

House Amendments to Senate Bill No. 3120

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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..... \$ 249,799,858.00.

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..... \$ 421,950,792.00.

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:

	FY2005
<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 **SECTION 21.** Of the funds appropriated under the provisions
 254 of Section 2, Twenty-four Million Five Hundred Seventy-four
 255 Thousand Dollars (\$24,574,000.00) shall be derived from the Budget
 256 Contingency Fund created in Section 27-103-301, Mississippi Code
 257 of 1972.

258 **SECTION 22.** None of the funds appropriated by this act shall
 259 be expended for the purpose of travel outside the United States.

260 **SECTION 23.** The money herein appropriated shall be paid by
 261 the State Treasurer out of any money in the State Treasury to the
 262 credit of the proper fund or funds as set forth in this act, upon
 263 warrants issued by the State Fiscal Officer; and the State Fiscal
 264 Officer shall issue his warrants upon requisitions signed by the
 265 proper person, officer or officers, in the manner provided by law.

266 **SECTION 24.** This act shall take effect and be in force from
 267 and after July 1, 2004.

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Don Richardson
 Clerk of the House of Representatives