

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

HOUSE BILL NO. 1697 (As Passed the House)

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:

21 The Department of Education for the
22 School Nurse Program.....\$ 7,500,000.00
23 The University Medical Center for
24 the Cancer Center.....\$ 5,000,000.00
25 The University of Mississippi Act
26 Center for Tobacco Treatment,
27 Education and Research.....\$ 2,000,000.00

28           The Attorney General's Office for  
29                   the Alcohol and Enforcement  
30                   Tobacco Unit.....\$     800,000.00

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

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

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

54           In funding the components of the program, the commission may  
55 provide funding for health care programs at the University of  
56 Mississippi Medical Center that are related to the prevention and  
57 cessation of the use of tobacco products and the treatment of  
58 illnesses that are related to the use of tobacco products  
59 inclusive of their ACT Center.

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

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

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

93 approval to escalate any funds for salaries and/or positions  
94 without proof of availability of new or additional funds above the  
95 appropriated level.

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

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

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

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