

By: Senator(s) DeBar, Thomas, Jordan,
Simmons (12th), Simmons (13th), Jackson
(11th)

To: Education

SENATE BILL NO. 2422
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE PROCUREMENT CARD FOR CLASSROOM SUPPLIES USING
3 EDUCATIONAL ENHANCEMENT FUNDS SHALL BE ISSUED TO TEACHERS ON
4 AUGUST 1 OF EACH YEAR; TO PROVIDE THAT LOCAL SCHOOL BOARDS SHALL
5 REQUIRE EACH SCHOOL TO ISSUE CREDENTIALS FOR A DIGITAL SOLUTION
6 SELECTED OR PROCUREMENT CARDS FOR THE USE OF TEACHERS IN MAKING
7 INSTRUCTIONAL SUPPLY FUND EXPENDITURES UNDER THE EDUCATIONAL
8 ENHANCEMENT FUND; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF
9 1972, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
10 DISTRIBUTE EDUCATION ENHANCEMENT FUNDS FOR CLASSROOM SUPPLIES TO
11 ELIGIBLE TEACHERS THROUGH THE USE OF DIGITAL SOLUTIONS AND THEIR
12 APPLICABLE CREDENTIALS; TO SET TIMELINES FOR THE ISSUANCE OF THESE
13 SOLUTIONS; AND FOR RELATED PURPOSES.

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

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

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



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

46 (b) The Office of Purchasing, Travel and Fleet
47 Management may adopt purchasing regulations governing the use of
48 credit cards, procurement cards and purchasing club membership



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

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



74 reallocated for the following year. The Department of Finance and
75 Administration is authorized to loan any start-up funds at the
76 beginning of the school year to fund this procurement system for
77 instructional supplies with loan repayment being made from sales
78 tax receipts earmarked for the Education Enhancement Fund.

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

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

97 (3) The Office of Purchasing, Travel and Fleet Management
98 shall adopt, subject to the approval of the Public Procurement



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

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

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

121 37-61-33. (1) There is created within the State Treasury a
122 special fund to be designated the "Education Enhancement Fund"



123 into which shall be deposited all the revenues collected pursuant
124 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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

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

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

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

146 (d) As a pledge to pay all or a portion of the debt
147 service on debt issued by the school district under Sections



148 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
149 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
150 and 37-41-81, or debt issued by boards of supervisors for
151 agricultural high schools pursuant to Section 37-27-65, if such
152 pledge is accomplished pursuant to a written contract or
153 resolution approved and spread upon the minutes of an official
154 meeting of the district's school board or board of supervisors.
155 The annual grant to such district in any subsequent year during
156 the term of the resolution or contract shall not be reduced below
157 an amount equal to the district's grant amount for the year in
158 which the contract or resolution was adopted. The intent of this
159 provision is to allow school districts to irrevocably pledge a
160 certain, constant stream of revenue as security for long-term
161 obligations issued under the code sections enumerated in this
162 paragraph or as otherwise allowed by law. It is the intent of the
163 Legislature that the provisions of this paragraph shall be
164 cumulative and supplemental to any existing funding programs or
165 other authority conferred upon school districts or school boards.
166 Debt of a district secured by a pledge of sales tax revenue
167 pursuant to this paragraph shall not be subject to any debt
168 limitation contained in the foregoing enumerated code sections.

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

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



172 (i) Sixteen and sixty-one one-hundredths percent
173 (16.61%) to the cost of the adequate education program determined
174 under Section 37-151-7; of the funds generated by the percentage
175 set forth in this section for the support of the adequate
176 education program, one and one hundred seventy-eight
177 one-thousandths percent (1.178%) of the funds shall be
178 appropriated to be used by the State Department of Education for
179 the purchase of textbooks to be loaned under Sections 37-43-1
180 through 37-43-59 to approved nonpublic schools, as described in
181 Section 37-43-1. The funds to be distributed to each nonpublic
182 school shall be in the proportion that the average daily
183 attendance of each nonpublic school bears to the total average
184 daily attendance of all nonpublic schools;

185 (ii) Seven and ninety-seven one-hundredths percent
186 (7.97%) to assist the funding of transportation operations and
187 maintenance pursuant to Section 37-19-23; and

188 (iii) Nine and sixty-one one-hundredths percent
189 (9.61%) for classroom supplies, instructional materials and
190 equipment, including computers and computer software, to be
191 distributed to all eligible teachers within the state through the
192 use of procurement cards or a digital solution capable of
193 tracking, paying and reporting purchases. Classroom supply funds
194 shall not be expended for administrative purposes. On * * * a
195 date to be determined by the State Department of Education, but
196 not later than July 1 of each year, local school districts shall



197 determine and submit to the State Department of Education the
198 number of teachers eligible to receive an allocation for the
199 current year. For purposes of this subparagraph, "teacher" means
200 any employee of the school board of a school district, or the
201 Mississippi School for the Arts, the Mississippi School for Math
202 and Science, the Mississippi School for the Blind or the
203 Mississippi School for the Deaf, who is required by law to obtain
204 a teacher's license from the State Department of Education and who
205 is assigned to an instructional area of work as defined by the
206 department * * *, and shall include any full- or part-time gifted
207 or special education teacher. It is the intent of the Legislature
208 that all classroom teachers shall utilize these funds in a manner
209 that addresses individual classroom needs and supports the overall
210 goals of the school regarding supplies, instructional materials,
211 equipment, computers or computer software under the provisions of
212 this subparagraph, including the type, quantity and quality of
213 such supplies, materials and equipment. Classroom supply funds
214 allocated under this subparagraph shall supplement, not replace,
215 other local and state funds available for the same purposes. The
216 State Board of Education shall develop and promulgate rules and
217 regulations for the administration of this subparagraph consistent
218 with the above criteria, with particular emphasis on allowing the
219 individual teachers to expend funds as they deem
220 appropriate. * * * The local school board shall require each
221 school to issue credentials for a digital solution selected by or



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



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

250 (c) Fourteen and forty-one one-hundredths percent
251 (14.41%) to the Mississippi Community College Board for the
252 purpose of providing support to community and junior colleges.

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

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

260 (a) For subsection (3) (a) (ii) of this section,
261 Thirty-six Million Seven Hundred Thousand Dollars
262 (\$36,700,000.00);

263 (b) For the aggregate of minimum program allotments in
264 the 1997 fiscal year, formerly provided for in Chapter 19, Title
265 37, Mississippi Code of 1972, as amended, excluding those funds
266 for transportation as provided for in paragraph (a) of this
267 subsection.

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



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

