MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2002

To: Appropriations

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

SENATE BILL NO. 3141
(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 FOR FISCAL YEAR 2003; 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, University
of Mississippi, Teacher Corps, Mississippi University for Women,
University of Southern Mississippi, Delta State University, Alcorn
State University, Jackson State University, and Mississippi Valley
State University, for the fiscal year beginning July 1, 2002, and
ending June 30, 2003.......................... $ 243,856,651.00.

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, 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 fiscal year beginning July 1, 2002, and ending
June 30, 2003................................. $ 391,371,015.00.
SECTION 3. 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. 3258, for the purposes as set out by the courts in the Ayers Case for the fiscal year beginning July 1, 2002, and ending June 30, 2003:

Alcorn State University........ $300,000.00
Jackson State University....... $300,000.00
Mississippi Valley State University... $300,000.00

SECTION 4. Upon the Ayers Settlement 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 credit of 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, 2002, and ending June 30, 2003................. $ 5,000,000.00.

SECTION 5. 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.

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.

SECTION 6. Of the funds appropriated in Section 1, 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.

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

SECTION 8. 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.

SECTION 9. Of the funds appropriated in Section 1, 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 10. Of the funds appropriated in Section 2, the
following amount 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.......................... $ 33,840,765.00.
SECTION 11. Of the funds appropriated in Section 2, the following amounts are derived from Budget Contingency Funds:

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........................ $ 31,337,569.00.

Mississippi State University for equity funding

for the sum of......................... $ 2,000,000.00.

University of Southern Mississippi 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.

Greenville Higher Education Center

for the sum of......................... $ 100,000.00.

Jackson State University – Social Work Program

for the sum of......................... $ 250,000.00.

Delta State University – ladder fire truck

for the sum of......................... $ 120,000.00.

Mississippi State University – Meridian

for special projects for the sum of... $ 200,000.00.

TOTAL...................................... $ 37,007,569.00.

SECTION 12. Of the funds appropriated in Section 2, the amount of Three Million Seven Hundred Fifty-four Thousand Dollars ($3,754,000.00) shall be derived from the Working Cash Stabilization Fund upon the Ayers Settlement Agreement becoming final and effective according to its terms (including, but not limited to, the exhaustion of all rights to appeal).

SECTION 13. Of the funds appropriated in Sections 1, 2, 3 and 4, 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, interest on the Ayers Endowment Fund and any other Ayers-related activities ...................... $ 21,290,000.00.

Upon the Ayers Settlement 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 $21,290,000.00 of the funds in this section shall be identified as Ayers Settlement Funds; provided, however, that in the event the Settlement does not become final, it is the intention of the Legislature that the sum of $14,246,000.00 of the funds in this section shall be identified as Ayers funds for use in the implementation of the Remedial Decree of the District Court.

SECTION 14. Upon the Ayers Settlement 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 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, 2002, and ending June 30, 2003 ................. $ 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 15. Upon the Ayers Settlement 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, 2002 and ending June 30, 2003......

.............................................. $ 7,200,000.00.

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

SECTION 16. Upon the Ayers Settlement 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 Budget Contingency 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, 2002, and ending June 30, 2003.

.............................................. $ 1,500,000.00.

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

SECTION 17. 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, 2002, and ending June 30, 2003...........

.............................................. $ 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, 2002, or change the purpose for which the funds were originally authorized.

SECTION 18. 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 19. Of the funds appropriated in Section 1, it is the intention of the Legislature that the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) shall be used for the operation of the Gulf Park Campus of the University of Southern Mississippi.

SECTION 20. It is the intention of the Legislature that, wherever possible, any motor vehicle purchased or leased by any Institution of Higher Learning shall contain a hybrid motor powered by a combination of gasoline and electricity, or a motor equipped for using an alternative fuel. For the purposes of this section, the term "alternative fuel" means compressed natural gas, liquefied petroleum gas, reformulated gasoline, methanol, ethanol, electricity, and any other fuels which meet or exceed federal Clean Air Act standards.

SECTION 21. It is the intention of the Legislature that the University of Southern Mississippi, with any available funds, be allowed to purchase a police car.

SECTION 22. 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 23. 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, 2003, 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 2003 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 24. It is the intention of the Legislature that the budget requests of the Institutions for Fiscal Year 2004 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 2003 budget request process.

SECTION 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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>Performance Measures</th>
<th>Target</th>
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</thead>
<tbody>
<tr>
<td>Instruction</td>
<td></td>
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<tr>
<td>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)</td>
<td>75.00</td>
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</thead>
<tbody>
<tr>
<td>322</td>
<td>Maintain a Freshman (first-time, full-time)</td>
</tr>
<tr>
<td>323</td>
<td>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</td>
</tr>
<tr>
<td>328</td>
<td>Increase in Other Race Personnel with Academic Rank (%) 0.00</td>
</tr>
<tr>
<td>330</td>
<td>Increase in Number of Personnel with Academic Rank who hold Terminal Degrees (Includes Doctorate &amp; First Professional Degrees) (%) 0.00</td>
</tr>
<tr>
<td>334</td>
<td>Research Change in Expenditures of Unrestricted E&amp;G Funds for Research (%) 0.00</td>
</tr>
<tr>
<td>337</td>
<td>Academic Support Strive to Reach the Average Expenditure for Libraries as listed in the American Library Association Standards from Academic &amp; Research Libraries (% change) 0.00</td>
</tr>
<tr>
<td>342</td>
<td>Increase the Expenditure of Unrestricted E&amp;G Funds for Technology (%) 0.00</td>
</tr>
<tr>
<td>344</td>
<td>Operation &amp; Maintenance Increase the Expenditures of Unrestricted E&amp;G Funds for Upkeep Cost per Acre of Grounds (core on- &amp; off-campus) Maintained (%) 0.00</td>
</tr>
<tr>
<td>348</td>
<td>Increase the Expenditure of Unrestricted E&amp;G Funds for Operation &amp; Maintenance Cost per Square Feet of Building (%) 0.00</td>
</tr>
<tr>
<td>351</td>
<td>Scholarships &amp; Fellowships Change in Number of Students Receiving Scholarship Dollars from Unrestricted E&amp;G Funds (%) 0.00</td>
</tr>
</tbody>
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S. B. No. 3141
02/SS26/A250SG
PAGE 11
ST: Appropriation; IHL - General Support.

Change in Amount of Scholarship Dollars
Awarded from Unrestricted E&G Funds (%) 0.00

Public Service
Increase the Expenditures of Unrestricted E&G Funds for Public Service (%) 0.00

Student Services
Increase the Expenditures of Unrestricted E&G Funds for Public Service (%) 0.00

Increase the Expenditures of Unrestricted E&G Funds for Undergraduate Admissions & Records (%) 0.00

Increase the Expenditures of Unrestricted E&G Funds for Undergraduate Financial Aid (%) 0.00

Institutional Support
Change in Expenditures of Unrestricted E&G Funds for Institutional Support per Fall Full-time Equivalent Student (%) 0.00

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 2004.

SECTION 31. 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 32. This act shall take effect and be in force from and after July 1, 2002.