

By: Senator(s) Polk

To: Universities and
Colleges; Appropriations

SENATE BILL NO. 2058

1 AN ACT TO CLARIFY FUNDING FORMULA CALCULATIONS FOR
2 STATE-SUPPORTED UNIVERSITIES AND COMMUNITY COLLEGES IN THE STATE
3 OF MISSISSIPPI IN ORDER TO PROVIDE FOR ACCOUNTABILITY AND
4 EFFICIENCY; TO PROVIDE RESTRICTIONS ON STATE FUNDING OF ACADEMIC
5 REMEDIAL COURSES OF INSTRUCTION FOR UNDERGRADUATE STUDENTS
6 ATTENDING STATE-SUPPORTED UNIVERSITIES AND COMMUNITY COLLEGES; TO
7 PROVIDE FOR THE WITHHOLDING AND TRANSFER OF ADEQUATE EDUCATION
8 PROGRAMS TO UNIVERSITIES AND COMMUNITY COLLEGES PROVIDING SUCH
9 REMEDIAL EDUCATION COURSES; TO PROVIDE A PERFORMANCE-BASED FUNDING
10 FORMULA FOR STATE-SUPPORTED UNIVERSITIES AND COMMUNITY COLLEGES TO
11 BE IMPLEMENTED ON A PHASED-IN BASIS AND TO PRESCRIBE THE
12 COMPONENTS OF THAT FORMULA; TO AMEND SECTIONS 37-101-15 AND
13 37-4-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO REQUIRE THE
14 DEPARTMENT OF FINANCE AND ADMINISTRATION TO ACQUIRE AND DISPOSE OF
15 ANY REAL PROPERTY ON BEHALF OF ANY STATE INSTITUTION OF HIGHER
16 LEARNING; TO AMEND SECTION 37-113-7, MISSISSIPPI CODE OF 1972, TO
17 AUTHORIZE THE DEPARTMENT TO SELL CERTAIN REAL PROPERTY ON BEHALF
18 OF MISSISSIPPI STATE UNIVERSITY; TO AMEND SECTION 37-115-1,
19 MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTHORITY OF THE
20 UNIVERSITY OF MISSISSIPPI TO ACQUIRE AND DISPOSE OF REAL PROPERTY
21 ON BEHALF OF SAID UNIVERSITY AND ITS SUBDIVISIONS; AND FOR RELATED
22 PURPOSES.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

24 **SECTION 1.** (1) Beginning with undergraduate students who
25 commence undergraduate studies in the 2013-2014 academic year, no
26 state-supported institution of higher learning or community
27 college shall receive any state funding for any academic remedial
28 or developmental courses for undergraduate students, including



29 courses prescribed in the Mississippi core curriculum for high
30 school graduation under state accreditation regulations, except as
31 provided in subsection (2) of this section.

32 (2) Beginning with the 2013-2014 academic year, each state
33 institution of higher learning shall report to the Board of
34 Trustees of State Institutions of Higher Learning the high school
35 and school district from which each student who receives academic
36 remedial education in the preceding semester of study and the cost
37 to the institution for providing that education. In like manner,
38 each public community college shall report to the Mississippi
39 Community College Board the high school and school district from
40 which each student who receives academic remedial education in the
41 preceding semester of study and the cost to the community college
42 for providing that education. The Board of Trustees of State
43 Institutions of Higher Learning and the Mississippi Community
44 College Board shall develop and publish a report regarding the
45 total cost for remedial education for all students served in the
46 preceding semester and submit a statement for cost reimbursement
47 to the State Department of Education not later than one (1) month
48 following the end of the preceding semester, and shall forward the
49 report to the Governor and the Chairmen of the Universities and
50 Colleges Committees of the Senate and House of Representatives.
51 The State Department of Education shall reimburse the Board of
52 Trustees of State Institutions of Higher Learning or the
53 Mississippi Community College Board, as the case may be, for the



54 cost for remedial education for all students served in the
55 preceding semester and shall withhold a pro rata amount from the
56 Mississippi Adequate Education Program (MAEP) distribution to the
57 applicable school district in order to reimburse the applicable
58 university or community college for the cost of such remedial
59 education. The State Department of Education shall transfer the
60 amounts withheld from adequate education program distributions to
61 the applicable entity not later than one (1) month from the date
62 such funds are withheld. The State Department of Education shall
63 include a recap of such transfers on its official website and on
64 the school districts annual report card.

65 (3) In the case of a student who attended a nonpublic high
66 school or a school from another state, the university or community
67 college shall assess the student for any remedial education
68 provided in order to reimburse the applicable university or
69 community college for the cost of such remedial education.

70 (4) Each state university and public community college may
71 continue to offer academic remedial and developmental courses at
72 its main campus beyond the extent for which state funding may be
73 paid under this section. However, the university or community
74 college shall not receive any state operating funding for such
75 courses except as provided in subsection (2) of this section.

76 (5) Each state university and public community college shall
77 grant credit for academic remedial or developmental courses
78 successfully completed at a nonpublic community college or



79 nonpublic university pursuant to any applicable articulation and
80 transfer agreements the university or community college has
81 entered into in accordance with policies and procedures adopted by
82 the Board of Trustees of State Institutions of Higher Learning or
83 the Mississippi Community College Board, as the case may be.

84 (6) The Board of Trustees of State Institutions of Higher
85 Learning and the Mississippi Community College Board shall do all
86 of the following:

87 (a) Adopt uniform statewide standards for academic
88 remedial and developmental courses offered by all state
89 institutions of higher learning and community colleges;

90 (b) Encourage and assist in the design and
91 establishment of academic remedial and developmental courses by
92 institutions of higher learning and community colleges; and

93 (c) Encourage and assist in the development of
94 articulation and transfer agreements between state universities,
95 other institutions of higher education, public community colleges
96 and other nonpublic community colleges.

97 **SECTION 2. Funding formula - institutions of higher learning**
98 **and community colleges.** (1) (a) The funding formula model for

99 institutions of higher learning and community colleges shall serve
100 as a framework for implementing the goals of the State of
101 Mississippi. The model shall ensure adequate, equitable, and
102 stable funding and be based on reliable and uniform data. The
103 model shall be simple to understand, sensitive to universities'



104 and community colleges differing missions, and responsive to
105 changes within the universities and colleges and shall make
106 provisions for special-purpose units.

107 (b) The model shall hold universities and community
108 colleges accountable for increasing the educational attainment
109 levels of Mississippi citizens by:

110 (i) Addressing the state's economic development
111 and workforce needs;

112 (ii) Promoting increased degree production while
113 maintaining a high level of rigor;

114 (iii) Acknowledging the unique mission of each
115 university and community college and allowing for collaboration
116 and minimal redundancy in degree offerings and competitive
117 research;

118 (iv) Promoting a seamless and integrated system of
119 postsecondary education designed to meet the needs of all
120 students;

121 (v) Addressing institutional accountability for
122 the quality of instruction and student learning, including
123 remedial instruction;

124 (vi) Addressing the different needs for lower
125 level, upper level and graduate level instruction at the various
126 institutions;

127 (vii) Addressing the requirements for specialized
128 equipment, labs and smaller class sizes in some disciplines;



129 (viii) Addressing unique missions; and
130 (ix) Addressing growth, economies of scale, and
131 other appropriate factors.

132 (2) By December 31, 2013, the Board of Trustees of State
133 Institutions of Higher Learning, in collaboration with the state
134 university presidents and chancellor, and the Mississippi
135 Community College Board, in collaboration with the presidents of
136 the community colleges, shall develop funding formulas which will,
137 in principle, seek to provide fair and equitable state support to
138 all postsecondary students across the state, regardless of the
139 state institution attended, consistent with the model developed
140 under subsection (1) of this section. The funding formulas for
141 community colleges and universities shall be comprised of a
142 needs-based component and an outcome-centered component.

143 (3) The outcome-centered component shall constitute
144 twenty-five percent (25%) of funding for community colleges and
145 universities by the 2018-2019 school year and shall be phased in
146 at a rate of five percent (5%) per year beginning in the 2014-2015
147 school year as provided in subsection (5) of this section. The
148 needs-based component shall constitute seventy-five percent (75%)
149 of funding for community colleges and universities by the
150 2018-2019 school year.

151 (4) The outcome-centered component measures shall begin in
152 the 2013-2014 school year, but may include outcomes from multiple
153 previous years.



154 (a) The outcome-centered component shall seek to
155 promote and increase the satisfactory progression, matriculation
156 and graduation of all students enrolled in community colleges and
157 universities.

158 (b) The Mississippi Community College Board and the
159 Board of Trustees of State Institutions of Higher Learning shall
160 consider the unique factors of each community college and
161 university, as the case may be, when developing the
162 outcome-centered component, including utilizing variables that may
163 be weighted to reinforce the mission of each community college and
164 university and provide incentives for increased credential
165 production.

166 (c) The outcome-centered component shall include, at a
167 minimum:

168 (i) End-of-course enrollment;

169 (ii) Student retention;

170 (iii) Student progression toward credential
171 completion;

172 (iv) Number of credentials awarded, including an
173 emphasis on high-demand credentials;

174 (v) Student transfer activity;

175 (vi) Research activity;

176 (vii) Number of graduates from underserved
177 populations;

178 (viii) Course completion;



- 179 (ix) Degree completion;
- 180 (x) Critical needs shortage areas;
- 181 (xi) Minority students;
- 182 (xii) Economically disadvantaged students; and
- 183 (xiii) Nontraditional students.

184 (5) Each university's and community college's total state
185 funding received shall be calculated at:

186 (a) Ninety-five percent (95%) under the needs-based
187 funding formula model and five percent (5%) on the
188 outcome-centered funding formula model for the 2014-2015 school
189 year;

190 (b) Ninety percent (90%) under the needs-based funding
191 formula model and ten percent (10%) on the outcome-centered
192 funding formula model for the 2015-2016 school year;

193 (c) Eighty-five percent (85%) under the needs-based
194 funding formula model and fifteen percent (15%) on the
195 outcome-centered funding formula model for the 2016-2017 school
196 year;

197 (d) Eighty percent (80%) under the needs-based funding
198 formula model and twenty percent (20%) on the outcome-centered
199 funding formula model for the 2017-2018 school year; and

200 (e) Beginning in the 2018-2019 school year, funding
201 shall be based on seventy-five percent (75%) under the needs-based
202 funding formula model and twenty-five percent (25%) on the
203 outcome-centered funding formula model.



204 (6) (a) By December 31, 2013, the Board of Trustees of
205 State Institutions of Higher Learning and the Mississippi
206 Community College Board shall present the funding formulas
207 approved, including both the needs-based component and the
208 outcome-centered component, to the Chairmen of the Appropriations
209 and Universities and Colleges Committees of the Senate and House,
210 and to the Governor.

211 (b) The Board of Trustees of State Institutions of
212 Higher Learning and the Mississippi Community College Board shall
213 review the funding formulas set forth in this act annually and
214 make written recommendations for appropriate modifications or
215 changes to the Chairmen of the Appropriations and Universities and
216 Colleges Committees of the Senate and House, and the Governor by
217 October 15 of the year prior to each regular session of the
218 Legislature.

219 (7) It is the intent of the Legislature that the
220 outcome-centered component of funding formulas for community
221 colleges and universities become the primary component for funding
222 purposes.

223 **SECTION 3.** Section 37-101-15, Mississippi Code of 1972, is
224 amended as follows:

225 37-101-15. (a) The Board of Trustees of State Institutions
226 of Higher Learning shall succeed to and continue to exercise
227 control of all records, books, papers, equipment, and supplies,
228 and all lands, buildings, and other real and personal property



229 belonging to or assigned to the use and benefit of the board of
230 trustees formerly supervising and controlling the institutions of
231 higher learning named in Section 37-101-1. The board shall have
232 and exercise control of the use, distribution and disbursement of
233 all funds, appropriations and taxes, now and hereafter in
234 possession, levied and collected, received, or appropriated for
235 the use, benefit, support, and maintenance or capital outlay
236 expenditures of the institutions of higher learning, including the
237 authorization of employees to sign vouchers for the disbursement
238 of funds for the various institutions, except where otherwise
239 specifically provided by law.

240 (b) The board shall have general supervision of the affairs
241 of all the institutions of higher learning, including the
242 departments and the schools thereof. The board shall have the
243 power in its discretion to determine who shall be privileged to
244 enter, to remain in, or to graduate therefrom. The board shall
245 have general supervision of the conduct of libraries and
246 laboratories, the care of dormitories, buildings, and grounds; the
247 business methods and arrangement of accounts and records; the
248 organization of the administrative plan of each institution; and
249 all other matters incident to the proper functioning of the
250 institutions. The board shall have the authority to establish
251 minimum standards of achievement as a prerequisite for entrance
252 into any of the institutions under its jurisdiction, which



253 standards need not be uniform between the various institutions and
254 which may be based upon such criteria as the board may establish.

255 (c) The board shall exercise all the powers and prerogatives
256 conferred upon it under the laws establishing and providing for
257 the operation of the several institutions herein specified. The
258 board shall adopt such bylaws and regulations from time to time as
259 it deems expedient for the proper supervision and control of the
260 several institutions of higher learning, insofar as such bylaws
261 and regulations are not repugnant to the Constitution and laws,
262 and not inconsistent with the object for which these institutions
263 were established. The board shall have power and authority to
264 prescribe rules and regulations for policing the campuses and all
265 buildings of the respective institutions, to authorize the arrest
266 of all persons violating on any campus any criminal law of the
267 state, and to have such law violators turned over to the civil
268 authorities.

269 (d) For all institutions specified herein, the board shall
270 provide a uniform system of recording and of accounting approved
271 by the State Department of Audit. The board shall annually
272 prepare, or cause to be prepared, a budget for each institution of
273 higher learning for the succeeding year which must be prepared and
274 in readiness for at least thirty (30) days before the convening of
275 the regular session of the Legislature. All relationships and
276 negotiations between the State Legislature and its various
277 committees and the institutions named herein shall be carried on



278 through the board of trustees. No official, employee or agent
279 representing any of the separate institutions shall appear before
280 the Legislature or any committee thereof except upon the written
281 order of the board or upon the request of the Legislature or a
282 committee thereof.

283 (e) For all institutions specified herein, the board shall
284 prepare an annual report to the Legislature setting forth the
285 disbursements of all monies appropriated to the respective
286 institutions. Each report to the Legislature shall show how the
287 money appropriated to the several institutions has been expended,
288 beginning and ending with the fiscal years of the institutions,
289 showing the name of each teacher, officer, and employee, and the
290 salary paid each, and an itemized statement of each and every item
291 of receipts and expenditures. Each report must be balanced, and
292 must begin with the former balance. If any property belonging to
293 the state or the institution is used for profit, the reports shall
294 show the expense incurred in managing the property and the amount
295 received therefrom. The reports shall also show a summary of the
296 gross receipts and gross disbursements for each year and shall
297 show the money on hand at the beginning of the fiscal period of
298 the institution next preceding each session of the Legislature and
299 the necessary amount of expense to be incurred from said date to
300 January 1 following. The board shall keep the annual expenditures
301 of each institution herein mentioned within the income derived
302 from legislative appropriations and other sources, but in case of



303 emergency arising from acts of providence, epidemics, fire or
304 storm with the written approval of the Governor and by written
305 consent of a majority of the senators and of the representatives
306 it may exceed the income. The board shall require a surety bond
307 in a surety company authorized to do business in this state, of
308 every employee who is the custodian of funds belonging to one or
309 more of the institutions mentioned herein, which bond shall be in
310 a sum to be fixed by the board in an amount that will properly
311 safeguard the said funds, the premium for which shall be paid out
312 of the funds appropriated for said institutions.

313 (f) The board shall have the power and authority to elect
314 the heads of the various institutions of higher learning and to
315 contract with all deans, professors, and other members of the
316 teaching staff, and all administrative employees of said
317 institutions for a term of not exceeding four (4) years. The
318 board shall have the power and authority to terminate any such
319 contract at any time for malfeasance, inefficiency, or
320 contumacious conduct, but never for political reasons. It shall
321 be the policy of the board to permit the executive head of each
322 institution to nominate for election by the board all subordinate
323 employees of the institution over which he presides. It shall be
324 the policy of the board to elect all officials for a definite
325 tenure of service and to reelect during the period of satisfactory
326 service. The board shall have the power to make any adjustments



327 it thinks necessary between the various departments and schools of
328 any institution or between the different institutions.

329 (g) The board shall keep complete minutes and records of all
330 proceedings which shall be open for inspection by any citizen of
331 the state.

332 (h) The board shall have the power to contract, on a
333 shared-savings, lease or lease-purchase basis, for energy
334 efficiency services and/or equipment as prescribed in Section
335 31-7-14, not to exceed ten (10) years.

336 (i) The Board of Trustees of State Institutions of Higher
337 Learning, for and on behalf of Jackson State University, is hereby
338 authorized to convey by donation or otherwise easements across
339 portions of certain real estate located in the City of Jackson,
340 Hinds County, Mississippi, for right-of-way required for the Metro
341 Parkway Project.

342 (j) In connection with any international contract between
343 the board or one (1) of the state's institutions of higher
344 learning and any party outside of the United States, the board or
345 institution that is the party to the international contract is
346 hereby authorized and empowered to include in the contract a
347 provision for the resolution by arbitration of any controversy
348 between the parties to the contract relating to such contract or
349 the failure or refusal to perform any part of the contract. Such
350 provision shall be valid, enforceable and irrevocable without
351 regard to the justiciable character of the controversy. Provided,



352 however, that in the event either party to such contract initiates
353 litigation against the other with respect to the contract, the
354 arbitration provision shall be deemed waived unless asserted as a
355 defense on or before the responding party is required to answer
356 such litigation.

357 (k) The Board of Trustees of State Institutions of Higher
358 Learning ("board"), on behalf of any institution under its
359 jurisdiction, shall purchase and maintain business property
360 insurance and business personal property insurance on all
361 university-owned buildings and/or contents as required by federal
362 law and regulations of the Federal Emergency Management Agency
363 (FEMA) as is necessary for receiving public assistance or
364 reimbursement for repair, reconstruction, replacement or other
365 damage to those buildings and/or contents caused by the Hurricane
366 Katrina Disaster of 2005 or subsequent disasters. The board is
367 authorized to expend funds from any available source for the
368 purpose of obtaining and maintaining that property insurance. The
369 board is authorized to enter into agreements with the Department
370 of Finance and Administration, local school districts,
371 community/junior college districts, community hospitals and/or
372 other state agencies to pool their liabilities to participate in a
373 group business property and/or business personal property
374 insurance program, subject to uniform rules and regulations as may
375 be adopted by the Department of Finance and Administration.



376 (1) The Board of Trustees of State Institutions of Higher
377 Learning, or its designee, may approve the payment or
378 reimbursement of reasonable travel expenses incurred by candidates
379 for open positions at the board's executive office or at any of
380 the state institutions of higher learning, when the job candidate
381 has incurred expenses in traveling to a job interview at the
382 request of the board, the Commissioner of Higher Education or a
383 state institution of higher learning administrator.

384 (m) From and after July 1, 2013, the Board of Trustees of
385 State Institutions of Higher Learning, in collaboration with the
386 university presidents, the Mississippi Community College Board and
387 the community college presidents, shall revise and institute a
388 performance-based funding formula which complies with the
389 components of this act.

390 **SECTION 4.** Section 37-4-3, Mississippi Code of 1972, is
391 amended as follows:

392 37-4-3. (1) From and after July 1, 1986, there shall be a
393 Mississippi Community College Board which shall receive and
394 distribute funds appropriated by the Legislature for the use of
395 the public community and junior colleges and funds from federal
396 and other sources that are transmitted through the state
397 governmental organization for use by said colleges. This board
398 shall provide general coordination of the public community and
399 junior colleges, assemble reports and such other duties as may be
400 prescribed by law.



401 (2) The board shall consist of ten (10) members of which
402 none shall be an elected official and none shall be engaged in the
403 educational profession. The Governor shall appoint two (2)
404 members from the First Mississippi Congressional District, one (1)
405 who shall serve an initial term of two (2) years and one (1) who
406 shall serve an initial term of five (5) years; two (2) members
407 from the Second Mississippi Congressional District, one (1) who
408 shall serve an initial term of five (5) years and one (1) who
409 shall serve an initial term of three (3) years; and two (2)
410 members from the Third Mississippi Congressional District, one (1)
411 who shall serve an initial term of four (4) years and one (1) who
412 shall serve an initial term of two (2) years; two (2) members from
413 the Fourth Mississippi Congressional District, one (1) who shall
414 serve an initial term of three (3) years and one (1) who shall
415 serve an initial term of four (4) years; and two (2) members from
416 the Fifth Mississippi Congressional District, one (1) who shall
417 serve an initial term of five (5) years and one (1) who shall
418 serve an initial term of two (2) years. All subsequent
419 appointments shall be for a term of six (6) years and continue
420 until their successors are appointed and qualify. An appointment
421 to fill a vacancy which arises for reasons other than by
422 expiration of a term of office shall be for the unexpired term
423 only. No two (2) appointees shall reside in the same junior
424 college district. All members shall be appointed with the advice
425 and consent of the Senate.



426 (3) There shall be a chairman and vice chairman of the
427 board, elected by and from the membership of the board; and the
428 chairman shall be the presiding officer of the board. The board
429 shall adopt rules and regulations governing times and places for
430 meetings and governing the manner of conducting its business.

431 (4) The members of the board shall receive no annual salary,
432 but shall receive per diem compensation as authorized by Section
433 25-3-69, Mississippi Code of 1972, for each day devoted to the
434 discharge of official board duties and shall be entitled to
435 reimbursement for all actual and necessary expenses incurred in
436 the discharge of their duties, including mileage as authorized by
437 Section 25-3-41, Mississippi Code of 1972.

438 (5) The board shall name a director for the state system of
439 public junior and community colleges, who shall serve at the
440 pleasure of the board. Such director shall be the chief executive
441 officer of the board, give direction to the board staff, carry out
442 the policies set forth by the board, and work with the presidents
443 of the several community and junior colleges to assist them in
444 carrying out the mandates of the several boards of trustees and in
445 functioning within the state system and policies established by
446 the Mississippi Community College Board. The Mississippi
447 Community College Board shall set the salary of the Director of
448 the State System of Community and Junior Colleges. The
449 Legislature shall provide adequate funds for the Mississippi
450 Community College Board, its activities and its staff.



451 (6) The powers and duties of the Mississippi Community
452 College Board shall be:

453 (a) To authorize disbursements of state appropriated
454 funds to community and junior colleges through orders in the
455 minutes of the board.

456 (b) To make studies of the needs of the state as they
457 relate to the mission of the community and junior colleges.

458 (c) To approve new, changes to and deletions of
459 vocational and technical programs to the various colleges.

460 (d) To require community and junior colleges to supply
461 such information as the board may request and compile, publish and
462 make available such reports based thereon as the board may deem
463 advisable.

464 (e) To approve proposed new attendance centers (campus
465 locations) as the local boards of trustees should determine to be
466 in the best interest of the district. Provided, however, that no
467 new community/junior college branch campus shall be approved
468 without an authorizing act of the Legislature.

469 (f) To serve as the state approving agency for federal
470 funds for proposed contracts to borrow money for the purpose of
471 acquiring land, erecting, repairing, etc. dormitories, dwellings
472 or apartments for students and/or faculty, such loans to be paid
473 from revenue produced by such facilities as requested by local
474 boards of trustees.



475 (g) To approve applications from community and junior
476 colleges for state funds for vocational-technical education
477 facilities.

478 (h) To approve any university branch campus offering
479 lower undergraduate level courses for credit.

480 (i) To appoint members to the Post-Secondary
481 Educational Assistance Board.

482 (j) To appoint members to the Authority for Educational
483 Television.

484 (k) To contract with other boards, commissions,
485 governmental entities, foundations, corporations or individuals
486 for programs, services, grants and awards when such are needed for
487 the operation and development of the state public community and
488 junior college system.

489 (l) To fix standards for community and junior colleges
490 to qualify for appropriations, and qualifications for community
491 and junior college teachers.

492 (m) To have sign-off approval on the State Plan for
493 Vocational Education which is developed in cooperation with
494 appropriate units of the State Department of Education.

495 (n) To approve or disapprove of any proposed inclusion
496 within municipal corporate limits of state-owned buildings and
497 grounds of any community college or junior college and to approve
498 or disapprove of land use development, zoning requirements,
499 building codes and delivery of governmental services applicable to



500 state-owned buildings and grounds of any community college or
501 junior college. Any agreement by a local board of trustees of a
502 community college or junior college to annexation of state-owned
503 property or other conditions described in this paragraph shall be
504 void unless approved by the board and by the board of supervisors
505 of the county in which the state-owned property is located.

506 (o) From and after July 1, 2013, the Mississippi
507 Community College Board, in collaboration with the presidents of
508 the community colleges, the Board of Trustees of State
509 Institutions of Higher Learning and the presidents and chancellor
510 of the state-supported universities, shall institute a
511 performance-based funding formula consistent with the components
512 prescribed in this act.

513 **SECTION 5.** It is the intent of the Legislature that the
514 provisions of this act shall be applicable only to the extent
515 possible within the scope of any federal court consent judgment or
516 any federal court order imposed upon any public university or
517 college within the state. The provisions of this act shall be in
518 effect and shall be enforceable only within the scope of such
519 federal court order.

520 **SECTION 6.** (1) For the purpose of this section, the term
521 "institution" refers to any state institution of higher learning
522 specified in Section 37-101-1. The provisions of this section
523 shall supersede the authority of any institution and the Board of



524 Trustees of State Institutions of Higher Learning to acquire and
525 dispose of any real property on behalf of any institution.

526 (2) After June 30, 2013, the sale or purchase of any real
527 property on behalf of any institution shall require legislative
528 approval and shall be subject to this section, Section 27-104-107
529 and Section 29-1-1.

530 (3) The Department of Finance and Administration is hereby
531 authorized, in its discretion, to acquire by purchase, gift or
532 otherwise, any real property required by and for the use of any
533 institution, and said institution may hold, use and operate such
534 real property in conducting its authorized and necessary program
535 of work. Said institution and its subdivisions may hold and
536 operate real property needed in its program of operations without
537 the benefit of state funds specifically appropriated for the
538 purchase of such properties. Such properties shall be acquired or
539 purchased on the recommendation of the president of said
540 institution and approved by the Department of Finance and
541 Administration.

542 (4) The Department of Finance and Administration may sell
543 any such real property purchased or otherwise acquired under the
544 authority of this section for the use of the institution or its
545 subdivisions when such property is not needed in the institution's
546 programs of operations. Such properties shall be sold on the
547 recommendation of the president of the institution and approved by
548 the Department of Finance and Administration. The proceeds from



549 the sale of such properties may be used to purchase other real
550 properties for the use of the institution or may be retained by
551 the institution for its operations. Consideration for the sale of
552 real property under this section shall not be less than the fair
553 market price thereof as determined by a professional property
554 appraiser selected and approved by the Department of Finance and
555 Administration. Said appraisal shall be filed with the Department
556 of Finance and Administration at least thirty (30) days prior to
557 the proposed sale of said property. Appraisal fees shall be
558 shared equally by the institution and the purchaser.

559 (5) The title to all lands held by any institution shall
560 appear on all deeds and land records under the name of the "State
561 of Mississippi." A deed may also recite the name of the
562 institution for whose benefit and use the land is acquired, but
563 the recital shall not be deemed or construed to be a limitation on
564 the grant or an impairment of title held by the State of
565 Mississippi.

566 (6) Prior to July 1, 2013, each institution shall inventory
567 any state-held lands which are titled in the name of the
568 institution. The institution shall execute quitclaim deeds and
569 any other necessary documents to transfer the name and title of
570 the property to the State of Mississippi. Institutions shall
571 furnish to the Secretary of State certified copies of the
572 quitclaim deeds and all other deeds whereby the institution has
573 acquired or disposed of state-held land.



574 **SECTION 7.** Section 37-113-7, Mississippi Code of 1972, is
575 amended as follows:

576 37-113-7. (1) The * * * Department of Finance and
577 Administration is hereby authorized, in its discretion, to acquire
578 by purchase, gift, or otherwise, any real property required by and
579 for the use of Mississippi State University of Agriculture and
580 Applied Science, and said university is authorized to hold, use
581 and operate such real property in conducting its authorized and
582 necessary program of work. This section is designed to make it
583 possible for said university and its subdivisions to acquire, hold
584 and operate real property needed in its program of operations
585 without the benefit of state funds specifically appropriated for
586 the purchase of such properties. Such properties shall be
587 acquired or purchased on the recommendation of the Director of the
588 Mississippi Agricultural and Forestry Experimental Station made to
589 the president of said university and approved by the * * *
590 Department of Finance and Administration.

591 (2) The * * * Department of Finance and Administration is
592 hereby authorized, in its discretion, to sell any such real
593 property purchased or otherwise acquired under the authority of
594 subsection (1) for the use of Mississippi State University of
595 Agriculture and Applied Science or its subdivisions when such
596 property is not needed in the university's programs of operations.
597 Such properties shall be sold on the recommendation of the
598 Director of the Mississippi Agricultural and Forestry Experimental



599 Station made to the president of the university and approved by
600 the * * * Department of Finance and Administration. The proceeds
601 from the sale of such properties may be used to purchase other
602 real properties for the use of the university under the provisions
603 of subsection (1), or may be retained by the university for its
604 operations. Consideration for the sale of real property hereunder
605 shall not be less than the fair market price thereof as determined
606 by a professional property appraiser selected and approved by
607 the * * * Department of Finance and Administrations. Said
608 appraisal shall be filed with the * * * Department of Finance and
609 Administrations * * * at least thirty (30) days prior to the
610 proposed sale of said property. Appraisal fees shall be shared
611 equally by the university and the purchaser.

612 (3) The * * * Department of Finance and Administration is
613 hereby authorized and empowered to sell the following described
614 property owned by Mississippi State University of Agriculture and
615 Applied Science in Oktibbeha County, Mississippi, to wit:

616 Commence at the Northeast corner of the Southeast
617 Quarter of Section 15, Township 19 North, Range 15 East,
618 Oktibbeha County, Mississippi and use as the point of
619 beginning. Thence run West along the North boundary of
620 the South Half of Section 15 a distance of 3,997 feet to
621 the East right-of-way of Macon-Aberdeen Road; thence run
622 South along said right-of-way a distance of 20 feet;
623 thence run East a distance of 800 feet; thence run South



624 78 degrees 41' East a distance of 102 feet; thence run
625 East a distance of 410 feet; thence run South a distance
626 of 1,107 feet; thence run East a distance of 2,687 feet
627 to the East boundary of Section 15; thence run North
628 along said East boundary of Section 15 a distance of
629 1,147 feet to the point of beginning. Being 71.56 acres
630 located in the East Three Quarter of the South Half of
631 Section 15, Township 19 North, Range 15 East, Oktibbeha
632 County, Mississippi.

633 The proceeds from the sale of said property shall be used by
634 the * * * Department of Finance and Administration to purchase
635 other real property adjacent or in close proximity to the
636 Mississippi State University of Agriculture and Applied Science,
637 or its subdivisions, suitable for use in the university's programs
638 of operation. Consideration for the sale and purchase of said
639 property shall be for the fair market price thereof as determined
640 by a professional property appraiser selected and approved by
641 the * * * Department of Finance and Administration. Said
642 appraisals shall be filed with the * * * Department of Finance and
643 Administration at least thirty (30) days prior to the proposed
644 sale or purchase of said property. Appraisal fees shall be shared
645 equally by the university and the purchaser in the case of the
646 sale herein authorized, and by the university and the seller(s) in
647 the case of the purchase herein authorized.



648 (4) The * * * Department of Finance and Administration is
649 hereby authorized and empowered to sell the following described
650 property owned by Mississippi State University of Agriculture and
651 Applied Science in George County, Mississippi, to wit:

652 The South West Quarter of the North West Quarter of
653 Section Twenty, in Township One South of Range Six West,
654 of the St. Stephens Meridian, Mississippi, containing
655 Forty and Thirty One Hundredths of an acre.

656 The proceeds from the sale of said property shall be used by
657 the * * * Department of Finance and Administration to purchase
658 other real property adjacent or in close proximity to the
659 Mississippi State University of Agriculture and Applied Science,
660 or its subdivisions, suitable for use in the university's programs
661 of operation. Consideration for the sale and purchase of said
662 property shall be for the fair market price thereof as determined
663 by a professional property appraiser selected and approved by
664 the * * * Department of Finance and Administration. Said
665 appraisals shall be filed with the * * * Department of Finance and
666 Administration at least thirty (30) days prior to the proposed
667 sale or purchase of said property. Appraisal fees shall be shared
668 equally by the university and the purchaser in the case of the
669 sale herein authorized, and by the university and the seller(s) in
670 the case of the purchase herein authorized.

671 (5) The * * * Department of Finance and Administration is
672 hereby authorized and empowered to sell the following described



673 property owned by Mississippi State University of Agriculture and
674 Applied Science in Lauderdale County, Mississippi, to wit:

675 The Northeast Quarter of the Northeast Quarter of
676 Section 2, in Township 6, Range 16 East, plus applicable
677 easements and mineral rights thereto.

678 The proceeds from the sale of said property shall be used by
679 the * * * Department of Finance and Administration to purchase
680 other real property adjacent or in close proximity to the
681 Mississippi State University of Agriculture and Applied Science,
682 or its subdivisions, suitable for use in the university's programs
683 of operation. Consideration for the sale and purchase of said
684 property shall be for the fair market price thereof as determined
685 by a professional property appraiser selected and approved by
686 the * * * Department of Finance and Administration. Said
687 appraisals shall be filed with the * * * Department of Finance and
688 Administration at least thirty (30) days prior to the proposed
689 sale or purchase of said property. Appraisal fees shall be shared
690 equally by the university and the purchaser in the case of the
691 sale herein authorized, and by the university and the seller(s) in
692 the case of the purchase herein authorized.

693 (6) When any property is sold by the * * * Department of
694 Finance and Administration pursuant to this section, the * * *
695 department shall retain for the State of Mississippi any mineral
696 rights which the board or the university has in such land.



697 **SECTION 8.** Section 37-115-1, Mississippi Code of 1972, is
698 amended as follows:

699 37-115-1. The University of Mississippi, incorporated on the
700 twenty-fourth of February, A.D., 1844, shall continue to exist as
701 a body-politic and corporate by that name and style, with all its
702 property, real and personal, and with all the franchises, rights,
703 powers and privileges heretofore conferred on it by law or
704 properly incident to such a body and necessary to accomplish the
705 end of its creation; said university may receive * * * and
706 hold * * * all real and personal property conveyed to it for such
707 purpose.

708 **SECTION 9.** This act shall take effect and be in force from
709 and after July 1, 2013.

