

Senate Amendments to House Bill No. 1696

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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..... \$ 63,990,085.00.

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 \$ 69,464,333.00.

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 Sections 29-3-137 through 29-3-141, Mississippi
25 Code 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 \$ 1,504,652,409.00.

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..... \$ 8,979,705.00.

32 (f) To the Mississippi Authority for Educational
33 Television for the purpose of defraying the expenses of the
34 authority \$ 5,352,562.00.

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 \$ 10,100,698.00.

39 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED

40 BY THIS SECTION BEING..... \$ 1,671,789,404.00.

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..... \$ 668,026,065.00.

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 \$ 24,066,421.00.

55 (c) To the State Board of Education for the purpose of
56 defraying the expenses of the Mississippi Adequate Education
57 Program..... \$ 172,426,410.00.

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..... \$ 988,991.00.

61 (e) To the Mississippi Authority for Educational
62 Television for the purpose of defraying the expenses of the
63 authority..... \$ 4,752,118.00.

64 (f) To the Mississippi Library Commission for the
65 purpose of defraying the expenses of the commission.....
66 \$ 2,880,566.00.

67 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
68 BY THIS SECTION BEING..... \$ 873,140,571.00.

69 STATE BOARD OF EDUCATION

70 SECTION 3. Of the funds appropriated under the provisions of
71 Section 2 to the State Board of Education, the following sums, or
72 so much thereof as may be necessary, are derived out of any money
73 in the State Treasury to the credit of the Education Enhancement
74 Fund pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code
75 of 1972, as follows:

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

79 Grants to school districts for capital
80 facilities and buses.....\$ 16,000,000.00.
81 Instructional materials.....\$ 19,443,086.00.
82 Tech prep bond service.....\$ 3,225,425.00.
83 Implementing Performance Based Data
84 Collection and Accreditation
85 Model.....\$ 274,937.00.
86 Administrator training.....\$ 120,675.00.
87 World Class Teacher Program.....\$ 125,000.00.
88 Mississippi School Boards
89 Continuing Training.....\$ 47,041.00.
90 School board training.....\$ 58,697.00.
91 Education Technology Council.....\$ 94,082.00.
92 TOTAL.....\$ 39,388,943.00.

93 (b) To the State Department of Education to defray the
94 expenses of the Vocational and Technical Education Division.....
95 \$ 7,863,746.00.

96 (c) To the State Department of Education to provide
97 funding for the Mississippi Adequate Education Program.....
98 \$102,426,410.00.

99 SECTION 4. With the funds appropriated under the provisions
100 of this act to the State Board of Education, the following
101 positions are authorized to the State Department of Education, and

102 excluding the expenses of the Vocational and Technical Education
103 Division:

104 AUTHORIZED POSITIONS:

105	Permanent:	Full Time.....	467
106		Part Time.....	3
107	Time-Limited:	Full Time.....	80
108		Part Time.....	0

109 **SECTION 5.** In compliance with the "Mississippi Performance
110 Budget and Strategic Planning Act of 1994," it is the intent of
111 the Legislature that the funds provided herein for the State
112 Department of Education Programs shall be utilized in the most
113 efficient and effective manner possible to achieve the intended
114 mission of this agency. Based on the funding authorized, this
115 agency shall make every effort to attain the targeted performance
116 measures provided below:

117		FY2005
118	<u>Performance Measures</u>	<u>Target</u>
119	Special Education	
120	Approved Funding for Children (Persons)	87,897,368
121	Teacher Units Approved for Funding (Units)	4,672.39
122	Child Nutrition	
123	Number of Meals Required (Millions)	121
124	Cost per Meal (\$)	2.28
125	Special Projects	
126	Building Projects Approved (Projects)	0
127	Project Approval Rate (%)	0
128	MS School For Math & Science	
129	Students Enrolled (Persons)	270
130	Cost per Student (\$)	15,717.03
131	Educational Accountability	
132	Performance Accreditation Visits (Visits)	30
133	Tests Administered (Persons)	468,115
134	Compliance & Performance Reviews (Actions)	25
135	Educ Training & Development	
136	Administrators Trained (Persons)	1,000

137	Administrators Trained (%)	0.60
138	Technical Assistance to School Districts (%)	92
139	Compensatory Education	
140	Title I Projects Awarded (Programs)	152
141	Average Expenditure per Child (\$)	612
142	Review & Approve Delinquent Prgs (Programs)	7
143	Community & Outreach Services	
144	Requested Available Federal Funding (%)	100
145	MS School Attendance Officers	
146	Resolutions to Referrals (%)	0.86
147	School Visits (Number of)	30,000
148	MS Teacher Center	
149	Teachers Recruited in Shortage Areas (Number)	1,700
150	A reporting of the degree to which the performance targets	
151	set above have been or are being achieved shall be provided in the	
152	agency's budget request submitted to the Joint Legislative Budget	
153	Committee for Fiscal Year 2006.	
154	SECTION 6. In compliance with the "Mississippi Performance	
155	Budget and Strategic Planning Act of 1994," it is the intent of	
156	the Legislature that the funds provided herein for the Mississippi	
157	Adequate Education Program shall be utilized in the most efficient	
158	and effective manner possible to achieve the intended mission of	
159	this agency. Based on the funding authorized, this agency shall	
160	make every effort to attain the targeted performance measures	
161	provided below:	
162		FY2005
163	<u>Performance Measures</u>	<u>Target</u>
164	Basic Program	
165	Increase the number of students scoring basic	
166	& above on the MS Curriculum Test in	
167	grades 2-8, reading, language & math (%)	2.00
168	Increase the number of students achieving	
169	the passing score on the History test (%)	0.08
170	Increase the number of students achieving	
171	the passing score on the Biology test (%)	2.00

172 Increase the number of students achieving
173 the passing score on the Algebra test (%) 2.00

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

178 **SECTION 7.** Of the funds appropriated in Section 2, Forty-six
179 Million Dollars (\$46,000,000.00) shall be derived from the School
180 Ad Valorem Reduction Fund.

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

189 **SECTION 8.** Of the funds appropriated in Section 2 to the
190 State Board of Education, Two Million One Hundred Thousand Dollars
191 (\$2,100,000.00) shall be derived from the Technology in Classroom
192 Fund 3203 for the purpose of defraying the expenses of the State
193 Department of Education, and excluding the expenses of the
194 Vocational and Technical Education Division.

195 **SECTION 9.** Of the funds appropriated under the provisions of
196 Section 2 to the State Board of Education, funds in the amount of
197 One Million Five Hundred Eighty-five Thousand Six Hundred
198 Fifty-three Dollars (\$1,585,653.00) shall come from income derived
199 from the principal of the Education Improvement Trust Fund created
200 by Section 206A, Mississippi Constitution of 1890, and One Million
201 Five Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars
202 (\$1,585,653.00) shall be used for the School for Math and Science.

203 **SECTION 10.** With the funds appropriated under the provisions
204 of this act to the State Board of Education, the following
205 positions are authorized to the Vocational and Technical Education
206 Division of the State Department of Education:

207 AUTHORIZED POSITIONS:

208	Permanent:	Full Time.....	59
209		Part Time.....	0
210	Time-Limited:	Full Time.....	3
211		Part Time.....	0

212 **SECTION 11.** In compliance with the "Mississippi Performance
 213 Budget and Strategic Planning Act of 1994," it is the intent of
 214 the Legislature that the funds provided herein for the Vocational
 215 and Technical Education budget shall be utilized in the most
 216 efficient and effective manner possible to achieve the intended
 217 mission of this agency. Based on the funding authorized, this
 218 agency shall make every effort to attain the targeted performance
 219 measures provided below:

220		FY2005
221	<u>Performance Measures</u>	<u>Target</u>
222	Secondary Programs	
223	Increase in Students Served (%)	2,000
224	LEAs Served (Sites)	154
225	Post-secondary Programs	
226	Short-Term Students Served (Persons)	679
227	Short-Term Adult Program Classes (Classes)	138
228	Short-Term Cost per Student (\$)	50

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

233 **SECTION 12.** Of the funds appropriated under the provisions
 234 of this act to the State Board of Education, an amount not to
 235 exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four
 236 Dollars (\$229,684.00) is authorized for the support of vocational
 237 and technical education programs as authorized in Section
 238 37-31-13, Mississippi Code of 1972, for a period in excess of ten
 239 (10) months in a calendar year.

240 **SECTION 13.** It is the intention of the Legislature that the
 241 Vocational and Technical Education Division of the State

242 Department of Education shall, with the funds appropriated in
243 Section 1 to the State Board of Education, transfer no more than
244 One Hundred Thousand Dollars (\$100,000.00) to the Mississippi Soil
245 and Water Conservation Commission for the purpose of providing
246 matching funds to purchase soil conservation equipment.

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

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

267 **SECTION 16.** Of the funds provided in Section 1 to the State
268 Board of Education, Four Hundred Nineteen Thousand Eighty Six
269 Dollars (\$419,086.00) shall be used to provide for a Director of
270 School Nurses in the State Department of Education and the
271 implementation of three (3) pilot projects for a variety of school
272 health programs in an elementary school setting. Evaluations
273 shall be developed to determine the program's effect to drop-out
274 rates, suspensions, expulsions, attendance and test scores.

275 Income generated by the school-based clinics shall remain
276 available for expenditure by the programs utilizing any special

277 fund authority provided in Section 2 for use by the State
278 Department of Education and the pilots shall remain the same as in
279 Fiscal Year 2004.

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

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

300 **SECTION 19.** Of the funds appropriated under the provisions
301 of this act to the State Board of Education, the amount of Two
302 Hundred Sixty-seven Thousand Eight Hundred Ninety-two Dollars
303 (\$267,892.00) is provided for the Walnut Grove Correctional
304 Facility.

305 **SECTION 20.** Of the funds appropriated in Section 1 to the
306 State Board of Education, the amounts of Two Hundred Sixty-seven
307 Thousand Eight Hundred Ninety-two Dollars (\$267,892.00) is
308 provided for the Writing and Thinking Institute and Sixty-six
309 Thousand Nine Hundred Seventy-three Dollars (\$66,973.00) is
310 provided for the Very Special Arts Program.

311 **SECTION 21.** Of the funds appropriated in this act to the
312 State Board of Education, the State Department of Education shall
313 expend an amount not to exceed Three Hundred Thousand Dollars
314 (\$300,000.00) for the purpose of providing technical assistance
315 and training to local school districts in the development of
316 behavior modification plans and to provide funding to defray the
317 costs of psychological evaluations performed upon a child in
318 compliance with the Mississippi School Safety Act of 2001. Local
319 school districts shall be required to report to the State
320 Department of Education all expulsions of students as authorized
321 under Section 6 of Senate Bill No. 2239, 2001 Regular Session.
322 The State Department of Education shall annually report to the
323 Legislature by January of each year.

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

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

336 **SECTION 24.** It is the intention of the Legislature that at
337 least Sixteen Million Dollars (\$16,000,000.00) be expended for
338 textbooks as defined in Section 37-43-1. The State Department of
339 Education shall report to the Legislature the amount of
340 expenditures for each school district no later than October 31,
341 2005.

342 **SECTION 25.** Of the funds appropriated under Section 1 to the
343 State Board of Education, the sum of Sixty-two Thousand One
344 Hundred Ninety-one Dollars (\$62,191.00), which is the aggregate
345 sum that the school districts in the Chickasaw Cession receive

346 annually from interest payments from the Chickasaw School Fund
347 under Section 212, Mississippi Constitution of 1890, shall be
348 deducted from the allocations to the school districts as provided
349 in Section 29-3-137, Mississippi Code of 1972, and shall be
350 distributed among the school districts in the Chickasaw Cession by
351 the State Department of Education in the manner that such interest
352 payments were distributed during Fiscal Year 1985.

353 **SECTION 26.** Of the funds provided in this act to the State
354 Board of Education for the purpose of funding the Mississippi
355 Adequate Education Program as determined under Section 37-151-7,
356 Mississippi Code of 1972, the base student cost in Fiscal Year
357 2005 shall be Three Thousand Six Hundred Thirty-six Dollars
358 (\$3,636.00).

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

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

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

374 AUTHORIZED POSITIONS:

375	Permanent:	Full Time.....	200
376		Part Time.....	29
377	Time-Limited:	Full Time.....	1
378		Part Time.....	0

379 None of the funds provided in this act to the State Board of
380 Education shall be expended to hire any person on a contractual

381 basis, for any period for any purpose, without the express prior
382 approval of the State Personnel Director. The State Personnel
383 Director shall consider, in approving such contracts, the
384 availability of funds, the need for services, compliance with the
385 State Compensation Plan and the qualifications of the persons
386 offering to perform the services. The State Fiscal Officer shall
387 not pay any warrant that is in violation of this section.

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

393 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION**

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

397 AUTHORIZED POSITIONS:

398	Permanent:	Full Time.....	122
399		Part Time.....	0
400	Time-Limited:	Full Time.....	7
401		Part Time.....	0

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

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

<u>Performance Measures</u>	<u>Target</u>
Content Development	
Number of locally produced TV programs	37
Number of locally produced Radio programs	36
Number of persons using other Educ Services	27,500
Technical Services	
Number of transmitters on air (analog & DTV)	16
On air reliability (TV)	96.70
Activate multiple network delivery	3
Administration	
Increase number of web site users	100
Number of agency personnel provided training	35
A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2006.	

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

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

SECTION 35. It is the intention of the Legislature that the Mississippi Authority for Educational Television shall have the authority to expend funds in the Capital Equipment Replacement Revolving Fund, in accordance with Section 37-63-17, Mississippi

451 Code of 1972, Annotated, for the purpose of purchasing technical
452 equipment for operating the educational radio and television
453 facilities.

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

461 **MISSISSIPPI LIBRARY COMMISSION**

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

465 AUTHORIZED POSITIONS:

466	Permanent:	Full Time.....	52
467		Part Time.....	0
468	Time-Limited:	Full Time.....	0
469		Part Time.....	0

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

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

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

486	Executive Director's Office	
487	Public Libraries Visited (Actions)	50
488	Library Aid	
489	Grants Provided (# of Grants)	150
490	MAGNOLIA Database Searches (# Queries)	1,500,000
491	Network Services	
492	Cost (per hour) for technical consulting	27
493	Public Services	
494	Attendees satisfaction rating of cont ed prog	90
495	A reporting of the degree to which the performance targets	
496	set above have been or are being achieved shall be provided in the	
497	agency's budget request submitted to the Joint Legislative Budget	
498	Committee for Fiscal Year 2006.	

499 **SECTION 39.** Of the funds appropriated under the provisions
500 of Section 2 to the Mississippi Library Commission, Four Hundred
501 Ninety-three Thousand Eight Hundred Forty-seven Dollars
502 (\$493,847.00) shall be derived from the Education Enhancement Fund
503 deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi
504 Code of 1972.

505 **SECTION 40.** It is the intention of the Legislature that the
506 Mississippi Library Commission shall have the authority to
507 escalate its budget and expend funds from any source not to exceed
508 Three Million Dollars (\$3,000,000.00) in accordance with rules and
509 regulations of the Department of Finance and Administration in a
510 manner consistent with the escalation of federal funds.

511 **SECTION 41.** Of the funds appropriated in this act to the
512 Mississippi Library Commission, not less than One Million
513 Eighty-six Thousand Three Hundred Forty Dollars (\$1,086,340.00)
514 shall be expended for the Magnolia Database.

515 **SECTION 42.** With the funds herein appropriated to the State
516 Board of Education, the Mississippi Authority for Educational
517 Television and the Mississippi Library Commission, with the funds
518 herein appropriated, it is the intention of the Legislature that
519 it shall be the agency's responsibility to make certain that funds
520 required to be appropriated for "Personal Services" for Fiscal

521 Year 2006 do not exceed Fiscal Year 2005 funds appropriated for
522 that purpose, unless programs or positions are added to the
523 agency's Fiscal Year 2006 budget by the Mississippi Legislature.
524 Based on data provided by the Legislative Budget Office, the State
525 Personnel Board shall determine and publish the projected annual
526 cost to fully fund all appropriated positions in compliance with
527 the provisions of this act. It shall be the responsibility of the
528 agency head to insure that no single personnel action increases
529 this projected annual cost and/or the Fiscal Year 2005
530 appropriation for "Personal Services" when annualized, with the
531 exception of escalated funds. If, at the time the agency takes
532 any action to change "Personal Services," the State Personnel
533 Board determines that the agency has taken an action which would
534 cause the agency to exceed this projected annual cost or the
535 Fiscal Year 2005 "Personal Services" appropriated level, when
536 annualized, then only those actions which reduce the projected
537 annual cost and/or the appropriation requirement will be processed
538 by the State Personnel Board until such time as the requirements
539 of this provision are met.

540 Any transfers or escalations shall be made in accordance with
541 the terms, conditions and procedures established by law or
542 allowable under the terms set forth within this act. The State
543 Personnel Board shall not escalate positions without written
544 approval from the Department of Finance and Administration. The
545 Department of Finance and Administration shall not provide written
546 approval to escalate any funds for salaries and/or positions
547 without proof of availability of new or additional funds above the
548 appropriated level.

549 No general funds authorized to be expended herein shall be
550 used to replace federal funds and/or other special funds which are
551 being used for salaries authorized under the provisions of this
552 act and which are withdrawn and no longer available.

553 **SECTION 43.** It is the intention of the Legislature that no
554 State General Funds authorized to be expended in this act shall be
555 used to replace federal funds and/or other special funds which are

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

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

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

569 **SECTION 44.** It is the intention of the Legislature that the
570 State Board of Education, Authority for Educational Television,
571 and the Mississippi Library Commission, shall maintain complete
572 accounting and personnel records related to the expenditure of all
573 funds appropriated under the provisions of this act and that such
574 records shall be in the same format and level of details as
575 maintained for Fiscal Year 2004. It is further the intention of
576 the Legislature that the budget requests for Fiscal Year 2006
577 shall be submitted to the Joint Legislative Budget Committee in a
578 format and level of detail comparable to the format and level of
579 detail provided during the Fiscal Year 2005 budget request process
580 for each agency and institution appropriated funds within the
581 provisions of this act.

582 **SECTION 45.** The State Department of Education shall not be
583 authorized to distribute funds appropriated for the Mississippi
584 Adequate Education Program under Section 1 or Section 2 of this
585 act to any school district in this state unless the following
586 condition is implemented by regulation of the State Board of
587 Education: No school district shall nonrenew the contract of any
588 classroom teacher for the 2004-2005 school year due to a reduction
589 in state funds without the prior approval of the State Board of
590 Education. This shall not be construed to prohibit a school

591 district from dismissing a classroom teacher for good cause as
592 provided in Section 37-9-59, Mississippi Code of 1972. On or
593 before January 1, 2005, the State Board of Education shall make a
594 report to the Legislature on any teacher contract nonrenewals
595 which were approved under this provision.

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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

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John O. Gilbert
Secretary of the Senate