

Senate Amendments to House Bill No. 1704

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 any special
7 fund in the State Treasury to the credit of the Mississippi
8 Department of Insurance which is comprised of special source funds
9 collected by or otherwise available to the department, for the
10 purpose of defraying the expenses of the department for the fiscal
11 year beginning July 1, 2007, and ending June 30, 2008.....
12 \$ 9,370,794.00.

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

17 **MAJOR OBJECTS OF EXPENDITURE:**

18 Personal Services:

19 Salaries, Wages and Fringe Benefits..	\$	6,713,504.00
20 Travel and Subsistence.....		115,000.00
21 Contractual Services.....		2,051,291.00
22 Commodities.....		291,171.00
23 Capital Outlay:		
24 Other Than Equipment.....		0.00
25 Equipment.....		95,628.00
26 Vehicles.....		100,000.00
27 Wireless Communication Devices.....		3,700.00
28 Subsidies, Loans and Grants.....		<u>500.00</u>
29 Total.....	\$	9,370,794.00

30 **AUTHORIZED POSITIONS:**

31	Permanent:	Full Time.....	124
32		Part Time.....	0
33	Time-Limited:	Full Time.....	0
34		Part Time.....	0

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

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

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written

66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions
69 without proof of availability of new or additional funds above the
70 appropriated level.

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

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

91 **SECTION 3.** It is the intention of the Legislature that the
92 Mississippi Department of Insurance shall maintain complete
93 accounting and personnel records related to the expenditure of all
94 funds appropriated under this act and that such records shall be
95 in the same format and level of detail as maintained for Fiscal
96 Year 2007. It is further the intention of the Legislature that
97 the agency's budget request for Fiscal Year 2009 shall be
98 submitted to the Joint Legislative Budget Committee in a format
99 and level of detail comparable to the format and level of detail
100 provided during the Fiscal Year 2008 budget request process.

101 **SECTION 4.** Of the funds appropriated under the provisions of
102 Section 1, and authorized for expenditure in Section 2, Fifteen
103 Thousand Seventy-nine Dollars (\$15,079.00) is provided for the
104 Mississippi Fire Personnel Minimum Standards and Certification
105 Board.

106 **SECTION 5.** The following sum, or so much thereof as may be
107 necessary, is hereby appropriated out of any money in the special
108 fund in the State Treasury to the credit of the Rural Fire Truck
109 Acquisition Fund to the Mississippi Department of Insurance for
110 the Rural Fire Truck Acquisition Assistance Program for the fiscal
111 year beginning July 1, 2007, and ending June 30, 2008.....
112 \$ 4,000,000.00.

113 **SECTION 6.** The following sum, or so much thereof as may be
114 necessary, is hereby appropriated out of any money in the special
115 fund in the State Treasury to the credit of the Supplemental Rural
116 Fire Truck Fund, created in Section 1, Laws of 2004, Third
117 Extraordinary Session, to the Mississippi Department of Insurance
118 for the Supplemental Rural Fire Truck Acquisition Assistance
119 Program for the fiscal year beginning July 1, 2007, and ending
120 June 30, 2008..... \$ 2,980,000.00

121 **SECTION 7.** Of the funds appropriated under the provisions of
122 Section 1 and authorized for expenditure in Section 2, funds in
123 the amount of Ten Thousand Dollars (\$10,000.00) are provided and
124 shall be expended to pay the annual dues for the National
125 Conference of Insurance Legislators.

126 **SECTION 8.** It is the intention of the Legislature that none
127 of the funds appropriated above shall be expended unless members
128 of the Mississippi House of Representatives and Mississippi Senate
129 are notified at least five (5) days prior to a public ceremony
130 announcing the award of any grant in their district or any public
131 announcement or ceremony regarding the groundbreaking or opening
132 of a facility, roadway or bridge for which the Legislature has
133 made funds available. Any signage regarding any public event or
134 any new facility, roadway or bridge shall include the following

135 language: "Funds were made available for this project by the
136 Mississippi State Legislature."

137 **SECTION 9.** Of the funds provided under the provisions of
138 this act, Twenty-two Thousand Seven Hundred Fifty-four Dollars
139 (\$22,754.00) is provided to reallocate 5 (five) positions and Nine
140 Thousand One Hundred Ninety-five Dollars (\$9,195.00) is provided
141 to reclassify 1 (one) position.

142 **SECTION 10.** It is the intention of the Legislature that
143 whenever two (2) or more bids are received by this agency for the
144 purchase of commodities or equipment, and whenever all things
145 stated in such received bids are equal with respect to price,
146 quality and service, the Mississippi Industries for the Blind
147 shall be given preference. A similar preference shall be given to
148 the Mississippi Industries for the Blind whenever purchases are
149 made without competitive bids.

150 **SECTION 11.** The money herein appropriated shall be paid by
151 the State Treasurer out of any money in the State Treasury to the
152 credit of the proper fund or funds as set forth in this act, upon
153 warrants issued by the State Fiscal Officer; and the State Fiscal
154 Officer shall issue his warrants upon requisitions signed by the
155 proper person, officer or officers, in the manner provided by law.

156 **SECTION 12.** This act shall take effect and be in force from
157 and after July 1, 2007.

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John O. Gilbert
Secretary of the Senate