

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

To: Appropriations

HOUSE BILL NO. 72

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 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 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, 2005, and ending
12 June 30, 2006..... \$ 685,101.00.

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, 2005, and ending June 30, 2006.....
20 \$ 3,314,070.00.

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.. \$ 792,665.00

28	Travel and Subsistence.....	15,197.00
29	Contractual Services.....	894,764.00
30	Commodities.....	45,945.00
31	Capital Outlay:	
32	Other Than Equipment.....	0.00
33	Equipment.....	0.00
34	Subsidies, Loans and Grants.....	<u>2,250,600.00</u>
35	Total.....	\$ 3,999,171.00

36 FUNDING:

37	General Funds.....	\$ 685,101.00
38	Special Funds.....	<u>3,314,070.00</u>
39	Total.....	\$ 3,999,171.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	16
42	Part Time.....	0
43	Time-Limited: Full Time.....	2
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 2007 do not exceed Fiscal Year 2006
49 funds appropriated for that purpose, unless programs or positions
50 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
81 award salary increases through reallocation, reclassification,
82 realignment, education benchmark, career ladder, or any other
83 means to increase salaries of employees or positions unless
84 specifically exempted by the following conditions: the award of
85 teacher pay increases, the advancement of a trainee/cadet to the
86 next level of a bona fide career ladder, the award of an
87 educational benchmark for the attainment of Certified Public
88 Accountant License or higher level professional certification as
89 determined by the State Personnel Board, the immediate replacement
90 of a departing employee with an individual from within state
91 service or a new hire at a salary level equivalent to that of the
92 departing employee, and the emergency appointment of nurses,
93 pharmacists or other health care professionals at a salary to be

94 determined by the State Personnel Board, unless otherwise
95 authorized in this act.

96 **SECTION 4.** It is the intention of the Legislature that the
97 State Soil and Water Conservation Commission shall maintain
98 complete accounting and personnel records related to the
99 expenditure of all funds appropriated under this act and that such
100 records shall be in the same format and level of detail as
101 maintained for Fiscal Year 2005. It is further the intention of
102 the Legislature that the agency's budget request for Fiscal Year
103 2007 shall be submitted to the Joint Legislative Budget Committee
104 in a format and level of detail comparable to the format and level
105 of detail provided during the Fiscal Year 2006 budget request
106 process.

107 **SECTION 5.** The State Soil and Water Conservation Commission
108 is hereby authorized to retain all funds generated from the sale
109 of equipment. Any funds made available from the sale of equipment
110 shall be deposited into the special fund in the State Treasury to
111 the credit of the Soil and Water Conservation Commission and shall
112 be used solely for the purpose of purchasing equipment.

113 **SECTION 6.** The State Soil and Water Conservation Commission
114 is hereby authorized to receive, budget and expend any proceeds
115 derived from the sale of bonds authorized in Section 69-27-331 et
116 seq., Mississippi Code of 1972. All expenditures shall be in
117 accordance with conditions provided in Section 69-27-331 et seq.,
118 Mississippi Code of 1972.

119 **SECTION 7.** It is the intention of the Legislature that the
120 Soil and Water Conservation Commission shall have the authority to
121 escalate its budget and expend funds from any source not to exceed
122 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in accordance
123 with rules and regulations of the Department of Finance and
124 Administration in a manner consistent with the escalation of
125 federal funds.

126 **SECTION 8.** Of the funds appropriated in Section 1, it is the
127 intention of the Legislature that an amount not to exceed
128 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose
129 of funding a Beaver Control Cost Share program. The Mississippi
130 Soil and Water Conservation Commission shall promulgate rules and
131 regulations for the establishment and operation of the program on
132 a fund matching basis with the county unit of government. Funds
133 not expended or encumbered in a county may be transferred to
134 another county during the fiscal year. Only those funds
135 specifically appropriated for the Beaver Control Cost Share
136 program shall be used in any such program.

137 **SECTION 9.** Of the funds provided herein, the sum of
138 Seventy-seven Thousand Seven Hundred Sixty-three Dollars
139 (\$77,763.00) is hereby assessed on any nonfederal special funds
140 and shall be deposited to the Budget Contingency Fund created in
141 Section 27-103-301, Mississippi Code of 1972, on or before October
142 1, 2005, for the purpose of reimbursing the State of Mississippi
143 for administrative costs.

144 **SECTION 10.** The money herein appropriated shall be paid by
145 the State Treasurer out of any money in the State Treasury to the
146 credit of the proper fund or funds as set forth in this act, upon
147 warrants issued by the State Fiscal Officer; and the State Fiscal
148 Officer shall issue his warrants upon requisitions signed by the
149 proper person, officer or officers, in the manner provided by law.

150 **SECTION 11.** This act shall take effect and be in force from
151 and after July 1, 2005.