

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

To: Appropriations

HOUSE BILL NO. 79

1AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INSURANCE FOR THE  
3FISCAL YEAR 2006.

4BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5SECTION 1. The following sum, or so much thereof as may be  
6necessary, is hereby appropriated out of any money in any special  
7fund in the State Treasury to the credit of the Mississippi  
8Department of Insurance which is comprised of special source funds  
9collected by or otherwise available to the department, for the  
10purpose of defraying the expenses of the department for the fiscal  
11year beginning July 1, 2005, and ending June 30, 2006.....  
12..... \$ 8,171,351.00.

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

17MAJOR OBJECTS OF EXPENDITURE:

18Personal Services:

19Salaries, Wages and Fringe Benefits.. \$ 5,465,034.00  
20Travel and Subsistence..... 130,000.00  
21Contractual Services..... 2,215,725.00  
22Commodities..... 200,071.00

23Capital Outlay:

24Other Than Equipment..... 0.00  
25Equipment..... 160,021.00  
26Subsidies, Loans and Grants..... 500.00  
27Total..... \$ 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.

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

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

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

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

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

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

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

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

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