

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

To: Appropriations

HOUSE BILL NO. 1745
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INSURANCE FOR THE
3 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 any special
7 fund in the State Treasury to the credit of the Mississippi
8 Department of Insurance which is comprised of special source funds
9 collected by or otherwise available to the department, for the
10 purpose of defraying the expenses of the department for the fiscal
11 year beginning July 1, 2004, and ending June 30, 2005.....
12 \$ 7,802,564.00.

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

17 MAJOR OBJECTS OF EXPENDITURE:

18	Personal Services:		
19	Salaries, Wages and Fringe Benefits..	\$	5,323,151.00
20	Travel and Subsistence.....		192,883.00
21	Contractual Services.....		1,878,500.00
22	Commodities.....		207,021.00
23	Capital Outlay:		
24	Other Than Equipment.....		0.00
25	Equipment.....		200,509.00
26	Subsidies, Loans and Grants.....		<u>500.00</u>
27	Total.....	\$	7,802,564.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	117
30		Part Time.....	0
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

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

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

61 approval to escalate any funds for salaries and/or positions
62 without proof of availability of new or additional funds above the
63 appropriated level.

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

68 **SECTION 3.** It is the intention of the Legislature that the
69 Mississippi Department of Insurance shall maintain complete
70 accounting and personnel records related to the expenditure of all
71 funds appropriated under this act and that such records shall be
72 in the same format and level of detail as maintained for Fiscal
73 Year 2004. It is further the intention of the Legislature that
74 the agency's budget request for Fiscal Year 2006 shall be
75 submitted to the Joint Legislative Budget Committee in a format
76 and level of detail comparable to the format and level of detail
77 provided during the Fiscal Year 2005 budget request process.

78 **SECTION 4.** Of the funds appropriated under the provisions of
79 Section 1, and authorized for expenditure in Section 2, Sixteen
80 Thousand Four Hundred Fifty-one Dollars (\$16,451.00) is provided
81 for the Mississippi Fire Personnel Minimum Standards and
82 Certification Board.

83 **SECTION 5.** The following sum, or so much thereof as may be
84 necessary, is hereby appropriated out of any money in the special
85 fund in the State Treasury to the credit of the Rural Fire Truck
86 Acquisition Fund to the Mississippi Department of Insurance for
87 the Rural Fire Truck Acquisition Assistance Program for the fiscal
88 year beginning July 1, 2004, and ending June 30, 2005.....
89 \$ 4,950,268.00.

90 **SECTION 6.** Of the funds appropriated under the provisions of
91 Section 1 and authorized for expenditure in Section 2, funds in
92 the amount of Ten Thousand Dollars (\$10,000.00) are provided and

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

95 **SECTION 7.** It is the intention of the Legislature that the
96 agency shall provide a report reflecting Fiscal Year 2004 usage of
97 wireless communication devices which shall include cellular
98 phones, two-way radios, pagers, or any other means of wireless
99 communications to the Chairman of the House Appropriations
100 Committee, the Chairman of the Senate Appropriations Committee,
101 and the State Auditor by September 1, 2004. The report shall
102 contain, but not be limited to, the following:

103 (1) The number of wireless communication devices provided to
104 employees by the agency;

105 (2) The annual cost of usage of wireless communication
106 devices by each employee of the agency who is issued a wireless
107 communication device;

108 (3) Separate justification of the usage of wireless
109 communication devices by those employees issued wireless
110 communication devices; and

111 (4) To determine whether quantifiable benefits are
112 associated with the utilization of wireless communications and
113 whether such service provides more efficient or effective service
114 delivery.

115 **SECTION 8.** It is the intention of the Legislature that none
116 of the funds appropriated above shall be expended unless members
117 of the Mississippi House of Representatives and Mississippi Senate
118 are notified at least five (5) days prior to a public ceremony
119 announcing the award of any grant in their district or any public
120 announcement or ceremony regarding the groundbreaking or opening
121 of a facility, roadway or bridge for which the Legislature has
122 made funds available. Any signage regarding any public event or
123 any new facility, roadway or bridge shall include the following
124 language: "Funds were made available for this project by the
125 Mississippi State Legislature."

126 **SECTION 9.** The agency shall not award salary increases
127 through reallocation, reclassification, realignment, education
128 benchmark, or career ladder.

129 **SECTION 10.** The money herein appropriated shall be paid by
130 the State Treasurer out of any money in the State Treasury to the
131 credit of the proper fund or funds as set forth in this act, upon
132 warrants issued by the State Fiscal Officer; and the State Fiscal
133 Officer shall issue his warrants upon requisitions signed by the
134 proper person, officer or officers, in the manner provided by law.

135 **SECTION 11.** This act shall take effect and be in force from
136 and after July 1, 2004.