

By: Representatives Read,  
Martinson, Broomfield, Brown,  
Davis, Denny, Middleton, Miles,  
Weathersby

To: Appropriations

HOUSE BILL NO. 105  
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE ADMINISTRATIVE  
3 EXPENSES OF THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES'  
4 RETIREMENT SYSTEM AND FOR THE MAINTENANCE AND OPERATION OF THE  
5 RETIREMENT SYSTEM BUILDING FOR THE FISCAL YEAR 2006.

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

7 **SECTION 1.** The following sum, or so much thereof as may be  
8 necessary, is hereby appropriated out of any money in the State  
9 Treasury to the credit of the Administrative Expense Account of  
10 the Public Employees' Retirement System for the purpose of  
11 defraying the administrative expenses of the Board of Trustees of  
12 the Public Employees' Retirement System, or out of any money in  
13 the State Treasury to the credit of the Retirement System Building  
14 Account of the Public Employees' Retirement System for the purpose  
15 of maintenance and general operation of the Retirement System  
16 Building, for the fiscal year beginning July 1, 2005, and ending  
17 June 30, 2006..... \$ 59,266,624.00.

18 **SECTION 2.** Of the funds appropriated under the provisions of  
19 Section 1, not more than the amounts set forth below shall be  
20 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..	\$	<u>6,296,624.00</u>
25	Travel and Subsistence.....		75,000.00
26	Contractual Services.....		<u>2,620,000.00</u>
27	Commodities.....		275,000.00

28 Capital Outlay:

29	Other Than Equipment.....	0.00
30	Equipment.....	0.00
31	Subsidies, Loans and Grants.....	<u>50,000,000.00</u>
32	Total..... \$	59,266,624.00

33 AUTHORIZED POSITIONS:

34	Permanent: Full Time.....	139
35	Part Time.....	0
36	Time-Limited: Full Time.....	0
37	Part Time.....	0

38 With the funds herein appropriated, it is the intention of  
39 the Legislature that it shall be the agency's responsibility to  
40 make certain that funds required to be appropriated for "Personal  
41 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
42 funds appropriated for that purpose, unless programs or positions  
43 are added to the agency's Fiscal Year 2007 budget by the  
44 Mississippi Legislature. Based on data provided by the  
45 Legislative Budget Office, the State Personnel Board shall  
46 determine and publish the projected annual cost to fully fund all  
47 appropriated positions in compliance with the provisions of this  
48 act. It shall be the responsibility of the agency head to insure  
49 that no single personnel action increases this projected annual  
50 cost and/or the Fiscal Year 2006 appropriation for "Personal  
51 Services" when annualized, with the exception of escalated funds.  
52 If, at the time the agency takes any action to change "Personal  
53 Services," the State Personnel Board determines that the agency  
54 has taken an action which would cause the agency to exceed this  
55 projected annual cost or the Fiscal Year 2006 "Personal Services"  
56 appropriated level, when annualized, then only those actions which  
57 reduce the projected annual cost and/or the appropriation  
58 requirement will be processed by the State Personnel Board until  
59 such time as the requirements of this provision are met.

60 Any transfers or escalations shall be made in accordance with  
61 the terms, conditions and procedures established by law or

62 allowable under the terms set forth within this act. The State  
63 Personnel Board shall not escalate positions without written  
64 approval from the Department of Finance and Administration. The  
65 Department of Finance and Administration shall not provide written  
66 approval to escalate any funds for salaries and/or positions  
67 without proof of availability of new or additional funds above the  
68 appropriated level.

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

73 The agency shall not take any action to promote or otherwise  
74 award salary increases through reallocation, reclassification,  
75 realignment, education benchmark, career ladder, or any other  
76 means to increase salaries of employees or positions unless  
77 specifically exempted by the following conditions: the award of  
78 teacher pay increases, the advancement of a trainee/cadet to the  
79 next level of a bona fide career ladder, the award of an  
80 educational benchmark for the attainment of Certified Public  
81 Accountant License or higher level professional certification as  
82 determined by the State Personnel Board, the immediate replacement  
83 of a departing employee with an individual from within state  
84 service or a new hire at a salary level equivalent to that of the  
85 departing employee, and the emergency appointment of nurses,  
86 pharmacists or other health care professionals at a salary to be  
87 determined by the State Personnel Board, unless otherwise  
88 authorized in this act.

89 **SECTION 3.** It is the intention of the Legislature that the  
90 Board of Trustees of the Public Employees' Retirement System shall  
91 maintain complete accounting and personnel records related to the  
92 expenditure of all funds appropriated under this act and that such  
93 records shall be in the same format and level of detail as  
94 maintained for Fiscal Year 2005. It is further the intention of

95 the Legislature that the agency's budget request for Fiscal Year  
96 2007 shall be submitted to the Joint Legislative Budget Committee  
97 in a format and level of detail comparable to the format and level  
98 of detail provided during the Fiscal Year 2006 budget request  
99 process.

100       **SECTION 4.** In accordance with the purposes of this article,  
101 there shall be established in the State Treasury the Public  
102 Employees' Retirement System Building Repair and Maintenance Fund,  
103 into which shall be deposited all funds collected as rental income  
104 from the building owned by the system located at 301 North  
105 President Street, Jackson, Mississippi. At the end of each fiscal  
106 year, any and all unexpended funds shall be transferred to the  
107 Administrative Budget Fund of the system.

108       It is the intention of the Legislature that the system have  
109 the authority to escalate the Public Employees' Retirement System  
110 Building Repair and Maintenance Fund in an amount not to exceed  
111 Two Hundred Thousand Dollars (\$200,000.00) for repair and  
112 maintenance of the buildings owned by the system. All  
113 expenditures from the Public Employees' Retirement System Building  
114 Repair and Maintenance Fund shall be in accordance with this  
115 article and for the purposes designated herein.

116       **SECTION 5.** Of the funds appropriated in Section 1, as  
117 authorized in House Bill No. 1 of the 2005 Second Extraordinary  
118 Session, the following sum, or so much thereof as may be  
119 necessary, is hereby appropriated from Fund 3531 to be utilized by  
120 the system as a credit against the one percent (1%) increase in  
121 general fund employer contributions for the fiscal year beginning  
122 July 1, 2005, and ending June 30, 2006.....  
123 ..... \$ 50,000,000.00.

124       **SECTION 6.** The money herein appropriated shall be paid by  
125 the State Treasurer out of any money in the State Treasury to the  
126 credit of the proper fund or funds as set forth in this act, upon  
127 warrants issued by the State Fiscal Officer; and the State Fiscal

128 Officer shall issue his warrants upon requisitions signed by the  
129 proper person, officer or officers, in the manner provided by law.

130         **SECTION 7.** This act shall take effect and be in force from  
131 and after July 1, 2005.