

By: Representatives Read, Sullivan, Barton,
Bennett, Bounds, Boyd, Busby, DeLano, Eure,
Huddleston (15th), Huddleston (30th), Ladner,
Massengill, Staples, Turner

To: Appropriations

HOUSE BILL NO. 1605
(As Sent to Governor)

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 2019.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, to the State Soil and Water
8 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, 2018, and ending
12 June 30, 2019.....\$ 604,687.00.

13 **SECTION 2.** The following sum, or so much thereof as may be
14 necessary, is appropriated out of any money in the special fund in
15 the State Treasury to the credit of the State Soil and Water
16 Conservation Commission which is comprised of special source funds
17 collected by or otherwise available to the commission, for the



18 purpose of defraying the expenses of the commission for the fiscal
19 year beginning July 1, 2018, and ending June 30, 2019.....
20\$ 4,749,732.00.

21 **SECTION 3.** Of the funds appropriated under the provisions of
22 this act, the following positions are authorized:

23 AUTHORIZED POSITIONS:

24	Permanent:	Full Time.....	11
25		Part Time.....	0
26	Time-Limited:	Full Time.....	4
27		Part Time.....	0

28 With the funds herein appropriated, it shall be the agency's
29 responsibility to make certain that funds required to be
30 appropriated for "Personal Services" for Fiscal Year 2020 do not
31 exceed Fiscal Year 2019 funds appropriated for that purpose,
32 unless programs or positions are added to the agency's Fiscal Year
33 2019 budget by the Mississippi Legislature. Based on data
34 provided by the Legislative Budget Office, the State Personnel
35 Board shall determine and publish the projected annual cost to
36 fully fund all appropriated positions in compliance with the
37 provisions of this act. It shall be the responsibility of the
38 agency head to ensure that no single personnel action increases
39 this projected annual cost and/or the Fiscal Year 2019
40 appropriations for "Personal Services" when annualized, with the
41 exception of escalated funds and the award of benchmarks. If, at
42 the time the agency takes any action to change "Personal



43 Services," the State Personnel Board determines that the agency
44 has taken an action which would cause the agency to exceed this
45 projected annual cost or the Fiscal Year 2019 "Personal Services"
46 appropriated level, when annualized, then only those actions which
47 reduce the projected annual cost and/or the appropriation
48 requirement will be processed by the State Personnel Board until
49 such time as the requirements of this provision are met.

50 Any transfers or escalations shall be made in accordance with
51 the terms, conditions and procedures established by law or
52 allowable under the terms set forth within this act. The State
53 Personnel Board shall not escalate positions without written
54 approval from the Department of Finance and Administration. The
55 Department of Finance and Administration shall not provide written
56 approval to escalate any funds for salaries and/or positions
57 without proof of availability of new or additional funds above the
58 appropriated level.

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

63 None of the funds herein appropriated shall be used in
64 violation of Internal Revenue Service's Publication 15-A relating
65 to the reporting of income paid to contract employees, as
66 interpreted by the Office of the State Auditor.



67 **SECTION 4.** It is the intention of the Legislature that the
68 State Soil and Water Conservation Commission shall maintain
69 complete accounting and personnel records related to the
70 expenditure of all funds appropriated under this act and that such
71 records shall be in the same format and level of detail as
72 maintained for Fiscal Year 2018. It is further the intention of
73 the Legislature that the agency's budget request for Fiscal Year
74 2020 shall be submitted to the Joint Legislative Budget Committee
75 in a format and level of detail comparable to the format and level
76 of detail provided during the Fiscal Year 2019 budget request
77 process.

78 **SECTION 5.** The State Soil and Water Conservation Commission
79 is authorized to retain all funds generated from the sale of
80 equipment. Any funds made available from the sale of equipment
81 shall be deposited into the special fund in the State Treasury to
82 the credit of the Soil and Water Conservation Commission and shall
83 be used solely for the purpose of purchasing equipment.

84 **SECTION 6.** The State Soil and Water Conservation Commission
85 is authorized to receive, budget and expend any proceeds derived
86 from the sale of bonds authorized in Section 69-27-331 et seq.,
87 Mississippi Code of 1972. All expenditures shall be in accordance
88 with conditions provided in Section 69-27-331 et seq., Mississippi
89 Code of 1972.

90 **SECTION 7.** Of the funds appropriated in Section 1, it is the
91 intention of the Legislature that an amount not to exceed



92 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose
93 of funding a Beaver Control Cost Share program. The Mississippi
94 Soil and Water Conservation Commission shall promulgate rules and
95 regulations for the establishment and operation of the program on
96 a fund matching basis with the county unit of government. Funds
97 not expended or encumbered in a county may be transferred to
98 another county during the fiscal year. Only those funds
99 specifically appropriated for the Beaver Control Cost Share
100 program shall be used in any such program.

101 **SECTION 8.** It is the intention of the Legislature that
102 whenever two (2) or more bids are received by this agency for the
103 purchase of commodities or equipment, and whenever all things
104 stated in such received bids are equal with respect to price,
105 quality and service, the Mississippi Industries for the Blind
106 shall be given preference. A similar preference shall be given to
107 the Mississippi Industries for the Blind whenever purchases are
108 made without competitive bids.

109 **SECTION 9.** It is the intention of the Legislature that the
110 funds herein appropriated shall be expended in compliance with
111 Section 27-104-25, Mississippi Code of 1972, that no state agency
112 shall incur obligations or indebtedness in excess of their
113 appropriation and that the responsible officers, either personally
114 or upon their official bonds, shall be held responsible for
115 actions contrary to this provision.



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

122 **SECTION 11.** This act shall take effect and be in force from
123 and after July 1, 2018.

