

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

To: Appropriations

HOUSE BILL NO. 1746

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE STATE FIRE ACADEMY FOR THE FISCAL YEAR 2005.

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

4 SECTION 1. The following sum, or so much thereof as may be  
5 necessary, is hereby appropriated out of any money in the State  
6 Treasury to the credit of the State Fire Academy Fund, for the  
7 purpose of defraying the expenses of the academy for the fiscal  
8 year beginning July 1, 2004, and ending June 30, 2005.....  
9 ..... \$ 3,681,432.00.

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

12 AUTHORIZED POSITIONS:

13	Permanent:	Full Time.....	55
14		Part Time.....	0
15	Time-Limited:	Full Time.....	0
16		Part Time.....	0

17 With the funds herein appropriated, it is the intention of  
18 the Legislature that it shall be the agency's responsibility to  
19 make certain that funds required to be appropriated for "Personal  
20 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
21 funds appropriated for that purpose, unless programs or positions  
22 are added to the agency's Fiscal Year 2006 budget by the  
23 Mississippi Legislature. Based on data provided by the  
24 Legislative Budget Office, the State Personnel Board shall  
25 determine and publish the projected annual cost to fully fund all  
26 appropriated positions in compliance with the provisions of this  
27 act. It shall be the responsibility of the agency head to insure

28 that no single personnel action increases this projected annual  
29 cost and/or the Fiscal Year 2005 appropriation for "Personal  
30 Services" when annualized, with the exception of escalated funds.  
31 If, at the time the agency takes any action to change "Personal  
32 Services," the State Personnel Board determines that the agency  
33 has taken an action which would cause the agency to exceed this  
34 projected annual cost or the Fiscal Year 2005 "Personal Services"  
35 appropriated level, when annualized, then only those actions which  
36 reduce the projected annual cost and/or the appropriation  
37 requirement will be processed by the State Personnel Board until  
38 such time as the requirements of this provision are met.

39 Any transfers or escalations shall be made in accordance with  
40 the terms, conditions and procedures established by law or  
41 allowable under the terms set forth within this act. The State  
42 Personnel Board shall not escalate positions without written  
43 approval from the Department of Finance and Administration. The  
44 Department of Finance and Administration shall not provide written  
45 approval to escalate any funds for salaries and/or positions  
46 without proof of availability of new or additional funds above the  
47 appropriated level.

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

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

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

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

60 except as allowed under the provisions set forth in House Bill No.  
61 1279, 2004 Regular Legislative Session;

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

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

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

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

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

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

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

88 **SECTION 4.** It is the intention of the Legislature that none  
89 of the funds appropriated above shall be expended unless members  
90 of the Mississippi House of Representatives and Mississippi Senate  
91 are notified at least five (5) days prior to a public ceremony  
92 announcing the award of any grant in their district or any public

93 announcement or ceremony regarding the groundbreaking or opening  
94 of a facility, roadway or bridge for which the Legislature has  
95 made funds available. Any signage regarding any public event or  
96 any new facility, roadway or bridge shall include the following  
97 language: "Funds were made available for this project by the  
98 Mississippi State Legislature."

99       **SECTION 5.** It is the intention of the Legislature that the  
100 State Fire Academy shall maintain complete accounting and  
101 personnel records related to the expenditure of all funds  
102 appropriated under this act and that such records shall be in the  
103 same format and level of detail as maintained for Fiscal Year  
104 2004. It is further the intention of the Legislature that the  
105 agency's budget request for Fiscal Year 2006 shall be submitted to  
106 the Joint Legislative Budget Committee in a format and level of  
107 detail comparable to the format and level of detail provided  
108 during the Fiscal Year 2005 budget request process.

109       **SECTION 6.** The money herein appropriated shall be paid by  
110 the State Treasurer out of any money in the State Treasury to the  
111 credit of the proper fund or funds as set forth in this act, upon  
112 warrants issued by the State Fiscal Officer; and the State Fiscal  
113 Officer shall issue his warrants upon requisitions signed by the  
114 proper person, officer or officers, in the manner provided by law.

115       **SECTION 7.** This act shall take effect and be in force from  
116 and after July 1, 2004.