

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

To: Appropriations

HOUSE BILL NO. 33
(As Passed the House)

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE PAT HARRISON WATERWAY
3 DISTRICT 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 authorized and approved for expenditure out
7 of any funds which are received by or otherwise become available
8 to the Pat Harrison Waterway District, for the purpose of
9 defraying the expenses of the district for the fiscal year
10 beginning July 1, 2005, and ending June 30, 2006.....
11 \$ 5,857,468.00.

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

16 MAJOR OBJECTS OF EXPENDITURE:

17 Personal Services:

18	Salaries, Wages and Fringe Benefits..	\$	2,448,231.00
19	Travel and Subsistence.....		25,750.00
20	Contractual Services.....		1,464,458.00
21	Commodities.....		552,504.00
22	Capital Outlay:		
23	Other Than Equipment.....		118,975.00
24	Equipment.....		204,300.00
25	Subsidies, Loans and Grants.....		<u>1,043,250.00</u>
26	Total.....	\$	5,857,468.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	50
29		Part Time.....	65
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

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

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

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

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

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

83 **SECTION 3.** It is the intention of the Legislature that the
84 Pat Harrison Waterway District shall maintain complete accounting
85 and personnel records related to the expenditure of all funds
86 appropriated under this act and that such records shall be in the
87 same format and level of detail as maintained for Fiscal Year
88 2005. It is further the intention of the Legislature that the
89 agency's budget request for Fiscal Year 2007 shall be submitted to
90 the Joint Legislative Budget Committee in a format and level of
91 detail comparable to the format and level of detail provided
92 during the Fiscal Year 2006 budget request process.

93 **SECTION 4.** The funds herein approved for expenditure, except
94 and less an amount approved by the State Fiscal Officer which
95 shall be sufficient to cover disbursements for current operations,
96 shall be deposited at interest with any official depository of the
97 state at a rate of interest numerically not less than one percent
98 (1%) below the bank discount rate on United States Treasury bills
99 of comparable maturity as determined by the State Treasurer.

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

108 **SECTION 6.** The money herein approved for expenditure shall
109 be disbursed upon bank checks signed by the proper person, officer
110 or officers, in the manner provided by law.

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