

**REPORT OF CONFERENCE COMMITTEE**

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3120: Appropriation; IHL - General Support.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

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, 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:

	FY2005
<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 (%)	75.20
Maintain a Freshman first-time, full-time undergraduate graduation rate after 6-years for the system that is at or above the national rate of 4-year public institutions as reported by American College Testing (% Graduated)	52.40
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.

CONFEREES FOR THE SENATE

X (SIGNED)  
Jack Gordon

X (SIGNED)  
Mike Chaney

X (SIGNED)  
Terry C. Burton

CONFEREES FOR THE HOUSE

X (SIGNED)  
Johnny W. Stringer

X (SIGNED)  
Jack Gadd

X (SIGNED)  
Lee Jarrell Davis