MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

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

To: Appropriations

# SENATE BILL NO. 3111

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

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

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

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

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

AUTHORIZED POSITIONS:

| | | |
|---|---|---|
| Permanent: | Full Time..... | 31 |
| | Part Time..... | 0 |
| Time-Limited: | Full Time..... | 0 |
| | Part Time..... | 0 |

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

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

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

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

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

AUTHORIZED POSITIONS:

Permanent: Full Time..... 5

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

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

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

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

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

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

AUTHORIZED POSITIONS:

Permanent: Full Time..... 1

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

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

AUTHORIZED POSITIONS:

Permanent: Full Time..... 2

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

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

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

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

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

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