

By: Senator(s) Gordon, Chaney, Farris,  
Burton, King

To: Appropriations

SENATE BILL NO. 2222

1 AN ACT TO AMEND SECTIONS 27-103-203, 27-103-125, 27-103-211,  
2 31-7-14.1 AND 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE  
3 "HOUSE BILL 400" PROVISION WHICH REQUIRES THAT 50% OF THE  
4 UNENCUMBERED YEAR-END CASH BALANCE BE TRANSFERRED INTO THE  
5 EDUCATION ENHANCEMENT FUND, AND TO PROVIDE THAT ANY SUCH  
6 UNENCUMBERED YEAR-END CASH SHALL REMAIN IN THE STATE GENERAL FUND;  
7 AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 27-103-203, Mississippi Code of 1972, is  
10 amended as follows:

11 27-103-203. (1) There is created in the State Treasury a  
12 special fund, separate and apart from any other fund, to be  
13 designated the Working Cash-Stabilization Reserve Fund, into which  
14 shall be deposited one hundred percent (100%) of the unencumbered  
15 General Fund cash balance at the close of each fiscal year until  
16 such time as the balance in the fund reaches Forty Million Dollars  
17 (\$40,000,000.00). After the balance in the fund reaches Forty  
18 Million Dollars (\$40,000,000.00), fifty percent (50%) of the  
19 unencumbered General Fund cash balance at the close of each fiscal  
20 year, not to exceed seven and one-half percent (7-1/2%) of the  
21 General Fund appropriations for such fiscal year, shall be  
22 deposited into the fund. The remainder of the year-end  
23 unencumbered cash after transfer to the Working Cash-Stabilization  
24 Reserve Fund shall remain in the General Fund \* \* \*. Unencumbered  
25 cash in the General Fund may be used for new year cash flow needs  
26 and may also be used for deficit appropriations or regular  
27 appropriations.

28           (2) The Working Cash-Stabilization Reserve Fund shall not be  
29 considered as a surplus or available funds when adopting a  
30 balanced budget as required by law. The State Treasurer shall  
31 invest all sums in the Working Cash-Stabilization Reserve Fund not  
32 needed for the purposes provided for in this section in  
33 certificates of deposit, repurchase agreements and other  
34 securities as authorized in Sections 27-105-33(d) or 7-9-103, as  
35 the State Treasurer may determine to yield the highest market rate  
36 available. The interest earned on such sums shall be deposited in  
37 the fund until the balance of principal and interest therein  
38 reaches seven and one-half percent (7-1/2%) of the total General  
39 Fund appropriations for the current fiscal year, and all interest  
40 earned in excess of amounts necessary to maintain the seven and  
41 one-half percent (7-1/2%) fund balance requirement shall be  
42 deposited by the State Treasurer into the State General Fund.

43           (3) The Working Cash-Stabilization Reserve Fund, except for  
44 Nineteen Million Dollars (\$19,000,000.00) and the amount of the  
45 interest and income earned on the principal of the Ayers Endowment  
46 Trust created by Section 37-101-27, shall be used by the State  
47 Treasurer for cash flow needs throughout the year when the  
48 Executive Director of the Department of Finance and Administration  
49 certifies that in his opinion there will be cash flow deficiencies  
50 in the State General Fund. No borrowing of monies from other  
51 special funds for such purposes as authorized by Section 31-17-101  
52 et seq. shall be made as long as an unencumbered balance in excess  
53 of Nineteen Million Dollars (\$19,000,000.00) and the interest and  
54 income earned on the principal of the Ayers Endowment Trust  
55 created by Section 37-101-27 remains in the fund. The State  
56 Treasurer shall reimburse the fund for all sums borrowed for such  
57 purposes from General Fund revenues collected during the fiscal  
58 year in which such funds are used. The State Treasurer shall  
59 immediately notify the Legislative Budget Office and the State  
60 Department of Finance and Administration of each transfer into and

61 out of such fund. Four Million Dollars (\$4,000,000.00) in the  
62 Working Cash-Stabilization Reserve Fund shall remain available for  
63 use pursuant to Section 27-103-81. Fifteen Million Dollars  
64 (\$15,000,000.00) in the Working Cash-Stabilization Reserve Fund  
65 shall remain available for exclusive use of the Ayers Endowment  
66 Trust created by Section 37-101-27.

67 (4) The Working Cash-Stabilization Reserve Fund, except for  
68 Forty Million Dollars (\$40,000,000.00), shall also be used for the  
69 purpose of covering any projected deficits that may occur in the  
70 General Fund at the end of a fiscal year as a result of revenue  
71 shortfalls. In the event the Governor determines that a deficit  
72 in revenues from all sources may occur, it shall be the duty of  
73 the Executive Director of the Department of Finance and  
74 Administration to transfer such funds as necessary to the General  
75 Fund to alleviate the deficit in accordance with Sections  
76 27-104-13 and 31-17-123; however, not more than Fifty Million  
77 Dollars (\$50,000,000.00) may be transferred from the fund for such  
78 purpose in any one (1) fiscal year. In the event it becomes  
79 necessary to apply a part of the fund to this purpose, the amount  
80 so applied shall be restored to the Working Cash-Stabilization  
81 Reserve Fund out of future annual surpluses, as provided in  
82 subsection (1) of this section, until the seven and one-half  
83 percent (7-1/2%) maximum is again attained.

84 (5) The Working Cash-Stabilization Reserve Fund also shall  
85 be used to provide funds for the Disaster Assistance Trust Fund  
86 when such funds are immediately needed to provide for disaster  
87 assistance under Sections 33-15-103 through 33-15-317. Any  
88 transfer of funds from the Working Cash-Stabilization Reserve Fund  
89 to the Disaster Assistance Trust Fund shall be made in accordance  
90 with the provisions of subsection (5) of Section 33-15-307.

91 (6) The Department of Finance and Administration shall  
92 immediately send notice of any transfers made, or other action

93 taken under authority of this section, to the Legislative Budget  
94 Office.

95 (7) Funds deposited in the Working Cash-Stabilization  
96 Reserve Fund shall be used only for the purposes specified in this  
97 section and as long as the provisions of this section remain in  
98 effect, no other expenditure, appropriation or transfer of funds  
99 in the Working Cash-Stabilization Reserve Fund shall be made  
100 except by act of the Legislature making specific reference to the  
101 Working Cash-Stabilization Reserve Fund as the source of such  
102 funds.

103 SECTION 2. Section 27-103-125, Mississippi Code of 1972, is  
104 amended as follows:

105 27-103-125. The proposed budget of each state agency shall  
106 show the amounts required for operating expenses separately from  
107 the amounts required for permanent improvements. The overall  
108 budget shall show, separately by each source, the estimated amount  
109 of general fund revenue and of special fund revenues of general  
110 fund agencies. The total proposed expenditures in Part 1 of the  
111 overall budget shall not exceed the amount of estimated revenues  
112 which will be available in the general and special funds for  
113 appropriation or use during the succeeding fiscal year, including  
114 any balances which will be on hand in the general and special  
115 funds at the close of the then current fiscal year. Beginning  
116 with the budget for fiscal year 1994, the total proposed  
117 expenditures from the General Fund in Part 1 of the overall budget  
118 shall not exceed ninety-eight percent (98%) of the amount of  
119 General Fund revenue estimate for the succeeding fiscal year, plus  
120 any unencumbered balances in general funds that will be available  
121 and on hand at the close of the then current fiscal year. The  
122 General Fund revenue estimate shall be the estimate jointly  
123 adopted by the Governor and the Joint Legislative Budget  
124 Committee. Unencumbered balances in general funds that will be  
125 available and on hand at the close of the current fiscal year

126 shall not include projected amounts required to be deposited into  
127 the Working Cash-Stabilization Reserve Fund \* \* \* pursuant to  
128 Section 27-103-203. The Legislative Budget Office may recommend  
129 additional taxes or sources of revenue if in its judgment such  
130 additional funds are necessary to adequately support the functions  
131 of the state government.

132 SECTION 3. Section 27-103-211, Mississippi Code of 1972, is  
133 amended as follows:

134 27-103-211. Beginning with the appropriations for fiscal  
135 year 1994, the total sum appropriated by the Legislature from the  
136 State General Fund for any fiscal year shall not exceed  
137 ninety-eight percent (98%) of the General Fund revenue estimate  
138 for that fiscal year developed by the Tax Commission and the  
139 University Research Center and adopted by the Joint Legislative  
140 Budget Committee, plus any unencumbered balances in general funds  
141 that will be available and on hand at the close of the then  
142 current fiscal year. The unencumbered balances in general funds  
143 that will be available and on hand at the close of the fiscal year  
144 shall not include projected amounts required to be deposited into  
145 the Working Cash-Stabilization Reserve Fund \* \* \* pursuant to  
146 Section 27-103-203(1).

147 SECTION 4. Section 31-7-14.1, Mississippi Code of 1972, is  
148 amended as follows:

149 31-7-14.1. (1) Any agency as defined in this chapter that  
150 receives state budgetary consideration and has submitted a  
151 detailed energy management plan to the Energy Division of the  
152 Department of Economic and Community Development, referred to in  
153 this section as "division," as required under Section 57-39-111  
154 shall undertake energy efficiency projects for the purpose of  
155 producing energy and/or dollar savings whereby a portion of the  
156 savings may be retained by the participating agency. The plan  
157 shall describe specific measures to be implemented to reduce the  
158 agency's energy consumption by energy unit measure or energy cost.

159 The division shall provide assistance in preparing the detailed  
160 energy management plan according to prescribed guidelines and  
161 reporting procedures. The plan shall specify a project  
162 description of the energy efficiency measures to be undertaken,  
163 including, but not limited to, type of measure, cost, estimated  
164 savings in dollars and energy units, project and measure location,  
165 and terms and conditions of project financing.

166 (2) (a) Utilizing data submitted under Sections 57-39-107  
167 and 57-39-109, the division shall develop and approve energy  
168 consumption baselines before project implementation, if feasible,  
169 and measure energy consumption after project implementation  
170 considering adjustments for any agency growth or reduction and  
171 seasonal variances, and calculate total energy savings. The  
172 division shall derive a baseline use allocation to be utilized and  
173 submitted in each participating agency's annual budget.

174 (b) For purposes of this section, "net savings" and  
175 "net revenues" mean any funds remaining after payment of project  
176 capital costs, including debt service, and other payments and  
177 reserves as required by a bond resolution, loan agreement or other  
178 financing agreement and payment of project operating and  
179 maintenance expenses.

180 (3) Net savings and net revenues generated from projects  
181 shall be apportioned as follows:

182 (a) Any agency initiating energy savings through the  
183 implementation of an energy efficiency project may retain one-half  
184 (1/2) of all such net savings which may be used for any  
185 nonrecurring capital projects; and

186 (b) The remaining net savings and net revenues from  
187 conservation projects shall be remitted to the State General  
188 Fund. \* \* \*

189 The Energy Division shall verify the net savings and net  
190 revenues on an annual basis.

191           (4) The use by an agency of net savings and net revenues  
192 from energy efficiency projects shall be in addition to, and shall  
193 not supplant or replace, funding from traditional sources for  
194 their normal operations and maintenance or capital budgets. It is  
195 the intent of this subsection to ensure that the agencies receive  
196 the full benefit intended by this section, and that the effect  
197 will not be diminished by budget adjustments inconsistent with  
198 this intent.

199           SECTION 5. Section 37-61-33, Mississippi Code of 1972, is  
200 amended as follows:

201           **[Until July 1, 2002, this section reads as follows:]**

202           37-61-33. (1) There is hereby created within the State  
203 Treasury a special fund to be designated the "Education  
204 Enhancement Fund" into which shall be deposited all the revenues  
205 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)  
206 and (b) \* \* \*.

207           (2) Of the amount deposited into the Education Enhancement  
208 Fund, \* \* \* Sixteen Million Dollars (\$16,000,000.00) shall be  
209 appropriated each fiscal year to the State Department of Education  
210 to be distributed to all school districts. Such money shall be  
211 distributed to all school districts in the proportion that the  
212 average daily attendance of each school district bears to the  
213 average daily attendance of all school districts within the state  
214 for the following purposes:

215           (a) Purchasing, erecting, repairing, equipping,  
216 remodeling and enlarging school buildings and related facilities,  
217 including gymnasiums, auditoriums, lunchrooms, vocational training  
218 buildings, libraries, teachers' homes, school barns,  
219 transportation vehicles (which shall include new and used  
220 transportation vehicles) and garages for transportation vehicles,  
221 and purchasing land therefor.

222           (b) Establishing and equipping school athletic fields  
223 and necessary facilities connected therewith, and purchasing land  
224 therefor.

225           (c) Providing necessary water, light, heating, air  
226 conditioning and sewerage facilities for school buildings, and  
227 purchasing land therefor.

228           (d) As a pledge to pay all or a portion of the debt  
229 service on debt issued by the school district under Sections  
230 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
231 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
232 and 37-41-81, Mississippi Code of 1972, or debt issued by boards  
233 of supervisors for agricultural high schools pursuant to Section  
234 37-27-65, Mississippi Code of 1972, if such pledge is accomplished  
235 pursuant to a written contract or resolution approved and spread  
236 upon the minutes of an official meeting of the district's school  
237 board or board of supervisors. The annual grant to such district  
238 in any subsequent year during the term of the resolution or  
239 contract shall not be reduced below an amount equal to the  
240 district's grant amount for the year in which the contract or  
241 resolution was adopted. The intent of this provision is to allow  
242 school districts to irrevocably pledge a certain, constant stream  
243 of revenue as security for long-term obligations issued under the  
244 code sections enumerated in this paragraph or as otherwise allowed  
245 by law. It is the intent of the Legislature that the provisions  
246 of this paragraph shall be cumulative and supplemental to any  
247 existing funding programs or other authority conferred upon school  
248 districts or school boards. Debt of a district secured by a  
249 pledge of sales tax revenue pursuant to this paragraph shall not  
250 be subject to any debt limitation contained in the foregoing  
251 enumerated code sections.

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

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



255                   (i) Eight and thirty-five one-hundredths percent  
256 (8.35%) to be distributed to public school districts for the  
257 funding of textbooks and other educational materials and to be  
258 used by the State Department of Education for the purchase of  
259 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to  
260 approved nonpublic schools, as described under Section 37-43-1.  
261 The amount of funds under this item to be used by the department  
262 for purchasing textbooks to loan to approved nonpublic schools  
263 shall be in the proportion that the average daily attendance of  
264 the nonpublic schools that are loaned textbooks by the state bears  
265 to the average daily attendance of all school districts in the  
266 state. The funds distributed to the school districts under this  
267 item shall be in the proportion that the average daily attendance  
268 of each school district bears to the average daily attendance of  
269 all school districts within the state and shall be used to assist  
270 in the funding of textbooks and other educational materials, to  
271 include not more than Two Million Dollars (\$2,000,000.00) each  
272 year for technology enhancement projects for elementary and  
273 secondary education programs;

274                   (ii) Seven and ninety-seven one-hundredths percent  
275 (7.97%) to assist the funding of transportation operations and  
276 maintenance pursuant to Section 37-19-23;

277                   (iii) Eight and twenty-six one-hundredths percent  
278 (8.26%) to assist the funding of the Uniform Millage Assistance  
279 Grant Program pursuant to Section 37-22-1; and

280                   (iv) Nine and sixty-one one-hundredths percent  
281 (9.61%) for classroom supplies, instructional materials and  
282 equipment, including computers and computer software, to be  
283 distributed to all school districts in the proportion that the  
284 average daily attendance of each school district bears to the  
285 average daily attendance of all school districts within the state.  
286 Such funds shall not be expended for administrative purposes.  
287 Local school districts shall allocate classroom supply funds

288 equally among all classroom teachers in the school district. For  
289 purposes of this subparagraph, "teacher" shall mean any employee  
290 of the school board of a school district who is required by law to  
291 obtain a teacher's license from the State Board of Education and  
292 who is assigned to an instructional area of work as defined by the  
293 State Department of Education, but shall not include a federally  
294 funded teacher. Two (2) or more teachers may agree to pool their  
295 classroom supply funds for the benefit of a school within the  
296 district pursuant to the development of a spending plan that  
297 supports the overall goals of the school which includes the type,  
298 quantity and quality of such supplies, instructional materials,  
299 equipment, computers or computer software. This plan shall be  
300 submitted, in writing, to the school principal for approval.  
301 Classroom supply funds allocated under this subparagraph shall  
302 supplement, not replace, other local and state funds available for  
303 the same purposes. School districts need not fully expend the  
304 funds received under this subparagraph in the year in which they  
305 are received, but such funds may be carried forward for  
306 expenditure in any succeeding school year. The State Board of  
307 Education shall develop and promulgate rules and regulations for  
308 the administration of this subparagraph consistent with the above  
309 criteria, with particular emphasis on allowing the individual  
310 teachers to expend funds as they deem appropriate, with minimum  
311 input from school principals;

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

315 (c) Fourteen and forty-one one-hundredths percent  
316 (14.41%) to the State Board for Community and Junior Colleges for  
317 the purpose of providing support to community and junior colleges.

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

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

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

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

336           (a) For subsection (3)(a)(i) of this section, Six  
337 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars  
338 (\$6,330,920.00);

339           (b) For subsection (3)(a)(ii) of this section  
340 Thirty-six Million Seven Hundred Thousand Dollars  
341 (\$36,700,000.00);

342           (c) For subsection (3)(a)(iii) of this section,  
343 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);  
344 and

345           (d) For the aggregate of minimum program allotments  
346 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as  
347 amended, excluding those funds for transportation as provided for  
348 in subsection (5)(b) herein.

349       \* \* \*

350       **[From and after July 1, 2002, this section reads as follows:]**

351       37-61-33. (1) There is hereby created within the State  
352 Treasury a special fund to be designated the "Education  
353 Enhancement Fund" into which shall be deposited all the revenues

354 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)  
355 and (b) \* \* \*.

356 (2) Of the amount deposited into the Education Enhancement  
357 Fund, \* \* \* Sixteen Million Dollars (\$16,000,000.00) shall be  
358 appropriated each fiscal year to the State Department of Education  
359 to be distributed to all school districts. Such money shall be  
360 distributed to all school districts in the proportion that the  
361 average daily attendance of each school district bears to the  
362 average daily attendance of all school districts within the state  
363 for the following purposes:

364 (a) Purchasing, erecting, repairing, equipping,  
365 remodeling and enlarging school buildings and related facilities,  
366 including gymnasiums, auditoriums, lunchrooms, vocational training  
367 buildings, libraries, teachers' homes, school barns,  
368 transportation vehicles (which shall include new and used  
369 transportation vehicles) and garages for transportation vehicles,  
370 and purchasing land therefor.

371 (b) Establishing and equipping school athletic fields  
372 and necessary facilities connected therewith, and purchasing land  
373 therefor.

374 (c) Providing necessary water, light, heating, air  
375 conditioning and sewerage facilities for school buildings, and  
376 purchasing land therefor.

377 (d) As a pledge to pay all or a portion of the debt  
378 service on debt issued by the school district under Sections  
379 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
380 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
381 and 37-41-81, Mississippi Code of 1972, or debt issued by boards  
382 of supervisors for agricultural high schools pursuant to Section  
383 37-27-65, Mississippi Code of 1972, if such pledge is accomplished  
384 pursuant to a written contract or resolution approved and spread  
385 upon the minutes of an official meeting of the district's school  
386 board or board of supervisors. The annual grant to such district

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

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

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

404 (i) Sixteen and sixty-one one-hundredths percent  
405 (16.61%) to the cost of the adequate education program determined  
406 under Section 37-151-7;

407 (ii) Seven and ninety-seven one-hundredths percent  
408 (7.97%) to assist the funding of transportation operations and  
409 maintenance pursuant to Section 37-19-23; and

410 (iii) Nine and sixty-one one-hundredths percent  
411 (9.61%) for classroom supplies, instructional materials and  
412 equipment, including computers and computer software, to be  
413 distributed to all school districts in the proportion that the  
414 average daily attendance of each school district bears to the  
415 average daily attendance of all school districts within the state.

416 It is the intent of the Legislature that all classroom teachers  
417 shall be involved in the development of a spending plan that  
418 addresses individual classroom needs and supports the overall  
419 goals of the school regarding supplies, instructional materials,

420 equipment, computers or computer software under the provisions of  
421 this subparagraph, including the type, quantity and quality of  
422 such supplies, materials and equipment. This plan shall be  
423 submitted to the school principal for approval. School districts  
424 need not fully expend the funds received under this subparagraph  
425 in the year in which they are received, but such funds may be  
426 carried forward for expenditure in any succeeding school year.

427 (b) Twenty-two and nine one-hundredths percent (22.09%)  
428 to the Board of Trustees of State Institutions of Higher Learning  
429 for the purpose of supporting institutions of higher learning, and  
430 fourteen and forty-one one-hundredths percent (14.41%) to the  
431 State Board for Community and Junior Colleges for the purpose of  
432 providing support to community and junior colleges.

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

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

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

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

451           (a) For subsection (3)(a)(ii) of this section  
452 Thirty-six Million Seven Hundred Thousand Dollars  
453 (\$36,700,000.00);

454           (b) For the aggregate of minimum program allotments in  
455 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
456 37, Mississippi Code of 1972, as amended, excluding those funds  
457 for transportation as provided for in subsection (5)(a) herein.

458       \* \* \*

459       SECTION 6. This act shall take effect and be in force from  
460 and after its passage.