

By: Representatives Holland, Barnett, Banks, Davis, Flaggs, Gibbs, Malone, Markham, Read, Shows, Stevens To: Appropriations

HOUSE BILL NO. 1697

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI TOBACCO CONTROL COMMISSION FOR
3 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 authorized for expenditure out of any special
7 source funds which are collected by or otherwise become available
8 for the purpose of defraying the expenses of the Mississippi
9 Tobacco Control Commission, for the fiscal year beginning
10 July 1, 2007, and ending June 30, 2008.....
11 ..... \$ 20,000,000.00.

12 SECTION 2. Of the funds appropriated under the provisions of
13 Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

Table with 2 columns: Position Type and Count. Rows include Permanent Full Time (1), Permanent Part Time (0), Time-Limited Full Time (0), and Time-Limited Part Time (0).

19 SECTION 3. Of the funds appropriated under the provisions of
20 this act, the following sums shall be allocated as follows:

Table with 2 columns: Allocation Description and Amount. Rows include School Nurse Program (\$7,500,000.00), Cancer Center (\$5,000,000.00), and Tobacco Unit (\$800,000.00).

28 Further, it is the intention of the Legislature that the  
29 Commission shall have the authority to escalate up to twenty-five  
30 (25) PINs as authorized in House Bill No. 349, 2007 Regular  
31 Session.

32 **SECTION 4.** Funding for the different components of the  
33 program shall be apportioned between the components based on the  
34 recommendations in the Best Practices for Comprehensive Tobacco  
35 Control Programs of the Federal Centers for Disease Control and  
36 Prevention, as periodically amended, to provide adequate program  
37 development, implementation and evaluation for effective control  
38 of the use of tobacco products. While the commission shall  
39 develop annual budgets based on strategic planning, components of  
40 the program shall be funded using the following areas as  
41 guidelines for priority:

- 42 (1) School programs;
- 43 (2) Mass media (counter-marketing);
- 44 (3) Cessation programs (including media promotions);
- 45 (4) Community programs;
- 46 (5) Surveillance and evaluation;
- 47 (6) Law enforcement; and
- 48 (7) Administration and management; however, not more than  
49 five percent (5%) of the total budget may be expended for  
50 administration and management purposes.

51 In funding the components of the program, the commission may  
52 provide funding for health care programs at the University of  
53 Mississippi Medical Center that are related to the prevention and  
54 cessation of the use of tobacco products and the treatment of  
55 illnesses that are related to the use of tobacco products.

56 Funds are provided herein to adjust the Variable Compensation  
57 Plan to ensure that all full-time employees receive a pay increase  
58 equal to the realignment component of the Variable Compensation  
59 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
60 is greater.

61           With the funds herein appropriated, it is the intention of  
62 the Legislature that it shall be the agency's responsibility to  
63 make certain that funds required to be appropriated for "Personal  
64 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
65 funds appropriated for that purpose, unless programs or positions  
66 are added to the agency's Fiscal Year 2009 budget by the  
67 Mississippi Legislature. Based on data provided by the  
68 Legislative Budget Office, the State Personnel Board shall  
69 determine and publish the projected annual cost to fully fund all  
70 appropriated positions in compliance with the provisions of this  
71 act. It shall be the responsibility of the agency head to insure  
72 that no single personnel action increases this projected annual  
73 cost and/or the Fiscal Year 2008 appropriation for "Personal  
74 Services" when annualized, with the exception of escalated funds.  
75 If, at the time the agency takes any action to change "Personal  
76 Services," the State Personnel Board determines that the agency  
77 has taken an action which would cause the agency to exceed this  
78 projected annual cost or the Fiscal Year 2008 "Personal Services"  
79 appropriated level, when annualized, then only those actions which  
80 reduce the projected annual cost and/or the appropriation  
81 requirement will be processed by the State Personnel Board until  
82 such time as the requirements of this provision are met.

83           Any transfers or escalations shall be made in accordance with  
84 the terms, conditions and procedures established by law or  
85 allowable under the terms set forth within this act. The State  
86 Personnel Board shall not escalate positions without written  
87 approval from the Department of Finance and Administration. The  
88 Department of Finance and Administration shall not provide written  
89 approval to escalate any funds for salaries and/or positions  
90 without proof of availability of new or additional funds above the  
91 appropriated level.

92           No general funds authorized to be expended herein shall be  
93 used to replace federal funds and/or other special funds which are

94 being used for salaries authorized under the provisions of this  
95 act and which are withdrawn and no longer available.

96         **SECTION 5.** It is the intention of the Legislature that  
97 whenever two (2) or more bids are received by this agency for the  
98 purchase of commodities or equipment, and whenever all things  
99 stated in such received bids are equal with respect to price,  
100 quality and service, the Mississippi Industries for the Blind  
101 shall be given preference. A similar preference shall be given to  
102 the Mississippi Industries for the Blind whenever purchases are  
103 made without competitive bids.

104         **SECTION 6.** The money herein appropriated shall be paid by  
105 the State Treasurer out of any money in the State Treasury to the  
106 credit of the proper fund or funds as set forth in this act, upon  
107 warrants issued by the State Fiscal Officer; and the State Fiscal  
108 Officer shall issue his warrants upon requisitions signed by the  
109 proper person, officer or officers, in the manner provided by law.

110         **SECTION 7.** This act shall take effect and be in force from  
111 and after July 1, 2007.