

By: Representatives Ford, Horne, Capps,
McCoy, Young, Clark

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 28

1 A CONCURRENT RESOLUTION, PURSUANT TO THE REQUEST OF THE
2 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
3 MISSISSIPPI, ENDORSING THE SETTLEMENT PROPOSAL OF APRIL 23, 2001,
4 IN THE CASE OF AYERS V. MUSGROVE.

5 WHEREAS, on April 23, 2001, a proposed settlement agreement
6 among the parties in the case of Ayers v. Musgrove (Civil Action
7 No. 4:75CV9-B-D, in the United States District Court for the
8 Northern District of Mississippi) was submitted to the district
9 court for approval in all respects by the court, as required by
10 Rule 23(e) of the Federal Rules of Civil Procedure; and

11 WHEREAS, on January 2, 2002, Senior Judge Neal B. Biggers
12 issued an order in the case stating that the acceptance or
13 rejection of the proposed settlement by the district court will be
14 ruled on upon the court's receipt of a concurrent resolution
15 adopted by the Legislature advising the court on the record that
16 the Legislature endorses and agrees to fund the proposed
17 settlement according to its terms and wants the court to accept
18 the agreement or, alternatively, that the Legislature prefers the
19 continuation of the court-ordered remedial plan in the case; and

20 WHEREAS, in prior legislative sessions, the Legislature has
21 demonstrated its ongoing commitment to resolving the Ayers case by
22 the passage of appropriations and bond bills with considerable
23 funding provisions relating to the case; and

24 WHEREAS, the Legislature deems it to be in the best interests
25 of higher education in the State of Mississippi and of the entire
26 citizenry of the state that a full, complete and final settlement
27 to the Ayers case be accomplished as expeditiously as possible:



28 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
29 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
30 THEREIN, That we do hereby endorse the proposed settlement
31 agreement of April 23, 2001, by the parties to the case in Ayers
32 v. Musgrove (Civil Action No. 4:75CV9-B-D, in the United States
33 District Court for the Northern District of Mississippi) and agree
34 to fund the settlement according to its terms.

35 BE IT FURTHER RESOLVED, That the Legislature hereby expresses
36 on the record that it is desirous of the district court accepting
37 the proposed settlement agreement.

38 BE IT FURTHER RESOLVED, That we do hereby declare that if the
39 district court does not enter an order approving the settlement or
40 does not enter the final judgment contemplated by the agreement,
41 or if the court enters the judgment and the judgment is reversed
42 or modified so as to change any of the material terms of the
43 agreement on appeal, then the Legislature's endorsement of the
44 proposed settlement and agreement to fund it, as expressed in this
45 concurrent resolution, shall be rescinded.

46 BE IT FURTHER RESOLVED, That copies of this resolution be
47 furnished to the United States District Court for the Northern
48 District of Mississippi and the Capitol Press Corps.

