



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 31, 2020

Brian D. Mayo, Esq.
Attorney for the East Central Community College
Board of Trustees
Post Office Box 218
Newton, Mississippi 39345

Re: Providing Personal Protective Equipment to Students and Employees

Dear Mr. Mayo:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

Due to the COVID-19 pandemic, may the Board of Trustees (“Board”) of East Central Community College (“ECCC”) purchase and provide personal protective equipment (“PPE”) for its students and employees, or would such purchase constitute an illegal donation under Section 66 of the Mississippi Constitution?

Brief Response

If the Board determines that PPE is necessary to achieve a statutory purpose and not for the sole benefit of the individual students and employees, ECCC may provide PPE to its students and employees.

Applicable Law and Discussion

Our office has consistently opined, that an expenditure for a public or authorized purpose, and not for the sole benefit of private individuals, is not an unlawful donation under Section 66 of the Mississippi Constitution, even if the expenditure results in incidental benefits to private individuals. MS AG Op., *Brown* (November 14, 2016).

Brian D. Mayo, Esq.

July 31, 2020

Page 2

As stated by your request, ECCC wishes to provide PPE to students and employees to allow for the campus to safely re-open in the fall. According to Miss. Code Ann. Section 37-29-67, the Mississippi Community College Board of Trustees “shall have the full power to do all things necessary to the successful operation of the district and the college or colleges or attendance centers located therein to insure educational advantages and opportunities to all the enrollees within the district.”

It is the opinion of this office that, if the Board determines that providing PPE is necessary to achieve a statutory purpose, and not for the sole benefit of the individual students and employees, this expenditure would not constitute a donation in violation of Section 66 of the Mississippi Constitution¹. Rather, it would be an authorized expenditure pursuant to Section 37-29-76 that could potentially provide incidental benefits to the community college’s students and employees.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION

¹ Section 66 of the Mississippi Constitution provides:

No law granting a donation in favor of any person or object shall be enacted except by the concurrence of two-thirds of the members elect of each branch of the Legislature, nor by any vote for a sectarian purpose or use.