

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

To: Appropriations

HOUSE BILL NO. 79

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 2006.

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, 2005, and ending June 30, 2006.....
12 \$ 8,171,351.00.

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..	\$ 5,465,034.00
20	Travel and Subsistence.....	130,000.00
21	Contractual Services.....	2,215,725.00
22	Commodities.....	200,071.00
23	Capital Outlay:	
24	Other Than Equipment.....	0.00
25	Equipment.....	160,021.00
26	Subsidies, Loans and Grants.....	<u>500.00</u>
27	Total.....	\$ 8,171,351.00

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 2007 do not exceed Fiscal Year 2006
37 funds appropriated for that purpose, unless programs or positions
38 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
69 award salary increases through reallocation, reclassification,
70 realignment, education benchmark, career ladder, or any other
71 means to increase salaries of employees or positions unless
72 specifically exempted by the following conditions: the award of
73 teacher pay increases, the advancement of a trainee/cadet to the
74 next level of a bona fide career ladder, the award of an
75 educational benchmark for the attainment of Certified Public
76 Accountant License or higher level professional certification as
77 determined by the State Personnel Board, the immediate replacement
78 of a departing employee with an individual from within state
79 service or a new hire at a salary level equivalent to that of the
80 departing employee, and the emergency appointment of nurses,
81 pharmacists or other health care professionals at a salary to be
82 determined by the State Personnel Board, unless otherwise
83 authorized in this act.

84 **SECTION 3.** It is the intention of the Legislature that the
85 Mississippi Department of Insurance shall maintain complete
86 accounting and personnel records related to the expenditure of all
87 funds appropriated under this act and that such records shall be
88 in the same format and level of detail as maintained for Fiscal
89 Year 2005. It is further the intention of the Legislature that
90 the agency's budget request for Fiscal Year 2007 shall be
91 submitted to the Joint Legislative Budget Committee in a format
92 and level of detail comparable to the format and level of detail
93 provided during the Fiscal Year 2006 budget request process.

94 **SECTION 4.** Of the funds appropriated under the provisions of
95 Section 1, and authorized for expenditure in Section 2, Fifteen
96 Thousand Seven Hundred Eighty-two Dollars (\$15,782.00) is provided
97 for the Mississippi Fire Personnel Minimum Standards and
98 Certification Board.

99 **SECTION 5.** The following sum, or so much thereof as may be
100 necessary, is hereby appropriated out of any money in the special
101 fund in the State Treasury to the credit of the Rural Fire Truck
102 Acquisition Fund to the Mississippi Department of Insurance for
103 the Rural Fire Truck Acquisition Assistance Program for the fiscal
104 year beginning July 1, 2005, and ending June 30, 2006.....
105 \$ 5,988,567.00.

106 **SECTION 6.** The following sum, or so much thereof as may be
107 necessary, is hereby appropriated out of any money in the special
108 fund in the State Treasury to the credit of the Supplemental Rural
109 Fire Truck Fund, created in Section 1, Laws of 2004, Third
110 Extraordinary Session, to the Mississippi Department of Insurance
111 for the Supplemental Rural Fire Truck Acquisition Assistance
112 Program for the fiscal year beginning July 1, 2005, and ending
113 June 30, 2006..... \$ 2,500,000.00

114 **SECTION 7.** Of the funds appropriated under the provisions of
115 Section 1 and authorized for expenditure in Section 2, funds in
116 the amount of Ten Thousand Dollars (\$10,000.00) are provided and
117 shall be expended to pay the annual dues for the National
118 Conference of Insurance Legislators.

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

127 any new facility, roadway or bridge shall include the following
128 language: "Funds were made available for this project by the
129 Mississippi State Legislature."

130 **SECTION 9.** Of the funds appropriated under the provisions of
131 Section 1 and authorized for expenditure in Section 2, the sum of
132 Three Hundred Thirty-seven Thousand Two Hundred Twenty-five
133 Dollars (\$337,225.00) is hereby assessed on any nonfederal special
134 funds and shall be deposited to the Budget Contingency Fund
135 created in Section 27-103-301, Mississippi Code of 1972, on or
136 before October 1, 2005, for the purpose of reimbursing the State
137 of Mississippi for administrative costs.

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

144 **SECTION 11.** This act shall take effect and be in force from
145 and after July 1, 2005.