

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

To: Appropriations

HOUSE BILL NO. 32  
(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 BOARD OF NURSING FOR THE FISCAL YEAR 2006.

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 hereby appropriated out of any money in the special  
7 fund in the State Treasury to the credit of the Mississippi Board  
8 of Nursing, for the purpose of defraying the expenses of the board  
9 for the fiscal year beginning July 1, 2005, and ending

10 June 30, 2006..... \$ 2,044,926.00.

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

15 MAJOR OBJECTS OF EXPENDITURE:

16 Personal Services:

17 Salaries, Wages and Fringe Benefits.. \$ 1,388,426.00

18 Travel and Subsistence..... 42,000.00

19 Contractual Services..... 404,500.00

20 Commodities..... 60,000.00

21 Capital Outlay:

22 Other Than Equipment..... 0.00

23 Equipment..... 50,000.00

24 Subsidies, Loans and Grants..... 100,000.00

25 Total..... \$ 2,044,926.00

26 AUTHORIZED POSITIONS:

27 Permanent: Full Time..... 30

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.** It is the intention of the Legislature that the  
83 Mississippi Board of Nursing shall maintain complete accounting  
84 and personnel records related to the expenditure of all funds  
85 appropriated under this act and that such records shall be in the  
86 same format and level of detail as maintained for Fiscal Year  
87 2005. It is further the intention of the Legislature that the  
88 agency's budget request for Fiscal Year 2007 shall be submitted to  
89 the Joint Legislative Budget Committee in a format and level of  
90 detail comparable to the format and level of detail provided  
91 during the Fiscal Year 2006 budget request process.

92           **SECTION 4.** It is the intention of the Legislature that the  
93 Executive Director of the Mississippi Board of Nursing may  
94 authorize increases in major objects of expenditure in total  
95 amounts not to exceed twenty-five percent (25%) of the  
96 appropriated amount of each major object of expenditure, provided  
97 that other major objects of expenditure are decreased by a  
98 corresponding dollar amount. However, no transfers shall be  
99 authorized which increase the major object of expenditure  
100 "Salaries, Wages and Fringe Benefits."

101           **SECTION 5.** None of the monies appropriated under this act  
102 shall be expended for payment of that amount of the salary of any  
103 person holding the position of division director, department  
104 director or head, bureau director, deputy or assistant director or  
105 similar position on May 15, 2005, which would exceed the amount  
106 actually paid for the same position on June 30, 2003, regardless  
107 of the title or position held or duties performed by the person  
108 holding the position on June 30, 2003.

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

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