

By: Representatives Pierce, Broomfield,  
Brown, Dickson, Markham, Peranich,  
Straughter, Warren, Weathersby, Reynolds

To: Appropriations

HOUSE BILL NO. 1696

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING  
2 K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN  
3 AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL  
4 YEAR 2005.

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

6 SECTION 1. The following sums, or so much thereof as may be  
7 necessary, are hereby appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the purpose of  
9 funding K-12 and other related educational activities, including  
10 certain agencies and programs, in the State of Mississippi, for  
11 the fiscal year beginning July 1, 2004, and ending June 30, 2005,  
12 as follows:

13 (a) To the State Board of Education for the purpose of  
14 defraying the expenses of the State Department of Education, and  
15 excluding the expenses of the Vocational and Technical Education  
16 Division..... \$ 64,763,221.00.

17 (b) To the State Board of Education for the purpose of  
18 defraying the expenses of the Vocational and Technical Education  
19 Division of the State Department of Education.....  
20 ..... \$ 67,995,613.00.

21 (c) To the State Board of Education for the purpose of  
22 paying annual compensation to the Chickasaw Cession counties for  
23 sixteenth section lands which they lost through sale by the state,  
24 as provided in Section 29-3-137 through 29-3-141, Mississippi Code  
25 of 1972..... \$ 13,088,131.00.

26 (d) To the State Board of Education for defraying the  
27 expenses of the Mississippi Adequate Education Program.....  
28 ..... \$ 1,579,568,914.00.

29 (e) To the State Board of Education for the purpose of  
30 defraying the expenses of the Mississippi School for the Blind and  
31 the Mississippi School for the Deaf..... \$ 10,746,908.00.

32 (f) To the Mississippi Authority for Educational  
33 Television for the purpose of defraying the expenses of the  
34 authority ..... \$ 5,425,916.00.

35 (g) To the Mississippi Library Commission for the  
36 support and maintenance of the commission and for carrying out the  
37 provisions of Section 39-3-107, Mississippi Code of 1972.....  
38 ..... \$ 10,623,362.00.

39 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED

40 BY THIS SECTION BEING..... \$ 1,752,212,065.00.

41 **SECTION 2.** The following sums, or so much thereof as may be  
42 necessary, are hereby appropriated out of any money in any special  
43 fund in the State Treasury to the credit of the proper fund or  
44 funds of the agencies or programs specified in the following  
45 paragraphs for the fiscal year beginning July 1, 2004, and ending  
46 June 30, 2005, as follows:

47 (a) To the State Board of Education for the purpose of  
48 defraying the expenses of the State Department of Education, and  
49 excluding the expenses of the Vocational and Technical Education  
50 Division..... \$ 652,493,155.00.

51 (b) To the State Board of Education for the purpose of  
52 defraying the expenses of the Vocational and Technical Education  
53 Division of the State Department of Education.....  
54 ..... \$ 24,073,829.00.

55 (c) To the State Board of Education for the purpose of  
56 defraying the expenses of the Mississippi Adequate Education  
57 Program..... \$ 189,459,756.00.

58 (d) To the State Board of Education for the purpose of  
59 defraying the expenses of the Mississippi School for the Blind and  
60 the Mississippi School for the Deaf..... \$ 994,031.00.

61 (e) To the Mississippi Authority for Educational  
62 Television for the purpose of defraying the expenses of the  
63 authority..... \$ 4,758,012.00.

64 (f) To the Mississippi Library Commission for the  
65 purpose of defraying the expenses of the commission.....  
66 ..... \$ 2,888,926.00.

67 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED  
68 BY THIS SECTION BEING..... \$ 874,667,709.00.

69 **SECTION 3.** The following sums, or so much thereof as may be  
70 necessary, are hereby appropriated out of any money in the State  
71 Treasury to the credit of the Budget Contingency fund created in  
72 Section 27-103-301, Mississippi Code of 1972, not otherwise  
73 appropriated, for the purpose of funding K-12 and other  
74 educational activities, including certain agencies and programs,  
75 in the State of Mississippi, for the fiscal year beginning July 1,  
76 2004, and ending June 30, 2005, as follows:

77 (a) To the State Board of Education for the State Board  
78 of Education for the purpose of defraying the expenses of the  
79 State Department of Education, and excluding the expenses of the  
80 Vocational and Technical Education Division.....  
81 ..... \$ 6,500,000.00.

82 (b) To the State Board of Education for defraying the  
83 expenses of the Mississippi Adequate Education Program.....  
84 ..... \$ 98,300,000.00.

85 TOTAL AMOUNT OF BUDGET CONTINGENCY FUNDS  
86 APPROPRIATED BY THIS SECTION BEING..... \$ 104,800,000.00.

87 **STATE BOARD OF EDUCATION**

88 **SECTION 4.** Of the funds appropriated under the provisions of  
89 Section 2 to the State Board of Education, Two Hundred  
90 Thirty-eight Thousand Three Hundred Eighteen Dollars  
91 (\$238,318.00), or so much thereof as may be necessary, is  
92 appropriated out of any money in the State Treasury to the credit  
93 of the Health Care Expendable Fund to the State Department of

94 Education for the purpose of defraying the expenses of the  
95 department for the Mississippi Eye Screening Program for providing  
96 vision safety services.

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

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

106	Grants to school districts for capital	
107	facilities and buses.....	\$ 16,000,000.00.
108	Instructional materials.....	\$ 3,543,086.00.
109	Tech prep bond service.....	\$ 2,092,079.00.
110	Implementing Performance Based Data	
111	Collection and Accreditation	
112	Model.....	\$ 274,937.00.
113	World Class Teacher Program.....	\$ 125,000.00.
114	Testing.....	\$ 226,413.00.
115	Education Technology Council.....	\$ 94,082.00.
116	TOTAL.....	\$ 22,355,597.00.

117           (b) To the State Department of Education to defray the  
118 expenses of the Vocational and Technical Education Division.....  
119 ..... \$ 7,863,746.00.

120           (c) To the State Department of Education to provide  
121 funding for the Mississippi Adequate Education Program.....  
122 ..... \$119,459,756.00.

123       **SECTION 6.** With the funds appropriated under the provisions  
124 of this act to the State Board of Education, the following  
125 positions are authorized to the State Department of Education, and

126 excluding the expenses of the Vocational and Technical Education  
127 Division:

128 AUTHORIZED POSITIONS:

129	Permanent:	Full Time.....	467
130		Part Time .....	3
131	Time-Limited:	Full Time.....	80
132		Part Time.....	0

133 **SECTION 7.** In compliance with the "Mississippi Performance  
134 Budget and Strategic Planning Act of 1994," it is the intent of  
135 the Legislature that the funds provided herein shall be utilized  
136 in the most efficient and effective manner possible to achieve the  
137 intended mission of this agency. Based on the funding authorized,  
138 this agency shall make every effort to attain the targeted  
139 performance measures provided below:

140		FY2005
141	<u>Performance Measures</u>	<u>Target</u>
142	Special Education	
143	Approved Funding for Children (Persons)	95,897,369
144	Teacher Units Approved for Funding (Units)	4,672
145	Child Nutrition	
146	Number of Meals Required (Millions)	222
147	Cost per Meal (\$)	2.30
148	Special Projects	
149	Building Projects Approved (Projects)	0
150	Project Approval Rate (%)	0
151	MS School For Math & Science	
152	Students Enrolled (Persons)	270
153	Cost per Student (\$)	16,581.29
154	Educational Accountability	
155	Performance Accreditation Visits (Visits)	30
156	Tests Administered (Persons)	468,115
157	Compliance & Performance Reviews (Actions)	25
158	Educ Training & Development	

159	Administrators Trained (Persons)	500
160	Administrators Trained (%)	0.30
161	Technical Assistance to School Districts (%)	85
162	Compensatory Education	
163	Title I Projects Awarded (Programs)	152
164	Average Expenditure per Child (\$)	612
165	Review & Approve Delinquent Prgs (Programs)	7
166	Community & Outreach Services	
167	Requested Available Federal Funding (%)	100
168	MS School Attendance Officers	
169	Resolutions to Referrals (%)	0.86
170	School Visits (Number of)	30,000
171	MS Teacher Center	
172	Teachers Recruited in Shortage Areas (Number)	1,700
173	A reporting of the degree to which the performance targets	
174	set above have been or are being achieved shall be provided in the	
175	agency's budget request submitted to the Joint Legislative Budget	
176	Committee for Fiscal Year 2006.	
177	<b>SECTION 8.</b> In compliance with the "Mississippi Performance	
178	Budget and Strategic Planning Act of 1994," it is the intent of	
179	the Legislature that the funds provided herein shall be utilized	
180	in the most efficient and effective manner possible to achieve the	
181	intended mission of this agency. Based on the funding authorized,	
182	this agency shall make every effort to attain the targeted	
183	performance measures provided below:	
184		FY2005
185	<u>Performance Measures</u>	<u>Target</u>
186	Basic Program	
187	Increase the number of students scoring basic	
188	& above on the MS Curriculum Test in	
189	grades 2-8, reading, language & math (%)	2.00
190	Increase the number of students achieving	
191	the passing score on the History test (%)	0.08

192           Increase the number of students achieving  
193                   the passing score on the Biology test (%)                   2.00  
194           Increase the number of students achieving  
195                   the passing score on the Algebra test (%)                   2.00

196           A reporting of the degree to which the performance targets  
197 set above have been or are being achieved shall be provided in the  
198 agency's budget request submitted to the Joint Legislative Budget  
199 Committee for Fiscal Year 2006.

200           **SECTION 9.** Of the funds appropriated in Section 2, Forty-six  
201 Million Dollars (\$46,000,000.00) shall be derived from the School  
202 Ad Valorem Reduction Fund.

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

211           **SECTION 10.** Of the funds appropriated in Section 2 to the  
212 State Board of Education, Two Million One Hundred Thousand Dollars  
213 (\$2,100,000.00) shall be derived from the Technology in Classroom  
214 Fund 3203 for the purpose of defraying the expenses of the State  
215 Department of Education, and excluding the expenses of the  
216 Vocational and Technical Education Division.

217           **SECTION 11.** Of the funds appropriated under the provisions  
218 of Section 2 to the State Board of Education, funds in the amount  
219 of One Million Five Hundred Eighty-five Thousand Six Hundred  
220 Fifty-three Dollars (\$1,585,653.00) shall come from income derived  
221 from the principal of the Education Improvement Trust Fund created  
222 by Section 206A, Mississippi Constitution of 1890, and One Million  
223 Five Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars  
224 (\$1,585,653.00) shall be used for the School for Math and Science.

225           **SECTION 12.** With the funds appropriated under the provisions  
 226 of this act to the State Board of Education, the following  
 227 positions are authorized to the Vocational and Technical Education  
 228 Division of the State Department of Education:

229       AUTHORIZED POSITIONS:

230	Permanent:	Full Time.....	60
231		Part Time.....	0
232	Time-Limited:	Full Time.....	3
233		Part Time.....	0

234           **SECTION 13.** In compliance with the "Mississippi Performance  
 235 Budget and Strategic Planning Act of 1994," it is the intent of  
 236 the Legislature that the funds provided herein shall be utilized  
 237 in the most efficient and effective manner possible to achieve the  
 238 intended mission of this agency. Based on the funding authorized,  
 239 this agency shall make every effort to attain the targeted  
 240 performance measures provided below:

241		FY2005
242	<u>Performance Measures</u>	<u>Target</u>
243	Secondary Programs	
244	Increase in Students Served (percent)	14,358
245	LEAs Served (Sites)	154
246	Post-secondary Programs	
247	Short-Term Students Served (Persons)	867
248	Short-Term Adult Program Classes (Classes)	145
249	Short-Term Cost per Student (dollars)	53

250       A reporting of the degree to which the performance targets  
 251 set above have been or are being achieved shall be provided in the  
 252 agency's budget request submitted to the Joint Legislative Budget  
 253 Committee for Fiscal Year 2006.

254           **SECTION 14.** Of the funds appropriated under the provisions  
 255 of this act to the State Board of Education, an amount not to  
 256 exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four  
 257 Dollars (\$229,684.00) is authorized for the support of vocational



258 and technical education programs as authorized in Section  
259 37-31-13, Mississippi Code of 1972, for a period in excess of ten  
260 (10) months in a calendar year.

261         **SECTION 15.** It is the intention of the Legislature that the  
262 Vocational and Technical Education Division of the State  
263 Department of Education shall, with the funds appropriated in  
264 Section 1 to the State Board of Education, transfer no more than  
265 One Hundred Thousand Dollars (\$100,000.00) to the Mississippi Soil  
266 and Water Conservation Commission for the purpose of providing  
267 matching funds to purchase soil conservation equipment.

268         **SECTION 16.** Of the funds appropriated in this act to the  
269 State Board of Education, no more than One Hundred Thousand  
270 Dollars (\$100,000.00) is provided for the purpose of supporting  
271 the Future Farmers of America Center.

272         **SECTION 17.** Of the funds provided in Section 1 to the State  
273 Board of Education for the purpose of providing financial  
274 assistance for the education of exceptional children as determined  
275 under Section 37-23-63, Mississippi Code of 1972, children who are  
276 certified by the designated authority as requiring inpatient care  
277 in a private intermediate care facility for the mentally retarded  
278 or psychiatric residential treatment facility, with Medicaid  
279 reimbursement, shall be eligible and entitled to receive state  
280 financial assistance under the provisions of Section 37-23-69, in  
281 an amount not to exceed Five Thousand Dollars (\$5,000.00) from  
282 state funds, per child per school year, if an approved private  
283 school is operated as an integral part of the facility which  
284 provides twenty-four (24) hours a day monitoring, treatment and  
285 education, except that the State Department of Education is  
286 authorized to pilot a fee-for-service based cost system for  
287 children served through Millcreek Schools, Inc.

288         **SECTION 18.** Of the funds provided in Section 1 to the State  
289 Board of Education, Two Hundred Fifteen Thousand Five Hundred  
290 Twenty-nine Dollars (\$215,529.00) shall be used to provide for a

291 Director of School Nurses in the State Department of Education and  
292 the implementation of three (3) pilot projects for a variety of  
293 school health programs in an elementary school setting.  
294 Evaluations shall be developed to determine the program's effect  
295 to drop-out rates, suspensions, expulsions, attendance and test  
296 scores.

297 Income generated by the school-based clinics shall remain  
298 available for expenditure by the programs utilizing any special  
299 fund authority provided in Section 2 for use by the State  
300 Department of Education and the pilots shall remain the same as in  
301 Fiscal Year 2004.

302 **SECTION 19.** It is the intention of the Legislature that the  
303 State Department of Education shall have the authority to accept,  
304 budget and expend any source funds not to exceed Thirty Million  
305 Dollars (\$30,000,000.00), that become available to the department  
306 to carry out the provisions of those funds in a manner consistent  
307 with the rules and regulations of the Department of Finance and  
308 Administration.

309 **SECTION 20.** The State Department of Education shall transfer  
310 the designated amounts to the appropriate entities, which shall  
311 assume full responsibility for the expenditure of these funds in  
312 accordance with state laws and accept all responsibility for any  
313 improper expenditure. For the following: National Guard Youth  
314 Challenge Program, World Class Teacher Programs, USM Special  
315 Education Program, Soil and Water Conservation Commission,  
316 Mississippi School Boards Association, Mississippi Eye Screening  
317 Program-Vision Research Corporation and Very Special Arts, Arts  
318 Institute, Jobs for Mississippi Graduates, and Mississippi  
319 Symphony, University of Southern Mississippi Safe Schools Program,  
320 Mississippi State University Center for Education Design, Writing  
321 and Thinking Institute and Greater Columbus Early Learning Center.

322 **SECTION 21.** Of the funds appropriated under the provisions  
323 of this act to the State Board of Education, the amount of Two

324 Hundred Fifty-one Thousand Four Hundred Sixty Dollars  
325 (\$251,460.00) is provided for the Walnut Grove Correctional  
326 Facility.

327 **SECTION 22.** Of the funds appropriated in Section 1 to the  
328 State Board of Education, the amounts of Two Hundred Fifty-one  
329 Thousand Four Hundred Sixty Dollars (\$251,460.00) is provided for  
330 the Writing and Thinking Institute and Sixty-two Thousand Eight  
331 Hundred Sixty-five Dollars (\$62,865.00) is provided for the Very  
332 Special Arts Program.

333 **SECTION 23.** Of the funds appropriated in this act to the  
334 State Board of Education, an amount not to exceed Three Hundred  
335 Fifty Thousand Dollars (\$350,000.00) shall be used for  
336 technological methods for agricultural programs from the  
337 Vocational and Technical Education Division of the State  
338 Department of Education.

339 **SECTION 24.** Of the funds appropriated in Section 1 to the  
340 State Board of Education, an amount not to exceed Two Million  
341 Sixty-four Thousand Five Hundred Sixteen Dollars (\$2,064,516.00)  
342 shall be transferred from the State Department of Education to the  
343 Mississippi National Guard for the support of the Youth Challenge  
344 Program at Camp Shelby.

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

356           **SECTION 26.** Of the funds provided in this act to the State  
357 Board of Education for the purpose of funding the Mississippi  
358 Adequate Education Program as determined under Section 37-151-7,  
359 Mississippi Code of 1972, the base student cost in Fiscal Year  
360 2005 shall be Three Thousand Eight Hundred Eighty-nine Dollars  
361 (\$3,889.00).

362           **SECTION 27.** Of the funds appropriated in this act to the  
363 State Board of Education, an amount not more than Fifty Million  
364 Dollars (\$50,000,000.00) shall be derived from the Interim School  
365 District Capital Expenditure Fund for the benefit of the school  
366 districts as authorized in Mississippi Code Annotated, Section  
367 37-151-7 (5).

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

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

377           AUTHORIZED POSITIONS:

378	Permanent:	Full Time.....	200
379		Part Time.....	29
380	Time-Limited:	Full Time.....	1
381		Part Time.....	0

382           None of the funds provided in this act to the State Board of  
383 Education shall be expended to hire any person on a contractual  
384 basis, for any period for any purpose, without the express prior  
385 approval of the State Personnel Director. The State Personnel  
386 Director shall consider, in approving such contracts, the  
387 availability of funds, the need for services, compliance with the  
388 State Compensation Plan and the qualifications of the persons

389 offering to perform the services. The State Fiscal Officer shall  
390 not pay any warrant that is in violation of this section.

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

396 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION**

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

400 AUTHORIZED POSITIONS:

401	Permanent:	Full Time.....	122
402		Part Time.....	0
403	Time-Limited:	Full Time.....	7
404		Part Time.....	0

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

410 **SECTION 32.** In compliance with the "Mississippi Performance  
411 Budget and Strategic Planning Act of 1994," it is the intent of  
412 the Legislature that the funds provided herein shall be utilized  
413 in the most efficient and effective manner possible to achieve the  
414 intended mission of this agency. Based on the funding authorized,  
415 this agency shall make every effort to attain the targeted  
416 performance measures provided below:

417		FY2005
418	<u>Performance Measures</u>	<u>Target</u>
419	Content Development	
420	Number of locally produced TV programs	37
421	Number of locally produced Radio programs	36

422	Number of persons using other Educ Services	27,500
423	Technical Services	
424	Number of transmitters on air (analog & DTV)	16
425	On air reliability (TV)	96.70
426	Activate multiple network delivery	3
427	Administration	
428	Increase number of web site users	100
429	Number of agency personnel provided training	35
430	A reporting of the degree to which the performance targets	
431	set above have been or are being achieved shall be provided in the	
432	agency's budget request submitted to the Joint Legislative Budget	
433	Committee for Fiscal Year 2006.	

434       **SECTION 33.** Of the funds appropriated under the provisions  
435 of Section 2 to the Mississippi Authority for Educational  
436 Television, One Million Six Hundred Forty-four Thousand  
437 Sixty-seven Dollars (\$1,644,067.00) shall be derived from the  
438 Education Enhancement Fund deposited pursuant to Sections 27-65-75  
439 and 27-67-31, Mississippi Code of 1972.

440       **SECTION 34.** No part of the funds appropriated in this act to  
441 the Mississippi Authority for Educational Television shall be  
442 transferred to, expended by, or used, directly or indirectly, for  
443 the benefit of any public relations, publicity or publication  
444 activities of any other state agency, department or officer, nor  
445 shall any personnel paid or equipment purchased with funds  
446 appropriated hereby be transferred or assigned to any other state  
447 agency, department or officer for public relations, publicity or  
448 publication activities of such office.

449       **SECTION 35.** It is the intention of the Legislature that the  
450 Mississippi Authority for Educational Television shall have the  
451 authority to expend funds in the Capital Equipment Replacement  
452 Revolving Fund, in accordance with Section 37-63-17, Mississippi  
453 Code of 1972, Annotated, for the purpose of purchasing technical

454 equipment for operating the educational radio and television  
455 facilities.

456 **SECTION 36.** It is the intention of the Legislature that the  
457 Mississippi Authority for Educational Television shall have the  
458 authority to escalate its budget and expend funds from any source  
459 not to exceed Two Million Dollars (\$2,000,000.00) in accordance  
460 with rules and regulations of the Department of Finance and  
461 Administration in a manner consistent with the escalation of  
462 federal funds.

463 **MISSISSIPPI LIBRARY COMMISSION**

464 **SECTION 37.** Of the funds appropriated under the provisions  
465 of this act to the Mississippi Library Commission, the following  
466 positions are authorized:

467 AUTHORIZED POSITIONS:

468	Permanent:	Full Time.....	52
469		Part Time.....	0
470	Time-Limited:	Full Time.....	0
471		Part Time.....	0

472 Funds to be distributed to eligible public library systems  
473 under the Personnel Incentive Grants Program shall be paid  
474 quarterly in advance on or before September 30, December 31, March  
475 31 and June 30.

476 **SECTION 38.** In compliance with the "Mississippi Performance  
477 Budget and Strategic Planning Act of 1994," it is the intent of  
478 the Legislature that the funds provided herein shall be utilized  
479 in the most efficient and effective manner possible to achieve the  
480 intended mission of this agency. Based on the funding authorized,  
481 this agency shall make every effort to attain the targeted  
482 performance measures provided below:

483		FY2005
484	<u>Performance Measures</u>	<u>Target</u>
485	Administrative Services	
486	Avg Cost of Administering per Grant (\$)	150





519 being used for salaries authorized under the provisions of this  
520 act and which are withdrawn and no longer available.

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

530 With the funds herein appropriated to the State Board of  
531 Education, the Mississippi Authority for Educational Television  
532 and the Mississippi Library Commission, it is the intention of the  
533 Legislature that it shall be the agency's responsibility to make  
534 certain that funds required to be appropriated for "Personal  
535 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
536 funds appropriated for that purpose, unless programs or positions  
537 are added to the agency's Fiscal Year 2006 budget by the  
538 Mississippi Legislature. Based on data provided by the  
539 Legislative Budget Office, the State Personnel Board shall  
540 determine and publish the projected annual cost to fully fund all  
541 appropriated positions in compliance with the provisions of this  
542 act. It shall be the responsibility of the agency head to insure  
543 that no single personnel action increases this projected annual  
544 cost and/or the Fiscal Year 2005 appropriation for "Personal  
545 Services" when annualized, with the exception of escalated funds.  
546 If, at the time the agency takes any action to change "Personal  
547 Services," the State Personnel Board determines that the agency  
548 has taken an action which would cause the agency to exceed this  
549 projected annual cost or the Fiscal Year 2005 "Personal Services"  
550 appropriated level, when annualized, then only those actions which  
551 reduce the projected annual cost and/or the appropriation

552 requirement will be processed by the State Personnel Board until  
553 such time as the requirements of this provision are met.

554 Any transfers or escalations shall be made in accordance with  
555 the terms, conditions and procedures established by law or  
556 allowable under the terms set forth within this act. The State  
557 Personnel Board shall not escalate positions without written  
558 approval from the Department of Finance and Administration. The  
559 Department of Finance and Administration shall not provide written  
560 approval to escalate any funds for salaries and/or positions  
561 without proof of availability of new or additional funds above the  
562 appropriated level.

563 **SECTION 43.** The funds authorized herein shall be used to  
564 fund all operations of the agency with the following prohibitions:

565 (1) The agency shall not fill any current or future vacant  
566 positions;

567 (2) The agency shall not take any action to promote or  
568 otherwise award salary increases through reallocation,  
569 reclassification, realignment, education benchmark, career ladder,  
570 or any other means to increase salaries of employees or positions  
571 except as allowed under the provisions set forth in House Bill No.  
572 1279, 2004 Regular Legislative Session;

573 (3) The agency shall not expend funds for out-of-state  
574 travel except as allowed under the provisions set forth in House  
575 Bill No. 1279, 2004 Regular Legislative Session;

576 (4) The agency shall not expend funds for the purchase of or  
577 contract for cellular phones, two-way radios or pagers, except for  
578 support of employees in the Department of Public Safety and the  
579 Bureau of Narcotics as recommended by Information Technology  
580 Services or as allowed under the provisions set forth in House  
581 Bill No. 1279, 2004 Regular Legislative Session;

582 (5) The agency shall not expend funds to publish or  
583 distribute any annual reports or other publications;

584 (6) The agency shall not expend funds for public relation  
585 activities regarding the functions, programs or services of the  
586 agency except as allowed under the provisions set forth in House  
587 Bill No. 1279, 2004 Regular Legislative Session;

588 (7) The agency shall not advertise the functions, programs  
589 or services of the agency except that the Mississippi Development  
590 Authority is authorized to expend funds for advertising to carry  
591 out the purposes of key programs administered by the authority;

592 (8) The agency shall not expend funds for staff development  
593 or training services;

594 (9) The agency shall not expend funds for the purchase of  
595 new or replacement equipment or furniture, excluding lease  
596 purchase payments on agreements in effect upon passage of this  
597 appropriation bill, except as allowed under the provisions set  
598 forth in House Bill No. 1279, 2004 Regular Legislative Session.

599 **SECTION 44.** The Department of Education may take any action  
600 that otherwise would be prohibited under subsection 43(2) if all  
601 of the funds to be expended to fund that action are special or  
602 federal funds.

603 The Department of Education is authorized to contract for  
604 student testing, e-rate purchases, conservator and financial  
605 advisor services, implementation of the accountability systems or  
606 No Child Left Behind legislation and with other state agencies to  
607 carry out provisions of state law.

608 The Department of Education is authorized to publish and  
609 distribute the following publications and reports:

610 Dropouts and Graduates

611 Accountability Results

612 Annual Report for the State Superintendent

613 Mississippi Report Card

614 Mississippi Cumulative Folders and Permanent Records Manual

615 of Directions

616 Teacher's Guide for Algebra, English II, U.S. History and  
617 Biology  
618 Student/Parent Information Guide  
619 Interpretive Guide  
620 The Office of Compulsory School Attendance Annual Report  
621 Various publications regarding administration and/or results  
622 of testing

623 **SECTION 45.** The Mississippi Authority for Educational  
624 Television is authorized to purchase equipment relating to  
625 broadcast and transmission activities.

626 The Mississippi Authority for Educational Television is  
627 authorized to contract for local productions, acquisition of  
628 national or regional programs, legal services relating to FCC  
629 compliance, audit services relating to Corporation for Public  
630 Broadcasting's Community Service Grant, and advertising at a  
631 discounted rate.

632 The Mississippi Authority for Educational Television is  
633 authorized to expend out-of-state travel funds for travel relating  
634 to federal grants, federal legislation, production, technical  
635 training and national organization member duties.

636 The Mississippi Authority for Educational Television is  
637 authorized to expend funds to conduct public relation activities.

638 The Mississippi Authority for Educational Television is  
639 authorized to expend funds on advertising.

640 **SECTION 46.** It is the intention of the Legislature that none  
641 of the funds appropriated above shall be expended unless members  
642 of the Mississippi House of Representatives and Mississippi Senate  
643 are notified at least five (5) days prior to a public ceremony  
644 announcing the award of any grant in their district or any public  
645 announcement or ceremony regarding the groundbreaking or opening  
646 of a facility, roadway or bridge for which the Legislature has  
647 made funds available. Any signage regarding any public event or  
648 any new facility, roadway or bridge shall include the following

649 language: "Funds were made available for this project by the  
650 Mississippi State Legislature."

651       **SECTION 47.** It is the intention of the Legislature that the  
652 State Board of Education, Authority for Educational Television,  
653 and the Mississippi Library Commission, shall maintain complete  
654 accounting and personnel records related to the expenditure of all  
655 funds appropriated under the provisions of this act and that such  
656 records shall be in the same format and level of details as  
657 maintained for Fiscal Year 2004. It is further the intention of  
658 the Legislature that the budget requests for Fiscal Year 2006  
659 shall be submitted to the Joint Legislative Budget Committee in a  
660 format and level of detail comparable to the format and level of  
661 detail provided during the Fiscal Year 2005 budget request process  
662 for each agency and institution appropriated funds within the  
663 provisions of this act.

664       **SECTION 48.** The money herein appropriated shall be paid by  
665 the State Treasurer out of any money in the proper fund or funds  
666 as set forth in this act, upon warrants issued by the State Fiscal  
667 Officer; and the State Fiscal Officer shall issue his warrants  
668 upon requisitions signed by the proper person, officer or officers  
669 in the manner provided by law.

670       **SECTION 49.** This act shall take effect and be in force from  
671 and after July 1, 2004.