

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

To: Appropriations

HOUSE BILL NO. 1716

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE ADMINISTRATIVE  
3 EXPENSES OF THE BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES'  
4 RETIREMENT SYSTEM AND FOR THE MAINTENANCE AND OPERATION OF THE  
5 RETIREMENT SYSTEM BUILDING FOR THE FISCAL YEAR 2005.

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

7 **SECTION 1.** The following sum, or so much thereof as may be  
8 necessary, is hereby appropriated out of any money in the State  
9 Treasury to the credit of the Administrative Expense Account of  
10 the Public Employees' Retirement System for the purpose of  
11 defraying the administrative expenses of the Board of Trustees of  
12 the Public Employees' Retirement System, or out of any money in  
13 the State Treasury to the credit of the Retirement System Building  
14 Account of the Public Employees' Retirement System for the purpose  
15 of maintenance and general operation of the Retirement System  
16 Building, for the fiscal year beginning July 1, 2004, and ending  
17 June 30, 2005..... \$ 9,133,124.00.

18 **SECTION 2.** Of the funds appropriated under the provisions of  
19 Section 1, not more than the amounts set forth below shall be  
20 expended for the respective major objects or purposes of  
21 expenditure:

22 MAJOR OBJECTS OF EXPENDITURE:

23 Personal Services:  
24 Salaries, Wages and Fringe Benefits.. \$ 6,019,434.00  
25 Travel and Subsistence..... 32,000.00  
26 Contractual Services..... 2,708,690.00  
27 Commodities..... 300,000.00  
28 Capital Outlay:

29	Other Than Equipment.....	0.00
30	Equipment.....	73,000.00
31	Subsidies, Loans and Grants.....	<u>0.00</u>
32	Total..... \$	9,133,124.00

33 AUTHORIZED POSITIONS:

34	Permanent: Full Time.....	134
35	Part Time.....	0
36	Time-Limited: Full Time.....	0
37	Part Time.....	0

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 2006 do not exceed Fiscal Year 2005  
42 funds appropriated for that purpose, unless programs or positions  
43 are added to the agency's Fiscal Year 2006 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 2005 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 2005 "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 **SECTION 3.** The funds authorized herein shall be used to fund  
74 all operations of the agency with the following prohibitions:

75 (1) The agency shall not fill any current or future vacant  
76 positions;

77 (2) The agency shall not take any action to promote or  
78 otherwise award salary increases through reallocation,  
79 reclassification, realignment, education benchmark, career ladder,  
80 or any other means to increase salaries of employees or positions  
81 except as allowed under the provisions set forth in House Bill No.  
82 1279, 2004 Regular Legislative Session;

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

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

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

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

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

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

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

109 **SECTION 4.** It is the intention of the Legislature that none  
110 of the funds appropriated above shall be expended unless members  
111 of the Mississippi House of Representatives and Mississippi Senate  
112 are notified at least five (5) days prior to a public ceremony  
113 announcing the award of any grant in their district or any public  
114 announcement or ceremony regarding the groundbreaking or opening  
115 of a facility, roadway or bridge for which the Legislature has  
116 made funds available. Any signage regarding any public event or  
117 any new facility, roadway or bridge shall include the following  
118 language: "Funds were made available for this project by the  
119 Mississippi State Legislature."

120 **SECTION 5.** It is the intention of the Legislature that the  
121 Board of Trustees of the Public Employees' Retirement System shall  
122 maintain complete accounting and personnel records related to the  
123 expenditure of all funds appropriated under this act and that such  
124 records shall be in the same format and level of detail as  
125 maintained for Fiscal Year 2004. It is further the intention of  
126 the Legislature that the agency's budget request for Fiscal Year

127 2006 shall be submitted to the Joint Legislative Budget Committee  
128 in a format and level of detail comparable to the format and level  
129 of detail provided during the Fiscal Year 2005 budget request  
130 process.

131       **SECTION 6.** The following sum, or so much thereof as may be  
132 necessary, while remaining within the project cost of Sixteen  
133 Million Four Hundred Thirty-two Thousand Eight Hundred Eighty-five  
134 Dollars (\$16,432,885.00) is hereby reappropriated out of any money  
135 in the State Treasury to the credit of the Building Fund Expense  
136 Account of the Public Employees' Retirement System for the purpose  
137 of construction and renovation to the existing building and  
138 parking facilities located at 429 Mississippi Street in Jackson,  
139 Mississippi, including architectural fees and furnishings, as well  
140 as associated moving expenses and to provide monies for the lease  
141 of facilities while the construction/renovation is underway, for  
142 the fiscal year beginning July 1, 2004, and ending June 30, 2005  
143 ..... \$3,000,000.00.

144       The expenditure of funds appropriated under this section  
145 shall be subject to the approval of the Department of Finance and  
146 Administration, and the Department of Finance and Administration  
147 shall submit an annual report regarding such expenditures to the  
148 Legislative Budget Office, the House Public Buildings, Grounds and  
149 Lands Committee and the Senate Public Property Committee.

150       **SECTION 7.** In accordance with the purposes of this article,  
151 there shall be established in the State Treasury the Public  
152 Employees' Retirement System Building Repair and Maintenance Fund,  
153 into which shall be deposited all funds collected as rental income  
154 from the building owned by the system located at 301 North  
155 President Street, Jackson, Mississippi. At the end of each fiscal  
156 year, any and all unexpended funds shall be transferred to the  
157 Administrative Budget Fund of the system.

158       It is the intention of the Legislature that the system have  
159 the authority to escalate the Public Employees' Retirement System

160 Building Repair and Maintenance Fund in an amount not to exceed  
161 Two Hundred Thousand Dollars (\$200,000.00) for repair and  
162 maintenance of the buildings owned by the system. All  
163 expenditures from the Public Employees' Retirement System Building  
164 Repair and Maintenance Fund shall be in accordance with this  
165 article and for the purposes designated herein.

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

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