

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1738**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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..... \$           701,182.00.

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 ..... \$           3,168,455.00.

21           **SECTION 3.** Of the funds appropriated under the provisions of  
22 Section 1 and Section 2, not more than the amounts set forth below

23 shall be expended for the respective major objects or purposes of  
24 expenditure:

25 MAJOR OBJECTS OF EXPENDITURE:

26 Personal Services:

27	Salaries, Wages and Fringe Benefits..	\$	808,647.00
28	Travel and Subsistence.....		18,000.00
29	Contractual Services.....		750,000.00
30	Commodities.....		52,000.00
31	Capital Outlay:		
32	Other Than Equipment.....		0.00
33	Equipment.....		5,370.00
34	Subsidies, Loans and Grants.....		<u>2,235,620.00</u>
35	Total.....	\$	3,869,637.00

36 FUNDING:

37	General Funds.....	\$	701,182.00
38	Special Funds.....		<u>3,168,455.00</u>
39	Total.....	\$	3,869,637.00

40 AUTHORIZED POSITIONS:

41	Permanent:	Full Time.....	16
42		Part Time.....	0
43	Time-Limited:	Full Time.....	1
44		Part Time.....	0

45 With the funds herein appropriated, it is the intention of  
46 the Legislature that it shall be the agency's responsibility to  
47 make certain that funds required to be appropriated for "Personal  
48 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
49 funds appropriated for that purpose, unless programs or positions  
50 are added to the agency's Fiscal Year 2006 budget by the  
51 Mississippi Legislature. Based on data provided by the  
52 Legislative Budget Office, the State Personnel Board shall  
53 determine and publish the projected annual cost to fully fund all  
54 appropriated positions in compliance with the provisions of this

55 act. It shall be the responsibility of the agency head to insure  
56 that no single personnel action increases this projected annual  
57 cost and/or the Fiscal Year 2005 appropriation for "Personal  
58 Services" when annualized, with the exception of escalated funds.  
59 If, at the time the agency takes any action to change "Personal  
60 Services," the State Personnel Board determines that the agency  
61 has taken an action which would cause the agency to exceed this  
62 projected annual cost or the Fiscal Year 2005 "Personal Services"  
63 appropriated level, when annualized, then only those actions which  
64 reduce the projected annual cost and/or the appropriation  
65 requirement will be processed by the State Personnel Board until  
66 such time as the requirements of this provision are met.

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

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

80 **SECTION 4.** It is the intention of the Legislature that the  
81 State Soil and Water Conservation Commission shall maintain  
82 complete accounting and personnel records related to the  
83 expenditure of all funds appropriated under this act and that such  
84 records shall be in the same format and level of detail as  
85 maintained for Fiscal Year 2004. It is further the intention of  
86 the Legislature that the agency's budget request for Fiscal Year

87 2006 shall be submitted to the Joint Legislative Budget Committee  
88 in a format and level of detail comparable to the format and level  
89 of detail provided during the Fiscal Year 2005 budget request  
90 process.

91 **SECTION 5.** The State Soil and Water Conservation Commission  
92 is hereby authorized to retain all funds generated from the sale  
93 of equipment. Any funds made available from the sale of equipment  
94 shall be deposited into the special fund in the State Treasury to  
95 the credit of the Soil and Water Conservation Commission and shall  
96 be used solely for the purpose of purchasing equipment.

97 **SECTION 6.** The State Soil and Water Conservation Commission  
98 is hereby authorized to receive, budget and expend any proceeds  
99 derived from the sale of bonds authorized in Section 69-27-331 et  
100 seq., Mississippi Code of 1972. All expenditures shall be in  
101 accordance with conditions provided in Section 69-27-331 et seq.,  
102 Mississippi Code of 1972.

103 **SECTION 7.** It is the intention of the Legislature that the  
104 Soil and Water Conservation Commission shall have the authority to  
105 escalate its budget and expend funds from any source not to exceed  
106 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in accordance  
107 with rules and regulations of the Department of Finance and  
108 Administration in a manner consistent with the escalation of  
109 federal funds.

110 **SECTION 8.** Of the funds appropriated in Section 1, it is the  
111 intention of the Legislature that an amount not to exceed  
112 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose  
113 of funding a Beaver Control Cost Share program. The Mississippi  
114 Soil and Water Conservation Commission shall promulgate rules and  
115 regulations for the establishment and operation of the program on  
116 a fund matching basis with the county unit of government. Funds  
117 not expended or encumbered in a county may be transferred to  
118 another county during the fiscal year. Only those funds

119 specifically appropriated for the Beaver Control Cost Share  
120 program shall be used in any such program.

121       **SECTION 9.** The money herein appropriated shall be paid by  
122 the State Treasurer out of any money in the State Treasury to the  
123 credit of the proper fund or funds as set forth in this act, upon  
124 warrants issued by the State Fiscal Officer; and the State Fiscal  
125 Officer shall issue his warrants upon requisitions signed by the  
126 proper person, officer or officers, in the manner provided by law.

127       **SECTION 10.** This act shall take effect and be in force from  
128 and after July 1, 2004.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.