

Senate Amendments to House Bill No. 1698

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 General Fund not otherwise appropriated, for the support and
9 maintenance of the State Forestry Commission for the fiscal year
10 beginning July 1, 2007, and ending June 30, 2008.....
11 \$ 19,489,615.00.

12 **SECTION 2.** The following sum, or so much thereof as may be
13 necessary, is hereby appropriated out of any money in the special
14 fund in the State Treasury to the credit of the State Forestry
15 Commission which is comprised of special source funds collected by
16 or otherwise available to the commission, for the support and
17 maintenance of the commission for the fiscal year beginning
18 July 1, 2007, and ending June 30, 2008.....
19 \$ 10,239,093.00.

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

31 the State Treasury, and the State Treasurer shall deposit such
32 money in the "Forest Improvement Revolving Fund."

33 **SECTION 3.** Of the funds appropriated under the provisions of
34 Sections 1 and 2, the following positions are authorized:

35 AUTHORIZED POSITIONS:

36	Permanent:	Full Time.....	495
37		Part Time.....	6
38	Time-Limited:	Full Time.....	0
39		Part Time.....	0

40 Funds are provided herein to adjust the Variable Compensation
41 Plan to ensure that all full-time employees receive a pay increase
42 equal to the realignment component of the Variable Compensation
43 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
44 whichever is greater, to be awarded on July 1, 2007.

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 2009 do not exceed Fiscal Year 2008
49 funds appropriated for that purpose, unless programs or positions
50 are added to the agency's Fiscal Year 2009 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 2008 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 2008 "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 Forestry Commission and the Mississippi Institute for Forest
98 Inventory shall maintain complete accounting and personnel records
99 related to the expenditure of all funds appropriated under this

100 act and that such records shall be in the same format and level of
 101 detail as maintained for Fiscal Year 2007. It is further the
 102 intention of the Legislature that the agency's budget request for
 103 Fiscal Year 2009 shall be submitted to the Joint Legislative
 104 Budget Committee in a format and level of detail comparable to the
 105 format and level of detail provided during the Fiscal Year 2008
 106 budget request process.

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

114	FY2008
115 <u>Performance Measures</u>	<u>Target</u>
116 Fire Protection	
117 Number of Fires per Year (Events)	2,000
118 Average Size of Fire (Acres)	18
119 Forest Stewardship	
120 Land Reforested (Acres)	65,000
121 Landowners Assisted (Persons)	18,000
122 Public Outreach	
123 School/Youth Programs (Events)	50
124 Resource Analysis/Economic Development	
125 Economic Development Assistance Customers	
126 Served (Persons)	50
127 Economic Development Assist Reports (Reports)	100
128 Urban/Community Forestry Assistance	
129 Homeowners Assisted	2,625

130 A reporting of the degree to which the performance targets
 131 set above have been or are being achieved shall be provided in the
 132 agency's budget request submitted to the Joint Legislative Budget
 133 Committee for Fiscal Year 2009.

134 **SECTION 6.** In addition to all other sums herein
 135 appropriated, the following sum, or so much thereof as may be
 136 necessary, is hereby appropriated out of any money in the State
 137 General Fund not otherwise appropriated, for the support of the
 138 Mississippi Institute for Forest Inventory for the fiscal year
 139 beginning July 1, 2007, and ending June 30, 2008.....
 140 \$ 75,000.00.

141 **SECTION 7.** In addition to all other sums herein
 142 appropriated, the following sum, or so much thereof as may be
 143 necessary, is hereby appropriated out of any money in the State
 144 Treasury to the credit of the Mississippi Institute for Forest
 145 Inventory which is comprised of special source funds and donations
 146 collected by or otherwise available to the Institute for the
 147 purpose of defraying the expenses of the Institute for the period
 148 beginning July 1, 2007, and ending June 30, 2008.....
 149 \$ 263,504.00.

150 **SECTION 8.** Of the funds appropriated under the provisions of
 151 Section 1, not more than the amounts set forth below shall be
 152 under the authority of the State Personnel Board:

153 AUTHORIZED POSITIONS:

154 Permanent:	Full Time.....	2
155	Part Time.....	0
156 Time-Limited:	Full Time.....	0
157	Part Time.....	0

158 Funds are provided herein to adjust the Variable Compensation
 159 Plan to ensure that all full-time employees receive a pay increase
 160 equal to the realignment component of the Variable Compensation
 161 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
 162 whichever is greater, to be awarded on July 1, 2007.

163 With the funds herein appropriated, it is the intention of
 164 the Legislature that it shall be the agency's responsibility to
 165 make certain that funds required to be appropriated for "Personal
 166 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
 167 funds appropriated for that purpose, unless programs or positions
 168 are added to the agency's Fiscal Year 2009 budget by the

169 Mississippi Legislature. Based on data provided by the
170 Legislative Budget Office, the State Personnel Board shall
171 determine and publish the projected annual cost to fully fund all
172 appropriated positions in compliance with the provisions of this
173 act. It shall be the responsibility of the agency head to insure
174 that no single personnel action increases this projected annual
175 cost and/or the Fiscal Year 2008 appropriation for "Personal
176 Services" when annualized, with the exception of escalated funds.
177 If, at the time the agency takes any action to change "Personal
178 Services," the State Personnel Board determines that the agency
179 has taken an action which would cause the agency to exceed this
180 projected annual cost or the Fiscal Year 2008 "Personal Services"
181 appropriated level, when annualized, then only those actions which
182 reduce the projected annual cost and/or the appropriation
183 requirement will be processed by the State Personnel Board until
184 such time as the requirements of this provision are met.

185 Any transfers or escalations shall be made in accordance with
186 the terms, conditions and procedures established by law or
187 allowable under the terms set forth within this act. The State
188 Personnel Board shall not escalate positions without written
189 approval from the Department of Finance and Administration. The
190 Department of Finance and Administration shall not provide written
191 approval to escalate any funds for salaries and/or positions
192 without proof of availability of new or additional funds above the
193 appropriated level.

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

198 The agency shall not take any action to promote or otherwise
199 award salary increases through reallocation, reclassification,
200 realignment, education benchmark, career ladder, or any other
201 means to increase salaries of employees or positions unless
202 specifically exempted by the following conditions: the award of
203 teacher pay increases, the advancement of a trainee/cadet to the

204 next level of a bona fide career ladder, the award of an
205 educational benchmark for the attainment of Certified Public
206 Accountant License or higher level professional certification as
207 determined by the State Personnel Board, the immediate replacement
208 of a departing employee with an individual from within state
209 service or a new hire at a salary level equivalent to that of the
210 departing employee, and the emergency appointment of nurses,
211 pharmacists or other health care professionals at a salary to be
212 determined by the State Personnel Board, unless otherwise
213 authorized in this act.

214 **SECTION 9.** It is the intention of the Legislature that the
215 State Forestry Commission be allowed to escalate its budget in the
216 Capital Outlay: Equipment major object of expenditure, with funds
217 generated from the Forest Acreage Tax, and with funds generated
218 from the sale of old equipment and lease of tower sites an amount
219 not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).
220 It is further the intention of the Legislature that the State
221 Forestry Commission be allowed to escalate its budget in the
222 Subsidies, Loans and Grants major object of expenditure, with
223 funds generated from the Severance Tax to fund the Forest Resource
224 Development Program in an amount not to exceed Five Hundred
225 Thousand Dollars (\$500,000.00). The receipt of these funds is
226 hereby authorized and approved, provided such receipts and
227 expenditures are reported and otherwise accounted for in
228 accordance with Section 27-103-101 et seq. and Section 27-104-1 et
229 seq., Mississippi Code of 1972.

230 **SECTION 10.** It is the intention of the Legislature that the
231 State Forestry Commission be allowed to escalate part-time
232 positions up to one hundred (100) and expend funds not to exceed
233 Five Hundred Thousand Dollars (\$500,000.00) from any source of
234 funds that become available to the commission. This escalation
235 shall be in accordance with rules and regulations of the
236 Department of Finance and Administration in a manner consistent
237 with the escalation of federal funds. These positions may be used
238 to protect life and property during extended periods of extreme

239 wildfire occurrences of a minimum of fifty (50) fires per day.
240 The escalation of positions and the expenditure of these funds
241 shall be at the discretion of the State Forester, with written
242 notification to the State Personnel Board and the State Fiscal
243 Officer.

244 **SECTION 11.** The Forestry Commission has the authority to
245 purchase from the "General Services Administration" Fire Fighter
246 Catalog and any other GSA Catalog as long as the cost of such
247 items are less than the quotes received.

248 **SECTION 12.** There is hereby created in the State Treasury a
249 fund designated as the Volunteer Fire Department Equipment
250 Conversion Revolving Fund to be used by the State Forestry
251 Commission to assist in the conversion of vehicles acquired by the
252 State Forestry Commission through the Federal Excess Personal
253 Property Program or by Volunteer Fire Departments through other
254 means to adapt them for use in the suppression of wildland fires.
255 This assistance shall be in the form of fabrication of water tanks
256 or other accessories necessary for the operation of fire
257 suppression units, installation of piping and valves, painting or
258 other similar or associated component work necessary to place fire
259 suppression equipment into service. It is not for general vehicle
260 maintenance or repair.

261 The Volunteer Fire Department Equipment Conversion Revolving
262 Fund shall be funded by monies received from charges for work and
263 services performed for Volunteer Fire Departments by the State
264 Forestry Commission. Monies collected from such charges shall be
265 deposited into the Volunteer Fire Department Equipment Conversion
266 Revolving Fund. The State Treasurer shall make disbursements
267 therefrom for payment of materials, supplies and labor upon
268 requisition of the Forestry Commission and upon the issuance of
269 warrants therefor by the Department of Finance and Administration.

270 The amount of monies deposited into the Volunteer Fire
271 Department Equipment Conversion Fund through this work shall not
272 exceed Fifty Thousand Dollars (\$50,000.00). Funds in excess of
273 Fifty Thousand Dollars (\$50,000.00) shall be placed in the State

274 Forestry Commission's regular appropriated special funds. Monies
275 in this revolving fund are to be considered special funds and
276 shall be carried forward from one fiscal year to the next.

277 **SECTION 13.** There is hereby created in the State Treasury a
278 fund designated as the Camden State Forest Revolving Fund to be
279 used by the State Forestry Commission to direct forest management
280 activities on the Camden State Forest in Madison County,
281 Mississippi. The forest management activities will include, but
282 not be limited to, maintenance of property, timber sale activities
283 and regeneration work.

284 The Camden State Forest Revolving Fund shall be funded by
285 monies received from timber sales, leases, and any other source.
286 Monies collected from these income sources shall be deposited into
287 the Camden State Forest Revolving Fund. The State Treasurer shall
288 make disbursements therefrom for payments of materials, supplies
289 and labor upon requisition of the State Forestry Commission and
290 upon the issuance of warrants therefor by the Department of
291 Finance and Administration.

292 It is the intention of the Legislature that any revolving
293 funds in excess of the budgeted amount needed for the necessary
294 operation and maintenance of all properties under the direct
295 supervision and management of the State Forestry Commission shall
296 remain in the Camden State Forest Revolving Fund for use in future
297 years.

298 **SECTION 14.** Of the funds appropriated in Section 2 and
299 authorized for expenditure in Section 3, it is the intention of
300 the Legislature that Two Hundred Thousand Dollars (\$200,000.00)
301 shall be transferred to the Department of Agriculture and Commerce
302 for the Beaver Control or Eradication Program during the Fiscal
303 Year 2007.

304 **SECTION 15.** It is the intention of the Legislature that the
305 Mississippi Institute for Forest Inventory is hereby authorized to
306 accept, budget and expend funds, not to exceed One Million Dollars
307 (\$1,000,000.00), from any source in accordance with rules and

308 regulations of the Department of Finance and Administration in a
309 manner consistent with the escalation of federal funds.

310 **SECTION 16.** It is the intention of the Legislature that
311 whenever two (2) or more bids are received by this agency for the
312 purchase of commodities or equipment, and whenever all things
313 stated in such received bids are equal with respect to price,
314 quality and service, the Mississippi Industries for the Blind
315 shall be given preference. A similar preference shall be given to
316 the Mississippi Industries for the Blind whenever purchases are
317 made without competitive bids.

318 **SECTION 17.** Any person who was an employee of the Forestry
319 Commission who was laid off during Fiscal Year 2006 shall be given
320 first priority in any new employment by the commission.

321 **SECTION 18.** The money herein appropriated shall be paid by
322 the State Treasurer out of any money in the State Treasury to the
323 credit of the proper fund or funds as set forth in this act, upon
324 warrants issued by the State Fiscal Officer; and the State Fiscal
325 Officer shall issue his warrants upon requisitions signed by the
326 proper person, officer or officers, in the manner provided by law.

327 **SECTION 19.** This act shall take effect and be in force from
328 and after July 1, 2007.

LB17\HB1698A.J

John O. Gilbert
Secretary of the Senate