To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representatives Capps, Read, Barnett (92nd), Brown, Eakes, Flaggs, Gadd, Henderson, Holland, Peranich, Warren, Bailey, Baker, Banks, Barbour, Barnett (116th), Blackmon, Bowles, Broomfield, Cameron, Chism, Clark, Clarke, Coleman (29th), Coleman (65th), Compretta, Creel, Cummings, Davis, Dedeaux, Denny, Dickson, Eads, Eaton, Ellington, Ellis, Elizey, Espy, Evans, Fillingane, Fleming, Ford, Formby, Franks, Fredericks, Frierson, Gibbs, Green, Grist, Guice, Hamilton, Harrison, Hines, Holloway, Howell, Huddleston, Hudson, Ishee, Janus, Jennings, Ketchings, Livingston, Lott, Malone, Maples, Markham, Martinson, Masterson, Mayo, McBride, McCoy, Middleton, Miles, Mitchell, Moak, Montgomery (15th), Moody, Moore (100th), Moore (60th), Morris, Moss, Myers, Nettles, Nicholson, Perkins, Pierce, Reeves, Reynolds, Roberson, Robertson, Robinson (63rd), Robinson (84th), Rogers, Rotenberry, Rushing, Ryals, Scott (17th), Scott (80th), Shows, Simpson, Smith (27th), Smith (39th), Smith (59th), Snowden, Stevens, Straughter, Stringer, Taylor, Thomas, Wallace, Ward, Watson, Weathersby, West, Whittington, Woods, Young, Zuber

HOUSE BILL NO. 1033
(As Sent to Governor)


SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of funding K-12 and other related educational activities, including certain agencies and programs, in the State of Mississippi, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, as follows:

(a) To the State Board of Education for the purpose of defraying the expenses of the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division

............................................................ $ 68,789,560.00.

(b) To the State Board of Education for the purpose of defraying the expenses of the Vocational and Technical Education Division of the State Department of Education

............................................................ $ 67,427,929.00.

(c) To the State Board of Education for the purpose of paying annual compensation to the Chickasaw Cession counties for sixteenth section lands which they lost through sale by the state,
as provided in Section 29-3-137 through 29-3-141, Mississippi Code 23 of 1972........................................... $ 9,249,612.00.

(d) To the State Board of Education for defraying the expenses of the Mississippi Adequate Education Program........... $ 1,343,060,163.00.

(e) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf.......... $ 9,796,629.00.

(f) To the Mississippi Authority for Educational Television for the purpose of defraying the expenses of the authority ......................... $ 5,647,017.00.

(g) To the Mississippi Library Commission for the support and maintenance of the commission and for carrying out the provisions of Section 39-3-107, Mississippi Code of 1972........ $ 10,212,800.00.

TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED BY THIS SECTION BEING................... $ 1,514,183,710.00.

SECTION 2. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in any special fund in the State Treasury to the credit of the proper fund or funds of the agencies or programs specified in the following paragraphs for the fiscal year beginning July 1, 2003, and ending June 30, 2004, as follows:

(a) To the State Board of Education for the purpose of defraying the expenses of the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division........................................... $ 647,887,601.00.

(b) To the State Board of Education for the purpose of defraying the expenses of the Vocational and Technical Education Division of the State Department of Education................................. $ 23,925,955.00.
(c) To the State Board of Education for the purpose of defraying the expenses of the Mississippi Adequate Education Program......................... $ 176,496,845.00.

(d) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf......... $ 968,023.00.

(e) To the Mississippi Authority for Educational Television for the purpose of defraying the expenses of the authority................................. $ 5,858,164.00.

(f) To the Mississippi Library Commission for the purpose of defraying the expenses of the commission......................... $ 2,879,290.00.

TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
BY THIS SECTION BEING...................... $ 858,015,878.00.

SECTION 3. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State Treasury to the credit of the Budget Contingency fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, for the purpose of funding K-12 and other educational activities, including certain agencies and programs, in the State of Mississippi, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, as follows:

(a) To the State Board of Education for the State Board of Education for the purpose of defraying the expenses of the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division......................... $ 6,900,000.00.

(b) To the State Board of Education for the purpose of defraying the expenses of the Vocational and Technical Education Division of the State Department of Education......................... $ 943,708.00.

(c) To the State Board of Education for the purpose of paying annual compensation to the Chickasaw Cession counties for
sixteenth section lands which they lost through sale by the state, as provided in Sections 29-3-137 through 29-3-141, Mississippi Code of 1972......................... $ 6,550,611.00.

(d) To the State Board of Education for defraying the expenses of the Mississippi Adequate Education Program............. $ 220,660,750.00.

(e) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf.......... $ 600,000.00.

(f) To the Mississippi Authority for Educational Television for the purpose of defraying the expenses of the authority............................... $ 300,000.00.

(g) To the Mississippi Library Commission for the support and maintenance of the commission and for carrying out the provisions of Section 39-3-107, Mississippi Code of 1972........ $ 200,000.00.

TOTAL AMOUNT OF BUDGET CONTINGENCY FUNDS Appropriated by this Section Being...... $ 236,155,069.00.

STATE BOARD OF EDUCATION

SECTION 4. Of the funds appropriated under the provisions of Section 2 to the State Board of Education, Two Hundred Fifty Thousand Dollars ($250,000.00), or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Health Care Expendable Fund, contingent upon passage of House Bill No. 825, Regular Session 2003, to the State Department of Education for the purpose of defraying the expenses of the department for the Mississippi Eye Screening Program for providing vision safety services.

SECTION 5. Of the funds appropriated under the provisions of Section 2 to the State Board of Education, the following sums, or so much thereof as may be necessary, are derived out of any money in the State Treasury to the credit of the Education Enhancement
Fund pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972, as follows:

(a) To the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division, for the following purposes:

- Grants to school districts for capital facilities and buses..............$ 16,000,000.00.
- Instructional materials.....................$ 19,977,628.00.
- Tech prep bond service.....................$ 3,220,550.00.
- Implementing Performance Based Data Collection and Accreditation Model.....................$ 274,937.00.
- Administrator training.....................$ 120,675.00.
- World Class Teacher Program...............$ 125,000.00.
- Mississippi School Boards
  - Continuing Training.....................$ 47,041.00.
  - School board training.....................$ 58,697.00.
  - Education Technology Council...............$ 94,082.00.
- TOTAL....................................$ 39,918,610.00.

(b) To the State Department of Education to defray the expenses of the Vocational and Technical Education Division........... $ 7,863,746.00.

(c) To the State Department of Education to provide funding for the Mississippi Adequate Education Program.............. $106,496,845.00.

SECTION 6. With the funds appropriated under the provisions of this act to the State Board of Education, the following positions are authorized to the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division:

AUTHORIZED POSITIONS:

Permanent: Full Time......... 488
Part Time ............... 3
SECTION 7. Of the funds appropriated in Section 2, Forty-six Million Dollars ($46,000,000.00) shall be derived from the School Ad Valorem Reduction Fund.

No school district shall expend any funds, received under the School Ad Valorem Reduction Grant, unless such school district has specifically identified the amount of said grant within the published budget as required by Section 37-61-9, Mississippi Code of 1972. The published budget shall include the following statement: "Ad Valorem taxes will be $_______ less as a result of the Ad Valorem Reduction Grants enacted by the Mississippi Legislature in 1992."

SECTION 8. Of the funds appropriated in Section 2 to the State Board of Education, Two Million One Hundred Thousand Dollars ($2,100,000.00) shall be derived from the Technology in Classroom Fund 3203 for the purpose of defraying the expenses of the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division.

SECTION 9. Of the funds appropriated under the provisions of Section 2 to the State Board of Education, funds in the amount of One Million Five Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars ($1,585,653.00) shall come from income derived from the principal of the Education Improvement Trust Fund created by Section 206A, Mississippi Constitution of 1890, and One Million Five Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars ($1,585,653.00) shall be used for the School for Math and Science.

SECTION 10. Of the funds appropriated under the provisions of this act to the State Board of Education for the purpose of defraying the expenses of the State Department of Education and excluding the expenses of the Vocational and Technical Education Division, it is the intention of the Legislature that the State Board shall:
(a) Provide One Million Dollars ($1,000,000.00) for the Early Childhood Education Program Initiative.
(b) Determine an amount and provide funding for the Mississippi School of Fine Arts in Brookhaven.

**SECTION 11.** With the funds appropriated under the provisions of this act to the State Board of Education, the following positions are authorized to the Vocational and Technical Education Division of the State Department of Education:

**AUTHORIZED POSITIONS:**

Permanent: Full Time........... 63
Part Time........... 0
Time-Limited: Full Time........... 3
Part Time........... 0

**SECTION 12.** Of the funds appropriated under the provisions of this act to the State Board of Education, an amount not to exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four Dollars ($229,684.00) is authorized for the support of vocational and technical education programs as authorized in Section 37-31-13, Mississippi Code of 1972, for a period in excess of ten (10) months in a calendar year.

**SECTION 13.** It is the intention of the Legislature that the Vocational and Technical Education Division of the State Department of Education shall, with the funds appropriated in Section 1 to the State Board of Education, transfer no more than One Hundred Thousand Dollars ($100,000.00) to the Mississippi Soil and Water Conservation Commission for the purpose of providing matching funds to purchase soil conservation equipment.

**SECTION 14.** Of the funds appropriated in this act to the State Board of Education, no more than One Hundred Thousand Dollars ($100,000.00) is provided for the purpose of supporting the Future Farmers of America Center.

**SECTION 15.** Of the funds provided in Section 1 to the State Board of Education for the purpose of providing financial...
assistance for the education of exceptional children as determined
under Section 37-23-63, Mississippi Code of 1972, children who are
certified by the designated authority as requiring inpatient care
in a private intermediate care facility for the mentally retarded
or psychiatric residential treatment facility, with Medicaid
reimbursement, shall be eligible and entitled to receive state
financial assistance under the provisions of Section 37-23-69, in
an amount not to exceed Five Thousand Dollars ($5,000.00) from
state funds, per child per school year, if an approved private
school is operated as an integral part of the facility which
provides twenty-four (24) hours a day monitoring, treatment and
education, except that the State Department of Education is
authorized to pilot a fee-for-service based cost system for
children served through Millcreek Schools, Inc.

SECTION 16. Of the funds provided in Section 1 to the State
Board of Education, Five Hundred Twenty-one Thousand Five Hundred
Seventeen Dollars ($521,517.00) shall be used to provide for a
Director of School Nurses in the State Department of Education and
the implementation of three (3) pilot projects for a variety of
school health programs in an elementary school setting.
Evaluations shall be developed to determine the program's effect
to drop-out rates, suspensions, expulsions, attendance and test
scores.

Income generated by the school-based clinics shall remain
available for expenditure by the programs utilizing any special
fund authority provided in Section 2 for use by the State
Department of Education and the pilots shall remain the same as in
Fiscal Year 2003.

SECTION 17. It is the intention of the Legislature that the
State Department of Education shall have the authority to accept,
budget and expend any source funds not to exceed Thirty Million
Dollars ($30,000,000.00), that become available to the department
to carry out the provisions of those funds in a manner consistent
with the rules and regulations of the Department of Finance and Administration.

SECTION 18. The State Department of Education shall transfer the designated amounts to the appropriate entities, which shall assume full responsibility for the expenditure of these funds in accordance with state laws and accept all responsibility for any improper expenditure. For the following: National Guard Youth Challenge Program, World Class Teacher Programs, USM Special Education Program, Soil and Water Conservation Commission, Mississippi School Boards Association, Mississippi Eye Screening Program-Vision Research Corporation and Very Special Arts, Arts Institute, Jackson State University Media Center, Jobs for Mississippi Graduates, and Mississippi Symphony, University of Southern Mississippi Safe Schools Program, Mississippi State University Center for Education Design, Writing and Thinking Institute and Greater Columbus Early Learning Center.

SECTION 19. Of the funds appropriated under the provisions of this act to the State Board of Education, the amount of Five Hundred Thousand Dollars ($500,000.00) is provided for the Walnut Grove Correctional Facility.

SECTION 20. Of the funds appropriated in Section 1 to the State Board of Education, the amounts of Three Hundred Thousand Dollars ($300,000.00) is provided for the Writing and Thinking Institute and Seventy-five Thousand Dollars ($75,000.00) is provided for the Very Special Arts Program.

SECTION 21. Of the funds appropriated in this act to the State Board of Education, the State Department of Education shall expend an amount not to exceed Three Hundred Thousand Dollars ($300,000.00) for the purpose of providing technical assistance and training to local school districts in the development of behavior modification plans and to provide funding to defray the costs of psychological evaluations performed upon a child in compliance with the Mississippi School Safety Act of 2001. Local
school districts shall be required to report to the State Department of Education all expulsions of students as authorized under Section 6 of Senate Bill No. 2239, 2001 Regular Session. The State Department of Education shall annually report to the Legislature by January of each year.

SECTION 22. Of the funds appropriated in this act to the State Board of Education, an amount not to exceed One Million Three Hundred Thousand Dollars ($1,300,000.00) shall be used for technological methods for agricultural programs from the Vocational and Technical Education Division of the State Department of Education.

SECTION 23. Of the funds appropriated in Section 1 to the State Board of Education, an amount not to exceed Two Million Sixty-four Thousand Five Hundred Sixteen Dollars ($2,064,516.00) shall be transferred from the State Department of Education to the Mississippi National Guard for the support of the Youth Challenge Program at Camp Shelby.

SECTION 24. It is the intention of the Legislature that at least Twenty-one Million Dollars ($21,000,000.00) be expended for textbooks as defined in Section 37-43-1. The State Department of Education shall report to the Legislature the amount of expenditures for each school district no later than October 31, 2004.

SECTION 25. Of the funds appropriated under Section 1 to the State Board of Education, the sum of Sixty-two Thousand One Hundred Ninety-one Dollars ($62,191.00), which is the aggregate sum that the school districts in the Chickasaw Cession receive annually from interest payments from the Chickasaw School Fund under Section 212, Mississippi Constitution of 1890, shall be deducted from the allocations to the school districts as provided in Section 29-3-137, Mississippi Code of 1972, and shall be distributed among the school districts in the Chickasaw Cession by
the State Department of Education in the manner that such interest payments were distributed during Fiscal Year 1985.

SECTION 26. Of the funds provided in this act to the State Board of Education for the purpose of funding the Mississippi Adequate Education Program as determined under Section 37-151-7, Mississippi Code of 1972, the base student cost in Fiscal Year 2004 shall be Three Thousand Six Hundred Sixty-five Dollars ($3,665.00).

SECTION 27. Of the funds appropriated in this act to the State Board of Education, an amount not more than Fifty Million Dollars ($50,000,000.00) shall be derived from the Interim School District Capital Expenditure Fund for the benefit of the school districts as authorized in Mississippi Code Annotated, Section 37-151-7 (5).

SECTION 28. Of the funds appropriated in this act to the State Board of Education, it is the intention of the Legislature that Twenty Million Dollars ($20,000,000.00) from the Public School Building Fund shall be used for the Mississippi Adequate Education Program.

SECTION 29. With the funds appropriated under the provisions of this act to the State Board of Education, the following positions are authorized for the Mississippi School for the Blind and the Mississippi School for the Deaf:

AUTHORIZED POSITIONS:

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<td>Part Time...........</td>
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None of the funds provided in this act to the State Board of Education shall be expended to hire any person on a contractual basis, for any period for any purpose, without the express prior approval of the State Personnel Director. The State Personnel Director shall consider, in approving such contracts,
availability of funds, the need for services, compliance with the State Compensation Plan and the qualifications of the persons offering to perform the services. The State Fiscal Officer shall not pay any warrant that is in violation of this section.

SECTION 30. With the funds provided in this act to the State Board of Education, it is the intention of the Legislature that the academic teachers at the Mississippi School for the Deaf and the Mississippi School for the Blind shall receive their annual increment.

MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION

SECTION 31. With the funds appropriated under the provisions of this act to the Mississippi Authority for Educational Television, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent: Full Time............ 13
Part Time............. 1
Time-Limited: Full Time............. 13
Part Time.............. 0

Funds appropriated herein shall first be used for the continuation of a full and complete broadcast schedule of educational and instructional, professional growth, and public service programs, with the production of new films and programs to be secondary thereto.

SECTION 32. Of the funds appropriated under the provisions of Section 2 to the Mississippi Authority for Educational Television, One Million Six Hundred Forty-four Thousand Sixty-seven Dollars ($1,644,067.00) shall be derived from the Education Enhancement Fund deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972.

SECTION 33. No part of the funds appropriated in this act to the Mississippi Authority for Educational Television shall be transferred to, expended by, or used, directly or indirectly, for the benefit of any public relations, publicity or publication.
activities of any other state agency, department or officer, nor
shall any personnel paid or equipment purchased with funds
appropriated hereby be transferred or assigned to any other state
agency, department or officer for public relations, publicity or
publication activities of such office.

SECTION 34. It is the intention of the Legislature that the
Mississippi Authority for Educational Television shall have the
authority to expend funds in the Capital Equipment Replacement
Revolving Fund, in accordance with Section 37-63-17, Mississippi
Code of 1972, Annotated, for the purpose of purchasing technical
equipment for operating the educational radio and television
facilities.

SECTION 35. It is the intention of the Legislature that the
Mississippi Authority for Educational Television shall have the
authority to escalate its budget and expend funds from any source
not to exceed Two Million Dollars ($2,000,000.00) in accordance
with rules and regulations of the Department of Finance and
Administration in a manner consistent with the escalation of
federal funds.

MISSISSIPPI LIBRARY COMMISSION

SECTION 36. Of the funds appropriated under the provisions
of this act to the Mississippi Library Commission, the following
positions are authorized:

AUTHORIZED POSITIONS:

Permanent: Full Time............ 56
         Part Time............. 0
Time-Limited: Full Time............ 0
         Part Time............. 0

Funds to be distributed to eligible public library systems
under the Personnel Incentive Grants Program shall be paid
quarterly in advance on or before September 30, December 31, March
31 and June 30.
SECTION 37. Of the funds appropriated under the provisions of Section 2 to the Mississippi Library Commission, Four Hundred Ninety-three Thousand Eight Hundred Forty-seven Dollars ($493,847.00) shall be derived from the Education Enhancement Fund deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972.

SECTION 38. It is the intention of the Legislature that the Mississippi Library Commission shall have the authority to escalate its budget and expend funds from any source not to exceed Three Million Dollars ($3,000,000.00) in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 39. Of the funds appropriated in this act to the Mississippi Library Commission, not less than One Million Eighty-six Thousand Three Hundred Forty Dollars ($1,086,340.00) shall be expended for the Magnolia Database.

SECTION 40. With the funds herein appropriated to the State Board of Education, the Mississippi Authority for Educational Television and the Mississippi Library Commission, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2005 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2004 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines
that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2004 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

SECTION 41. It is the intention of the Legislature that none of the funds appropriated by this act shall be expended for increased charges for State Employee and Teacher Health Insurance premium rates assessed by the Department of Finance and Administration in excess of the Fiscal Year 2003 premium rates for the health insurance plan.

SECTION 42. It is the intention of the Legislature that no State General Funds authorized to be expended in this act shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

With respect to agency programs whose operation is dependent on the receipt of federal funds, it is the intent of the Legislature, except as hereinafter provided, that no funds from the State General Fund be expended to administer, support or in any way continue such programs should federal funds for their operation be reduced or become unavailable and that no funds from the State General Fund available for expenditure under this act shall be used to replace federal funds in any major object of expenditure.

Any transfers or escalations shall be made in accordance with the terms, conditions, and procedures established by law.

SECTION 43. It is the intention of the Legislature that the State Board of Education, Authority for Educational Television, and the Mississippi Library Commission, shall maintain complete accounting and personnel records related to the expenditure of all
funds appropriated under the provisions of this act and that such
records shall be in the same format and level of details as
maintained for Fiscal Year 2003. It is further the intention of
the Legislature that the budget requests for Fiscal Year 2005
shall be submitted to the Joint Legislative Budget Committee in a
format and level of detail comparable to the format and level of
detail provided during the Fiscal Year 2004 budget request process
for each agency and institution appropriated funds within the
provisions of this act.

SECTION 44. The money herein appropriated shall be paid by
the State Treasurer out of any money in the proper fund or funds
as set forth in this act, upon warrants issued by the State Fiscal
Officer; and the State Fiscal Officer shall issue his warrants
upon requisitions signed by the proper person, officer or officers
in the manner provided by law.

SECTION 45. This act shall take effect and be in force from
and after July 1, 2003.