

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

To: Appropriations

HOUSE BILL NO. 40
(As Passed the House)

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE TOMBIGBEE RIVER VALLEY
3 WATER MANAGEMENT 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 Tombigbee River Valley Water Management District, for the
9 purpose of paying bond maturities, accrued interest, maintenance
10 expenses, project development costs, and any other authorized
11 expenses of the water management district, for the fiscal year
12 beginning July 1, 2005, and ending June 30, 2006.....
13 \$ 3,325,689.00.

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

18 MAJOR OBJECTS OF EXPENDITURE:

19 Personal Services:

20	Salaries, Wages and Fringe Benefits..	\$	759,989.00
21	Travel and Subsistence.....		50,600.00
22	Contractual Services.....		450,000.00
23	Commodities.....		210,000.00
24	Capital Outlay:		
25	Other Than Equipment.....		1,248,000.00
26	Equipment.....		567,100.00
27	Subsidies, Loans and Grants.....		<u>40,000.00</u>

28 Total..... \$ 3,325,689.00

29 AUTHORIZED POSITIONS:

30	Permanent:	Full Time.....	18
31		Part Time.....	0
32	Time-Limited:	Full Time.....	0
33		Part Time.....	0

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

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

61 Department of Finance and Administration shall not provide written
62 approval to escalate any funds for salaries and/or positions
63 without proof of availability of new or additional funds above the
64 appropriated level.

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

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

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

94 of detail provided during the Fiscal Year 2006 budget request
95 process.

96 **SECTION 4.** All monies in possession of the district in
97 excess of necessary operating funds shall be deposited with a bank
98 or banks selected by the board of directors of the district.
99 These funds shall be deposited in such bank or banks and in such
100 manner that interest earned shall be at least equal to interest
101 earnings on state funds deposited by the State Treasury.

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

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

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