

By: Senator(s) Gordon, Little, Gollott,  
Kirby, Moffatt, Thames, Dearing

To: Appropriations

SENATE BILL NO. 3165

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE  
2 EXPENSES OF THE MISSISSIPPI WORKERS' COMPENSATION COMMISSION FOR  
3 FISCAL YEAR 2008.

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

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..... \$ 6,300,312.00.

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.. \$ 4,331,343.00  
18 Travel and Subsistence..... 165,000.00  
19 Contractual Services..... 1,308,669.00  
20 Commodities..... 89,200.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00  
23 Equipment..... 46,650.00  
24 Vehicles..... 0.00  
25 Wireless Communication Devices..... 4,450.00  
26 Subsidies, Loans and Grants..... 355,000.00  
27 Total..... \$ 6,300,312.00

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 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.** 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.** The money herein appropriated shall be paid by  
115 the State Treasurer out of any money in the State Treasury to the  
116 credit of the proper fund or funds as set forth in this act, upon  
117 warrants issued by the State Fiscal Officer; and the State Fiscal  
118 Officer shall issue his warrants upon requisitions signed by the  
119 proper person, officer or officers, in the manner provided by law.

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