

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

To: Appropriations

HOUSE BILL NO. 1696  
(As Sent to Governor)

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..... \$ 64,066,430.00.

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..... \$ 9,249,612.00.

26 (d) To the State Board of Education for defraying the  
27 expenses of the Mississippi Adequate Education Program.....  
28 ..... \$ 1,534,965,705.00.

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..... \$ 1,703,073,546.00.

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..... \$ 651,743,445.00.

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..... \$ 873,917,999.00.

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 ..... \$ 7,511,221.00.

82 (b) To the State Board of Education for defraying the  
83 expenses of the Mississippi Adequate Education Program.....  
84 ..... \$ 98,650,260.00.

85 (c) To the State Board of Education for the purpose of  
86 paying annual compensation to the Chickasaw Cession Counties for  
87 sixteenth section lands which they lost through sale by the state,  
88 as provided in Section 29-3-137 through 29-3-141, Mississippi Code  
89 of 1972..... \$ 3,838,519.00.

90 TOTAL AMOUNT OF BUDGET CONTINGENCY FUNDS  
91 APPROPRIATED BY THIS SECTION BEING..... \$ 110,000,000.00.

92 **STATE BOARD OF EDUCATION**

93           **SECTION 4.** Of the funds appropriated under the provisions of  
94 Section 2 to the State Board of Education, Two Hundred Twenty-one  
95 Thousand Nine Hundred Fifty-four Dollars (\$221,954.00), or so much  
96 thereof as may be necessary, is appropriated out of any money in  
97 the State Treasury to the credit of the Health Care Expendable  
98 Fund to the State Department of Education for the purpose of  
99 defraying the expenses of the department for the Mississippi Eye  
100 Screening Program for providing vision safety services.

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

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

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

121           (b) To the State Department of Education to defray the  
122 expenses of the Vocational and Technical Education Division.....  
123 ..... \$ 7,863,746.00.

124           (c) To the State Department of Education to provide  
125 funding for the Mississippi Adequate Education Program.....

126 ..... \$119,459,756.00.

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

132 AUTHORIZED POSITIONS:

133	Permanent:	Full Time.....	471
134		Part Time .....	3
135	Time-Limited:	Full Time.....	69
136		Part Time.....	0

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

144		FY2005
145	<u>Performance Measures</u>	<u>Target</u>
146	Special Education	
147	Approved Funding for Children (Persons)	87,897,368
148	Teacher Units Approved for Funding (Units)	4,672.39
149	Child Nutrition	
150	Number of Meals Required (Millions)	121
151	Cost per Meal (\$)	2.28
152	Special Projects	
153	Building Projects Approved (Projects)	0
154	Project Approval Rate (%)	0
155	MS School For Math & Science	
156	Students Enrolled (Persons)	270
157	Cost per Student (\$)	15,717.03
158	Educational Accountability	

159	Performance Accreditation Visits (Visits)	30
160	Tests Administered (Persons)	468,115
161	Compliance & Performance Reviews (Actions)	25
162	Educ Training & Development	
163	Administrators Trained (Persons)	1,000
164	Administrators Trained (%)	0.60
165	Technical Assistance to School Districts (%)	92
166	Compensatory Education	
167	Title I Projects Awarded (Programs)	152
168	Average Expenditure per Child (\$)	612
169	Review & Approve Delinquent Prgs (Programs)	7
170	Community & Outreach Services	
171	Requested Available Federal Funding (%)	100
172	MS School Attendance Officers	
173	Resolutions to Referrals (%)	0.86
174	School Visits (Number of)	30,000
175	MS Teacher Center	
176	Teachers Recruited in Shortage Areas (Number)	1,700

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

181 **SECTION 8.** In compliance with the "Mississippi Performance  
182 Budget and Strategic Planning Act of 1994," it is the intent of  
183 the Legislature that the funds provided herein shall be utilized  
184 in the most efficient and effective manner possible to achieve the  
185 intended mission of this agency. Based on the funding authorized,  
186 this agency shall make every effort to attain the targeted  
187 performance measures provided below:

188		FY2005
189	<u>Performance Measures</u>	<u>Target</u>
190	Basic Program	
191	Increase the number of students scoring basic	

192	& above on the MS Curriculum Test in	
193	grades 2-8, reading, language & math (%)	2.00
194	Increase the number of students achieving	
195	the passing score on the History test (%)	0.08
196	Increase the number of students achieving	
197	the passing score on the Biology test (%)	2.00
198	Increase the number of students achieving	
199	the passing score on the Algebra test (%)	2.00

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

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

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

215 **SECTION 10.** Of the funds appropriated in Section 2 to the  
216 State Board of Education, Two Million One Hundred Thousand Dollars  
217 (\$2,100,000.00) shall be derived from the Technology in Classroom  
218 Fund 3203 for the purpose of defraying the expenses of the State  
219 Department of Education, and excluding the expenses of the  
220 Vocational and Technical Education Division.

221 **SECTION 11.** Of the funds appropriated under the provisions  
222 of Section 2 to the State Board of Education, funds in the amount  
223 of One Million Nine Hundred Eighty-five Thousand Six Hundred  
224 Fifty-three Dollars (\$1,985,653.00) shall come from income derived

225 from the principal of the Education Improvement Trust Fund created  
 226 by Section 206A, Mississippi Constitution of 1890, and One Million  
 227 Nine Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars  
 228 (\$1,985,653.00) shall be used for the School for Math and Science.

229 **SECTION 12.** With the funds appropriated under the provisions  
 230 of this act to the State Board of Education, the following  
 231 positions are authorized to the Vocational and Technical Education  
 232 Division of the State Department of Education:

233 AUTHORIZED POSITIONS:

234	Permanent:	Full Time.....	59
235		Part Time.....	0
236	Time-Limited:	Full Time.....	3
237		Part Time.....	0

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

245		FY2005
246	<u>Performance Measures</u>	<u>Target</u>
247	Secondary Programs	
248	Increase in Students Served (percent)	2,000
249	LEAs Served (Sites)	154
250	Post-secondary Programs	
251	Short-Term Students Served (Persons)	679
252	Short-Term Adult Program Classes (Classes)	138
253	Short-Term Cost per Student (dollars)	50

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



258           **SECTION 14.** Of the funds appropriated under the provisions  
259 of this act to the State Board of Education, an amount not to  
260 exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four  
261 Dollars (\$229,684.00) is authorized for the support of vocational  
262 and technical education programs as authorized in Section  
263 37-31-13, Mississippi Code of 1972, for a period in excess of ten  
264 (10) months in a calendar year.

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

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

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

290 authorized to pilot a fee-for-service based cost system for  
291 children served through Millcreek Schools, Inc.

292       **SECTION 18.** Of the funds provided in Section 1 to the State  
293 Board of Education, Two Hundred Fifteen Thousand Five Hundred  
294 Twenty-nine Dollars (\$215,529.00) shall be used to provide for a  
295 Director of School Nurses in the State Department of Education and  
296 the implementation of three (3) pilot projects for a variety of  
297 school health programs in an elementary school setting.  
298 Evaluations shall be developed to determine the program's effect  
299 to drop-out rates, suspensions, expulsions, attendance and test  
300 scores.

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

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

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

323 Symphony, University of Southern Mississippi Safe Schools Program,  
324 Mississippi State University Center for Education Design, Writing  
325 and Thinking Institute and Greater Columbus Early Learning Center.

326       **SECTION 21.** Of the funds appropriated under the provisions  
327 of this act to the State Board of Education, the amount of Two  
328 Hundred Fifty-one Thousand Four Hundred Sixty Dollars  
329 (\$251,460.00) is provided for the Walnut Grove Correctional  
330 Facility.

331       **SECTION 22.** Of the funds appropriated in Section 1 to the  
332 State Board of Education, the amounts of Two Hundred Fifty-one  
333 Thousand Four Hundred Sixty Dollars (\$251,460.00) is provided for  
334 the Writing and Thinking Institute and Sixty-six Thousand Nine  
335 Hundred Seventy-three Dollars (\$66,973.00) is provided for the  
336 Very Special Arts Program.

337       **SECTION 23.** Of the funds appropriated in this act to the  
338 State Board of Education, an amount not to exceed Six Hundred  
339 Fifty Thousand Dollars (\$650,000.00) shall be used for  
340 technological methods for agricultural programs from the  
341 Vocational and Technical Education Division of the State  
342 Department of Education.

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

349       **SECTION 25.** Of the funds appropriated under Section 1 to the  
350 State Board of Education, the sum of Sixty-two Thousand One  
351 Hundred Ninety-one Dollars (\$62,191.00), which is the aggregate  
352 sum that the school districts in the Chickasaw Cession receive  
353 annually from interest payments from the Chickasaw School Fund  
354 under Section 212, Mississippi Constitution of 1890, shall be  
355 deducted from the allocations to the school districts as provided

356 in Section 29-3-137, Mississippi Code of 1972, and shall be  
357 distributed among the school districts in the Chickasaw Cession by  
358 the State Department of Education in the manner that such interest  
359 payments were distributed during Fiscal Year 1985.

360 **SECTION 26.** Of the funds provided in this act to the State  
361 Board of Education for the purpose of funding the Mississippi  
362 Adequate Education Program as determined under Section 37-151-7,  
363 Mississippi Code of 1972, the base student cost in Fiscal Year  
364 2005 shall be Three Thousand Eight Hundred Eighty-nine Dollars  
365 (\$3,889.00).

366 **SECTION 27.** Of the funds appropriated in this act to the  
367 State Board of Education, an amount not more than Fifty Million  
368 Dollars (\$50,000,000.00) shall be derived from the Interim School  
369 District Capital Expenditure Fund for the benefit of the school  
370 districts as authorized in Mississippi Code Annotated, Section  
371 37-151-7 (5).

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

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

381 AUTHORIZED POSITIONS:

382	Permanent:	Full Time.....	201
383		Part Time.....	32
384	Time-Limited:	Full Time.....	1
385		Part Time.....	0

386 None of the funds provided in this act to the State Board of  
387 Education shall be expended to hire any person on a contractual  
388 basis, for any period for any purpose, without the express prior

389 approval of the State Personnel Director. The State Personnel  
390 Director shall consider, in approving such contracts, the  
391 availability of funds, the need for services, compliance with the  
392 State Compensation Plan and the qualifications of the persons  
393 offering to perform the services. The State Fiscal Officer shall  
394 not pay any warrant that is in violation of this section.

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

400 **SECTION 31.** The public school districts of the state are  
401 authorized at their discretion to pay with local funds one hundred  
402 percent (100%) of the cost of the health insurance premiums of the  
403 State and School Employees Health Insurance Plan for all retired  
404 members of the Public Employees' Retirement System who are  
405 employed as school bus drivers by the school districts. It is the  
406 intention of the Legislature that no state funds shall be used for  
407 this purpose.

408 **SECTION 32.** It is the intention of the Legislature that the  
409 State Department of Education is authorized to escalate or  
410 reescalate for Time-Limited positions where federal or special  
411 fund grants are available to fund such positions.

412 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION**

413 **SECTION 33.** With the funds appropriated under the provisions  
414 of this act to the Mississippi Authority for Educational  
415 Television, the following positions are authorized:

416 AUTHORIZED POSITIONS:

417	Permanent:	Full Time.....	124
418		Part Time.....	0
419	Time-Limited:	Full Time.....	6
420		Part Time.....	0

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

426 **SECTION 34.** In compliance with the "Mississippi Performance  
 427 Budget and Strategic Planning Act of 1994," it is the intent of  
 428 the Legislature that the funds provided herein shall be utilized  
 429 in the most efficient and effective manner possible to achieve the  
 430 intended mission of this agency. Based on the funding authorized,  
 431 this agency shall make every effort to attain the targeted  
 432 performance measures provided below:

433	FY2005
434 <u>Performance Measures</u>	<u>Target</u>
435 Content Development	
436       Number of locally produced TV programs	37
437       Number of locally produced Radio programs	36
438       Number of persons using other Educ Services	27,500
439 Technical Services	
440       Number of transmitters on air (analog & DTV)	16
441       On air reliability (TV)	96.70
442       Activate multiple network delivery	3
443 Administration	
444       Increase number of web site users	100
445       Number of agency personnel provided training	35

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

450 **SECTION 35.** Of the funds appropriated under the provisions  
 451 of Section 2 to the Mississippi Authority for Educational  
 452 Television, One Million Six Hundred Forty-four Thousand  
 453 Sixty-seven Dollars (\$1,644,067.00) shall be derived from the

454 Education Enhancement Fund deposited pursuant to Sections 27-65-75  
455 and 27-67-31, Mississippi Code of 1972.

456 **SECTION 36.** No part of the funds appropriated in this act to  
457 the Mississippi Authority for Educational Television shall be  
458 transferred to, expended by, or used, directly or indirectly, for  
459 the benefit of any public relations, publicity or publication  
460 activities of any other state agency, department or officer, nor  
461 shall any personnel paid or equipment purchased with funds  
462 appropriated hereby be transferred or assigned to any other state  
463 agency, department or officer for public relations, publicity or  
464 publication activities of such office.

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

472 **SECTION 38.** It is the intention of the Legislature that the  
473 Mississippi Authority for Educational Television shall have the  
474 authority to escalate its budget and expend funds from any source  
475 not to exceed Two Million Dollars (\$2,000,000.00) in accordance  
476 with rules and regulations of the Department of Finance and  
477 Administration in a manner consistent with the escalation of  
478 federal funds.

479 **MISSISSIPPI LIBRARY COMMISSION**

480 **SECTION 39.** Of the funds appropriated under the provisions  
481 of this act to the Mississippi Library Commission, the following  
482 positions are authorized:

483 AUTHORIZED POSITIONS:

484	Permanent:	Full Time.....	52
485		Part Time.....	0
486	Time-Limited:	Full Time.....	0

487 Part Time..... 0

488 Funds to be distributed to eligible public library systems  
489 under the Personnel Incentive Grants Program shall be paid  
490 quarterly in advance on or before September 30, December 31, March  
491 31 and June 30.

492 **SECTION 40.** In compliance with the "Mississippi Performance  
493 Budget and Strategic Planning Act of 1994," it is the intent of  
494 the Legislature that the funds provided herein shall be utilized  
495 in the most efficient and effective manner possible to achieve the  
496 intended mission of this agency. Based on the funding authorized,  
497 this agency shall make every effort to attain the targeted  
498 performance measures provided below:

499		FY2005
500	<u>Performance Measures</u>	<u>Target</u>
501	Administrative Services	
502	Avg Cost of Administering per Grant (\$)	150
503	Executive Director's Office	
504	Public Libraries Visited (Actions)	50
505	Library Aid	
506	Grants Provided (# of Grants)	150
507	MAGNOLIA Database Searches (# Queries)	1,500,000
508	Network Services	
509	Cost (per hour) for technical consulting	27
510	Public Services	
511	Attendees satisfaction rating of cont ed prog	90
512	A reporting of the degree to which the performance targets	
513	set above have been or are being achieved shall be provided in the	
514	agency's budget request submitted to the Joint Legislative Budget	
515	Committee for Fiscal Year 2006.	

516 **SECTION 41.** Of the funds appropriated under the provisions  
517 of Section 2 to the Mississippi Library Commission, Four Hundred  
518 Ninety-three Thousand Eight Hundred Forty-seven Dollars  
519 (\$493,847.00) shall be derived from the Education Enhancement Fund



520 deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi  
521 Code of 1972.

522         **SECTION 42.** It is the intention of the Legislature that the  
523 Mississippi Library Commission shall have the authority to  
524 escalate its budget and expend funds from any source not to exceed  
525 Three Million Dollars (\$3,000,000.00) in accordance with rules and  
526 regulations of the Department of Finance and Administration in a  
527 manner consistent with the escalation of federal funds.

528         **SECTION 43.** Of the funds appropriated in this act to the  
529 Mississippi Library Commission, not less than One Million  
530 Eighty-six Thousand Three Hundred Forty Dollars (\$1,086,340.00)  
531 shall be expended for the Magnolia Database.

532         **SECTION 44.** It is the intention of the Legislature that no  
533 State General Funds authorized to be expended in this act shall be  
534 used to replace federal funds and/or other special funds which are  
535 being used for salaries authorized under the provisions of this  
536 act and which are withdrawn and no longer available.

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

546         With the funds herein appropriated to the State Board of  
547 Education, the Mississippi Authority for Educational Television  
548 and the Mississippi Library Commission, it is the intention of the  
549 Legislature that it shall be the agency's responsibility to make  
550 certain that funds required to be appropriated for "Personal  
551 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
552 funds appropriated for that purpose, unless programs or positions

553 are added to the agency's Fiscal Year 2006 budget by the  
554 Mississippi Legislature. Based on data provided by the  
555 Legislative Budget Office, the State Personnel Board shall  
556 determine and publish the projected annual cost to fully fund all  
557 appropriated positions in compliance with the provisions of this  
558 act. It shall be the responsibility of the agency head to insure  
559 that no single personnel action increases this projected annual  
560 cost and/or the Fiscal Year 2005 appropriation for "Personal  
561 Services" when annualized, with the exception of escalated funds.  
562 If, at the time the agency takes any action to change "Personal  
563 Services," the State Personnel Board determines that the agency  
564 has taken an action which would cause the agency to exceed this  
565 projected annual cost or the Fiscal Year 2005 "Personal Services"  
566 appropriated level, when annualized, then only those actions which  
567 reduce the projected annual cost and/or the appropriation  
568 requirement will be processed by the State Personnel Board until  
569 such time as the requirements of this provision are met.

570 Any transfers or escalations shall be made in accordance with  
571 the terms, conditions and procedures established by law or  
572 allowable under the terms set forth within this act. The State  
573 Personnel Board shall not escalate positions without written  
574 approval from the Department of Finance and Administration. The  
575 Department of Finance and Administration shall not provide written  
576 approval to escalate any funds for salaries and/or positions  
577 without proof of availability of new or additional funds above the  
578 appropriated level.

579 The agency shall not take any action to award salary  
580 increases through reallocation, reclassification, realignment,  
581 education benchmark or career ladder, except for the award of  
582 teacher pay increases.

583 **SECTION 45.** It is the intention of the Legislature that the  
584 State Board of Education, Authority for Educational Television,  
585 and the Mississippi Library Commission, shall maintain complete

586 accounting and personnel records related to the expenditure of all  
587 funds appropriated under the provisions of this act and that such  
588 records shall be in the same format and level of details as  
589 maintained for Fiscal Year 2004. It is further the intention of  
590 the Legislature that the budget requests for Fiscal Year 2006  
591 shall be submitted to the Joint Legislative Budget Committee in a  
592 format and level of detail comparable to the format and level of  
593 detail provided during the Fiscal Year 2005 budget request process  
594 for each agency and institution appropriated funds within the  
595 provisions of this act.

596       **SECTION 46.** The money herein appropriated shall be paid by  
597 the State Treasurer out of any money in the proper fund or funds  
598 as set forth in this act, upon warrants issued by the State Fiscal  
599 Officer; and the State Fiscal Officer shall issue his warrants  
600 upon requisitions signed by the proper person, officer or officers  
601 in the manner provided by law.

602       **SECTION 47.** This act shall take effect and be in force from  
603 and after July 1, 2004.