

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2422

1 AN ACT TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ALL SCHOOL TEACHERS AND OTHER PERSONNEL SHALL RECEIVE
 3 PROCUREMENT CARDS BEFORE SEPTEMBER 1 OF EACH YEAR FOR THE PURCHASE
 4 OF INSTRUCTIONAL SUPPLIES USING EDUCATIONAL ENHANCEMENT FUNDS; TO
 5 PROVIDE THAT THE CARDS SHALL EXPIRE ON A PREDETERMINED DATE BUT
 6 NOT BEFORE MAY 1 OF EACH YEAR; TO AMEND SECTION 37-61-33,
 7 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROCEEDING PROVISION;
 8 AND FOR RELATED PURPOSES.

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

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

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



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

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



47 compliance with the regulations promulgated by the office. Any
48 amounts due on the cards shall incur interest charges as set forth
49 in Section 31-7-305 and shall not be considered debt.

50 (c) Pursuant to the provision of Section 37-61-33(3),
51 the Office of Purchasing, Travel and Fleet Management of the
52 Department of Finance and Administration is authorized to issue
53 procurement cards to all public school district classroom teachers
54 and other necessary direct support personnel at the beginning of
55 the school year, but no later than September 1 of each year, for
56 the purchase of instructional supplies using Educational
57 Enhancement Funds. The cards will be issued in equal amounts per
58 teacher determined by the total number of qualifying personnel and
59 the then current state appropriation for classroom instructional
60 supplies under the Education Enhancement Fund. All purchases
61 shall be in accordance with state law and teachers are responsible
62 for verification of capital asset requirements when pooling monies
63 to purchase equipment. The cards will expire on a predetermined
64 date at the end of each school year, but not before May 1 of each
65 year. All unexpended amounts will be carried forward, to be
66 combined with the following year's instructional supply fund
67 allocation, and reallocated for the following year. The
68 Department of Finance and Administration is authorized to loan any
69 start-up funds at the beginning of the school year to fund this
70 procurement system for instructional supplies with loan repayment



71 being made from sales tax receipts earmarked for the Education
72 Enhancement Fund.

73 (d) In a sale of goods or services, the seller shall
74 not impose a surcharge on a buyer who uses a state-issued credit
75 card, procurement card, travel card, or fuel card. The Department
76 of Finance and Administration shall have exclusive jurisdiction to
77 enforce and adopt rules relating to this paragraph. Any rules
78 adopted under this paragraph shall be consistent with federal laws
79 and regulations governing credit card transactions described by
80 this paragraph. This paragraph does not create a cause of action
81 against an individual for a violation of this paragraph.

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

91 (3) The Office of Purchasing, Travel and Fleet Management
92 shall adopt, subject to the approval of the Public Procurement
93 Review Board, regulations governing the certification process for
94 certified purchasing offices, including the Mississippi Purchasing
95 Certification Program, which shall be required of all purchasing



96 agents at state agencies. Such regulations shall require entities
97 desiring to be classified as certified purchasing offices to
98 submit applications and applicable documents on an annual basis,
99 and in the case of a state agency purchasing office, to have one
100 hundred percent (100%) participation and completion by purchasing
101 agents in the Mississippi Purchasing Certification Program, at
102 which time the Office of Purchasing, Travel and Fleet Management
103 may provide the governing entity with a certification valid for
104 one (1) year from the date of issuance. The Office of Purchasing,
105 Travel and Fleet Management shall set a fee in an amount that
106 recovers its costs to administer the Mississippi Purchasing
107 Certification Program, which shall be assessed to the
108 participating state agencies.

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

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

115 37-61-33. (1) There is created within the State Treasury a
116 special fund to be designated the "Education Enhancement Fund"
117 into which shall be deposited all the revenues collected pursuant
118 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

119 (2) Of the amount deposited into the Education Enhancement
120 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be



121 appropriated each fiscal year to the State Department of Education
122 to be distributed to all school districts. Such money shall be
123 distributed to all school districts in the proportion that the
124 average daily attendance of each school district bears to the
125 average daily attendance of all school districts within the state
126 for the following purposes:

127 (a) Purchasing, erecting, repairing, equipping,
128 remodeling and enlarging school buildings and related facilities,
129 including gymnasiums, auditoriums, lunchrooms, vocational training
130 buildings, libraries, teachers' homes, school barns,
131 transportation vehicles (which shall include new and used
132 transportation vehicles) and garages for transportation vehicles,
133 and purchasing land therefor.

134 (b) Establishing and equipping school athletic fields
135 and necessary facilities connected therewith, and purchasing land
136 therefor.

137 (c) Providing necessary water, light, heating,
138 air-conditioning and sewerage facilities for school buildings, and
139 purchasing land therefor.

140 (d) As a pledge to pay all or a portion of the debt
141 service on debt issued by the school district under Sections
142 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
143 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
144 and 37-41-81, or debt issued by boards of supervisors for
145 agricultural high schools pursuant to Section 37-27-65, if such



146 pledge is accomplished pursuant to a written contract or
147 resolution approved and spread upon the minutes of an official
148 meeting of the district's school board or board of supervisors.
149 The annual grant to such district in any subsequent year during
150 the term of the resolution or contract shall not be reduced below
151 an amount equal to the district's grant amount for the year in
152 which the contract or resolution was adopted. The intent of this
153 provision is to allow school districts to irrevocably pledge a
154 certain, constant stream of revenue as security for long-term
155 obligations issued under the code sections enumerated in this
156 paragraph or as otherwise allowed by law. It is the intent of the
157 Legislature that the provisions of this paragraph shall be
158 cumulative and supplemental to any existing funding programs or
159 other authority conferred upon school districts or school boards.
160 Debt of a district secured by a pledge of sales tax revenue
161 pursuant to this paragraph shall not be subject to any debt
162 limitation contained in the foregoing enumerated code sections.

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

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

166 (i) Sixteen and sixty-one one-hundredths percent
167 (16.61%) to the cost of the adequate education program determined
168 under Section 37-151-7; of the funds generated by the percentage
169 set forth in this section for the support of the adequate
170 education program, one and one hundred seventy-eight



171 one-thousandths percent (1.178%) of the funds shall be
172 appropriated to be used by the State Department of Education for
173 the purchase of textbooks to be loaned under Sections 37-43-1
174 through 37-43-59 to approved nonpublic schools, as described in
175 Section 37-43-1. The funds to be distributed to each nonpublic
176 school shall be in the proportion that the average daily
177 attendance of each nonpublic school bears to the total average
178 daily attendance of all nonpublic schools;

179 (ii) Seven and ninety-seven one-hundredths percent
180 (7.97%) to assist the funding of transportation operations and
181 maintenance pursuant to Section 37-19-23; and

182 (iii) Nine and sixty-one one-hundredths percent
183 (9.61%) for classroom supplies, instructional materials and
184 equipment, including computers and computer software, to be
185 distributed to all eligible teachers within the state through the
186 use of procurement cards. Classroom supply funds shall not be
187 expended for administrative purposes. On or before * * * July 1
188 of each year, local school districts shall determine and submit to
189 the State Department of Education the number of teachers eligible
190 to receive an allocation for the current year. For purposes of
191 this subparagraph, "teacher" means any employee of the school
192 board of a school district, or the Mississippi School for the
193 Arts, the Mississippi School for Math and Science, the Mississippi
194 School for the Blind or the Mississippi School for the Deaf, who
195 is required by law to obtain a teacher's license from the State



196 Department of Education and who is assigned to an instructional
197 area of work as defined by the department * * *. It is the intent
198 of the Legislature that all classroom teachers shall utilize these
199 funds in a manner that addresses individual classroom needs and
200 supports the overall goals of the school regarding supplies,
201 instructional materials, equipment, computers or computer software
202 under the provisions of this subparagraph, including the type,
203 quantity and quality of such supplies, materials and equipment.
204 Classroom supply funds allocated under this subparagraph shall
205 supplement, not replace, other local and state funds available for
206 the same purposes. The State Board of Education shall develop and
207 promulgate rules and regulations for the administration of this
208 subparagraph consistent with the above criteria, with particular
209 emphasis on allowing the individual teachers to expend funds as
210 they deem appropriate. * * * The local school board shall require
211 each school to issue procurement cards provided by the Department
212 of Finance and Administration under the provisions of Section
213 31-7-9(1)(c) for the use of teachers and necessary support
214 personnel in making instructional supply fund expenditures under
215 this section, consistent with the regulations of the Mississippi
216 Department of Finance and Administration pursuant to Section
217 31-7-9. Such procurement cards shall be * * * provided by the
218 State Department of Education to local school districts by August
219 1 of each year. Local school districts shall issue such
220 procurement cards to classroom teachers at the beginning of the



221 school year, but no later than September 1 of each year, and shall
222 be issued in equal amounts per teacher determined by the total
223 number of qualifying personnel and the current state appropriation
224 for classroom supplies with the Education Enhancement Fund. Such
225 cards will expire on a predetermined date at the end of each
226 school year, but not before May 1 of each year. All unexpended
227 amounts will be carried forward, combined with the following
228 year's allocation of Education Enhancement Fund instructional
229 supplies funds and reallocated for the following year;

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

233 (c) Fourteen and forty-one one-hundredths percent
234 (14.41%) to the Mississippi Community College Board for the
235 purpose of providing support to community and junior colleges.

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

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

243 (a) For subsection (3) (a) (ii) of this section,
244 Thirty-six Million Seven Hundred Thousand Dollars
245 (\$36,700,000.00);



246 (b) For the aggregate of minimum program allotments in
247 the 1997 fiscal year, formerly provided for in Chapter 19, Title
248 37, Mississippi Code of 1972, as amended, excluding those funds
249 for transportation as provided for in paragraph (a) of this
250 subsection.

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

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

