

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

To: Appropriations

HOUSE BILL NO. 80

1       AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE STATE FIRE ACADEMY FOR THE FISCAL YEAR 2006.  
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, 2005, and ending June 30, 2006.....  
9 ..... \$       4,526,314.00.  
10       **SECTION 2.** Of the funds appropriated under the provisions of  
11 Section 1, not more than the amounts set forth below shall be  
12 expended for the respective major objects or purposes of  
13 expenditure:  
14       MAJOR OBJECTS OF EXPENDITURE:  
15       Personal Services:  
16               Salaries, Wages and Fringe Benefits.. \$       2,937,961.00  
17               Travel and Subsistence.....       50,725.00  
18               Contractual Services.....       801,237.00  
19               Commodities.....       474,850.00  
20       Capital Outlay:  
21               Other Than Equipment.....       34,000.00  
22               Equipment.....       184,441.00  
23               Subsidies, Loans and Grants.....       43,100.00  
24               Total..... \$       4,526,314.00  
25       AUTHORIZED POSITIONS:  
26               Permanent:       Full Time.....       57  
27                               Part Time.....       0

28           Time-Limited: Full Time..... 0  
29                           Part Time..... 0

30           With the funds herein appropriated, it is the intention of  
31 the Legislature that it shall be the agency's responsibility to  
32 make certain that funds required to be appropriated for "Personal  
33 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
34 funds appropriated for that purpose, unless programs or positions  
35 are added to the agency's Fiscal Year 2007 budget by the  
36 Mississippi Legislature. Based on data provided by the  
37 Legislative Budget Office, the State Personnel Board shall  
38 determine and publish the projected annual cost to fully fund all  
39 appropriated positions in compliance with the provisions of this  
40 act. It shall be the responsibility of the agency head to insure  
41 that no single personnel action increases this projected annual  
42 cost and/or the Fiscal Year 2006 appropriation for "Personal  
43 Services" when annualized, with the exception of escalated funds.  
44 If, at the time the agency takes any action to change "Personal  
45 Services," the State Personnel Board determines that the agency  
46 has taken an action which would cause the agency to exceed this  
47 projected annual cost or the Fiscal Year 2006 "Personal Services"  
48 appropriated level, when annualized, then only those actions which  
49 reduce the projected annual cost and/or the appropriation  
50 requirement will be processed by the State Personnel Board until  
51 such time as the requirements of this provision are met.

52           Any transfers or escalations shall be made in accordance with  
53 the terms, conditions and procedures established by law or  
54 allowable under the terms set forth within this act. The State  
55 Personnel Board shall not escalate positions without written  
56 approval from the Department of Finance and Administration. The  
57 Department of Finance and Administration shall not provide written  
58 approval to escalate any funds for salaries and/or positions  
59 without proof of availability of new or additional funds above the  
60 appropriated level.

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

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

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

91 **SECTION 4.** It is the intention of the Legislature that the  
92 State Fire Academy shall have the authority to escalate and expend  
93 funds, not to exceed One Hundred Fifty Thousand Dollars

94 (\$150,000.00), from any source that may become available to the  
95 agency in accordance with the rules and regulations of the  
96 Department of Finance and Administration in a manner consistent  
97 with the escalation of federal funds.

98       **SECTION 5.** Of the funds provided herein, the sum of One  
99 Hundred Eighty-eight Thousand Eight Hundred Twenty-nine Dollars  
100 (\$188,829.00) is hereby assessed on any nonfederal special funds  
101 and shall be deposited to the Budget Contingency Fund created in  
102 Section 27-103-301, Mississippi Code of 1972, on or before October  
103 1, 2005, for the purpose of reimbursing the State of Mississippi  
104 for administrative costs.

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

111       **SECTION 7.** This act shall take effect and be in force from  
112 and after July 1, 2005.