

By: Representatives Read, Martinson,
Broomfield, Brown, Davis, Denny, Middleton,
Miles, Weathersby, Scott

To: Appropriations

HOUSE BILL NO. 1705

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE BOARD OF
3 COSMETOLOGY FOR THE FISCAL YEAR 2005.

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 State Board of Cosmetology, for the
8 purpose of defraying the expenses of the board for the fiscal year
9 beginning July 1, 2004, and ending June 30, 2005.....
10 \$ 735,724.00.

11 **SECTION 2.** Of the funds approved for expenditure under the
12 provisions of Section 1, not more than the amounts set forth below
13 shall be 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.. \$ 407,319.00
18 Travel and Subsistence..... 116,600.00
19 Contractual Services..... 191,008.00
20 Commodities..... 18,898.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00
23 Equipment..... 1,899.00
24 Subsidies, Loans and Grants..... 0.00
25 Total..... \$ 735,724.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 12

28	Part Time.....	0
29	Time-Limited: Full Time.....	0
30	Part Time.....	0

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2006 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2005 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2005 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

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

60 without proof of availability of new or additional funds above the
61 appropriated level.

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

66 **SECTION 3.** If not needed for other purposes, the State
67 Treasurer shall invest any part of or all monies herein approved
68 and any surplus funds of the State Board of Cosmetology for a
69 period of ninety (90) days or more at the highest rate of interest
70 obtainable and credit such to this respective fund. Monies shall
71 be invested by the Treasurer in any short-term bonds, notes or
72 other direct obligations of the United States of America or the
73 State of Mississippi or any county or municipality of this state,
74 which county or municipal bonds have been approved by a reputable
75 bond attorney or have been validated by a decree of the court, or
76 in savings accounts or certificates of deposit of a state or
77 national bank in the State of Mississippi, or in federally insured
78 savings and loan associations in the State of Mississippi; and in
79 any event, the bonds, notes or obligations in which such funds are
80 invested shall mature or be redeemable prior to the time the funds
81 so invested will be needed for the purposes herein provided.

82 **SECTION 4.** It is the intent of this legislation to provide
83 the funds for the board to meet when necessary, but under no
84 circumstances shall it meet more than sixty-two (62) days a year.

85 **SECTION 5.** The funds authorized herein shall be used to fund
86 all operations of the agency with the following prohibitions:

87 (1) The agency shall not fill any current or future vacant
88 positions;

89 (2) The agency shall not take any action to promote or
90 otherwise award salary increases through reallocation,
91 reclassification, realignment, education benchmark, career ladder,
92 or any other means to increase salaries of employees or positions

93 except as allowed under the provisions set forth in House Bill No.
94 1279, 2004 Regular Legislative Session;

95 (3) The agency shall not expend funds for out-of-state
96 travel except as allowed under the provisions set forth in House
97 Bill No. 1279, 2004 Regular Legislative Session;

98 (4) The agency shall not expend funds for the purchase of or
99 contract for cellular phones, two-way radios or pagers, except for
100 support of employees in the Department of Public Safety and the
101 Bureau of Narcotics as recommended by Information Technology
102 Services or as allowed under the provisions set forth in House
103 Bill No. 1279, 2004 Regular Legislative Session;

104 (5) The agency shall not expend funds to publish or
105 distribute any annual reports or other publications;

106 (6) The agency shall not expend funds for public relation
107 activities regarding the functions, programs or services of the
108 agency except as allowed under the provisions set forth in House
109 Bill No. 1279, 2004 Regular Legislative Session;

110 (7) The agency shall not advertise the functions, programs
111 or services of the agency except that the Mississippi Development
112 Authority is authorized to expend funds for advertising to carry
113 out the purposes of key programs administered by the authority;

114 (8) The agency shall not expend funds for staff development
115 or training services;

116 (9) The agency shall not expend funds for the purchase of
117 new or replacement equipment or furniture, excluding lease
118 purchase payments on agreements in effect upon passage of this
119 appropriation bill, except as allowed under the provisions set
120 forth in House Bill No. 1279, 2004 Regular Legislative Session.

121 **SECTION 6.** It is the intention of the Legislature that none
122 of the funds appropriated above shall be expended unless members
123 of the Mississippi House of Representatives and Mississippi Senate
124 are notified at least five (5) days prior to a public ceremony
125 announcing the award of any grant in their district or any public

126 announcement or ceremony regarding the groundbreaking or opening
127 of a facility, roadway or bridge for which the Legislature has
128 made funds available. Any signage regarding any public event or
129 any new facility, roadway or bridge shall include the following
130 language: "Funds were made available for this project by the
131 Mississippi State Legislature."

132 **SECTION 7.** It is the intention of the Legislature that the
133 State Board of Cosmetology shall maintain complete accounting and
134 personnel records related to the expenditure of all funds
135 appropriated under this act and that such records shall be in the
136 same format and level of detail as maintained for Fiscal Year
137 2004. It is further the intention of the Legislature that the
138 agency's budget request for Fiscal Year 2006 shall be submitted to
139 the Joint Legislative Budget Committee in a format and level of
140 detail comparable to the format and level of detail provided
141 during the Fiscal Year 2005 budget request process.

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

148 **SECTION 9.** This act shall take effect and be in force from
149 and after July 1, 2004.