

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

To: Appropriations

SENATE BILL NO. 3141

1 AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF
2 STATE INSTITUTIONS OF HIGHER LEARNING FOR SUPPORT OF THE EIGHT
3 UNIVERSITIES FOR FISCAL YEAR 2003; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following sums of money, or so much thereof
6 as may be necessary, are hereby appropriated out of any money in
7 the State General Fund not otherwise appropriated, to the Board of
8 Trustees of State Institutions of Higher Learning for the purpose
9 of support, maintenance, affirmative action plan, interest funds
10 and repairs at the state-supported institutions of higher
11 learning; for support of Mississippi State University, University
12 of Mississippi, Teacher Corps, Mississippi University for Women,
13 University of Southern Mississippi, Delta State University, Alcorn
14 State University, Jackson State University, and Mississippi Valley
15 State University, for the fiscal year beginning July 1, 2002, and
16 ending June 30, 2003..... \$ 246,941,733.00.

17 **SECTION 2.** The following sums of money, or so much thereof
18 as may be necessary, are hereby appropriated out of the proceeds
19 from any federal, student fees or other special source funds not
20 otherwise appropriated, to the Board of Trustees of State
21 Institutions of Higher Learning for the purpose of support of
22 Mississippi State University, University of Mississippi,
23 Mississippi University for Women, University of Southern
24 Mississippi, Delta State University, Alcorn State University,
25 Jackson State University, and Mississippi Valley State University,
26 for the fiscal year beginning July 1, 2002, and ending
27 June 30, 2003..... \$ 354,745,447.00.



28 **SECTION 3.** The following sums, or so much thereof as may be
29 necessary, is hereby appropriated out of any money in the Ayers
30 Endowment Interest Fund, State Treasury Fund No. 3258, for the
31 purposes as set out by the courts in the Ayers Case for the fiscal
32 year beginning July 1, 2002, and ending June 30, 2003:

33 Alcorn State University. \$300,000.00
34 Jackson State University \$300,000.00
35 Mississippi Valley State University. . . \$300,000.00

36 **SECTION 4.** Following submission by the parties of the
37 Settlement Agreement in Ayers v. Musgrove to the United States
38 District Court for the Northern District of Mississippi, after
39 securement from the District Court of approval and directions to
40 implement the Agreement, and on the Agreement becoming final and
41 effective according to its terms (including, but not limited to,
42 the exhaustion of all rights to appeal), it is the intention of
43 the Legislature that the following sum, or so much thereof as may
44 be necessary, is hereby appropriated out of any money in the Ayers
45 Settlement Fund created by House Bill 1471, 2001 Regular Session,
46 to credit of the Board of Trustees of State Institutions of Higher
47 Learning for the purpose of establishing an Ayers settlement
48 endowment fund to comply with the Settlement Agreement in the case
49 of Ayers v. Musgrove, for the fiscal year beginning July 1, 2002,
50 and ending June 30, 2003..... \$ 5,000,000.00.

51 **SECTION 5.** It is the intent of the Legislature that the
52 Board of Trustees of State Institutions of Higher Learning shall
53 allocate funds to the off-campus centers based on a minimum rate
54 of sixty-five percent (65%) of the on-campus cost of a full-time
55 equivalent student. The on-campus distribution is to be
56 determined without regard to the costs incurred by any one or more
57 of them in the operation of off-campus degree completing centers'
58 classes. Off-campus centers which are operated jointly by two (2)
59 or more institutions, the amount allocated to such centers shall



60 be prorated among the institutions jointly operating such centers
61 based on the full-time equivalent enrollment of such centers.

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

67 **SECTION 6.** Of the funds appropriated in Section 1, the
68 amount of One Hundred Fifty-seven Thousand Five Hundred Dollars
69 (\$157,500.00) shall be used for the promotion and expenses of the
70 Mississippi Governor's School for the Gifted and Talented.

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

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

86 **SECTION 7.** Of the funds appropriated in Section 1, the
87 amount of Two Hundred Twenty-five Thousand Dollars (\$225,000.00)
88 shall be used for the promotion and expenses of the Teacher Corps.

89 **SECTION 8.** It is the intent of the Legislature that no
90 general funds authorized to be expended herein shall be used to
91 replace federal funds and/or other special funds which are being



92 used for salaries authorized under the provisions of this act and
93 which are withdrawn and no longer available.

94 **SECTION 9.** Of the funds appropriated in Section 1, the
95 following amounts shall be used as set forth:

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

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

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

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

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

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

118 **SECTION 10.** Of the funds appropriated in Section 2, the
119 following amount shall be derived from Education Enhancement Funds
120 deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi
121 Code of 1972:

122 On-campus and off-campus support of Mississippi
123 State University, the University of Mississippi,
124 Mississippi University for Women, University of



125 Southern Mississippi, Delta State University, Alcorn
126 State University, Jackson State University, and
127 Mississippi Valley State University for
128 the sum of..... \$ 33,840,765.00.

129 **SECTION 11.** Of the funds appropriated in Sections 1, 2, 3
130 and 4, the following amount, or so much thereof as may be
131 necessary, shall be expended by the Board of Trustees of State
132 Institutions of Higher Learning for the purpose of defraying the
133 costs associated with Ayers-related programs at Alcorn State
134 University, Jackson State University and Mississippi Valley State
135 University, the court-appointed monitor, interest on the Ayers
136 Endowment Fund and Ayers-related studies or any other
137 Ayers-related activities..... \$ 21,777,458.00.

138 Following submission by the parties of the Settlement
139 Agreement in Ayers v. Musgrove to the United States District Court
140 for the Northern District of Mississippi and after securement from
141 the District Court of approval and direction to implement the
142 Agreement, it is the intention of the Legislature that
143 \$21,672,000.00 of the funds in this section shall be identified as
144 Ayers Settlement Funds; provided, however, that in the event
145 approval of and direction to implement the Settlement Agreement
146 are not obtained from the District Court, it is the intention of
147 the Legislature that on securement of authorization from the
148 District Court in Ayers, the sum of \$21,777,458.00 of the funds in
149 this section shall be identified as Ayers funds for use in
150 implementation of the Remedial Decree of the District Court.

151 **SECTION 12.** Following submission by the parties of the
152 Settlement Agreement in Ayers v. Musgrove to the United States
153 District Court for the Northern District of Mississippi, after
154 securement from the District Court of approval and directions to
155 implement the Agreement, and on the Agreement becoming final and
156 effective according to its terms (including, but not limited to,
157 the exhaustion of all rights to appeal), it is the intention of



158 the Legislature that of the funds appropriated in Section 2 the
159 following sum, or so much thereof as may be necessary, shall be
160 allocated to the Board of Trustees of State Institutions of Higher
161 Learning for the purpose of defraying the costs of summer
162 development programs to comply with the Settlement Agreement in
163 the case of Ayers v. Musgrove, for the fiscal year beginning
164 July 1, 2002 and ending June 30, 2003..... \$ 500,000.00.

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

169 **SECTION 13.** Following submission by the parties of the
170 Settlement Agreement in Ayers v. Musgrove to the United States
171 District Court for the Northern District of Mississippi, after
172 securement from the District Court of approval and direction to
173 implement the Agreement, and on the Agreement becoming final and
174 effective according to its terms (including, but not limited to,
175 the exhaustion of all rights to appeal), it is the intention of
176 the Legislature, that the following sum, or so much thereof as may
177 be necessary, is hereby reappropriated out any money in the State
178 General Fund not otherwise appropriated, to the Board of Trustees
179 of State Institutions of Higher Learning for expenditure in
180 accordance with the Settlement Agreement for the fiscal year
181 beginning July 1, 2002 and ending June 30, 2003.....
182 \$ 7,300,000.00.

183 Notwithstanding the amount reappropriated under the
184 provisions of this section, in no event shall the amount expended
185 exceed the balance as of June 30, 2002, or change the purpose for
186 which the funds were originally authorized.

187 **SECTION 14.** The following sum, or so much thereof as may be
188 necessary, is hereby reappropriated out of any money in the State
189 General Fund not otherwise appropriated, to the State Board of
190 Institutions of Higher Learning authorized for expenditure



191 pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal
192 year beginning July 1, 2002, and ending June 30, 2003.....
193 \$ 250,000.00.

194 Notwithstanding the amount reappropriated under the
195 provisions of this section, in no event shall the amount expended
196 exceed the balance as of June 30, 2002. It is the intention of
197 the Legislature that the purpose for which the funds were
198 originally authorized be changed to defray the expenses of the
199 Greenville Higher Education Center.

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

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

213 **SECTION 17.** The Board of Trustees of State Institutions of
214 Higher Learning shall submit to the Committee on Appropriations of
215 both houses of the Mississippi Legislature by January 1, 2003, a
216 consolidated report for all the several institutions under its
217 jurisdiction, on forms and in a manner to be prescribed by the
218 Legislative Budget Committee, which reflects the anticipated
219 current restricted fund revenues for the 2003 fiscal year, and the
220 budgeted use of such current restricted funds by major object
221 category. For purposes of this section, the term "current
222 restricted funds" shall be defined as those public funds available
223 for financing university operations which are limited by the



224 donor, or by an agency external to the Board of Trustees of State
225 Institutions of Higher Learning, to specific purposes, programs,
226 departments or schools, but shall not include endowment funds or
227 private gifts exempted under the provisions of Section 27-103-5,
228 Mississippi Code of 1972.

229 **SECTION 18.** It is the intention of the Legislature that the
230 budget requests of the Institutions for Fiscal Year 2004 shall be
231 submitted to the Joint Legislative Budget Committee in a format
232 and level of detail comparable to the format and level of detail
233 provided during the Fiscal Year 2003 budget request process.

234 **SECTION 19.** It is the intention of the Legislature that the
235 Board of Trustees of State Institutions of Higher Learning
236 continue to review, and eliminate when possible, duplicating
237 programs and degrees in the existing institutions of higher
238 learning in this state.

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

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



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

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

262 **SECTION 24.** In compliance with the "Mississippi Performance
263 Budget and Strategic Planning Act of 1994," it is the intent of
264 the Legislature that the funds provided herein shall be utilized
265 in the most efficient and effective manner possible to achieve the
266 intended mission of this agency. Based on the funding authorized,
267 this agency shall make every effort to attain the targeted
268 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
Instruction	
Maintain a Freshman (first-time, full-time)	
Retention rate from fall to fall	
that is at or above the national rate	
for 4-year public institutions as reported	
by American College Testing (% retention)	75.00
Maintain a Freshman (first-time, full-time)	
Undergraduate Graduation rate after 5 years	
for the system that is at or above the	
national rate of 4-year public institutions	
as reported by American College Testing	
(% graduated)	42.00
Increase in Other Race Personnel with	
Academic Rank (%)	0.00
Increase in Number of Personnel with	
Academic Rank who hold Terminal Degrees	
(Includes Doctorate & First Professional	



288	Degrees) (%)	0.00
289	Research	
290	Change in Expenditures of Unrestricted	
291	E&G Funds for Research (%)	0.00
292	Academic Support	
293	Strive to Reach the Average Expenditure for	
294	Libraries as listed in the American Library	
295	Association Standards from Academic &	
296	Research Libraries (% change)	0.00
297	Increase the Expenditure of Unrestricted E&G	
298	Funds for Technology (%)	0.00
299	Operation & Maintenance	
300	Increase the Expenditures of Unrestricted E&G	
301	Funds for Upkeep Cost per Acre of Grounds	
302	(core on- & off-campus) Maintained (%)	0.00
303	Increase the Expenditure of Unrestricted E&G	
304	Funds for Operation & Maintenance Cost	
305	per Square Feet of Building (%)	0.00
306	Scholarships & Fellowships	
307	Change in Number of Students Receiving	
308	Scholarship Dollars from Unrestricted E&G	
309	Funds (%)	0.00
310	Change in Amount of Scholarship Dollars	
311	Awarded from Unrestricted E&G Funds (%)	0.00
312	Public Service	
313	Increase the Expenditures of Unrestricted E&G	
314	Funds for Public Service (%)	0.00
315	Student Services	
316	Increase the Expenditures of Unrestricted E&G	
317	Funds for Undergraduate Admissions &	
318	Records (%)	0.00
319	Increase the Expenditures of Unrestricted	
320	E&G Funds for Undergraduate Financial	



321 Aid (%) 0.00
 322 Institutional Support
 323 Change in Expenditures of Unrestricted E&G
 324 Funds for Institutional Support per Fall
 325 Full-time Equivalent Student (%) 0.00

326 A reporting of the degree to which the performance targets
 327 set above have been or are being achieved shall be provided in the
 328 agency's budget request submitted to the Joint Legislative Budget
 329 Committee for Fiscal Year 2004.

330 **SECTION 25.** The money herein appropriated shall be paid by
 331 the State Treasurer out of any money in the State Treasury to the
 332 credit of the proper fund or funds as set forth in this act, upon
 333 warrants issued by the State Fiscal Officer; and the State Fiscal
 334 Officer shall issue his warrants upon requisitions signed by the
 335 proper person, officer or officers, in the manner provided by law.

336 **SECTION 26.** This act shall take effect and be in force from
 337 and after July 1, 2002.

