

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3159

BY: Committee

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi Workers' Compensation
8 Commission, for the purpose of defraying the expenses incurred by
9 said commission for the fiscal year beginning July 1, 2004, and
10 ending June 30, 2005..... \$ 5,429,861.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, not more than the amounts set forth below shall be
13 expended for the respective major objects or purposes of
14 expenditure:

15 **MAJOR OBJECTS OF EXPENDITURE:**

16 Personal Services:

17 Salaries, Wages and Fringe Benefits.. \$ 3,880,341.00
18 Travel and Subsistence..... 125,000.00
19 Contractual Services..... 938,320.00
20 Commodities..... 78,200.00

21 Capital Outlay:

22 Other Than Equipment..... 5,000.00
23 Equipment..... 48,000.00

24 Subsidies, Loans and Grants..... 355,000.00
 25 Total..... \$ 5,429,861.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 72
 28 Part Time..... 0
 29 Time-Limited: Full Time..... 0
 30 Part Time..... 0

31 With the funds herein appropriated, it is the intention of
 32 the Legislature that it shall be the agency's responsibility to
 33 make certain that funds required to be appropriated for "Personal
 34 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
 35 funds appropriated for that purpose, unless programs or positions
 36 are added to the agency's Fiscal Year 2006 budget by the
 37 Mississippi Legislature. Based on data provided by the
 38 Legislative Budget Office, the State Personnel Board shall
 39 determine and publish the projected annual cost to fully fund all
 40 appropriated positions in compliance with the provisions of this
 41 act. It shall be the responsibility of the agency head to insure
 42 that no single personnel action increases this projected annual
 43 cost and/or the Fiscal Year 2005 appropriation for "Personal
 44 Services" when annualized, with the exception of escalated funds.
 45 If, at the time the agency takes any action to change "Personal
 46 Services," the State Personnel Board determines that the agency
 47 has taken an action which would cause the agency to exceed this
 48 projected annual cost or the Fiscal Year 2005 "Personal Services"
 49 appropriated level, when annualized, then only those actions which
 50 reduce the projected annual cost and/or the appropriation
 51 requirement will be processed by the State Personnel Board until
 52 such time as the requirements of this provision are met.

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

56 Personnel Board shall not escalate positions without written
57 approval from the Department of Finance and Administration. The
58 Department of Finance and Administration shall not provide written
59 approval to escalate any funds for salaries and/or positions
60 without proof of availability of new or additional funds above the
61 appropriated level.

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

66 **SECTION 3.** The funds authorized herein shall be used to fund
67 all operations of the agency with the following prohibitions:

68 (1) The agency shall not fill any current or future vacant
69 positions;

70 (2) The agency shall not take any action to promote or
71 otherwise award salary increases through reallocation,
72 reclassification, realignment, education benchmark, career ladder,
73 or any other means to increase salaries of employees or positions
74 except as allowed under the provisions set forth in House Bill No.
75 1279, 2004 Regular Session;

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

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

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

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

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

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

97 (9) The agency shall not expend funds for the purchase of
98 new or replacement equipment or furniture, excluding lease
99 purchase payments on agreements in effect upon passage of this
100 appropriation bill, except as allowed under the provisions set
101 forth in House Bill No. 1279, 2004 Regular Session.

102 **SECTION 4.** It is the intention of the Legislature that none
103 of the funds appropriated above shall be expended unless members
104 of the Mississippi House of Representatives and Mississippi Senate
105 are notified at least five (5) days prior to a public ceremony
106 announcing the award of any grant in their district or any public
107 announcement or ceremony regarding the groundbreaking or opening
108 of a facility, roadway or bridge for which the Legislature has
109 made funds available. Any signage regarding any public event or
110 any new facility, roadway or bridge shall include the following
111 language: "Funds were made available for this project by the
112 Mississippi State Legislature."

113 **SECTION 5.** It is the intention of the Legislature that the
114 Mississippi Workers' Compensation Commission shall maintain
115 complete accounting and personnel records related to the
116 expenditure of all funds appropriated under this act and that such
117 records shall be in the same format and level of detail as
118 maintained for Fiscal Year 2004. It is further the intention of

119 the Legislature that the agency's budget request for Fiscal Year
120 2006 shall be submitted to the Joint Legislative Budget Committee
121 in a format and level of detail comparable to the format and level
122 of detail provided during the Fiscal Year 2005 budget request
123 process.

124 **SECTION 6.** It is the intention of the Legislature that with
125 the funds appropriated in Section 1 and authorized for expenditure
126 in Section 2, the Mississippi Workers' Compensation Commission
127 shall enter into a contract with the industrial private sector for
128 the purpose of implementing a safety education and training
129 program.

130 **SECTION 7.** With the funds provided herein, it is the intent
131 of the Legislature that the Workers' Compensation Commission may
132 transfer a sum or sums not to exceed Two Hundred Thousand Dollars
133 (\$200,000.00) from the Administrative Expense Fund to the Second
134 Injury Fund.

135 **SECTION 8.** With the funds provided herein, it is the intent
136 of the Legislature that the Workers' Compensation Commission may
137 transfer a sum or sums not to exceed One Hundred Fifty Thousand
138 Dollars (\$150,000.00) from the Administrative Expense Fund to the
139 Insurance Integrity Enforcement Bureau within the Office of the
140 Attorney General.

141 **SECTION 9.** Of the funds appropriated under the provisions of
142 Section 1 and allocated in Section 2, funds in the amount of
143 Fifty-seven Thousand Dollars (\$57,000.00) are provided to carry
144 out the provisions of Senate Bill No. 2647, 2004 Regular Session.
145 In the event that Senate Bill No. 2647, 2004 Regular Session, is
146 not enacted into law, it is the intention of the Legislature that
147 the Workers' Compensation Commission should not expend Fifty-seven
148 Thousand Dollars (\$57,000.00) of the funds appropriated under the
149 provisions of Section 1 and allocated in Section 2 of this act.

150 **SECTION 10.** The money herein appropriated shall be paid by
151 the State Treasurer out of any money in the State Treasury to the
152 credit of the proper fund or funds as set forth in this act, upon
153 warrants issued by the State Fiscal Officer; and the State Fiscal
154 Officer shall issue his warrants upon requisitions signed by the
155 proper person, officer or officers, in the manner provided by law.

156 **SECTION 11.** This act shall take effect and be in force from
157 and after July 1, 2004.