

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

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.

