

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
(As Sent to Governor)

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 \$ 7,041,799.00.

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 Five Hundred Dollars (\$1,500.00), whichever
23 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 2008 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 appropriations for "Personal
37 Services" when annualized, with the exception of escalated funds
38 and educational benchmarks. If, at the time the agency takes any
39 action to change "Personal Services," the State Personnel Board
40 determines that the agency has taken an action which would cause
41 the agency to exceed this projected annual cost or the Fiscal Year
42 2008 "Personal Services" appropriated level, when annualized, then
43 only those actions which reduce the projected annual cost and/or
44 the appropriation requirement will be processed by the State
45 Personnel Board until such time as the requirements of this
46 provision are met. On January 1, 2008, the State Personnel Board
47 will make adjustments to the structure side of the compliance
48 report based on data provided by the Legislative Budget Office in
49 order for agencies to award educational benchmarks.

50 Any transfers or escalations shall be made in accordance with
51 the terms, conditions and procedures established by law or
52 allowable under the terms set forth within this act. The State
53 Personnel Board shall not escalate positions without written
54 approval from the Department of Finance and Administration. The
55 Department of Finance and Administration shall not provide written
56 approval to escalate any funds for salaries and/or positions
57 without proof of availability of new or additional funds above the
58 appropriated level.

59 No general funds authorized to be expended herein shall be
60 used to replace federal funds and/or other special funds which are

61 being used for salaries authorized under the provisions of this
62 act and which are withdrawn and no longer available.

63 **SECTION 3.** It is the intention of the Legislature that the
64 Department of Banking and Consumer Finance shall maintain complete
65 accounting and personnel records related to the expenditure of all
66 funds appropriated under this act and that such records shall be
67 in the same format and level of detail as maintained for Fiscal
68 Year 2007. It is further the intention of the Legislature that
69 the agency's budget request for Fiscal Year 2009 shall be
70 submitted to the Joint Legislative Budget Committee in a format
71 and level of detail comparable to the format and level of detail
72 provided during the Fiscal Year 2008 budget request process.

73 **SECTION 4.** It is the intention of the Legislature that the
74 Department of Banking and Consumer Finance shall have the
75 authority to escalate its budget and expend funds from any source
76 received from the Office of the Attorney General in an amount not
77 to exceed Twenty-five Thousand Dollars (\$25,000.00) in accordance
78 with rules and regulations of the Department of Finance and
79 Administration in a manner consistent with the escalation of
80 federal funds.

81 **SECTION 5.** It is the intention of the Legislature that
82 whenever two (2) or more bids are received by this agency for the
83 purchase of commodities or equipment, and whenever all things
84 stated in such received bids are equal with respect to price,
85 quality and service, the Mississippi Industries for the Blind
86 shall be given preference. A similar preference shall be given to
87 the Mississippi Industries for the Blind whenever purchases are
88 made without competitive bids.

89 **SECTION 6.** The money herein appropriated shall be paid by
90 the State Treasurer out of any money in the State Treasury to the
91 credit of the proper fund or funds as set forth in this act, upon
92 warrants issued by the State Fiscal Officer; and the State Fiscal

93 Officer shall issue his warrants upon requisitions signed by the
94 proper person, officer or officers in the manner provided by law.

95 **SECTION 7.** This act shall take effect and be in force from
96 and after July 1, 2007.