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Chapter No. 56
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CRL / BUK / NB

SENATE BILL NO. 2896

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2896

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR FISCAL YEAR 2014.

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, to defray the expenses of the Department of Finance and Administration for the fiscal year beginning July 1, 2013, and ending June 30, 2014 ..... $ 11,553,367.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Department of Finance and Administration for the purpose of defraying the expenses incurred in the operation of the various offices of the department for the fiscal year beginning July 1, 2013, and ending June 30, 2014 ..... $ 44,405,523.00.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	428
	Part Time	2
Time-Limited:	Full Time	1
	Part Time	0

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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2014 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 2014 "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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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.

Provided that a report based on expenditures incurred during the current and immediate past fiscal years shall be provided to each regularly scheduled legislative session. This report should reflect expenditures as a result of the operation of the Robert E. Lee Building, the Woolfolk State Office Building, the Gartin and Sillers Buildings, the Capitol Buildings, the Central High School Building, the Robert G. Clark, Jr. Building and other state buildings, and this report should contain any steps taken to reduce operating costs.

It is also the intention of the Legislature that no state-owned aircraft shall be utilized by any person except for official business only.

SECTION 4. In addition to all other sums herein appropriated, 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 Tort Claims Fund for the purpose of defraying the expenses of the Tort Claims Board

in the administration of the Tort Claims Act for the fiscal year beginning July 1, 2013, and ending June 30, 2014 .... $ 9,259,150.00.

SECTION 5. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	8
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2014 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 2014 "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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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 6. 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 of the Mississippi Commission on the Status of Women for the fiscal year beginning July 1, 2013, and ending June 30, 2014.....$ 40,451.00.

SECTION 7. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Commission on the Status of Women for the purpose of defraying the expenses of the Commission for the fiscal year beginning July 1, 2013, and ending June 30, 2014.....$ 100,000.00.

This appropriation is made for the purpose of providing funds to defray the expense of the Mississippi Commission on the Status of Women as established pursuant to Sections 43-59-1 through 43-59-14, Mississippi Code of 1972.

SECTION 8. Of the funds appropriated under the provisions of Sections 6 and 7, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	1
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2014 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 2014 "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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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 9. The Bureau of Building, Grounds and Real Property Management of the Office of General Services is hereby expressly authorized and empowered to receive, budget and expend any state, local or other source funds designated for supplemental funding of construction and/or repairs and renovation projects.

SECTION 10. Of the funds appropriated under the provisions of Section 2, the following amounts are authorized to be spent out of the Statewide Cost Allocation Fund No. 3143 by the Department of Finance and Administration:

(a) Four Hundred Thirty-four Thousand Two Hundred Fifty-six Dollars ($434,256.00) for the purpose of defraying computer expenses.

(b) One Million Five Hundred Six Thousand Five Hundred Seventy-six Dollars ($1,506,576.00) for the purposes of providing statewide accounting, payroll and document management and defraying the expenses of administration of the Statewide Cost Allocation Plan.

SECTION 11. It is the intention of the Legislature that the Department of Finance and Administration shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 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 2014 budget request process.

SECTION 12. The department is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 13. 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 14. The Mississippi Department of Finance and Administration is hereby authorized to receive additional funds from any state agency or other source, including one hundred percent (100%) general-fund agencies, for the purpose of providing Capitol Police Services to any governmental organization, located within a one-mile radius of the Capital Complex, contracting with the Mississippi Department of Finance and Administration for such services. The Mississippi Department of Finance and Administration is further authorized to escalate an amount not to exceed Four Hundred Thousand Dollars ($400,000.00) and to increase, up to a maximum of ten (10) additional positions, the number of authorized positions listed in this act in order to provide the required Police Protection services for such governmental organizations, under the rules and regulations of the Department of Finance and Administration.

SECTION 15. It is the intention of the Legislature that the Department of Finance and Administration shall have the authority to escalate its budget and expend funds from any source in an amount not to exceed Five Hundred Thousand Dollars ($500,000.00)

for the purpose of transferring funds to the Bureau of Building, Grounds, and Real Property Management for the repair and maintenance of buildings under the care and supervision of the Department of Finance and Administration. Such transfers shall be in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 16. It is the intention of the Legislature that the Department of Finance and Administration shall have the authority to escalate its budget and expend funds from any source, not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00), for the purpose of managing and operating the department, in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 17. The State Fiscal Officer is hereby authorized and empowered to escalate, budget and expend funds in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) from any available source, to defray any shortfall in the Master Lease Purchase Program as defined in Section 31-7-10, Mississippi Code of 1972.

SECTION 18. With the funds herein appropriated, it is the intention of the Legislature that the Department of Finance and Administration is authorized to reallocate three (3) positions in the Financial Management and Control program at a total cost not

to exceed Twenty-nine Thousand Three Hundred Sixty Dollars ($29,360.00), reallocate three (3) positions in the Mississippi Management and Reporting System program at a total cost not to exceed Twenty-five Thousand Seven Hundred Fifty-two Dollars ($25,752.00), and award twenty-two (22) educational benchmarks at a total cost not to exceed Twenty-six Thousand Three Hundred Twenty-five Dollars ($26,325.00). The agency is further authorized to adjust the salaries of the following Capitol Police positions at a total cost not to exceed Five Hundred Thousand Dollars ($500,000.00): Capitol Police Director, Chief, three (3) Assistant Chiefs, seven (7) Lieutenants, eight (8) Sergeants, forty-one (41) Officers, and three (3) Dispatchers.

SECTION 19. Of the funds appropriated under the provision of this act, the following sum, or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund and allocated in a manner as determined by the Treasurer's Office to defray the expense of the Department of Finance and Administration, acting through the Bureau of Building, Grounds and Real Property Management, for the replacement of roofs and other repair and renovations at any qualified agency statewide.....$ 7,200,000.00.

Further, no funds under this section shall be expended for institution/agency administrative costs, including, but not limited to institution/agency employee salaries or travel. Expenditures of all funds under this section, along with

expenditure of appropriated repair and renovations funds by the Institutions of Higher Learning, Community and Junior Colleges, and Department of Mental Health, shall be reported to the Legislative Budget Office; the House Public Buildings, Grounds and Lands Committee; the Senate Public Property Committee; and the Appropriations Committees of both the House and Senate. Such report shall be made no later than December 31, 2013, and shall include at least the following information for each institution/agency receiving such funds: name of each project, scope of each project, total budget of each project, name of prime professional for each project, and source/amount of any other project funds if applicable.

SECTION 20. Of the funds appropriated in Section 2, the following sum, or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Budget Contingency Fund, created in Section 27-103-301, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office, to defray the Department of Finance and Administration's expense of the state's property insurance deductible.....$ 250,000.00.

SECTION 21. Of the funds appropriated under the provisions of this act, the following sum shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund for the repair and renovation of the Mississippi Sports Hall of Fame and Museum building.....$ 700,000.00.

SECTION 22. With the funds herein appropriated, the Department of Finance and Administration is authorized to pay expenses in the amount of One Thousand Eight Hundred Seventy-five Dollars ($1,875.00) for a prior year bill to Green Oak Garden Center, LLC.

SECTION 23. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 24. 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 25. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 21, 2013

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 13, 2013

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

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