

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 3129**

**BY: Committee**

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.