

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

To: Appropriations

SENATE BILL NO. 3120

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 STATE TREASURER'S OFFICE FOR FISCAL YEAR 2008.

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, 2007, and ending June 30, 2008.....
9 \$ 631,223.00.

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, 2007, and ending June 30, 2008.....
17 \$ 2,630,877.00.

18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Sections 1 and 2, not more than the amounts set forth below shall
20 be expended for the respective major objects or purposes of
21 expenditure:

22 MAJOR OBJECTS OF EXPENDITURE:

23 Personal Services:

24	Salaries, Wages and Fringe Benefits..	\$	1,975,064.00
25	Travel and Subsistence.....		15,000.00
26	Contractual Services.....		1,107,636.00
27	Commodities.....		51,000.00

28	Capital Outlay:		
29	Other Than Equipment.....		0.00
30	Equipment.....	113,400.00	
31	Vehicles.....		0.00
32	Wireless Communication Devices.....		0.00
33	Subsidies, Loans and Grants.....		<u>0.00</u>
34	Total.....	\$ 3,262,100.00	

35 FUNDING:

36	General Funds.....	\$ 631,223.00	
37	Special Funds.....	<u>2,630,877.00</u>	
38	Total.....	\$ 3,262,100.00	

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	33
41	Part Time.....	0
42	Time-Limited: Full Time.....	0
43	Part Time.....	0

44 Funds are provided herein to adjust the Variable Compensation
45 Plan to ensure that all full-time employees receive a pay increase
46 equal to the realignment component of the Variable Compensation
47 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
48 whichever is greater, to be awarded on July 1, 2007.

49 With the funds herein appropriated, it is the intention of
50 the Legislature that it shall be the agency's responsibility to
51 make certain that funds required to be appropriated for "Personal
52 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
53 funds appropriated for that purpose, unless programs or positions
54 are added to the agency's Fiscal Year 2009 budget by the
55 Mississippi Legislature. Based on data provided by the
56 Legislative Budget Office, the State Personnel Board shall
57 determine and publish the projected annual cost to fully fund all
58 appropriated positions in compliance with the provisions of this
59 act. It shall be the responsibility of the agency head to insure
60 that no single personnel action increases this projected annual

61 cost and/or the Fiscal Year 2008 appropriation for "Personal
62 Services" when annualized, with the exception of escalated funds.
63 If, at the time the agency takes any action to change "Personal
64 Services," the State Personnel Board determines that the agency
65 has taken an action which would cause the agency to exceed this
66 projected annual cost or the Fiscal Year 2008 "Personal Services"
67 appropriated level, when annualized, then only those actions which
68 reduce the projected annual cost and/or the appropriation
69 requirement will be processed by the State Personnel Board until
70 such time as the requirements of this provision are met.

71 Any transfers or escalations shall be made in accordance with
72 the terms, conditions and procedures established by law or
73 allowable under the terms set forth within this act. The State
74 Personnel Board shall not escalate positions without written
75 approval from the Department of Finance and Administration. The
76 Department of Finance and Administration shall not provide written
77 approval to escalate any funds for salaries and/or positions
78 without proof of availability of new or additional funds above the
79 appropriated level.

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

84 The agency shall not take any action to promote or otherwise
85 award salary increases through reallocation, reclassification,
86 realignment, education benchmark, career ladder, or any other
87 means to increase salaries of employees or positions unless
88 specifically exempted by the following conditions: the award of
89 teacher pay increases, the advancement of a trainee/cadet to the
90 next level of a bona fide career ladder, the award of an
91 educational benchmark for the attainment of Certified Public
92 Accountant License or higher level professional certification as
93 determined by the State Personnel Board, the immediate replacement

94 of a departing employee with an individual from within state
95 service or a new hire at a salary level equivalent to that of the
96 departing employee, and the emergency appointment of nurses,
97 pharmacists or other health care professionals at a salary to be
98 determined by the State Personnel Board, unless otherwise
99 authorized in this act.

100 **SECTION 4.** In addition to all other sums herein
101 appropriated, the following sum, or so much thereof as may be
102 necessary, is hereby appropriated out of any money in the State
103 Treasury to the credit of the Education Improvement Trust Fund No.
104 3219 for the purpose of investing funds for the fiscal year
105 beginning July 1, 2007, and ending June 30, 2008.....
106 \$ 125,000.00.

107 **SECTION 5.** 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 Prepaid Affordable
110 College Tuition Administrative Fund to defray the costs of the
111 Mississippi Prepaid Affordable College Tuition Program for the
112 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
113 \$ 1,221,764.00.

114 **SECTION 6.** Of the funds appropriated under the provisions of
115 Section 5, not more than the amounts set forth below shall be
116 expended for the respective major objects or purposes of
117 expenditure:

118 MAJOR OBJECTS OF EXPENDITURE:

119 Personal Services:

120 Salaries, Wages and Fringe Benefits.. \$ 230,903.00
121 Travel and Subsistence..... 14,987.00
122 Contractual Services..... 937,742.00
123 Commodities..... 34,932.00

124 Capital Outlay:

125 Other Than Equipment..... 0.00
126 Equipment..... 3,200.00

127	Vehicles.....	0.00
128	Wireless Communication Devices.....	0.00
129	Subsidies, Loans and Grants.....	0.00
130	Total..... \$	1,221,764.00

131 AUTHORIZED POSITIONS:

132	Permanent: Full Time.....	4
133	Part Time.....	0
134	Time-Limited: Full Time.....	0
135	Part Time.....	0

136 **SECTION 7.** The following sum, or so much thereof as may be
137 necessary, is hereby appropriated out of any money in the State
138 Treasury to the credit of the Mississippi Prepaid Affordable
139 College Tuition Trust Fund for the purpose of paying all amounts
140 due for prepaid tuition contracts of the Mississippi Prepaid
141 Affordable College Tuition Program, for the fiscal year beginning
142 July 1, 2007, and ending June 30, 2008..... \$ 18,000,000.00.

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

153 **SECTION 8.** The following sum, or so much thereof as may be
154 necessary, is hereby appropriated out of any money in the State
155 General Fund not otherwise appropriated, to defray the expenses of
156 the Office of the State Treasurer-Health Care Trust Fund Board,
157 for the fiscal year beginning July 1, 2007, and ending
158 June 30, 2008..... \$ 43,028.00.

159 **SECTION 9.** The following sum, or so much thereof as may be
 160 necessary, is hereby appropriated out of any money in the State
 161 Treasury to the credit of the Health Care Expendable Fund, created
 162 under House Bill No. 519, 1999 Regular Session, for the purpose of
 163 defraying the expenses of the Office of the State Treasurer for
 164 the fiscal year beginning July 1, 2007, and ending
 165 June 30, 2008..... \$ 59,022.00.

166 **SECTION 10.** Of the funds appropriated under the provisions
 167 of Sections 8 and 9, not more than the amounts set forth below
 168 shall be expended for the respective major objects or purposes of
 169 expenditure:

170 MAJOR OBJECTS OF EXPENDITURE:

171 Personal Services:

172	Salaries, Wages and Fringe Benefits..	\$	51,388.00
173	Travel and Subsistence.....		2,415.00
174	Contractual Services.....		46,247.00
175	Commodities.....		2,000.00

176 Capital Outlay:

177	Other Than Equipment.....		0.00
178	Equipment.....		0.00
179	Vehicles.....		0.00
180	Wireless Communication Devices.....		0.00
181	Subsidies, Loans and Grants.....		0.00

182	Total.....	\$	102,050.00
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183 AUTHORIZED POSITIONS:

184	Permanent:	Full Time.....	1
185		Part Time.....	0
186	Time-Limited:	Full Time.....	0
187		Part Time.....	0

188 **SECTION 11.** The following sum, or so much thereof as may be
 189 necessary, is hereby appropriated out of any money in the State
 190 Treasury to the credit of the Mississippi Affordable College
 191 Savings Administrative Fund to defray the costs of the Mississippi

192 Affordable College Savings Program for the fiscal year beginning
193 July 1, 2007, and ending June 30, 2008..... \$ 179,592.00.

194 **SECTION 12.** Of the funds appropriated under the provisions
195 of Section 11, not more than the amounts set forth below shall be
196 expended for the respective major objects or purposes of
197 expenditure:

198 MAJOR OBJECTS OF EXPENDITURE:

199 Personal Services:

200	Salaries, Wages and Fringe Benefits.. \$	104,472.00
201	Travel and Subsistence.....	13,592.00
202	Contractual Services.....	57,663.00
203	Commodities.....	3,865.00

204 Capital Outlay:

205	Other Than Equipment.....	0.00
206	Equipment.....	0.00
207	Vehicles.....	0.00
208	Wireless Communication Devices.....	0.00
209	Subsidies, Loans and Grants.....	<u>0.00</u>
210	Total..... \$	179,592.00

211 AUTHORIZED POSITIONS:

212	Permanent: Full Time.....	2
213	Part Time.....	0
214	Time-Limited: Full Time.....	0
215	Part Time.....	0

216 **SECTION 13.** No part of the funds appropriated herein shall
217 be used in the payment of attorney's fees, nor shall any of said
218 funds be used either directly or indirectly, for the purpose of
219 paying any clerk, stenographer, assistant, deputy or other person
220 who may be related by blood or marriage within the third degree,
221 computed by the rules of the civil law, to the official employing
222 or having the right of employment or selection thereof; and in the
223 event of any such payment, then the official or person approving
224 and making or receiving such payment shall be jointly and

225 severally liable to return to the State of Mississippi and to pay
226 into the State Treasury three (3) times any such amount so paid or
227 received, to be recovered at suit of the Attorney General;
228 provided that when the relationship is by affinity and the person
229 through whom the relationship was established is dead, this
230 provision shall not apply.

231 **SECTION 14.** It is the intention of the Legislature that the
232 Office of the State Treasurer shall maintain complete accounting
233 and personnel records related to the expenditure of all funds
234 appropriated under the provisions of this act and that such
235 records shall be in the same format and level of details as
236 maintained for Fiscal Year 2007. It is further the intention of
237 the Legislature that the budget request for Fiscal Year 2009 shall
238 be submitted to the Joint Legislative Budget Committee in a format
239 and level of detail comparable to the format and level of detail
240 provided during the Fiscal Year 2008 budget request process.

241 **SECTION 15.** It is the intention of the Legislature that the
242 State Treasurer's Office may authorize increases in major objects
243 of expenditure in total amounts not to exceed fifteen percent
244 (15%) of the appropriated amount of each major object of
245 expenditure, provided that other major objects of expenditure are
246 decreased by a corresponding dollar amount. However, no transfers
247 shall be authorized which increase the major object of expenditure
248 "Salaries, Wages and Fringe Benefits."

249 **SECTION 16.** It is the intention of the Legislature that
250 whenever two (2) or more bids are received by this agency for the
251 purchase of commodities or equipment, and whenever all things
252 stated in such received bids are equal with respect to price,
253 quality and service, the Mississippi Industries for the Blind
254 shall be given preference. A similar preference shall be given to
255 the Mississippi Industries for the Blind whenever purchases are
256 made without competitive bids.

257 **SECTION 17.** The money herein appropriated shall be paid by
258 the State Treasurer out of any money in the State Treasury to the
259 credit of the proper fund or funds as set forth in this act, upon
260 warrants issued by the State Fiscal Officer; and the State Fiscal
261 Officer shall issue his warrants upon requisitions signed by the
262 proper person, officer or officers in the manner provided by law.

263 **SECTION 18.** This act shall take effect and be in force from
264 and after July 1, 2007.