

## 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. 2915: IHL Board; representative of student body presidents shall attend meetings.

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:

19           **SECTION 1.** Section 37-101-3, Mississippi Code of 1972, is  
20 amended as follows:

21           37-101-3. (1) The Governor, by and with the advice and  
22 consent of the Senate, shall appoint the members of the Board of  
23 Trustees of State Institutions of Higher Learning, one (1) member  
24 from each congressional district of the state as existing as of  
25 March 31, 1944, one (1) member from each Supreme Court district  
26 and two (2) members from the state at large, with the terms of  
27 each to begin on May 8, 1944. One-third (1/3) of the membership  
28 of said board so appointed shall be appointed for a period of four  
29 (4) years, one-third (1/3) for a period of eight (8) years and  
30 one-third (1/3) for a period of twelve (12) years. On the  
31 expiration of any of said terms of office the Governor shall  
32 appoint successors, by and with the advice and consent of the  
33 Senate, for terms of twelve (12) years in each case.

34           The current president, or his/her designee, of the Student  
35 Body President's Council of Mississippi (SBPCM) shall have a  
36 reserved seat at each meeting of the Board of Trustees of State  
37 Institutions of Higher Learning. No less than once a year, the  
38 board shall seek the advise and counsel of the student body  
39 president's organization.

40           (2) In case of a vacancy on said board by death or  
41 resignation of a member or from any other cause than the  
42 expiration of such member's term of office, the board shall elect  
43 his successor who shall hold office until the end of the next  
44 session of the Legislature. During such term of the session of  
45 the Legislature the Governor shall appoint the successor member of  
46 the board from the district from which his predecessor was  
47 appointed to hold office until the end of the period or term for  
48 which said original trustee was appointed, to the end that  
49 one-third (1/3) of such trustees' terms shall expire each four (4)  
50 years.

51           (3) The Executive Director of the State Board for Community  
52 and Junior Colleges, or his designee, and one (1) member of the  
53 State Board for Community and Junior Colleges to be designated by  
54 the chairman of said board, shall attend all regular meetings of  
55 the Board of Trustees of State Institutions of Higher Learning.  
56 Said community/junior college representatives shall have no  
57 jurisdiction or vote on any matter within the jurisdiction of the  
58 board. The Executive Director of the State Board for Community  
59 and Junior Colleges and any designee who is a state employee shall  
60 receive no per diem for attending meetings of the board, but shall  
61 be entitled to actual and necessary expense reimbursement and  
62 mileage for attending meetings at locations other than Jackson,  
63 Mississippi. The designee of the State Board for Community and  
64 Junior Colleges shall receive per diem compensation as authorized  
65 by Section 25-3-69, Mississippi Code of 1972, for attending said  
66 meetings, and shall be entitled to reimbursement for actual  
67 expense reimbursement and mileage, which shall be paid from funds  
68 appropriated to the Board of Trustees of State Institutions of  
69 Higher Learning.

70           **SECTION 2.** Section 25-41-5, Mississippi Code of 1972, is  
71 amended as follows:

72           25-41-5. (1) All official meetings of any public body,  
73 unless otherwise provided in this chapter or in the Constitutions  
74 of the United States of America or the State of Mississippi, are  
75 declared to be public meetings and shall be open to the public at  
76 all times unless declared an executive session as provided in  
77 Section 25-41-7.

78           (2) A public body may conduct any meeting, other than an  
79 executive session called pursuant to Section 25-41-7, wherein  
80 public business is discussed or transacted, through teleconference  
81 or video means. If a quorum of the public body is physically  
82 assembled at one (1) location for the purpose of conducting a  
83 meeting, additional members of the public body may participate in  
84 the meeting through teleconference or video means provided their  
85 participation is available to the general public. A quorum of the  
86 Board of Trustees of State Institutions of Higher Learning as  
87 prescribed in Section 37-101-9 and the State Board for Community  
88 and Junior Colleges as prescribed in Sections 37-4-3 and 37-4-4  
89 may be at different locations for the purpose of conducting a  
90 meeting through teleconference or video means provided their  
91 participation is available to the general public.

92           (3) (a) Notice of any meetings held pursuant to subsection  
93 (2) of this section shall be provided at least thirty (30) days in  
94 advance of the date scheduled for the meeting. The notice shall  
95 include the date, time, place and purpose for the meeting and  
96 shall identify the locations for the meeting. All locations for  
97 the meeting shall be made accessible to the public. All persons  
98 attending the meeting at any of the meeting locations shall be  
99 afforded the same opportunity to address the public body as  
100 persons attending the primary or central location. Any  
101 interruption in the teleconference or video broadcast of the  
102 meeting shall result in the suspension of action at the meeting  
103 until repairs are made and public access restored.

104           (b) Thirty-day notice shall not be required for  
105 teleconference or video meetings continued to address an emergency  
106 as provided in subsection (5) of this section or to conclude the  
107 agenda of a teleconference or video meeting of the public body for  
108 which the proper notice has been given, when the date, time, place  
109 and purpose of the continued meeting are set during the meeting  
110 prior to adjournment.

111           (4) An agenda and materials that will be distributed to  
112 members of the public body and that have been made available to  
113 the staff of the public body in sufficient time for duplication  
114 and forwarding to all locations where public access will be  
115 provided shall be made available to the public at the time of the  
116 meeting. Minutes of all meetings held by teleconference or video  
117 means shall be recorded as required by Section 25-41-11. Votes  
118 taken during any meeting conducted through teleconference or video  
119 means shall be recorded by name in roll-call fashion and included  
120 in the minutes. In addition, the public body shall make an audio  
121 recording of the meeting, if a teleconference medium is used, or  
122 an audio/visual recording, if the meeting is held by video means.  
123 The recording shall be preserved by the public body for a period  
124 of three (3) years following the date of the meeting and shall be  
125 available to the public.

126           (5) A public body may meet by teleconference or video means  
127 as often as needed if an emergency exists and the public body is  
128 unable to meet in regular session. Public bodies conducting  
129 emergency meetings through teleconference or video means shall  
130 comply with the provisions of subsection (4) of this section  
131 requiring minutes, recordation and preservation of the audio or  
132 audio/visual recording of the meeting. The nature of the  
133 emergency shall be stated in the minutes.

134           **SECTION 3.** Section 37-106-29, Mississippi Code of 1972, is  
135 amended as follows:

136           37-106-29. (1) There is established the Mississippi  
137 Resident Tuition Assistance Grant Program for college or  
138 university freshmen, sophomores, juniors and seniors to be  
139 administered by the Mississippi Postsecondary Education Financial  
140 Assistance Board established under Section 37-106-9, Mississippi  
141 Code of 1972, which shall set the dates and deadlines for applying  
142 for an award under this section. The board shall establish such  
143 rules and regulations as it deems necessary and proper to carry  
144 out the purposes and intent of this section.

145           (2) The college or university shall approve grants to  
146 full-time freshmen, sophomore, junior and senior Mississippi  
147 residents who meet the general requirements for student  
148 eligibility as provided in subsection (4) of this section.

149           (3) Mississippi Resident Tuition Assistance Grants shall be  
150 for Mississippi students from any Mississippi family whose prior  
151 year adjusted gross income (AGI) exceeds the maximum allowed to  
152 qualify for full Pell Grant eligibility and campus-based federal  
153 aid. Those Mississippi students receiving less than the full Pell  
154 Grant award, as determined by the institution, shall receive a  
155 Mississippi Resident Tuition Assistance Grant in an amount not to  
156 exceed the maximum Pell Grant allowable for that individual  
157 student. The award shall be applied to tuition, rooms and meals,  
158 books, materials and fees not to exceed One Thousand Dollars  
159 (\$1,000.00) for junior and senior students attending state  
160 institutions of higher learning in Mississippi or four-year  
161 regionally accredited, state-approved, nonprofit colleges and  
162 universities in Mississippi, and Five Hundred Dollars (\$500.00)  
163 for freshmen and sophomores attending state institutions of higher  
164 learning or public community or junior colleges in Mississippi, or  
165 regionally accredited, state-approved, nonprofit two-year or  
166 four-year colleges in Mississippi, which will be prorated per  
167 term, semester or quarter of the academic year for costs of

168 attendance, calculated according to the formula specified in  
169 subsection (8) of this section.

170 (4) The general requirements for initial eligibility of  
171 students for Mississippi Resident Tuition Assistance Grants  
172 consist of the following:

173 (a) Member of a Mississippi family whose prior year  
174 adjusted gross income (AGI) exceeds the maximum allowed to qualify  
175 for Pell Grant eligibility and campus-based federal aid.

176 (b) Acceptance for enrollment at any state institution  
177 of higher learning or public community or junior college located  
178 in Mississippi, or any regionally accredited, state-approved,  
179 nonprofit four- or two-year college or university located in  
180 Mississippi as listed in subsection (d) of this Section  
181 37-106-29(4): (i) a minimum grade point average of 2.5 calculated  
182 on a 4.0 scale after seven (7) semesters certified by the high  
183 school counselor or other authorized school official on the  
184 application and graduation from high school verified by the  
185 institution before disbursement of award and has scored fifteen  
186 (15) on the American College Test Program (ACT); or (ii) has  
187 attended a home education program during grade levels 9 through  
188 12, and has scored fifteen (15) on the American College Testing  
189 Program; or (iii) satisfactory completion of the General  
190 Educational Development Test (GED) or have successfully completed  
191 the International Baccalaureate Program and has scored fifteen  
192 (15) on the American College Testing Program; provided, however,  
193 that any student entering a vocational or technical program of  
194 study, or who has satisfactorily completed the General Education  
195 Development Test and attends a community or junior college will  
196 not be required to have a test score under the American College  
197 Testing Program except those students enrolled in courses of  
198 academic study. Any student currently enrolled in any qualified

199 institution shall have to only meet the same requirements as  
200 students who are applying for a renewal award.

201 (c) Resident status for purposes of receiving grants  
202 under this section shall be determined in the same manner as  
203 resident status for tuition purposes as set forth in Sections  
204 37-103-1 through 37-103-29, with the exception of 37-103-17.

205 (d) Must attend one (1) of the following institutions  
206 of higher learning: Alcorn State University, Delta State  
207 University, Jackson State University, Mississippi State  
208 University, Mississippi University for Women, Mississippi Valley  
209 State University, University of Mississippi, University of  
210 Southern Mississippi, Coahoma Community College, Copiah-Lincoln  
211 Community College, East Central Community College, East  
212 Mississippi Community College, Hinds Community College, Holmes  
213 Community College, Itawamba Community College, Jones County Junior  
214 College, Meridian Community College, Mississippi Delta Community  
215 College, Mississippi Gulf Coast Community College, Northeast  
216 Mississippi Community College, Northwest Mississippi Community  
217 College, Pearl River Community College, Southwest Mississippi  
218 Community College, Belhaven College, Blue Mountain College,  
219 Millsaps College, Mississippi College, Rust College, Tougaloo  
220 College, William Carey College, Mary Holmes College, Magnolia  
221 Bible College, Wood College and Wesley College.

222 (5) By accepting a Mississippi Resident Tuition Assistance  
223 Grant, the student is attesting to the accuracy, completeness and  
224 correctness of information provided to demonstrate the student's  
225 eligibility. Falsification of such information shall result in  
226 the denial of any pending grant and revocation of any award  
227 currently held to the extent that no further payments shall be  
228 made. Any student knowingly making false statements in order to  
229 receive a grant shall be guilty of a misdemeanor punishable, upon  
230 conviction thereof, by a fine of up to Ten Thousand Dollars

231 (\$10,000.00), a prison sentence of up to one (1) year in the  
232 county jail, or both, and shall be required to return all  
233 Mississippi Resident Tuition Assistance Grants wrongfully  
234 obtained.

235 (6) Eligibility for renewal of Mississippi Resident Tuition  
236 Assistance Grants shall be evaluated at the end of each semester,  
237 or term, of each academic year. As a condition for renewal, a  
238 student shall:

239 (a) Make steady academic progress toward a certificate  
240 or degree, as outlined in the school Satisfactory Academic  
241 Progress Standards and certified by the institution's registrar.

242 (b) Maintain continuous enrollment for not less than  
243 two (2) semesters or three (3) quarters in each successive  
244 academic year, unless granted an exception for cause by the  
245 administering agency; examples of cause may include student  
246 participation in a cooperative program, internship program or  
247 foreign study program. If a student fails to maintain continuous  
248 enrollment, and is not granted an exception for cause by the  
249 administering agency, the student is ineligible to receive the  
250 Mississippi Resident Tuition Assistance Grant during the following  
251 semester or trimester or term of the regular academic year.

252 (c) Have a cumulative grade point average of at least  
253 2.50 calculated on a 4.0 scale at the end of each semester or  
254 trimester or term.

255 (7) Each student, each year, must complete a Free  
256 Application for Federal Student Aid form or a Statement of  
257 Certification as designed by the administering board to determine  
258 his/her eligibility for a Mississippi Resident Tuition Assistance  
259 Grant.

260 (8) (a) The amount of the Mississippi Resident Tuition  
261 Assistance Grant awarded to any one (1) student, up to the maximum  
262 amount provided in subsection (3) of this section, shall be the



263 difference of the student's cost of attendance at his accredited  
264 college of choice and the amount of federal aid such student may  
265 receive, not to supplant but to supplement the amount of any  
266 federal aid awarded to the student. Cost of attendance is the  
267 tuition and fees of the applicable institution plus an allowance  
268 for room and meals and books and materials.

269 (b) Payment of the Mississippi Resident Tuition  
270 Assistance Grant shall be made payable to the recipient and the  
271 educational institution and mailed directly to the institution, to  
272 be applied first to tuition.

273 (9) In order for an institution to remain eligible for its  
274 students to participate in the Mississippi Resident Tuition  
275 Assistance Grant Program, the institution shall comply with the  
276 following requirements:

277 (a) A complete and accurate roster of the eligibility  
278 status of each awarded student shall be made to the board for each  
279 term, semester or quarter of the academic year the student  
280 receives a Mississippi Resident Tuition Assistance Grant.

281 (b) The institution is required to make refunds to the  
282 Mississippi Resident Tuition Assistance Grant Fund for any funds  
283 which have not been disbursed to the recipient, in the case of  
284 students who have received a grant but who terminate enrollment  
285 during the academic term, semester or quarter of the academic year  
286 if an institution's refund policies permit a student to receive a  
287 refund in such instance. The recipient shall be responsible for  
288 the refund of any funds which have been disbursed by the  
289 institution in such instance.

290 (c) If a student drops below full-time status but does  
291 not terminate all enrollment during the term, semester or quarter  
292 of the academic year no refund will be required for that term.  
293 However, that student is ineligible to receive the Mississippi

294 Resident Tuition Assistance Grant during the following term,  
295 semester or quarter of the regular academic year.

296 (d) The board may conduct its own annual audits of any  
297 institution participating in the Mississippi Resident Tuition  
298 Assistance Grant Program. The board may suspend or revoke an  
299 institution's eligibility to receive future monies under the  
300 program if it finds that the institution has not complied with the  
301 provisions of this section. In determining a student's initial  
302 eligibility, the number of prior semesters enrolled will not be  
303 counted against the student.

304 (10) No student may receive a Mississippi Resident Tuition  
305 Assistance Grant for more than the equivalent semesters or  
306 quarters required to complete one (1) baccalaureate degree or one  
307 (1) certificate or associate degree program per institution.

308 (11) Subject to the availability of funds specifically  
309 appropriated therefor, it is the intent of the Legislature to  
310 fully fund grant awards to eligible students. If funds are  
311 insufficient to fully fund grant awards to eligible students,  
312 grant awards shall be prorated among all eligible students. No  
313 student shall receive any combination of student financial aid in  
314 excess of the cost of attendance as defined in subsection (8)(a).

315 (12) No student receiving a Mississippi Eminent Scholars  
316 Grant as provided in Section 37-106-31 shall be eligible to  
317 receive the Mississippi Resident Tuition Assistance Grant pursuant  
318 to Section 37-106-29 unless he is eligible for such award after  
319 the Mississippi Eminent Scholars Grant has been considered by the  
320 board when conducting an assessment of the financial resources  
321 available to the student. In no case shall any student receive  
322 any combination of student financial aid that would exceed the  
323 cost of attendance, as defined in subsection (8)(a).

324 For purposes of this section, certificated shall mean, but  
325 not be limited to, all postsecondary vocational programs in

326 eligible institutions as identified in subsection (4)(d) of this  
327 section.

328         **SECTION 4.** The following provision shall be codified as  
329 Section 37-141-6, Mississippi Code of 1972:

330         37-141-6. The Board of Trustees of State Institutions of  
331 Higher Learning shall be authorized to charge state agencies and  
332 other entities that occupy portions of the Paul B. Johnson, Jr.,  
333 Building, the Edsel E. Thrash Universities Center and the ETV  
334 Building for utilities, maintenance and security. Entities shall  
335 be charged at a rate of One Dollar and Fifty Cents (\$1.50) per  
336 square foot for services provided by the board.

337         **SECTION 5.** This act shall take effect and be in force from  
338 and after July 1, 2006.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1         AN ACT TO AMEND SECTION 37-101-3, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE CURRENT PRESIDENT OF THE UNIVERSITY STUDENT  
3 BODY PRESIDENT'S COUNCIL SHALL HAVE A RESERVED SEAT AT MEETINGS OF  
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND  
5 SHALL ADVISE THE BOARD ON AN ANNUAL BASIS; TO AMEND SECTION  
6 25-41-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A QUORUM OF THE  
7 MEMBERS OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
8 LEARNING AND THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO  
9 ASSEMBLE AT DIFFERENT PHYSICAL LOCATIONS AND MEET THROUGH  
10 TELECONFERENCE OR VIDEO MEANS; TO AMEND SECTION 37-106-29,  
11 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INSTITUTIONS OF HIGHER  
12 LEARNING ELIGIBLE TO PARTICIPATE IN THE MISSISSIPPI RESIDENT  
13 TUITION ASSISTANCE GRANT PROGRAM; TO CODIFY SECTION 37-141-6,  
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF TRUSTEES OF  
15 STATE INSTITUTIONS OF HIGHER LEARNING TO CHARGE STATE AGENCIES AND  
16 OTHER ENTITIES THAT OCCUPY THE RESEARCH AND DEVELOPMENT CENTER FOR  
17 CERTAIN SERVICES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
Harden

X (SIGNED)  
Wilemon

X (SIGNED)  
Walls

CONFEREES FOR THE HOUSE

X (SIGNED)  
Young

X (SIGNED)  
Gadd

X (SIGNED)  
Montgomery