

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1036: 2004 Education Contingent Fund; create and provide from transfer and deposit of certain funds into.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
  
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

20           **SECTION 1.** The State Treasurer shall transfer to the Budget  
21 Contingency Fund created in Section 27-103-301, Mississippi Code  
22 of 1972, out of the following enumerated funds, the amount listed  
23 below for each fund throughout the period beginning July 1, 2003,  
24 and ending June 30, 2004:

<u>Agency/Fund</u>	<u>Fund No.</u>	<u>Amount</u>
26 Unclaimed Property Fund	3178	\$10,000,000.00
27 Tort Claims Fund	3080	\$14,000,000.00
28 Department of Environmental		
29       Quality		<u>\$ 6,000,000.00</u>
30 Total:		\$30,000,000.00

31           Upon notification from the State Treasurer, the agency shall  
32 make such transfer from its special funds as required by the State  
33 Treasurer.

34           **SECTION 2.** (1) From and after July 1, 2003, the State  
35 Treasurer shall monthly charge and collect a cash management fee  
36 from each state agency that has special funds in the State  
37 Treasury that are held in an account to which the interest and  
38 investment earnings on monies in the account are deposited to the  
39 credit of the account, for managing the cash balances of the  
40 account for the benefit of the state agency. The total annual  
41 amount of the cash management fee shall be equal to one percent

42 (1%) of the actual balance in the account as of June 30 of the  
43 preceding fiscal year.

44 (2) The cash management fees collected for the period from  
45 July 1, 2003, until June 30, 2004, shall be deposited into the  
46 Budget Contingency Fund created in Section 27-103-301, Mississippi  
47 Code of 1972. The cash management fees collected for each annual  
48 period from and after July 1, 2004, shall be deposited into a  
49 special fund that is created in the State Treasury to the credit  
50 of the Office of the State Treasurer, which shall be expended,  
51 upon appropriation by the Legislature, for the purpose of paying  
52 maturing bonds and interest on the full faith and credit bonds of  
53 the state and paying service charges to banks for acting as agents  
54 of the state in paying bonds and interest on the full faith and  
55 credit bonds of the state. Unexpended amounts remaining in the  
56 special fund at the end of a fiscal year shall not lapse into the  
57 State General Fund, and any interest earned or investment earnings  
58 on amounts in the special fund shall be deposited to the credit of  
59 the special fund.

60 **SECTION 3.** (1) The State Treasurer shall transfer to the  
61 Budget Contingency Fund created in Section 27-103-301, Mississippi  
62 Code of 1972, out of the following enumerated funds, amounts  
63 listed below for each fund throughout the period beginning upon  
64 passage of this act and through June 30, 2003:

<u>Agency/Fund</u>	<u>Fund No.</u>	<u>Amount</u>
State General Fund		\$ 3,600,000.00
Working Cash-Stabilization		
Reserve Fund		\$ 80,854,000.00
UM - State Court Education Program	3257	\$ 100,000.00
Department of Health	3301	\$ 2,500,000.00
Employment Compensation Revolving		
Fund	3644	\$ 1,000,000.00
Unclaimed Property Fund	3178	\$ 5,000,000.00
Gaming Commission	3188	\$ 299,391.00
Department of Insurance	3501/3503	\$ 400,000.00
Camp Shelby Timber Fund	3700	\$ 100,000.00
Real Estate Appraisers Licensing		

78	and Certification Board	3836	\$	100,000.00
79	Public Contractors Board	3834	\$	300,000.00
80	DPS - Law Enforcement Officers'			
81	Standards and Training Board	3742	\$	2,100,000.00
82	DPS - Emergency Telecommunications			
83	Standards and Training Board	3744	\$	2,000,000.00
84	DPS - Crime Stoppers	371D	\$	200,000.00
85	DPS - County Jail Officers Board	3741	\$	200,000.00
86	Board of Bar Admissions	3055	\$	300,000.00
87	Board of Nursing	3838	\$	200,000.00
88	Motor Vehicle Commission	3839	\$	100,000.00
89	Board of Registration of Foresters	3844	\$	100,000.00
90	Board of Pharmacy	3846	\$	750,000.00
91	Criminal Justice Fund	3086	\$	350,000.00
92	MDA - CAP Loan Program	34KX	\$	<u>1,500,000.00</u>
93	Total		\$	102,053,391.00

94 (2) From and after July 1, 2003, the State Treasurer shall  
95 transfer to the Budget Contingency Fund created in Section  
96 27-103-301, Mississippi Code of 1972, out of the following  
97 enumerated funds, amounts listed below for each fund throughout  
98 the period beginning July 1, 2003, and through June 30, 2004:

99	<u>Agency/Fund</u>	<u>Fund No.</u>		<u>Amount</u>
100	State General Fund		\$	147,820,054.00
101	Department of Transportation	3941	\$	50,000,000.00
102	DPS - Emergency Telecommunications			
103	Standards and Training Board	3744	\$	1,000,000.00
104	Workers' Compensation Commission	3521	\$	100,000.00
105	Board of Bar Admissions	3055	\$	50,000.00
106	Auctioneers Commission	3820	\$	100,000.00
107	Board of Pharmacy	3846	\$	250,000.00
108	MDA - CAP Loan Program	34KX	\$	2,000,000.00
109	Securities Act Enforcement Fund	3111/3114	\$	2,600,000.00
110	School Ad Valorem Tax Reduction Fund		\$	<u>46,000,000.00</u>
111	Total		\$	249,920,054.00

112 In addition to the amounts transferred to the Budget  
113 Contingency Fund under the provisions of this act, the Budget

114 Contingency Fund is hereby authorized to receive any additional  
115 funds that may become available to the fund from any source during  
116 the period beginning upon passage of this act and through June 30,  
117 2004.

118         **SECTION 4.** (1) There is created in the State Treasury a  
119 special fund to be known as the Special Funds Transfer Fund, which  
120 shall be comprised of the monies required to be deposited into the  
121 fund under Section 27-65-75(18) for the repayment of certain funds  
122 transferred to the Budget Contingency Fund as required in Section  
123 1 of this act. Upon receipt of monies deposited into the fund  
124 under Section 27-65-75(18), the State Treasurer shall transfer  
125 those monies to the special funds from which transfers were made  
126 pursuant to Section 1 of this act.

127         (2) Unexpended amounts remaining in the fund on September  
128 30, 2005, shall lapse into the State General Fund, and any  
129 interest earned or investment earnings on amounts in the fund  
130 shall be deposited to the credit of the fund.

131         **SECTION 5.** This act shall take effect and be in force from  
132 and after its passage.

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

1         AN ACT TO DIRECT THE STATE TREASURER TO TRANSFER TO THE  
2 BUDGET CONTINGENCY FUND CERTAIN SPECIAL FUNDS; TO DIRECT THE  
3 TREASURER TO CHARGE AND COLLECT A CASH MANAGEMENT FEE ANNUALLY  
4 FROM EACH STATE AGENCY THAT HAS SPECIAL FUNDS IN THE TREASURY THAT  
5 RETAIN THEIR INTEREST AND INVESTMENT EARNINGS, FOR MANAGING THE  
6 CASH BALANCES OF THOSE FUNDS FOR THE BENEFIT OF THE STATE AGENCY;  
7 TO PROVIDE THAT THE CASH MANAGEMENT FEES COLLECTED FOR THE FIRST  
8 YEAR SHALL BE DEPOSITED INTO THE BUDGET CONTINGENCY FUND; TO  
9 PROVIDE THAT THE CASH MANAGEMENT FEES COLLECTED FOR EACH ANNUAL  
10 PERIOD AFTER JUNE 30, 2004, SHALL BE DEPOSITED INTO A SPECIAL FUND  
11 CREATED IN THE STATE TREASURY, WHICH SHALL BE EXPENDED TO PAY THE  
12 DEBT SERVICE ON FULL FAITH AND CREDIT BONDS OF THE STATE; TO  
13 DIRECT THE TREASURER TO TRANSFER CERTAIN FUNDS TO THE BUDGET  
14 CONTINGENCY FUND; TO CREATE A SPECIAL FUND IN THE STATE TREASURY  
15 TO BE KNOWN AS THE SPECIAL FUNDS TRANSFER FUND, WHICH SHALL BE  
16 COMPRISED OF THE MONIES REQUIRED TO BE DEPOSITED INTO THE FUND  
17 UNDER SECTION 27-65-75(18), MISSISSIPPI CODE OF 1972; AND FOR  
18 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

**X**  
\_\_\_\_\_  
Charlie Capps, Jr.

**X**  
\_\_\_\_\_  
John Read

**X**  
\_\_\_\_\_  
Cecil Brown

CONFEREES FOR THE SENATE

**X**  
\_\_\_\_\_  
Jack Gordon

**X**  
\_\_\_\_\_  
Alice Harden

**X**  
\_\_\_\_\_  
Travis L. Little