

By: Senator(s) Gordon, Little, Kirby,  
Cuevas, Flowers, Lee (35th), Turner

To: Appropriations

SENATE BILL NO. 3135

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE  
2 EXPENSES OF THE STATE PERSONNEL BOARD FOR FISCAL YEAR 2008.

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

4 SECTION 1. The following sum, or so much thereof as may be  
5 necessary, is hereby appropriated out of any money in the State  
6 Treasury to the credit of the State Personnel Board for the  
7 support and maintenance of the State Personnel Board for the  
8 fiscal year beginning July 1, 2007, and ending June 30, 2008.....  
9 ..... \$ 5,436,519.00.

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

14 MAJOR OBJECTS OF EXPENDITURE:

15 Personal Services:

16 Salaries, Wages and Fringe Benefits.. \$ 3,718,045.00  
17 Travel and Subsistence..... 32,000.00  
18 Contractual Services..... 1,511,424.00  
19 Commodities..... 133,800.00

20 Capital Outlay:

21 Other Than Equipment..... 0.00  
22 Equipment..... 41,250.00  
23 Vehicles..... 0.00  
24 Wireless Communication Devices..... 0.00  
25 Subsidies, Loans and Grants..... 0.00  
26 Total..... \$ 5,436,519.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	63
29		Part Time.....	2
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

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

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

59 Any transfers or escalations shall be made in accordance with  
60 the terms, conditions and procedures established by law or

61 allowable under the terms set forth within this act. The State  
62 Personnel Board shall not escalate positions without written  
63 approval from the Department of Finance and Administration. The  
64 Department of Finance and Administration shall not provide written  
65 approval to escalate any funds for salaries and/or positions  
66 without proof of availability of new or additional funds above the  
67 appropriated level.

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

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

88 **SECTION 3.** The following sum, or so much thereof as may be  
89 necessary, is hereby appropriated out of any money in the State  
90 Treasury to the credit of the State Personnel Board Training Fund  
91 account, for the purpose of defraying the expenses of the State  
92 Personnel Board Training Seminars for the fiscal year beginning  
93 July 1, 2007, and ending June 30, 2008.....\$ 382,454.00.

94 It is the intention of the Legislature that the State  
 95 Personnel Board Training Fund shall have the authority, should  
 96 additional funds become available, to escalate and expend those  
 97 funds in accordance with the rules and regulations of the  
 98 Department of Finance and Administration, in a manner consistent  
 99 with the escalation of federal funds.

100 The funds authorized under the provisions of this section  
 101 shall be held separate and apart from all other funds in the State  
 102 Treasury to the credit of the State Personnel Board.

103 **SECTION 4.** Of the funds appropriated under the provisions of  
 104 Section 3, not more than the amounts set forth below shall be  
 105 expended for the respective major objects or purposes of  
 106 expenditure:

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

109	Salaries, Wages and Fringe Benefits.. \$	0.00
110	Travel and Subsistence.....	12,000.00
111	Contractual Services.....	317,661.00
112	Commodities.....	46,793.00
113	Capital Outlay:	
114	Other Than Equipment.....	0.00
115	Equipment.....	6,000.00
116	Vehicles.....	0.00
117	Wireless Communication Devices.....	0.00
118	Subsidies, Loans and Grants.....	<u>0.00</u>
119	Total..... \$	382,454.00

120 **SECTION 5.** It is the intention of the Legislature that the  
 121 State Personnel Board shall have the authority to escalate and  
 122 expend funds received from state agencies for reimbursement of  
 123 costs associated with the hiring of court reporters used in the  
 124 Employee Appeals Process. Such funds shall be received and  
 125 expended under the rules and regulations of the Department of

126 Finance and Administration in a manner consistent with the  
127 escalation of federal funds.

128         **SECTION 6.** It is the intention of the Legislature that the  
129 State Personnel Board shall maintain complete accounting and  
130 personnel records related to the expenditure of all funds  
131 appropriated under this act and that such records shall be in the  
132 same format and level of detail as maintained for Fiscal Year  
133 2007. It is further the intention of the Legislature that the  
134 agency's budget request for Fiscal Year 2009 shall be submitted to  
135 the Joint Legislative Budget Committee in a format and level of  
136 detail comparable to the format and level of detail provided  
137 during the Fiscal Year 2008 budget request process.

138         **SECTION 7.** It is the intention of the Legislature that  
139 whenever two (2) or more bids are received by this agency for the  
140 purchase of commodities or equipment, and whenever all things  
141 stated in such received bids are equal with respect to price,  
142 quality and service, the Mississippi Industries for the Blind  
143 shall be given preference. A similar preference shall be given to  
144 the Mississippi Industries for the Blind whenever purchases are  
145 made without competitive bids.

146         **SECTION 8.** The money herein appropriated shall be paid by  
147 the State Treasurer out of any money in the State Treasury to the  
148 credit of the proper fund or funds as set forth in this act, upon  
149 warrants issued by the State Fiscal Officer, and the State Fiscal  
150 Officer shall issue his warrants upon requisitions signed by the  
151 proper person, officer or officers in the manner provided by law.

152         **SECTION 9.** This act shall take effect and be in force from  
153 and after July 1, 2007.