

By: Senator(s) Clarke, Hopson, Burton, Hill, To: Appropriations
Wilemon

SENATE BILL NO. 2994
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 STATE TREASURER'S OFFICE FOR FISCAL YEAR 2019.

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 special fund in the State Treasury to the credit of the State
7 Treasurer's office which are collected by or otherwise become
8 available, to defray the expenses of the Office of the State
9 Treasurer for the fiscal year beginning July 1, 2018, and ending
10 June 30, 2019.....\$ 5,487,833.00.

11 **SECTION 2.** Of the funds appropriated in Section 1, the
12 following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	42
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0



18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2020 do not
21 exceed Fiscal Year 2019 funds appropriated for that purpose,
22 unless programs or positions are added to the agency's Fiscal Year
23 2019 budget by the Mississippi Legislature. Based on data
24 provided by the Legislative Budget Office, the State Personnel
25 Board shall determine and publish the projected annual cost to
26 fully fund all appropriated positions in compliance with the
27 provisions of this act. It shall be the responsibility of the
28 agency head to ensure that no single personnel action increases
29 this projected annual cost and/or the Fiscal Year 2019
30 appropriations for "Personal Services" when annualized, with the
31 exception of escalated funds and the award of benchmarks. If, at
32 the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2019 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

40 Any transfers or escalations shall be made in accordance with
41 the terms, conditions and procedures established by law or
42 allowable under the terms set forth within this act. The State



43 Personnel Board shall not escalate positions without written
44 approval from the Department of Finance and Administration. The
45 Department of Finance and Administration shall not provide written
46 approval to escalate any funds for salaries and/or positions
47 without proof of availability of new or additional funds above the
48 appropriated level.

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

53 None of the funds herein appropriated shall be used in
54 violation of Internal Revenue Service's Publication 15-A relating
55 to the reporting of income paid to contract employees, as
56 interpreted by the Office of the State Auditor.

57 **SECTION 3.** In addition to all other sums herein
58 appropriated, the following sum, or so much thereof as may be
59 necessary, is hereby appropriated out of any money in the State
60 Treasury to the credit of the Education Improvement Trust Fund No.
61 3219 for the purpose of investing funds for the fiscal year
62 beginning July 1, 2018, and ending June 30, 2019.....
63\$ 150,000.00.

64 **SECTION 4.** The following sum, or so much thereof as may be
65 necessary, is hereby appropriated out of any money in the State
66 Treasury to the credit of the Mississippi Prepaid Affordable
67 College Tuition Trust Fund for the purpose of paying all amounts



68 due for prepaid tuition contracts of the Mississippi Prepaid
69 Affordable College Tuition Program, for the fiscal year beginning
70 July 1, 2018, and ending June 30, 2019.....\$ 35,000,000.00.

71 It is the intention of the Legislature that the State
72 Treasurer is hereby authorized to accept, budget and expend an
73 amount not to exceed One Million Dollars (\$1,000,000.00) from any
74 funds authorized for the Mississippi Prepaid Affordable College
75 Tuition Program, for paying amounts due for prepaid tuition
76 contracts of the Mississippi Prepaid Affordable College Tuition
77 Program. Such funds shall be escalated in accordance with the
78 rules and regulations of the Department of Finance and
79 Administration in a manner consistent with the escalation of
80 federal funds.

81 **SECTION 5.** No part of the funds appropriated herein shall be
82 used in the payment of attorney's fees, nor shall any of said
83 funds be used either directly or indirectly, for the purpose of
84 paying any clerk, stenographer, assistant, deputy or other person
85 who may be related by blood or marriage within the third degree,
86 computed by the rules of the civil law, to the official employing
87 or having the right of employment or selection thereof; and in the
88 event of any such payment, then the official or person approving
89 and making or receiving such payment shall be jointly and
90 severally liable to return to the State of Mississippi and to pay
91 into the State Treasury three (3) times any such amount so paid or
92 received, to be recovered at suit of the Attorney General;



93 provided that when the relationship is by affinity and the person
94 through whom the relationship was established is dead, this
95 provision shall not apply.

96 **SECTION 6.** It is the intention of the Legislature that the
97 Office of the State Treasurer shall maintain complete accounting
98 and personnel records related to the expenditure of all funds
99 appropriated under the provisions of this act and that such
100 records shall be in the same format and level of details as
101 maintained for Fiscal Year 2018. It is further the intention of
102 the Legislature that the budget request for Fiscal Year 2020 shall
103 be submitted to the Joint Legislative Budget Committee in a format
104 and level of detail comparable to the format and level of detail
105 provided during the Fiscal Year 2019 budget request process.

106 **SECTION 7.** It is the intention of the Legislature that
107 whenever two (2) or more bids are received by this agency for the
108 purchase of commodities or equipment, and whenever all things
109 stated in such received bids are equal with respect to price,
110 quality and service, the Mississippi Industries for the Blind
111 shall be given preference. A similar preference shall be given to
112 the Mississippi Industries for the Blind whenever purchases are
113 made without competitive bids.

114 **SECTION 8.** Of the funds appropriated to the State Treasury
115 under the provisions of Section 1, the following amounts shall be
116 available for expenditure in the following program budgets:



117 (a) Mississippi Prepaid Affordable College Tuition
 118 program.....\$ 1,816,221.00.
 119 (b) Mississippi Affordable College Savings
 120 program.....\$ 175,245.00.
 121 (c) Treasury Office - Support
 122 programs.....\$ 3,496,367.00.

123 Further, no funds to the credit of the Mississippi Prepaid
 124 Affordable College Tuition Administrative Fund shall be expended
 125 for purposes related to any program other than the Mississippi
 126 Prepaid Affordable College Tuition program.

127 **SECTION 9.** The money herein appropriated shall be paid by
 128 the State Treasurer out of any money in the State Treasury to the
 129 credit of the proper fund or funds as set forth in this act, upon
 130 warrants issued by the State Fiscal Officer; and the State Fiscal
 131 Officer shall issue his warrants upon requisitions signed by the
 132 proper person, officer or officers in the manner provided by law.

133 **SECTION 10.** This act shall take effect and be in force from
 134 and after July 1, 2018.

