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Chapter No. 97
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SENATE BILL NO. 3041

Originated in Senate Secretary

SENATE BILL NO. 3041

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE ADMINISTRATIVE EXPENSES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, AND FOR THE AID AND SUPPORT OF THE PUBLIC COMMUNITY AND JUNIOR COLLEGES OF THE STATE OF MISSISSIPPI, FOR FISCAL YEAR 2012.

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 purpose of defraying the administrative expenses of the State Board for Community and Junior Colleges for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... $ 6,818,240.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the State Board for Community and Junior Colleges, for the purpose of defraying the administrative expenses of the State Board for Community and Junior Colleges for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .... $ 77,525,015.00.

SECTION 3. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Commission on Proprietary School and College Registration, for the purpose of defraying the expenses incurred in the regulation and administration of the Mississippi Proprietary School and College Registration Law and the associated expenses of the State Board for Community and Junior Colleges for the fiscal year beginning July 1, 2011, and ending June 30, 2012 . ..... $ 160,000.00.

SECTION 4. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	41
	Part Time	0
Time-Limited:	Full Time	1
	Part Time	0

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

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and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 5. It is the intention of the Legislature that the budget requests of the administrative expenses of the State Board for Community and Junior Colleges for Fiscal Year 2013 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 2012 budget request process.

SECTION 6. Of the funds appropriated herein, One Million Dollars ($1,000,000.00) shall be expended from the Work Force Carryover Fund as created by House Bill No. 1271, 1995 Regular Session.

SECTION 7. Of the funds appropriated in Sections 1 and 2, funds in the amount of Forty-three Million Two Hundred Four Thousand Eight Hundred Fourteen Dollars ($43,204,814.00) are appropriated for the Workforce Education Program and Industrial Training. No funding obligation or commitment shall be made on behalf of the state for industrial training beyond the level of funding made available in this section. All industrial training program commitments made in Fiscal Year 2012 and future fiscal years shall be based only upon funds available in this section and any proposed commitments shall be approved by the Executive

Director of the State Board for Community and Junior Colleges, or the Executive Director's designee prior to such commitment being finalized. Industrial training program commitments shall be made and based only upon training services provided and not for a specific funding amount. Any expenditures of funds authorized in this section are limited to obligations made July 1, 2011, or after, and shall not be expended for obligations made prior to this date.

SECTION 8. Of the funds appropriated in Section 2, funds in the amount of Thirty Million Dollars ($30,000,000.00) shall be derived from unemployment compensation contributions deposited into the Mississippi Workforce Enhancement Training Fund and shall be utilized exclusively by the State Board for Community and Junior Colleges for workforce training in accordance with Senate Bill 2027, 2010 Regular Session. It is the intention of the Legislature that the Workforce Enhancement Training Fund shall have not less than Two Million Dollars ($2,000,000.00) set aside as a carryforward to begin the Fiscal Year 2013 Workforce Education Program.

SECTION 9. Of the funds appropriated in Section 2, funds in the amount of Two Million Three Hundred Forty Thousand Dollars ($2,340,000.00) shall be derived from fees charged for the Workforce Online Training Program, and the Mississippi Virtual Community College and funds in the amount of Four Million Three Hundred Sixty-five Thousand Four Hundred Dollars ($4,365,400.00) shall be transferred from the Community and Junior College Education Technology fund for the purpose of defraying the costs of the Mississippi Virtual Community College, the Workforce Online Training Program and the administrative expenses of the State Board for Community and Junior Colleges.

SECTION 10. Of the funds appropriated under the provisions of Section 2, funds in the amount of One Hundred Thousand Dollars ($100,000.00) shall be derived from fees charged for issuing

duplicate transcripts and duplicate diplomas for the General Education Development (GED) Testing Program for the purpose of defraying the costs of administering the GED Testing Program of the State Board for Community and Junior Colleges, in accordance with Senate Bill No. 2626, 2002 Regular Session.

SECTION 11. It is the intention of the Legislature that the State Board for Community and Junior Colleges is hereby authorized to accept, budget and expend funds from any source in an amount not to exceed One Million Dollars ($1,000,000.00) in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 12. Of the funds appropriated in Section 2, funds in the amount of Thirty Million Dollars ($30,000,000.00) shall be derived from the transfer of postsecondary vocational and technical funds from the Mississippi Department of Education to the State Board for Community and Junior Colleges for the purpose of managing the day-to-day operations of postsecondary vocational and technical education.

SECTION 13. Of the funds appropriated in Section 1, Five Hundred Forty-two Thousand Four Hundred Fifty-nine Dollars ($542,459.00) is provided to the State Board for Community and Junior Colleges for the purpose of defraying the cost of the Greenville Higher Education Center.

SECTION 14. Of the funds provided in Sections 1 and 2, One Million One Hundred Seven Thousand Dollars ($1,107,000.00) shall be used for pilot projects to implement dual enrollment opportunities in practical nursing programs for secondary students.

SECTION 15. It is the intention of the Legislature that an amount equal to One Dollar and Fifty Cents ($1.50) per square foot shall be paid to the Executive Office of the Board of Trustees of State Institutions of Higher Learning to defray utility costs.

SECTION 16. Of the funds appropriated under the provisions of Section 1, Eighty-eight Thousand Dollars ($88,000.00) is provided to the State Board for Community and Junior Colleges for the purpose of defraying the operating cost of the Jones County Junior College Truck Driving Program.

SECTION 17. Of the funds appropriated in Section 1, Thirty-seven Thousand Six Hundred Twenty-six Dollars ($37,626.00) is provided for geospatial site licenses.

SECTION 18. Of the funds appropriated in Section 2, Five Hundred Thousand Dollars ($500,000.00) of Workforce Enhancement Training Funds shall be transferred to the Board of Nursing for the Office of Nursing Workforce nursing simulation labs project.

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, for the aid and support of the public community and junior colleges for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .... $ 146,310,060.00.

SECTION 20. 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, 2011, and ending June 30, 2012 ..... $ 38,075,816.00.

SECTION 21. 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:

	Formula Section	FTE Formula
(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, 2011, 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 22. No part of the amount herein appropriated for the aid and support of the public community and junior colleges 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 23. The funds disbursed under the provisions of this act for the aid and support of the public community and junior colleges shall be accounted for through the State Board for Community and Junior Colleges.

SECTION 24. 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 25. 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 26. 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, 2011, and ending June 30, 2012 ..... $ 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 27. 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, 2011, and ending June 30, 2012 . ..... $ 23,890,300.00.

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 28. In addition to funds appropriated in Section 27, 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, 2011, and ending June 30, 2012 ..... $ 821,000.00.

SECTION 29. 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, 2011, and ending June 30, 2012 .... $ 4,500,000.00.

SECTION 30. 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, 2011, and ending June 30, 2012 ..... $ 179,050.00.

SECTION 31. 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, 2011, and ending June 30, 2012 ..... $ 7,099,160.00.

SECTION 32. 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 Section 37-155-5(d)(iii), Mississippi Code of 1972.

SECTION 33. 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 the public community and junior colleges. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2012 Target
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 a program & are considered positively placed in employment/military (%)	79.10
Total cost per full-time equivalent student ($)	5,491.26
Physical Plant Operation	
Percentage of community & junior colleges with a written comprehensive safety & health program implemented to ensure safe working conditions & practices (%)	100.00
Number of student injuries on community & junior colleges grounds (Students)	75
Number of employee injuries on community & junior colleges grounds (Employees)	159

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 2013.

SECTION 34. 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, 2011, and ending June 30, 2012 ..... $ 2,250,000.00.

SECTION 35. 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, 2011, and ending June 30, 2012 .... $ 1,356,922.00.

SECTION 36. 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, 2011, and ending June 30, 2012. ..... $ 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 2012 on, or before, August 1, 2012.

SECTION 37. 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 38. It is the intention of the Legislature that the State Board for Community and Junior Colleges, on behalf of the public community and junior colleges, is hereby authorized to accept, budget and expend funds from any source in an amount not to exceed One Million Dollars ($1,000,000.00) in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 39. 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 40. 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 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 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 2012 budget request process.

SECTION 41. 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 42. 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 43. The following sum, or so much thereof as may be necessary, is hereby reappropriated out of any money in the State General Fund not otherwise appropriated, for the State Board of Community and Junior Colleges for the purpose of reauthorizing the expenditures of State General Funds to fund the administrative expenses of the board, as authorized in Senate Bill 3130, Regular Session of 2010, for the fiscal year beginning July 1, 2011, and ending June 30, 2012 ..... $125,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2011.

SECTION 44. 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 Appropriations Committees.

SECTION 45. 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 46. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE SENATE
April 6, 2011

Phil Bryant

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 6, 2011

William J. McCoy

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Haley Barbour

GOVERNOR

4/26/11 6:06pm