

House Amendments to Senate Bill No. 2422

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

28 **SECTION 1.** Section 31-7-9, Mississippi Code of 1972, is
29 amended as follows:
30 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
31 Management shall adopt purchasing regulations governing the
32 purchase by any agency of any commodity or commodities and
33 establishing standards and specifications for a commodity or
34 commodities and the maximum fair prices of a commodity or
35 commodities, subject to the approval of the Public Procurement
36 Review Board. It shall have the power to amend, add to or
37 eliminate purchasing regulations. The adoption of, amendment,
38 addition to or elimination of purchasing regulations shall be
39 based upon a determination by the Office of Purchasing, Travel and
40 Fleet Management with the approval of the Public Procurement
41 Review Board, that such action is reasonable and practicable and
42 advantageous to promote efficiency and economy in the purchase of
43 commodities by the agencies of the state. Upon the adoption of
44 any purchasing regulation, or an amendment, addition or

45 elimination therein, copies of same shall be furnished to the
46 State Auditor and to all agencies affected thereby. Thereafter,
47 and except as otherwise may be provided in subsection (2) of this
48 section, no agency of the state shall purchase any commodities
49 covered by existing purchasing regulations unless such commodities
50 be in conformity with the standards and specifications set forth
51 in the purchasing regulations and unless the price thereof does
52 not exceed the maximum fair price established by such purchasing
53 regulations. The Office of Purchasing, Travel and Fleet
54 Management shall furnish to any county or municipality or other
55 local public agency of the state requesting same, copies of
56 purchasing regulations adopted by the Office of Purchasing, Travel
57 and Fleet Management and any amendments, changes or eliminations
58 of same that may be made from time to time.

59 (b) The Office of Purchasing, Travel and Fleet
60 Management may adopt purchasing regulations governing the use of
61 credit cards, procurement cards and purchasing club membership
62 cards to be used by state agencies, governing authorities of
63 counties and municipalities, school districts and the Chickasawhay
64 Natural Gas District. Use of the cards shall be in strict
65 compliance with the regulations promulgated by the office. Any
66 amounts due on the cards shall incur interest charges as set forth
67 in Section 31-7-305 and shall not be considered debt.

68 (c) Pursuant to the provision of Section 37-61-33(3),
69 the Office of Purchasing, Travel and Fleet Management of the
70 Department of Finance and Administration, which by July 1 shall

71 have received from the provider of procurement cards with whom it
72 has contracted for such services, is authorized to issue
73 procurement cards or credentials for a digital solution to all
74 public school district classroom teachers, teachers employed by a
75 university-based program, full- and part-time gifted and special
76 education teachers and other necessary direct support
77 personnel * * * on August 1 before the beginning of the school
78 year for the purchase of instructional supplies using Educational
79 Enhancement Funds. The cards will be issued in equal amounts per
80 teacher determined by the total number of qualifying personnel and
81 the then current state appropriation for classroom instructional
82 supplies under the Education Enhancement Fund. All purchases
83 shall be in accordance with state law and teachers are responsible
84 for verification of capital asset requirements when pooling monies
85 to purchase equipment. All unexpended amounts remaining on
86 procurement cards on December 31 shall expire on that date and
87 returned to the fund for reallocation to STEM, arts and gifted
88 teachers on January 31 of the second term of the school year.
89 Thereafter, the cards will expire on a predetermined date at the
90 end of each school year. All unexpended amounts will be carried
91 forward, to be combined with the following year's instructional
92 supply fund allocation, and reallocated for the following year.
93 The Department of Finance and Administration is authorized to loan
94 any start-up funds at the beginning of the school year to fund
95 this procurement system for instructional supplies with loan

96 repayment being made from sales tax receipts earmarked for the
97 Education Enhancement Fund.

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

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

116 (3) The Office of Purchasing, Travel and Fleet Management
117 shall adopt, subject to the approval of the Public Procurement
118 Review Board, regulations governing the certification process for
119 certified purchasing offices, including the Mississippi Purchasing
120 Certification Program, which shall be required of all purchasing
121 agents at state agencies. Such regulations shall require entities

122 desiring to be classified as certified purchasing offices to
123 submit applications and applicable documents on an annual basis,
124 and in the case of a state agency purchasing office, to have one
125 hundred percent (100%) participation and completion by purchasing
126 agents in the Mississippi Purchasing Certification Program, at
127 which time the Office of Purchasing, Travel and Fleet Management
128 may provide the governing entity with a certification valid for
129 one (1) year from the date of issuance. The Office of Purchasing,
130 Travel and Fleet Management shall set a fee in an amount that
131 recovers its costs to administer the Mississippi Purchasing
132 Certification Program, which shall be assessed to the
133 participating state agencies.

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

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

140 37-61-33. (1) There is created within the State Treasury a
141 special fund to be designated the "Education Enhancement Fund"
142 into which shall be deposited all the revenues collected pursuant
143 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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

148 distributed to all school districts in the proportion that the
149 average daily attendance of each school district bears to the
150 average daily attendance of all school districts within the state
151 for the following purposes:

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

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

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

165 (d) As a pledge to pay all or a portion of the debt
166 service on debt issued by the school district under Sections
167 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
168 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
169 and 37-41-81, or debt issued by boards of supervisors for
170 agricultural high schools pursuant to Section 37-27-65, if such
171 pledge is accomplished pursuant to a written contract or
172 resolution approved and spread upon the minutes of an official
173 meeting of the district's school board or board of supervisors.

174 The annual grant to such district in any subsequent year during
175 the term of the resolution or contract shall not be reduced below
176 an amount equal to the district's grant amount for the year in
177 which the contract or resolution was adopted. The intent of this
178 provision is to allow school districts to irrevocably pledge a
179 certain, constant stream of revenue as security for long-term
180 obligations issued under the code sections enumerated in this
181 paragraph or as otherwise allowed by law. It is the intent of the
182 Legislature that the provisions of this paragraph shall be
183 cumulative and supplemental to any existing funding programs or
184 other authority conferred upon school districts or school boards.
185 Debt of a district secured by a pledge of sales tax revenue
186 pursuant to this paragraph shall not be subject to any debt
187 limitation contained in the foregoing enumerated code sections.

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

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

191 (i) * * * Twenty-six and twenty-two one-hundredths
192 percent (26.22%) to the cost of the adequate education program
193 determined under Section 37-151-7; of the funds generated by the
194 percentage set forth in this section for the support of the
195 adequate education program, one and one hundred seventy-eight
196 one-thousandths percent (1.178%) of the funds shall be
197 appropriated to be used by the State Department of Education for
198 the purchase of textbooks to be loaned under Sections 37-43-1
199 through 37-43-59 to approved nonpublic schools, as described in

200 Section 37-43-1. The funds to be distributed to each nonpublic
201 school shall be in the proportion that the average daily
202 attendance of each nonpublic school bears to the total average
203 daily attendance of all nonpublic schools;

204 (ii) Seven and ninety-seven one-hundredths percent
205 (7.97%) to assist the funding of transportation operations and
206 maintenance pursuant to Section 37-19-23; and

207 (iii) * * * Twenty-five Million Dollars
208 (\$25,000,000.00) for classroom supplies, instructional materials
209 and equipment, including computers and computer software, to be
210 distributed to all eligible teachers within the state through the
211 use of procurement cards or a digital solution capable of
212 tracking, paying and reporting purchases. Classroom supply funds
213 shall not be expended for administrative purposes. On or
214 before * * * June 15 of each year, local school districts shall
215 determine and submit to the State Department of Education the
216 number of teachers eligible to receive an allocation for the * * *
217 immediately subsequent school year. For purposes of this
218 subparagraph, "teacher" means any employee of the school board of
219 a school district, or the Mississippi School for the Arts, the
220 Mississippi School for Math and Science, the Mississippi School
221 for the Blind or the Mississippi School for the Deaf, who is
222 required by law to obtain a teacher's license from the State
223 Department of Education and who is assigned to an instructional
224 area of work as defined by the department, and shall include any
225 full- or part-time gifted or special education teacher and any

226 teacher serving qualified students at a university-based program,
227 but shall not include * * * any other federally funded teacher.
228 It is the intent of the Legislature that all classroom teachers
229 shall utilize these funds in a manner that addresses individual
230 classroom needs and supports the overall goals of the school
231 regarding supplies, instructional materials, equipment, computers
232 or computer software under the provisions of this subparagraph,
233 including the type, quantity and quality of such supplies,
234 materials and equipment. Classroom supply funds allocated under
235 this subparagraph shall supplement, not replace, other local and
236 state funds available for the same purposes. The State Board of
237 Education shall develop and promulgate rules and regulations for
238 the administration of this subparagraph consistent with the above
239 criteria, with particular emphasis on allowing the individual
240 teachers to expend funds as they deem appropriate. * * * The
241 local school board shall require each school to issue credentials
242 for a digital solution selected by or procurement cards provided
243 by the Department of Finance and Administration under the
244 provisions of Section 31-7-9(1)(c) for the use of teachers,
245 teacher employed by a university-based program, full- and
246 part-time gifted and special education teachers and necessary
247 support personnel in making instructional supply fund expenditures
248 under this section, consistent with the regulations of the
249 Mississippi Department of Finance and Administration pursuant to
250 Section 31-7-9. * * * The procurement cards, which shall have
251 been provided to the Department of Finance and Administration from

252 the vendor for such services by July 1, or credentials shall be
253 issued * * * on August 1 before the beginning of the school year
254 and shall be issued in equal amounts per teacher determined by the
255 total number of qualifying personnel and the current state
256 appropriation for classroom supplies with the Education
257 Enhancement Fund. All unexpended amounts remaining on procurement
258 cards or in credentials on December 31 shall expire on that date
259 and returned to the fund for reallocation to STEM, arts and gifted
260 teachers on January 31 of the second term of the school year.

261 * * * Thereafter, the cards or credentials will expire on a
262 predetermined date at the end of each school year. All unexpended
263 amounts will be carried forward, combined with the following
264 year's allocation of Education Enhancement Fund instructional
265 supplies funds and reallocated for the following year;

266 (b) Twenty-two and nine one-hundredths percent (22.09%)
267 to the Board of Trustees of State Institutions of Higher Learning
268 for the purpose of supporting institutions of higher
269 learning; * * *

270 (c) Fourteen and forty-one one-hundredths percent
271 (14.41%) to the Mississippi Community College Board for the
272 purpose of providing support to community and junior
273 colleges * * *; and

274 (d) One Million Two Hundred Thousand Dollars
275 (\$1,200,000.00) to the University of Mississippi Medical Center
276 for the establishment and administration of the Child Health and
277 Developmental Promotion Fellowship within the Center for

278 Advancement of Youth, for the purpose of providing post-graduate
279 fellowships to individuals in various healthcare disciplines for
280 training and education on serving children between zero (0) to six
281 (6) years of age who are behaviorally and/or developmentally
282 delayed.

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

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

290 (a) For subsection (3) (a) (ii) of this section,
291 Thirty-six Million Seven Hundred Thousand Dollars
292 (\$36,700,000.00);

293 (b) For the aggregate of minimum program allotments in
294 the 1997 fiscal year, formerly provided for in Chapter 19, Title
295 37, Mississippi Code of 1972, as amended, excluding those funds
296 for transportation as provided for in paragraph (a) of this
297 subsection.

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

302 **SECTION 3.** This act shall take effect and be in force from
303 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE PROCUREMENT CARD FOR CLASSROOM SUPPLIES SHALL BE
3 RECEIVED BY DFA BY JULY 1 AND ISSUED TO TEACHERS ON AUGUST 1
4 BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE FOR THE
5 ISSUANCE OF SUCH PROCUREMENT CARDS TO TEACHERS EMPLOYED AT
6 UNIVERSITY-BASED PROGRAMS, PART-TIME GIFTED AND SPECIAL EDUCATION
7 TEACHERS; TO PROVIDE THAT LOCAL SCHOOL BOARDS SHALL REQUIRE EACH
8 SCHOOL TO ISSUE CREDENTIALS FOR A DIGITAL SOLUTION SELECTED OR
9 PROCUREMENT CARDS FOR THE USE OF TEACHERS IN MAKING INSTRUCTIONAL
10 SUPPLY FUND EXPENDITURES UNDER THE EDUCATIONAL ENHANCEMENT FUND;
11 TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO INCREASE
12 THE PERCENTAGE OF FUNDS DEPOSITED INTO THE EDUCATION ENHANCEMENT
13 FUND FOR APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION TO BE
14 USED TOWARD THE COST OF MAEP TO 26.22%; TO PROVIDE FOR THIS
15 INCREASE BY ERADICATING THE 9.61% OF EDUCATION ENHANCEMENT FUNDS
16 APPROPRIATED TO THE CLASSROOM SUPPLY FUND; TO SPECIFY THAT
17 \$25,000,000 DEPOSITED INTO THE EDUCATION ENHANCEMENT FUND SHALL BE
18 APPROPRIATED FOR THE CLASSROOM SUPPLY FUND; TO AUTHORIZE THE
19 DEPARTMENT OF FINANCE AND ADMINISTRATION TO DISTRIBUTE EDUCATION
20 ENHANCEMENT FUNDS FOR CLASSROOM SUPPLIES TO ELIGIBLE TEACHERS
21 THROUGH THE USE OF DIGITAL SOLUTIONS AND THEIR APPLICABLE
22 CREDENTIALS; TO PROVIDE EEF FUNDS TO THE UNIVERSITY OF MISSISSIPPI
23 MEDICAL CENTER FOR THE ESTABLISHMENT AND ADMINISTRATION OF A
24 FELLOWSHIP PROGRAM TO EDUCATE CERTAIN HEALTHCARE PROFESSIONALS ON
25 PROVIDING EARLY CHILDHOOD SERVICES TO CHILDREN WITH BEHAVIORAL AND
26 DEVELOPMENTAL DELAYS; AND FOR RELATED PURPOSES.

HR31\SB2422A.1J

Andrew Ketchings
Clerk of the House of Representatives