

By: Representatives Read,
Martinson, Broomfield, Brown,
Davis, Denny, Middleton, Miles,
Weathersby

To: Appropriations

HOUSE BILL NO. 28

1AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE BOARD OF
3COSMETOLOGY FOR THE FISCAL YEAR 2006.

4BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5SECTION 1. The following sum, or so much thereof as may be
6necessary, is hereby appropriated out of any money in the State
7Treasury to the credit of the State Board of Cosmetology, for the
8purpose of defraying the expenses of the board for the fiscal year
9beginning July 1, 2005, and ending June 30, 2006.....
10..... \$ 736,038.00.

11SECTION 2. Of the funds approved for expenditure under the
12provisions of Section 1, not more than the amounts set forth below
13shall be expended for the respective major objects or purposes of
14expenditure:

15MAJOR OBJECTS OF EXPENDITURE:

16Personal Services:

17Salaries, Wages and Fringe Benefits.. \$ 393,427.00
18Travel and Subsistence..... 110,985.00
19Contractual Services..... 210,595.00
20Commodities..... 15,471.00

21Capital Outlay:

22Other Than Equipment..... 0.00
23Equipment..... 5,560.00
24Subsidies, Loans and Grants..... 0.00
25Total..... \$ 736,038.00

26AUTHORIZED POSITIONS:

27Permanent: Full Time..... 12

| | | |
|----|------------------------------|---|
| 28 | Part Time..... | 0 |
| 29 | Time-Limited: Full Time..... | 0 |
| 30 | Part Time..... | 0 |

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2007 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2006 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2006 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

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

60 without proof of availability of new or additional funds above the
61 appropriated level.

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

66 The agency shall not take any action to promote or otherwise
67 award salary increases through reallocation, reclassification,
68 realignment, education benchmark, career ladder, or any other
69 means to increase salaries of employees or positions unless
70 specifically exempted by the following conditions: the award of
71 teacher pay increases, the advancement of a trainee/cadet to the
72 next level of a bona fide career ladder, the award of an
73 educational benchmark for the attainment of Certified Public
74 Accountant License or higher level professional certification as
75 determined by the State Personnel Board, the immediate replacement
76 of a departing employee with an individual from within state
77 service or a new hire at a salary level equivalent to that of the
78 departing employee, and the emergency appointment of nurses,
79 pharmacists or other health care professionals at a salary to be
80 determined by the State Personnel Board, unless otherwise
81 authorized in this act.

82 **SECTION 3.** If not needed for other purposes, the State
83 Treasurer shall invest any part of or all monies herein approved
84 and any surplus funds of the State Board of Cosmetology for a
85 period of ninety (90) days or more at the highest rate of interest
86 obtainable and credit such to this respective fund. Monies shall
87 be invested by the Treasurer in any short-term bonds, notes or
88 other direct obligations of the United States of America or the
89 State of Mississippi or any county or municipality of this state,
90 which county or municipal bonds have been approved by a reputable
91 bond attorney or have been validated by a decree of the court, or
92 in savings accounts or certificates of deposit of a state or

93 national bank in the State of Mississippi, or in federally insured
94 savings and loan associations in the State of Mississippi; and in
95 any event, the bonds, notes or obligations in which such funds are
96 invested shall mature or be redeemable prior to the time the funds
97 so invested will be needed for the purposes herein provided.

98 **SECTION 4.** It is the intent of this legislation to provide
99 the funds for the board to meet when necessary, but under no
100 circumstances shall it meet more than sixty-two (62) days a year.

101 **SECTION 5.** It is the intention of the Legislature that the
102 State Board of Cosmetology shall maintain complete accounting and
103 personnel records related to the expenditure of all funds
104 appropriated under this act and that such records shall be in the
105 same format and level of detail as maintained for Fiscal Year
106 2005. It is further the intention of the Legislature that the
107 agency's budget request for Fiscal Year 2007 shall be submitted to
108 the Joint Legislative Budget Committee in a format and level of
109 detail comparable to the format and level of detail provided
110 during the Fiscal Year 2006 budget request process.

111 **SECTION 6.** Of the funds provided herein, the sum of
112 Thirty-two Thousand One Hundred Thirty-five Dollars (\$32,135.00)
113 is hereby assessed on any non-federal special funds and shall be
114 deposited to the Budget Contingency Fund created in Section
115 27-103-301, Mississippi Code of 1972, on or before October 1,
116 2005, for the purpose of reimbursing the State of Mississippi for
117 administrative costs.

118 **SECTION 7.** The money herein appropriated shall be paid by
119 the State Treasurer out of any money in the State Treasury to the
120 credit of the proper fund or funds as set forth in this act, upon
121 warrants issued by the State Fiscal Officer; and the State Fiscal
122 Officer shall issue his warrants upon requisitions signed by the
123 proper person, officer or officers, in the manner provided by law.

124 **SECTION 8.** This act shall take effect and be in force from
125 and after July 1, 2005.