

By: Senator(s) Gordon, Little, Thames,
Chaney, Kirby, Mettetal, Williamson

To: Appropriations

SENATE BILL NO. 3111

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 STATE TREASURER'S OFFICE FOR FISCAL YEAR 2005.

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

4 **SECTION 1.** The following sum of money, or so much thereof as
5 may be necessary, is hereby appropriated out of any money in the
6 State General Fund not otherwise appropriated, to defray the
7 expenses of the office of the State Treasurer for the fiscal year
8 beginning July 1, 2004, and ending June 30, 2005.....
9 \$ 570,000.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any funds in the special
12 fund entitled Abandoned Property Fund in the State Treasury for
13 the purpose of defraying expenses of the State Treasurer in
14 administering the Uniform Disposition of Unclaimed Property and
15 certain other expenses of the office, for the fiscal year
16 beginning July 1, 2004, and ending June 30, 2005.....
17 \$ 1,925,859.00.

18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Sections 1 and 2, the following positions are authorized:

20 AUTHORIZED POSITIONS:

21	Permanent:	Full Time.....	31
22		Part Time.....	0
23	Time-Limited:	Full Time.....	0
24		Part Time.....	0

25 With the funds herein appropriated, it is the intention of
26 the Legislature that it shall be the agency's responsibility to
27 make certain that funds required to be appropriated for "Personal

28 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
29 funds appropriated for that purpose, unless programs or positions
30 are added to the agency's Fiscal Year 2006 budget by the
31 Mississippi Legislature. Based on data provided by the
32 Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. It shall be the responsibility of the agency head to insure
36 that no single personnel action increases this projected annual
37 cost and/or the Fiscal Year 2005 appropriation for "Personal
38 Services" when annualized, with the exception of escalated funds.
39 If, at the time the agency takes any action to change "Personal
40 Services," the State Personnel Board determines that the agency
41 has taken an action which would cause the agency to exceed this
42 projected annual cost or the Fiscal Year 2005 "Personal Services"
43 appropriated level, when annualized, then only those actions which
44 reduce the projected annual cost and/or the appropriation
45 requirement will be processed by the State Personnel Board until
46 such time as the requirements of this provision are met.

47 **SECTION 4.** In addition to all other sums herein
48 appropriated, the following sum, or so much thereof as may be
49 necessary, is hereby appropriated out of any money in the State
50 Treasury to the credit of the Education Improvement Trust Fund No.
51 3219 for the purpose of investing funds for the fiscal year
52 beginning July 1, 2004, and ending June 30, 2005.....
53 \$ 87,000.00.

54 **SECTION 5.** The following sum, or so much thereof as may be
55 necessary, is hereby appropriated out of any money in the State
56 Treasury to the credit of the Mississippi Prepaid Affordable
57 College Tuition Administrative Fund to defray the costs of the
58 Mississippi Prepaid Affordable College Tuition Program for the
59 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
60 \$ 1,490,805.00.

61 With the funds appropriated in this section, the following
62 positions are authorized:

63 AUTHORIZED POSITIONS:

64 Permanent: Full Time..... 5

65 It is the intention of the Legislature that the State
66 Treasurer is hereby authorized to accept, budget and expend an
67 amount not to exceed One Million Dollars (\$1,000,000.00) from
68 administrative fees charged and from interest earnings on any
69 funds authorized for administration of the Mississippi Prepaid
70 Affordable College Tuition Program, for the administration of the
71 Mississippi Prepaid Affordable College Tuition Program. Such
72 funds shall be escalated in accordance with the rules and
73 regulations of the Department of Finance and Administration in a
74 manner consistent with the escalation of federal funds.

75 **SECTION 6.** The following sum, or so much thereof as may be
76 necessary, is hereby appropriated out of any money in the State
77 Treasury to the credit of the Mississippi Prepaid Affordable
78 College Tuition Trust Fund for the purpose of paying all amounts
79 due for prepaid tuition contracts of the Mississippi Prepaid
80 Affordable College Tuition Program, for the fiscal year beginning
81 July 1, 2004, and ending June 30, 2005..... \$ 8,500,000.00.

82 It is the intention of the Legislature that the State
83 Treasurer is hereby authorized to accept, budget and expend an
84 amount not to exceed One Million Dollars (\$1,000,000.00) from any
85 funds authorized for the Mississippi Prepaid Affordable College
86 Tuition Program, for paying amounts due for prepaid tuition
87 contracts of the Mississippi Prepaid Affordable College Tuition
88 Program. Such funds shall be escalated in accordance with the
89 rules and regulations of the Department of Finance and
90 Administration in a manner consistent with the escalation of
91 federal funds.

92 **SECTION 7.** The following sum, or so much thereof as may be
93 necessary, is hereby appropriated out of any money in the State

94 Treasury to the credit of the Health Care Expendable Fund, created
95 under House Bill No. 519, 1999 Regular Session, for the purpose of
96 defraying the expenses of the Office of the State Treasurer for
97 the fiscal year beginning July 1, 2004, and ending
98 June 30, 2005..... \$ 107,429.00.

99 With the funds appropriated in this section, the following
100 positions are authorized:

101 AUTHORIZED POSITIONS:

102 Permanent: Full Time..... 1

103 **SECTION 8.** The following sum, or so much thereof as may be
104 necessary, is hereby appropriated out of any money in the State
105 Treasury to the credit of the Mississippi Affordable College
106 Savings Administrative Fund to defray the costs of the Mississippi
107 Affordable College Savings Program for the fiscal year beginning
108 July 1, 2004, and ending June 30, 2005..... \$ 296,065.00.

109 With the funds appropriated in this section, the following
110 positions are authorized:

111 AUTHORIZED POSITIONS:

112 Permanent: Full Time..... 2

113 It is the intention of the Legislature that the State
114 Treasurer is hereby authorized to accept, budget and expend an
115 amount not to exceed One Million Dollars (\$1,000,000.00) from any
116 funds deposited into the Mississippi Affordable College Savings
117 Fund from administrative fees, grants, other payments or
118 investment earnings received by the Mississippi Affordable College
119 Savings Program. Such funds shall be escalated in accordance with
120 the rules and regulations of the Department of Finance and
121 Administration in a manner consistent with the escalation of
122 federal funds.

123 **SECTION 9.** No part of the funds appropriated herein shall be
124 used in the payment of attorney's fees, nor shall any of said
125 funds be used either directly or indirectly, for the purpose of
126 paying any clerk, stenographer, assistant, deputy or other person

127 who may be related by blood or marriage within the third degree,
128 computed by the rules of the civil law, to the official employing
129 or having the right of employment or selection thereof; and in the
130 event of any such payment, then the official or person approving
131 and making or receiving such payment shall be jointly and
132 severally liable to return to the State of Mississippi and to pay
133 into the State Treasury three (3) times any such amount so paid or
134 received, to be recovered at suit of the Attorney General;
135 provided that when the relationship is by affinity and the person
136 through whom the relationship was established is dead, this
137 provision shall not apply.

138 **SECTION 10.** It is the intention of the Legislature that the
139 Office of the State Treasurer shall maintain complete accounting
140 and personnel records related to the expenditure of all funds
141 appropriated under the provisions of this act and that such
142 records shall be in the same format and level of details as
143 maintained for Fiscal Year 2004. It is further the intention of
144 the Legislature that the budget request for Fiscal Year 2006 shall
145 be submitted to the Joint Legislative Budget Committee in a format
146 and level of detail comparable to the format and level of detail
147 provided during the Fiscal Year 2005 budget request process.

148 **SECTION 11.** The money herein appropriated shall be paid by
149 the State Treasurer out of any money in the State Treasury to the
150 credit of the proper fund or funds as set forth in this act, upon
151 warrants issued by the State Fiscal Officer; and the State Fiscal
152 Officer shall issue his warrants upon requisitions signed by the
153 proper person, officer or officers in the manner provided by law.

154 **SECTION 12.** This act shall take effect and be in force from
155 and after July 1, 2004.