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Chapter No. 6

10/SS02/A731SG

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SENATE BILL NO. 3136

Originated in Senate

Jeanette Bugnes

Secretary

SENATE BILL NO. 3136

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE VETERANS AFFAIRS BOARD FOR FISCAL YEAR 2011.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses and paying salaries of the Veterans Affairs Board for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 5,957,337.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the special fund in the State Treasury to the credit of the Veterans Affairs Board which is comprised of special source funds collected by or otherwise available to the board, for the support and maintenance of said board for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 28,200,821.00.

SECTION 3. Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 16,000,000.00.

FUNDING:

General Funds	\$	5,957,337.00
Special Funds		<u>28,200,821.00</u>
Total	\$	34,158,158.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	78
	Part Time	0
Time-Limited:	Full Time	530

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional

certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

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

SECTION 4. Of the funds appropriated under the provisions of Sections 1 and 2, funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) are provided to defray the cost of providing care to indigent/low-income Mississippi veterans and the non-veteran surviving spouses of Mississippi veterans if the surviving spouse was a resident of a state veterans home at the time of the veteran's death and who, subsequent to the veteran's death, meets the indigent/low-income criteria established by the State Veterans Affairs Board, in the state veterans homes. It is

the intention of the Legislature that the provision pertaining to use of indigent/low-income surviving spouses be retroactive for any such period, prior to the effective date of this act, that a current surviving spouse may have met the criteria. This section and its provisions shall be known and cited as the "Hilton R. 'Jack' Vance Act of 1997."

SECTION 5. Of the funds appropriated under the provisions of Section 2, Three Hundred Thirty-one Thousand Five Hundred Two Dollars (\$331,502.00) shall be derived from the Health Care Expendable Fund created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the Veterans' Affairs Board.

SECTION 6. It is the intention of the Legislature that the Veterans Affairs Board shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under the provisions of this act and that such records shall be in the same format and level of details as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

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

SECTION 8. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further,

it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner:

Therefore, state agencies as standard procedure, will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 9. It is the intention of the Legislature that the Veterans Affairs Board shall have the authority to escalate and expend funds received as reimbursement of start-up costs related to the planning and development of the Mississippi Veterans Memorial Cemetery.

SECTION 10. It is the intention of the Legislature that the Veterans Affairs Board shall have the authority to escalate and expend federal funds in an amount not to exceed Eight Million Dollars (\$8,000,000.00) for costs associated with the construction and equipping of the Mississippi Veterans Memorial Cemetery.

SECTION 11. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 12. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend

funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 13. It is the intention of the Legislature that the Veterans Affairs Board shall have the authority to retroactively reimburse State Veterans Home daily care charges paid by those service-connected veterans specified in Public Law 109-461 (38 CFR Part 51) on and after March 21, 2007, in Fiscal Year 2007, Fiscal Year 2008 and Fiscal Year 2009 to comply with federal requirements to obtain increased VA per diem for those Veterans Home residents. The Veterans Affairs Board shall have the authority to escalate and expend increased federal funds obtained by virtue of PL 109-461 (38 CFR Part 51).

SECTION 14. Of the funds in Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall be derived from the Budget

Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, and shall be used to construct and maintain a Mississippi Persian Gulf War Memorial in Newton County.

SECTION 15. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 16. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 17. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE

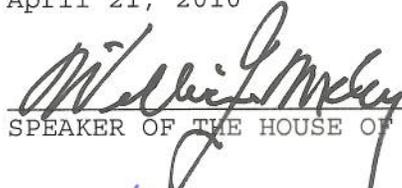
April 21, 2010



PRESIDENT OF THE SENATE

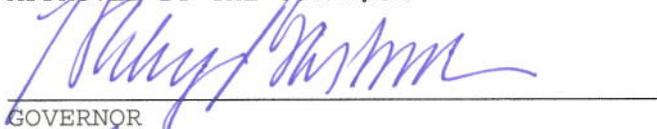
PASSED BY THE HOUSE OF REPRESENTATIVES

April 21, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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