

By: Senator(s) Gordon

To: Appropriations

SENATE BILL NO. 2589
(As Passed the Senate)

1 AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER CERTAIN
2 SPECIAL FUNDS INTO THE BUDGET CONTINGENCY FUND DURING FISCAL YEAR
3 2006 TO AMEND SECTION 1, SECTION 3 AND SECTION 5, CHAPTER 119,
4 LAWS OF SECOND EXTRAORDINARY SESSION 2005, TO INCREASE AND REDUCE
5 FUNDS IN THE FISCAL YEAR 2006 APPROPRIATION TO THE GOVERNOR'S
6 OFFICE, DIVISION OF MEDICAID; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The State Fiscal Officer shall transfer to the
9 Budget Contingency Fund created in Section 27-103-301, out of the
10 following enumerated special funds, the amount listed below for
11 each fund during the period beginning upon the passage of this act
12 through June 30, 2006:

AGENCY/FUND	FUND NO.	AMOUNT
Criminal Justice Fund	3086	\$400,000.00
Treasury - Unclaimed Property		
Fund	3178	<u>100,000.00</u>
TOTAL		\$500,000.00

18 **SECTION 2.** Section 1, Chapter 119, Laws of Second
19 Extraordinary Session 2005, is amended as follows:

20 Section 1. The following sum, or so much thereof as may be
21 necessary, is hereby appropriated out of any money in the State
22 General Fund not otherwise appropriated, to the Governor's Office
23 - Division of Medicaid for the purpose of providing medical
24 assistance under the Mississippi Medicaid Law and defraying the
25 expenses of the administration of such law, as provided in Section
26 43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
27 beginning July 1, 2005, and ending June 30, 2006.....
28 \$ 355,819,843.00.

29 **SECTION 3.** Section 3, Chapter 119, Laws of Second

30 Extraordinary Session 2005, is amended as follows:

31 Section 3. The following sum, or so much thereof as may be
32 necessary, is hereby appropriated out of any money in any special
33 fund in the State Treasury to the credit of the Governor's Office
34 - Division of Medicaid which is comprised of special source funds
35 collected by or otherwise available to the commission, for the
36 purpose of providing medical assistance under the Mississippi
37 Medicaid Law and defraying the expenses of the administration of
38 such law, for the fiscal year beginning July 1, 2005, and ending
39 June 30, 2006..... \$ 3,009,281,635.00.

40 Prior period recovery of funds may be maintained and expended
41 by the division when the recovery is received or finalized.

42 **SECTION 4.** Section 5, Chapter 119, Laws of Second

43 Extraordinary Session 2005, is amended as follows:

44 Section 5. Of the funds appropriated under the provisions of
45 Sections 1, 2, 3 and 4, not more than the amounts set forth below
46 shall be expended for the respective major objects or purposes of
47 expenditure:

48 MAJOR OBJECTS OF EXPENDITURE:

49 Personal Services:

50 Salaries, Wages and Fringe Benefits..	\$	48,226,538.00
51 Travel and Subsistence.....		1,282,556.00
52 Contractual Services.....		116,809,000.00
53 Commodities.....		2,567,500.00
54 Capital Outlay:		
55 Other Than Equipment.....		0.00
56 Equipment.....		2,714,000.00
57 Subsidies, Loans and Grants.....		3,621,651,579.00
58 Total.....	\$	<u>3,793,251,173.00</u>

59 FUNDING:

60 General Funds.....	\$	<u>355,819,843.00</u>
61 Special Funds.....		<u>3,437,431,330.00</u>

62 Total..... \$ 3,793,251,173.00

63 AUTHORIZED POSITIONS:

64	Permanent:	Full Time.....	1,066
65		Part Time.....	0
66	Time-Limited:	Full Time.....	0
67		Part Time.....	0

68 With the funds herein appropriated, it is the intention of
69 the Legislature that it shall be the agency's responsibility to
70 make certain that funds required to be appropriated for "Personal
71 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
72 funds appropriated for that purpose, unless programs or positions
73 are added to the agency's Fiscal Year 2007 budget by the
74 Mississippi Legislature. Based on data provided by the
75 Legislative Budget Office, the State Personnel Board shall
76 determine and publish the projected annual cost to fully fund all
77 appropriated positions in compliance with the provisions of this
78 act. It shall be the responsibility of the agency head to insure
79 that no single personnel action increases this projected annual
80 cost and/or the Fiscal Year 2006 appropriation for "Personal
81 Services" when annualized, with the exception of escalated funds.
82 If, at the time the agency takes any action to change "Personal
83 Services," the State Personnel Board determines that the agency
84 has taken an action which would cause the agency to exceed this
85 projected annual cost or the Fiscal Year 2006 "Personal Services"
86 appropriated level, when annualized, then only those actions which
87 reduce the projected annual cost and/or the appropriation
88 requirement will be processed by the State Personnel Board until
89 such time as the requirements of this provision are met.

90 Any transfers or escalations shall be made in accordance with
91 the terms, conditions and procedures established by law or
92 allowable under the terms set forth within this act. The State
93 Personnel Board shall not escalate positions without written
94 approval from the Department of Finance and Administration. The

95 Department of Finance and Administration shall not provide written
96 approval to escalate any funds for salaries and/or positions
97 without proof of availability of new or additional funds above the
98 appropriated level.

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

103 The agency shall not take any action to promote or otherwise
104 award salary increases through reallocation, reclassification,
105 realignment, education benchmark, career ladder, or any other
106 means to increase salaries of employees or positions unless
107 specifically exempted by the following conditions: the award of
108 teacher pay increases, the advancement of a trainee/cadet to the
109 next level of a bona fide career ladder, the award of an
110 educational benchmark for the attainment of Certified Public
111 Accountant License or higher level professional certification as
112 determined by the State Personnel Board, the immediate replacement
113 of a departing employee with an individual from within state
114 service or a new hire at a salary level equivalent to that of the
115 departing employee, and the emergency appointment of nurses,
116 pharmacists or other health care professionals at a salary to be
117 determined by the State Personnel Board, unless otherwise
118 authorized in this act.

119 **SECTION 5.** The Mississippi Public Employees' Retirement
120 System shall transfer from Fund Number 3531 to the Budget
121 Contingency Fund not later than August 31, 2006, any remaining
122 balance as of June 30, 2006, of the Fifty Million Dollars
123 (\$50,000,000.00) of General Funds transferred to and utilized by
124 the system as a credit against the one percent (1%) increase in
125 General Fund employer contributions beginning July 1, 2005,
126 pursuant to House Bill No. 1 of the Second Extraordinary Session
127 of 2005.

128 **SECTION 6.** This act shall take effect and be in force from
129 and after its passage.