

By: Representative Hughes

To: Appropriations

HOUSE BILL NO. 456

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ALL MONIES DERIVED FROM THE PERCENTAGE OF THE EDUCATION
3 ENHANCEMENT FUND FOR THE PURPOSE OF THE CLASSROOM SUPPLY FUND TO
4 BE ALLOCATED IN FULL FOR THAT SPECIFIED PURPOSE; AND FOR RELATED
5 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



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

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

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

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 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%) shall be appropriated for classroom supplies,
78 instructional materials and equipment, including computers and
79 computer software, to be distributed to all eligible teachers
80 within the state through the use of procurement cards. Classroom
81 supply funds shall not be expended for administrative purposes.
82 On or before September 1 of each year, local school districts
83 shall determine and submit to the State Department of Education
84 the number of teachers eligible to receive an allocation for the
85 current year. For purposes of this subparagraph, "teacher" means
86 any employee of the school board of a school district, or the
87 Mississippi School for the Arts, the Mississippi School for Math
88 and Science, the Mississippi School for the Blind or the
89 Mississippi School for the Deaf, who is required by law to obtain
90 a teacher's license from the State Department of Education and who
91 is assigned to an instructional area of work as defined by the
92 department, but shall not include a federally funded teacher. It
93 is the intent of the Legislature that all classroom teachers shall



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



unexpended amounts will be carried forward, combined with the following year's allocation of Education Enhancement Fund instructional supplies funds and reallocated for the following year. All monies derived from the percentage of Education Enhancement Fund appropriated under this subparagraph shall be allocated in full for the purposes specified herein;

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

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

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

(a) Twenty-five Million Dollars (\$25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection.



(b) The remainder shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (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, except as otherwise provided in subsection (3)(a)(iii) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

