

House Amendments to Senate Bill No. 2825

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

49 **SECTION 1.** Section 7 of Chapter 15, Laws of 2023,
50 appropriation to the Board of Psychology, is amended as follows:

51 Section 7. Of the funds appropriated in Section 1, * * *
52 Twenty-six Thousand Dollars (\$26,000.00) is provided for the
53 administrative support of the Mississippi Autism Board as
54 prescribed by Section 73-75-11, Mississippi Code of 1972.

55 **SECTION 2.** Section 4 of Chapter 34, Laws of 2023,
56 appropriation to the Office of State Aid Road Construction, is
57 amended as follows:

58 Section 4. Of the funds appropriated in Section 1, it is the
59 intention of the Legislature that an amount not to exceed * * *
60 Thirty-four Million Dollars (\$34,000,000.00) is authorized to be
61 expended for the purpose of replacement of structurally deficient
62 bridges on the Local System Bridge Program (LSBP).

63 **SECTION 3.** Section 41 of Chapter 98, Laws of 2023,
64 appropriation to the Board of Trustees of State Institutions of
65 Higher Learning, is amended as follows:

66 Section 41. The following sum, or so much thereof as may be
67 necessary, is reappropriated out of any money in the Education
68 Enhancement Fund not otherwise appropriated, to the Institutions
69 of Higher Learning for the purpose of reauthorizing the
70 expenditure of Education Enhancement Funds to defray the expenses
71 of the Institutions of Higher Learning, as authorized in Senate
72 Bill No. 3002, 2022 Regular Session, for the fiscal year beginning
73 July 1, 2023, and ending June 30, 2024.....\$ 53,478,000.00.

74 This appropriation is made for the purpose of reauthorizing
75 the expenditure of funds as allocated herein:

76 (a) Delta State University - Commercial Aviation Department
77 to defray expenses related to the purchase of flight simulators,
78 training equipment, and other capital improvements.....
79\$ 2,478,000.00.

80 (b) University of Mississippi to defray expenses related to
81 the operations of the Haley Barbour Center for the Study of
82 American Politics.....\$ 1,000,000.00.

83 (c) University of Mississippi to defray expenses related to
84 the Healthcare Innovation Tech Hub Infrastructure, Biomedical
85 Innovation, Nano-Bio Immuno Engineering Consortium (NIEC), Data
86 Science and Artificial Intelligence.....\$ 15,000,000.00.

87 (d) University of Mississippi to defray expenses related to
88 the UM Early Learning and Evaluation Center.....\$ 10,000,000.00.

89 (e) Mississippi State University to defray the expenses
90 related to the construction, furnishing, and equipping of the

91 Kinesiology & Autism Building, High-Performance Computing Center
92 and/or Ballew Hall.....\$ 12,000,000.00.

93 (f) Mississippi University for Women to defray expenses
94 related to the expansion of the nursing program.....
95\$ 2,500,000.00.

96 (g) Alcorn State University to defray the expenses related
97 to the * * * repair, renovation, expansion, construction,
98 furnishing and equipping of the Davey L. Whitney Complex and
99 Wellness Center.....\$ 3,000,000.00.

100 (h) Jackson State University to defray the expenses related
101 to the repair, renovation, and/or construction of a residence hall
102\$ 5,000,000.00.

103 (i) Alcorn State University for STEM related programs as
104 determined by the university.....\$ 1,500,000.00.

105 (j) IHL research institutions for the purpose of technology
106 transfer and entrepreneurial programs, which may be connected to
107 the Department of Defense and related federal research in
108 Mississippi.....\$ 1,000,000.00.

109 Notwithstanding the amount reappropriated under this section,
110 the amount that may be expended under the authority of this
111 section shall not exceed the unexpended balance of the funds
112 remaining as of June 30, 2023, from the amount authorized for the
113 previous fiscal year. In addition, this reappropriation shall not
114 change the purpose for which the funds were originally authorized.

115 **SECTION 4.** Section 1 of Chapter 53, Laws of 2023,
116 appropriation to the Mississippi Department of Insurance, is
117 amended as follows:

118 Section 1. The following sum, or so much thereof as may be
119 necessary, is appropriated out of any money in the State General
120 Fund not otherwise appropriated, for the purpose of defraying the
121 expenses of the Mississippi Department of Insurance for the fiscal
122 year beginning July 1, 2023, and ending June 30, 2024.....
123\$ * * *13,169,614.00.

124 **SECTION 5.** Section 2 of Chapter 53, Laws of 2023,
125 appropriation to the Mississippi Department of Insurance, is
126 amended as follows:

127 Section 2. The following sum, or so much thereof as may be
128 necessary, is appropriated out of any money in any special fund in
129 the State Treasury to the credit of the Mississippi Department of
130 Insurance which is comprised of special source funds collected by
131 or otherwise available to the department, for the support of the
132 various offices of the department for the fiscal year beginning
133 July 1, 2023, and ending June 30, 2024.\$ * * *3,335,000.00.

134 **SECTION 6.** Section 18 of Chapter 53, Laws of 2023,
135 appropriation to the Mississippi Department of Insurance, is
136 amended as follows:

137 Section 18. Of the funds appropriated in Section * * *2 of
138 this act, Three Million Dollars (\$3,000,000.00) is provided to the
139 department for the purpose of funding the Mississippi Length of

140 Service Award Program, which was created in * * * Section
141 45-11-271, Mississippi Code of 1972.

142 **SECTION 7.** Section 40 of Chapter 91, Laws of 2023,
143 appropriation to the State Department of Health, is amended as
144 follows:

145 Section 40. In addition to all other sums herein
146 appropriated, the following sum, or so much thereof as may be
147 necessary, is appropriated out of any money to the credit of the
148 Capital Expense Fund, and allocated in a manner as determined by
149 the Treasurer's Office, to defray the expenses of the Mississippi
150 Department of Health for the purpose of providing funds to the
151 Sharkey-Issaquena hospital and nursing home impacted by the severe
152 weather storm on March 24, 2023, and March 25, 2023, for the
153 payment of unreimbursed expenses incurred from March 24, 2023,
154 through June 30, 2024, due to the emergency work for the period
155 beginning upon the passage of this act and ending June 30, 2024...
156\$ 1,500,000.00.

157 **SECTION 8.** Section 1 of Chapter 108, Laws of 2023,
158 appropriation to the State Department of Education, is amended as
159 follows:

160 Section 1. The following sums, or so much of those sums as
161 may be necessary, are appropriated out of any money in the State
162 General Fund not otherwise appropriated, for the purpose of
163 funding K-12 and other related educational activities, including
164 certain agencies and programs, in the State of Mississippi, for

165 the fiscal year beginning July 1, 2023, and ending June 30, 2024,
166 as follows:

167 (a) To the State Board of Education for the purpose of
168 defraying the expenses of the State Department of Education, and
169 excluding the expenses of the Vocational and Technical Education
170 Division.....\$ * * *444,599,190.00.

171 (b) To the State Board of Education for the purpose of
172 defraying the expenses of the Vocational and Technical Education
173 Division of the State Department of Education.....
174\$ 86,487,002.00.

175 (c) To the State Board of Education for the purpose of
176 paying annual compensation to the Chickasaw Cession counties for
177 sixteenth section lands which they lost through sale by the state,
178 as provided in Sections 29-3-137 through 29-3-141, Mississippi
179 Code of 1972.....\$ 16,945,631.00.

180 (d) To the State Board of Education for defraying the
181 expenses of the Mississippi Adequate Education Program.....
182\$ 2,154,825,748.00.

183 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED
184 BY THIS SECTION BEING.....\$ * * *2,702,857,571.00.

185 **SECTION 9.** Section 2 of Chapter 108, Laws of 2023,
186 appropriation to the State Department of Education, is amended as
187 follows:

188 Section 2. The following sums, or so much of those sums as
189 may be necessary, are appropriated out of any money in any special
190 fund in the State Treasury to the credit of the proper fund or

191 funds of the agencies or programs specified in the following
192 paragraphs for the fiscal year beginning July 1, 2023, and ending
193 June 30, 2024, as follows:

194 (a) To the State Board of Education for the purpose of
195 defraying the expenses of the State Department of Education,
196 excluding the expenses of the Vocational and Technical Education
197 Division.....\$ * * *2,012,230,643.00.

198 (b) To the State Board of Education for the purpose of
199 defraying the expenses of the Vocational and Technical Education
200 Division of the State Department of Education.....
201\$ 22,706,135.00.

202 (c) To the State Board of Education for the purpose of
203 defraying the expenses of the Mississippi Adequate Education
204 Program.....\$ 245,112,197.00.

205 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
206 BY THIS SECTION BEING.....\$ * * *2,280,048,975.00.

207 **SECTION 10.** Section 45 of Chapter 108, Laws of 2023,
208 appropriation to the State Department of Education, is amended as
209 follows:

210 Section 45. * * * In addition to all other sums herein
211 appropriated, One Million Four Hundred Thousand Dollars
212 (\$1,400,000.00) shall be provided to the Charter School Authorizer
213 Board. Of this amount, Nine Hundred Thousand Dollars
214 (\$900,000.00) shall be provided from * * * any money in the State
215 General Fund not otherwise appropriated and Five Hundred Thousand
216 Dollars (\$500,000.00) shall be provided from * * * any funds in

217 the State Treasury to the credit of the Charter School Authorizer
218 Board * * *.

219 **SECTION 11.** Section 27-103-204.1, Mississippi Code of 1972,
220 is amended as follows:

221 27-103-204.1. Through the end of fiscal year 2028, the State
222 Treasurer may borrow funds from the Working Cash-Stabilization
223 Reserve Fund created in Section 27-103-203 to offset any temporary
224 cash flow deficiencies in the GF Obligations Fund (Fund No.
225 22951000000). The amount borrowed from the Working
226 Cash-Stabilization Reserve Fund under this section shall not
227 exceed Two Hundred Fifty Million Dollars (\$250,000,000.00) during
228 any month. The State Treasurer may escalate his or her budget and
229 expend the amount of any funds borrowed from the Working
230 Cash-Stabilization Reserve Fund under this section in accordance
231 with rules and regulations of the Department of Finance and
232 Administration in a manner consistent with the escalation of
233 federal funds. The State Treasurer shall reimburse the Working
234 Cash-Stabilization Reserve Fund from the GF Obligations Fund for
235 all sums borrowed for such temporary cash flow deficiency purposes
236 within twenty (20) working days after the funds were borrowed.
237 The State Treasurer shall immediately notify the Legislative
238 Budget Office and the State Department of Finance and
239 Administration of each transfer into and out of such funds.

240 **SECTION 12.** Section 37-21-51, Mississippi Code of 1972, is
241 amended as follows:

242 37-21-51. (1) As used in this section:

243 (a) "Preschool or prekindergarten children" means any
244 children who have not entered kindergarten but will have obtained
245 four (4) years of age on or before September 1 of a school year.

246 (b) An "early learning collaborative" is a district or
247 countywide council that writes and submits an application to
248 participate in the voluntary prekindergarten program. An early
249 learning collaborative is comprised, at a minimum, of a public
250 school district and/or a local Head Start affiliate if in
251 existence, private or parochial schools, or one or more licensed
252 child care centers. Agencies or other organizations that work
253 with young children and their families may also participate in the
254 collaborative to provide resources and coordination even if those
255 agencies or organizations are not prekindergarten providers.

256 (c) A "prekindergarten provider" is a public, private
257 or parochial school, licensed child care center or Head Start
258 center that serves prekindergarten children and participates in
259 the voluntary prekindergarten program.

260 (d) A "lead partner" is a public school district or
261 other nonprofit entity with the instructional expertise and
262 operational capacity to manage the early learning collaborative's
263 prekindergarten program as described in the collaborative's
264 approved application for funds. The lead partner serves as the
265 fiscal agent for the collaborative and shall disburse awarded
266 funds in accordance with the collaborative's approved application.
267 The lead partner must facilitate a professional learning community
268 for the teachers in the prekindergarten program and lead the

269 collaborative. The lead partner ensures that the collaborative
270 adopts and implements curriculum and assessments that align with
271 the comprehensive early learning standards. The public school
272 district shall be the lead partner if no other qualifying lead
273 partner is selected.

274 (e) "Comprehensive early learning standards" are
275 standards adopted by the State Board of Education that address the
276 highest level of fundamental domains of early learning to include,
277 but not be limited to, physical well-being and motor development,
278 social/emotional development, approaches toward learning, language
279 development and cognition and general knowledge. The
280 comprehensive early learning standards shall also include
281 standards for emergent literacy skills, including oral
282 communication, knowledge of print and letters, phonological and
283 phonemic awareness, and vocabulary and comprehension development.

284 (f) An "evidence-based curriculum" is an
285 age-appropriate curriculum that demonstrates a statistically
286 significant effect on improving student outcomes or other relevant
287 outcomes based on:

288 (i) Strong evidence from at least one (1)
289 well-designed and well-implemented experimental study;

290 (ii) Moderate evidence from at least one (1)
291 well-designed and well-implemented quasi-experimental study; or

292 (iii) Promising evidence from at least one (1)
293 well-designed and well-implemented correlational study with
294 statistical controls for selection bias.

295 (2) To ensure that all children have access to quality early
296 childhood education and development services, the Legislature
297 finds and declares the following:

298 (a) Parents have the primary duty to educate their
299 young preschool children;

300 (b) The State of Mississippi can assist and educate
301 parents in their role as the primary caregivers and educators of
302 young preschool children;

303 (c) There is a need to explore innovative approaches
304 and strategies for aiding parents and families in the education
305 and development of young preschool children; and

306 (d) There exists a patchwork of prekindergarten
307 entities but no coordination of services and there needs to be a
308 coordination of these services.

309 (3) (a) This subsection shall be known and may be cited as
310 the "Early Learning Collaborative Act of 2013."

311 (b) Effective with the 2013-2014 school year, the
312 Mississippi State Department of Education shall establish a
313 voluntary prekindergarten program, which shall be a collaboration
314 among the entities providing prekindergarten programs including
315 Head Start, licensed child care facilities and licensed public,
316 parochial and private school prekindergarten programs. This
317 program shall be implemented no later than the 2014-2015 school
318 year. Enrollment in the prekindergarten program shall be
319 coordinated with the Head Start agencies in the local areas and
320 shall not be permitted to cause a reduction in children served by

321 the Head Start program. Under this program, eligible entities may
322 submit an application for funds to (i) defray the cost of
323 additional and/or more qualified teaching staff, appropriate
324 educational materials and equipment and to improve the quality of
325 educational experiences offered to four-year-old children in early
326 care and education programs, and/or to (ii) extend developmentally
327 appropriate education services at such programs currently serving
328 four-year-old children to include practices of high quality
329 instruction, and to (iii) administer, implement, monitor and
330 evaluate the programs, and to (iv) defray the cost of professional
331 development and age-appropriate child assessment.

332 (c) Subject to the availability of funds appropriated
333 therefor, the State Department of Education shall administer the
334 implementation, monitoring and evaluation of the voluntary
335 prekindergarten program, including awards and the application
336 process.

337 (i) The department shall establish a rigorous and
338 transparent application process for the awarding of funds. Lead
339 partners shall submit the applications on behalf of their early
340 learning collaborative.

341 (ii) The department will establish monitoring
342 policies and procedures that, at a minimum, will include at least
343 one (1) site visit a year.

344 (iii) The department will provide technical
345 assistance to collaboratives and their providers to improve the
346 quality of prekindergarten programs. Technical assistance may

347 include classroom-embedded support for teachers and assistant
348 teachers.

349 (iv) The department will evaluate the
350 effectiveness of each early childhood collaborative and each
351 prekindergarten provider. If the State Department of Education
352 adopts a statewide kindergarten screening that assesses the
353 readiness of each student for kindergarten, the State Department
354 of Education shall adopt a minimum rate of readiness that each
355 prekindergarten provider must meet in order to remain eligible for
356 prekindergarten program funds. Each parent who enrolls his or her
357 child in the prekindergarten program must submit the child for the
358 statewide kindergarten screening, regardless of whether the child
359 is admitted to kindergarten in a public school.

360 (d) Prekindergarten program funds shall be awarded to
361 early childhood collaboratives whose proposed programs meet the
362 program criteria. The criteria shall include:

363 (i) Voluntary enrollment of children;

364 (ii) Collaboration among prekindergarten providers
365 and other early childhood programs through the establishment of an
366 early learning collaborative;

367 (iii) Qualifications of master teachers, teachers
368 and assistants, which must conform to guidelines in Section
369 37-21-3;

370 (iv) At least fifteen (15) hours of annual
371 professional development for program instructional staff,
372 including professional development in early literacy, and

373 individualized professional development plans for all teachers and
374 teaching assistants supplemented by classroom-embedded support on
375 an as-needed basis;

376 (v) The use of state-adopted comprehensive early
377 learning standards;

378 (vi) The use of a curriculum based on strong
379 evidence as defined in subsection (1)(f)(i) of this section and
380 aligned with the comprehensive early learning standards;

381 (vii) The use of a curriculum based on moderate
382 evidence as defined in subsection (1)(f)(ii) of this section and
383 aligned with the comprehensive early learning standards if no
384 strong-evidence curriculum is available;

385 (viii) The use of a curriculum based on promising
386 evidence as defined in subsection (1)(f)(iii) of this section and
387 aligned with the comprehensive early learning standards if no
388 strong-evidence curriculum or moderate-evidence curriculum is
389 available;

390 (ix) The use of age-appropriate assessments
391 aligned to the comprehensive early learning standards;

392 (x) Teacher/child ratios of one (1) adult for
393 every ten (10) children with a maximum of twenty (20) children per
394 classroom and a minimum of five (5) children per classroom;

395 (xi) The provision of at least one (1) meal
396 meeting state and federal nutrition guidelines for young children;

397 (xii) Plans to screen and/or refer children for
398 vision, hearing and other health issues;

- 399 (xiii) Family engagement opportunities;
- 400 (xiv) Plans to serve children with disabilities as
- 401 indicated under IDEA;
- 402 (xv) The number of instructional hours to be
- 403 provided, which shall equal no less than five hundred forty (540)
- 404 instructional hours per school year for half-day programs and one
- 405 thousand eighty (1,080) instructional hours per school year for
- 406 full-day programs; and
- 407 (xvi) A budget detailing the use of funds for
- 408 allowed expenses.

409 Participating child care centers shall: (a) meet state child

410 care facility licensure requirements unless exempted under Section

411 43-20-5, Mississippi Code of 1972, and (b) select and utilize a

412 nationally recognized assessment tool, approved by the State

413 Department of Education, designed to document classroom quality,

414 which must be in place not later than July 1, 2016, as certified

415 by the State Department of Education.

416 Within the prekindergarten program, a prekindergarten

417 provider must comply with the antidiscrimination requirements

418 applicable to public schools. A prekindergarten provider may not

419 discriminate against a parent or child, including the refusal to

420 admit a child for enrollment in the prekindergarten program, in

421 violation of these antidiscrimination requirements. However, a

422 prekindergarten provider may refuse to admit a child based on the

423 provider's standard eligibility guidelines, provided that these

424 guidelines do not violate the antidiscrimination requirements.

425 Consistent with the Legislature's recognition of the primacy of a
426 parent's role in the education of a preschool-age child and the
427 related recognition of the state in assisting and educating
428 parents in that role, if the State Department of Education adopts
429 a statewide kindergarten screening that assesses the readiness of
430 each student for kindergarten, the State Department of Education
431 shall recognize each child's unique pattern of development when
432 adopting a minimum rate of readiness that prekindergarten
433 providers must meet in order to remain eligible for
434 prekindergarten program funds. Each parent who enrolls his or her
435 child in the prekindergarten program may submit the child for the
436 statewide kindergarten screening, regardless of whether the child
437 is admitted to kindergarten in a public school.

438 The State Department of Education may add program criteria
439 not inconsistent with these requirements and shall develop
440 policies and procedures to implement and enforce these criteria.

441 (e) The State Department of Education shall ensure that
442 early learning collaboratives provide each parent enrolling a
443 child in the voluntary prekindergarten program with a profile of
444 every prekindergarten provider participating in the
445 collaborative's geographic catchment area. The State Department
446 of Education shall prescribe the information to be included in
447 each profile as well as the format of the profiles. At a minimum,
448 the profiles must include the prekindergarten provider's services,
449 curriculum, instructor credentials and instructor-to-student
450 ratio.

451 (f) A teacher, assistant teacher or other employee
452 whose salary and fringe benefits are paid from state funds under
453 this act shall only be classified as a state or local school
454 district employee eligible for state health insurance benefits or
455 membership in the Public Employees' Retirement System, if the
456 person's employer is already an agency or instrumentality of the
457 state, such as a school district, and the employee would be
458 eligible for such benefits in the normal course of business.

459 (g) Funding shall be provided for this program
460 beginning with the 2014 fiscal year subject to appropriation by
461 the Legislature as provided in paragraph (h) of this subsection.
462 The department shall make an annual report to the Legislature and
463 the Governor regarding program operations and outcomes. Every
464 three (3) years, with the first report due July 1, 2023, the
465 department shall provide to the Legislature and the Governor a
466 rigorous evaluation of program effectiveness using longitudinal
467 data to measure short-term and long-term effects, including both
468 achievement and nonachievement effects. After each three-year
469 report, the PEER Committee shall review the three-year report and
470 the intervening annual reports and submit an independent summary
471 of its findings prior to the next legislative session.

472 (h) (i) The Legislature shall appropriate funds to
473 implement the Early Education Collaborative Act of 2013 on a
474 phased-in basis as follows:

475 1. The first phase shall be based on an
476 annual state appropriation of not more than Eight Million Dollars

477 (\$8,000,000.00) and shall serve approximately three thousand five
478 hundred (3,500) children through five (5) to eight (8) early
479 learning collaboratives and their prekindergarten providers;

480 2. The second phase shall be based on an
481 annual state appropriation of not more than Sixteen Million
482 Dollars (\$16,000,000.00) and shall serve approximately seven
483 thousand (7,000) children through ten (10) to fifteen (15) early
484 learning collaboratives and their prekindergarten providers;

485 3. The third phase shall be based on an
486 annual state appropriation of not more than Thirty-three Million
487 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall
488 serve approximately fifteen thousand (15,000) children through
489 twenty (20) to twenty-five (25) early learning collaboratives and
490 their prekindergarten providers.

491 (ii) Future phases shall be based on interest in
492 the program and the effectiveness of the program as determined by
493 the school readiness of participants. Each phase shall last for
494 at least three (3) years but no more than five (5) years. The
495 State Department of Education shall determine when to move to a
496 new phase of the program, within the timeline provided herein.

497 (iii) Funding shall be provided to early learning
498 collaboratives on the basis of a minimum of Two Thousand Five
499 Hundred Dollars (\$2,500.00) per student in a full-day program per
500 student in a full-day program and a minimum of One Thousand Two
501 Hundred Fifty Dollars (\$1,250.00) per student in a half-day
502 program proposed in the collaborative's approved application.

503 Once an early learning collaborative's plan is approved and
504 funded, the collaborative and/or its prekindergarten providers
505 shall receive funds on an ongoing basis unless the collaborative
506 and/or its prekindergarten providers no longer meet the criteria
507 to participate in the program.

508 (iv) Early learning collaboratives shall match
509 state funds on a 1:1 basis. Local matching funds may include
510 local tax dollars, federal dollars as allowed, parent tuition,
511 philanthropic contributions, or in-kind donations of facilities,
512 equipment and services required as part of the program such as
513 food service or health screenings.

514 (v) The State Department of Education shall
515 reserve no more than five percent (5%) of the appropriation in any
516 year for administrative costs. * * *

517 (vi) In the initial phase of implementation, the
518 State Department of Education shall award state funds under the
519 Early Learning Collaborative Act of 2013 based on a community's
520 capacity, commitment and need. To determine capacity, commitment
521 and need, the State Department of Education shall require evidence
522 of existing strong local collaborations of early education
523 stakeholders. Such evidence shall include, but not be limited to,
524 collaborations resulting from any of the following:

- 525 1. Participation in Excel By 5;
- 526 2. Participation in Supporting Partnerships
527 to Assure Ready Kids (SPARK);

528 3. Participation in the Gilmore Early
529 Learning Initiative (GELI); or

530 4. Participation in the Mississippi Building
531 Blocks.

532 In determining community need, the department shall consider
533 low academic achievement within the public school districts
534 participating in an applicant early learning collaborative and the
535 number and percentage of children without quality prekindergarten
536 options.

537 (vii) All authority granted to the State
538 Department of Education to establish program rules is subject to
539 the public processes established in the provisions of the
540 Mississippi Administrative Procedures Law, including, but not
541 limited to, filing notice of the proposed rules, public hearings
542 and any economic impact statement with the Office of the Secretary
543 of State before presenting such information to the State Board of
544 Education for final approval.

545 **SECTION 13.** Section 37-61-33, Mississippi Code of 1972, is
546 amended as follows:

547 37-61-33. (1) There is created within the State Treasury a
548 special fund to be designated the "Education Enhancement Fund"
549 into which shall be deposited all the revenues collected pursuant
550 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

551 (2) Of the amount deposited into the Education Enhancement
552 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
553 appropriated each fiscal year to the State Department of Education

554 to be distributed to all school districts. Such money shall be
555 distributed to all school districts in the proportion that the
556 average daily attendance of each school district bears to the
557 average daily attendance of all school districts within the state
558 for the following purposes:

559 (a) Purchasing, erecting, repairing, equipping,
560 remodeling and enlarging school buildings and related facilities,
561 including gymnasiums, auditoriums, lunchrooms, vocational training
562 buildings, libraries, teachers' homes, school barns,
563 transportation vehicles (which shall include new and used
564 transportation vehicles) and garages for transportation vehicles,
565 and purchasing land therefor;

566 (b) Establishing and equipping school athletic fields
567 and necessary facilities connected therewith, and purchasing land
568 therefor;

569 (c) Providing necessary water, light, heating,
570 air-conditioning and sewerage facilities for school buildings, and
571 purchasing land therefor;

572 (d) As a pledge to pay all or a portion of the debt
573 service on debt issued by the school district under Sections
574 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
575 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
576 and 37-41-81, or debt issued by boards of supervisors for
577 agricultural high schools pursuant to Section 37-27-65, if such
578 pledge is accomplished pursuant to a written contract or
579 resolution approved and spread upon the minutes of an official

580 meeting of the district's school board or board of supervisors.
581 The annual grant to such district in any subsequent year during
582 the term of the resolution or contract shall not be reduced below
583 an amount equal to the district's grant amount for the year in
584 which the contract or resolution was adopted. The intent of this
585 provision is to allow school districts to irrevocably pledge a
586 certain, constant stream of revenue as security for long-term
587 obligations issued under the code sections enumerated in this
588 paragraph or as otherwise allowed by law. It is the intent of the
589 Legislature that the provisions of this paragraph shall be
590 cumulative and supplemental to any existing funding programs or
591 other authority conferred upon school districts or school boards.
592 Debt of a district secured by a pledge of sales tax revenue
593 pursuant to this paragraph shall not be subject to any debt
594 limitation contained in the foregoing enumerated code sections.

595 (3) The remainder of the money deposited into the Education
596 Enhancement Fund shall be appropriated as follows:

597 (a) To the State Department of Education as follows:

598 (i) Sixteen and sixty-one one-hundredths percent
599 (16.61%) to the cost of the adequate education program determined
600 under Section 37-151-7; of the funds generated by the percentage
601 set forth in this section for the support of the adequate
602 education program, one and one hundred seventy-eight
603 one-thousandths percent (1.178%) of the funds shall be
604 appropriated to be used by the State Department of Education for
605 the purchase of textbooks to be loaned under Sections 37-43-1

606 through 37-43-59 to approved nonpublic schools, as described in
607 Section 37-43-1. The funds to be distributed to each nonpublic
608 school shall be in the proportion that the average daily
609 attendance of each nonpublic school bears to the total average
610 daily attendance of all nonpublic schools;

611 (ii) Seven and ninety-seven one-hundredths percent
612 (7.97%) to assist the funding of transportation operations and
613 maintenance pursuant to Section 37-19-23; and

614 (iii) Nine and sixty-one one-hundredths percent
615 (9.61%) for including computers and computer software, to be
616 distributed to all eligible teachers within the state through the
617 use of procurement cards or a digital solution capable of
618 tracking, paying and reporting purchases. Classroom supply funds
619 shall not be expended for administrative purposes. On a date to
620 be determined by the State Department of Education, but not later
621 than July 1 of each year, local school districts shall determine
622 and submit to the State Department of Education the number of
623 teachers eligible to receive an allocation for the current year.
624 For purposes of this subparagraph, "teacher" means any employee of
625 the school board of a school district, or the Mississippi School
626 for the Arts, the Mississippi School for Math and Science, the
627 Mississippi School for the Blind, the Mississippi School for the
628 Deaf or public charter school, who is required by law to obtain a
629 teacher's license from the State Department of Education and who
630 is assigned to an instructional area of work as defined by the
631 department, and shall include any full- or part-time gifted or

632 special education teacher. It is the intent of the Legislature
633 that all classroom teachers shall utilize these funds in a manner
634 that addresses individual classroom needs and supports the overall
635 goals of the school regarding supplies, instructional materials,
636 equipment, computers or computer software under the provisions of
637 this subparagraph, including the type, quantity and quality of
638 such supplies, materials and equipment. Classroom supply funds
639 allocated under this subparagraph shall supplement, not replace,
640 other local and state funds available for the same purposes. The
641 State Board of Education shall develop and promulgate rules and
642 regulations for the administration of this subparagraph consistent
643 with the above criteria, with particular emphasis on allowing the
644 individual teachers to expend funds as they deem appropriate. The
645 local school board shall require each school to issue credentials
646 for a digital solution selected by or procurement cards provided
647 by the Department of Finance and Administration under the
648 provisions of Section 31-7-9(1)(c) for the use of teachers and
649 necessary support personnel in making instructional supply fund
650 expenditures under this section, consistent with the regulations
651 of the Mississippi Department of Finance and Administration
652 pursuant to Section 31-7-9. Such credentials or procurement cards
653 shall be provided by the State Department of Education to local
654 school districts on a date determined by the State Department of
655 Education, but not later than August 1 of each year. Local school
656 districts shall issue such credentials or procurement cards to
657 classroom teachers at the beginning of the school year, but no

658 later than August 1 of each year, and shall be issued in equal
659 amounts per teacher determined by the total number of qualifying
660 personnel and the current state appropriation for classroom
661 supplies with the Education Enhancement Fund. After initial cards
662 are issued under the timeline prescribed by this section, the
663 State Department of Education may issue cards to districts for any
664 classroom teacher hired after July 1 under a timeline prescribed
665 by the State Department of Education. Such credentials or cards
666 will expire on a predetermined date at the end of each school
667 year, but not before April 1 of each year * * *;

668 (b) Twenty-two and nine one-hundredths percent (22.09%)
669 to the Board of Trustees of State Institutions of Higher Learning
670 for the purpose of supporting institutions of higher learning; and

671 (c) Fourteen and forty-one one-hundredths percent
672 (14.41%) to the Mississippi Community College Board for the
673 purpose of providing support to community and junior colleges.

674 (4) The amount remaining in the Education Enhancement Fund
675 after funds are distributed as provided in subsections (2) and (3)
676 of this section shall be appropriated for other educational needs.

677 (5) None of the funds appropriated pursuant to subsection
678 (3) (a) of this section shall be used to reduce the state's General
679 Fund appropriation for the categories listed in an amount below
680 the following amounts:

681 (a) For subsection (3) (a) (ii) of this section,
682 Thirty-six Million Seven Hundred Thousand Dollars
683 (\$36,700,000.00);

684 (b) For the aggregate of minimum program allotments in
685 the 1997 fiscal year, formerly provided for in Chapter 19, Title
686 37, Mississippi Code of 1972, as amended, excluding those funds
687 for transportation as provided for in paragraph (a) of this
688 subsection.

689 (6) Any funds appropriated from the Education Enhancement
690 Fund that are unexpended at the end of a fiscal year shall lapse
691 into the Education Enhancement Fund * * *.

692 **SECTION 14.** Section 49-39-7, Mississippi Code of 1972, is
693 amended as follows:

694 49-39-7. (1) (a) There is created in the State Treasury a
695 special fund to be designated the "Mississippi Outdoor Stewardship
696 Trust Fund." The special fund shall consist of monies
697 appropriated by the Legislature. Monies shall be accounted for in
698 such a manner to be termed unobligated funds or obligated funds.
699 Unexpended amounts remaining in the special fund at the end of a
700 fiscal year shall not lapse into the State General Fund, and any
701 investment earnings or interest earned on amounts in the special
702 fund shall be deposited to the credit of the special fund;
703 however, any unobligated monies in excess of Twenty Million
704 Dollars (\$20,000,000.00), excluding federal funds, remaining in
705 the special fund at the end of a fiscal year that have not been
706 appropriated shall lapse into the State General Fund. Monies in
707 the special fund may be used upon selection by the board. The
708 board and the Department of Finance and Administration may use not
709 more than two percent (2%) of monies in the special fund to defray

710 the board's expenses in carrying out its duties under this
711 chapter.

712 (b) Subject to the provisions of this chapter, monies
713 in the special fund may be used and expended by the board to
714 provide funds for grants to counties, municipalities, state
715 agencies and nongovernmental entities for:

716 (i) Improvement of state park outdoor recreation
717 features and trails;

718 (ii) Acquisition and improvement of parks and
719 trails by counties and municipalities, if such parks and trails
720 lie within the jurisdiction of such counties and municipalities;

721 (iii) Restoration or enhancement projects to
722 create or improve access to public waters and lands for public
723 outdoor recreation, conservation education, or the safe use and
724 enjoyment of permanently protected conservation land;

725 (iv) Restoration or enhancement on privately owned
726 working agricultural lands and forests that support conservation
727 of soil, water, habitat of fish and wildlife resources;

728 (v) Restoration or enhancement of wetlands, native
729 forests, native grasslands and other unique habitats important for
730 Mississippi's fish and wildlife; and

731 (vi) Acquisition of critical areas for the
732 provision or protection of clean water, wildlife, hunting,
733 fishing, military installation buffering or natural resource-based
734 outdoor recreation. Real property may only be acquired under this
735 subparagraph (vi) when the property:

- 736 1. Is, at the time of acquisition, being
737 leased by the state as a wildlife management area;
- 738 2. Adjoins or is in close proximity to state
739 or federal wildlife management areas or state parks, or would
740 provide better public access to such areas;
- 741 3. Is identified in a wildlife action plan
742 developed by a state agency;
- 743 4. Constitutes riparian lands, and its
744 acquisition is for the purpose of protecting any drinking water
745 supply; or
- 746 5. Surrounds a military base or military
747 installation.

748 Acquisition of land under this subparagraph (vi) may not be
749 made through the exercise of any power of eminent domain or any
750 condemnation proceeding.

751 (c) Unless otherwise authorized by the board, a county,
752 municipality, state agency or nongovernmental entity receiving
753 funds for a project under this section must expend the funds for
754 the project within two (2) years after receipt of the funds in
755 order to be eligible to apply for additional funds for the project
756 under this section. If a county, municipality, state agency or
757 nongovernmental entity receiving funds for a project does not
758 expend the funds within two (2) years after receipt of the funds,
759 then the county, municipality, state agency or nongovernmental
760 entity must provide an accounting of such unused funds and the
761 reason for failure to expend the funds. If the board determines

762 that the project will not be completed in a timely manner, the
763 county, municipality, state agency or nongovernmental entity must
764 then return any unexpended funds.

765 (d) Monies in the special fund may not be used,
766 expended or transferred for any other purpose other than
767 authorized in this chapter.

768 (e) Any state agency receiving funds from the
769 Mississippi Outdoor Stewardship Trust Fund under this section may
770 escalate its budget and expend such funds in accordance with rules
771 and regulations of the Department of Finance and Administration in
772 a manner consistent with the escalation of federal funds.

773 (2) (a) The board shall accept applications from counties,
774 municipalities, state agencies and nongovernmental entities for
775 project proposals eligible for funding under this section. The
776 board shall evaluate the proposals received in accordance with
777 this chapter.

778 (b) A county, municipality, state agency or
779 nongovernmental entity desiring assistance under this section must
780 submit a complete application to the board. The application must
781 include a description of the purpose for which assistance is
782 requested, the type and amount of assistance requested and any
783 other information required by the board.

784 (c) The board shall require annual independent audits
785 of all expenditures from the special fund and present those
786 findings to the Governor, Lieutenant Governor, Speaker of the
787 House, Chairs of the Senate and House Appropriations Committees,

788 Chairs of the Senate Finance and House Ways and Means Committees
789 and Chairs of the Senate and House Wildlife, Fisheries and Parks
790 Committees.

791 (d) To be eligible for funding, any nongovernmental
792 entity applicant must submit its most recent audit, disclose any
793 audit deficiencies in the previous five (5) years, submit its
794 certificate of good standing from the Mississippi Secretary of
795 State, and submit a current list of its board members for purposes
796 of conflicts of interest.

797 (e) For funds to be spent on private land, the
798 applicant must show demonstrably that the project will benefit the
799 public.

800 (f) Projects that acquire property shall not be
801 considered for approval until after July 1, 2024.

802 (3) The board, at its first meeting of each calendar year,
803 shall prepare a list of priorities and criteria to guide the
804 selection of projects. The board shall give increased priority to
805 projects:

806 (a) Supporting the public recreation and conservation
807 efforts of state agencies, counties and municipalities;

808 (b) Leveraging or matching other nonfederal or federal
809 funds available for similar purposes;

810 (c) Supporting and promoting recreation in the form of
811 archery, boating, hiking, camping, fishing, hunting, running,
812 jogging, biking, walking, shooting or similar outdoor activities;

813 (d) Contributing to the improvement of the quality and
814 quantity of surface water and groundwater; or

815 (e) Contributing to the conservation of soil, water,
816 and fish and wildlife resources on privately owned working
817 agricultural lands or forests.

818 (4) Upon approval of the total list of projects by the
819 board, the list of projects shall be submitted to the Lieutenant
820 Governor, Speaker of the House, Chairs of the Senate and House
821 Appropriations Committees, Chairs of the Senate Finance and House
822 Ways and Means Committees and Chairs of the Senate and House
823 Wildlife, Fisheries and Parks Committees. If federal funds or
824 guidelines become available and are certified by the Executive
825 Director of the Department of Finance and Administration or the
826 Executive Director of the Mississippi Outdoor Stewardship Fund,
827 the board shall be authorized to expend funds from the Mississippi
828 Outdoor Stewardship Trust Fund and shall notify the Lieutenant
829 Governor, Speaker of the House, Chairs of the Senate and House
830 Appropriations Committees, Chairs of the Senate Finance and House
831 Ways and Means Committees, Chairs of the Senate and House
832 Wildlife, Fisheries and Parks Committees, and Legislative Budget
833 Office of such expenditures prior to their distribution to certain
834 projects approved by the board.

835 **SECTION 15.** Upon the effective day of this act, the State
836 Treasurer, in conjunction with the State Fiscal Officer, shall
837 transfer the amounts listed below from and to the following named
838 funds:

839 (a) Five Million Dollars (\$5,000,000.00) from the
840 Capital Expense (Fund No. 6499C00000) to the Forestry Facility
841 Grant Program Fund created by Section 57-1-783, Mississippi Code
842 of 1972 (Fund No. 66142100000).

843 (b) Three Million Dollars (\$3,000,000.00) from the
844 Insurance Department's General Fund account (Fund No. 2250100000)
845 to the Mississippi Volunteer Firefighter Length-of-Service Award
846 Program (LOSAP) Fund created in Section 45-11-271, Mississippi
847 Code of 1972 (Fund No. 3351600000).

848 **SECTION 16.** This act shall take effect and be in force from
849 and after its passage.

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

1 AN ACT TO AMEND SECTION 7 OF CHAPTER 15, LAWS OF 2023, TO
2 REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE BOARD OF
3 PSYCHOLOGY TO REVISE THE AMOUNT OF FUNDS PROVIDED FOR THE
4 ADMINISTRATIVE SUPPORT OF THE MISSISSIPPI AUTISM BOARD; TO AMEND
5 SECTION 4 OF CHAPTER 34, LAWS OF 2023, TO REVISE THE FISCAL YEAR
6 2024 APPROPRIATION TO THE OFFICE OF STATE AID ROAD CONSTRUCTION TO
7 REVISE THE AMOUNT OF FUNDS AUTHORIZED TO BE EXPENDED FOR THE
8 REPLACEMENT OF STRUCTURALLY DEFICIENT BRIDGES; TO AMEND SECTION 41
9 OF CHAPTER 98, LAWS OF 2023, TO REVISE THE 2024 FISCAL YEAR
10 APPROPRIATION TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
11 HIGHER LEARNING TO REVISE THE PURPOSES FOR WHICH ALCORN STATE
12 UNIVERSITY MAY INCUR EXPENSES RELATED TO MAKING IMPROVEMENTS TO
13 THE DAVEY L. WHITNEY COMPLEX AND WELLNESS CENTER; TO AMEND
14 SECTIONS 1, 2 AND 18 OF CHAPTER 53, LAWS OF 2023, TO AMEND THE
15 FISCAL YEAR 2024 APPROPRIATION TO THE MISSISSIPPI DEPARTMENT OF
16 INSURANCE TO REVISE THE MAXIMUM AMOUNTS OF GENERAL AND SPECIAL
17 FUNDS SO THAT THE MISSISSIPPI LENGTH OF SERVICE AWARD PROGRAM WILL
18 BE FUNDED WITH SPECIAL FUNDS; TO AMEND SECTION 40 OF CHAPTER 91,
19 LAWS OF 2023, TO REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE
20 STATE DEPARTMENT OF HEALTH TO CLARIFY THE PERIOD FOR WHICH
21 EXPENDITURES MAY BE MADE FOR REIMBURSEMENT OF EXPENSES FOR SEVERE
22 WEATHER STORM DAMAGE; TO AMEND SECTIONS 1, 2 AND 45 OF CHAPTER
23 108, LAWS OF 2023, TO AMEND THE FISCAL YEAR 2024 APPROPRIATION TO
24 THE STATE DEPARTMENT OF EDUCATION TO REVISE THE MAXIMUM AMOUNTS OF

25 GENERAL AND SPECIAL FUNDS TO CHANGE THE FUNDING SOURCES FOR THE
26 CHARTER SCHOOL AUTHORIZER BOARD; TO AMEND SECTION 27-103-204.1,
27 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE TREASURER TO
28 ESCALATE HIS OR HER BUDGET AND EXPEND THE AMOUNT OF ANY FUNDS
29 BORROWED FROM THE WORKING CASH-STABILIZATION RESERVE FUND TO
30 OFFSET ANY TEMPORARY CASH FLOW DEFICIENCIES IN THE GF OBLIGATIONS
31 FUND; TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO
32 DELETE THE PROVISION THAT FUNDS APPROPRIATED FOR THE EARLY
33 LEARNING COLLABORATIVE ACT OF 2013 REMAINING AFTER AWARDS TO EARLY
34 LEARNING COLLABORATIVES AND THE DEPARTMENT'S ADMINISTRATIVE NEEDS
35 ARE MET MAY BE CARRIED OVER IN THE FOLLOWING YEAR; TO AMEND
36 SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE
37 PROVISION THAT EDUCATION ENHANCEMENT FUNDS APPROPRIATED FOR
38 CLASSROOM SUPPLIES, INSTRUCTIONAL MATERIALS AND EQUIPMENT FOR
39 TEACHERS THAT ARE UNEXPENDED WILL BE CARRIED FORWARD, COMBINED
40 WITH THE FOLLOWING YEAR'S ALLOCATION OF EDUCATION ENHANCEMENT FUND
41 INSTRUCTIONAL SUPPLIES FUNDS AND REALLOCATED FOR THE FOLLOWING
42 YEAR; TO AMEND SECTION 49-39-7, MISSISSIPPI CODE OF 1972, TO
43 AUTHORIZE STATE AGENCIES RECEIVING FUNDS FROM THE MISSISSIPPI
44 OUTDOOR STEWARDSHIP TRUST FUND TO ESCALATE THEIR BUDGETS AND
45 EXPEND SUCH FUNDS; TO DIRECT THE STATE TREASURER AND STATE FISCAL
46 OFFICER TO TRANSFER CERTAIN AMOUNTS FROM AND TO CERTAIN FUNDS IN
47 THE STATE TREASURY; AND FOR RELATED PURPOSES.

HR43\SB2825A.J

Andrew Ketchings
Clerk of the House of Representatives