

By: Representative McCarty

To: Education

HOUSE BILL NO. 1562

1 AN ACT TO BRING FORWARD SECTIONS 37-61-33 AND 31-7-9,
2 MISSISSIPPI CODE OF 1972, WHICH RELATE TO EDUCATION ENHANCEMENT
3 FUND PROCUREMENT CARDS, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is
7 brought forward as follows:

8 37-61-33. (1) There is created within the State Treasury a
9 special fund to be designated the "Education Enhancement Fund"
10 into which shall be deposited all the revenues collected pursuant
11 to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).

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



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

26 (b) Establishing and equipping school athletic fields
27 and necessary facilities connected therewith, and purchasing land
28 therefor;

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

32 (d) As a pledge to pay all or a portion of the debt
33 service on debt issued by the school district under Sections
34 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
35 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
36 and 37-41-81, or debt issued by boards of supervisors for
37 agricultural high schools pursuant to Section 37-27-65, if such
38 pledge is accomplished pursuant to a written contract or
39 resolution approved and spread upon the minutes of an official
40 meeting of the district's school board or board of supervisors.
41 The annual grant to such district in any subsequent year during
42 the term of the resolution or contract shall not be reduced below
43 an amount equal to the district's grant amount for the year in



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

56 (e) Any other purpose for which the total funding
57 formula funds as determined by Sections 37-151-200 through
58 37-151-215 are not sufficient.

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

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

62 (i) Sixteen and sixty-one one-hundredths percent
63 (16.61%) to the cost of the total funding formula determined under
64 Sections 37-151-200 through 37-151-215; of the funds generated by
65 the percentage set forth in this section for the support of the
66 adequate education program, one and one hundred seventy-eight
67 one-thousandths percent (1.178%) of the funds shall be
68 appropriated to be used by the State Department of Education for



69 the purchase of textbooks to be loaned under Sections 37-43-1
70 through 37-43-59 to approved nonpublic schools, as described in
71 Section 37-43-1. The funds to be distributed to each nonpublic
72 school shall be in the proportion that the average daily
73 attendance of each nonpublic school bears to the total average
74 daily attendance of all nonpublic schools;

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

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



94 teacher's license from the State Department of Education and who
95 is assigned to an instructional area of work as defined by the
96 department, and shall include any full- or part-time gifted or
97 special education teacher. It is the intent of the Legislature
98 that all classroom teachers shall utilize these funds in a manner
99 that addresses individual classroom needs and supports the overall
100 goals of the school regarding supplies, instructional materials,
101 equipment, computers or computer software under the provisions of
102 this subparagraph, including the type, quantity and quality of
103 such supplies, materials and equipment. Classroom supply funds
104 allocated under this subparagraph shall supplement, not replace,
105 other local and state funds available for the same purposes. The
106 State Board of Education shall develop and promulgate rules and
107 regulations for the administration of this subparagraph consistent
108 with the above criteria, with particular emphasis on allowing the
109 individual teachers to expend funds as they deem appropriate. The
110 local school board shall require each school to issue credentials
111 for a digital solution selected by or procurement cards provided
112 by the Department of Finance and Administration under the
113 provisions of Section 31-7-9(1)(c) for the use of teachers and
114 necessary support personnel in making instructional supply fund
115 expenditures under this section, consistent with the regulations
116 of the Mississippi Department of Finance and Administration
117 pursuant to Section 31-7-9. Such credentials or procurement cards
118 shall be provided by the State Department of Education to local



119 school districts on a date determined by the State Department of
120 Education, but not later than August 1 of each year. Local school
121 districts shall issue such credentials or procurement cards to
122 classroom teachers at the beginning of the school year, but no
123 later than August 1 of each year, and shall be issued in equal
124 amounts per teacher determined by the total number of qualifying
125 personnel and the current state appropriation for classroom
126 supplies with the Education Enhancement Fund. After initial cards
127 are issued under the timeline prescribed by this section, the
128 State Department of Education may issue cards to districts for any
129 classroom teacher hired after July 1 under a timeline prescribed
130 by the State Department of Education. Such credentials or cards
131 will expire on a predetermined date at the end of each school
132 year, but not before April 1 of each year;

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

136 (c) Fourteen and forty-one one-hundredths percent
137 (14.41%) to the Mississippi Community College Board for the
138 purpose of providing support to community and junior colleges.

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

142 (5) None of the funds appropriated pursuant to subsection
143 (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.

SECTION 2. Section 31-7-9, Mississippi Code of 1972, is brought forward as follows:

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



169 Fleet Management with the approval of the Public Procurement
170 Review Board, that such action is reasonable and practicable and
171 advantageous to promote efficiency and economy in the purchase of
172 commodities by the agencies of the state. Upon the adoption of
173 any purchasing regulation, or an amendment, addition or
174 elimination therein, copies of same shall be furnished to the
175 State Auditor and to all agencies affected thereby. Thereafter,
176 and except as otherwise may be provided in subsection (2) of this
177 section, no agency of the state shall purchase any commodities
178 covered by existing purchasing regulations unless such commodities
179 be in conformity with the standards and specifications set forth
180 in the purchasing regulations and unless the price thereof does
181 not exceed the maximum fair price established by such purchasing
182 regulations. The Office of Purchasing, Travel and Fleet
183 Management shall furnish to any county or municipality or other
184 local public agency of the state requesting same, copies of
185 purchasing regulations adopted by the Office of Purchasing, Travel
186 and Fleet Management and any amendments, changes or eliminations
187 of same that may be made from time to time.

188 (b) The Office of Purchasing, Travel and Fleet
189 Management may adopt purchasing regulations governing the use of
190 credit cards, procurement cards and purchasing club membership
191 cards to be used by state agencies, governing authorities of
192 counties and municipalities, school districts and the Chickasawhay
193 Natural Gas District. Use of the cards shall be in strict



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

197 (c) Pursuant to the provision of Section 37-61-33(2),
198 the Office of Purchasing, Travel and Fleet Management of the
199 Department of Finance and Administration is authorized to issue
200 procurement cards or credentials for a digital solution to all
201 public school district classroom teachers, charter school
202 teachers, full- or part-time gifted or special education teachers
203 and other necessary direct support personnel at the beginning of
204 the school year, but no later than August 1 of each year, for the
205 purchase of instructional supplies using Educational Enhancement
206 Funds. The cards will be issued in equal amounts per teacher
207 determined by the total number of qualifying personnel and the
208 then current state appropriation for classroom instructional
209 supplies under the Education Enhancement Fund. All purchases
210 shall be in accordance with state law and teachers are responsible
211 for verification of capital asset requirements when pooling monies
212 to purchase equipment. The cards will expire on a predetermined
213 date at the end of each school year, but not before April 1 of
214 each year. All unexpended amounts will be carried forward, to be
215 combined with the following year's instructional supply fund
216 allocation, and reallocated for the following year. The
217 Department of Finance and Administration is authorized to loan any
218 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



244 Certification Program, which shall be required of all purchasing
245 agents at state agencies. Such regulations shall require entities
246 desiring to be classified as certified purchasing offices to
247 submit applications and applicable documents on an annual basis,
248 and in the case of a state agency purchasing office, to have one
249 hundred percent (100%) participation and completion by purchasing
250 agents in the Mississippi Purchasing Certification Program, at
251 which time the Office of Purchasing, Travel and Fleet Management
252 may provide the governing entity with a certification valid for
253 one (1) year from the date of issuance. The Office of Purchasing,
254 Travel and Fleet Management shall set a fee in an amount that
255 recovers its costs to administer the Mississippi Purchasing
256 Certification Program, which shall be assessed to the
257 participating state agencies.

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

262 **SECTION 3.** This act shall take effect and be in force from
263 and after July 1, 2025.

