

Senate Amendments to House Bill No. 1403

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:

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, for the support and maintenance
8 of the State Forestry Commission for the fiscal year beginning
9 July 1, 2021, and ending June 30, 2022.....
10\$ 13,717,193.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in the special fund in
13 the State Treasury to the credit of the State Forestry Commission
14 which is comprised of special source funds collected by or
15 otherwise available to the commission, for the support and
16 maintenance of the commission for the fiscal year beginning
17 July 1, 2021, and ending June 30, 2022.....
18\$ 11,990,644.00.

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.** Of the funds appropriated under the provisions of
33 this act, the following positions are authorized:

34 AUTHORIZED POSITIONS:

35	Permanent:	Full Time.....	285
36		Part Time.....	0
37	Time-Limited:	Full Time.....	7
38		Part Time.....	0

39 With the funds herein appropriated, it shall be the agency's
40 responsibility to make certain that funds required to be
41 appropriated for "Personal Services" for Fiscal Year 2023 do not
42 exceed Fiscal Year 2022 funds appropriated for that purpose unless
43 programs or positions are added to the agency's Fiscal Year 2022
44 budget by the Mississippi Legislature. Based on data provided by
45 the Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this

act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation or realignment. If the State Personnel Board determines a special situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairmen of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairmen of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2022 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2022 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or

74 allowable under the terms set forth within this act. The State
75 Personnel Board shall not escalate positions without written
76 approval from the Department of Finance and Administration. The
77 Department of Finance and Administration shall not provide written
78 approval to escalate any funds for salaries and/or positions
79 without proof of availability of new or additional funds above the
80 appropriated level.

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

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

89 **SECTION 4.** It is the intention of the Legislature that the
90 State Forestry Commission shall maintain complete accounting and
91 personnel records related to the expenditure of all funds
92 appropriated under this act and that such records shall be in the
93 same format and level of detail as maintained for Fiscal Year
94 2021. It is further the intention of the Legislature that the
95 agency's budget request for Fiscal Year 2023 shall be submitted to
96 the Joint Legislative Budget Committee in a format and level of
97 detail comparable to the format and level of detail provided
98 during the Fiscal Year 2022 budget request process.

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

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Forest Protection & Information	
Average Suppression Time (Hrs from	
Detection to Control)	3.00
Acres Burned under a Prescribed Burn	
Program (Number of)	14,500.00
Fires Suppressed at 100 Acres or less (%)	90.00
Forest Management	
Forest Resource Development Program	
Acres Regenerated or Improved	35,000.00
Acres monitored for Insect, Storm or Disease	19,800,000.00
Re-inventory 20% of State's Forest Lands	
(% of Regions)	20.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2023.

124 **SECTION 6.** There is created in the State Treasury a fund
125 designated as the Volunteer Fire Department Equipment Conversion
126 Revolving Fund to be used by the State Forestry Commission to
127 assist in the conversion of vehicles acquired by the State
128 Forestry Commission through the Federal Excess Personal Property
129 Program or by volunteer fire departments through other means to
130 adapt them for use in the suppression of wildland fires. This
131 assistance shall be in the form of fabrication of water tanks or
132 other accessories necessary for the operation of fire suppression
133 units, installation of piping and valves, painting or other
134 similar or associated component work necessary to place fire
135 suppression equipment into service. It is not for general vehicle
136 maintenance or repair.

137 The Volunteer Fire Department Equipment Conversion Revolving
138 Fund shall be funded by monies received from charges for work and
139 services performed for volunteer fire departments by the State
140 Forestry Commission. Monies collected from such charges shall be
141 deposited into the Volunteer Fire Department Equipment Conversion
142 Revolving Fund. The State Treasurer shall make disbursements
143 therefrom for payment of materials, supplies and labor upon
144 requisition of the Forestry Commission and upon the issuance of
145 warrants therefor by the Department of Finance and Administration.

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

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

SECTION 7. There is created in the State Treasury a fund designated as the Camden State Forest Revolving Fund to be used by the State Forestry Commission to direct forest management activities on the Camden State Forest in Madison County, Mississippi. The forest management activities will include, but not be limited to, maintenance of property, timber sale activities and regeneration work.

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

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

SECTION 8. Of the funds appropriated in Section 2, it is the intention of the Legislature that Two Hundred Thousand Dollars

(\$200,000.00) shall be transferred to the Department of Agriculture and Commerce for the Beaver Control or Eradication Program during the Fiscal Year 2022.

SECTION 9. Any funds in the Salary, Wages and Fringe Benefits major object of expenditure may be used to purchase accumulated compensatory time within the funds available.

SECTION 10. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 11. Any person who was an employee of the Forestry Commission who was laid off during Fiscal Year 2006 shall be given first priority in any new employment by the commission.

SECTION 12. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 13. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the

202 credit of the proper fund or funds as set forth in this act, upon
203 warrants issued by the State Fiscal Officer; and the State Fiscal
204 Officer shall issue his warrants upon requisitions signed by the
205 proper person, officer or officers, in the manner provided by law.

206 **SECTION 14.** This act shall take effect and be in force from
207 and after July 1, 2021, and shall stand repealed June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE STATE FORESTRY COMMISSION FOR THE FISCAL YEAR
3 2022.

SS15\HB1403A.J

Eugene S. Clarke
Secretary of the Senate