

By: Representative Ketchings

To: Education;
Appropriations

HOUSE BILL NO. 1137

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO USE A PORTION OF
3 THE EDUCATION ENHANCEMENT FUND MONIES ALLOCATED FOR CLASSROOM
4 SUPPLIES TO PURCHASE NONCONSUMABLE INSTRUCTIONAL MATERIALS AND
5 EQUIPMENT TO BE LOANED TO APPROVED NONPUBLIC SCHOOLS; AND FOR
6 RELATED PURPOSES.

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

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

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

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

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



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

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

35 (d) As a pledge to pay all or a portion of the debt
36 service on debt issued by the school district under Sections
37 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
38 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
39 and 37-41-81, or debt issued by boards of supervisors for
40 agricultural high schools pursuant to Section 37-27-65, if such
41 pledge is accomplished pursuant to a written contract or
42 resolution approved and spread upon the minutes of an official
43 meeting of the district's school board or board of supervisors.
44 The annual grant to such district in any subsequent year during
45 the term of the resolution or contract shall not be reduced below
46 an amount equal to the district's grant amount for the year in
47 which the contract or resolution was adopted. The intent of this
48 provision is to allow school districts to irrevocably pledge a
49 certain, constant stream of revenue as security for long-term
50 obligations issued under the code sections enumerated in this
51 paragraph or as otherwise allowed by law. It is the intent of the
52 Legislature that the provisions of this paragraph shall be
53 cumulative and supplemental to any existing funding programs or
54 other authority conferred upon school districts or school boards.
55 Debt of a district secured by a pledge of sales tax revenue
56 pursuant to this paragraph shall not be subject to any debt
57 limitation contained in the foregoing enumerated code sections.

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

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



61 (i) Sixteen and sixty-one one-hundredths percent
62 (16.61%) to the cost of the adequate education program determined
63 under Section 37-151-7;

64 (ii) Seven and ninety-seven one-hundredths percent
65 (7.97%) to assist the funding of transportation operations and
66 maintenance pursuant to Section 37-19-23; and

67 (iii) Nine and sixty-one one-hundredths percent
68 (9.61%) for classroom supplies, instructional materials and
69 equipment, including computers and computer software, to be
70 distributed to all school districts and to be used by the State
71 Department of Education for the purchase of nonconsumable
72 instructional materials and equipment to be loaned to approved
73 nonpublic schools, as described under Section 37-43-1, in the same
74 manner as textbooks. The amount of funds under this item to be
75 used by the department for purchasing materials and equipment to
76 loan to approved nonpublic schools shall be in the proportion that
77 the average daily attendance of the nonpublic schools that are
78 loaned textbooks by the state bears to the average daily
79 attendance of all school districts in the state. The funds
80 distributed to school districts under this item shall be in the
81 proportion that the average daily attendance of each school
82 district bears to the average daily attendance of all school
83 districts within the state. It is the intent of the Legislature
84 that all classroom teachers shall be involved in the development
85 of a spending plan that addresses individual classroom needs and
86 supports the overall goals of the school regarding supplies,
87 instructional materials, equipment, computers or computer software
88 under the provisions of this subparagraph, including the type,
89 quantity and quality of such supplies, materials and equipment.
90 This plan shall be submitted to the school principal for approval.
91 School districts need not fully expend the funds received under
92 this subparagraph in the year in which they are received, but such



93 funds may be carried forward for expenditure in any succeeding
94 school year;

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

98 (c) Fourteen and forty-one one-hundredths percent
99 (14.41%) to the State Board for Community and Junior Colleges for
100 the purpose of providing support to community and junior colleges.

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

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

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

115 (5) None of the funds appropriated pursuant to subsection
116 (3)(a) of this section shall be used to reduce the state's general
117 fund appropriation for the categories listed in an amount below
118 the following amounts:

119 (a) For subsection (3)(a)(ii) of this section,
120 Thirty-six Million Seven Hundred Thousand Dollars
121 (\$36,700,000.00);

122 (b) For the aggregate of minimum program allotments in
123 the 1997 fiscal year, formerly provided for in Chapter 19, Title
124 37, Mississippi Code of 1972, as amended, excluding those funds



125 for transportation as provided for in subsection (5)(a) in this
126 section.

127 **SECTION 2.** This act shall take effect and be in force from
128 and after July 1, 2002.

