

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

To: Appropriations

SENATE BILL NO. 3141
(As Sent to Governor)

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..... \$ 243,856,651.00.

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..... \$ 391,371,015.00.



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

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

59 The board of trustees shall insure that the off-campus
60 centers are not charged with any indirect or overhead cost



61 prorated from any on-campus activity. It is the intent of the
62 Legislature that the on-campus operations charge the off-campus
63 centers with only actual direct charges.

64 **SECTION 6.** Of the funds appropriated in Section 1, the
65 amount of One Hundred Fifty-seven Thousand Five Hundred Dollars
66 (\$157,500.00) shall be used for the promotion and expenses of the
67 Mississippi Governor's School for the Gifted and Talented.

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

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

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

86 **SECTION 8.** It is the intent of the Legislature that no
87 general funds authorized to be expended herein shall be used to
88 replace federal funds and/or other special funds which are being
89 used for salaries authorized under the provisions of this act and
90 which are withdrawn and no longer available.

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

93 (a) For Mississippi State University as interest



- 94 on agricultural land script fund and
 95 interest on sale of university land, the
 96 sum of.....\$ 14,387.00.
- 97 (b) For the University of Mississippi as
 98 interest on original seminary fund, the
 99 sum of.....\$ 32,643.00.
- 100 (c) For the University of Mississippi as
 101 interest on 1904 land grant fund, the
 102 sum of.....\$ 9,965.00.
- 103 (d) For the University of Mississippi as
 104 interest on LaBauve Fund, the sum
 105 of.....\$ 1,420.00.
- 106 (e) For Mississippi University for Women
 107 as interest on funds paid into the
 108 State Treasury as proceeds of sale of
 109 land donated to the Industrial Institute
 110 and College by the United States
 111 Government, the sum of.....\$ 9,389.00.
- 112 (f) For Alcorn State University as interest
 113 on land script and land sales funds,
 114 the sum of.....\$ 12,592.00.

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

119 On-campus and off-campus support of Mississippi
 120 State University, the University of Mississippi,
 121 Mississippi University for Women, University of
 122 Southern Mississippi, Delta State University, Alcorn
 123 State University, Jackson State University, and
 124 Mississippi Valley State University for
 125 the sum of..... \$ 33,840,765.00.



126 **SECTION 11.** Of the funds appropriated in Section 2, the
127 following amounts are derived from Budget Contingency Funds:
128 On-campus and off-campus support of Mississippi State
129 University, the University of Mississippi,
130 Mississippi University for Women, University
131 of Southern Mississippi, Delta State University,
132 Alcorn State University, Jackson State University,
133 and Mississippi Valley State University
134 for the sum of..... \$ 31,337,569.00.
135 Mississippi State University for equity funding
136 for the sum of..... \$ 2,000,000.00.
137 University of Southern Mississippi for equity funding
138 for the sum of..... \$ 2,000,000.00.
139 University of Mississippi for equity funding
140 for the sum of..... \$ 1,000,000.00.
141 Greenville Higher Education Center
142 for the sum of..... \$ 100,000.00.
143 Jackson State University - Social Work Program
144 for the sum of..... \$ 250,000.00.
145 Delta State University - ladder fire truck
146 for the sum of..... \$ 120,000.00.
147 Mississippi State University - Meridian
148 for special projects for the sum of... \$ 200,000.00.
149 TOTAL..... \$ 37,007,569.00.

150 **SECTION 12.** Of the funds appropriated in Section 2, the
151 amount of Three Million Seven Hundred Fifty-four Thousand Dollars
152 (\$3,754,000.00) shall be derived from the Working Cash
153 Stabilization Fund upon the Ayers Settlement Agreement becoming
154 final and effective according to its terms(including, but not
155 limited to, the exhaustion of all rights to appeal).

156 **SECTION 13.** Of the funds appropriated in Sections 1, 2, 3
157 and 4, the following amount, or so much thereof as may be
158 necessary, shall be expended by the Board of Trustees of State



159 Institutions of Higher Learning for the purpose of defraying the
160 costs associated with Ayers-related programs at Alcorn State
161 University, Jackson State University and Mississippi Valley State
162 University, interest on the Ayers Endowment Fund and any other
163 Ayers-related activities..... \$ 21,290,000.00.

164 Upon the Ayers Settlement Agreement becoming final and
165 effective according to its terms (including, but not limited to,
166 the exhaustion of all rights to appeal), it is the intention of
167 the Legislature that \$21,290,000.00 of the funds in this section
168 shall be identified as Ayers Settlement Funds; provided, however,
169 that in the event the Settlement does not become final, it is the
170 intention of the Legislature that the sum of \$14,246,000.00 of the
171 funds in this section shall be identified as Ayers funds for use
172 in the implementation of the Remedial Decree of the District
173 Court.

174 **SECTION 14.** Upon the Ayers Settlement Agreement becoming
175 final and effective according to its terms (including, but not
176 limited to, the exhaustion of all rights to appeal), it is the
177 intention of the Legislature that of the funds appropriated in
178 Section 2 the following sum, or so much thereof as may be
179 necessary, shall be allocated to the Board of Trustees of State
180 Institutions of Higher Learning for the purpose of defraying the
181 costs of summer development programs to comply with the Settlement
182 Agreement in the case of Ayers v. Musgrove, for the fiscal year
183 beginning July 1, 2002, and ending June 30, 2003.....
184 \$ 500,000.00.

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

189 **SECTION 15.** Upon the Ayers Settlement Agreement becoming
190 final and effective according to its terms (including, but not
191 limited to, the exhaustion of all rights to appeal), it is the



192 intention of the Legislature, that the following sum, or so much
193 thereof as may be necessary, is hereby reappropriated out any
194 money in the State General Fund not otherwise appropriated, to the
195 Board of Trustees of State Institutions of Higher Learning for
196 expenditure in accordance with the Settlement Agreement for the
197 fiscal year beginning July 1, 2002 and ending June 30, 2003.....
198 \$ 7,200,000.00.

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

203 **SECTION 16.** Upon the Ayers Settlement Agreement becoming
204 final and effective according to its terms (including, but not
205 limited to, the exhaustion of all rights to appeal), it is the
206 intention of the Legislature, that the following sum, or so much
207 thereof as may be necessary, is hereby reappropriated out any
208 money in the Budget Contingency Fund not otherwise appropriated,
209 to the Board of Trustees of State Institutions of Higher Learning
210 for expenditure in accordance with the Settlement Agreement for
211 the fiscal year beginning July 1, 2002, and ending June 30, 2003.
212 \$ 1,500,000.00.

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

217 **SECTION 17.** The following sum, or so much thereof as may be
218 necessary, is hereby reappropriated out of any money in the State
219 General Fund not otherwise appropriated, to the State Board of
220 Institutions of Higher Learning authorized for expenditure
221 pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal
222 year beginning July 1, 2002, and ending June 30, 2003.....
223 \$ 250,000.00.



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

228 **SECTION 18.** It is the intention of the Legislature that the
229 Board of Trustees of State Institutions of Higher Learning shall
230 first use special funds to the greatest extent possible to defray
231 the costs of providing remediation at the state-supported
232 institutions of higher learning.

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

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

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

250 **SECTION 22.** None of the funds appropriated by this act shall
251 be expended for any purpose that is not actually required or
252 necessary for performing any of the powers or duties of the Board
253 of Trustees of State Institutions of Higher Learning, or any of
254 the powers or duties of any institution under the jurisdiction of
255 the board of trustees, that are authorized by the Mississippi



256 Constitution of 1890, state or federal law, or rules or
257 regulations that implement state or federal law.

258 **SECTION 23.** The Board of Trustees of State Institutions of
259 Higher Learning shall submit to the Committee on Appropriations of
260 both houses of the Mississippi Legislature by January 1, 2003, a
261 consolidated report for all the several institutions under its
262 jurisdiction, on forms and in a manner to be prescribed by the
263 Legislative Budget Committee, which reflects the anticipated
264 current restricted fund revenues for the 2003 fiscal year, and the
265 budgeted use of such current restricted funds by major object
266 category. For purposes of this section, the term "current
267 restricted funds" shall be defined as those public funds available
268 for financing university operations which are limited by the
269 donor, or by an agency external to the Board of Trustees of State
270 Institutions of Higher Learning, to specific purposes, programs,
271 departments or schools, but shall not include endowment funds or
272 private gifts exempted under the provisions of Section 27-103-5,
273 Mississippi Code of 1972.

274 **SECTION 24.** It is the intention of the Legislature that the
275 budget requests of the Institutions for Fiscal Year 2004 shall be
276 submitted to the Joint Legislative Budget Committee in a format
277 and level of detail comparable to the format and level of detail
278 provided during the Fiscal Year 2003 budget request process.

279 **SECTION 25.** It is the intention of the Legislature that the
280 Board of Trustees of State Institutions of Higher Learning
281 continue to review, and eliminate when possible, duplicating
282 programs and degrees in the existing institutions of higher
283 learning in this state.

284 **SECTION 26.** No state appropriations or student tuition and
285 fee receipts, except those specifically charged for the provision
286 of the services, shall be used to support auxiliary enterprises,
287 with the exception of intercollegiate athletics at a level
288 designated by the board of trustees. It is the intent of the



289 Legislature that auxiliary enterprises shall be self-supporting;
290 and that deficits not be taken from funds intended for instruction
291 and academic programs.

292 **SECTION 27.** However, none of the funds herein appropriated
293 shall be spent to defray tuition cost or subsidize in any way the
294 direct cost of education, ordinarily paid by the student, of any
295 nonresident alien enrolled in any state-supported institution of
296 higher learning in the State of Mississippi. However, this will
297 not apply to any nonresident alien student if the United States
298 has a reciprocal agreement with their country on subsidizing the
299 education of a United States citizen student.

300 **SECTION 28.** The Board of Trustees shall report yearly to the
301 Legislature the institution compliance with Section 97-11-51,
302 Mississippi Code of 1972, which prohibits deficit spending.

303 **SECTION 29.** Any funds appropriated pursuant to this act and
304 paid as a fee to or deposited in a financial institution shall be
305 in compliance with Section 109 of the Constitution of the State of
306 Mississippi and Section 25-4-103, Mississippi Code of 1972.

307 **SECTION 30.** In compliance with the "Mississippi Performance
308 Budget and Strategic Planning Act of 1994," it is the intent of
309 the Legislature that the funds provided herein shall be utilized
310 in the most efficient and effective manner possible to achieve the
311 intended mission of this agency. Based on the funding authorized,
312 this agency shall make every effort to attain the targeted
313 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



322	Maintain a Freshman (first-time, full-time)	
323	Undergraduate Graduation rate after 5 years	
324	for the system that is at or above the	
325	national rate of 4-year public institutions	
326	as reported by American College Testing	
327	(% graduated)	42.00
328	Increase in Other Race Personnel with	
329	Academic Rank (%)	0.00
330	Increase in Number of Personnel with	
331	Academic Rank who hold Terminal Degrees	
332	(Includes Doctorate & First Professional	
333	Degrees) (%)	0.00
334	Research	
335	Change in Expenditures of Unrestricted	
336	E&G Funds for Research (%)	0.00
337	Academic Support	
338	Strive to Reach the Average Expenditure for	
339	Libraries as listed in the American Library	
340	Association Standards from Academic &	
341	Research Libraries (% change)	0.00
342	Increase the Expenditure of Unrestricted E&G	
343	Funds for Technology (%)	0.00
344	Operation & Maintenance	
345	Increase the Expenditures of Unrestricted E&G	
346	Funds for Upkeep Cost per Acre of Grounds	
347	(core on- & off-campus) Maintained (%)	0.00
348	Increase the Expenditure of Unrestricted E&G	
349	Funds for Operation & Maintenance Cost	
350	per Square Feet of Building (%)	0.00
351	Scholarships & Fellowships	
352	Change in Number of Students Receiving	
353	Scholarship Dollars from Unrestricted E&G	
354	Funds (%)	0.00



355	Change in Amount of Scholarship Dollars	
356	Awarded from Unrestricted E&G Funds (%)	0.00
357	Public Service	
358	Increase the Expenditures of Unrestricted E&G	
359	Funds for Public Service (%)	0.00
360	Student Services	
361	Increase the Expenditures of Unrestricted E&G	
362	Funds for Undergraduate Admissions &	
363	Records (%)	0.00
364	Increase the Expenditures of Unrestricted	
365	E&G Funds for Undergraduate Financial	
366	Aid (%)	0.00
367	Institutional Support	
368	Change in Expenditures of Unrestricted E&G	
369	Funds for Institutional Support per Fall	
370	Full-time Equivalent Student (%)	0.00

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

375 **SECTION 31.** The money herein appropriated shall be paid by
376 the State Treasurer out of any money in the State Treasury to the
377 credit of the proper fund or funds as set forth in this act, upon
378 warrants issued by the State Fiscal Officer; and the State Fiscal
379 Officer shall issue his warrants upon requisitions signed by the
380 proper person, officer or officers, in the manner provided by law.

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

