

By: Senator(s) Gordon, Little, Kirby,
Cuevas, Flowers, Lee (35th), Turner

To: Appropriations

SENATE BILL NO. 3135

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE
2 EXPENSES OF THE STATE PERSONNEL BOARD FOR FISCAL YEAR 2008.

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

4 SECTION 1. The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 Treasury to the credit of the State Personnel Board for the
7 support and maintenance of the State Personnel Board for the
8 fiscal year beginning July 1, 2007, and ending June 30, 2008.....
9 \$ 5,436,519.00.

10 SECTION 2. Of the funds appropriated under the provisions of
11 Section 1, not more than the amounts set forth below shall be
12 expended for the respective major objects or purposes of
13 expenditure:

14 MAJOR OBJECTS OF EXPENDITURE:

15 Personal Services:

16 Salaries, Wages and Fringe Benefits.. \$ 3,718,045.00
17 Travel and Subsistence..... 32,000.00
18 Contractual Services..... 1,511,424.00
19 Commodities..... 133,800.00

20 Capital Outlay:

21 Other Than Equipment..... 0.00
22 Equipment..... 41,250.00
23 Vehicles..... 0.00
24 Wireless Communication Devices..... 0.00
25 Subsidies, Loans and Grants..... 0.00
26 Total..... \$ 5,436,519.00

27 AUTHORIZED POSITIONS:



| | | | |
|----|---------------|----------------|----|
| 28 | Permanent: | Full Time..... | 63 |
| 29 | | Part Time..... | 2 |
| 30 | Time-Limited: | Full Time..... | 0 |
| 31 | | Part Time..... | 0 |

32 Funds are provided herein to adjust the Variable Compensation
33 Plan to ensure that all full-time employees receive a pay increase
34 equal to the realignment component of the Variable Compensation
35 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
36 whichever is greater, to be awarded on July 1, 2007.

37 With the funds herein appropriated, it is the intention of
38 the Legislature that it shall be the agency's responsibility to
39 make certain that funds required to be appropriated for "Personal
40 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
41 funds appropriated for that purpose, unless programs or positions
42 are added to the agency's Fiscal Year 2009 budget by the
43 Mississippi Legislature. Based on data provided by the
44 Legislative Budget Office, the State Personnel Board shall
45 determine and publish the projected annual cost to fully fund all
46 appropriated positions in compliance with the provisions of this
47 act. It shall be the responsibility of the agency head to insure
48 that no single personnel action increases this projected annual
49 cost and/or the Fiscal Year 2008 appropriation for "Personal
50 Services" when annualized, with the exception of escalated funds.
51 If, at the time the agency takes any action to change "Personal
52 Services," the State Personnel Board determines that the agency
53 has taken an action which would cause the agency to exceed this
54 projected annual cost or the Fiscal Year 2008 "Personal Services"
55 appropriated level, when annualized, then only those actions which
56 reduce the projected annual cost and/or the appropriation
57 requirement will be processed by the State Personnel Board until
58 such time as the requirements of this provision are met.

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



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

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

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

88 **SECTION 3.** The following sum, or so much thereof as may be
89 necessary, is hereby appropriated out of any money in the State
90 Treasury to the credit of the State Personnel Board Training Fund
91 account, for the purpose of defraying the expenses of the State
92 Personnel Board Training Seminars for the fiscal year beginning
93 July 1, 2007, and ending June 30, 2008.....\$ 382,454.00.



94 It is the intention of the Legislature that the State
 95 Personnel Board Training Fund shall have the authority, should
 96 additional funds become available, to escalate and expend those
 97 funds in accordance with the rules and regulations of the
 98 Department of Finance and Administration, in a manner consistent
 99 with the escalation of federal funds.

100 The funds authorized under the provisions of this section
 101 shall be held separate and apart from all other funds in the State
 102 Treasury to the credit of the State Personnel Board.

103 **SECTION 4.** Of the funds appropriated under the provisions of
 104 Section 3, not more than the amounts set forth below shall be
 105 expended for the respective major objects or purposes of
 106 expenditure:

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

| | | |
|-----|--|-------------|
| 109 | Salaries, Wages and Fringe Benefits.. \$ | 0.00 |
| 110 | Travel and Subsistence..... | 12,000.00 |
| 111 | Contractual Services..... | 317,661.00 |
| 112 | Commodities..... | 46,793.00 |
| 113 | Capital Outlay: | |
| 114 | Other Than Equipment..... | 0.00 |
| 115 | Equipment..... | 6,000.00 |
| 116 | Vehicles..... | 0.00 |
| 117 | Wireless Communication Devices..... | 0.00 |
| 118 | Subsidies, Loans and Grants..... | <u>0.00</u> |
| 119 | Total..... \$ | 382,454.00 |

120 **SECTION 5.** It is the intention of the Legislature that the
 121 State Personnel Board shall have the authority to escalate and
 122 expend funds received from state agencies for reimbursement of
 123 costs associated with the hiring of court reporters used in the
 124 Employee Appeals Process. Such funds shall be received and
 125 expended under the rules and regulations of the Department of



126 Finance and Administration in a manner consistent with the
127 escalation of federal funds.

128 **SECTION 6.** It is the intention of the Legislature that the
129 State Personnel Board shall maintain complete accounting and
130 personnel records related to the expenditure of all funds
131 appropriated under this act and that such records shall be in the
132 same format and level of detail as maintained for Fiscal Year
133 2007. It is further the intention of the Legislature that the
134 agency's budget request for Fiscal Year 2009 shall be submitted to
135 the Joint Legislative Budget Committee in a format and level of
136 detail comparable to the format and level of detail provided
137 during the Fiscal Year 2008 budget request process.

138 **SECTION 7.** It is the intention of the Legislature that
139 whenever two (2) or more bids are received by this agency for the
140 purchase of commodities or equipment, and whenever all things
141 stated in such received bids are equal with respect to price,
142 quality and service, the Mississippi Industries for the Blind
143 shall be given preference. A similar preference shall be given to
144 the Mississippi Industries for the Blind whenever purchases are
145 made without competitive bids.

146 **SECTION 8.** The money herein appropriated shall be paid by
147 the State Treasurer out of any money in the State Treasury to the
148 credit of the proper fund or funds as set forth in this act, upon
149 warrants issued by the State Fiscal Officer, and the State Fiscal
150 Officer shall issue his warrants upon requisitions signed by the
151 proper person, officer or officers in the manner provided by law.

152 **SECTION 9.** This act shall take effect and be in force from
153 and after July 1, 2007.

