

By: Representative Read

To: Appropriations

HOUSE BILL NO. 320

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE REQUIREMENT TO DEPOSIT INTO THE WORKING  
3 CASH-STABILIZATION RESERVE FUND A CERTAIN SUM FROM THE MONEY  
4 REMAINING IN THE EDUCATION ENHANCEMENT FUND AFTER FUNDS ARE  
5 DISTRIBUTED FOR EDUCATIONAL PURPOSES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is  
8 amended as follows:

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

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



19 average daily attendance of all school districts within the state  
20 for the following purposes:

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

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

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

34 (d) As a pledge to pay all or a portion of the debt  
35 service on debt issued by the school district under Sections  
36 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
37 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
38 and 37-41-81, or debt issued by boards of supervisors for  
39 agricultural high schools pursuant to Section 37-27-65, if such  
40 pledge is accomplished pursuant to a written contract or  
41 resolution approved and spread upon the minutes of an official  
42 meeting of the district's school board or board of supervisors.  
43 The annual grant to such district in any subsequent year during



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

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

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

60 (i) Sixteen and sixty-one one-hundredths percent  
61 (16.61%) to the cost of the adequate education program determined  
62 under Section 37-151-7; of the funds generated by the percentage  
63 set forth in this section for the support of the adequate  
64 education program, one and one hundred seventy-eight  
65 one-thousandths percent (1.178%) of the funds shall be  
66 appropriated to be used by the State Department of Education for  
67 the purchase of textbooks to be loaned under Sections 37-43-1  
68 through 37-43-59 to approved nonpublic schools, as described in



69 Section 37-43-1. The funds to be distributed to each nonpublic  
70 school shall be in the proportion that the average daily  
71 attendance of each nonpublic school bears to the total average  
72 daily attendance of all nonpublic schools;

73 (ii) Seven and ninety-seven one-hundredths percent  
74 (7.97%) to assist the funding of transportation operations and  
75 maintenance pursuant to Section 37-19-23; and

76 (iii) Nine and sixty-one one-hundredths percent  
77 (9.61%) for classroom supplies, instructional materials and  
78 equipment, including computers and computer software, to be  
79 distributed to all eligible teachers within the state through the  
80 use of procurement cards. Classroom supply funds shall not be  
81 expended for administrative purposes. On or before September 1 of  
82 each year, local school districts shall determine and submit to  
83 the State Department of Education the number of teachers eligible  
84 to receive an allocation for the current year. For purposes of  
85 this subparagraph, "teacher" means any employee of the school  
86 board of a school district, or the Mississippi School for the  
87 Arts, the Mississippi School for Math and Science, the Mississippi  
88 School for the Blind or the Mississippi School for the Deaf, who  
89 is required by law to obtain a teacher's license from the State  
90 Department of Education and who is assigned to an instructional  
91 area of work as defined by the department, but shall not include a  
92 federally funded teacher. It is the intent of the Legislature  
93 that all classroom teachers shall utilize these funds in a manner



94 that addresses individual classroom needs and supports the overall  
95 goals of the school regarding supplies, instructional materials,  
96 equipment, computers or computer software under the provisions of  
97 this subparagraph, including the type, quantity and quality of  
98 such supplies, materials and equipment. Classroom supply funds  
99 allocated under this subparagraph shall supplement, not replace,  
100 other local and state funds available for the same purposes. The  
101 State Board of Education shall develop and promulgate rules and  
102 regulations for the administration of this subparagraph consistent  
103 with the above criteria, with particular emphasis on allowing the  
104 individual teachers to expend funds as they deem appropriate.  
105 Effective with the 2013-2014 school year, the local school board  
106 shall require each school to issue procurement cards provided by  
107 the Department of Finance and Administration under the provisions  
108 of Section 31-7-9(1)(c) for the use of teachers and necessary  
109 support personnel in making instructional supply fund expenditures  
110 under this section, consistent with the regulations of the  
111 Mississippi Department of Finance and Administration pursuant to  
112 Section 31-7-9. Such procurement cards shall be issued at the  
113 beginning of the school year and shall be issued in equal amounts  
114 per teacher determined by the total number of qualifying personnel  
115 and the current state appropriation for classroom supplies with  
116 the Education Enhancement Fund. Such cards will expire on a  
117 pre-determined date at the end of each school year. All  
118 unexpended amounts will be carried forward, combined with the



119 following year's allocation of Education Enhancement Fund  
120 instructional supplies funds and reallocated for the following  
121 year;

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

125 (c) Fourteen and forty-one one-hundredths percent  
126 (14.41%) to the Mississippi Community College Board for the  
127 purpose of providing support to community and junior colleges.

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

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

136 (a) For subsection (3)(a)(ii) of this section,  
137 Thirty-six Million Seven Hundred Thousand Dollars  
138 (\$36,700,000.00);

139 (b) For the aggregate of minimum program allotments in  
140 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
141 37, Mississippi Code of 1972, as amended, excluding those funds  
142 for transportation as provided for in paragraph (a) of this  
143 subsection.



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

148           **SECTION 2.** This act shall take effect and be in force from  
149 and after its passage.

