

Senate Amendments to House Bill No. 1650

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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 State Board of Cosmetology, for the
8 purpose of defraying the expenses of the board for the fiscal year
9 beginning July 1, 2007, and ending June 30, 2008.....
10 \$ 825,882.00.

11 **SECTION 2.** Of the funds approved for expenditure under the
12 provisions of Section 1, not more than the amounts set forth below
13 shall be 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..	\$	454,901.00
18 Travel and Subsistence.....		129,362.00
19 Contractual Services.....		216,912.00
20 Commodities.....		18,207.00
21 Capital Outlay:		
22 Other Than Equipment.....		0.00
23 Equipment.....		6,500.00
24 Vehicles.....		0.00
25 Wireless Communication Devices.....		0.00
26 Subsidies, Loans and Grants.....		0.00
27 Total.....	\$	825,882.00

28 **AUTHORIZED POSITIONS:**

29 Permanent:	Full Time.....	12
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 Dollars (\$1,000.00), or Three Percent (3%)
37 whichever is greater, to be awarded on July 1, 2007.

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.** If not needed for other purposes, the State
90 Treasurer shall invest any part of or all monies herein approved
91 and any surplus funds of the State Board of Cosmetology for a
92 period of ninety (90) days or more at the highest rate of interest
93 obtainable and credit such to this respective fund. Monies shall
94 be invested by the Treasurer in any short-term bonds, notes or
95 other direct obligations of the United States of America or the
96 State of Mississippi or any county or municipality of this state,
97 which county or municipal bonds have been approved by a reputable
98 bond attorney or have been validated by a decree of the court, or
99 in savings accounts or certificates of deposit of a state or
100 national bank in the State of Mississippi, or in federally insured

101 savings and loan associations in the State of Mississippi; and in
102 any event, the bonds, notes or obligations in which such funds are
103 invested shall mature or be redeemable prior to the time the funds
104 so invested will be needed for the purposes herein provided.

105 **SECTION 4.** It is the intent of this legislation to provide
106 the funds for the board to meet when necessary, but under no
107 circumstances shall it meet more than sixty-two (62) days a year.

108 **SECTION 5.** It is the intention of the Legislature that the
109 State Board of Cosmetology shall maintain complete accounting and
110 personnel records related to the expenditure of all funds
111 appropriated under this act and that such records shall be in the
112 same format and level of detail as maintained for Fiscal Year
113 2007. It is further the intention of the Legislature that the
114 agency's budget request for Fiscal Year 2009 shall be submitted to
115 the Joint Legislative Budget Committee in a format and level of
116 detail comparable to the format and level of detail provided
117 during the Fiscal Year 2008 budget request process.

118 **SECTION 6.** It is the intention of the Legislature that
119 whenever two (2) or more bids are received by this agency for the
120 purchase of commodities or equipment, and whenever all things
121 stated in such received bids are equal with respect to price,
122 quality and service, the Mississippi Industries for the Blind
123 shall be given preference. A similar preference shall be given to
124 the Mississippi Industries for the Blind whenever purchases are
125 made without competitive bids.

126 **SECTION 7.** The money herein appropriated shall be paid by
127 the State Treasurer out of any money in the State Treasury to the
128 credit of the proper fund or funds as set forth in this act, upon
129 warrants issued by the State Fiscal Officer; and the State Fiscal
130 Officer shall issue his warrants upon requisitions signed by the
131 proper person, officer or officers, in the manner provided by law.

132 **SECTION 8.** This act shall take effect and be in force from
133 and after July 1, 2007.

John O. Gilbert
Secretary of the Senate