

By: Representatives Read,  
Martinson, Broomfield, Brown,  
Davis, Denny, Middleton, Miles,  
Weathersby

To: Appropriations

HOUSE BILL NO. 28  
(As Passed the House)

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE  
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE BOARD OF  
3 COSMETOLOGY FOR THE FISCAL YEAR 2006.

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 Treasury to the credit of the State Board of Cosmetology, for the  
8 purpose of defraying the expenses of the board for the fiscal year  
9 beginning July 1, 2005, and ending June 30, 2006.....  
10 ..... \$ 736,038.00.

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

15 MAJOR OBJECTS OF EXPENDITURE:

16 Personal Services:

17	Salaries, Wages and Fringe Benefits..	\$	393,427.00
18	Travel and Subsistence.....		110,985.00
19	Contractual Services.....		210,595.00
20	Commodities.....		15,471.00
21	Capital Outlay:		
22	Other Than Equipment.....		0.00
23	Equipment.....		5,560.00
24	Subsidies, Loans and Grants.....		0.00
25	Total.....	\$	736,038.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 12

28	Part Time.....	0
29	Time-Limited: Full Time.....	0
30	Part Time.....	0

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2007 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2006 appropriation for "Personal  
44 Services" when annualized, with the exception of escalated funds.  
45 If, at the time the agency takes any action to change "Personal  
46 Services," the State Personnel Board determines that the agency  
47 has taken an action which would cause the agency to exceed this  
48 projected annual cost or the Fiscal Year 2006 "Personal Services"  
49 appropriated level, when annualized, then only those actions which  
50 reduce the projected annual cost and/or the appropriation  
51 requirement will be processed by the State Personnel Board until  
52 such time as the requirements of this provision are met.

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

60 without proof of availability of new or additional funds above the  
61 appropriated level.

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

66 The agency shall not take any action to promote or otherwise  
67 award salary increases through reallocation, reclassification,  
68 realignment, education benchmark, career ladder, or any other  
69 means to increase salaries of employees or positions unless  
70 specifically exempted by the following conditions: the award of  
71 teacher pay increases, the advancement of a trainee/cadet to the  
72 next level of a bona fide career ladder, the award of an  
73 educational benchmark for the attainment of Certified Public  
74 Accountant License or higher level professional certification as  
75 determined by the State Personnel Board, the immediate replacement  
76 of a departing employee with an individual from within state  
77 service or a new hire at a salary level equivalent to that of the  
78 departing employee, and the emergency appointment of nurses,  
79 pharmacists or other health care professionals at a salary to be  
80 determined by the State Personnel Board, unless otherwise  
81 authorized in this act.

82 **SECTION 3.** If not needed for other purposes, the State  
83 Treasurer shall invest any part of or all monies herein approved  
84 and any surplus funds of the State Board of Cosmetology for a  
85 period of ninety (90) days or more at the highest rate of interest  
86 obtainable and credit such to this respective fund. Monies shall  
87 be invested by the Treasurer in any short-term bonds, notes or  
88 other direct obligations of the United States of America or the  
89 State of Mississippi or any county or municipality of this state,  
90 which county or municipal bonds have been approved by a reputable  
91 bond attorney or have been validated by a decree of the court, or  
92 in savings accounts or certificates of deposit of a state or

93 national bank in the State of Mississippi, or in federally insured  
94 savings and loan associations in the State of Mississippi; and in  
95 any event, the bonds, notes or obligations in which such funds are  
96 invested shall mature or be redeemable prior to the time the funds  
97 so invested will be needed for the purposes herein provided.

98       **SECTION 4.** It is the intent of this legislation to provide  
99 the funds for the board to meet when necessary, but under no  
100 circumstances shall it meet more than sixty-two (62) days a year.

101       **SECTION 5.** It is the intention of the Legislature that the  
102 State Board of Cosmetology shall maintain complete accounting and  
103 personnel records related to the expenditure of all funds  
104 appropriated under this act and that such records shall be in the  
105 same format and level of detail as maintained for Fiscal Year  
106 2005. It is further the intention of the Legislature that the  
107 agency's budget request for Fiscal Year 2007 shall be submitted to  
108 the Joint Legislative Budget Committee in a format and level of  
109 detail comparable to the format and level of detail provided  
110 during the Fiscal Year 2006 budget request process.

111       **SECTION 6.** Of the funds provided herein, the sum of  
112 Thirty-two Thousand One Hundred Thirty-five Dollars (\$32,135.00)  
113 is hereby assessed on any non-federal special funds and shall be  
114 deposited to the Budget Contingency Fund created in Section  
115 27-103-301, Mississippi Code of 1972, on or before October 1,  
116 2005, for the purpose of reimbursing the State of Mississippi for  
117 administrative costs.

118       **SECTION 7.** None of the monies appropriated under this act  
119 shall be expended for payment of that amount of the salary of any  
120 person holding the position of division director, department  
121 director or head, bureau director, deputy or assistant director or  
122 similar position on May 15, 2005, which would exceed the amount  
123 actually paid for the same position on June 30, 2003, regardless  
124 of the title or position held or duties performed by the person  
125 holding the position on June 30, 2003.

126           **SECTION 8.** The money herein appropriated shall be paid by  
127 the State Treasurer out of any money in the State Treasury to the  
128 credit of the proper fund or funds as set forth in this act, upon  
129 warrants issued by the State Fiscal Officer; and the State Fiscal  
130 Officer shall issue his warrants upon requisitions signed by the  
131 proper person, officer or officers, in the manner provided by law.

132           **SECTION 9.** This act shall take effect and be in force from  
133 and after July 1, 2005.