4/6 3:55p

Chapter No. 56
11/HR40/A501SG
CT / EW

HOUSE BILL NO. 1514

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1514

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF INSURANCE FOR THE FISCAL YEAR 2012.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Mississippi Department of Insurance which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2011, and ending June 30, 2012 .... $ 11,911,830.00.

SECTION 2. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	139
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall

determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

SECTION 3. It is the intention of the Legislature that the Mississippi Department of Insurance shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2011. It is further the intention of the Legislature that

the agency's budget request for Fiscal Year 2013 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2012 budget request process.

SECTION 4. Of the funds appropriated under the provisions of Section 1, Fifteen Thousand Seventy-nine Dollars ($15,079.00) 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, 2011, and ending June 30, 2012 .... $ 4,098,000.00.

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, 2011, and ending June 30, 2012 ..... $ 2,680,136.00.

SECTION 7. Of the funds appropriated under the provisions of Section 1, 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. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 10. It is the intention of the Legislature that the Office of Mississippi Department of Insurance shall have the authority to accept, budget and expend funds, which is comprised of special funds to the office, not to exceed Three Hundred Thousand Dollars ($300,000.00). Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 11. Within the limits of the funds available to the Mississippi Insurance Department for such purpose, the Commissioner of Insurance for the Mississippi Insurance Department may grant a paid internship to students pursuing junior or senior undergraduate level year coursework toward a Bachelor's Degree in Risk Management Insurance or graduate level coursework towards a Master's Degree in Business Administration. Those applicants deemed qualified by the Mississippi Department of Insurance shall receive funds that may be used to pay for tuition, books and related fees to pursue their degree. It is the intent of the

Legislature that the paid internship program shall be used as incentive for risk management insurance careers at the Mississippi Insurance Department.

SECTION 12. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 13. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 14. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars ($20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract

services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 15. Of the funds appropriated in Section 1, Two Hundred Fifty Thousand Dollars ($250,000.00) is provided for the State Fire Marshal's Office for fire safety prevention and services, including, but not limited to, fire protection supplies and materials, smoke alarms, and public service announcements providing fire prevention information.

SECTION 16. It is the intention of the Legislature that the Office of Mississippi Department of Insurance shall have the authority to receive, budget and expend funds, which is comprised of the special funds to the office, not to exceed Five Hundred Thousand Dollars ($500,000.00). This escalation is in order to comply with and as a result of the passage of The Patient Protection and Affordable Care Act, HR 3590, and supporting regulations issued in pursuant thereto. Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 17. It is the intention of the Legislature that the Mississippi Department of Insurance shall have the authority to receive, budget and expend funds which are derived from special funds to the credit of the Department, not to exceed Five Hundred Thousand Dollars ($500,000.00). This escalation is contingent upon passage of House Bill 1199, 2011 Regular Session, to assist the Mississippi Windstorm Mitigation Coordinating Council in developing and implementing a comprehensive and coordinated approach for windstorm mitigation including providing grants, developing education programs, providing funds for training local officials or providing any other assistance consistent with these purposes.

SECTION 18. It is the intention of the Legislature that the Mississippi Department of Insurance shall have the authority to receive, budget and expend funds, which are derived from special funds to the credit of the Department, in the amount of One Million Sixty-three Thousand Seven Hundred Eighty-six Dollars ($1,063,786.00) and ten (10) PINS. This escalation is contingent upon passage of Senate Bill 2331, 2011 Regular Session, in order to implement the Mississippi Elevator Safety Act.

SECTION 19. It is the intention of the Legislature that the Mississippi Department of Insurance shall have the authority to receive, budget and expend funds, which are derived from special funds to the credit of the Department, in the amount of Thirty Thousand Dollars ($30,000.00). This escalation is contingent upon passage of Senate Bill 2445, 2011 Regular Session, in order to develop the licensure of Pharmacy Benefit Managers within the State of Mississippi.

SECTION 20. 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 21. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 27, 2011

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

4/6/11 3:55 p