

By: Representative Capps

To: Appropriations

HOUSE BILL NO. 1034

1 AN ACT TO AMEND CHAPTER 97, LAWS OF 2002, AS AMENDED BY HOUSE
2 BILL NO. 297, 2003 REGULAR SESSION, TO REDUCE AND DELETE CERTAIN
3 SUMS IN THE FISCAL YEAR 2003 APPROPRIATION TO THE BOARD OF
4 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Chapter 97, Laws of 2002, as amended by House
8 Bill No. 297, 2003 Regular Session, is amended as follows:

9 Section 1. The following sums of money, or so much thereof
10 as may be necessary, are hereby appropriated out of any money in
11 the State General Fund not otherwise appropriated, to the Board of
12 Trustees of State Institutions of Higher Learning for the purpose
13 of support, maintenance, affirmative action plan, interest funds
14 and repairs at the state-supported institutions of higher
15 learning; for support of Mississippi State University, University
16 of Mississippi, Teacher Corps, Mississippi University for Women,
17 University of Southern Mississippi, Delta State University, Alcorn
18 State University, Jackson State University, and Mississippi Valley
19 State University, for the fiscal year beginning July 1, 2002, and
20 ending June 30, 2003..... \$ 240,256,651.00.

21 Section 2. The following sums of money, or so much thereof
22 as may be necessary, are hereby appropriated out of the proceeds
23 from any federal, student fees or other special source funds not
24 otherwise appropriated, to the Board of Trustees of State
25 Institutions of Higher Learning for the purpose of support of
26 Mississippi State University, University of Mississippi,
27 Mississippi University for Women, University of Southern
28 Mississippi, Delta State University, Alcorn State University,



29 Jackson State University, and Mississippi Valley State University,
30 for the fiscal year beginning July 1, 2002, and ending
31 June 30, 2003..... \$ 387,617,015.00.

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

37 Alcorn State University. \$300,000.00
38 Jackson State University \$300,000.00
39 Mississippi Valley State University. . . \$300,000.00

40 Section 4. Upon the Ayers Settlement Agreement becoming
41 final and effective according to its terms (including, but not
42 limited to, the exhaustion of all rights to appeal), it is the
43 intention of the Legislature that the following sum, or so much
44 thereof as may be necessary, is hereby appropriated out of any
45 money in the Ayers Settlement Fund created by House Bill 1471,
46 2001 Regular Session, to credit of the Board of Trustees of State
47 Institutions of Higher Learning for the purpose of establishing an
48 Ayers settlement endowment fund to comply with the Settlement
49 Agreement in the case of Ayers v. Musgrove, for the fiscal year
50 beginning July 1, 2002, and ending June 30, 2003.....
51 \$ 5,000,000.00.

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

130 Section 11. Of the funds appropriated in Section 2, the
131 following amounts are derived from Budget Contingency Funds:

132 On-campus and off-campus support of Mississippi State
133 University, the University of Mississippi,
134 Mississippi University for Women, University
135 of Southern Mississippi, Delta State University,
136 Alcorn State University, Jackson State University,
137 and Mississippi Valley State University
138 for the sum of..... \$ 31,337,569.00.

139 Mississippi State University for equity funding
140 for the sum of..... \$ 2,000,000.00.

141 University of Southern Mississippi for equity funding
142 for the sum of..... \$ 2,000,000.00.

143 University of Mississippi for equity funding
144 for the sum of..... \$ 1,000,000.00.

145 Greenville Higher Education Center
146 for the sum of..... \$ 100,000.00.

147 Jackson State University - Social Work Program
148 for the sum of..... \$ 250,000.00.

149 Delta State University - ladder fire truck
150 for the sum of..... \$ 120,000.00.

151 Mississippi State University - Meridian
152 for special projects for the sum of... \$ 200,000.00.

153 TOTAL..... \$ 37,007,569.00.

154 * * *

155 Section 12. 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..... \$ 14,436,000.00.

163 * * *

164 Section 13. The following sum, or so much of it as may be
165 necessary, is reappropriated out of any money in the State General
166 Fund not otherwise appropriated, to the Board of Trustees of State
167 Institutions of Higher Learning for expenditure for the purposes
168 identified in Section III of the Ayers Settlement Agreement for
169 the fiscal year beginning July 1, 2002 and ending June 30,
170 2003.....\$ 7,200,000.00.

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

175 * * *

176 Section 14. The following sum, or so much thereof as may be
177 necessary, is hereby reappropriated out of any money in the State
178 General Fund not otherwise appropriated, to the State Board of
179 Institutions of Higher Learning authorized for expenditure
180 pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal
181 year beginning July 1, 2002, and ending June 30, 2003.....
182 \$ 250,000.00.

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 15. It is the intention of the Legislature that the
188 Board of Trustees of State Institutions of Higher Learning shall
189 first use special funds to the greatest extent possible to defray
190 the costs of providing remediation at the state-supported
191 institutions of higher learning.



192 Section 16. Of the funds appropriated in Section 1, it is
193 the intention of the Legislature that the amount of Two Hundred
194 Fifty Thousand Dollars (\$250,000.00) shall be used for the
195 operation of the Gulf Park Campus of the University of Southern
196 Mississippi.

197 Section 17. It is the intention of the Legislature that,
198 wherever possible, any motor vehicle purchased or leased by any
199 Institution of Higher Learning shall contain a hybrid motor
200 powered by a combination of gasoline and electricity, or a motor
201 equipped for using an alternative fuel. For the purposes of this
202 section, the term "alternative fuel" means compressed natural gas,
203 liquefied petroleum gas, reformulated gasoline, methanol, ethanol,
204 electricity, and any other fuels which meet or exceed federal
205 Clean Air Act standards.

206 Section 18. It is the intention of the Legislature that the
207 University of Southern Mississippi, with any available funds, be
208 allowed to purchase a police car.

209 Section 19. None of the funds appropriated by this act shall
210 be expended for any purpose that is not actually required or
211 necessary for performing any of the powers or duties of the Board
212 of Trustees of State Institutions of Higher Learning, or any of
213 the powers or duties of any institution under the jurisdiction of
214 the board of trustees, that are authorized by the Mississippi
215 Constitution of 1890, state or federal law, or rules or
216 regulations that implement state or federal law.

217 Section 20. The Board of Trustees of State Institutions of
218 Higher Learning shall submit to the Committee on Appropriations of
219 both houses of the Mississippi Legislature by January 1, 2003, a
220 consolidated report for all the several institutions under its
221 jurisdiction, on forms and in a manner to be prescribed by the
222 Legislative Budget Committee, which reflects the anticipated
223 current restricted fund revenues for the 2003 fiscal year, and the
224 budgeted use of such current restricted funds by major object



225 category. For purposes of this section, the term "current
226 restricted funds" shall be defined as those public funds available
227 for financing university operations which are limited by the
228 donor, or by an agency external to the Board of Trustees of State
229 Institutions of Higher Learning, to specific purposes, programs,
230 departments or schools, but shall not include endowment funds or
231 private gifts exempted under the provisions of Section 27-103-5,
232 Mississippi Code of 1972.

233 Section 21. It is the intention of the Legislature that the
234 budget requests of the Institutions for Fiscal Year 2004 shall be
235 submitted to the Joint Legislative Budget Committee in a format
236 and level of detail comparable to the format and level of detail
237 provided during the Fiscal Year 2003 budget request process.

238 Section 22. It is the intention of the Legislature that the
239 Board of Trustees of State Institutions of Higher Learning
240 continue to review, and eliminate when possible, duplicating
241 programs and degrees in the existing institutions of higher
242 learning in this state.

243 Section 23. No state appropriations or student tuition and
244 fee receipts, except those specifically charged for the provision
245 of the services, shall be used to support auxiliary enterprises,
246 with the exception of intercollegiate athletics at a level
247 designated by the board of trustees. It is the intent of the
248 Legislature that auxiliary enterprises shall be self-supporting;
249 and that deficits not be taken from funds intended for instruction
250 and academic programs.

251 Section 24. However, none of the funds herein appropriated
252 shall be spent to defray tuition cost or subsidize in any way the
253 direct cost of education, ordinarily paid by the student, of any
254 nonresident alien enrolled in any state-supported institution of
255 higher learning in the State of Mississippi. However, this will
256 not apply to any nonresident alien student if the United States



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

259 Section 25. The Board of Trustees shall report yearly to the
260 Legislature the institution compliance with Section 97-11-51,
261 Mississippi Code of 1972, which prohibits deficit spending.

262 Section 26. Any funds appropriated pursuant to this act and
263 paid as a fee to or deposited in a financial institution shall be
264 in compliance with Section 109 of the Constitution of the State of
265 Mississippi and Section 25-4-103, Mississippi Code of 1972.

266 Section 27. In compliance with the "Mississippi Performance
267 Budget and Strategic Planning Act of 1994," it is the intent of
268 the Legislature that the funds provided herein shall be utilized
269 in the most efficient and effective manner possible to achieve the
270 intended mission of this agency. Based on the funding authorized,
271 this agency shall make every effort to attain the targeted
272 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	



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



