

**\*\*\*Pending\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1036**

**By Senator(s) Committee**

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

21           **SECTION 1.** From July 1, 2003, until June 30, 2004, the State  
22 Treasurer shall transfer to the Budget Contingency Fund created in  
23 Section 27-103-301, Mississippi Code of 1972, an amount equal to  
24 Thirteen Million Three Hundred Thirty-three Thousand Three Hundred  
25 Thirty-four Dollars (\$13,333,334.00) each month from the aggregate  
26 of special funds in the State Treasury. The State Treasurer shall  
27 determine which special funds shall be transferred to the Budget  
28 Contingency Fund each month and shall notify the appropriate  
29 agency. Upon this notification, the agency shall make such  
30 transfer from its special funds as required by the State  
31 Treasurer. Transfers required under the provisions of this  
32 section shall be prorated among all appropriate special funds in  
33 the State Treasury.

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 amount of the

41 cash management fee shall be equal to one percent (1%) of the  
42 average balance in the account.

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

59 **SECTION 3.** (1) The State Treasurer shall transfer to the  
60 Budget Contingency Fund created in Section 27-103-301, Mississippi  
61 Code of 1972, out of the following enumerated funds, amounts  
62 listed below for each fund throughout the period beginning upon  
63 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		\$ 3,754,000.00
Department of Transportation	3941	\$ 50,000,000.00
UM - State Court Education Program	3257	\$ 100,000.00
Department of Health	3301	\$ 2,500,000.00
Workers' Compensation Trust Fund	3642	\$ 5,000,000.00
Employment Compensation Revolving		
Fund	3644	\$ 1,000,000.00
Tort Claims Fund	3080	\$ 1,000,000.00
Unclaimed Property Fund	3178	\$ 5,000,000.00

76	Gaming Commission	3188	\$	299,391.00
77	Oil and Gas Board	3493	\$	1,000,000.00
78	Camp Shelby Timber Fund	3700	\$	100,000.00
79	Real Estate Appraisers Licensing			
80	and Certification Board	3836	\$	100,000.00
81	Public Contractors Board	3834	\$	300,000.00
82	DPS - Law Enforcement Officers'			
83	Standards and Training Board	3742	\$	2,300,000.00
84	DPS - Emergency Telecommunications			
85	Standards and Training Board	3744	\$	2,000,000.00
86	DPS - County Jail Officers Board	3741	\$	200,000.00
87	Board of Bar Admissions	3055	\$	300,000.00
88	Board of Nursing	3838	\$	200,000.00
89	Motor Vehicle Commission	3839	\$	100,000.00
90	Board of Registration of Foresters	3844	\$	100,000.00
91	Board of Pharmacy	3846	\$	750,000.00
92	Criminal Justice Fund	3086	\$	350,000.00
93	MDA - CAP Loan Program	34KX	\$	1,500,000.00
94	Securities Act Enforcement Fund	3114	\$	<u>2,500,000.00</u>
95	Total		\$	84,053,391.00

96 Funds transferred in this act from the Workers' Compensation  
97 Trust Fund shall be covered by a noninterest bearing note payable  
98 from the State General Fund to the Workers' Compensation Trust  
99 Fund in the amount transferred. This note payable shall be of  
100 indefinite maturity, however, at any time the Workers'  
101 Compensation Trust Fund requires payment to be received on the  
102 note in order to cover claims expenses or ordinary, necessary, and  
103 reasonable operating expenses, the amount so needed shall be  
104 transferred back to the Workers' Compensation Trust Fund from the  
105 State General Fund and the balance of the note payable shall be  
106 reduced to reflect such transfer. Further, the Workers'  
107 Compensation Trust Fund shall utilize all other cash and  
108 investment resources available in the payment of claims and  
109 operating expenses before making a demand for payment on this note  
110 payable. Further, the note payable shall be carried as an asset

111 on the financial statements of the Workers' Compensation Trust  
112 Fund.

113 The State Bond Commission is hereby directed and authorized  
114 to determine, approve and execute the terms and conditions of this  
115 note with the Workers' Compensation Trust Fund and such terms and  
116 conditions shall be subject to yearly renewal and/or review by the  
117 State Bond Commission.

118 (2) From and after July 1, 2003, the State Treasurer shall  
119 transfer to the Budget Contingency Fund created in Section  
120 27-103-301, Mississippi Code of 1972, out of the following  
121 enumerated funds, amounts listed below for each fund throughout  
122 the period beginning July 1, 2003, and through June 30, 2004:

123 <u>Agency/Fund</u>	<u>Fund No.</u>	<u>Amount</u>
124 State General Fund		\$ 104,450,606.00
125 DPS - Emergency Telecommunications		
126 Standards and Training Board	3744	\$ 1,000,000.00
127 Workers' Compensation Commission	3521	\$ 100,000.00
128 Board of Bar Admissions	3055	\$ 50,000.00
129 Auctioneers Commission	3820	\$ 100,000.00
130 Board of Pharmacy	3846	\$ 250,000.00
131 MDA - CAP Loan Program	34KX	\$ 2,000,000.00
132 School Ad Valorem Tax Reduction Fund		\$ <u>46,000,000.00</u>
133 Total		\$153,950,606.00

134 In addition to the amounts transferred to the Budget  
135 Contingency Fund under the provisions of this act, the Budget  
136 Contingency Fund is hereby authorized to receive any additional  
137 funds that may become available to the fund from any source during  
138 the period beginning upon passage of this act and through June 30,  
139 2004.

140 **SECTION 4.** (1) There is created in the State Treasury a  
141 special fund to be known as the Special Funds Transfer Fund, which  
142 shall be comprised of the monies required to be deposited into the  
143 fund under Section 27-65-75(18). Upon receipt of monies deposited  
144 into the fund under Section 27-65-75(18), the State Treasurer  
145 shall transfer those monies to special funds.

146 (2) Unexpended amounts remaining in the fund at the end of a  
147 fiscal year shall not lapse into the State General Fund, and any  
148 interest earned or investment earnings on amounts in the fund  
149 shall be deposited to the credit of the fund.

150 **SECTION 5.** This act shall take effect and be in force from  
151 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, FROM JULY 1, 2003,  
2 UNTIL JUNE 30, 2004, TO TRANSFER TO THE BUDGET CONTINGENCY FUND A  
3 MONTHLY SUM FROM THOSE SPECIAL FUNDS IN THE TREASURY AS DETERMINED  
4 BY THE STATE TREASURER; TO DIRECT THE TREASURER TO CHARGE AND  
5 COLLECT A CASH MANAGEMENT FEE ANNUALLY FROM EACH STATE AGENCY THAT  
6 HAS SPECIAL FUNDS IN THE TREASURY THAT RETAIN THEIR INTEREST AND  
7 INVESTMENT EARNINGS, FOR MANAGING THE CASH BALANCES OF THOSE FUNDS  
8 FOR THE BENEFIT OF THE STATE AGENCY; TO PROVIDE THAT THE CASH  
9 MANAGEMENT FEES COLLECTED FOR THE FIRST YEAR SHALL BE DEPOSITED  
10 INTO THE BUDGET CONTINGENCY FUND; TO PROVIDE THAT THE CASH  
11 MANAGEMENT FEES COLLECTED FOR EACH ANNUAL PERIOD AFTER JUNE 30,  
12 2004, SHALL BE DEPOSITED INTO A SPECIAL FUND CREATED IN THE STATE  
13 TREASURY, WHICH SHALL BE EXPENDED TO PAY THE DEBT SERVICE ON FULL  
14 FAITH AND CREDIT BONDS OF THE STATE; TO DIRECT THE TREASURER TO  
15 TRANSFER CERTAIN FUNDS TO THE BUDGET CONTINGENCY FUND; TO CREATE A  
16 SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE SPECIAL  
17 FUNDS TRANSFER FUND, WHICH SHALL BE COMPRISED OF THE MONIES  
18 REQUIRED TO BE DEPOSITED INTO THE FUND UNDER SECTION 27-65-75(18),  
19 MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.