

By: Senator(s) Gordon, Little, Gollott,
Kirby, Moffatt, Thames

To: Appropriations

SENATE BILL NO. 3151

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS FOR THE
2 SUPPORT OF THE STATE DEPARTMENT OF BANKING AND CONSUMER FINANCE
3 FOR FISCAL YEAR 2008.

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

5 SECTION 1. The following sum of money, or so much thereof as
6 may be necessary, is hereby appropriated out of any money in the
7 State Treasury to the credit of the State Department of Banking
8 and Consumer Finance, for the support of the State Department of
9 Banking and Consumer Finance, for the fiscal year beginning
10 July 1, 2007, and ending June 30, 2008.....
11 \$ 7,046,770.00.

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

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	59
16		Part Time.....	0
17	Time-Limited:	Full Time.....	0
18		Part Time.....	0

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

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

28 funds appropriated for that purpose, unless programs or positions
29 are added to the agency's Fiscal Year 2009 budget by the
30 Mississippi Legislature. Based on data provided by the
31 Legislative Budget Office, the State Personnel Board shall
32 determine and publish the projected annual cost to fully fund all
33 appropriated positions in compliance with the provisions of this
34 act. It shall be the responsibility of the agency head to insure
35 that no single personnel action increases this projected annual
36 cost and/or the Fiscal Year 2008 appropriation for "Personal
37 Services" when annualized, with the exception of escalated funds.
38 If, at the time the agency takes any action to change "Personal
39 Services," the State Personnel Board determines that the agency
40 has taken an action which would cause the agency to exceed this
41 projected annual cost or the Fiscal Year 2008 "Personal Services"
42 appropriated level, when annualized, then only those actions which
43 reduce the projected annual cost and/or the appropriation
44 requirement will be processed by the State Personnel Board until
45 such time as the requirements of this provision are met.

46 Any transfers or escalations shall be made in accordance with
47 the terms, conditions and procedures established by law or
48 allowable under the terms set forth within this act. The State
49 Personnel Board shall not escalate positions without written
50 approval from the Department of Finance and Administration. The
51 Department of Finance and Administration shall not provide written
52 approval to escalate any funds for salaries and/or positions
53 without proof of availability of new or additional funds above the
54 appropriated level.

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

59 The agency shall not take any action to promote or otherwise
60 award salary increases through reallocation, reclassification,

61 realignment, education benchmark, career ladder, or any other
62 means to increase salaries of employees or positions unless
63 specifically exempted by the following conditions: the award of
64 teacher pay increases, the advancement of a trainee/cadet to the
65 next level of a bona fide career ladder, the award of an
66 educational benchmark for the attainment of Certified Public
67 Accountant License or higher level professional certification as
68 determined by the State Personnel Board, the immediate replacement
69 of a departing employee with an individual from within state
70 service or a new hire at a salary level equivalent to that of the
71 departing employee, and the emergency appointment of nurses,
72 pharmacists or other health care professionals at a salary to be
73 determined by the State Personnel Board, unless otherwise
74 authorized in this act.

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

85 **SECTION 4.** It is the intention of the Legislature that the
86 Department of Banking and Consumer Finance shall have the
87 authority to escalate its budget and expend funds from any source
88 received from the Office of the Attorney General in an amount not
89 to exceed Twenty-five Thousand Dollars (\$25,000.00) in accordance
90 with rules and regulations of the Department of Finance and
91 Administration in a manner consistent with the escalation of
92 federal funds.

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

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

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