

House Amendments to Senate Bill No. 3129

TO THE SECRETARY OF THE SENATE:

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

AMENDMENT NO. 1

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 2008; 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, 2007, and
16 ending June 30, 2008..... \$ 360,602,559.00.

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, 2007, and ending
27 June 30, 2008..... \$ 466,388,530.00.

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, 2007, and ending June 30, 2008:

33 Alcorn State University. \$254,700.00
34 Jackson State University \$390,600.00
35 Mississippi Valley State University. . . \$254,700.00

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 Sixty-five Thousand Dollars (\$265,000.00)
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..... \$ 58,393,255.00.

114 **SECTION 10.** Of the funds provided herein to the Board of
115 Trustees of the State Institutions of Higher Learning, Twenty-six
116 Million Six Hundred Thousand Dollars (\$26,600,000.00) shall be
117 available to be expended by the Board of Trustees of State
118 Institutions of Higher Learning for the purpose of defraying the
119 costs associated with the implementation of the Ayers Settlement
120 as follows:

121 Ayers related programs at Alcorn State University, Jackson
122 State University and Mississippi Valley State University
123\$20,200,000.00
124 Ayers Endowment Fund.....\$ 5,000,000.00
125 Interest on the Ayers Endowment Fund.....\$ 900,000.00
126 Ayers Summer Development Program.....\$ 500,000.00

127 **SECTION 11.** It is the intention of the Legislature that the
128 Board of Trustees of State Institutions of Higher Learning shall
129 first use special funds to the greatest extent possible to defray
130 the costs of providing remediation at the state-supported
131 institutions of higher learning.

132 **SECTION 12.** None of the funds appropriated by this act shall
133 be expended for any purpose that is not actually required or
134 necessary for performing any of the powers or duties of the Board
135 of Trustees of State Institutions of Higher Learning, or any of

136 the powers or duties of any institution under the jurisdiction of
137 the board of trustees, that are authorized by the Mississippi
138 Constitution of 1890, state or federal law, or rules or
139 regulations that implement state or federal law.

140 **SECTION 13.** The Board of Trustees of State Institutions of
141 Higher Learning shall submit to the Committee on Appropriations of
142 both houses of the Mississippi Legislature by January 1, 2008, a
143 consolidated report for all the several institutions under its
144 jurisdiction, on forms and in a manner to be prescribed by the
145 Legislative Budget Committee, which reflects the anticipated
146 current restricted fund revenues for the 2008 fiscal year, and the
147 budgeted use of such current restricted funds by major object
148 category. For purposes of this section, the term "current
149 restricted funds" shall be defined as those public funds available
150 for financing university operations which are limited by the
151 donor, or by an agency external to the Board of Trustees of State
152 Institutions of Higher Learning, to specific purposes, programs,
153 departments or schools, but shall not include endowment funds or
154 private gifts exempted under the provisions of Section 27-103-5,
155 Mississippi Code of 1972.

156 **SECTION 14.** To reduce the cost of, and slow the progression
157 of, end-stage renal disease, the legislatively created Chronic
158 Kidney Disease Task Force, in conjunction with the Board of Health
159 and the University Medical Center, shall develop a plan to educate
160 health care professionals about the advantages of end-stage renal
161 disease modality education, including peritoneal dialysis, prior
162 to the onset of end-stage renal disease when kidney function is
163 declining.

164 **SECTION 15.** It is the intention of the Legislature that the
165 budget requests of the Institutions for Fiscal Year 2009 shall be
166 submitted to the Joint Legislative Budget Committee in a format
167 and level of detail comparable to the format and level of detail
168 provided during the Fiscal Year 2008 budget request process.

169 **SECTION 16.** It is the intention of the Legislature that the
170 Board of Trustees of State Institutions of Higher Learning

171 continue to review, and eliminate when possible, duplicating
172 programs and degrees in the existing institutions of higher
173 learning in this state.

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

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

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

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

	FY08
<u>Performance Measures</u>	<u>Target</u>
198 Instruction	
199 Maintain a Freshman first-time, full-time	
200 retention rate from fall to fall that	
201 is at or above the national rate for	
202 4-year public institutions as reported	
203 by American College Testing (%)	74.00
204 Maintain a Freshman first-time, full-time	
205 undergraduate graduation rate after	

206	6-years for the system that is at or above	
207	the national rate of 4-year public	
208	institutions as reported by American	
209	College Testing (% Graduated)	54.20
210	Maintain other race personnel with	
211	academic rank at HBCU (%)	33.00
212	Maintain percent of personnel with	
213	academic rank who hold Terminal	
214	Degrees (Doctorate & First	
215	Professional Degrees) (%)	77.00
216	Research	
217	Maintain expenditures of unrestricted	
218	E&G Funds for Research (%)	4.00
219	Public Service	
220	Maintain expenditures of Unrestricted	
221	E&G Funds for Public Services (%)	1.00
222	Academic Support	
223	Strive to reach the 6% average expenditure	
224	for libraries as listed in American Library	
225	Association Standards for academic	
226	& research libraries (% Change)	6.00
227	Maintain expenditure of unrestricted	
228	E&G Funds for technology (%)	0
229	Student Services	
230	Maintain expenditures of unrestricted	
231	E&G Funds for Undergraduate	
232	Admissions & records (%)	0
233	Maintain expenditures of unrestricted	
234	E&G Funds for undergraduate Financial	
235	Aid (%)	0
236	Institutional Support	
237	Maintain expenditures of unrestricted E&G	
238	Funds for Institutional Support per	
239	Fall Full-time Equivalent Student (\$)	1,600.00
240	Operation & Maintenance	

241 Maintain expenditures of unrestricted
 242 E&G Funds for upkeep cost per acre
 243 of grounds (core & off-campus) (\$) 0
 244 Maintain expenditures of unrestricted
 245 E&G Funds for operation & maintenance
 246 cost per square foot of building (\$) 0
 247 Scholarship & Fellowships
 248 Maintain number of students receiving
 249 scholarship dollars from unrestricted
 250 E&G Funds (Students) 20,420
 251 Maintain amount of scholarship dollars
 252 awarded from unrestricted E&G
 253 Funds (\$) 78,286,669.00

254 A reporting of the degree to which the performance targets
 255 set above have been or are being achieved shall be provided in the
 256 agency's budget request submitted to the Joint Legislative Budget
 257 Committee for Fiscal Year 2009.

258 **SECTION 21.** Of the funds provided herein to the Board of
 259 Trustees of State Institutions of Higher Learning, the following
 260 amount, or so much thereof as may be necessary, shall be
 261 allocated equally to Jackson State University, Mississippi State
 262 University, the University of Mississippi, and the University of
 263 Southern Mississippi for economic development, reorganization, and
 264 relocation of efforts at those universities..... \$ 3,000,000.00.

265 **SECTION 22.** Of the funds provided herein to the Board of
 266 Trustees of State Institutions of Higher Learning, the following
 267 amount, or so much thereof as may be necessary, shall be allocated
 268 to Mississippi State University - Meridian Branch.....
 269 \$ 900,000.00.

270 **SECTION 23.** Of the funds provided herein to the Board of
 271 Trustees of State Institutions of Higher Learning, the following
 272 or so much thereof as may be necessary, shall be allocated to
 273 Jackson State University for transfer to the Mississippi
 274 Technology Alliance, and this amount shall be in addition to any

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

277 **SECTION 24.** Of the funds provided herein to the Board of
278 Trustees of State Institutions of Higher Learning, the following
279 amount, or so much thereof as may be necessary, shall be allocated
280 to Greenville Higher Education Center/Mississippi Delta Community
281 College \$ 300,000.00.

282 **SECTION 25.** Of the funds provided herein to the Board of
283 Trustees of State Institutions of Higher Learning, the following
284 sum or so much thereof as may be necessary, shall be allocated to
285 the University of Southern Mississippi for the commercialization
286 and economic development in Mississippi Polymer
287 Institutes.....\$ 100,000.00.

288 **SECTION 26.** It is the intention of the Legislature that
289 whenever two (2) or more bids are received by this agency for the
290 purchase of commodities or equipment, and whenever all things
291 stated in such received bids are equal with respect to price,
292 quality and service, the Mississippi Industries for the Blind
293 shall be given preference. A similar preference shall be given to
294 the Mississippi Industries for the Blind whenever purchases are
295 made without competitive bids.

296 **SECTION 27.** Of the funds provided herein to the Board of
297 Trustees of State Institutions of Higher Learning, the following
298 amount, or so much thereof as may be necessary, shall be allocated
299 to Jackson State University- E-Learning Center.....
300\$ 100,000.00.

301 **SECTION 28.** Of the funds provided herein to the Board of
302 Trustees of State Institutions of Higher Learning, the following
303 amount, or so much thereof as may be necessary, shall be allocated
304 to the Delta State University- E-Learning Center...\$ 300,000.00.

305 **SECTION 29.** It is the intent of the Legislature that at the
306 end of Fiscal Year 2008, any unexpended balances in Ayers programs
307 funds established pursuant to this act shall not lapse into the
308 State General Fund, but shall carry over and be available for

309 expenditure in the succeeding fiscal year, and subject to
310 Legislative appropriation.

311 **SECTION 30.** None of the funds appropriated by this act shall
312 be expended for the purpose of travel outside the United States.

313 **SECTION 31.** It is legislative intent to ensure beneficial
314 information reaches as many Mississippians as possible. Further,
315 it is legislative intent that the expenditure of public funds for
316 this purpose be accomplished in an efficient and effective manner.

317 Therefore, state agencies as standard procedure, will observe
318 the following criteria:

319 (1) Develop goals and desired result for a campaign.

320 (2) Evaluate effectiveness through respected advertising
321 standards, including market reach and cost effectiveness.

322 (3) Seek public service announcements, which would be aired
323 by media without cost.

324 (4) Itemize and justify professional assistance and related
325 expenses for creative and production costs outside of the actual
326 media expenditures.

327 (5) Utilize Mississippi owned media companies when feasible.

328 **SECTION 32.** None of the funds herein appropriated shall be
329 spent to defray tuition cost or subsidize in any way the direct
330 cost of education, ordinarily paid by the student, of any
331 nonresident alien enrolled in any state-supported institution of
332 higher learning in the State of Mississippi. However, this will
333 not apply to any nonresident alien student if the United States
334 has a reciprocal agreement with their country on subsidizing the
335 education of a United States citizen student.

336 **SECTION 33.** Of the funds provided herein to the Board of
337 Trustees of State Institutions of Higher Learning, the following
338 sum or so much thereof as may be necessary, shall be allocated to
339 Delta State University Department of Commercial Aviation.....
340 \$ 500,000.00

341 **SECTION 34.** It is the intention of the Legislature that with
342 the funds provided in this act a salary increase in the amount of

343 Six Thousand Dollars (\$6,000.00) per full-time equivalent shall be
344 awarded to all nursing faculty effective July 1, 2007.

345 **SECTION 35.** The money herein appropriated shall be paid by
346 the State Treasurer out of any money in the State Treasury to the
347 credit of the proper fund or funds as set forth in this act, upon
348 warrants issued by the State Fiscal Officer; and the State Fiscal
349 Officer shall issue his warrants upon requisitions signed by the
350 proper person, officer or officers, in the manner provided by law.

351 **SECTION 36.** This act shall take effect and be in force from
352 and after July 1, 2007.

HR05\SB3129A.1J

Don Richardson
Clerk of the House of Representatives