

By: Senator(s) Gordon, Little, Gollott, Kirby, Moffatt, Thames, Butler, Carmichael, Frazier, Jackson (11th), Jackson (32nd), Jordan, Mettetal, Thomas

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.