

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

To: Appropriations

HOUSE BILL NO. 31
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 MISSISSIPPI STATE BOARD OF PHYSICAL THERAPY FOR THE FISCAL YEAR
4 2006.

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

6 **SECTION 1.** The following sum, or so much thereof as may be
7 necessary, is hereby appropriated out of any money in the State
8 Treasury to the credit of the Mississippi State Board of Physical
9 Therapy, for the purpose of defraying the expenses of the
10 Mississippi State Board of Physical Therapy for the fiscal year
11 beginning July 1, 2005, and ending June 30, 2006.....
12 \$ 195,700.00.

13 **SECTION 2.** With the funds appropriated under the provisions
14 of Section 1, the following positions are authorized:

15 AUTHORIZED POSITIONS:

16	Permanent:	Full Time.....	2
17		Part Time.....	1
18	Time-Limited:	Full Time.....	0
19		Part Time.....	0

20 With the funds herein appropriated, it is the intention of
21 the Legislature that it shall be the agency's responsibility to
22 make certain that funds required to be appropriated for "Personal
23 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
24 funds appropriated for that purpose, unless programs or positions
25 are added to the agency's Fiscal Year 2007 budget by the
26 Mississippi Legislature. Based on data provided by the
27 Legislative Budget Office, the State Personnel Board shall
28 determine and publish the projected annual cost to fully fund all

29 appropriated positions in compliance with the provisions of this
30 act. It shall be the responsibility of the agency head to insure
31 that no single personnel action increases this projected annual
32 cost and/or the Fiscal Year 2006 appropriation for "Personal
33 Services" when annualized, with the exception of escalated funds.
34 If, at the time the agency takes any action to change "Personal
35 Services," the State Personnel Board determines that the agency
36 has taken an action which would cause the agency to exceed this
37 projected annual cost or the Fiscal Year 2006 "Personal Services"
38 appropriated level, when annualized, then only those actions which
39 reduce the projected annual cost and/or the appropriation
40 requirement will be processed by the State Personnel Board until
41 such time as the requirements of this provision are met.

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

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

55 The agency shall not take any action to promote or otherwise
56 award salary increases through reallocation, reclassification,
57 realignment, education benchmark, career ladder, or any other
58 means to increase salaries of employees or positions unless
59 specifically exempted by the following conditions: the award of
60 teacher pay increases, the advancement of a trainee/cadet to the
61 next level of a bona fide career ladder, the award of an

62 educational benchmark for the attainment of Certified Public
63 Accountant License or higher level professional certification as
64 determined by the State Personnel Board, the immediate replacement
65 of a departing employee with an individual from within state
66 service or a new hire at a salary level equivalent to that of the
67 departing employee, and the emergency appointment of nurses,
68 pharmacists or other health care professionals at a salary to be
69 determined by the State Personnel Board, unless otherwise
70 authorized in this act.

71 **SECTION 3.** It is the intention of the Legislature that the
72 Mississippi State Board of Physical Therapy shall maintain
73 complete accounting and personnel records related to the
74 expenditure of all funds appropriated under this act and that such
75 records shall be in the same format and level of detail as
76 maintained for Fiscal Year 2005. It is further the intention of
77 the Legislature that the agency's budget request for Fiscal Year
78 2007 shall be submitted to the Joint Legislative Budget Committee
79 in a format and level of detail comparable to the format and level
80 of detail provided during the Fiscal Year 2006 budget request
81 process.

82 **SECTION 4.** None of the monies appropriated under this act
83 shall be expended for payment of that amount of the salary of any
84 person holding the position of division director, department
85 director or head, bureau director, deputy or assistant director or
86 similar position on May 15, 2005, which would exceed the amount
87 actually paid for the same position on June 30, 2003, regardless
88 of the title or position held or duties performed by the person
89 holding the position on June 30, 2003.

90 **SECTION 5.** The money herein appropriated shall be paid by
91 the State Treasurer out of any money in the State Treasury to the
92 credit of the proper fund or funds as set forth in this act, upon
93 warrants issued by the State Fiscal Officer; and the State Fiscal

94 Officer shall issue his warrants upon requisitions signed by the
95 proper person, officer or officers, in the manner provided by law.

96 **SECTION 6.** This act shall take effect and be in force from
97 and after July 1, 2005.