MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Representatives Capps, Weathersby, Barnett, Dickson, Hamilton (109th), Jennings, Warren

To: Appropriations

HOUSE BILL NO. 1745

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2005.

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 any special fund in the State Treasury to the credit of the Mississippi Department of Insurance which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... ..... $ 7,373,421.00.

SECTION 2. With the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	114
	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 2006 do not exceed Fiscal Year 2005 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2006 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 2005 appropriation 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 2005 "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.

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 3. The funds authorized herein shall be used to fund all operations of the agency with the following prohibitions:

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

(2) The agency shall not take any action to promote or otherwise award salary increases through reallocation,

reclassification, realignment, education benchmark, career ladder, or any other means to increase salaries of employees or positions except as allowed under the provisions set forth in House Bill No. 1279, 2004 Regular Legislative Session;

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

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

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

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

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

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

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

SECTION 4. It is the intention of the Legislature that none of the funds appropriated above shall be expended unless members of the Mississippi House of Representatives and Mississippi Senate

are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature."

SECTION 5. It is the intention of the Legislature that the Mississippi Department of Insurance 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 2004. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2006 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 2005 budget request process.

SECTION 6. Of the funds appropriated under the provisions of Section 1, and authorized for expenditure in Section 2, Sixteen Thousand Four Hundred Fifty-one Dollars ($16,451.00) is provided for the Mississippi Fire Personnel Minimum Standards and Certification Board.

SECTION 7. 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 Rural Fire Truck Acquisition Fund to the Mississippi Department of Insurance for the Rural Fire Truck Acquisition Assistance Program for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... ..... $ 1,529,978.00.

SECTION 8. Of the funds appropriated under the provisions of Section 1 and authorized for expenditure in Section 2, funds in the amount of Ten Thousand Dollars ($10,000.00) are provided and

shall be expended to pay the annual dues for the National Conference of Insurance Legislators.

SECTION 9. 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 10. This act shall take effect and be in force from and after July 1, 2004.