

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3165

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi Workers' Compensation
8 Commission, for the purpose of defraying the expenses incurred by
9 said commission for the fiscal year beginning July 1, 2007, and
10 ending June 30, 2008..... \$ 6,219,646.00.

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

15 MAJOR OBJECTS OF EXPENDITURE:

16 Personal Services:

17 Salaries, Wages and Fringe Benefits.. \$ 4,350,327.00
18 Travel and Subsistence..... 115,000.00
19 Contractual Services..... 1,308,669.00
20 Commodities..... 66,200.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00
23 Equipment..... 20,000.00

24	Vehicles.....	0.00
25	Wireless Communication Devices.....	4,450.00
26	Subsidies, Loans and Grants.....	<u>355,000.00</u>
27	Total..... \$	6,219,646.00

28 AUTHORIZED POSITIONS:

29	Permanent: Full Time.....	70
30	Part Time.....	0
31	Time-Limited: Full Time.....	0
32	Part Time.....	0

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

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

56 appropriated level, when annualized, then only those actions which
57 reduce the projected annual cost and/or the appropriation
58 requirement will be processed by the State Personnel Board until
59 such time as the requirements of this provision are met.

60 Any transfers or escalations shall be made in accordance with
61 the terms, conditions and procedures established by law or
62 allowable under the terms set forth within this act. The State
63 Personnel Board shall not escalate positions without written
64 approval from the Department of Finance and Administration. The
65 Department of Finance and Administration shall not provide written
66 approval to escalate any funds for salaries and/or positions
67 without proof of availability of new or additional funds above the
68 appropriated level.

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

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

87 determined by the State Personnel Board, unless otherwise
88 authorized in this act.

89 **SECTION 3.** It is the intention of the Legislature that with
90 the funds appropriated in Section 1 and authorized for expenditure
91 in Section 2, the Mississippi Workers' Compensation Commission
92 shall enter into a contract with the industrial private sector for
93 the purpose of implementing a safety education and training
94 program.

95 **SECTION 4.** With the funds provided herein, it is the intent
96 of the Legislature that the Workers' Compensation Commission may
97 transfer a sum or sums not to exceed Two Hundred Thousand Dollars
98 (\$200,000.00) from the Administrative Expense Fund to the Second
99 Injury Fund.

100 **SECTION 5.** With the funds provided herein, it is the intent
101 of the Legislature that the Workers' Compensation Commission may
102 transfer a sum or sums not to exceed One Hundred Fifty Thousand
103 Dollars (\$150,000.00) from the Administrative Expense Fund to the
104 Insurance Integrity Enforcement Bureau within the Office of the
105 Attorney General.

106 **SECTION 6.** It is the intention of the Legislature that
107 whenever two (2) or more bids are received by this agency for the
108 purchase of commodities or equipment, and whenever all things
109 stated in such received bids are equal with respect to price,
110 quality and service, the Mississippi Industries for the Blind
111 shall be given preference. A similar preference shall be given to
112 the Mississippi Industries for the Blind whenever purchases are
113 made without competitive bids.

114 **SECTION 7.** With the funds provided herein, it is the
115 intention of the Legislature that the Workers' Compensation
116 Commission may grant nonbudgeted realignments to statutory
117 employees as recommended by the State Personnel Board.

118 **SECTION 8.** It is the intention of the Legislature that the
119 salary of the Workers' Compensation Commission members shall be
120 equal and the salary of the Commission Chairman shall exceed these
121 salaries as approved by the State Personnel Board.

122 **SECTION 9.** The money herein appropriated shall be paid by
123 the State Treasurer out of any money in the State Treasury to the
124 credit of the proper fund or funds as set forth in this act, upon
125 warrants issued by the State Fiscal Officer; and the State Fiscal
126 Officer shall issue his warrants upon requisitions signed by the
127 proper person, officer or officers, in the manner provided by law.

128 **SECTION 10.** This act shall take effect and be in force from
129 and after July 1, 2007, except for Section 7 which shall take
130 effect and be in force from and after its passage.