

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2422
(As Passed the Senate)

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 APRIL 1 OF EACH YEAR; TO AMEND SECTION 37-61-33,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LOCAL SCHOOL BOARDS
8 SHALL REQUIRE EACH SCHOOL ISSUE CREDENTIALS FOR A DIGITAL SOLUTION
9 SELECTED OR PROCUREMENT CARDS FOR THE USE OF TEACHERS IN MAKING
10 INSTRUCTIONAL SUPPLY FUND EXPENDITURES UNDER THE EDUCATIONAL
11 ENHANCEMENT FUND; AND FOR RELATED PURPOSES.

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

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

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



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

44 (b) The Office of Purchasing, Travel and Fleet
45 Management may adopt purchasing regulations governing the use of
46 credit cards, procurement cards and purchasing club membership
47 cards to be used by state agencies, governing authorities of



counties and municipalities, school districts and the Chickasawhay Natural Gas District. Use of the cards shall be in strict compliance with the regulations promulgated by the office. Any amounts due on the cards shall incur interest charges as set forth in Section 31-7-305 and shall not be considered debt.

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



procurement system for instructional supplies with loan repayment being made from sales tax receipts earmarked for the Education Enhancement Fund.

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

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

(3) The Office of Purchasing, Travel and Fleet Management shall adopt, subject to the approval of the Public Procurement Review Board, regulations governing the certification process for certified purchasing offices, including the Mississippi Purchasing



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

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

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

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



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

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

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

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

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302



147 and 37-41-81, or debt issued by boards of supervisors for
148 agricultural high schools pursuant to Section 37-27-65, if such
149 pledge is accomplished pursuant to a written contract or
150 resolution approved and spread upon the minutes of an official
151 meeting of the district's school board or board of supervisors.
152 The annual grant to such district in any subsequent year during
153 the term of the resolution or contract shall not be reduced below
154 an amount equal to the district's grant amount for the year in
155 which the contract or resolution was adopted. The intent of this
156 provision is to allow school districts to irrevocably pledge a
157 certain, constant stream of revenue as security for long-term
158 obligations issued under the code sections enumerated in this
159 paragraph or as otherwise allowed by law. It is the intent of the
160 Legislature that the provisions of this paragraph shall be
161 cumulative and supplemental to any existing funding programs or
162 other authority conferred upon school districts or school boards.
163 Debt of a district secured by a pledge of sales tax revenue
164 pursuant to this paragraph shall not be subject to any debt
165 limitation contained in the foregoing enumerated code sections.

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

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

169 (i) Sixteen and sixty-one one-hundredths percent
170 (16.61%) to the cost of the adequate education program determined
171 under Section 37-151-7; of the funds generated by the percentage



set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

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

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all eligible teachers within the state through the use of procurement cards or a digital solution capable of tracking, paying and reporting purchases. Classroom supply funds shall not be expended for administrative purposes. On * * * a date to be determined by the State Department of Education, but not later than July 1 of each year, local school districts shall determine and submit to the State Department of Education the number of teachers eligible to receive an allocation for the current year. For purposes of this subparagraph, "teacher" means



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



222 consistent with the regulations of the Mississippi Department of
223 Finance and Administration pursuant to Section 31-7-9. Such
224 credentials or procurement cards shall be * * * provided by the
225 State Department of Education to local school districts by August
226 1 of each year. Local school districts shall issue such
227 credentials or procurement cards to classroom teachers at the
228 beginning of the school year, but no later than September 1 of
229 each year, and shall be issued in equal amounts per teacher
230 determined by the total number of qualifying personnel and the
231 current state appropriation for classroom supplies with the
232 Education Enhancement Fund. After initial cards are issued under
233 the timeline prescribed by this section, the State Department of
234 Education may issue cards to districts for any classroom teacher
235 hired after July 1 under a timeline prescribed by the State
236 Department of Education. Such credentials or cards will expire on
237 a predetermined date at the end of each school year, but not
238 before April 1 of each year. All unexpended amounts will be
239 carried forward, combined with the following year's allocation of
240 Education Enhancement Fund instructional supplies funds and
241 reallocated for the following year;

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



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

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

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

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

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

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

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

