

House Amendments to Senate Bill No. 3111

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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 \$ 549,618.00.

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 \$ 1,932,418.00.

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 Any transfers or escalations shall be made in accordance with
48 the terms, conditions and procedures established by law or
49 allowable under the terms set forth within this act. The State
50 Personnel Board shall not escalate positions without written
51 approval from the Department of Finance and Administration. The
52 Department of Finance and Administration shall not provide written
53 approval to escalate any funds for salaries and/or positions
54 without proof of availability of new or additional funds above the
55 appropriated level.

56 No general funds authorized to be expended herein shall be
57 used to replace federal funds and/or other special funds which are
58 being used for salaries authorized under the provisions of this
59 act and which are withdrawn and no longer available.

60 **SECTION 4.** In addition to all other sums herein
61 appropriated, the following sum, or so much thereof as may be
62 necessary, is hereby appropriated out of any money in the State
63 Treasury to the credit of the Education Improvement Trust Fund No.

64 3219 for the purpose of investing funds for the fiscal year
65 beginning July 1, 2004, and ending June 30, 2005.....
66 \$ 87,000.00.

67 **SECTION 5.** The following sum, or so much thereof as may be
68 necessary, is hereby appropriated out of any money in the State
69 Treasury to the credit of the Mississippi Prepaid Affordable
70 College Tuition Administrative Fund to defray the costs of the
71 Mississippi Prepaid Affordable College Tuition Program for the
72 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
73 \$ 1,493,301.00.

74 With the funds appropriated in this section, the following
75 positions are authorized:

76 **AUTHORIZED POSITIONS:**

77 Permanent: Full Time..... 5

78 It is the intention of the Legislature that the State
79 Treasurer is hereby authorized to accept, budget and expend an
80 amount not to exceed One Million Dollars (\$1,000,000.00) from
81 administrative fees charged and from interest earnings on any
82 funds authorized for administration of the Mississippi Prepaid
83 Affordable College Tuition Program, for the administration of the
84 Mississippi Prepaid Affordable College Tuition Program. Such
85 funds shall be escalated in accordance with the rules and
86 regulations of the Department of Finance and Administration in a
87 manner consistent with the escalation of federal funds.

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

95 It is the intention of the Legislature that the State
96 Treasurer is hereby authorized to accept, budget and expend an
97 amount not to exceed One Million Dollars (\$1,000,000.00) from any
98 funds authorized for the Mississippi Prepaid Affordable College

99 Tuition Program, for paying amounts due for prepaid tuition
100 contracts of the Mississippi Prepaid Affordable College Tuition
101 Program. Such funds shall be escalated in accordance with the
102 rules and regulations of the Department of Finance and
103 Administration in a manner consistent with the escalation of
104 federal funds.

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

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

114 AUTHORIZED POSITIONS:

115 Permanent: Full Time..... 1

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

122 With the funds appropriated in this section, the following
123 positions are authorized:

124 AUTHORIZED POSITIONS:

125 Permanent: Full Time..... 2

126 It is the intention of the Legislature that the State
127 Treasurer is hereby authorized to accept, budget and expend an
128 amount not to exceed One Million Dollars (\$1,000,000.00) from any
129 funds deposited into the Mississippi Affordable College Savings
130 Fund from administrative fees, grants, other payments or
131 investment earnings received by the Mississippi Affordable College
132 Savings Program. Such funds shall be escalated in accordance with
133 the rules and regulations of the Department of Finance and

134 Administration in a manner consistent with the escalation of
135 federal funds.

136 **SECTION 9.** The funds authorized herein shall be used to fund
137 all operations of the agency with the following prohibitions:

138 (1) The agency shall not fill any current or future vacant
139 positions;

140 (2) The agency shall not take any action to promote or
141 otherwise award salary increases through reallocation,
142 reclassification, realignment, education benchmark, career ladder,
143 or any other means to increase salaries of employees or positions
144 except as allowed under the provisions set forth in House Bill No.
145 1279, 2004 Regular Session;

146 (3) The agency shall not expend funds for out-of-state
147 travel except as allowed under the provisions set forth in House
148 Bill No. 1279, 2004 Regular Session;

149 (4) The agency shall not expend funds for the purchase of or
150 contract for cellular phones, two-way radios or pagers, except for
151 support of employees in the Department of Public Safety and the
152 Bureau of Narcotics as recommended by Information Technology
153 Services or as allowed under the provisions set forth in House
154 Bill No. 1279, 2004 Regular Session;

155 (5) The agency shall not expend funds to publish or
156 distribute any annual reports or other publications;

157 (6) The agency shall not expend funds for public relation
158 activities regarding the functions, programs or services of the
159 agency except as allowed under the provisions set forth in House
160 Bill No. 1279, 2004 Regular Session;

161 (7) The agency shall not advertise the functions, programs
162 or services of the agency except that the Mississippi Development
163 Authority is authorized to expend funds for advertising to carry
164 out the purposes of key programs administered by the authority;

165 (8) The agency shall not expend funds for staff development
166 or training services;

167 (9) The agency shall not expend funds for the purchase of
168 new or replacement equipment or furniture, excluding lease

169 purchase payments on agreements in effect upon passage of this
170 appropriation bill, except as allowed under the provisions set
171 forth in House Bill No. 1279, 2004 Regular Session.

172 **SECTION 10.** It is the intention of the Legislature that none
173 of the funds appropriated above shall be expended unless members
174 of the Mississippi House of Representatives and Mississippi Senate
175 are notified at least five (5) days prior to a public ceremony
176 announcing the award of any grant in their district or any public
177 announcement or ceremony regarding the groundbreaking or opening
178 of a facility, roadway or bridge for which the Legislature has
179 made funds available. Any signage regarding any public event or
180 any new facility, roadway or bridge shall include the following
181 language: "Funds were made available for this project by the
182 Mississippi State Legislature."

183 **SECTION 11.** No part of the funds appropriated herein shall
184 be used in the payment of attorney's fees, nor shall any of said
185 funds be used either directly or indirectly, for the purpose of
186 paying any clerk, stenographer, assistant, deputy or other person
187 who may be related by blood or marriage within the third degree,
188 computed by the rules of the civil law, to the official employing
189 or having the right of employment or selection thereof; and in the
190 event of any such payment, then the official or person approving
191 and making or receiving such payment shall be jointly and
192 severally liable to return to the State of Mississippi and to pay
193 into the State Treasury three (3) times any such amount so paid or
194 received, to be recovered at suit of the Attorney General;
195 provided that when the relationship is by affinity and the person
196 through whom the relationship was established is dead, this
197 provision shall not apply.

198 **SECTION 12.** It is the intention of the Legislature that the
199 Office of the State Treasurer shall maintain complete accounting
200 and personnel records related to the expenditure of all funds
201 appropriated under the provisions of this act and that such
202 records shall be in the same format and level of details as
203 maintained for Fiscal Year 2004. It is further the intention of

204 the Legislature that the budget request for Fiscal Year 2006 shall
205 be submitted to the Joint Legislative Budget Committee in a format
206 and level of detail comparable to the format and level of detail
207 provided during the Fiscal Year 2005 budget request process.

208 **SECTION 13.** The money herein appropriated shall be paid by
209 the State Treasurer out of any money in the State Treasury to the
210 credit of the proper fund or funds as set forth in this act, upon
211 warrants issued by the State Fiscal Officer; and the State Fiscal
212 Officer shall issue his warrants upon requisitions signed by the
213 proper person, officer or officers in the manner provided by law.

214 **SECTION 14.** This act shall take effect and be in force from
215 and after July 1, 2004.

HR05\SB3111A.J

Don Richardson
Clerk of the House of Representatives