

By: Representatives Eaton, Gibbs, Frierson,
Hamilton (109th), Holland, Martinson,
Middleton, Miles, Shows, Warren, Weathersby

To: Appropriations

HOUSE BILL NO. 1738

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE SOIL AND WATER CONSERVATION COMMISSION
3 FOR THE FISCAL YEAR 2005.

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 the State
7 General Fund not otherwise appropriated, to the State Soil and
8 Water Conservation Commission for the purpose of defraying the
9 administrative expenses of the commission and carrying out the
10 provisions of Section 69-27-1 et seq., Mississippi Code of 1972,
11 for the fiscal year beginning July 1, 2004, and ending
12 June 30, 2005..... \$ 666,243.00.

13 SECTION 2. The following sum, or so much thereof as may be
14 necessary, is hereby appropriated out of any money in the special
15 fund in the State Treasury to the credit of the State Soil and
16 Water Conservation Commission which is comprised of special source
17 funds collected by or otherwise available to the commission, for
18 the purpose of defraying the expenses of the commission for the
19 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
20 \$ 3,268,985.00.

21 SECTION 3. With the funds appropriated under the provisions
22 of Section 1 and Section 2, the following positions are
23 authorized:

24 AUTHORIZED POSITIONS:

25	Permanent:	Full Time.....	16
26		Part Time.....	0
27	Time-Limited:	Full Time.....	1

28 Part Time..... 0

29 With the funds herein appropriated, it is the intention of
30 the Legislature that it shall be the agency's responsibility to
31 make certain that funds required to be appropriated for "Personal
32 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
33 funds appropriated for that purpose, unless programs or positions
34 are added to the agency's Fiscal Year 2006 budget by the
35 Mississippi Legislature. Based on data provided by the
36 Legislative Budget Office, the State Personnel Board shall
37 determine and publish the projected annual cost to fully fund all
38 appropriated positions in compliance with the provisions of this
39 act. It shall be the responsibility of the agency head to insure
40 that no single personnel action increases this projected annual
41 cost and/or the Fiscal Year 2005 appropriation for "Personal
42 Services" when annualized, with the exception of escalated funds.
43 If, at the time the agency takes any action to change "Personal
44 Services," the State Personnel Board determines that the agency
45 has taken an action which would cause the agency to exceed this
46 projected annual cost or the Fiscal Year 2005 "Personal Services"
47 appropriated level, when annualized, then only those actions which
48 reduce the projected annual cost and/or the appropriation
49 requirement will be processed by the State Personnel Board until
50 such time as the requirements of this provision are met.

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

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

64 **SECTION 4.** The funds authorized herein shall be used to fund
65 all operations of the agency with the following prohibitions:

66 (1) The agency shall not fill any current or future vacant
67 positions;

68 (2) The agency shall not take any action to promote or
69 otherwise award salary increases through reallocation,
70 reclassification, realignment, education benchmark, career ladder,
71 or any other means to increase salaries of employees or positions
72 except as allowed under the provisions set forth in House Bill No.
73 1279, 2004 Regular Legislative Session;

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

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

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

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

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

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

95 (9) The agency shall not expend funds for the purchase of
96 new or replacement equipment or furniture, excluding lease
97 purchase payments on agreements in effect upon passage of this
98 appropriation bill, except as allowed under the provisions set
99 forth in House Bill No. 1279, 2004 Regular Legislative Session.

100 **SECTION 5.** It is the intention of the Legislature that none
101 of the funds appropriated above shall be expended unless members
102 of the Mississippi House of Representatives and Mississippi Senate
103 are notified at least five (5) days prior to a public ceremony
104 announcing the award of any grant in their district or any public
105 announcement or ceremony regarding the groundbreaking or opening
106 of a facility, roadway or bridge for which the Legislature has
107 made funds available. Any signage regarding any public event or
108 any new facility, roadway or bridge shall include the following
109 language: "Funds were made available for this project by the
110 Mississippi State Legislature."

111 **SECTION 6.** It is the intention of the Legislature that the
112 State Soil and Water Conservation Commission shall maintain
113 complete accounting and personnel records related to the
114 expenditure of all funds appropriated under this act and that such
115 records shall be in the same format and level of detail as
116 maintained for Fiscal Year 2004. It is further the intention of
117 the Legislature that the agency's budget request for Fiscal Year
118 2006 shall be submitted to the Joint Legislative Budget Committee
119 in a format and level of detail comparable to the format and level
120 of detail provided during the Fiscal Year 2005 budget request
121 process.

122 **SECTION 7.** The State Soil and Water Conservation Commission
123 is hereby authorized to retain all funds generated from the sale
124 of equipment. Any funds made available from the sale of equipment
125 shall be deposited into the special fund in the State Treasury to

126 the credit of the Soil and Water Conservation Commission and shall
127 be used solely for the purpose of purchasing equipment.

128 **SECTION 8.** The State Soil and Water Conservation Commission
129 is hereby authorized to receive, budget and expend any proceeds
130 derived from the sale of bonds authorized in Section 69-27-331 et
131 seq., Mississippi Code of 1972. All expenditures shall be in
132 accordance with conditions provided in Section 69-27-331 et seq.,
133 Mississippi Code of 1972.

134 **SECTION 9.** It is the intention of the Legislature that the
135 Soil and Water Conservation Commission shall have the authority to
136 escalate its budget and expend funds from any source not to exceed
137 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in accordance
138 with rules and regulations of the Department of Finance and
139 Administration in a manner consistent with the escalation of
140 federal funds.

141 **SECTION 10.** Of the funds appropriated in Section 1, it is
142 the intention of the Legislature that an amount not to exceed One
143 Hundred Thousand Dollars (\$100,000.00) be used for the purpose of
144 funding a Beaver Control Cost Share program, contingent upon
145 passage of House Bill No. 1279, 2004 Regular Legislative Session.
146 The Mississippi Soil and Water Conservation Commission shall
147 promulgate rules and regulations for the establishment and
148 operation of the program on a fund matching basis with the county
149 unit of government. Funds not expended or encumbered in a county
150 may be transferred to another county during the fiscal year. Only
151 those funds specifically appropriated for the Beaver Control Cost
152 Share program shall be used in any such program.

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

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