

By: Representative Horne

To: Education;  
Appropriations

HOUSE BILL NO. 694

1 AN ACT TO PROVIDE THAT CONTRACTS BY THE GOVERNING BOARD OF A  
2 PUBLIC SCHOOL DISTRICT WITH ANY PERSON OR ENTITY UNDER WHICH THE  
3 PERSON OR ENTITY AGREES TO PROVIDE ITEMS THAT ARE TO BE OFFERED  
4 FOR SALE OR LEASE TO STUDENTS AT SCHOOLS UNDER THE BOARD'S  
5 JURISDICTION MAY BE MADE ONLY AFTER ADVERTISING FOR COMPETITIVE  
6 SEALED BIDS FOR THE PROVIDING OF SUCH ITEMS; TO PROVIDE THAT SUCH  
7 CONTRACTS SHALL BE MADE WITH THE LOWEST AND BEST BIDDER; TO AMEND  
8 SECTIONS 31-7-13 AND 37-7-301, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** Any contract by the governing board of a public  
13 school district with any person or entity under which the person  
14 or entity agrees to provide items that are to be offered for sale  
15 or lease to students at schools under the board's jurisdiction may  
16 be made only after advertising for competitive sealed bids for the  
17 providing of such items, in the manner provided in Section  
18 31-7-13(c), regardless of the amount of any expenditure involved  
19 under the contract. Any such contract shall be made with the  
20 lowest and best bidder as provided in Section 31-7-13(d). Items  
21 to which this section applies include, but are not limited to,  
22 class rings, graduation caps and gowns, graduation invitations,  
23 school pictures and school yearbooks. This section applies to all  
24 contracts made by governing boards of public school districts with  
25 any person or entity under which such person or entity agrees to  
26 provide items which are to be offered for sale or lease to  
27 students under the board's jurisdiction, regardless of whether the  
28 contract provides that such person or entity will sell or lease  
29 such items directly to the students or whether the contract  
30 provides that such person or entity will sell or lease such items  
31 to the school district and the governing board of the school



32 district or the schools under the board's jurisdiction will in  
33 turn sell or lease the items to the students.

34 **SECTION 2.** Section 31-7-13, Mississippi Code of 1972, is  
35 amended as follows:

36 31-7-13. All agencies and governing authorities shall  
37 purchase their commodities and printing; contract for garbage  
38 collection or disposal; contract for solid waste collection or  
39 disposal; contract for sewage collection or disposal; contract for  
40 public construction; and contract for rentals as herein provided.

41 (a) **Bidding procedure for purchases not over \$1,500.00.**  
42 Purchases which do not involve an expenditure of more than One  
43 Thousand Five Hundred Dollars (\$1,500.00), exclusive of freight or  
44 shipping charges, may be made without advertising or otherwise  
45 requesting competitive bids. Provided, however, that nothing  
46 contained in this paragraph (a) shall be construed to prohibit any  
47 agency or governing authority from establishing procedures which  
48 require competitive bids on purchases of One Thousand Five Hundred  
49 Dollars (\$1,500.00) or less.

50 (b) **Bidding procedure for purchases over \$1,500.00 but**  
51 **not over \$10,000.00.** Purchases which involve an expenditure of  
52 more than One Thousand Five Hundred Dollars (\$1,500.00) but not  
53 more than Ten Thousand Dollars (\$10,000.00), exclusive of freight  
54 and shipping charges may be made from the lowest and best bidder  
55 without publishing or posting advertisement for bids, provided at  
56 least two (2) competitive written bids have been obtained. Any  
57 governing authority purchasing commodities pursuant to this  
58 paragraph (b) may authorize its purchasing agent, or his designee,  
59 with regard to governing authorities other than counties, or its  
60 purchase clerk, or his designee, with regard to counties, to  
61 accept the lowest and best competitive written bid. Such  
62 authorization shall be made in writing by the governing authority  
63 and shall be maintained on file in the primary office of the  
64 agency and recorded in the official minutes of the governing



65 authority, as appropriate. The purchasing agent or the purchase  
66 clerk, or their designee, as the case may be, and not the  
67 governing authority, shall be liable for any penalties and/or  
68 damages as may be imposed by law for any act or omission of the  
69 purchasing agent or purchase clerk, or their designee,  
70 constituting a violation of law in accepting any bid without  
71 approval by the governing authority. The term "competitive  
72 written bid" shall mean a bid submitted on a bid form furnished by  
73 the buying agency or governing authority and signed by authorized  
74 personnel representing the vendor, or a bid submitted on a  
75 vendor's letterhead or identifiable bid form and signed by  
76 authorized personnel representing the vendor. Bids may be  
77 submitted by facsimile, electronic mail or other generally  
78 accepted method of information distribution. Bids submitted by  
79 electronic transmission shall not require the signature of the  
80 vendor's representative unless required by agencies or governing  
81 authorities.

82 (c) **Bidding procedure for purchases over \$10,000.00.**

83 (i) **Publication requirement.** Purchases which  
84 involve an expenditure of more than Ten Thousand Dollars  
85 (\$10,000.00), exclusive of freight and shipping charges may be  
86 made from the lowest and best bidder after advertising for  
87 competitive sealed bids once each week for two (2) consecutive  
88 weeks in a regular newspaper published in the county or  
89 municipality in which such agency or governing authority is  
90 located. The date as published for the bid opening shall not be  
91 less than seven (7) working days after the last published notice;  
92 however, if the purchase involves a construction project in which  
93 the estimated cost is in excess of Fifteen Thousand Dollars  
94 (\$15,000.00), such bids shall not be opened in less than fifteen  
95 (15) working days after the last notice is published and the  
96 notice for the purchase of such construction shall be published  
97 once each week for two (2) consecutive weeks. The notice of



98 intention to let contracts or purchase equipment shall state the  
99 time and place at which bids shall be received, list the contracts  
100 to be made or types of equipment or supplies to be purchased, and,  
101 if all plans and/or specifications are not published, refer to the  
102 plans and/or specifications on file. If there is no newspaper  
103 published in the county or municipality, then such notice shall be  
104 given by posting same at the courthouse, or for municipalities at  
105 the city hall, and at two (2) other public places in the county or  
106 municipality, and also by publication once each week for two (2)  
107 consecutive weeks in some newspaper having a general circulation  
108 in the county or municipality in the above provided manner. On  
109 the same date that the notice is submitted to the newspaper for  
110 publication, the agency or governing authority involved shall mail  
111 written notice to, or provide electronic notification to the main  
112 office of the Mississippi Contract Procurement Center that  
113 contains the same information as that in the published notice.

114           (ii) **Bidding process amendment procedure.** If all  
115 plans and/or specifications are published in the notification,  
116 then the plans and/or specifications may not be amended. If all  
117 plans and/or specifications are not published in the notification,  
118 then amendments to the plans/specifications, bid opening date, bid  
119 opening time and place may be made, provided that the agency or  
120 governing authority maintains a list of all prospective bidders  
121 who are known to have received a copy of the bid documents and all  
122 such prospective bidders are sent copies of all amendments. This  
123 notification of amendments may be made via mail, facsimile,  
124 electronic mail or other generally accepted method of information  
125 distribution. No addendum to bid specifications may be issued  
126 within forty-eight (48) working hours of the time established for  
127 the receipt of bids unless such addendum also amends the bid  
128 opening to a date not less than five (5) working days after the  
129 date of the addendum.



130                   (iii) **Filing requirement.** In all cases involving  
131 governing authorities, before the notice shall be published or  
132 posted, the plans or specifications for the construction or  
133 equipment being sought shall be filed with the clerk of the board  
134 of the governing authority. In addition to these requirements, a  
135 bid file shall be established which shall indicate those vendors  
136 to whom such solicitations and specifications were issued, and  
137 such file shall also contain such information as is pertinent to  
138 the bid.

139                   (iv) **Specification restrictions.** Specifications  
140 pertinent to such bidding shall be written so as not to exclude  
141 comparable equipment of domestic manufacture. Provided, however,  
142 that should valid justification be presented, the Department of  
143 Finance and Administration or the board of a governing authority  
144 may approve a request for specific equipment necessary to perform  
145 a specific job. Further, such justification, when placed on the  
146 minutes of the board of a governing authority, may serve as  
147 authority for that governing authority to write specifications to  
148 require a specific item of equipment needed to perform a specific  
149 job. In addition to these requirements, from and after July 1,  
150 1990, vendors of relocatable classrooms and the specifications for  
151 the purchase of such relocatable classrooms published by local  
152 school boards shall meet all pertinent regulations of the State  
153 Board of Education, including prior approval of such bid by the  
154 State Department of Education.

155                   (d) **Lowest and best bid decision procedure.**

156                   (i) **Decision procedure.** Purchases may be made  
157 from the lowest and best bidder. In determining the lowest and  
158 best bid, freight and shipping charges shall be included.  
159 Life-cycle costing, total cost bids, warranties, guaranteed  
160 buy-back provisions and other relevant provisions may be included  
161 in the best bid calculation. All best bid procedures for state  
162 agencies must be in compliance with regulations established by the



163 Department of Finance and Administration. If any governing  
164 authority accepts a bid other than the lowest bid actually  
165 submitted, it shall place on its minutes detailed calculations and  
166 narrative summary showing that the accepted bid was determined to  
167 be the lowest and best bid, including the dollar amount of the  
168 accepted bid and the dollar amount of the lowest bid. No agency  
169 or governing authority shall accept a bid based on items not  
170 included in the specifications.

171 (ii) **Construction project negotiations authority.**

172 If the lowest and best bid is not more than ten percent (10%)  
173 above the amount of funds allocated for a public construction or  
174 renovation project, then the agency or governing authority shall  
175 be permitted to negotiate with the lowest bidder in order to enter  
176 into a contract for an amount not to exceed the funds allocated.

177 (e) **Lease-purchase authorization.** For the purposes of  
178 this section, the term "equipment" shall mean equipment, furniture  
179 and, if applicable, associated software and other applicable  
180 direct costs associated with the acquisition. Any lease-purchase  
181 of equipment which an agency is not required to lease-purchase  
182 under the master lease-purchase program pursuant to Section  
183 31-7-10 and any lease-purchase of equipment which a governing  
184 authority elects to lease-purchase may be acquired by a  
185 lease-purchase agreement under this paragraph (e). Lease-purchase  
186 financing may also be obtained from the vendor or from a  
187 third-party source after having solicited and obtained at least  
188 two (2) written competitive bids, as defined in paragraph (b) of  
189 this section, for such financing without advertising for such  
190 bids. Solicitation for the bids for financing may occur before or  
191 after acceptance of bids for the purchase of such equipment or,  
192 where no such bids for purchase are required, at any time before  
193 the purchase thereof. No such lease-purchase agreement shall be  
194 for an annual rate of interest which is greater than the overall  
195 maximum interest rate to maturity on general obligation



196 indebtedness permitted under Section 75-17-101, and the term of  
197 such lease-purchase agreement shall not exceed the useful life of  
198 equipment covered thereby as determined according to the upper  
199 limit of the asset depreciation range (ADR) guidelines for the  
200 Class Life Asset Depreciation Range System established by the  
201 Internal Revenue Service pursuant to the United States Internal  
202 Revenue Code and regulations thereunder as in effect on December  
203 31, 1980, or comparable depreciation guidelines with respect to  
204 any equipment not covered by ADR guidelines. Any lease-purchase  
205 agreement entered into pursuant to this paragraph (e) may contain  
206 any of the terms and conditions which a master lease-purchase  
207 agreement may contain under the provisions of Section 31-7-10(5),  
208 and shall contain an annual allocation dependency clause  
209 substantially similar to that set forth in Section 31-7-10(8).  
210 Each agency or governing authority entering into a lease-purchase  
211 transaction pursuant to this paragraph (e) shall maintain with  
212 respect to each such lease-purchase transaction the same  
213 information as required to be maintained by the Department of  
214 Finance and Administration pursuant to Section 31-7-10(13).  
215 However, nothing contained in this section shall be construed to  
216 permit agencies to acquire items of equipment with a total  
217 acquisition cost in the aggregate of less than Ten Thousand  
218 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
219 equipment, and the purchase thereof by any lessor, acquired by  
220 lease-purchase under this paragraph and all lease-purchase  
221 payments with respect thereto shall be exempt from all Mississippi  
222 sales, use and ad valorem taxes. Interest paid on any  
223 lease-purchase agreement under this section shall be exempt from  
224 State of Mississippi income taxation.

225           (f) **Alternate bid authorization.** When necessary to  
226 ensure ready availability of commodities for public works and the  
227 timely completion of public projects, no more than two (2)  
228 alternate bids may be accepted by a governing authority for



229 commodities. No purchases may be made through use of such  
230 alternate bids procedure unless the lowest and best bidder, for  
231 reasons beyond his control, cannot deliver the commodities  
232 contained in his bid. In that event, purchases of such  
233 commodities may be made from one (1) of the bidders whose bid was  
234 accepted as an alternate.

235 (g) **Construction contract change authorization.** In the  
236 event a determination is made by an agency or governing authority  
237 after a construction contract is let that changes or modifications  
238 to the original contract are necessary or would better serve the  
239 purpose of the agency or the governing authority, such agency or  
240 governing authority may, in its discretion, order such changes  
241 pertaining to the construction that are necessary under the  
242 circumstances without the necessity of further public bids;  
243 provided that such change shall be made in a commercially  
244 reasonable manner and shall not be made to circumvent the public  
245 purchasing statutes. In addition to any other authorized person,  
246 the architect or engineer hired by an agency or governing  
247 authority with respect to any public construction contract shall  
248 have the authority, when granted by an agency or governing  
249 authority, to authorize changes or modifications to the original  
250 contract without the necessity of prior approval of the agency or  
251 governing authority when any such change or modification is less  
252 than one percent (1%) of the total contract amount. The agency or  
253 governing authority may limit the number, manner or frequency of  
254 such emergency changes or modifications.

255 (h) **Petroleum purchase alternative.** In addition to  
256 other methods of purchasing authorized in this chapter, when any  
257 agency or governing authority shall have a need for gas, diesel  
258 fuel, oils and/or other petroleum products in excess of the amount  
259 set forth in paragraph (a) of this section, such agency or  
260 governing authority may purchase the commodity after having  
261 solicited and obtained at least two (2) competitive written bids,





262 as defined in paragraph (b) of this section. If two (2)  
263 competitive written bids are not obtained the entity shall comply  
264 with the procedures set forth in paragraph (c) of this section.  
265 In the event any agency or governing authority shall have  
266 advertised for bids for the purchase of gas, diesel fuel, oils and  
267 other petroleum products and coal and no acceptable bids can be  
268 obtained, such agency or governing authority is authorized and  
269 directed to enter into any negotiations necessary to secure the  
270 lowest and best contract available for the purchase of such  
271 commodities.

272 (i) **Road construction petroleum products price**  
273 **adjustment clause authorization.** Any agency or governing  
274 authority authorized to enter into contracts for the construction,  
275 maintenance, surfacing or repair of highways, roads or streets,  
276 may include in its bid proposal and contract documents a price  
277 adjustment clause with relation to the cost to the contractor,  
278 including taxes, based upon an industry-wide cost index, of  
279 petroleum products including asphalt used in the performance or  
280 execution of the contract or in the production or manufacture of  
281 materials for use in such performance. Such industry-wide index  
282 shall be established and published monthly by the Mississippi  
283 Department of Transportation with a copy thereof to be mailed,  
284 upon request, to the clerks of the governing authority of each  
285 municipality and the clerks of each board of supervisors  
286 throughout the state. The price adjustment clause shall be based  
287 on the cost of such petroleum products only and shall not include  
288 any additional profit or overhead as part of the adjustment. The  
289 bid proposals or document contract shall contain the basis and  
290 methods of adjusting unit prices for the change in the cost of  
291 such petroleum products.

292 (j) **State agency emergency purchase procedure.** If the  
293 executive head of any agency of the state shall determine that an  
294 emergency exists in regard to the purchase of any commodities or



295 repair contracts, so that the delay incident to giving opportunity  
296 for competitive bidding would be detrimental to the interests of  
297 the state, then the provisions herein for competitive bidding  
298 shall not apply and the head of such agency shall be authorized to  
299 make the purchase or repair. Total purchases so made shall only  
300 be for the purpose of meeting needs created by the emergency  
301 situation. In the event such executive head is responsible to an  
302 agency board, at the meeting next following the emergency  
303 purchase, documentation of the purchase, including a description  
304 of the commodity purchased, the purchase price thereof and the  
305 nature of the emergency shall be presented to the board and placed  
306 on the minutes of the board of such agency. The head of such  
307 agency shall, at the earliest possible date following such  
308 emergency purchase, file with the Department of Finance and  
309 Administration (i) a statement under oath certifying the  
310 conditions and circumstances of the emergency, and (ii) a  
311 certified copy of the appropriate minutes of the board of such  
312 agency, if applicable.

313 (k) **Governing authority emergency purchase procedure.**

314 If the governing authority, or the governing authority acting  
315 through its designee, shall determine that an emergency exists in  
316 regard to the purchase of any commodities or repair contracts, so  
317 that the delay incident to giving opportunity for competitive  
318 bidding would be detrimental to the interest of the governing  
319 authority, then the provisions herein for competitive bidding  
320 shall not apply and any officer or agent of such governing  
321 authority having general or special authority therefor in making  
322 such purchase or repair shall approve the bill presented therefor,  
323 and he shall certify in writing thereon from whom such purchase  
324 was made, or with whom such a repair contract was made. At the  
325 board meeting next following the emergency purchase or repair  
326 contract, documentation of the purchase or repair contract,  
327 including a description of the commodity purchased, the price



328 thereof and the nature of the emergency shall be presented to the  
329 board and shall be placed on the minutes of the board of such  
330 governing authority.

331           (1) **Hospital purchase or lease authorization.** The  
332 commissioners or board of trustees of any hospital owned or owned  
333 and operated separately or jointly by one or more counties,  
334 cities, towns, supervisors districts or election districts, or  
335 combinations thereof, may contract with such lowest and best  
336 bidder for the purchase or lease of any commodity under a contract  
337 of purchase or lease-purchase agreement whose obligatory terms do  
338 not exceed five (5) years. In addition to the authority granted  
339 herein, the commissioners or board of trustees are authorized to  
340 enter into contracts for the lease of equipment or services, or  
341 both, which it considers necessary for the proper care of patients  
342 if, in its opinion, it is not financially feasible to purchase the  
343 necessary equipment or services. Any such contract for the lease  
344 of equipment or services executed by the commissioners or board  
345 shall not exceed a maximum of five (5) years' duration and shall  
346 include a cancellation clause based on unavailability of funds.  
347 If such cancellation clause is exercised, there shall be no  
348 further liability on the part of the lessee.

349           (m) **Exceptions from bidding requirements.** Excepted  
350 from bid requirements are:

351                   (i) **Purchasing agreements approved by department.**  
352 Purchasing agreements, contracts and maximum price regulations  
353 executed or approved by the Department of Finance and  
354 Administration.

355                   (ii) **Outside equipment repairs.** Repairs to  
356 equipment, when such repairs are made by repair facilities in the  
357 private sector; however, engines, transmissions, rear axles and/or  
358 other such components shall not be included in this exemption when  
359 replaced as a complete unit instead of being repaired and the need  
360 for such total component replacement is known before disassembly



361 of the component; provided, however, that invoices identifying the  
362 equipment, specific repairs made, parts identified by number and  
363 name, supplies used in such repairs, and the number of hours of  
364 labor and costs therefor shall be required for the payment for  
365 such repairs.

366 (iii) **In-house equipment repairs.** Purchases of  
367 parts for repairs to equipment, when such repairs are made by  
368 personnel of the agency or governing authority; however, entire  
369 assemblies, such as engines or transmissions, shall not be  
370 included in this exemption when the entire assembly is being  
371 replaced instead of being repaired.

372 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
373 of gravel or fill dirt which are to be removed and transported by  
374 the purchaser.

375 (v) **Governmental equipment auctions.** Motor  
376 vehicles or other equipment purchased from a federal or state  
377 agency or a governing authority at a public auction held for the  
378 purpose of disposing of such vehicles or other equipment. Any  
379 purchase by a governing authority under the exemption authorized  
380 by this subparagraph (v) shall require advance authorization  
381 spread upon the minutes of the governing authority to include the  
382 listing of the item or items authorized to be purchased and the  
383 maximum bid authorized to be paid for each item or items.

384 (vi) **Intergovernmental sales and transfers.**  
385 Purchases, sales, transfers or trades by governing authorities or  
386 state agencies when such purchases, sales, transfers or trades are  
387 made by a private treaty agreement or through means of  
388 negotiation, from any federal agency or authority, another  
389 governing authority or state agency of the State of Mississippi,  
390 or any state agency of another state. Nothing in this section  
391 shall permit such purchases through public auction except as  
392 provided for in subparagraph (v) of this section. It is the  
393 intent of this section to allow governmental entities to dispose



394 of and/or purchase commodities from other governmental entities at  
395 a price that is agreed to by both parties. This shall allow for  
396 purchases and/or sales at prices which may be determined to be  
397 below the market value if the selling entity determines that the  
398 sale at below market value is in the best interest of the  
399 taxpayers of the state. Governing authorities shall place the  
400 terms of the agreement and any justification on the minutes, and  
401 state agencies shall obtain approval from the Department of  
402 Finance and Administration, prior to releasing or taking  
403 possession of the commodities.

404 (vii) **Perishable supplies or food.** Perishable  
405 supplies or foods purchased for use in connection with hospitals,  
406 the school lunch programs, homemaking programs and for the feeding  
407 of county or municipal prisoners.

408 (viii) **Single source items.** Noncompetitive items  
409 available from one (1) source only. In connection with the  
410 purchase of noncompetitive items only available from one (1)  
411 source, a certification of the conditions and circumstances  
412 requiring the purchase shall be filed by the agency with the  
413 Department of Finance and Administration and by the governing  
414 authority with the board of the governing authority. Upon receipt  
415 of that certification the Department of Finance and Administration  
416 or the board of the governing authority, as the case may be, may,  
417 in writing, authorize the purchase, which authority shall be noted  
418 on the minutes of the body at the next regular meeting thereafter.  
419 In those situations, a governing authority is not required to  
420 obtain the approval of the Department of Finance and  
421 Administration.

422 (ix) **Waste disposal facility construction**  
423 **contracts.** Construction of incinerators and other facilities for  
424 disposal of solid wastes in which products either generated  
425 therein, such as steam, or recovered therefrom, such as materials  
426 for recycling, are to be sold or otherwise disposed of; provided,



427 however, in constructing such facilities a governing authority or  
428 agency shall publicly issue requests for proposals, advertised for  
429 in the same manner as provided herein for seeking bids for public  
430 construction projects, concerning the design, construction,  
431 ownership, operation and/or maintenance of such facilities,  
432 wherein such requests for proposals when issued shall contain  
433 terms and conditions relating to price, financial responsibility,  
434 technology, environmental compatibility, legal responsibilities  
435 and such other matters as are determined by the governing  
436 authority or agency to be appropriate for inclusion; and after  
437 responses to the request for proposals have been duly received,  
438 the governing authority or agency may select the most qualified  
439 proposal or proposals on the basis of price, technology and other  
440 relevant factors and from such proposals, but not limited to the  
441 terms thereof, negotiate and enter contracts with one or more of  
442 the persons or firms submitting proposals.

443           (x) **Hospital group purchase contracts.** Supplies,  
444 commodities and equipment purchased by hospitals through group  
445 purchase programs pursuant to Section 31-7-38.

446           (xi) **Information technology products.** Purchases  
447 of information technology products made by governing authorities  
448 under the provisions of purchase schedules, or contracts executed  
449 or approved by the Mississippi Department of Information  
450 Technology Services and designated for use by governing  
451 authorities.

452           (xii) **Energy efficiency services and equipment.**  
453 Energy efficiency services and equipment acquired by school  
454 districts, community and junior colleges, institutions of higher  
455 learning and state agencies or other applicable governmental  
456 entities on a shared-savings, lease or lease-purchase basis  
457 pursuant to Section 31-7-14.

458           (xiii) **Municipal electrical utility system fuel.**  
459 Purchases of coal and/or natural gas by municipally-owned electric



460 power generating systems that have the capacity to use both coal  
461 and natural gas for the generation of electric power.

462 (xiv) **Library books and other reference materials.**

463 Purchases by libraries or for libraries of books and periodicals;  
464 processed film, video cassette tapes, filmstrips and slides;  
465 recorded audio tapes, cassettes and diskettes; and any such items  
466 as would be used for teaching, research or other information  
467 distribution; however, equipment such as projectors, recorders,  
468 audio or video equipment, and monitor televisions are not exempt  
469 under this subparagraph.

470 (xv) **Unmarked vehicles.** Purchases of unmarked  
471 vehicles when such purchases are made in accordance with  
472 purchasing regulations adopted by the Department of Finance and  
473 Administration pursuant to Section 31-7-9(2).

474 (xvi) **Election ballots.** Purchases of ballots  
475 printed pursuant to Section 23-15-351.

476 (xvii) **Multichannel interactive video systems.**  
477 From and after July 1, 1990, contracts by Mississippi Authority  
478 for Educational Television with any private educational  
479 institution or private nonprofit organization whose purposes are  
480 educational in regard to the construction, purchase, lease or  
481 lease-purchase of facilities and equipment and the employment of  
482 personnel for providing multichannel interactive video systems  
483 (ITSF) in the school districts of this state.

484 (xviii) **Purchases of prison industry products.**  
485 From and after January 1, 1991, purchases made by state agencies  
486 or governing authorities involving any item that is manufactured,  
487 processed, grown or produced from the state's prison industries.

488 (xix) **Undercover operations equipment.** Purchases  
489 of surveillance equipment or any other high-tech equipment to be  
490 used by law enforcement agents in undercover operations, provided  
491 that any such purchase shall be in compliance with regulations  
492 established by the Department of Finance and Administration.



493 (xx) **Junior college books for rent.** Purchases by  
494 community or junior colleges of textbooks which are obtained for  
495 the purpose of renting such books to students as part of a book  
496 service system.

497 (xxi) **Certain school district purchases.**  
498 Purchases of commodities made by school districts from vendors  
499 with which any levying authority of the school district, as  
500 defined in Section 37-57-1, has contracted through competitive  
501 bidding procedures for purchases of the same commodities.

502 (xxii) **Garbage, solid waste and sewage contracts.**  
503 Contracts for garbage collection or disposal, contracts for solid  
504 waste collection or disposal and contracts for sewage collection  
505 or disposal.

506 (xxiii) **Municipal water tank maintenance**  
507 **contracts.** Professional maintenance program contracts for the  
508 repair or maintenance of municipal water tanks, which provide  
509 professional services needed to maintain municipal water storage  
510 tanks for a fixed annual fee for a duration of two (2) or more  
511 years.

512 (xxiv) **Purchases of Mississippi Industries for the**  
513 **Blind products.** Purchases made by state agencies or governing  
514 authorities involving any item that is manufactured, processed or  
515 produced by the Mississippi Industries for the Blind.

516 (xxv) **Purchases of state-adopted textbooks.**  
517 Purchases of state-adopted textbooks by public school districts.

518 (xxvi) **Certain purchases under the Mississippi**  
519 **Major Economic Impact Act.** Contracts entered into pursuant to the  
520 provisions of Section 57-75-9(2) and (3).

521 (xxvii) **Used heavy or specialized machinery or**  
522 **equipment for installation of soil and water conservation**  
523 **practices purchased at auction.** Used heavy or specialized  
524 machinery or equipment used for the installation and  
525 implementation of soil and water conservation practices or





526 measures purchased subject to the restrictions provided in  
527 Sections 69-27-331 through 69-27-341. Any purchase by the State  
528 Soil and Water Conservation Commission under the exemption  
529 authorized by this subparagraph shall require advance  
530 authorization spread upon the minutes of the commission to include  
531 the listing of the item or items authorized to be purchased and  
532 the maximum bid authorized to be paid for each item or items.

533 (n) **Term contract authorization.** All contracts for the  
534 purchase of:

535 (i) All contracts for the purchase of commodities,  
536 equipment and public construction (including, but not limited to,  
537 repair and maintenance), may be let for periods of not more than  
538 sixty (60) months in advance, subject to applicable statutory  
539 provisions prohibiting the letting of contracts during specified  
540 periods near the end of terms of office. Term contracts for a  
541 period exceeding twenty-four (24) months shall also be subject to  
542 ratification or cancellation by governing authority boards taking  
543 office subsequent to the governing authority board entering the  
544 contract.

545 (ii) Bid proposals and contracts may include price  
546 adjustment clauses with relation to the cost to the contractor  
547 based upon a nationally published industry-wide or nationally  
548 published and recognized cost index. The cost index used in a  
549 price adjustment clause shall be determined by the Department of  
550 Finance and Administration for the state agencies and by the  
551 governing board for governing authorities. The bid proposal and  
552 contract documents utilizing a price adjustment clause shall  
553 contain the basis and method of adjusting unit prices for the  
554 change in the cost of such commodities, equipment and public  
555 construction.

556 (o) **Purchase law violation prohibition and vendor**  
557 **penalty.** No contract or purchase as herein authorized shall be  
558 made for the purpose of circumventing the provisions of this



559 section requiring competitive bids, nor shall it be lawful for any  
560 person or concern to submit individual invoices for amounts within  
561 those authorized for a contract or purchase where the actual value  
562 of the contract or commodity purchased exceeds the authorized  
563 amount and the invoices therefor are split so as to appear to be  
564 authorized as purchases for which competitive bids are not  
565 required. Submission of such invoices shall constitute a  
566 misdemeanor punishable by a fine of not less than Five Hundred  
567 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
568 or by imprisonment for thirty (30) days in the county jail, or  
569 both such fine and imprisonment. In addition, the claim or claims  
570 submitted shall be forfeited.

571           (p) **Electrical utility petroleum-based equipment**  
572 **purchase procedure.** When in response to a proper advertisement  
573 therefor, no bid firm as to price is submitted to an electric  
574 utility for power transformers, distribution transformers, power  
575 breakers, reclosers or other articles containing a petroleum  
576 product, the electric utility may accept the lowest and best bid  
577 therefor although the price is not firm.

578           (q) **Fuel management system bidding procedure.** Any  
579 governing authority or agency of the state shall, before  
580 contracting for the services and products of a fuel management or  
581 fuel access system, enter into negotiations with not fewer than  
582 two (2) sellers of fuel management or fuel access systems for  
583 competitive written bids to provide the services and products for  
584 the systems. In the event that the governing authority or agency  
585 cannot locate two (2) sellers of such systems or cannot obtain  
586 bids from two (2) sellers of such systems, it shall show proof  
587 that it made a diligent, good-faith effort to locate and negotiate  
588 with two (2) sellers of such systems. Such proof shall include,  
589 but not be limited to, publications of a request for proposals and  
590 letters soliciting negotiations and bids. For purposes of this  
591 paragraph (q), a fuel management or fuel access system is an



592 automated system of acquiring fuel for vehicles as well as  
593 management reports detailing fuel use by vehicles and drivers, and  
594 the term "competitive written bid" shall have the meaning as  
595 defined in paragraph (b) of this section. Governing authorities  
596 and agencies shall be exempt from this process when contracting  
597 for the services and products of a fuel management or fuel access  
598 systems under the terms of a state contract established by the  
599 Office of Purchasing and Travel.

600 (r) **Solid waste contract proposal procedure.** Before  
601 entering into any contract for garbage collection or disposal,  
602 contract for solid waste collection or disposal or contract for  
603 sewage collection or disposal, which involves an expenditure of  
604 more than Fifty Thousand Dollars (\$50,000.00), a governing  
605 authority or agency shall issue publicly a request for proposals  
606 concerning the specifications for such services which shall be  
607 advertised for in the same manner as provided in this section for  
608 seeking bids for purchases which involve an expenditure of more  
609 than Ten Thousand Dollars (\$10,000.00). Any request for proposals  
610 when issued shall contain terms and conditions relating to price,  
611 financial responsibility, technology, legal responsibilities and  
612 other relevant factors as are determined by the governing  
613 authority or agency to be appropriate for inclusion; all factors  
614 determined relevant by the governing authority or agency or  
615 required by this paragraph (r) shall be duly included in the  
616 advertisement to elicit proposals. After responses to the request  
617 for proposals have been duly received, the governing authority or  
618 agency shall select the most qualified proposal or proposals on  
619 the basis of price, technology and other relevant factors and from  
620 such proposals, but not limited to the terms thereof, negotiate  
621 and enter contracts with one or more of the persons or firms  
622 submitting proposals. If the governing authority or agency deems  
623 none of the proposals to be qualified or otherwise acceptable, the  
624 request for proposals process may be reinitiated. Notwithstanding



625 any other provisions of this paragraph, where a county with at  
626 least thirty-five thousand (35,000) nor more than forty thousand  
627 (40,000) population, according to the 1990 federal decennial  
628 census, owns or operates a solid waste landfill, the governing  
629 authorities of any other county or municipality may contract with  
630 the governing authorities of the county owning or operating the  
631 landfill, pursuant to a resolution duly adopted and spread upon  
632 the minutes of each governing authority involved, for garbage or  
633 solid waste collection or disposal services through contract  
634 negotiations.

635           (s) **Minority set aside authorization.** Notwithstanding  
636 any provision of this section to the contrary, any agency or  
637 governing authority, by order placed on its minutes, may, in its  
638 discretion, set aside not more than twenty percent (20%) of its  
639 anticipated annual expenditures for the purchase of commodities  
640 from minority businesses; however, all such set-aside purchases  
641 shall comply with all purchasing regulations promulgated by the  
642 Department of Finance and Administration and shall be subject to  
643 bid requirements under this section. Set-aside purchases for  
644 which competitive bids are required shall be made from the lowest  
645 and best minority business bidder. For the purposes of this  
646 paragraph, the term "minority business" means a business which is  
647 owned by a majority of persons who are United States citizens or  
648 permanent resident aliens (as defined by the Immigration and  
649 Naturalization Service) of the United States, and who are Asian,  
650 Black, Hispanic or Native American, according to the following  
651 definitions:

652                   (i) "Asian" means persons having origins in any of  
653 the original people of the Far East, Southeast Asia, the Indian  
654 subcontinent, or the Pacific Islands.

655                   (ii) "Black" means persons having origins in any  
656 black racial group of Africa.



657 (iii) "Hispanic" means persons of Spanish or  
658 Portuguese culture with origins in Mexico, South or Central  
659 America, or the Caribbean Islands, regardless of race.

660 (iv) "Native American" means persons having  
661 origins in any of the original people of North America, including  
662 American Indians, Eskimos and Aleuts.

663 (t) **Construction punch list restriction.** The  
664 architect, engineer or other representative designated by the  
665 agency or governing authority that is contracting for public  
666 construction or renovation may prepare and submit to the  
667 contractor only one (1) preliminary punch list of items that do  
668 not meet the contract requirements at the time of substantial  
669 completion and one (1) final list immediately before final  
670 completion and final payment.

671 (u) Contracts made by governing boards of public school  
672 districts with any person or entity under which such person or  
673 entity agrees to provide items which are to be offered for sale or  
674 lease to students under the board's jurisdiction shall be governed  
675 by the provisions of Section 1 of this act.

676 (v) **Purchase authorization clarification.** Nothing in  
677 this section shall be construed as authorizing any purchase not  
678 authorized by law.

679 **SECTION 3.** Section 37-7-301, Mississippi Code of 1972, is  
680 amended as follows:

681 37-7-301. The school boards of all school districts shall  
682 have the following powers, authority and duties in addition to all  
683 others imposed or granted by law, to wit:

684 (a) To organize and operate the schools of the district  
685 and to make such division between the high school grades and  
686 elementary grades as, in their judgment, will serve the best  
687 interests of the school;



688           (b) To introduce public school music, art, manual  
689 training and other special subjects into either the elementary or  
690 high school grades, as the board shall deem proper;

691           (c) To be the custodians of real and personal school  
692 property and to manage, control and care for same, both during the  
693 school term and during vacation;

694           (d) To have responsibility for the erection, repairing  
695 and equipping of school facilities and the making of necessary  
696 school improvements;

697           (e) To suspend or to expel a pupil or to change the  
698 placement of a pupil to the school district's alternative school  
699 or home-bound program for misconduct in the school or on school  
700 property, as defined in Section 37-11-29, on the road to and from  
701 school, or at any school-related activity or event, or for conduct  
702 occurring on property other than school property or other than at  
703 a school-related activity or event when such conduct by a pupil,  
704 in the determination of the school superintendent or principal,  
705 renders that pupil's presence in the classroom a disruption to the  
706 educational environment of the school or a detriment to the best  
707 interest and welfare of the pupils and teacher of such class as a  
708 whole, and to delegate such authority to the appropriate officials  
709 of the school district;

710           (f) To visit schools in the district, in their  
711 discretion, in a body for the purpose of determining what can be  
712 done for the improvement of the school in a general way;

713           (g) To support, within reasonable limits, the  
714 superintendent, principal and teachers where necessary for the  
715 proper discipline of the school;

716           (h) To exclude from the schools students with what  
717 appears to be infectious or contagious diseases; provided,  
718 however, such student may be allowed to return to school upon  
719 presenting a certificate from a public health officer, duly



720 licensed physician or nurse practitioner that the student is free  
721 from such disease;

722 (i) To require those vaccinations specified by the  
723 State Health Officer as provided in Section 41-23-37, Mississippi  
724 Code of 1972;

725 (j) To see that all necessary utilities and services  
726 are provided in the schools at all times when same are needed;

727 (k) To authorize the use of the school buildings and  
728 grounds for the holding of public meetings and gatherings of the  
729 people under such regulations as may be prescribed by said board;

730 (l) To prescribe and enforce rules and regulations not  
731 inconsistent with law or with the regulations of the State Board  
732 of Education for their own government and for the government of  
733 the schools, and to transact their business at regular and special  
734 meetings called and held in the manner provided by law;

735 (m) To maintain and operate all of the schools under  
736 their control for such length of time during the year as may be  
737 required;

738 (n) To enforce in the schools the courses of study and  
739 the use of the textbooks prescribed by the proper authorities;

740 (o) To make orders directed to the superintendent of  
741 schools for the issuance of pay certificates for lawful purposes  
742 on any available funds of the district and to have full control of  
743 the receipt, distribution, allotment and disbursement of all funds  
744 provided for the support and operation of the schools of such  
745 school district whether such funds be derived from state  
746 appropriations, local ad valorem tax collections, or otherwise;

747 (p) To select all school district personnel in the  
748 manner provided by law, and to provide for such employee fringe  
749 benefit programs, including accident reimbursement plans, as may  
750 be deemed necessary and appropriate by the board;



751           (q) To provide athletic programs and other school  
752 activities and to regulate the establishment and operation of such  
753 programs and activities;

754           (r) To join, in their discretion, any association of  
755 school boards and other public school-related organizations, and  
756 to pay from local funds other than minimum foundation funds, any  
757 membership dues;

758           (s) To expend local school activity funds, or other  
759 available school district funds, other than minimum education  
760 program funds, for the purposes prescribed under this paragraph.  
761 "Activity funds" shall mean all funds received by school officials  
762 in all school districts paid or collected to participate in any  
763 school activity, such activity being part of the school program  
764 and partially financed with public funds or supplemented by public  
765 funds. The term "activity funds" shall not include any funds  
766 raised and/or expended by any organization unless commingled in a  
767 bank account with existing activity funds, regardless of whether  
768 the funds were raised by school employees or received by school  
769 employees during school hours or using school facilities, and  
770 regardless of whether a school employee exercises influence over  
771 the expenditure or disposition of such funds. Organizations shall  
772 not be required to make any payment to any school for the use of  
773 any school facility if, in the discretion of the local school  
774 governing board, the organization's function shall be deemed to be  
775 beneficial to the official or extracurricular programs of the  
776 school. For the purposes of this provision, the term  
777 "organization" shall not include any organization subject to the  
778 control of the local school governing board. Activity funds may  
779 only be expended for any necessary expenses or travel costs,  
780 including advances, incurred by students and their chaperons in  
781 attending any in-state or out-of-state school-related programs,  
782 conventions or seminars and/or any commodities, equipment, travel  
783 expenses, purchased services or school supplies which the local





784 school governing board, in its discretion, shall deem beneficial  
785 to the official or extracurricular programs of the district,  
786 including items which may subsequently become the personal  
787 property of individuals, including yearbooks, athletic apparel,  
788 book covers and trophies. Activity funds may be used to pay  
789 travel expenses of school district personnel. The local school  
790 governing board shall be authorized and empowered to promulgate  
791 rules and regulations specifically designating for what purposes  
792 school activity funds may be expended. The local school governing  
793 board shall provide (a) that such school activity funds shall be  
794 maintained and expended by the principal of the school generating  
795 the funds in individual bank accounts, or (b) that such school  
796 activity funds shall be maintained and expended by the  
797 superintendent of schools in a central depository approved by the  
798 board. The local school governing board shall provide that such  
799 school activity funds be audited as part of the annual audit  
800 required in Section 37-9-18. The State Auditor shall prescribe a  
801 uniform system of accounting and financial reporting for all  
802 school activity fund transactions. Any contract made by the local  
803 school governing board under which the governing board will expend  
804 local school activity funds for items that are to be offered for  
805 sale or lease to students at schools under the board's  
806 jurisdiction shall be subject to the provisions of Section 1 of  
807 this act;

808 (t) To contract, on a shared savings, lease or  
809 lease-purchase basis, for energy efficiency services and/or  
810 equipment as provided for in Section 31-7-14, not to exceed ten  
811 (10) years;

812 (u) To maintain accounts and issue pay certificates on  
813 school food service bank accounts;

814 (v) (i) To lease a school building from an individual,  
815 partnership, nonprofit corporation or a private for-profit  
816 corporation for the use of such school district, and to expend



817 funds therefor as may be available from any nonminimum program  
818 sources. The school board of the school district desiring to  
819 lease a school building shall declare by resolution that a need  
820 exists for a school building and that the school district cannot  
821 provide the necessary funds to pay the cost or its proportionate  
822 share of the cost of a school building required to meet the  
823 present needs. The resolution so adopted by the school board  
824 shall be published once each week for three (3) consecutive weeks  
825 in a newspaper having a general circulation in the school district  
826 involved, with the first publication thereof to be made not less  
827 than thirty (30) days prior to the date upon which the school  
828 board is to act on the question of leasing a school building. If  
829 no petition requesting an election is filed prior to such meeting  
830 as hereinafter provided, then the school board may, by resolution  
831 spread upon its minutes, proceed to lease a school building. If  
832 at any time prior to said meeting a petition signed by not less  
833 than twenty percent (20%) or fifteen hundred (1500), whichever is  
834 less, of the qualified electors of the school district involved  
835 shall be filed with the school board requesting that an election  
836 be called on the question, then the school board shall, not later  
837 than the next regular meeting, adopt a resolution calling an  
838 election to be held within such school district upon the question  
839 of authorizing the school board to lease a school building. Such  
840 election shall be called and held, and notice thereof shall be  
841 given, in the same manner for elections upon the questions of the  
842 issuance of the bonds of school districts, and the results thereof  
843 shall be certified to the school board. If at least three-fifths  
844 (3/5) of the qualified electors of the school district who voted  
845 in such election shall vote in favor of the leasing of a school  
846 building, then the school board shall proceed to lease a school  
847 building. The term of the lease contract shall not exceed twenty  
848 (20) years, and the total cost of such lease shall be either the  
849 amount of the lowest and best bid accepted by the school board



850 after advertisement for bids or an amount not to exceed the  
851 current fair market value of the lease as determined by the  
852 averaging of at least two (2) appraisals by certified general  
853 appraisers licensed by the State of Mississippi. The term "school  
854 building" as used in this item (v) shall be construed to mean any  
855 building or buildings used for classroom purposes in connection  
856 with the operation of schools and shall include the site therefor,  
857 necessary support facilities, and the equipment thereof and  
858 appurtenances thereto such as heating facilities, water supply,  
859 sewage disposal, landscaping, walks, drives and playgrounds. The  
860 term "lease" as used in this item (v) (i) may include a  
861 lease/purchase contract;

862 (ii) If two (2) or more school districts propose  
863 to enter into a lease contract jointly, then joint meetings of the  
864 school boards having control may be held but no action taken shall  
865 be binding on any such school district unless the question of  
866 leasing a school building is approved in each participating school  
867 district under the procedure hereinabove set forth in item (v) (i).  
868 All of the provisions of item (v) (i) regarding the term and amount  
869 of the lease contract shall apply to the school boards of school  
870 districts acting jointly. Any lease contract executed by two (2)  
871 or more school districts as joint lessees shall set out the amount  
872 of the aggregate lease rental to be paid by each, which may be  
873 agreed upon, but there shall be no right of occupancy by any  
874 lessee unless the aggregate rental is paid as stipulated in the  
875 lease contract. All rights of joint lessees under the lease  
876 contract shall be in proportion to the amount of lease rental paid  
877 by each;

878 (w) To employ all noninstructional and noncertificated  
879 employees and fix the duties and compensation of such personnel  
880 deemed necessary pursuant to the recommendation of the  
881 superintendent of schools;



882           (x) To employ and fix the duties and compensation of  
883 such legal counsel as deemed necessary;

884           (y) Subject to rules and regulations of the State Board  
885 of Education, to purchase, own and operate trucks, vans and other  
886 motor vehicles, which shall bear the proper identification  
887 required by law;

888           (z) To expend funds for the payment of substitute  
889 teachers and to adopt reasonable regulations for the employment  
890 and compensation of such substitute teachers;

891           (aa) To acquire in its own name by purchase all real  
892 property which shall be necessary and desirable in connection with  
893 the construction, renovation or improvement of any public school  
894 building or structure. Whenever the purchase price for such real  
895 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
896 school board shall not purchase the property for an amount  
897 exceeding the fair market value of such property as determined by  
898 the average of at least two (2) independent appraisals by  
899 certified general appraisers licensed by the State of Mississippi.  
900 If the board shall be unable to agree with the owner of any such  
901 real property in connection with any such project, the board shall  
902 have the power and authority to acquire any such real property by  
903 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
904 Mississippi Code of 1972, and for such purpose, the right of  
905 eminent domain is hereby conferred upon and vested in said board.  
906 Provided further, that the local school board is authorized to  
907 grant an easement for ingress and egress over sixteenth section  
908 land or lieu land in exchange for a similar easement upon  
909 adjoining land where the exchange of easements affords substantial  
910 benefit to the sixteenth section land; provided, however, the  
911 exchange must be based upon values as determined by a competent  
912 appraiser, with any differential in value to be adjusted by cash  
913 payment. Any easement rights granted over sixteenth section land  
914 under such authority shall terminate when the easement ceases to



915 be used for its stated purpose. No sixteenth section or lieu land  
916 which is subject to an existing lease shall be burdened by any  
917 such easement except by consent of the lessee or unless the school  
918 district shall acquire the unexpired leasehold interest affected  
919 by the easement;

920 (bb) To charge reasonable fees related to the  
921 educational programs of the district, in the manner prescribed in  
922 Section 37-7-335;

923 (cc) Subject to rules and regulations of the State  
924 Board of Education, to purchase relocatable classrooms for the use  
925 of such school district, in the manner prescribed in Section  
926 37-1-13;

927 (dd) Enter into contracts or agreements with other  
928 school districts, political subdivisions or governmental entities  
929 to carry out one or more of the powers or duties of the school  
930 board, or to allow more efficient utilization of limited resources  
931 for providing services to the public;

932 (ee) To provide for in-service training for employees  
933 of the district. Until June 30, 1994, the school boards may  
934 designate two (2) days of the minimum school term, as defined in  
935 Section 37-19-1, for employee in-service training for  
936 implementation of the new statewide testing system as developed by  
937 the State Board of Education. Such designation shall be subject  
938 to approval by the State Board of Education pursuant to uniform  
939 rules and regulations;

940 (ff) As part of their duties to prescribe the use of  
941 textbooks, to provide that parents and legal guardians shall be  
942 responsible for the textbooks and for the compensation to the  
943 school district for any books which are not returned to the proper  
944 schools upon the withdrawal of their dependent child. If a  
945 textbook is lost or not returned by any student who drops out of  
946 the public school district, the parent or legal guardian shall



947 also compensate the school district for the fair market value of  
948 the textbooks;

949 (gg) To conduct fund-raising activities on behalf of  
950 the school district that the local school board, in its  
951 discretion, deems appropriate or beneficial to the official or  
952 extracurricular programs of the district; provided that:

953 (i) Any proceeds of the fund-raising activities  
954 shall be treated as "activity funds" and shall be accounted for as  
955 are other activity funds under this section; and

956 (ii) Fund-raising activities conducted or  
957 authorized by the board for the sale of school pictures, the  
958 rental of caps and gowns or the sale of graduation invitations for  
959 which the school board receives a commission, rebate or fee shall  
960 contain a disclosure statement advising that a portion of the  
961 proceeds of the sales or rentals shall be contributed to the  
962 student activity fund;

963 (hh) To allow individual lessons for music, art and  
964 other curriculum-related activities for academic credit or  
965 nonacademic credit during school hours and using school equipment  
966 and facilities, subject to uniform rules and regulations adopted  
967 by the school board;

968 (ii) To charge reasonable fees for participating in an  
969 extracurricular activity for academic or nonacademic credit for  
970 necessary and required equipment such as safety equipment, band  
971 instruments and uniforms;

972 (jj) To conduct or participate in any fund-raising  
973 activities on behalf of or in connection with a tax-exempt  
974 charitable organization;

975 (kk) To exercise such powers as may be reasonably  
976 necessary to carry out the provisions of this section; and

977 (ll) To expend funds for the services of nonprofit arts  
978 organizations or other such nonprofit organizations who provide



979 performances or other services for the students of the school  
980 district.

981           **SECTION 4.** This act shall take effect and be in force from  
982 and after July 1, 2002.

