

By: Senator(s) Gordon, Little, Chaney,  
Burton, Frazier, Harden, Moffatt

To: Appropriations

SENATE BILL NO. 3120

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 2005; 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, 2004, and  
16 ending June 30, 2005..... \$ 245,798,973.00.

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, 2004, and ending  
27 June 30, 2005..... \$ 394,991,650.00.

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, 2004, and ending June 30, 2005:

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.** It is the intention of the Legislature that the  
37 Board of Trustees of State Institutions of Higher Learning shall  
38 allocate funds to the off-campus centers based on a minimum rate  
39 of sixty-five percent (65%) of the on-campus cost of a full-time  
40 equivalent student. The on-campus distribution is to be  
41 determined without regard to the costs incurred by any one or more  
42 of them in the operation of off-campus degree completing centers'  
43 classes. Off-campus centers which are operated jointly by two (2)  
44 or more institutions, the amount allocated to such centers shall  
45 be prorated among the institutions jointly operating such centers  
46 based on the full-time equivalent enrollment of such centers.

47           The board of trustees shall insure that the off-campus  
48 centers are not charged with any indirect or overhead cost  
49 prorated from any on-campus activity. It is the intention of the  
50 Legislature that the on-campus operations charge the off-campus  
51 centers with only actual direct charges.

52           **SECTION 5.** Of the funds appropriated in Section 1, the  
53 amount of One Hundred Fifty-seven Thousand Five Hundred Dollars  
54 (\$157,500.00) shall be used for the promotion and expenses of the  
55 Mississippi Governor's School for the Gifted and Talented.

56           Provided, however, that the Board of Trustees of State  
57 Institutions of Higher Learning shall develop the governing policy  
58 for faculty, course content and facilities selection on a  
59 competitive basis from all Mississippi senior colleges and  
60 universities. The Mississippi Governor's School for the Gifted

61 and Talented shall accept not less than one (1) high school  
62 student nominee from each accredited high school in Mississippi.  
63 The nominees, selected under criteria developed and adopted by the  
64 Board of Trustees of State Institutions of Higher Learning, shall  
65 be provided a three-week tuition-free program.

66 The Board of Trustees of State Institutions of Higher  
67 Learning shall compile and publish the report of the statewide  
68 evaluation committee on the leadership impact of graduates of this  
69 school. This report is to be a continuing study on the youthful  
70 leadership of the state.

71 **SECTION 6.** Of the funds appropriated in Section 1, the  
72 amount of Two Hundred Twenty-five Thousand Dollars (\$225,000.00)  
73 shall be used for the promotion and expenses of the Teacher Corps.

74 **SECTION 7.** It is the intent of the Legislature that no  
75 general funds authorized to be expended herein shall be used to  
76 replace federal funds and/or other special funds which are being  
77 used for salaries authorized under the provisions of this act and  
78 which are withdrawn and no longer available.

79 **SECTION 8.** Of the funds appropriated in Section 1, the  
80 following amounts shall be used as set forth:

- 81 (a) For Mississippi State University as interest  
82 on agricultural land script fund and  
83 interest on sale of university land, the  
84 sum of.....\$ 14,387.00.
- 85 (b) For the University of Mississippi as  
86 interest on original seminary fund, the  
87 sum of.....\$ 32,643.00.
- 88 (c) For the University of Mississippi as  
89 interest on 1904 land grant fund, the  
90 sum of.....\$ 9,965.00.
- 91 (d) For the University of Mississippi as  
92 interest on LaBauve Fund, the sum  
93 of.....\$ 1,420.00.

94 (e) For Mississippi University for Women  
95 as interest on funds paid into the  
96 State Treasury as proceeds of sale of  
97 land donated to the Industrial Institute  
98 and College by the United States  
99 Government, the sum of.....\$ 9,389.00.

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

103 **SECTION 9.** Of the funds appropriated in Section 2, the  
104 following amount shall be derived from Education Enhancement Funds  
105 deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi  
106 Code of 1972:

107 On-campus and off-campus support of Mississippi  
108 State University, the University of Mississippi,  
109 Mississippi University for Women, University of  
110 Southern Mississippi, Delta State University, Alcorn  
111 State University, Jackson State University, and  
112 Mississippi Valley State University for  
113 the sum of..... \$ 37,159,988.00.

114 **SECTION 10.** Of the funds provided herein to the Board of  
115 Trustees of State Institutions of Higher Learning, the following  
116 amount, or so much thereof as may be necessary, shall be expended  
117 by the Board of Trustees of State Institutions of Higher Learning  
118 for the purpose of defraying the costs associated with  
119 Ayers-related programs at Alcorn State University, Jackson State  
120 University and Mississippi Valley State University; interest on  
121 the Ayers Endowment Fund and any other Ayers-related activities  
122 associated with the implementation of the Remedial Decree of the  
123 District Courts.....\$ 14,246,000.00.

124 **SECTION 11.** It is the intention of the Legislature that the  
125 Board of Trustees of State Institutions of Higher Learning shall  
126 first use special funds to the greatest extent possible to defray

127 the costs of providing remediation at the state-supported  
128 institutions of higher learning.

129 **SECTION 12.** None of the funds appropriated by this act shall  
130 be expended for any purpose that is not actually required or  
131 necessary for performing any of the powers or duties of the Board  
132 of Trustees of State Institutions of Higher Learning, or any of  
133 the powers or duties of any institution under the jurisdiction of  
134 the board of trustees, that are authorized by the Mississippi  
135 Constitution of 1890, state or federal law, or rules or  
136 regulations that implement state or federal law.

137 **SECTION 13.** The Board of Trustees of State Institutions of  
138 Higher Learning shall submit to the Committee on Appropriations of  
139 both houses of the Mississippi Legislature by January 1, 2005, a  
140 consolidated report for all the several institutions under its  
141 jurisdiction, on forms and in a manner to be prescribed by the  
142 Legislative Budget Committee, which reflects the anticipated  
143 current restricted fund revenues for the 2005 fiscal year, and the  
144 budgeted use of such current restricted funds by major object  
145 category. For purposes of this section, the term "current  
146 restricted funds" shall be defined as those public funds available  
147 for financing university operations which are limited by the  
148 donor, or by an agency external to the Board of Trustees of State  
149 Institutions of Higher Learning, to specific purposes, programs,  
150 departments or schools, but shall not include endowment funds or  
151 private gifts exempted under the provisions of Section 27-103-5,  
152 Mississippi Code of 1972.

153 **SECTION 14.** It is the intention of the Legislature that the  
154 budget requests of the Institutions for Fiscal Year 2006 shall be  
155 submitted to the Joint Legislative Budget Committee in a format  
156 and level of detail comparable to the format and level of detail  
157 provided during the Fiscal Year 2005 budget request process.

158 **SECTION 15.** It is the intention of the Legislature that the  
159 Board of Trustees of State Institutions of Higher Learning

160 continue to review, and eliminate when possible, duplicating  
161 programs and degrees in the existing institutions of higher  
162 learning in this state.

163       **SECTION 16.** No state appropriations or student tuition and  
164 fee receipts, except those specifically charged for the provision  
165 of the services, shall be used to support auxiliary enterprises,  
166 with the exception of intercollegiate athletics at a level  
167 designated by the board of trustees. It is the intent of the  
168 Legislature that auxiliary enterprises shall be self-supporting;  
169 and that deficits not be taken from funds intended for instruction  
170 and academic programs.

171       **SECTION 17.** However, none of the funds herein appropriated  
172 shall be spent to defray tuition cost or subsidize in any way the  
173 direct cost of education, ordinarily paid by the student, of any  
174 nonresident alien enrolled in any state-supported institution of  
175 higher learning in the State of Mississippi. However, this will  
176 not apply to any nonresident alien student if the United States  
177 has a reciprocal agreement with their country on subsidizing the  
178 education of a United States citizen student.

179       **SECTION 18.** The Board of Trustees shall report yearly to the  
180 Legislature the institution compliance with Section 97-11-51,  
181 Mississippi Code of 1972, which prohibits deficit spending.

182       **SECTION 19.** Any funds appropriated pursuant to this act and  
183 paid as a fee to or deposited in a financial institution shall be  
184 in compliance with Section 109 of the Constitution of the State of  
185 Mississippi and Section 25-4-103, Mississippi Code of 1972.

186       **SECTION 20.** In compliance with the "Mississippi Performance  
187 Budget and Strategic Planning Act of 1994," it is the intent of  
188 the Legislature that the funds provided herein shall be utilized  
189 in the most efficient and effective manner possible to achieve the  
190 intended mission of this agency. Based on the funding authorized,  
191 this agency shall make every effort to attain the targeted  
192 performance measures provided below:

193		FY2005
194	<u>Performance Measures</u>	<u>Target</u>
195	Instruction	
196	Maintain a Freshman first-time, full-time	
197	retention rate from fall to fall that is	
198	at or above the national rate for	
199	4-year public institutions as reported	
200	by American College Testing (%)	75.20
201	Maintain a Freshman first-time, full-time	
202	undergraduate graduation rate after	
203	6-years for the system that is at or above	
204	the national rate of 4-year public	
205	institutions as reported by American	
206	College Testing (% Graduated)	52.40
207	Maintain other race personnel with	
208	academic rank at HBCU (%)	68.80
209	Maintain percent of personnel with	
210	academic rank who hold Terminal	
211	Degrees (Doctorate & First	
212	Professional Degrees) (%)	98.40
213	Research	
214	Maintain expenditures of unrestricted	
215	E&G Funds for Research (%)	4.02
216	Academic Support	
217	Strive to reach the 6% average expenditure	
218	for libraries as listed in American Library	
219	Association Standards for academic	
220	& research libraries (% Change)	4.67
221	Maintain expenditure of unrestricted	
222	E&G Funds for technology (%)	3.20
223	Student Services	
224	Maintain expenditures of unrestricted	
225	E&G Funds for Undergraduate	

226	Admissions & records (%)	1.24
227	Maintain expenditures of unrestricted E&G	
228	Funds for undergraduate Financial Aid (%)	1.66
229	Institutional Support	
230	Maintain expenditures of unrestricted E&G	
231	Funds for Institutional Support per Fall	
232	Full-time Equivalent Student (\$)	1,461.00
233	Operation & Maintenance	
234	Maintain expenditures of unrestricted	
235	E&G Funds for upkeep cost per acre	
236	of grounds (core & off-campus) (\$)	1,359.58
237	Maintain expenditures of unrestricted	
238	E&G Funds for operation & maintenance	
239	cost per square foot of building (\$)	1.17
240	Scholarship & Fellowships	
241	Maintain number of students receiving	
242	scholarship dollars from unrestricted	
243	E&G Funds (Students)	19,487
244	Maintain amount of scholarship dollars	
245	awarded from unrestricted E&G Funds (\$)	60,874,111.00
246	Public Service	
247	Maintain expenditures of Unrestricted	
248	E&G Funds for Public Services (%)	0.93
249	A reporting of the degree to which the performance targets	
250	set above have been or are being achieved shall be provided in the	
251	agency's budget request submitted to the Joint Legislative Budget	
252	Committee for Fiscal Year 2006.	
253	<b>SECTION 21.</b> The money herein appropriated shall be paid by	
254	the State Treasurer out of any money in the State Treasury to the	
255	credit of the proper fund or funds as set forth in this act, upon	
256	warrants issued by the State Fiscal Officer; and the State Fiscal	
257	Officer shall issue his warrants upon requisitions signed by the	
258	proper person, officer or officers, in the manner provided by law.	



259           **SECTION 22.** This act shall take effect and be in force from  
260 and after July 1, 2004.