MISSISSIPPI LEGISLATURE

REGULAR SESSION 2001

To: Appropriations

By: Senator(s) Gordon, Thames, Burton, Frazier, Chaney, Dawkins, Dearing, Farris, Posey, Scoper

SENATE BILL NO. 3102
(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR SUPPORT OF THE EIGHT UNIVERSITIES AND THE DESIGNATED INSTITUTES, LABORATORIES AND PROGRAMS FOR WHICH THEY ARE RESPONSIBLE AND THE EXECUTIVE OFFICE OF THE BOARD OF TRUSTEES FOR FISCAL YEAR 2002; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Board of Trustees of State Institutions of Higher Learning for the purpose of support, maintenance, affirmative action plan, interest funds and repairs at the state-supported institutions of higher learning; for support of Mississippi State University, Mississippi State Chemical Laboratory, Water Resources Institute, University of Mississippi, Mississippi Law Research Institute, Teacher Corps, Jackson State University Urban Research Center, Mississippi Mineral Resources Research Institute, Research Institute of Pharmaceutical Sciences, the Supercomputer, the Stennis Institute of Government, Mississippi University for Women, University of Southern Mississippi, Gulf Coast Research Laboratory, Polymer Institute, Small Business Development Center, Stennis Center for Higher Learning, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, the Commission for Volunteer Services and the executive office of the board of trustees for the fiscal year beginning July 1, 2001, and ending June 30, 2002.......................... $ 285,553,188.00.
SECTION 2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of the proceeds from any federal, student fees or other special source funds not otherwise appropriated, to the Board of Trustees of State Institutions of Higher Learning for the purpose of support of Mississippi State University, Mississippi State Chemical Laboratory, Water Resources Institute, Mississippi Alcohol Safety Education Program, Stennis Institute of Government, University of Mississippi, Mississippi Law Research Institute, Mississippi Small Business Development Center, Mississippi Mineral Resources Research Institute, Research Institute of Pharmaceutical Sciences, the Supercomputer, Mississippi University for Women, University of Southern Mississippi, Stennis Space Center's Center for Higher Learning, Gulf Coast Research Laboratory, Polymer Institute, Delta State University, Alcorn State University, Jackson State University, Jackson State University Urban Research Center, Mississippi Valley State University, the Commission for Volunteer Services and the executive office of the board of trustees for the fiscal year beginning July 1, 2001, and ending June 30, 2002:

$392,197,644.00

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:

- Mississippi Alcohol Safety Education Program. $150,000.00
- State Court Education Program. $1,822,987.00

for the purpose of defraying the expenses incurred by said programs for the fiscal year beginning July 1, 2001, and ending June 30, 2002.

SECTION 4. The following sums, or so much thereof as may be necessary, is hereby appropriated out of any money in the Ayers Endowment Interest Fund, State Treasury Fund No. 32, for the purposes as set out by the courts in the Ayers Case:

- Alcorn State University. $300,000.00
SECTION 5. Following submission by the parties of the Settlement Agreement in Ayers v. Musgrove to the United States District Court for the Northern District of Mississippi, after securement from the District Court of approval and directions to implement the Agreement, and on the Agreement becoming final and effective according to its terms (including, but not limited to, the exhaustion of all rights to appeal), it is the intention of the Legislature that the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Ayers Settlement Fund created by House Bill 1471, 2001 Regular Session, to the Board of Trustees of State Institutions of Higher Learning for the purpose of establishing an Ayers settlement endowment fund to comply with the Settlement Agreement in the case of Ayers v. Musgrove, for the fiscal year beginning July 1, 2001, and ending June 30, 2002................................. $ 5,000,000.00.

SECTION 6. Of the funds appropriated under the provisions of Sections 1 and 2 hereof, the following amounts, or so much thereof as may be necessary, shall be expended by the Board of Trustees of State Institutions of Higher Learning for the purposes hereinafter set forth:

(1) Support:

(a) From State General Funds, for support of Mississippi State University, the University of Mississippi, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University and Mississippi Valley State University, for the sum........... $ 269,377,319.00.

(b) From State General Funds, for the support of Executive Office of the Board of Trustees for
the sum of $2,580,624.00.
Mississippi State Chemical Laboratory for the sum of $1,302,379.00.
Mississippi Water Resources Institute for the sum of $102,577.00.
Mississippi Law Research Institute for the sum of $619,900.00.
Mississippi Mineral Resources Institute for the sum of $480,528.00.
Research Institute of Pharmaceutical Sciences for the sum of $4,177,824.00.
Jackson State University Urban Research Center for the sum of $300,928.00.
Gulf Coast Research Laboratory for the sum of $3,331,832.00.
Supercomputer for the sum of $1,634,145.00.
Mississippi Polymer Institute for the sum of $473,120.00.
Mississippi Small Business Development Center for the sum of $425,312.00.
Stennis Space Center - Center for Higher Learning for the sum of $389,036.00.
Stennis Institute of Government for the sum of $271,742.00.
Commission for Volunteer Services for the sum of $85,922.00.

Of the funds appropriated under the provisions of Section 1, and allocated to the Gulf Coast Research Laboratory, the Board of Trustees of State Institutions of Higher Learning shall allocate for Sea Grants matching One Hundred Seventy-five Thousand Dollars ($175,000.00) for the Fiscal Year 2002.
Provided further, it is the intention of the Legislature, in the event budget reductions are imposed on the Gulf Coast Research Laboratory by the Board of Trustees of State Institutions of Higher Learning, as a result of the Governor ordering budget reductions under the provisions of Sections 27-104-13 or 31-17-123, Mississippi Code of 1972, the same percent reduction will be applied to those state funds identified in this section for Sea Grant match.

(c) From special funds, the following sum, or so much thereof as may be necessary, is hereby authorized out of the proceeds derived from any federal funds, student fees or other special source funds which are collected by or otherwise become available for the support and maintenance of the eight (8) universities, institutes, laboratories, programs and executive office of the board of trustees....

..............................................$392,197,644.00.

It is the intent of the Legislature that the Board of Trustees of State Institutions of Higher Learning shall allocate funds to the off-campus centers based on a minimum rate of sixty-five percent (65%) of the on-campus cost of a full-time equivalent student. The on-campus distribution is to be determined without regard to the costs incurred by any one or more of them in the operation of off-campus degree completing centers' classes. Off-campus centers which are operated jointly by two (2) or more institutions, the amount allocated to such centers shall be prorated among the institutions jointly operating such
centers based on the full-time equivalent
enrollment of such centers.

(d) The board of trustees shall insure that
the off-campus centers are not charged
with any indirect or overhead cost
prorated from any on-campus activity.
It is the intent of the Legislature that
the on-campus operations charge the
off-campus centers with only actual direct
charges.

(e) Of the funds appropriated in Section 1 and
allocated in Section 6(1)(a), the amount of
One Hundred Fifty-seven Thousand Five Hundred
Dollars ($157,500.00) shall be used for the
promotion and expenses of the Mississippi
Governor's School for the Gifted and
Talented.

Provided, however, that the Board
of Trustees of State Institutions of Higher
Learning shall develop the governing policy
for faculty, course content and facilities
selection on a competitive basis from all
Mississippi senior colleges and universities.
The Mississippi Governor's School for the
Gifted and Talented shall accept not less than
one (1) high school student nominee from each
accredited high school in Mississippi. The
nominees, selected under criteria developed
and adopted by the Board of Trustees of State
Institutions of Higher Learning, shall
be provided a three-week tuition-free
program.

The Board of Trustees of State Institutions
of Higher Learning shall compile and publish
the report of the statewide evaluation
committee on the leadership impact of graduates
of this school. This report is to be a
continuing study on the youthful leadership of
the state.

(f) Of the funds appropriated in Section 1 and
allocated in Section 6(1)(a), the amount of
Two Hundred Twenty-five Thousand Dollars
($225,000.00) shall be used for the promotion
and expenses of the Teacher Corps.

(g) It is the intent of the Legislature that
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.

(h) After the Mississippi State Chemical Laboratory
has provided the maximum amount of services
which may be provided free of charge under the
provisions of Section 57-21-11(c), Mississippi
Code of 1972, the laboratory shall not provide
any additional services from the funds
appropriated under the provisions of Sections
1 and 2 if any charges for such services
previously provided are more than ninety (90)
days past due. After all such delinquent
charges have been paid by a client, the
laboratory may provide additional services to
the client.

(2) Of the funds appropriated in Section 1 and
allocated in Section 6(1)(a), the following amounts
shall be used as set forth:

(a) For Mississippi State University as interest
    on agricultural land script fund and
    interest on sale of university land, the
    sum of......................$ 14,387.00.

(b) For the University of Mississippi as
    interest on original seminary fund, the
    sum of......................$ 32,643.00.

(c) For the University of Mississippi as
    interest on 1904 land grant fund, the
    sum of......................$ 9,965.00.

(d) For the University of Mississippi as
    interest on LaBauve Fund, the sum
    of......................$ 1,420.00.

(e) For Mississippi University for Women
    as interest on funds paid into the
    State Treasury as proceeds of sale of
    land donated to the Industrial Institute
    and College by the United States
    Government, the sum of......$ 9,389.00.

(f) For Alcorn State University as interest
    on land script and land sales funds,
    the sum of......................$ 12,592.00.

SECTION 7. Of the funds appropriated in Section 2 and
authorized for expenditure in Section 6(1)(c), the following
amounts shall be derived from Education Enhancement Funds
deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi
Code of 1972:

On-campus and off-campus support of Mississippi
State University, the University of Mississippi,
Mississippi University for Women, University of
Southern Mississippi, Delta State University, Alcorn
State University, Jackson State University, and
Mississippi Valley State University for the sum of $33,920,439.00.

Executive Office of the Board of Trustees for the sum of $92,422.00.

Mississippi State Chemical Laboratory for the sum of $170,100.00.

Mississippi Water Resources Institute for the sum of $9,200.00.

Mississippi Law Research Institute for the sum of $57,803.00.

Mississippi Mineral Resources Institute for the sum of $25,300.00.

Research Institute of Pharmaceutical Sciences for the sum of $105,800.00.

Stennis Institute of Government for the sum of $49,000.00.

Commission on Volunteer Services for the sum of $97,000.00.

Stennis Space Center - Center for Higher Learning for the sum of $100,000.00.

Gulf Coast Research Laboratory for the sum of $207,000.00.

TOTAL $34,834,064.00.

SECTION 8. Of the funds appropriated under the provisions of Section 2 and authorized for expenditure in Section 6 (1) (c), the following sums shall be derived from the Budget Contingency Fund created in Senate Bill No. 2680, Regular Session of 2001:

On-campus and off-campus support of Mississippi State University, the University of Mississippi, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, and Mississippi Valley State University for the sum of $19,828,260.00.
On-campus and off-campus support of Mississippi State University, the University of Mississippi, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and the Executive Office of the Board of Trustees for Ayers Settlement costs for the sum of $1,500,000.00.

Mississippi State University – Meridian for special projects for the sum of $200,000.00.

Mississippi State University for equity funding for the sum of $2,000,000.00.

University of Mississippi for equity funding for the sum of $1,000,000.00.

University of Southern Mississippi for equity funding for the sum of $2,000,000.00.

Mississippi Law Research Institute for the sum of $30,000.00.

Mississippi Mineral Resources Institute for the sum of $50,000.00.

Stennis Space Center – Center for Higher Learning for the sum of $43,573.00.

Mississippi Polymer Institute for the sum of $48,740.00.

Stennis Institute of Government for the sum of $43,000.00.

Commission for Volunteer Services for the sum of $80,000.00.

TOTAL: $26,823,573.00.

SECTION 9. Of the funds appropriated in Sections 1, 2 and 4 and authorized for expenditure in Sections 4, 6 (1) (a), 7 and 8, the following amount, or so much thereof as may be necessary, shall be expended by the Board of Trustees of State Institutions of Higher Learning for the purpose of defraying the costs...
associated with Ayers-related programs at Alcorn State University, Jackson State University and Mississippi Valley State University, the court-appointed monitor, interest on the Ayers Endowment Fund and Ayers-related studies or any other Ayers-related activities.

$18,122,908.00.

Following submission by the parties of the Settlement Agreement in Ayers v. Musgrove to the United States District Court for the Northern District of Mississippi and after securement from the District Court of approval and direction to implement the Agreement, it is the intention of the Legislature that $17,846,000.00 of the funds in this section shall be identified as Ayers Settlement Funds; provided, however, that in the event approval of and direction to implement the Settlement Agreement are not obtained from the District Court, it is the intention of the Legislature that on securement of authorization from the District Court in Ayers, the sum of $18,122,908.00 of the funds in this section shall be identified as Ayers funds for use in implementation of the Remedial Decree of the District Court.

SECTION 10. Following submission by the parties of the Settlement Agreement in Ayers V. Musgrove to the United States District Court for the Northern District of Mississippi, after securement from the District Court of approval and directions to implement the Agreement, and on the Agreement becoming final and effective according to its terms (including, but not limited to, the exhaustion of all rights to appeal), it is the intention of the Legislature that of the funds appropriated in Section 2 and authorized for expenditure in Section 6(1)(c) and Section 8 the following sum, or so much thereof as may be necessary, shall be allocated to the Board of Trustees of State Institutions of Higher Learning for the purpose of paying attorneys’ fees to comply with the Settlement Agreement in the case of Ayers v. Musgrove, for the fiscal year beginning July 1, 2001 and ending June 30, 2002....

$ 1,000,000.00.
SECTION 11. Following submission by the parties of the Settlement Agreement in *Ayers v. Musgrove* to the United States District Court for the Northern District of Mississippi, after securement from the District Court of approval and directions to implement the Agreement, and on the Agreement becoming final and effective according to its terms (including, but not limited to, the exhaustion of all rights to appeal), it is the intention of the Legislature that of the funds appropriated in Section 2 and authorized for expenditure in Section 6(1)(c) and Section 8 the following sum, or so much thereof as may be necessary, shall be allocated to the Board of Trustees of State Institutions of Higher Learning for the purpose of defraying the costs of summer development programs to comply with the Settlement Agreement in the case of *Ayers v. Musgrove*, for the fiscal year beginning July 1, 2001 and ending June 30, 2002 .................. $ 500,000.00.

Any funds appropriated in this section which are not expended during the fiscal year shall not lapse and shall be carried forward to be applied toward funding for the same purpose during the next succeeding fiscal year.

SECTION 12. Following submission by the parties of the Settlement Agreement in *Ayers v. Musgrove* to the United States District Court for the Northern District of Mississippi, after securement from the District Court of approval and direction to implement the Agreement, and on the Agreement becoming final and effective according to its terms (including, but not limited to, the exhaustion of all rights to appeal), it is the intention of the Legislature, that the following sum, or so much thereof as may be necessary, is hereby reappropriated out any money in the State General Fund not otherwise appropriated, to the Board of Trustees of State Institutions of Higher Learning for expenditure in accordance with the Settlement Agreement for the fiscal year beginning July 1, 2001 and ending June 30, 2002.................. $ 3,650,000.00.
Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the balance as of June 30, 2001, or change the purpose for which the funds were originally authorized.

SECTION 13. The following sum, or so much thereof as may be necessary, is hereby reappropriated out of any money in Treasury Fund Number 4188 to the credit of the State Board of Institutions of Higher Learning authorized for expenditure pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal year beginning July 1, 2001, and ending June 30, 2002........... $    220,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the balance as of June 30, 2001. It is the intention of the Legislature that the purpose for which the funds were originally authorized be changed to defray the expenses of the Executive Office of the Board of Trustees.

SECTION 14. 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, to the State Board of Institutions of Higher Learning authorized for expenditure pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal year beginning July 1, 2001, and ending June 30, 2002............ $    250,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the balance as of June 30, 2001. It is the intention of the Legislature that the purpose for which the funds were originally authorized be changed to defray the expenses of the Greenville Higher Education Center.

SECTION 15. It is the intention of the Legislature that the Board of Trustees of State Institutions of Higher Learning shall first use special funds to the greatest extent possible to defray
the costs of providing remediation at the state-supported institutions of higher learning.

SECTION 16. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Board of Trustees of State Institutions of Higher Learning, or any of the powers or duties of any institution under the jurisdiction of the board of trustees, that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 17. The Board of Trustees of State Institutions of Higher Learning shall submit to the Committee on Appropriations of both houses of the Mississippi Legislature by January 1, 2002, a consolidated report for all the several institutions under its jurisdiction, on forms and in a manner to be prescribed by the Legislative Budget Committee, which reflects the anticipated current restricted fund revenues for the 2002 fiscal year, and the budgeted use of such current restricted funds by major object category. For purposes of this section, the term "current restricted funds" shall be defined as those public funds available for financing university operations which are limited by the donor, or by an agency external to the Board of Trustees of State Institutions of Higher Learning, to specific purposes, programs, departments or schools, but shall not include endowment funds or private gifts exempted under the provisions of Section 27-103-5, Mississippi Code of 1972.

SECTION 18. It is the intention of the Legislature that the budget requests of the individual institutes, laboratories and programs consolidated in this bill for Fiscal Year 2003 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 2002 budget request process.
SECTION 19. It is the intention of the Legislature that the Board of Trustees of State Institutions of Higher Learning continue to review, and eliminate when possible, duplicating programs and degrees in the existing institutions of higher learning in this state.

SECTION 20. No state appropriations or student tuition and fee receipts, except those specifically charged for the provision of the services, shall be used to support auxiliary enterprises, with the exception of intercollegiate athletics at a level designated by the board of trustees. It is the intent of the Legislature that auxiliary enterprises shall be self-supporting; and that deficits not be taken from funds intended for instruction and academic programs.

SECTION 21. However, none of the funds herein appropriated shall be spent to defray tuition cost or subsidize in any way the direct cost of education, ordinarily paid by the student, of any nonresident alien enrolled in any state-supported institution of higher learning in the State of Mississippi. However, this will not apply to any nonresident alien student if the United States has a reciprocal agreement with their country on subsidizing the education of a United States citizen student.

SECTION 22. The Board of Trustees shall report yearly to the Legislature the institution compliance with Section 97-11-51, Mississippi Code of 1972, which prohibits deficit spending.

SECTION 23. Any funds appropriated pursuant to this act and paid as a fee to or deposited in a financial institution shall be in compliance with Section 109 of the Constitution of the State of Mississippi and Section 25-4-103, Mississippi Code of 1972.

SECTION 24. 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:

<table>
<thead>
<tr>
<th>FY2002</th>
<th>Performance Measures</th>
<th>Target</th>
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<tbody>
<tr>
<td><strong>Instruction</strong></td>
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<td>Maintain a Freshman (first-time, full-time)</td>
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<td>Retention rate from fall to fall</td>
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<td>that is at or above the national rate</td>
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<td>for 4-year public institutions as reported by American College Testing (% retention)</td>
<td>72.50</td>
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<td>Maintain a Freshman (first-time, full-time)</td>
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<td>Undergraduate Graduation rate after 5 years</td>
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<td>for the system that is at or above the national rate of 4-year public institutions as reported by American College Testing</td>
<td>42.00</td>
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<td>Increase in Other Race Personnel with Academic Rank (%)</td>
<td>0.00</td>
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<td>Increase in Number of Personnel with Academic Rank who hold Terminal Degrees (Includes Doctorate &amp; First Professional Degrees) (%)</td>
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<td><strong>Research</strong></td>
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<td>Change in Expenditures of Unrestricted E&amp;G Funds for Research (%)</td>
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<td><strong>Academic Support</strong></td>
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<td>Strive to Reach the Average Expenditure for Libraries as listed in the American Library Association Standards from Academic &amp; Research Libraries (% change)</td>
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<td>Increase the Expenditure of Unrestricted E&amp;G Funds for Technology (%)</td>
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<tr>
<td><strong>Operation &amp; Maintenance</strong></td>
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<tr>
<td>Item</td>
<td>Description</td>
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<tr>
<td>520 Increase the Expenditures of Unrestricted E&amp;G</td>
<td>Funds for Upkeep Cost per Acre of Grounds (core on- &amp; off-campus) Maintained</td>
<td>0.00</td>
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<td>Increase the Expenditure of Unrestricted E&amp;G Funds for Operation &amp; Maintenance Cost per Square Feet of Building</td>
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<td>524</td>
<td>Scholarships &amp; Fellowships Change in Number of Students Receiving Scholarship Dollars from Unrestricted E&amp;G Funds (%)</td>
<td>0.00</td>
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<td>525</td>
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<td>526</td>
<td>Increase the Expenditures of Unrestricted E&amp;G Funds for Public Service (%)</td>
<td>0.00</td>
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<td>528</td>
<td>Student Services Increase the Expenditures of Unrestricted E&amp;G Funds for Undergraduate Admissions &amp; Records (%)</td>
<td>0.00</td>
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<td>530</td>
<td>Change in Amount of Scholarship Dollars Awarded from Unrestricted E&amp;G Funds (%)</td>
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<td>532</td>
<td>Public Service Increase the Expenditures of Unrestricted E&amp;G Funds for Undergraduate Financial Aid (%)</td>
<td>0.00</td>
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<td>Institutional Support Change in Expenditures of Unrestricted E&amp;G Funds for Institutional Support per Fall Full-time Equivalent Student (%)</td>
<td>0.00</td>
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<td>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 2003.</td>
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<td>SECTION 25. Of the funds appropriated under the provisions of this act, the Board of Trustees of State Institutions of Higher Learning may expend out of these funds such sums as may be</td>
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necessary to provide transportation and transportation related services, including the operation or use of buses, vans or other vehicles owned or leased by the Board of Trustees of State Institutions of Higher Learning in support of the annual meeting of the Southern Legislative Conference hosted by the State of Mississippi.

SECTION 26. 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 27. This act shall take effect and be in force from and after July 1, 2001.