

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1696: Appropriation; State Department of Education - General Programs, Education Reform Act and Vocational Education.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

182

183

184

SECTION 8.

In compliance with the "Mississippi Performance

Budget and Strategic Planning Act of 1994," it is the intent of

the Legislature that the funds provided herein shall be utilized

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	

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.

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnny W. Stringer

X (SIGNED)
Randy Pierce

X (SIGNED)
Cecil Brown

CONFEREES FOR THE SENATE

X (SIGNED)
Jack Gordon

X (SIGNED)
Terry C. Burton

X (SIGNED)
Mike Chaney