

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3141: Appropriation; IHL - General Support.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, Mississippi

130 University for Women, University of Southern Mississippi,

131 Delta State University, Alcorn State University, Jackson

132 State University, and Mississippi Valley State University for

133 the sum of.....\$ 31,337,569.00.

134 Mississippi State University for equity funding for the sum

135 of\$ 2,000,000.00.
 136 University of Southern Mississippi for equity funding for the
 137 sum of.....\$ 2,000,000.00.
 138 University of Mississippi for equity funding for the sum
 139 of.....\$ 1,000,000.00.
 140 Greenville Higher Education Center for the sum
 141 of.....\$ 100,000.00.
 142 Jackson State University - Social Work Program for the
 143 sum of.....\$ 250,000.00.
 144 Delta State University - ladder fire truck for the sum
 145 of.....\$ 120,000.00.
 146 Mississippi State University - Meridian for special projects
 147 for the sum of.....\$ 200,000.00.
 148 TOTAL.....\$ 37,007,569.00.

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

155 **SECTION 13.** Of the funds appropriated in Sections 1, 2, 3
 156 and 4, the following amount, or so much thereof as may be
 157 necessary, shall be expended by the Board of Trustees of State
 158 Institutions of Higher Learning for the purpose of defraying the
 159 costs associated with Ayers-related programs at Alcorn State
 160 University, Jackson State University and Mississippi Valley State
 161 University, interest on the Ayers Endowment Fund and any other
 162 Ayers-related activities..... \$ 21,290,000.00.

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

171 in the implementation of the Remedial Decree of the District
172 Court.

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

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

188 **SECTION 15.** Upon the Ayers Settlement Agreement becoming
189 final and effective according to its terms (including, but not
190 limited to, the exhaustion of all rights to appeal), it is the
191 intention of the Legislature, that the following sum, or so much
192 thereof as may be necessary, is hereby reappropriated out any
193 money in the State General Fund not otherwise appropriated, to the
194 Board of Trustees of State Institutions of Higher Learning for
195 expenditure in accordance with the Settlement Agreement for the
196 fiscal year beginning July 1, 2002 and ending June 30, 2003.....
197 \$ 7,200,000.00.

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

202 **SECTION 16.** Upon the Ayers Settlement Agreement becoming
203 final and effective according to its terms (including, but not
204 limited to, the exhaustion of all rights to appeal), it is the
205 intention of the Legislature, that the following sum, or so much
206 thereof as may be necessary, is hereby reappropriated out any

207 money in the Budget Contingency Fund not otherwise appropriated,
208 to the Board of Trustees of State Institutions of Higher Learning
209 for expenditure in accordance with the Settlement Agreement for
210 the fiscal year beginning July 1, 2002, and ending June 30, 2003.
211 \$ 1,500,000.00.

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

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

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

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

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

237 **SECTION 20.** It is the intention of the Legislature that,
238 wherever possible, any motor vehicle purchased or leased by any
239 Institution of Higher Learning shall contain a hybrid motor
240 powered by a combination of gasoline and electricity, or a motor
241 equipped for using an alternative fuel. For the purposes of this
242 section, the term "alternative fuel" means compressed natural gas,

243 liquefied petroleum gas, reformulated gasoline, methanol, ethanol,
244 electricity, and any other fuels which meet or exceed federal
245 Clean Air Act standards.

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

249 **SECTION 22.** None of the funds appropriated by this act shall
250 be expended for any purpose that is not actually required or
251 necessary for performing any of the powers or duties of the Board
252 of Trustees of State Institutions of Higher Learning, or any of
253 the powers or duties of any institution under the jurisdiction of
254 the board of trustees, that are authorized by the Mississippi
255 Constitution of 1890, state or federal law, or rules or
256 regulations that implement state or federal law.

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

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

278 **SECTION 25.** It is the intention of the Legislature that the

279 Board of Trustees of State Institutions of Higher Learning
280 continue to review, and eliminate when possible, duplicating
281 programs and degrees in the existing institutions of higher
282 learning in this state.

283 **SECTION 26.** No state appropriations or student tuition and
284 fee receipts, except those specifically charged for the provision
285 of the services, shall be used to support auxiliary enterprises,
286 with the exception of intercollegiate athletics at a level
287 designated by the board of trustees. It is the intent of the
288 Legislature that auxiliary enterprises shall be self-supporting;
289 and that deficits not be taken from funds intended for instruction
290 and academic programs.

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

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

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

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

313		FY2003
314	<u>Performance Measures</u>	<u>Target</u>

315	Instruction	
316	Maintain a Freshman (first-time, full-time)	
317	Retention rate from fall to fall	
318	that is at or above the national rate	
319	for 4-year public institutions as reported	
320	by American College Testing (% retention)	75.00
321	Maintain a Freshman (first-time, full-time)	
322	Undergraduate Graduation rate after 5 years	
323	for the system that is at or above the	
324	national rate of 4-year public institutions	
325	as reported by American College Testing	
326	(% graduated)	42.00
327	Increase in Other Race Personnel with	
328	Academic Rank (%)	0.00
329	Increase in Number of Personnel with	
330	Academic Rank who hold Terminal Degrees	
331	(Includes Doctorate & First Professional	
332	Degrees) (%)	0.00
333	Research	
334	Change in Expenditures of Unrestricted	
335	E&G Funds for Research (%)	0.00
336	Academic Support	
337	Strive to Reach the Average Expenditure for	
338	Libraries as listed in the American Library	
339	Association Standards from Academic &	
340	Research Libraries (% change)	0.00
341	Increase the Expenditure of Unrestricted E&G	
342	Funds for Technology (%)	0.00
343	Operation & Maintenance	
344	Increase the Expenditures of Unrestricted E&G	
345	Funds for Upkeep Cost per Acre of Grounds	
346	(core on- & off-campus) Maintained (%)	0.00
347	Increase the Expenditure of Unrestricted E&G	
348	Funds for Operation & Maintenance Cost	
349	per Square Feet of Building (%)	0.00
350	Scholarships & Fellowships	

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

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

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

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

CONFEREES FOR THE SENATE

X _____

Jack Gordon

X _____

Terry C. Burton

Hillman Terome Frazier

CONFEREES FOR THE HOUSE

X _____

Charlie Capps, Jr.

X _____

D. Stephen Holland

X _____

Herb Frierson