

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

To: Appropriations

SENATE BILL NO. 3111  
(As Sent to Governor)

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 ..... \$ 582,785.00.

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 ..... \$ 2,362,358.00.

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.....	33
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 The agency shall not award salary increases through  
48 reallocation, reclassification, realignment, education benchmark,  
49 or career ladder.

50 **SECTION 4.** In addition to all other sums herein  
51 appropriated, the following sum, or so much thereof as may be  
52 necessary, is hereby appropriated out of any money in the State  
53 Treasury to the credit of the Education Improvement Trust Fund No.  
54 3219 for the purpose of investing funds for the fiscal year  
55 beginning July 1, 2004, and ending June 30, 2005.....  
56 ..... \$ 125,000.00.

57 **SECTION 5.** The following sum, or so much thereof as may be  
58 necessary, is hereby appropriated out of any money in the State  
59 Treasury to the credit of the Mississippi Prepaid Affordable  
60 College Tuition Administrative Fund to defray the costs of the

61 Mississippi Prepaid Affordable College Tuition Program for the  
62 fiscal year beginning July 1, 2004, and ending June 30, 2005.....  
63 ..... \$ 1,493,301.00.

64 With the funds appropriated in this section, the following  
65 positions are authorized:

66 AUTHORIZED POSITIONS:

67 Permanent: Full Time..... 5

68 It is the intention of the Legislature that the State  
69 Treasurer is hereby authorized to accept, budget and expend an  
70 amount not to exceed Two Hundred Fifty Thousand Dollars  
71 (\$250,000.00) from administrative fees charged and from interest  
72 earnings on any funds authorized for administration of the  
73 Mississippi Prepaid Affordable College Tuition Program, for the  
74 administration of the Mississippi Prepaid Affordable College  
75 Tuition Program. Such funds shall be escalated in accordance with  
76 the rules and regulations of the Department of Finance and  
77 Administration in a manner consistent with the escalation of  
78 federal funds.

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

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

94 Administration in a manner consistent with the escalation of  
95 federal funds.

96       **SECTION 7.** The following sum, or so much thereof as may be  
97 necessary, is hereby appropriated out of any money in the State  
98 Treasury to the credit of the Health Care Expendable Fund, created  
99 under House Bill No. 519, 1999 Regular Session, for the purpose of  
100 defraying the expenses of the Office of the State Treasurer for  
101 the fiscal year beginning July 1, 2004, and ending  
102 June 30, 2005..... \$           107,429.00.

103       With the funds appropriated in this section, the following  
104 positions are authorized:

105       AUTHORIZED POSITIONS:

106       Permanent:       Full Time.....           2

107       **SECTION 8.** The following sum, or so much thereof as may be  
108 necessary, is hereby appropriated out of any money in the State  
109 Treasury to the credit of the Mississippi Affordable College  
110 Savings Administrative Fund to defray the costs of the Mississippi  
111 Affordable College Savings Program for the fiscal year beginning  
112 July 1, 2004, and ending June 30, 2005..... \$           297,313.00.

113       With the funds appropriated in this section, the following  
114 positions are authorized:

115       AUTHORIZED POSITIONS:

116       Permanent:       Full Time.....           2

117       It is the intention of the Legislature that the State  
118 Treasurer is hereby authorized to accept, budget and expend an  
119 amount not to exceed One Hundred Thousand Dollars (\$100,000.00)  
120 from any funds deposited into the Mississippi Affordable College  
121 Savings Fund from administrative fees, grants, other payments or  
122 investment earnings received by the Mississippi Affordable College  
123 Savings Program. Such funds shall be escalated in accordance with  
124 the rules and regulations of the Department of Finance and  
125 Administration in a manner consistent with the escalation of  
126 federal funds.

127           **SECTION 9.** No part of the funds appropriated herein shall be  
128 used in the payment of attorney's fees, nor shall any of said  
129 funds be used either directly or indirectly, for the purpose of  
130 paying any clerk, stenographer, assistant, deputy or other person  
131 who may be related by blood or marriage within the third degree,  
132 computed by the rules of the civil law, to the official employing  
133 or having the right of employment or selection thereof; and in the  
134 event of any such payment, then the official or person approving  
135 and making or receiving such payment shall be jointly and  
136 severally liable to return to the State of Mississippi and to pay  
137 into the State Treasury three (3) times any such amount so paid or  
138 received, to be recovered at suit of the Attorney General;  
139 provided that when the relationship is by affinity and the person  
140 through whom the relationship was established is dead, this  
141 provision shall not apply.

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

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

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