

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

To: Appropriations

HOUSE BILL NO. 1565
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE STATE FORESTRY COMMISSION FOR THE FISCAL YEAR
3 2007.

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, for the support and
8 maintenance of the State Forestry Commission for the fiscal year
9 beginning July 1, 2006, and ending June 30, 2007.....
10 \$ 16,082,202.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the State Forestry
14 Commission which is comprised of special source funds collected by
15 or otherwise available to the commission, for the support and
16 maintenance of the commission for the fiscal year beginning
17 July 1, 2006, and ending June 30, 2007.....
18 \$ 12,413,284.00.

19 Of the funds specified in this section, Two Hundred Fifty
20 Thousand Dollars (\$250,000.00) shall be deposited in a fund
21 created in the State Treasury called the "Forest Improvement
22 Revolving Fund." Money in this fund shall be used by the State
23 Forestry Commission to assist in the reforestation and growth
24 improvement of the forests, woodlands, and publicly owned lands of
25 the state, including sixteenth section lands, Camp Shelby,
26 Columbia Training School and colleges and universities.
27 Landowners who contract with the commission for such work shall

28 pay to the commission its actual cost for conducting such work.
 29 Money received for this work by the commission shall be paid into
 30 the State Treasury, and the State Treasurer shall deposit such
 31 money in the "Forest Improvement Revolving Fund."

32 **SECTION 3.** With the funds appropriated under the provisions
 33 of Sections 1 and 2, not more than the amounts set forth below
 34 shall be expended for the respective major objects or purposes of
 35 expenditure:

36 MAJOR OBJECTS OF EXPENDITURE:

37 Personal Services:

38	Salaries, Wages and Fringe Benefits..	\$	19,275,805.00
39	Travel and Subsistence.....		60,000.00
40	Contractual Services.....		2,249,829.00
41	Commodities.....		2,259,852.00
42	Capital Outlay:		
43	Other Than Equipment.....		150,000.00
44	Equipment.....		1,500,000.00
45	Subsidies, Loans and Grants.....		<u>3,000,000.00</u>
46	Total.....	\$	28,495,486.00

47 AUTHORIZED POSITIONS:

48	Permanent:	Full Time.....	553
49		Part Time.....	33
50	Time-Limited:	Full Time.....	0
51		Part Time.....	0

52 For the fiscal year beginning on July 1, 2006, funds are
 53 provided herein to adjust the annual compensation of each employee
 54 who has been employed for twelve (12) months or longer by an
 55 amount equal to One Thousand Dollars (\$1,000.00), effective on
 56 July 1, 2006.

57 With the funds herein appropriated, it is the intention of
 58 the Legislature that it shall be the agency's responsibility to
 59 make certain that funds required to be appropriated for "Personal
 60 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007

61 funds appropriated for that purpose, unless programs or positions
62 are added to the agency's Fiscal Year 2008 budget by the
63 Mississippi Legislature. Based on data provided by the
64 Legislative Budget Office, the State Personnel Board shall
65 determine and publish the projected annual cost to fully fund all
66 appropriated positions in compliance with the provisions of this
67 act. It shall be the responsibility of the agency head to insure
68 that no single personnel action increases this projected annual
69 cost and/or the Fiscal Year 2007 appropriation for "Personal
70 Services" when annualized, with the exception of escalated funds.
71 If, at the time the agency takes any action to change "Personal
72 Services," the State Personnel Board determines that the agency
73 has taken an action which would cause the agency to exceed this
74 projected annual cost or the Fiscal Year 2007 "Personal Services"
75 appropriated level, when annualized, then only those actions which
76 reduce the projected annual cost and/or the appropriation
77 requirement will be processed by the State Personnel Board until
78 such time as the requirements of this provision are met.

79 Any transfers or escalations shall be made in accordance with
80 the terms, conditions and procedures established by law or
81 allowable under the terms set forth within this act. The State
82 Personnel Board shall not escalate positions without written
83 approval from the Department of Finance and Administration. The
84 Department of Finance and Administration shall not provide written
85 approval to escalate any funds for salaries and/or positions
86 without proof of availability of new or additional funds above the
87 appropriated level.

88 No general funds authorized to be expended herein shall be
89 used to replace federal funds and/or other special funds which are
90 being used for salaries authorized under the provisions of this
91 act and which are withdrawn and no longer available. No general
92 funds authorized to be expended herein shall be used to spend more
93 money on any public information than the agency spent for public

94 information in the fiscal year preceding the effective date of
95 this appropriation.

96 **SECTION 4.** It is the intention of the Legislature that the
97 State Forestry Commission shall maintain complete accounting and
98 personnel records related to the expenditure of all funds
99 appropriated under this act and that such records shall be in the
100 same format and level of detail as maintained for Fiscal Year
101 2006. It is further the intention of the Legislature that the
102 agency's budget request for Fiscal Year 2008 shall be submitted to
103 the Joint Legislative Budget Committee in a format and level of
104 detail comparable to the format and level of detail provided
105 during the Fiscal Year 2007 budget request process.

106 **SECTION 5.** In compliance with the "Mississippi Performance
107 Budget and Strategic Planning Act of 1994," it is the intent of
108 the Legislature that the funds provided herein shall be utilized
109 in the most efficient and effective manner possible to achieve the
110 intended mission of this agency. Based on the funding authorized,
111 this agency shall make every effort to attain the targeted
112 performance measures provided below:

	FY2007
<u>Performance Measures</u>	<u>Target</u>
Fire Protection	
Number of Fires per Year (Events)	3,800
Average Size of Fire (Acres)	12.50
Forest Stewardship	
Land Reforested (Acres)	58,000
Landowners Assisted (Persons)	17,000
Public Outreach	
School/Youth Programs (Events)	800
Resource Analysis/Economic Development	
Economic Development Assistance Customers	
Served (Persons)	50
Urban/Community Forestry Assistance	

127 Homeowners Assisted 4,000

128 A reporting of the degree to which the performance targets
129 set above have been or are being achieved shall be provided in the
130 agency's budget request submitted to the Joint Legislative Budget
131 Committee for Fiscal Year 2008.

132 **SECTION 6.** It is the intention of the Legislature that the
133 State Forestry Commission be allowed to escalate its budget in the
134 Capital Outlay: Equipment major object of expenditure, with funds
135 generated from the Forest Acreage Tax, and with funds generated
136 from the sale of old equipment and lease of tower sites an amount
137 not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).
138 It is further the intention of the Legislature that the State
139 Forestry Commission be allowed to escalate its budget in the
140 Subsidies, Loans and Grants major object of expenditure, with
141 funds generated from the Severance Tax to fund the Forest Resource
142 Development Program in an amount not to exceed Five Hundred
143 Thousand Dollars (\$500,000.00). The receipt of these funds is
144 hereby authorized and approved, provided such receipts and
145 expenditures are reported and otherwise accounted for in
146 accordance with Section 27-103-101 et seq. and Section 27-104-1 et
147 seq., Mississippi Code of 1972.

148 **SECTION 7.** It is the intention of the Legislature that the
149 State Forestry Commission be allowed to escalate part-time
150 positions up to one hundred (100) and expend funds not to exceed
151 Five Hundred Thousand Dollars (\$500,000.00) from any source of
152 funds that become available to the commission. This escalation
153 shall be in accordance with rules and regulations of the
154 Department of Finance and Administration in a manner consistent
155 with the escalation of federal funds. These positions may be used
156 to protect life and property during extended periods of extreme
157 wildfire occurrences of a minimum of fifty (50) fires per day.
158 The escalation of positions and the expenditure of these funds
159 shall be at the discretion of the State Forester, with written

160 notification to the State Personnel Board and the State Fiscal
161 Officer.

162 **SECTION 8.** The Forestry Commission has the authority to
163 purchase from the "General Services Administration" Fire Fighter
164 Catalog and any other GSA Catalog as long as the cost of such
165 items are less than the quotes received.

166 **SECTION 9.** There is hereby created in the State Treasury a
167 fund designated as the Volunteer Fire Department Equipment
168 Conversion Revolving Fund to be used by the State Forestry
169 Commission to assist in the conversion of vehicles acquired by the
170 State Forestry Commission through the Federal Excess Personal
171 Property Program or by Volunteer Fire Departments through other
172 means to adapt them for use in the suppression of wildland fires.
173 This assistance shall be in the form of fabrication of water tanks
174 or other accessories necessary for the operation of fire
175 suppression units, installation of piping and valves, painting or
176 other similar or associated component work necessary to place fire
177 suppression equipment into service. It is not for general vehicle
178 maintenance or repair.

179 The Volunteer Fire Department Equipment Conversion Revolving
180 Fund shall be funded by monies received from charges for work and
181 services performed for Volunteer Fire Departments by the State
182 Forestry Commission. Monies collected from such charges shall be
183 deposited into the Volunteer Fire Department Equipment Conversion
184 Revolving Fund. The State Treasurer shall make disbursements
185 therefrom for payment of materials, supplies and labor upon
186 requisition of the Forestry Commission and upon the issuance of
187 warrants therefor by the Department of Finance and Administration.

188 The amount of monies deposited into the Volunteer Fire
189 Department Equipment Conversion Fund through this work shall not
190 exceed Fifty Thousand Dollars (\$50,000.00). Funds in excess of
191 Fifty Thousand Dollars (\$50,000.00) shall be placed in the State
192 Forestry Commission's regular appropriated special funds. Monies

193 in this revolving fund are to be considered special funds and
194 shall be carried forward from one fiscal year to the next.

195 **SECTION 10.** There is hereby created in the State Treasury a
196 fund designated as the Camden State Forest Revolving Fund to be
197 used by the State Forestry Commission to direct forest management
198 activities on the Camden State Forest in Madison County,
199 Mississippi. The forest management activities will include, but
200 not be limited to, maintenance of property, timber sale activities
201 and regeneration work.

202 The Camden State Forest Revolving Fund shall be funded by
203 monies received from timber sales, leases, and any other source.
204 Monies collected from these income sources shall be deposited into
205 the Camden State Forest Revolving Fund. The State Treasurer shall
206 make disbursements therefrom for payments of materials, supplies
207 and labor upon requisition of the State Forestry Commission and
208 upon the issuance of warrants therefor by the Department of
209 Finance and Administration.

210 It is the intention of the Legislature that any revolving
211 funds in excess of the budgeted amount needed for the necessary
212 operation and maintenance of all properties under the direct
213 supervision and management of the State Forestry Commission shall
214 remain in the Camden State Forest Revolving Fund for use in future
215 years.

216 **SECTION 11.** Of the funds appropriated in Section 2 and
217 authorized for expenditure in Section 3, it is the intention of
218 the Legislature that Two Hundred Thousand Dollars (\$200,000.00)
219 shall be transferred to the Department of Agriculture and Commerce
220 for the Beaver Control or Eradication Program during the Fiscal
221 Year 2007.

222 **SECTION 12.** It is the intention of the Legislature that
223 whenever two (2) or more bids are received by this agency for the
224 purchase of commodities or equipment, and whenever all things
225 stated in such received bids are equal with respect to price,

226 quality and service, the Mississippi Industries for the Blind
227 shall be given preference. A similar preference shall be given to
228 the Mississippi Industries for the Blind whenever purchases are
229 made without competitive bids.

230 **SECTION 13.** Of the funds appropriated under the provisions
231 of Section 2, Eight Hundred Twenty-two Thousand Four Hundred
232 Thirty-two Dollars (\$822,432.00) shall be derived from the Budget
233 Contingency Fund created in Section 27-103-301, Mississippi Code
234 of 1972, for the purpose of defraying the expenses of the State
235 Forestry Commission.

236 **SECTION 14.** Any person who was an employee of the Forestry
237 Commission who was laid off during Fiscal Year 2006 shall be given
238 first priority in any new employment by the commission.

239 **SECTION 15.** The money herein appropriated shall be paid by
240 the State Treasurer out of any money in the State Treasury to the
241 credit of the proper fund or funds as set forth in this act, upon
242 warrants issued by the State Fiscal Officer; and the State Fiscal
243 Officer shall issue his warrants upon requisitions signed by the
244 proper person, officer or officers, in the manner provided by law.

245 **SECTION 16.** This act shall take effect and be in force from
246 and after July 1, 2006.