

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

To: Appropriations

HOUSE BILL NO. 38  
(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 BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY  
4 THERAPISTS FOR THE FISCAL YEAR 2006.

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

6 **SECTION 1.** The following sum, or so much of it as may be  
7 necessary, is appropriated out of any money in the special fund in  
8 the State Treasury to the credit of the Board of Examiners for  
9 Social Workers and Marriage and Family Therapists for the purpose  
10 of defraying the expenses of the board for the fiscal year  
11 beginning July 1, 2005, and ending June 30, 2006.....  
12 ..... \$ 326,151.00.

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

17 MAJOR OBJECTS OF EXPENDITURE:

18	Personal Services:		
19	Salaries, Wages and Fringe Benefits..	\$	168,321.00
20	Travel and Subsistence.....		15,000.00
21	Contractual Services.....		118,030.00
22	Commodities.....		19,800.00
23	Capital Outlay:		
24	Other Than Equipment.....		0.00
25	Equipment.....		5,000.00
26	Subsidies, Loans and Grants.....		0.00
27	Total.....	\$	326,151.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	5
30		Part Time.....	0
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

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

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

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

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

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

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

95           **SECTION 4.** Of the funds provided herein, the sum of Nine  
96 Thousand Sixteen Dollars (\$9,016.00) is hereby assessed on any  
97 non-federal special funds and shall be deposited to the Budget  
98 Contingency Fund created in Section 27-103-301, Mississippi Code  
99 of 1972, on or before October 1, 2005, for the purpose of  
100 reimbursing the State of Mississippi for administrative costs.

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.