

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

To: Appropriations

HOUSE BILL NO. 1659
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 MISSISSIPPI ATHLETIC COMMISSION FOR THE FISCAL YEAR 2008.

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

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 Athletic Commission
8 Fund, for the purpose of defraying the expenses of the Mississippi
9 Athletic Commission for the fiscal year beginning July 1, 2007,
10 and ending June 30, 2008 \$ 126,091.00.

11 **SECTION 2.** With the funds appropriated under the provisions
12 of Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	1
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 Funds are provided herein to adjust the Variable Compensation
19 Plan to ensure that all full-time employees receive a pay increase
20 equal to the realignment component of the Variable Compensation
21 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
22 is greater, to be awarded on July 1, 2007.

23 With the funds herein appropriated, it is the intention of
24 the Legislature that it shall be the agency's responsibility to
25 make certain that funds required to be appropriated for "Personal
26 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
27 funds appropriated for that purpose, unless programs or positions

28 are added to the agency's Fiscal Year 2008 budget by the
29 Mississippi Legislature. Based on data provided by the
30 Legislative Budget Office, the State Personnel Board shall
31 determine and publish the projected annual cost to fully fund all
32 appropriated positions in compliance with the provisions of this
33 act. It shall be the responsibility of the agency head to insure
34 that no single personnel action increases this projected annual
35 cost and/or the Fiscal Year 2008 appropriations for "Personal
36 Services" when annualized, with the exception of escalated funds
37 and educational benchmarks. If, at the time the agency takes any
38 action to change "Personal Services," the State Personnel Board
39 determines that the agency has taken an action which would cause
40 the agency to exceed this projected annual cost or the Fiscal Year
41 2008 "Personal Services" appropriated level, when annualized, then
42 only those actions which reduce the projected annual cost and/or
43 the appropriation requirement will be processed by the State
44 Personnel Board until such time as the requirements of this
45 provision are met. On January 1, 2008, the State Personnel Board
46 will make adjustments to the structure side of the compliance
47 report based on data provided by the Legislative Budget Office in
48 order for agencies to award educational benchmarks.

49 The agency shall not take any action to promote or otherwise
50 award salary increases through reallocation, reclassification,
51 realignment, education benchmark, career ladder, or any other
52 means to increase salaries of employees or positions unless
53 specifically exempted by the following conditions: the award of
54 teacher pay increases, the advancement of a trainee/cadet to the
55 next level of a bona fide career ladder, the award of an
56 educational benchmark for the attainment of Certified Public
57 Accountant License or higher level professional certification as
58 determined by the State Personnel Board, the immediate replacement
59 of a departing employee with an individual from within state
60 service or a new hire at a salary level equivalent to that of the

61 departing employee, and the emergency appointment of nurses,
62 pharmacists or other health care professionals at a salary to be
63 determined by the State Personnel Board, unless otherwise
64 authorized in this act.

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

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

78 **SECTION 3.** It is the intention of the Legislature that the
79 Mississippi Athletic Commission shall maintain complete accounting
80 and personnel records related to the expenditure of all funds
81 appropriated under this act and that such records shall be in the
82 same format and level of detail as maintained for Fiscal Year
83 2007. It is further the intention of the Legislature that the
84 agency's budget request for Fiscal Year 2009 shall be submitted to
85 the Joint Legislative Budget Committee in a format and level of
86 detail comparable to the format and level of detail provided
87 during the Fiscal Year 2008 budget request process.

88 **SECTION 4.** It is the intention of the Legislature that
89 whenever two (2) or more bids are received by this agency for the
90 purchase of commodities or equipment, and whenever all things
91 stated in such received bids are equal with respect to price,
92 quality and service, the Mississippi Industries for the Blind
93 shall be given preference. A similar preference shall be given to

94 the Mississippi Industries for the Blind whenever purchases are
95 made without competitive bids.

96 **SECTION 5.** The money herein appropriated shall be paid by
97 the State Treasurer out of any money in the State Treasury to the
98 credit of the proper fund or funds as set forth in this act, upon
99 warrants issued by the State Fiscal Officer; and the State Fiscal
100 Officer shall issue his warrants upon requisitions signed by the
101 proper person, officer or officers, in the manner provided by law.

102 **SECTION 6.** This act shall take effect and be in force from
103 and after July 1, 2007.