

By: Senator(s) Gordon

To: Appropriations

SENATE BILL NO. 2844

1 AN ACT TO AMEND CHAPTER 97, LAWS OF 2002 (SENATE BILL NO.
2 3141, 2002 REGULAR SESSION) TO REDUCE CERTAIN AMOUNTS OF FUNDS
3 APPROPRIATED AND REAPPROPRIATED TO THE BOARD OF TRUSTEES OF STATE
4 INSTITUTIONS OF HIGHER LEARNING TO REFLECT THE STATUS OF THE AYERS
5 SETTLEMENT AGREEMENT, TO DELETE CERTAIN FUNDS APPROPRIATED FROM
6 THE WORKING CASH-STABILIZATION FUND CONTINGENT UPON THE AYERS
7 SETTLEMENT AGREEMENT BECOMING FINAL, TO DELETE CERTAIN FUNDS
8 APPROPRIATED FOR SUMMER DEVELOPMENT PROGRAMS CONTINGENT UPON THE
9 AYERS SETTLEMENT AGREEMENT BECOMING FINAL, TO DELETE CERTAIN FUNDS
10 APPROPRIATED FROM THE BUDGET CONTINGENCY FUND CONTINGENT UPON THE
11 AYERS SETTLEMENT AGREEMENT BECOMING FINAL, AND TO DELETE THE
12 PROVISION THAT MAKES THE REAPPROPRIATION OF CERTAIN FUNDS TO THE
13 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
14 CONTINGENT UPON THE AYERS SETTLEMENT AGREEMENT BECOMING FINAL AND
15 EFFECTIVE; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Chapter 97, Laws of 2002 (Senate Bill No. 3141,
18 2002 Regular Session), is amended to read as follows:

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

31 Section 2. The following sums of money, or so much thereof
32 as may be necessary, are hereby appropriated out of the proceeds
33 from any federal, student fees or other special source funds not



34 otherwise appropriated, to the Board of Trustees of State
35 Institutions of Higher Learning for the purpose of support of
36 Mississippi State University, University of Mississippi,
37 Mississippi University for Women, University of Southern
38 Mississippi, Delta State University, Alcorn State University,
39 Jackson State University, and Mississippi Valley State University,
40 for the fiscal year beginning July 1, 2002, and ending
41 June 30, 2003..... \$ 387,617,015.00.

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

47 Alcorn State University. \$300,000.00
48 Jackson State University \$300,000.00
49 Mississippi Valley State University. . . \$300,000.00

50 Section 4. Upon the Ayers Settlement Agreement becoming
51 final and effective according to its terms (including, but not
52 limited to, the exhaustion of all rights to appeal), it is the
53 intention of the Legislature that the following sum, or so much
54 thereof as may be necessary, is hereby appropriated out of any
55 money in the Ayers Settlement Fund created by House Bill 1471,
56 2001 Regular Session, to credit of the Board of Trustees of State
57 Institutions of Higher Learning for the purpose of establishing an
58 Ayers settlement endowment fund to comply with the Settlement
59 Agreement in the case of Ayers v. Musgrove, for the fiscal year
60 beginning July 1, 2002, and ending June 30, 2003.....
61 \$ 5,000,000.00.

62 Section 5. It is the intent of the Legislature that the
63 Board of Trustees of State Institutions of Higher Learning shall
64 allocate funds to the off-campus centers based on a minimum rate
65 of sixty-five percent (65%) of the on-campus cost of a full-time
66 equivalent student. The on-campus distribution is to be



67 determined without regard to the costs incurred by any one or more
68 of them in the operation of off-campus degree completing centers'
69 classes. Off-campus centers which are operated jointly by two (2)
70 or more institutions, the amount allocated to such centers shall
71 be prorated among the institutions jointly operating such centers
72 based on the full-time equivalent enrollment of such centers.

73 The board of trustees shall insure that the off-campus
74 centers are not charged with any indirect or overhead cost
75 prorated from any on-campus activity. It is the intent of the
76 Legislature that the on-campus operations charge the off-campus
77 centers with only actual direct charges.

78 Section 6. Of the funds appropriated in Section 1, the
79 amount of One Hundred Fifty-seven Thousand Five Hundred Dollars
80 (\$157,500.00) shall be used for the promotion and expenses of the
81 Mississippi Governor's School for the Gifted and Talented.

82 Provided, however, that the Board of Trustees of State
83 Institutions of Higher Learning shall develop the governing policy
84 for faculty, course content and facilities selection on a
85 competitive basis from all Mississippi senior colleges and
86 universities. The Mississippi Governor's School for the Gifted
87 and Talented shall accept not less than one (1) high school
88 student nominee from each accredited high school in Mississippi.
89 The nominees, selected under criteria developed and adopted by the
90 Board of Trustees of State Institutions of Higher Learning, shall
91 be provided a three-week tuition-free program.

92 The Board of Trustees of State Institutions of Higher
93 Learning shall compile and publish the report of the statewide
94 evaluation committee on the leadership impact of graduates of this
95 school. This report is to be a continuing study on the youthful
96 leadership of the state.

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



100 Section 8. It is the intent of the Legislature that no
101 general funds authorized to be expended herein shall be used to
102 replace federal funds and/or other special funds which are being
103 used for salaries authorized under the provisions of this act and
104 which are withdrawn and no longer available.

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

107 (a) For Mississippi State University as interest
108 on agricultural land script fund and
109 interest on sale of university land, the
110 sum of.....\$ 14,387.00.

111 (b) For the University of Mississippi as
112 interest on original seminary fund, the
113 sum of.....\$ 32,643.00.

114 (c) For the University of Mississippi as
115 interest on 1904 land grant fund, the
116 sum of.....\$ 9,965.00.

117 (d) For the University of Mississippi as
118 interest on LaBauve Fund, the sum
119 of.....\$ 1,420.00.

120 (e) For Mississippi University for Women
121 as interest on funds paid into the
122 State Treasury as proceeds of sale of
123 land donated to the Industrial Institute
124 and College by the United States
125 government, the sum of.....\$ 9,389.00.

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

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



133 On-campus and off-campus support of Mississippi
 134 State University, the University of Mississippi,
 135 Mississippi University for Women, University of
 136 Southern Mississippi, Delta State University, Alcorn
 137 State University, Jackson State University, and
 138 Mississippi Valley State University for
 139 the sum of..... \$ 33,840,765.00.

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

142 On-campus and off-campus support of Mississippi State
 143 University, the University of Mississippi,
 144 Mississippi University for Women, University
 145 of Southern Mississippi, Delta State University,
 146 Alcorn State University, Jackson State University,
 147 and Mississippi Valley State University
 148 for the sum of..... \$ 31,337,569.00.

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

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

153 University of Mississippi for equity funding
 154 for the sum of..... \$ 1,000,000.00.

155 Greenville Higher Education Center
 156 for the sum of..... \$ 100,000.00.

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

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

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

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

164 Section 12. * * *



165 Section 13. Of the funds appropriated in Sections 1, 2, 3
166 and 4, the following amount, or so much thereof as may be
167 necessary, shall be expended by the Board of Trustees of State
168 Institutions of Higher Learning for the purpose of defraying the
169 costs associated with Ayers-related programs at Alcorn State
170 University, Jackson State University and Mississippi Valley State
171 University, interest on the Ayers Endowment Fund and any other
172 Ayers-related activities..... \$ 14,436,000.00.

173 * * *

174 Section 14. * * *

175 Section 15. * * * The following sum, or so much of it as may
176 be necessary, is * * * reappropriated out of any money in the
177 State General Fund not otherwise appropriated, to the Board of
178 Trustees of State Institutions of Higher Learning for expenditure
179 for the purposes identified in Section III of the Ayers Settlement
180 Agreement for the fiscal year beginning July 1, 2002, and ending
181 June 30, 2003..... \$7,200,000.00.

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

186 Section 16. * * *

187 Section 17. The following sum, or so much thereof as may be
188 necessary, is hereby reappropriated out of any money in the State
189 General Fund not otherwise appropriated, to the State Board of
190 Institutions of Higher Learning authorized for expenditure
191 pursuant to Senate Bill 3256, 2000 Regular Session, for the fiscal
192 year beginning July 1, 2002, and ending June 30, 2003.....
193 \$ 250,000.00.

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



198 Section 18. It is the intention of the Legislature that the
199 Board of Trustees of State Institutions of Higher Learning shall
200 first use special funds to the greatest extent possible to defray
201 the costs of providing remediation at the state-supported
202 institutions of higher learning.

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

208 Section 20. It is the intention of the Legislature that,
209 wherever possible, any motor vehicle purchased or leased by any
210 institution of higher learning shall contain a hybrid motor
211 powered by a combination of gasoline and electricity, or a motor
212 equipped for using an alternative fuel. For the purposes of this
213 section, the term "alternative fuel" means compressed natural gas,
214 liquefied petroleum gas, reformulated gasoline, methanol, ethanol,
215 electricity, and any other fuels which meet or exceed federal
216 Clean Air Act standards.

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

220 Section 22. None of the funds appropriated by this act shall
221 be expended for any purpose that is not actually required or
222 necessary for performing any of the powers or duties of the Board
223 of Trustees of State Institutions of Higher Learning, or any of
224 the powers or duties of any institution under the jurisdiction of
225 the board of trustees, that are authorized by the Mississippi
226 Constitution of 1890, state or federal law, or rules or
227 regulations that implement state or federal law.

228 Section 23. The Board of Trustees of State Institutions of
229 Higher Learning shall submit to the Committee on Appropriations of
230 both houses of the Mississippi Legislature by January 1, 2003, a



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

244 Section 24. It is the intention of the Legislature that the
245 budget requests of the Institutions for Fiscal Year 2004 shall be
246 submitted to the Joint Legislative Budget Committee in a format
247 and level of detail comparable to the format and level of detail
248 provided during the Fiscal Year 2003 budget request process.

249 Section 25. It is the intention of the Legislature that the
250 Board of Trustees of State Institutions of Higher Learning
251 continue to review, and eliminate when possible, duplicating
252 programs and degrees in the existing institutions of higher
253 learning in this state.

254 Section 26. No state appropriations or student tuition and
255 fee receipts, except those specifically charged for the provision
256 of the services, shall be used to support auxiliary enterprises,
257 with the exception of intercollegiate athletics at a level
258 designated by the board of trustees. It is the intent of the
259 Legislature that auxiliary enterprises shall be self-supporting;
260 and that deficits not be taken from funds intended for instruction
261 and academic programs.

262 Section 27. However, none of the funds herein appropriated
263 shall be spent to defray tuition cost or subsidize in any way the



264 direct cost of education, ordinarily paid by the student, of any
265 nonresident alien enrolled in any state-supported institution of
266 higher learning in the State of Mississippi. However, this will
267 not apply to any nonresident alien student if the United States
268 has a reciprocal agreement with their country on subsidizing the
269 education of a United States citizen student.

270 Section 28. The Board of Trustees shall report yearly to the
271 Legislature the institution compliance with Section 97-11-51,
272 Mississippi Code of 1972, which prohibits deficit spending.

273 Section 29. Any funds appropriated pursuant to this act and
274 paid as a fee to or deposited in a financial institution shall be
275 in compliance with Section 109 of the Constitution of the State of
276 Mississippi and Section 25-4-103, Mississippi Code of 1972.

277 Section 30. In compliance with the "Mississippi Performance
278 Budget and Strategic Planning Act of 1994," it is the intent of
279 the Legislature that the funds provided herein shall be utilized
280 in the most efficient and effective manner possible to achieve the
281 intended mission of this agency. Based on the funding authorized,
282 this agency shall make every effort to attain the targeted
283 performance measures provided below:

| 284 | | FY2003 |
|-----|---|---------------|
| 285 | <u>Performance Measures</u> | <u>Target</u> |
| 286 | Instruction | |
| 287 | Maintain a Freshman (first-time, full-time) | |
| 288 | Retention rate from fall to fall | |
| 289 | that is at or above the national rate | |
| 290 | for 4-year public institutions as reported | |
| 291 | by American College Testing (% retention) | 75.00 |
| 292 | Maintain a Freshman (first-time, full-time) | |
| 293 | Undergraduate Graduation rate after 5 years | |
| 294 | for the system that is at or above the | |
| 295 | national rate of 4-year public institutions | |
| 296 | as reported by American College Testing | |



| | | |
|-----|---|-------|
| 297 | (% graduated) | 42.00 |
| 298 | Increase in Other Race Personnel with | |
| 299 | Academic Rank (%) | 0.00 |
| 300 | Increase in Number of Personnel with | |
| 301 | Academic Rank who hold Terminal Degrees | |
| 302 | (Includes Doctorate & First Professional | |
| 303 | Degrees) (%) | 0.00 |
| 304 | Research | |
| 305 | Change in Expenditures of Unrestricted | |
| 306 | E&G Funds for Research (%) | 0.00 |
| 307 | Academic Support | |
| 308 | Strive to Reach the Average Expenditure for | |
| 309 | Libraries as listed in the American Library | |
| 310 | Association Standards from Academic & | |
| 311 | Research Libraries (% change) | 0.00 |
| 312 | Increase the Expenditure of Unrestricted E&G | |
| 313 | Funds for Technology (%) | 0.00 |
| 314 | Operation & Maintenance | |
| 315 | Increase the Expenditures of Unrestricted E&G | |
| 316 | Funds for Upkeep Cost per Acre of Grounds | |
| 317 | (core on- & off-campus) Maintained (%) | 0.00 |
| 318 | Increase the Expenditure of Unrestricted E&G | |
| 319 | Funds for Operation & Maintenance Cost | |
| 320 | per Square Feet of Building (%) | 0.00 |
| 321 | Scholarships & Fellowships | |
| 322 | Change in Number of Students Receiving | |
| 323 | Scholarship Dollars from Unrestricted E&G | |
| 324 | Funds (%) | 0.00 |
| 325 | Change in Amount of Scholarship Dollars | |
| 326 | Awarded from Unrestricted E&G Funds (%) | 0.00 |
| 327 | Public Service | |
| 328 | Increase the Expenditures of Unrestricted E&G | |
| 329 | Funds for Public Service (%) | 0.00 |



330 Student Services

331 Increase the Expenditures of Unrestricted E&G

332 Funds for Undergraduate Admissions &

333 Records (%) 0.00

334 Increase the Expenditures of Unrestricted

335 E&G Funds for Undergraduate Financial

336 Aid (%) 0.00

337 Institutional Support

338 Change in Expenditures of Unrestricted E&G

339 Funds for Institutional Support per Fall

340 Full-time Equivalent Student (%) 0.00

341 A reporting of the degree to which the performance targets

342 set above have been or are being achieved shall be provided in the

343 agency's budget request submitted to the Joint Legislative Budget

344 Committee for Fiscal Year 2004.

345 Section 31. The money herein appropriated shall be paid by

346 the State Treasurer out of any money in the State Treasury to the

347 credit of the proper fund or funds as set forth in this act, upon

348 warrants issued by the State Fiscal Officer; and the State Fiscal

349 Officer shall issue his warrants upon requisitions signed by the

350 proper person, officer or officers, in the manner provided by law.

351 **SECTION 2.** This act shall take effect and be in force from

352 and after its passage.

