MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

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

To: Appropriations

HOUSE BILL NO. 1696

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

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

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

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

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

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

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

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

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

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

TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED BY THIS SECTION BEING..... $ 1,752,212,065.00.

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

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

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

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

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

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

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

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

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

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

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

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

STATE BOARD OF EDUCATION

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

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

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

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

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

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

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

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

excluding the expenses of the Vocational and Technical Education Division:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	467
	Part Time	3
Time-Limited:	Full Time.....	80
	Part Time.....	0

SECTION 7. 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 intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
Special Education	
Approved Funding for Children (Persons)	95,897,369
Teacher Units Approved for Funding (Units)	4,672
Child Nutrition	
Number of Meals Required (Millions)	222
Cost per Meal ($)	2.30
Special Projects	
Building Projects Approved (Projects)	0
Project Approval Rate (%)	0
MS School For Math & Science	
Students Enrolled (Persons)	270
Cost per Student ($)	16,581.29
Educational Accountability	
Performance Accreditation Visits (Visits)	30
Tests Administered (Persons)	468,115
Compliance & Performance Reviews (Actions)	25
Educ Training & Development	

Administrators Trained (Persons)	500
Administrators Trained (%)	0.30
Technical Assistance to School Districts (%)	85
Compensatory Education	
Title I Projects Awarded (Programs)	152
Average Expenditure per Child ($)	612
Review & Approve Delinquent Prgs (Programs)	7
Community & Outreach Services	
Requested Available Federal Funding (%)	100
MS School Attendance Officers	
Resolutions to Referrals (%)	0.86
School Visits (Number of)	30,000
MS Teacher Center	
Teachers Recruited in Shortage Areas (Number)	1,700

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 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 intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
Basic Program	
Increase the number of students scoring basic & above on the MS Curriculum Test in grades 2-8, reading, language & math (%)	2.00
Increase the number of students achieving the passing score on the History test (%)	0.08

Increase the number of students achieving

the passing score on the Biology test (%) 2.00

Increase the number of students achieving

the passing score on the Algebra test (%) 2.00

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

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

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

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

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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	60
	Part Time.....	0
Time-Limited:	Full Time.....	3
	Part Time.....	0

SECTION 13. 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 intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
Secondary Programs	
Increase in Students Served (percent)	14,358
LEAs Served (Sites)	154
Post-secondary Programs	
Short-Term Students Served (Persons)	867
Short-Term Adult Program Classes (Classes)	145
Short-Term Cost per Student (dollars)	53

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	200
	Part Time.....	29
Time-Limited:	Full Time.....	1
	Part Time.....	0

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

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

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

MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION

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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	122
	Part Time.....	0
Time-Limited:	Full Time.....	7
	Part Time.....	0

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

SECTION 32. 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 intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
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 Code of 1972, Annotated, for the purpose of purchasing technical

equipment for operating the educational radio and television facilities.

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

MISSISSIPPI LIBRARY COMMISSION

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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	52
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

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

SECTION 38. 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 intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2005 Target
Administrative Services	
Avg Cost of Administering per Grant ($)	150

Executive Director's Office	
Public Libraries Visited (Actions)	50
Library Aid	
Grants Provided (# of Grants)	150
MAGNOLIA Database Searches (# Queries)	1,500,000
Network Services	
Cost (per hour) for technical consulting	35.10
Public Services	
Attendees satisfaction rating of cont ed prog	95

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

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

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

SECTION 42. It is the intention of the Legislature that no State General Funds authorized to be expended in this act shall be used to replace federal funds and/or other special funds which are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dropouts and Graduates

Accountability Results

Annual Report for the State Superintendent

Mississippi Report Card

Mississippi Cumulative Folders and Permanent Records Manual of Directions

Teacher's Guide for Algebra, English II, U.S. History and Biology

Student/Parent Information Guide

Interpretive Guide

The Office of Compulsory School Attendance Annual Report

Various publications regarding administration and/or results of testing

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

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

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

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

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

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

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

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

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

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