

By: Representatives McCarty, Turner

To: Education;  
Appropriations

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 AMEND SECTION 31-7-9, MISSISSIPPI CODE  
6 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

10 37-61-33. (1) There is created within the State Treasury a  
11 special fund to be designated the "Education Enhancement Fund"  
12 into which shall be deposited all the revenues collected pursuant  
13 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

14 (2) Of the amount deposited into the Education Enhancement  
15 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
16 appropriated each fiscal year to the State Department of Education  
17 to be distributed to all school districts. Such money shall be  
18 distributed to all school districts in the proportion that the  
19 average daily attendance of each school district bears to the



20 average daily attendance of all school districts within the state  
21 for the following purposes:

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

29 (b) Establishing and equipping school athletic fields  
30 and necessary facilities connected therewith, and purchasing land  
31 therefor.

32 (c) Providing necessary water, light, heating,  
33 air-conditioning and sewerage facilities for school buildings, and  
34 purchasing land therefor.

35 (d) As a pledge to pay all or a portion of the debt  
36 service on debt issued by the school district under Sections  
37 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
38 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
39 and 37-41-81, or debt issued by boards of supervisors for  
40 agricultural high schools pursuant to Section 37-27-65, if such  
41 pledge is accomplished pursuant to a written contract or  
42 resolution approved and spread upon the minutes of an official  
43 meeting of the district's school board or board of supervisors.  
44 The annual grant to such district in any subsequent year during



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

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

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

61 (i) Sixteen and sixty-one one-hundredths percent  
62 (16.61%) to the cost of the adequate education program determined  
63 under Section 37-151-7; of the funds generated by the percentage  
64 set forth in this section for the support of the adequate  
65 education program, one and one hundred seventy-eight  
66 one-thousandths percent (1.178%) of the funds shall be  
67 appropriated to be used by the State Department of Education for  
68 the purchase of textbooks to be loaned under Sections 37-43-1  
69 through 37-43-59 to approved nonpublic schools, as described in



70 Section 37-43-1. The funds to be distributed to each nonpublic  
71 school shall be in the proportion that the average daily  
72 attendance of each nonpublic school bears to the total average  
73 daily attendance of all nonpublic schools;

74 (ii) Seven and ninety-seven one-hundredths percent  
75 (7.97%) to assist the funding of transportation operations and  
76 maintenance pursuant to Section 37-19-23; and

77 (iii) Nine and sixty-one one-hundredths percent  
78 (9.61%) for classroom supplies, instructional materials and  
79 equipment, including computers and computer software, to be  
80 distributed to all eligible teachers within the state through the  
81 use of procurement cards or a digital solution capable of  
82 tracking, paying and reporting purchases. Classroom supply funds  
83 shall not be expended for administrative purposes. On or before  
84 September 1 of each year, local school districts shall determine  
85 and submit to the State Department of Education the number of  
86 teachers eligible to receive an allocation for the current year.  
87 For purposes of this subparagraph, "teacher" means any employee of  
88 the school board of a school district, or the Mississippi School  
89 for the Arts, the Mississippi School for Math and Science, the  
90 Mississippi School for the Blind or the Mississippi School for the  
91 Deaf, who is required by law to obtain a teacher's license from  
92 the State Department of Education and who is assigned to an  
93 instructional area of work as defined by the department, but shall  
94 not include a federally funded teacher. It is the intent of the



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



120 Enhancement Fund. Such cards or credentials will expire on a  
121 pre-determined date at the end of each school year. All  
122 unexpended amounts will be carried forward, combined with the  
123 following year's allocation of Education Enhancement Fund  
124 instructional supplies funds and reallocated for the following  
125 year;

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

129 (c) Fourteen and forty-one one-hundredths percent  
130 (14.41%) to the Mississippi Community College Board for the  
131 purpose of providing support to community and junior colleges.

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

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

139 (a) For subsection (3) (a) (ii) of this section,  
140 Thirty-six Million Seven Hundred Thousand Dollars  
141 (\$36,700,000.00);

142 (b) For the aggregate of minimum program allotments in  
143 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
144 37, Mississippi Code of 1972, as amended, excluding those funds



145 for transportation as provided for in paragraph (a) of this  
146 subsection.

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

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

153 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet  
154 Management shall adopt purchasing regulations governing the  
155 purchase by any agency of any commodity or commodities and  
156 establishing standards and specifications for a commodity or  
157 commodities and the maximum fair prices of a commodity or  
158 commodities, subject to the approval of the Public Procurement  
159 Review Board. It shall have the power to amend, add to or  
160 eliminate purchasing regulations. The adoption of, amendment,  
161 addition to or elimination of purchasing regulations shall be  
162 based upon a determination by the Office of Purchasing, Travel and  
163 Fleet Management with the approval of the Public Procurement  
164 Review Board, that such action is reasonable and practicable and  
165 advantageous to promote efficiency and economy in the purchase of  
166 commodities by the agencies of the state. Upon the adoption of  
167 any purchasing regulation, or an amendment, addition or  
168 elimination therein, copies of same shall be furnished to the  
169 State Auditor and to all agencies affected thereby. Thereafter,



170 and except as otherwise may be provided in subsection (2) of this  
171 section, no agency of the state shall purchase any commodities  
172 covered by existing purchasing regulations unless such commodities  
173 be in conformity with the standards and specifications set forth  
174 in the purchasing regulations and unless the price thereof does  
175 not exceed the maximum fair price established by such purchasing  
176 regulations. The Office of Purchasing, Travel and Fleet  
177 Management shall furnish to any county or municipality or other  
178 local public agency of the state requesting same, copies of  
179 purchasing regulations adopted by the Office of Purchasing, Travel  
180 and Fleet Management and any amendments, changes or eliminations  
181 of same that may be made from time to time.

182 (b) The Office of Purchasing, Travel and Fleet  
183 Management may adopt purchasing regulations governing the use of  
184 credit cards, procurement cards and purchasing club membership  
185 cards to be used by state agencies, governing authorities of  
186 counties and municipalities, school districts and the Chickasawhay  
187 Natural Gas District. Use of the cards shall be in strict  
188 compliance with the regulations promulgated by the office. Any  
189 amounts due on the cards shall incur interest charges as set forth  
190 in Section 31-7-305 and shall not be considered debt.

191 (c) Pursuant to the provision of Section 37-61-33(3),  
192 the Office of Purchasing, Travel and Fleet Management of the  
193 Department of Finance and Administration is authorized to issue  
194 procurement cards or credentials for a digital solution to all





195 public school district classroom teachers and other necessary  
196 direct support personnel at the beginning of the school year for  
197 the purchase of instructional supplies using Educational  
198 Enhancement Funds. The cards will be issued in equal amounts per  
199 teacher determined by the total number of qualifying personnel and  
200 the then current state appropriation for classroom instructional  
201 supplies under the Education Enhancement Fund. All purchases  
202 shall be in accordance with state law and teachers are responsible  
203 for verification of capital asset requirements when pooling monies  
204 to purchase equipment. The cards will expire on a predetermined  
205 date at the end of each school year. All unexpended amounts will  
206 be carried forward, to be combined with the following year's  
207 instructional supply fund allocation, and reallocated for the  
208 following year. The Department of Finance and Administration is  
209 authorized to loan any start-up funds at the beginning of the  
210 school year to fund this procurement system for instructional  
211 supplies with loan repayment being made from sales tax receipts  
212 earmarked for the Education Enhancement Fund.

213 (d) In a sale of goods or services, the seller shall  
214 not impose a surcharge on a buyer who uses a state-issued credit  
215 card, procurement card, travel card, or fuel card. The Department  
216 of Finance and Administration shall have exclusive jurisdiction to  
217 enforce and adopt rules relating to this paragraph. Any rules  
218 adopted under this paragraph shall be consistent with federal laws  
219 and regulations governing credit card transactions described by



220 this paragraph. This paragraph does not create a cause of action  
221 against an individual for a violation of this paragraph.

222 (2) The Office of Purchasing, Travel and Fleet Management  
223 shall adopt, subject to the approval of the Public Procurement  
224 Review Board, purchasing regulations governing the purchase of  
225 unmarked vehicles to be used by the Bureau of Narcotics and  
226 Department of Public Safety in official investigations pursuant to  
227 Section 25-1-87. Such regulations shall ensure that purchases of  
228 such vehicles shall be at a fair price and shall take into  
229 consideration the peculiar needs of the Bureau of Narcotics and  
230 Department of Public Safety in undercover operations.

231 (3) The Office of Purchasing, Travel and Fleet Management  
232 shall adopt, subject to the approval of the Public Procurement  
233 Review Board, regulations governing the certification process for  
234 certified purchasing offices, including the Mississippi Purchasing  
235 Certification Program, which shall be required of all purchasing  
236 agents at state agencies. Such regulations shall require entities  
237 desiring to be classified as certified purchasing offices to  
238 submit applications and applicable documents on an annual basis,  
239 and in the case of a state agency purchasing office, to have one  
240 hundred percent (100%) participation and completion by purchasing  
241 agents in the Mississippi Purchasing Certification Program, at  
242 which time the Office of Purchasing, Travel and Fleet Management  
243 may provide the governing entity with a certification valid for  
244 one (1) year from the date of issuance. The Office of Purchasing,



245 Travel and Fleet Management shall set a fee in an amount that  
246 recovers its costs to administer the Mississippi Purchasing  
247 Certification Program, which shall be assessed to the  
248 participating state agencies.

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

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

