlarging school buildings and related facilities,
29 including gymnasiums, auditoriums, lunchrooms, vocational training
30 buildings, libraries, teachers' homes, school barns,
31 transportation vehicles (which shall include new and used
32 transportation vehicles) and garages for transportation vehicles,
33 and purchasing land therefor.

34 (b) Establishing and equipping school athletic fields
35 and necessary facilities connected therewith, and purchasing land
36 therefor.

37 (c) Providing necessary water, light, heating,
38 air-conditioning and sewerage facilities for school buildings, and
39 purchasing land therefor.

40 (d) As a pledge to pay all or a portion of the debt
41 service on debt issued by the school district under Sections
42 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
43 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
44 and 37-41-81, or debt issued by boards of supervisors for
45 agricultural high schools pursuant to Section 37-27-65, if such
46 pledge is accomplished pursuant to a written contract or
47 resolution approved and spread upon the minutes of an official



48 meeting of the district's school board or board of supervisors.
49 The annual grant to such district in any subsequent year during
50 the term of the resolution or contract shall not be reduced below
51 an amount equal to the district's grant amount for the year in
52 which the contract or resolution was adopted. The intent of this
53 provision is to allow school districts to irrevocably pledge a
54 certain, constant stream of revenue as security for long-term
55 obligations issued under the code sections enumerated in this
56 paragraph or as otherwise allowed by law. It is the intent of the
57 Legislature that the provisions of this paragraph shall be
58 cumulative and supplemental to any existing funding programs or
59 other authority conferred upon school districts or school boards.
60 Debt of a district secured by a pledge of sales tax revenue
61 pursuant to this paragraph shall not be subject to any debt
62 limitation contained in the foregoing enumerated code sections.

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

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

66 (i) Sixteen and sixty-one one-hundredths percent
67 (16.61%) to the cost of the adequate education program determined
68 under Section 37-151-7; of the funds generated by the percentage
69 set forth in this section for the support of the adequate
70 education program, one and one hundred seventy-eight
71 one-thousandths percent (1.178%) of the funds shall be
72 appropriated to be used by the State Department of Education for



73 the purchase of textbooks to be loaned under Sections 37-43-1
74 through 37-43-59 to approved nonpublic schools, as described in
75 Section 37-43-1. The funds to be distributed to each nonpublic
76 school shall be in the proportion that the average daily
77 attendance of each nonpublic school bears to the total average
78 daily attendance of all nonpublic schools;

79 (ii) Seven and ninety-seven one-hundredths percent
80 (7.97%) to assist the funding of transportation operations and
81 maintenance pursuant to Section 37-19-23; and

82 (iii) Nine and sixty-one one-hundredths percent
83 (9.61%) for classroom supplies, instructional materials and
84 equipment, including computers and computer software, to be
85 distributed to all eligible teachers within the state through the
86 use of procurement cards or a digital solution capable of
87 tracking, paying and reporting purchases. Classroom supply funds
88 shall not be expended for administrative purposes. On or before
89 September 1 of each year, local school districts shall determine
90 and submit to the State Department of Education the number of
91 teachers eligible to receive an allocation for the current year.
92 For purposes of this subparagraph, "teacher" means any employee of
93 the school board of a school district, or the Mississippi School
94 for the Arts, the Mississippi School for Math and Science, the
95 Mississippi School for the Blind or the Mississippi School for the
96 Deaf, who is required by law to obtain a teacher's license from
97 the State Department of Education and who is assigned to an



98 instructional area of work as defined by the department, but shall
99 not include a federally funded teacher. It is the intent of the
100 Legislature that all classroom teachers shall utilize these funds
101 in a manner that addresses individual classroom needs and supports
102 the overall goals of the school regarding supplies, instructional
103 materials, equipment, computers or computer software under the
104 provisions of this subparagraph, including the type, quantity and
105 quality of such supplies, materials and equipment. Classroom
106 supply funds allocated under this subparagraph shall supplement,
107 not replace, other local and state funds available for the same
108 purposes. The State Board of Education shall develop and
109 promulgate rules and regulations for the administration of this
110 subparagraph consistent with the above criteria, with particular
111 emphasis on allowing the individual teachers to expend funds as
112 they deem appropriate. Effective with the 2013-2014 school year,
113 the local school board shall require each school to issue
114 credentials for a digital solution selected by or procurement
115 cards provided by the Department of Finance and Administration
116 under the provisions of Section 31-7-9(1)(c) for the use of
117 teachers and necessary support personnel in making instructional
118 supply fund expenditures under this section, consistent with the
119 regulations of the Mississippi Department of Finance and
120 Administration pursuant to Section 31-7-9. Such procurement cards
121 or credentials shall be issued at the beginning of the school year
122 and shall be issued in equal amounts per teacher determined by the



123 total number of qualifying personnel and the current state
124 appropriation for classroom supplies with the Education
125 Enhancement Fund. Such cards or credentials will expire on a
126 pre-determined date at the end of each school year. All
127 unexpended amounts will be carried forward, combined with the
128 following year's allocation of Education Enhancement Fund
129 instructional supplies funds and reallocated for the following
130 year;

131 (b) Twenty-two and nine one-hundredths percent (22.09%)
132 to the Board of Trustees of State Institutions of Higher Learning
133 for the purpose of supporting institutions of higher
134 learning; * * *

135 (c) Fourteen and forty-one one-hundredths percent
136 (14.41%) to the Mississippi Community College Board for the
137 purpose of providing support to community and junior
138 colleges * * *; and

139 (d) One Million Two Hundred Thousand Dollars
140 (\$1,200,000.00) to the University of Mississippi Medical Center
141 for the establishment and administration of the Child Health and
142 Developmental Promotion Fellowship within the Center for
143 Advancement of Youth, for the purpose providing post-graduate
144 fellowships to individuals in various healthcare disciplines for
145 training and education on serving children between zero (0) to six
146 (6) years of age who are behaviorally and/or developmentally
147 delayed.



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

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

155 (a) For subsection (3) (a) (ii) of this section,
156 Thirty-six Million Seven Hundred Thousand Dollars
157 (\$36,700,000.00);

158 (b) For the aggregate of minimum program allotments in
159 the 1997 fiscal year, formerly provided for in Chapter 19, Title
160 37, Mississippi Code of 1972, as amended, excluding those funds
161 for transportation as provided for in paragraph (a) of this
162 subsection.

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

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

169 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
170 Management shall adopt purchasing regulations governing the
171 purchase by any agency of any commodity or commodities and
172 establishing standards and specifications for a commodity or



173 commodities and the maximum fair prices of a commodity or
174 commodities, subject to the approval of the Public Procurement
175 Review Board. It shall have the power to amend, add to or
176 eliminate purchasing regulations. The adoption of, amendment,
177 addition to or elimination of purchasing regulations shall be
178 based upon a determination by the Office of Purchasing, Travel and
179 Fleet Management with the approval of the Public Procurement
180 Review Board, that such action is reasonable and practicable and
181 advantageous to promote efficiency and economy in the purchase of
182 commodities by the agencies of the state. Upon the adoption of
183 any purchasing regulation, or an amendment, addition or
184 elimination therein, copies of same shall be furnished to the
185 State Auditor and to all agencies affected thereby. Thereafter,
186 and except as otherwise may be provided in subsection (2) of this
187 section, no agency of the state shall purchase any commodities
188 covered by existing purchasing regulations unless such commodities
189 be in conformity with the standards and specifications set forth
190 in the purchasing regulations and unless the price thereof does
191 not exceed the maximum fair price established by such purchasing
192 regulations. The Office of Purchasing, Travel and Fleet
193 Management shall furnish to any county or municipality or other
194 local public agency of the state requesting same, copies of
195 purchasing regulations adopted by the Office of Purchasing, Travel
196 and Fleet Management and any amendments, changes or eliminations
197 of same that may be made from time to time.



198 (b) The Office of Purchasing, Travel and Fleet
199 Management may adopt purchasing regulations governing the use of
200 credit cards, procurement cards and purchasing club membership
201 cards to be used by state agencies, governing authorities of
202 counties and municipalities, school districts and the Chickasawhay
203 Natural Gas District. Use of the cards shall be in strict
204 compliance with the regulations promulgated by the office. Any
205 amounts due on the cards shall incur interest charges as set forth
206 in Section 31-7-305 and shall not be considered debt.

207 (c) Pursuant to the provision of Section 37-61-33(3),
208 the Office of Purchasing, Travel and Fleet Management of the
209 Department of Finance and Administration is authorized to issue
210 procurement cards or credentials for a digital solution to all
211 public school district classroom teachers and other necessary
212 direct support personnel at the beginning of the school year for
213 the purchase of instructional supplies using Educational
214 Enhancement Funds. The cards will be issued in equal amounts per
215 teacher determined by the total number of qualifying personnel and
216 the then current state appropriation for classroom instructional
217 supplies under the Education Enhancement Fund. All purchases
218 shall be in accordance with state law and teachers are responsible
219 for verification of capital asset requirements when pooling monies
220 to purchase equipment. The cards will expire on a predetermined
221 date at the end of each school year. All unexpended amounts will
222 be carried forward, to be combined with the following year's



223 instructional supply fund allocation, and reallocated for the
224 following year. The Department of Finance and Administration is
225 authorized to loan any start-up funds at the beginning of the
226 school year to fund this procurement system for instructional
227 supplies with loan repayment being made from sales tax receipts
228 earmarked for the Education Enhancement Fund.

229 (d) In a sale of goods or services, the seller shall
230 not impose a surcharge on a buyer who uses a state-issued credit
231 card, procurement card, travel card, or fuel card. The Department
232 of Finance and Administration shall have exclusive jurisdiction to
233 enforce and adopt rules relating to this paragraph. Any rules
234 adopted under this paragraph shall be consistent with federal laws
235 and regulations governing credit card transactions described by
236 this paragraph. This paragraph does not create a cause of action
237 against an individual for a violation of this paragraph.

238 (2) The Office of Purchasing, Travel and Fleet Management
239 shall adopt, subject to the approval of the Public Procurement
240 Review Board, purchasing regulations governing the purchase of
241 unmarked vehicles to be used by the Bureau of Narcotics and
242 Department of Public Safety in official investigations pursuant to
243 Section 25-1-87. Such regulations shall ensure that purchases of
244 such vehicles shall be at a fair price and shall take into
245 consideration the peculiar needs of the Bureau of Narcotics and
246 Department of Public Safety in undercover operations.



247 (3) The Office of Purchasing, Travel and Fleet Management
248 shall adopt, subject to the approval of the Public Procurement
249 Review Board, regulations governing the certification process for
250 certified purchasing offices, including the Mississippi Purchasing
251 Certification Program, which shall be required of all purchasing
252 agents at state agencies. Such regulations shall require entities
253 desiring to be classified as certified purchasing offices to
254 submit applications and applicable documents on an annual basis,
255 and in the case of a state agency purchasing office, to have one
256 hundred percent (100%) participation and completion by purchasing
257 agents in the Mississippi Purchasing Certification Program, at
258 which time the Office of Purchasing, Travel and Fleet Management
259 may provide the governing entity with a certification valid for
260 one (1) year from the date of issuance. The Office of Purchasing,
261 Travel and Fleet Management shall set a fee in an amount that
262 recovers its costs to administer the Mississippi Purchasing
263 Certification Program, which shall be assessed to the
264 participating state agencies.

265 (4) The Office of Purchasing, Travel and Fleet Management
266 shall adopt purchasing regulations authorizing rural water
267 associations to purchase at the state contract price afforded to
268 agencies and governing authorities under this chapter.

269 **SECTION 3.** This act shall take effect and be in force from
270 and after July 1, 2022.

