

By: Representatives Brown, Warren, Eaton,  
Flaggs, Gadd, Gibbs, Hamilton (109th),  
Holland, Middleton, Read, Stevens, Scott

To: Appropriations

HOUSE BILL NO. 1748

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF  
2 REHABILITATION SERVICES FOR 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 General Fund not otherwise appropriated, to the Department of  
7 Rehabilitation Services for the fiscal year beginning  
8 July 1, 2004, and ending June 30, 2005..... \$ 6,791,723.00.

9 **SECTION 2.** The following sum, or so much thereof as may be  
10 necessary, is hereby appropriated out of any money in any special  
11 fund in the State Treasury to the credit of the Department of  
12 Rehabilitation Services which is comprised of special source funds  
13 collected by or otherwise available to the department for the  
14 support of the various offices of the department, for the purpose  
15 of defraying the expenses of the department for the fiscal year  
16 beginning July 1, 2004, and ending June 30, 2005.....  
17 ..... \$ 104,658,726.00.

18 **SECTION 3.** The following sum, or so much thereof as may be  
19 necessary, is hereby appropriated out of any money in the State  
20 Treasury to the credit of the Health Care Expendable Fund, for the  
21 purpose of defraying the expenses of the Department of  
22 Rehabilitation Services for the fiscal year beginning  
23 July 1, 2004, and ending June 30, 2005..... \$ 6,937,790.00.

24 The above funds shall be allocated as follows:

25 Fully match all available federal  
26 funds.....\$5,243,362.00

27 Independent Living Program which

28 includes the State Attendant  
 29 Care Program.....\$1,610,934.00  
 30 Deaf and hard of hearing.....\$ 83,494.00

31 **SECTION 4.** Of the funds appropriated under the provisions of  
 32 Sections 1, 2 and 3, not more than the amounts set forth below  
 33 shall be expended for the respective major objects or purposes of  
 34 expenditure:

35 **OFFICE OF VOCATIONAL REHABILITATION**

36 MAJOR OBJECTS OF EXPENDITURE:

37 Personal Services:

38	Salaries, Wages and Fringe Benefits.. \$	18,503,722.00
39	Travel and Subsistence.....	674,533.00
40	Contractual Services.....	3,701,145.00
41	Commodities.....	328,832.00
42	Capital Outlay:	
43	Other Than Equipment.....	0.00
44	Equipment.....	315,408.00
45	Subsidies, Loans and Grants.....	<u>20,143,451.00</u>
46	Total..... \$	43,667,091.00

47 FUNDING:

48	General Funds..... \$	4,734,082.00
49	Special Funds.....	<u>38,933,009.00</u>
50	Total..... \$	43,667,091.00

51 AUTHORIZED POSITIONS:

52	Permanent: Full Time.....	391
53	Part Time.....	8
54	Time-Limited: Full Time.....	93
55	Part Time.....	2

56 **OFFICE OF DISABILITY DETERMINATION SERVICES**

57 MAJOR OBJECTS OF EXPENDITURE:

58 Personal Services:

59	Salaries, Wages and Fringe Benefits.. \$	10,573,887.00
60	Travel and Subsistence.....	225,000.00

61	Contractual Services.....	9,051,964.00
62	Commodities.....	523,390.00
63	Capital Outlay:	
64	Other Than Equipment.....	0.00
65	Equipment.....	1,000,000.00
66	Subsidies, Loans and Grants.....	<u>10,788,445.00</u>
67	Total.....	\$ 32,162,686.00

68 FUNDING:

69	General Funds.....	\$ 0.00
70	Special Funds.....	<u>32,162,686.00</u>
71	Total.....	\$ 32,162,686.00

72 AUTHORIZED POSITIONS:

73	Permanent: Full Time.....	232
74	Part Time.....	6
75	Time-Limited: Full Time.....	38
76	Part Time.....	0

77 **OFFICE OF VOCATIONAL REHABILITATION FOR THE BLIND**

78 MAJOR OBJECTS OF EXPENDITURE:

79 Personal Services:

80	Salaries, Wages and Fringe Benefits..	\$ 3,445,230.00
81	Travel and Subsistence.....	131,935.00
82	Contractual Services.....	872,472.00
83	Commodities.....	84,992.00
84	Capital Outlay:	
85	Other Than Equipment.....	13,000.00
86	Equipment.....	232,875.00
87	Subsidies, Loans and Grants.....	<u>6,251,460.00</u>
88	Total.....	\$ 11,031,964.00

89 FUNDING:

90	General Funds.....	\$ 1,053,999.00
91	Special Funds.....	<u>9,977,965.00</u>
92	Total.....	\$ 11,031,964.00

93 AUTHORIZED POSITIONS:

94	Permanent:	Full Time.....	78
95		Part Time.....	0
96	Time-Limited:	Full Time.....	4
97		Part Time.....	1

98       The Office of Vocational Rehabilitation for the Blind shall  
99 remain accredited by using not more than Five Hundred Dollars  
100 (\$500.00) of the funds appropriated along with matching funds for  
101 payment of fees to an accreditation agency recommended by the  
102 Rehabilitation Services Administration.

103                                   **OFFICE OF SUPPORT SERVICES**

104       MAJOR OBJECTS OF EXPENDITURE:

105       Personal Services:

106	Salaries, Wages and Fringe Benefits..	\$	1,263,960.00
107	Travel and Subsistence.....		32,000.00
108	Contractual Services.....		490,000.00
109	Commodities.....		43,000.00
110	Capital Outlay:		
111	Other Than Equipment.....		0.00
112	Equipment.....		18,618.00
113	Subsidies, Loans and Grants.....		<u>0.00</u>
114	Total.....	\$	1,847,578.00

115       FUNDING:

116	General Funds.....	\$	0.00
117	Special Funds.....		<u>1,847,578.00</u>
118	Total.....	\$	1,847,578.00

119       AUTHORIZED POSITIONS:

120	Permanent:	Full Time.....	22
121		Part Time.....	0
122	Time-Limited:	Full Time.....	0
123		Part Time.....	0

124                                   **SPINAL CORD AND HEAD INJURY PROGRAM**

125       MAJOR OBJECTS OF EXPENDITURE:

126       Personal Services:

127	Salaries, Wages and Fringe Benefits..	\$	40,177.00
128	Travel and Subsistence.....		20,000.00
129	Contractual Services.....		100,000.00
130	Commodities.....		13,000.00
131	Capital Outlay:		
132	Other Than Equipment.....		0.00
133	Equipment.....		10,000.00
134	Subsidies, Loans and Grants.....		<u>10,220,902.00</u>
135	Total.....	\$	10,404,079.00
136	FUNDING:		
137	General Funds.....	\$	0.00
138	Special Funds.....		<u>10,404,079.00</u>
139	Total.....	\$	10,404,079.00
140	AUTHORIZED POSITIONS:		
141	Permanent: Full Time.....	2	
142	Part Time.....	0	
143	Time-Limited: Full Time.....	0	
144	Part Time.....	0	
145	<b>SPECIAL DISABILITY PROGRAM</b>		
146	MAJOR OBJECTS OF EXPENDITURE:		
147	Personal Services:		
148	Salaries, Wages and Fringe Benefits..	\$	1,030,151.00
149	Travel and Subsistence.....		52,000.00
150	Contractual Services.....		120,000.00
151	Commodities.....		25,000.00
152	Capital Outlay:		
153	Other Than Equipment.....		0.00
154	Equipment.....		30,000.00
155	Subsidies, Loans and Grants.....		<u>18,017,690.00</u>
156	Total.....	\$	19,274,841.00
157	FUNDING:		
158	General Funds.....	\$	1,003,642.00
159	Special Funds.....		<u>18,271,199.00</u>

160 Total..... \$ 19,274,841.00

161 AUTHORIZED POSITIONS:

162	Permanent:	Full Time.....	22
163		Part Time.....	0
164	Time-Limited:	Full Time.....	9
165		Part Time.....	0

166 With the funds herein appropriated, it is the intention of  
167 the Legislature that it shall be the agency's responsibility to  
168 make certain that funds required to be appropriated for "Personal  
169 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
170 funds appropriated for that purpose, unless programs or positions  
171 are added to the agency's Fiscal Year 2006 budget by the  
172 Mississippi Legislature. Based on data provided by the  
173 Legislative Budget Office, the State Personnel Board shall  
174 determine and publish the projected annual cost to fully fund all  
175 appropriated positions in compliance with the provisions of this  
176 act. It shall be the responsibility of the agency head to insure  
177 that no single personnel action increases this projected annual  
178 cost and/or the Fiscal Year 2005 appropriation for "Personal  
179 Services" when annualized, with the exception of escalated funds.  
180 If, at the time the agency takes any action to change "Personal  
181 Services," the State Personnel Board determines that the agency  
182 has taken an action which would cause the agency to exceed this  
183 projected annual cost or the Fiscal Year 2005 "Personal Services"  
184 appropriated level, when annualized, then only those actions which  
185 reduce the projected annual cost and/or the appropriation  
186 requirement will be processed by the State Personnel Board until  
187 such time as the requirements of this provision are met.

188 Any transfers or escalations shall be made in accordance with  
189 the terms, conditions and procedures established by law or  
190 allowable under the terms set forth within this act. The State  
191 Personnel Board shall not escalate positions without written  
192 approval from the Department of Finance and Administration. The

193 Department of Finance and Administration shall not provide written  
194 approval to escalate any funds for salaries and/or positions  
195 without proof of availability of new or additional funds above the  
196 appropriated level.

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

201 It is the intention of the Legislature that the Executive  
202 Director of the Department of Rehabilitation Services may transfer  
203 between the various offices authorized herein both funds and  
204 positions not to exceed twenty-five percent (25%) of the receiving  
205 office in addition to any other transfers or escalations made in  
206 accordance with Section 27-104-17 (3), Mississippi Code of 1972,  
207 Annotated. The Executive Director of the Department of  
208 Rehabilitation Services shall submit written justification for the  
209 transfer to the Legislative Budget Office and the Department of  
210 Finance and Administration on or before the fifteenth of the month  
211 prior to the effective date of the transfer. It is further the  
212 intention of the Legislature that any transfers made under the  
213 provisions of this paragraph shall be of an emergency nature and  
214 that in no case shall the transfers be made which substantially  
215 alter the legislative intent for the various offices as set forth  
216 in the original appropriations made under this act.

217 **SECTION 5.** In addition to all other sums herein  
218 appropriated, the following sum, or so much thereof as may be  
219 necessary, is hereby appropriated out of any funds which are  
220 received by or otherwise become available to the Mississippi  
221 Department of Rehabilitation Services to provide funding for  
222 construction grants and establishment grants for the fiscal year  
223 beginning July 1, 2004, and ending June 30, 2005.....  
224 ..... \$ 4,000,000.00.

225           **SECTION 6.** The funds authorized herein shall be used to fund  
226 all operations of the agency with the following prohibitions:

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

229           (2) The agency shall not take any action to promote or  
230 otherwise award salary increases through reallocation,  
231 reclassification, realignment, education benchmark, career ladder,  
232 or any other means to increase salaries of employees or positions  
233 except as allowed under the provisions set forth in House Bill No.  
234 1279, 2004 Regular Legislative Session;

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

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

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

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

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

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

256           (9) The agency shall not expend funds for the purchase of  
257 new or replacement equipment or furniture, excluding lease

258 purchase payments on agreements in effect upon passage of this  
259 appropriation bill, except as allowed under the provisions set  
260 forth in House Bill No. 1279, 2004 Regular Legislative Session.

261       **SECTION 7.** It is the intention of the Legislature that none  
262 of the funds appropriated above shall be expended unless members  
263 of the Mississippi House of Representatives and Mississippi Senate  
264 are notified at least five (5) days prior to a public ceremony  
265 announcing the award of any grant in their district or any public  
266 announcement or ceremony regarding the groundbreaking or opening  
267 of a facility, roadway or bridge for which the Legislature has  
268 made funds available. Any signage regarding any public event or  
269 any new facility, roadway or bridge shall include the following  
270 language: "Funds were made available for this project by the  
271 Mississippi State Legislature."

272       **SECTION 8.** It is the intention of the Legislature that the  
273 Department of Rehabilitation Services shall maintain complete  
274 accounting and personnel records related to the expenditure of all  
275 funds appropriated under this act and that such records shall be  
276 in the same format and level of detail as maintained for Fiscal  
277 Year 2004. It is further the intention of the Legislature that  
278 the agency's budget request for Fiscal Year 2006 shall be  
279 submitted to the Joint Legislative Budget Committee in a format  
280 and level of detail comparable to the format and level of detail  
281 provided during the Fiscal Year 2005 budget request process.

282       **SECTION 9.** It shall be unlawful for any officer, employee or  
283 other person whatsoever to use or permit or authorize the use of  
284 any automobile or any other motor vehicle owned by the State of  
285 Mississippi or any department, agency or institution thereof for  
286 any purpose other than upon the official business of the State of  
287 Mississippi or any agency, department or institution thereof.

288       It is the intent of the Legislature that motor vehicles  
289 authorized to be owned and operated by this agency shall comply  
290 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.

291           **SECTION 10.** Of the funds in Sections 1, 2 and 3, the  
292 Mississippi Department of Rehabilitation Services through the  
293 Office of Vocational Rehabilitation for the Blind is authorized to  
294 expend an amount not to exceed One Hundred Thousand Dollars  
295 (\$100,000.00) for the National Federation for the Blind (NFB)  
296 Newslite service to allow blind and visually impaired persons to  
297 access newspapers through toll-free telephone calls.

298           **SECTION 11.** The money herein appropriated shall be paid by  
299 the State Treasurer out of any money in the State Treasury to the  
300 credit of the proper fund or funds as set forth in this act, upon  
301 warrants issued by the State Fiscal Officer; and the State Fiscal  
302 Officer shall issue his warrants upon requisitions signed by the  
303 proper person, officer or officers, in the manner provided by law.

304           **SECTION 12.** This act shall take effect and be in force from  
305 and after July 1, 2004.