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Chapter No. 63

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SENATE BILL NO. 3131

Originated in Senate *Demuth-Bugner* Secretary

SENATE BILL NO. 3131

AN ACT MAKING AN APPROPRIATION FOR THE AID AND SUPPORT OF THE PUBLIC COMMUNITY AND JUNIOR COLLEGES OF THE STATE OF MISSISSIPPI FOR FISCAL YEAR 2011.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the aid and support of the public community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 130,907,095.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated to the credit of the public community and junior colleges, for the purpose of defraying the expenses of the public community and junior colleges for the fiscal year beginning July 1, 2009, and ending June 30, 2011....
..... \$ 10,210,188.00.

SECTION 3. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Education Enhancement Fund deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972, not otherwise appropriated, for the aid and support of public community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 30,655,443.00.

SECTION 4. The funds appropriated in this act for the aid and support of the public and community junior colleges shall be apportioned in accordance with the following assigned weights:

	FTE
<u>Formula Section</u>	<u>Formula</u>
(a) Aid to Colleges:	
Base	15% prior year appropriation
Academic	1.0
Technical	1.0
Virtual Comm. College	.50
(b) Vocational	1.0
(c) Associate Degree	
Nursing	1.19
(d) Associate Degree	
Allied Health	1.19

Academic, Technical, Vocational, Associate Degree Nursing and Associate Degree Allied Health funds shall be disbursed on the basis of prior year full-time equivalency (FTE) of hours generated during the summer, fall and spring semesters for each public community and junior college student actually enrolled and in attendance the last day of the sixth week of each semester, or its equivalent, counting only students who reside within the State of Mississippi. However, associate degree nursing students who reside outside the State of Mississippi may be counted for pay purposes.

Virtual Community College hosted and provided courses may qualify on the basis of the prior year full-time equivalency of Virtual Community College hours generated during the summer, fall and spring semesters. Those semester credit hours being hosted and provided by one (1) institution shall receive funding at the weight of 1.0.

The Director of the State Board for Community and Junior Colleges, or his designee, shall audit each public community and junior college and shall determine who shall be counted in each

college and shall certify the number to the State Board for Community and Junior Colleges.

If, pending determination of the enrollment of students at the public community and junior colleges entitled to participate in this appropriation, as provided for in this subsection, the State Board for Community and Junior Colleges shall find and determine that any such public or community junior college does not have sufficient funds on hand for payment of the necessary expenses of its operation for the period commencing July 1, 2010, until distribution of the funds appropriated hereby, then, in that event, the State Board for Community and Junior Colleges is expressly authorized to make an advance to any such public community or junior college or colleges not having sufficient operating funds for such period from the funds appropriated hereby; provided, however, that the amount of any such advance to any one public community or junior college shall not exceed thirty-three percent (33%) of the amount of state appropriated funds received by such public community or junior college during the preceding fiscal year; and provided, further, that the amount of any such advance shall be deducted from the pro rata part of the funds appropriated hereby accruing to said public community or junior college when enrollment has been ascertained and distribution of funds is made.

SECTION 5. No part of the amount herein appropriated shall be used by the State Board for Community and Junior Colleges for administrative or other purposes except in the manner and to the extent authorized in the act making an appropriation for the expenses of the State Board for Community and Junior Colleges.

SECTION 6. The funds disbursed under the provisions of this act shall be accounted for through the State Board for Community and Junior Colleges.

SECTION 7. The following public community and junior colleges which qualify shall participate in the funds provided by Sections 1 and 2 of this act:

Coahoma Community College, Copiah-Lincoln Community College, East Central Community College, East Mississippi Community College, Hinds Community College District, Holmes Community College, Itawamba Community College, Jones County Junior College, Meridian Community College, Mississippi Delta Community College, Mississippi Gulf Coast Community College District, Northeast Mississippi Community College, Northwest Mississippi Community College, Pearl River Community College, and Southwest Mississippi Community College.

SECTION 8. It is the intention of the Legislature that none of the General Funds appropriated herein shall be expended for the purpose of paying salaries, wages, and fringe benefits of any public community and junior college employee who is serving as a member of the State of Mississippi Legislature.

SECTION 9. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purposes of hiring nursing and allied health teachers, awarding interest-free nursing and allied health student loans and providing instructional support for the Rural Health Corps for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 1,200,000.00.

The funds appropriated in this section shall be allocated as follows:

(a) One-half (1/2) divided equally among the fifteen (15) public community and junior colleges.

(b) One-half (1/2) divided upon the basis of the number of full-time equivalency (FTE) of hours generated during the summer, fall and spring semesters for academic, technical and vocational public community and junior college students actually

enrolled and in attendance on the last day of the sixth week of the fall semester or its equivalent of the preceding year counting only those students who reside within the State of Mississippi.

The public community and junior colleges shall prepare and make available to the Legislature and the Legislative Budget Office an accounting of expenditures and program accomplishments of the Rural Health Corps Program for each of the individual community and junior colleges in a format and manner prescribed by the Legislative Budget Office.

SECTION 10. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the aid of the public community and junior colleges, to fund life and health insurance, for all employees of the public community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .
..... \$ 24,340,300.00.

The funds allocated in this section shall only be used to participate in the State and School Employees' Life and Health Insurance Plan. Any funds appropriated in this section which are not expended during the fiscal year shall be carried forward for the same purposes during the next succeeding fiscal year.

SECTION 11. In addition to funds appropriated in Section 9, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Insurance Carryover Fund No. 3295, for the purpose of fully funding life and health insurance through the State and School Employees' Life and Health Insurance Plan for all qualified community and junior college employees, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.....\$ 371,000.00.

SECTION 12. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of establishing and operating Workforce Development Centers at each

of the public community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 4,500,000.00.

SECTION 13. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purpose of defraying the cost of Sign Language Interpreter Training at the public community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 179,050.00.

SECTION 14. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purpose of defraying the cost of the Education Technology Program at the public community and junior colleges and the State Board for Community and Junior Colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 7,099,160.00.

SECTION 15. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Education Enhancement Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purpose of defraying the cost of servicing the debt on bonds issued for the Education Technology Program at the community and junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 2,331,788.00.

The funds appropriated in this section shall be derived from Education Enhancement Funds deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972.

SECTION 16. A Mississippi Prepaid Affordable College Tuition (MPACT) program beneficiary shall be considered a Mississippi resident for the purposes of participating in this appropriation regardless of the beneficiary's residence on the date of

enrollment, as set out in Mississippi Code Annotated, Section 37-155-5(d)(iii).

SECTION 17. 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:

<u>Performance Measures</u>	<u>FY2011 Target</u>
Instruction	
Cumulative grade point average of community college transfer students attending State Institutions of Higher Learning will equal or exceed the Grade Point Average earned by native students in the same university system (GPA based on a 4.0 scale)	2.80
Average Class Size (Students/Class)	21.00
Percentage of community & junior college associate degree nursing graduates who pass the state board nursing exam on the first write (%)	92.00
Percentage of full-time & adjunct (part-time) faculty who met the criteria for academic & professional preparation (%)	100.00
Percentage of vocational-technical students who complete or exit a program & are considered positively placed (%)	91.00
Total cost per full-time equivalent student (\$)	6,100.00

Physical Plant Operation

Percentage of community & junior colleges with a written comprehensive safety & health program implemented to ensure safe working conditions & practices (%)	100
Number of student injuries on community & junior colleges grounds (Students)	78
Number of employee injuries on community & junior colleges grounds (Employees)	108

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 2012.

SECTION 18. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purpose of defraying the cost of Advanced Training Centers at each of the Public Community and Junior Colleges, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 2,250,000.00.

SECTION 19. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Board for Community and Junior Colleges for the purpose of defraying the cost of the Associate Degree Nursing Programs, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 1,356,922.00.

SECTION 20. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of providing a pilot dropout recovery initiative based on a successful program administered through the adult basic education program with the State Board for Community and Junior colleges for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

..... \$ 1,500,000.00.

Of the funds provided in this section, One Hundred Thousand Dollars (\$100,000.00) is provided for each Community and Junior College.

The public community and junior colleges shall prepare and make available to the Legislature and the Legislative Budget Office a comprehensive report on the number of dropouts that have enrolled in a GED and/or vocational program for each community and junior college during Fiscal Year 2011 on, or before, August 1, 2011.

SECTION 21. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 22. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 23. It is the intention of the Legislature that the support of Community and Junior Colleges shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal

Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 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 2011 budget request process.

SECTION 24. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure, will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost-effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 25. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 26. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the

Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 27. Of the funds authorized in Section 2, the following sum is anticipated to be derived from funds provided pursuant to the American Recovery and Reinvestment Act of 2009....
.....\$ 10,210,188.00.

SECTION 28. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 29. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of 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.

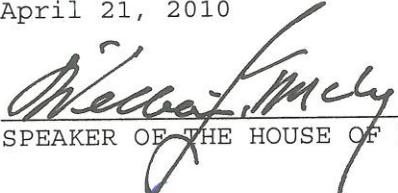
SECTION 30. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
April 21, 2010



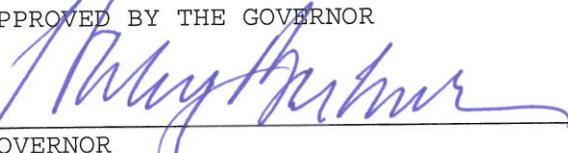
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 21, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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