

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

To: Appropriations

SENATE BILL NO. 3120
(As Sent to Governor)

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..... \$ 250,985,000.00.

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..... \$ 437,215,356.00.

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.** Upon the Ayers Settlement Agreement becoming
125 final and effective according to its terms (including, but not
126 limited, the exhaustion of all rights to appeal), it is the

127 intention of the Legislature that of the funds appropriated in
128 Section 2 the following sum, or so much thereof as may be
129 necessary, shall be allocated to the Board of Trustees of State
130 Institutions of Higher Learning for the purpose of paying
131 attorney's fees in compliance with the Settlement Agreement in the
132 case of Ayer's v. Musgrove, for the fiscal year beginning
133 July 1, 2004, and ending June 30, 2005..... \$ 1,000,000.00.

134 **SECTION 12.** It is the intention of the Legislature that the
135 Board of Trustees of State Institutions of Higher Learning shall
136 first use special funds to the greatest extent possible to defray
137 the costs of providing remediation at the state-supported
138 institutions of higher learning.

139 **SECTION 13.** None of the funds appropriated by this act shall
140 be expended for any purpose that is not actually required or
141 necessary for performing any of the powers or duties of the Board
142 of Trustees of State Institutions of Higher Learning, or any of
143 the powers or duties of any institution under the jurisdiction of
144 the board of trustees, that are authorized by the Mississippi
145 Constitution of 1890, state or federal law, or rules or
146 regulations that implement state or federal law.

147 **SECTION 14.** The Board of Trustees of State Institutions of
148 Higher Learning shall submit to the Committee on Appropriations of
149 both houses of the Mississippi Legislature by January 1, 2005, a
150 consolidated report for all the several institutions under its
151 jurisdiction, on forms and in a manner to be prescribed by the
152 Legislative Budget Committee, which reflects the anticipated
153 current restricted fund revenues for the 2005 fiscal year, and the
154 budgeted use of such current restricted funds by major object
155 category. For purposes of this section, the term "current
156 restricted funds" shall be defined as those public funds available
157 for financing university operations which are limited by the
158 donor, or by an agency external to the Board of Trustees of State
159 Institutions of Higher Learning, to specific purposes, programs,

160 departments or schools, but shall not include endowment funds or
161 private gifts exempted under the provisions of Section 27-103-5,
162 Mississippi Code of 1972.

163 **SECTION 15.** It is the intention of the Legislature that the
164 budget requests of the Institutions for Fiscal Year 2006 shall be
165 submitted to the Joint Legislative Budget Committee in a format
166 and level of detail comparable to the format and level of detail
167 provided during the Fiscal Year 2005 budget request process.

168 **SECTION 16.** It is the intention of the Legislature that the
169 Board of Trustees of State Institutions of Higher Learning
170 continue to review, and eliminate when possible, duplicating
171 programs and degrees in the existing institutions of higher
172 learning in this state.

173 **SECTION 17.** No state appropriations or student tuition and
174 fee receipts, except those specifically charged for the provision
175 of the services, shall be used to support auxiliary enterprises,
176 with the exception of intercollegiate athletics at a level
177 designated by the board of trustees. It is the intent of the
178 Legislature that auxiliary enterprises shall be self-supporting;
179 and that deficits not be taken from funds intended for instruction
180 and academic programs.

181 **SECTION 18.** However, none of the funds herein appropriated
182 shall be spent to defray tuition cost or subsidize in any way the
183 direct cost of education, ordinarily paid by the student, of any
184 nonresident alien enrolled in any state-supported institution of
185 higher learning in the State of Mississippi. However, this will
186 not apply to any nonresident alien student if the United States
187 has a reciprocal agreement with their country on subsidizing the
188 education of a United States citizen student.

189 **SECTION 19.** The Board of Trustees shall report yearly to the
190 Legislature the institution compliance with Section 97-11-51,
191 Mississippi Code of 1972, which prohibits deficit spending.

192 **SECTION 20.** Any funds appropriated pursuant to this act and
 193 paid as a fee to or deposited in a financial institution shall be
 194 in compliance with Section 109 of the Constitution of the State of
 195 Mississippi and Section 25-4-103, Mississippi Code of 1972.

196 **SECTION 21.** In compliance with the "Mississippi Performance
 197 Budget and Strategic Planning Act of 1994," it is the intent of
 198 the Legislature that the funds provided herein shall be utilized
 199 in the most efficient and effective manner possible to achieve the
 200 intended mission of this agency. Based on the funding authorized,
 201 this agency shall make every effort to attain the targeted
 202 performance measures provided below:

203	FY2005
204 <u>Performance Measures</u>	<u>Target</u>
205 Instruction	
206 Maintain a Freshman first-time, full-time 207 retention rate from fall to fall that is 208 at or above the national rate for 209 4-year public institutions as reported 210 by American College Testing (%)	75.20
211 Maintain a Freshman first-time, full-time 212 undergraduate graduation rate after 213 6-years for the system that is at or above 214 the national rate of 4-year public 215 institutions as reported by American 216 College Testing (% Graduated)	52.40
217 Maintain other race personnel with 218 academic rank at HBCU (%)	68.80
219 Maintain percent of personnel with 220 academic rank who hold Terminal 221 Degrees (Doctorate & First 222 Professional Degrees) (%)	98.40
223 Research	
224 Maintain expenditures of unrestricted	

225	E&G Funds for Research (%)	4.02
226	Academic Support	
227	Strive to reach the 6% average expenditure	
228	for libraries as listed in American Library	
229	Association Standards for academic	
230	& research libraries (% Change)	4.67
231	Maintain expenditure of unrestricted	
232	E&G Funds for technology (%)	3.20
233	Student Services	
234	Maintain expenditures of unrestricted	
235	E&G Funds for Undergraduate	
236	Admissions & records (%)	1.24
237	Maintain expenditures of unrestricted E&G	
238	Funds for undergraduate Financial Aid (%)	1.66
239	Institutional Support	
240	Maintain expenditures of unrestricted E&G	
241	Funds for Institutional Support per Fall	
242	Full-time Equivalent Student (\$)	1,461.00
243	Operation & Maintenance	
244	Maintain expenditures of unrestricted	
245	E&G Funds for upkeep cost per acre	
246	of grounds (core & off-campus) (\$)	1,359.58
247	Maintain expenditures of unrestricted	
248	E&G Funds for operation & maintenance	
249	cost per square foot of building (\$)	1.17
250	Scholarship & Fellowships	
251	Maintain number of students receiving	
252	scholarship dollars from unrestricted	
253	E&G Funds (Students)	19,487
254	Maintain amount of scholarship dollars	
255	awarded from unrestricted E&G Funds (\$)	60,874,111.00
256	Public Service	
257	Maintain expenditures of Unrestricted	

258 E&G Funds for Public Services (%) 0.93

259 A reporting of the degree to which the performance targets
260 set above have been or are being achieved shall be provided in the
261 agency's budget request submitted to the Joint Legislative Budget
262 Committee for Fiscal Year 2006.

263 **SECTION 22.** Of the funds appropriated under the provisions
264 of Section 2, Forty-two Million Two Hundred Twenty-three Thousand
265 Seven Hundred Six Dollars (\$42,223,706.00) shall be derived from
266 the Budget Contingency Fund created in Section 27-103-301,
267 Mississippi Code of 1972.

268 **SECTION 23.** Of the funds provided herein to the Board of
269 Trustees of State Institutions of Higher Learning, the following
270 amount, or so much thereof as may be necessary, shall be expended
271 to defray the costs of the Center for Advanced Vehicular Studies
272 at Mississippi State University..... \$ 3,500,000.00.

273 **SECTION 24.** Of the funds provided herein to the Board of
274 Trustees of State Institutions of Higher Learning, the following
275 amount, or so much thereof as may be necessary, shall be
276 allocated equally to Jackson State University, Mississippi State
277 University, the University of Mississippi, and the University of
278 Southern Mississippi for economic development, reorganization, and
279 relocation of efforts at those universities..... \$ 2,000,000.00.

280 **SECTION 25.** Of the funds provided herein to the Board of
281 Trustees of State Institutions of Higher Learning, the following
282 amount, or so much thereof as may be necessary, shall be allocated
283 to Mississippi State University - Meridian Branch.....
284 \$ 500,000.00.

285 **SECTION 26.** Of the funds provided herein to the Board of
286 Trustees of State Institutions of Higher Learning, the following
287 amount, or so much thereof as may be necessary, shall be provided
288 to Jackson State University for transfer to the Mississippi
289 Technology Alliance, and this amount shall be in addition to any

290 amount allocated to Jackson State University for the support of
291 on-campus and off-campus operations..... \$ 500,000.00.

292 **SECTION 27.** Of the funds provided herein to the Board of
293 Trustees of State Institutions of Higher Learning, the following
294 amount, or so much thereof as may be necessary, shall be allocated
295 to Greenville Higher Education Center..... \$ 250,000.00.

296 **SECTION 28.** Of the funds provided herein to the Board of
297 Trustees of State Institutions of Higher Learning, it is the
298 intention of the Legislature that the following amount, or so much
299 thereof as may be necessary, shall be provided to the Delta State
300 University Department of Commercial Aviation..... \$ 50,000.00.

301 **SECTION 29.** None of the funds appropriated by this act shall
302 be expended for the purpose of travel outside the United States.

303 **SECTION 30.** The money herein appropriated shall be paid by
304 the State Treasurer out of any money in the State Treasury to the
305 credit of the proper fund or funds as set forth in this act, upon
306 warrants issued by the State Fiscal Officer; and the State Fiscal
307 Officer shall issue his warrants upon requisitions signed by the
308 proper person, officer or officers, in the manner provided by law.

309 **SECTION 31.** This act shall take effect and be in force from
310 and after July 1, 2004.