

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

To: Appropriations

HOUSE BILL NO. 34  
(As Passed the House)

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE  
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE PEARL RIVER BASIN  
3 DEVELOPMENT 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 Pearl River Basin Development 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 ..... \$ 1,745,273.00.

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..	\$ 594,073.00
19	Travel and Subsistence.....	30,000.00
20	Contractual Services.....	233,200.00
21	Commodities.....	40,000.00
22	Capital Outlay:	
23	Other Than Equipment.....	263,000.00
24	Equipment.....	30,000.00
25	Subsidies, Loans and Grants.....	<u>555,000.00</u>
26	Total.....	\$ 1,745,273.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	12
29		Part Time.....	3
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 Pearl River Basin Development District shall maintain complete  
85 accounting and personnel records related to the expenditure of all  
86 funds appropriated under this act and that such records shall be  
87 in the same format and level of detail as maintained for Fiscal  
88 Year 2005. It is further the intention of the Legislature that  
89 the agency's budget request for Fiscal Year 2007 shall be  
90 submitted to the Joint Legislative Budget Committee in a format  
91 and level of detail comparable to the format and level of detail  
92 provided during the Fiscal Year 2006 budget request process.

93           **SECTION 4.** It is the intention of the Legislature that the  
94 Director of the Pearl River Basin Development District shall be  
95 authorized to escalate, budget and expend funds from any source,  
96 not to exceed Five Hundred Thousand Dollars (\$500,000.00), for the  
97 purpose of maintaining the Lower Pearl Restoration Project in  
98 accordance with the Project Cooperation Agreement with the United  
99 States Army Corps of Engineers and to maintain the South Jackson  
100 Clearing Project in an area along the Pearl River in Hinds County  
101 and Rankin County, in accordance with rules and regulations of the  
102 Department of Finance and Administration in a manner consistent  
103 with the escalation of federal funds.

104           **SECTION 5.** The funds herein approved for expenditure, except  
105 and less an amount approved by the State Fiscal Officer which  
106 shall be sufficient to cover disbursements for current operations,  
107 shall be deposited at interest with any official depository of the  
108 state at a rate of interest numerically not less than one percent  
109 (1%) below the bank discount rate on United States Treasury bills  
110 of comparable maturity as determined by the State Treasurer.

111           **SECTION 6.** None of the monies appropriated under this act  
112 shall be expended for payment of that amount of the salary of any  
113 person holding the position of division director, department  
114 director or head, bureau director, deputy or assistant director or  
115 similar position on May 15, 2005, which would exceed the amount  
116 actually paid for the same position on June 30, 2003, regardless  
117 of the title or position held or duties performed by the person  
118 holding the position on June 30, 2003.

119           **SECTION 7.** The money herein approved for expenditure shall  
120 be disbursed upon bank checks signed by the proper person, officer  
121 or officers, in the manner provided by law or in accordance with  
122 the provisions of a valid trust indenture.

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