

*****Pending***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 3141

By Representative(s) Committee

**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..... \$ 256,449,915.00.

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..... \$ 354,745,446.00.

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.** Following submission by the parties of the
188 Settlement Agreement in Ayers v. Musgrove to the United States
189 District Court for the Northern District of Mississippi, after
190 securement from the District Court of approval and direction to
191 implement the Agreement, and on the Agreement becoming final and
192 effective according to its terms (including, but not limited to,
193 the exhaustion of all rights to appeal), it is the intention of
194 the Legislature, that the following sum, or so much thereof as may
195 be necessary, is hereby reappropriated out of any money in the
196 Budget Contingency Fund not otherwise appropriated, to the Board
197 of Trustees of State Institutions of Higher Learning for
198 expenditure in accordance with the Settlement Agreement for the
199 fiscal year beginning July 1, 2002, and ending June 30, 2003.....

200 \$ 1,500,000.00.

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

205 **SECTION 15.** The following sum, or so much thereof as may be
206 necessary, is hereby reappropriated out of any money in the State
207 General Fund not otherwise appropriated, to the State Board of
208 Institutions of Higher Learning authorized for the operation of
209 the Gulf Park Campus of the University of Southern Mississippi for
210 expenditure pursuant to Senate Bill 3256, 2000 Regular Session,
211 for the fiscal year beginning July 1, 2002, and ending June 30,
212 2003..... \$ 250,000.00.

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 16.** It is the intention of the Legislature that the
218 Board of Trustees of State Institutions of Higher Learning shall
219 first use special funds to the greatest extent possible to defray
220 the costs of providing remediation at the state-supported
221 institutions of higher learning.

222 **SECTION 17.** None of the funds appropriated by this act shall
223 be expended for any purpose that is not actually required or
224 necessary for performing any of the powers or duties of the Board
225 of Trustees of State Institutions of Higher Learning, or any of
226 the powers or duties of any institution under the jurisdiction of
227 the board of trustees, that are authorized by the Mississippi
228 Constitution of 1890, state or federal law, or rules or
229 regulations that implement state or federal law.

230 **SECTION 18.** The Board of Trustees of State Institutions of
231 Higher Learning shall submit to the Committee on Appropriations of
232 both houses of the Mississippi Legislature by January 1, 2003, a
233 consolidated report for all the several institutions under its
234 jurisdiction, on forms and in a manner to be prescribed by the

235 Legislative Budget Committee, which reflects the anticipated
236 current restricted fund revenues for the 2003 fiscal year, and the
237 budgeted use of such current restricted funds by major object
238 category. For purposes of this section, the term "current
239 restricted funds" shall be defined as those public funds available
240 for financing university operations which are limited by the
241 donor, or by an agency external to the Board of Trustees of State
242 Institutions of Higher Learning, to specific purposes, programs,
243 departments or schools, but shall not include endowment funds or
244 private gifts exempted under the provisions of Section 27-103-5,
245 Mississippi Code of 1972.

246 **SECTION 19.** It is the intention of the Legislature that the
247 budget requests of the Institutions for Fiscal Year 2004 shall be
248 submitted to the Joint Legislative Budget Committee in a format
249 and level of detail comparable to the format and level of detail
250 provided during the Fiscal Year 2003 budget request process.

251 **SECTION 20.** It is the intention of the Legislature that the
252 Board of Trustees of State Institutions of Higher Learning
253 continue to review, and eliminate when possible, duplicating
254 programs and degrees in the existing institutions of higher
255 learning in this state.

256 **SECTION 21.** No state appropriations or student tuition and
257 fee receipts, except those specifically charged for the provision
258 of the services, shall be used to support auxiliary enterprises,
259 with the exception of intercollegiate athletics at a level
260 designated by the board of trustees. It is the intent of the
261 Legislature that auxiliary enterprises shall be self-supporting;
262 and that deficits not be taken from funds intended for instruction
263 and academic programs.

264 **SECTION 22.** However, none of the funds herein appropriated
265 shall be spent to defray tuition cost or subsidize in any way the
266 direct cost of education, ordinarily paid by the student, of any
267 nonresident alien enrolled in any state-supported institution of
268 higher learning in the State of Mississippi. However, this will
269 not apply to any nonresident alien student if the United States

270 has a reciprocal agreement with their country on subsidizing the
271 education of a United States citizen student.

272 **SECTION 23.** The Board of Trustees shall report yearly to the
273 Legislature the institution compliance with Section 97-11-51,
274 Mississippi Code of 1972, which prohibits deficit spending.

275 **SECTION 24.** Any funds appropriated pursuant to this act and
276 paid as a fee to or deposited in a financial institution shall be
277 in compliance with Section 109 of the Constitution of the State of
278 Mississippi and Section 25-4-103, Mississippi Code of 1972.

279 **SECTION 25.** In compliance with the "Mississippi Performance
280 Budget and Strategic Planning Act of 1994," it is the intent of
281 the Legislature that the funds provided herein shall be utilized
282 in the most efficient and effective manner possible to achieve the
283 intended mission of this agency. Based on the funding authorized,
284 this agency shall make every effort to attain the targeted
285 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	

305	Degrees) (%)	0.00
306	Research	
307	Change in Expenditures of Unrestricted	
308	E&G Funds for Research (%)	0.00
309	Academic Support	
310	Strive to Reach the Average Expenditure for	
311	Libraries as listed in the American Library	
312	Association Standards from Academic &	
313	Research Libraries (% change)	0.00
314	Increase the Expenditure of Unrestricted E&G	
315	Funds for Technology (%)	0.00
316	Operation & Maintenance	
317	Increase the Expenditures of Unrestricted E&G	
318	Funds for Upkeep Cost per Acre of Grounds	
319	(core on- & off-campus) Maintained (%)	0.00
320	Increase the Expenditure of Unrestricted E&G	
321	Funds for Operation & Maintenance Cost	
322	per Square Feet of Building (%)	0.00
323	Scholarships & Fellowships	
324	Change in Number of Students Receiving	
325	Scholarship Dollars from Unrestricted E&G	
326	Funds (%)	0.00
327	Change in Amount of Scholarship Dollars	
328	Awarded from Unrestricted E&G Funds (%)	0.00
329	Public Service	
330	Increase the Expenditures of Unrestricted E&G	
331	Funds for Public Service (%)	0.00
332	Student Services	
333	Increase the Expenditures of Unrestricted E&G	
334	Funds for Undergraduate Admissions &	
335	Records (%)	0.00
336	Increase the Expenditures of Unrestricted	
337	E&G Funds for Undergraduate Financial	
338	Aid (%)	0.00
339	Institutional Support	

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

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

347 **SECTION 26.** Of the funds appropriated in Section 1, it is
348 the intention of the Legislature that the amount of Two Hundred
349 Fifty Thousand Dollars (\$250,000.00) shall be used for the
350 operation of the Gulf Park Campus of the University of Southern
351 Mississippi.

352 **SECTION 27.** It is the intention of the Legislature that,
353 wherever possible, any motor vehicle purchased or leased by any
354 institution of higher learning shall contain a hybrid motor
355 powered by a combination of gasoline and electricity, or a motor
356 equipped for using an alternative fuel. For the purposes of this
357 section, the term "alternative fuel" means compressed natural gas,
358 liquefied petroleum gas, reformulated gasoline, methanol, ethanol,
359 electricity and any other fuel which meets or exceeds federal
360 Clean Air Act standards.

361 **SECTION 28.** Of the funds appropriated in Section 1, the
362 amount of Nine Million Five Hundred Eight Thousand One Hundred
363 Eighty-two Dollars (\$9,508,182.00) is made available to the Board
364 of Trustees of State Institutions of Higher Learning for the
365 support of the eight (8) universities subject to the passage of
366 House Bill No. 1379, 2002 Regular Session. In the event that
367 House Bill No. 1379 is not enacted into law, then this
368 appropriation shall be reduced by Nine Million Five Hundred Eight
369 Thousand One Hundred Eighty-two Dollars (\$9,508,182.00) in general
370 funds. Of the funds herein appropriated, an amount of Fifty
371 Thousand Dollars (\$50,000.00) shall be expended for the purpose of
372 E-Commerce maintenance at Jackson State University.

373 **SECTION 29.** The money herein appropriated shall be paid by
374 the State Treasurer out of any money in the State Treasury to the

375 credit of the proper fund or funds as set forth in this act, upon
376 warrants issued by the State Fiscal Officer; and the State Fiscal
377 Officer shall issue his warrants upon requisitions signed by the
378 proper person, officer or officers, in the manner provided by law.

379 **SECTION 30.** This act shall take effect and be in force from
380 and after July 1, 2002.