

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

To: Appropriations

HOUSE BILL NO. 38
(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 BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY
4 THERAPISTS FOR THE FISCAL YEAR 2006.

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

6 **SECTION 1.** The following sum, or so much of it as may be
7 necessary, is appropriated out of any money in the special fund in
8 the State Treasury to the credit of the Board of Examiners for
9 Social Workers and Marriage and Family Therapists for the purpose
10 of defraying the expenses of the board for the fiscal year
11 beginning July 1, 2005, and ending June 30, 2006.....
12 \$ 326,151.00.

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

17 MAJOR OBJECTS OF EXPENDITURE:

18	Personal Services:		
19	Salaries, Wages and Fringe Benefits..	\$	168,321.00
20	Travel and Subsistence.....		15,000.00
21	Contractual Services.....		118,030.00
22	Commodities.....		19,800.00
23	Capital Outlay:		
24	Other Than Equipment.....		0.00
25	Equipment.....		5,000.00
26	Subsidies, Loans and Grants.....		0.00
27	Total.....	\$	326,151.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	5
30		Part Time.....	0
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

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

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

62 without proof of availability of new or additional funds above the
63 appropriated level.

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

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

84 **SECTION 3.** It is the intention of the Legislature that the
85 Board of Examiners for Social Workers and Marriage and Family
86 Therapists shall maintain complete accounting and personnel
87 records related to the expenditure of all funds appropriated under
88 this act and that such records shall be in the same format and
89 level of detail as maintained for Fiscal Year 2005. It is further
90 the intention of the Legislature that the agency's budget request
91 for Fiscal Year 2007 shall be submitted to the Joint Legislative
92 Budget Committee in a format and level of detail comparable to the
93 format and level of detail provided during the Fiscal Year 2006
94 budget request process.

95 **SECTION 4.** Of the funds provided herein, the sum of Nine
96 Thousand Sixteen Dollars (\$9,016.00) is hereby assessed on any
97 non-federal special funds and shall be deposited to the Budget
98 Contingency Fund created in Section 27-103-301, Mississippi Code
99 of 1972, on or before October 1, 2005, for the purpose of
100 reimbursing the State of Mississippi for administrative costs.

101 **SECTION 5.** None of the monies appropriated under this act
102 shall be expended for payment of that amount of the salary of any
103 person holding the position of division director, department
104 director or head, bureau director, deputy or assistant director or
105 similar position on May 15, 2005, which would exceed the amount
106 actually paid for the same position on June 30, 2003, regardless
107 of the title or position held or duties performed by the person
108 holding the position on June 30, 2003.

109 **SECTION 6.** The money herein appropriated shall be paid by
110 the State Treasurer out of any money in the State Treasury to the
111 credit of the proper fund or funds as set forth in this act, upon
112 warrants issued by the State Fiscal Officer; and the State Fiscal
113 Officer shall issue his warrants upon requisitions signed by the
114 proper person, officer or officers, in the manner provided by law.

115 **SECTION 7.** This act shall take effect and be in force from
116 and after July 1, 2005.