

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

To: Appropriations

HOUSE BILL NO. 30
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 MISSISSIPPI STATE BOARD OF NURSING HOME ADMINISTRATORS FOR THE
4 FISCAL YEAR 2006.

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

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 Treasury to the credit of the Mississippi State Board of Nursing
9 Home Administrators for the purpose of defraying the expenses of
10 the board for the fiscal year beginning July 1, 2005, and ending
11 June 30, 2006 \$ 129,048.00.

12 **SECTION 2.** With the funds appropriated under the provisions
13 of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	1
16		Part Time.....	1
17	Time-Limited:	Full Time.....	0
18		Part Time.....	0

19 With the funds herein appropriated, it is the intention of
20 the Legislature that it shall be the agency's responsibility to
21 make certain that funds required to be appropriated for "Personal
22 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
23 funds appropriated for that purpose, unless programs or positions
24 are added to the agency's Fiscal Year 2007 budget by the
25 Mississippi Legislature. Based on data provided by the
26 Legislative Budget Office, the State Personnel Board shall
27 determine and publish the projected annual cost to fully fund all
28 appropriated positions in compliance with the provisions of this

29 act. It shall be the responsibility of the agency head to insure
30 that no single personnel action increases this projected annual
31 cost and/or the Fiscal Year 2006 appropriation for "Personal
32 Services" when annualized, with the exception of escalated funds.
33 If, at the time the agency takes any action to change "Personal
34 Services," the State Personnel Board determines that the agency
35 has taken an action which would cause the agency to exceed this
36 projected annual cost or the Fiscal Year 2006 "Personal Services"
37 appropriated level, when annualized, then only those actions which
38 reduce the projected annual cost and/or the appropriation
39 requirement will be processed by the State Personnel Board until
40 such time as the requirements of this provision are met.

41 Any transfers or escalations shall be made in accordance with
42 the terms, conditions and procedures established by law or
43 allowable under the terms set forth within this act. The State
44 Personnel Board shall not escalate positions without written
45 approval from the Department of Finance and Administration. The
46 Department of Finance and Administration shall not provide written
47 approval to escalate any funds for salaries and/or positions
48 without proof of availability of new or additional funds above the
49 appropriated level.

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

54 The agency shall not take any action to promote or otherwise
55 award salary increases through reallocation, reclassification,
56 realignment, education benchmark, career ladder, or any other
57 means to increase salaries of employees or positions unless
58 specifically exempted by the following conditions: the award of
59 teacher pay increases, the advancement of a trainee/cadet to the
60 next level of a bona fide career ladder, the award of an
61 educational benchmark for the attainment of Certified Public

62 Accountant License or higher level professional certification as
63 determined by the State Personnel Board, the immediate replacement
64 of a departing employee with an individual from within state
65 service or a new hire at a salary level equivalent to that of the
66 departing employee, and the emergency appointment of nurses,
67 pharmacists or other health care professionals at a salary to be
68 determined by the State Personnel Board, unless otherwise
69 authorized in this act.

70 **SECTION 3.** It is the intention of the Legislature that the
71 Mississippi State Board of Nursing Home Administrators shall
72 maintain complete accounting and personnel records related to the
73 expenditure of all funds appropriated under this act and that such
74 records shall be in the same format and level of detail as
75 maintained for Fiscal Year 2005. It is further the intention of
76 the Legislature that the agency's budget request for Fiscal Year
77 2007 shall be submitted to the Joint Legislative Budget Committee
78 in a format and level of detail comparable to the format and level
79 of detail provided during the Fiscal Year 2006 budget request
80 process.

81 **SECTION 4.** It is the intention of the Legislature that the
82 Mississippi State Board of Nursing Home Administrators deposit all
83 revenue generated into a special fund in the State Treasury to the
84 credit of the Mississippi State Board of Nursing Home
85 Administrators and that all interest earned or deposited to the
86 fund shall remain in the fund and not be paid into the State
87 General Fund of Mississippi.

88 **SECTION 5.** None of the monies appropriated under this act
89 shall be expended for payment of that amount of the salary of any
90 person holding the position of division director, department
91 director or head, bureau director, deputy or assistant director or
92 similar position on May 15, 2005, which would exceed the amount
93 actually paid for the same position on June 30, 2003, regardless

94 of the title or position held or duties performed by the person
95 holding the position on June 30, 2003.

96 **SECTION 6.** The money herein appropriated shall be paid by
97 the State Treasurer out of any money in the State Treasury to the
98 credit of the proper fund or funds as set forth in this act, upon
99 warrants issued by the State Fiscal Officer; and the State Fiscal
100 Officer shall issue his warrants upon requisitions signed by the
101 proper person, officer or officers, in the manner provided by law.

102 **SECTION 7.** This act shall take effect and be in force from
103 and after July 1, 2005.