

By: Representatives Eaton,
Gibbs, Frierson, Hamilton
(109th), Holland, Hudson,
Martinson, Middleton, Miles,
Shows, Warren, Weathersby

To: Appropriations

HOUSE BILL NO. 70

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE STATE FORESTRY COMMISSION FOR THE FISCAL YEAR
3 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 State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the State Forestry Commission for the fiscal year
9 beginning July 1, 2005, and ending June 30, 2006.....
10 \$ 16,362,244.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the State Forestry
14 Commission which is comprised of special source funds collected by
15 or otherwise available to the commission, for the support and
16 maintenance of the commission for the fiscal year beginning
17 July 1, 2005, and ending June 30, 2006.....
18 \$ 11,590,852.00.

19 Of the funds specified in this section, Two Hundred Fifty
20 Thousand Dollars (\$250,000.00) shall be deposited in a fund
21 created in the State Treasury called the "Forest Improvement
22 Revolving Fund." Money in this fund shall be used by the State
23 Forestry Commission to assist in the reforestation and growth
24 improvement of the forests, woodlands, and publicly owned lands of
25 the state, including sixteenth section lands, Camp Shelby,
26 Columbia Training School and colleges and universities.
27 Landowners who contract with the commission for such work shall

28 pay to the commission its actual cost for conducting such work.
29 Money received for this work by the commission shall be paid into
30 the State Treasury, and the State Treasurer shall deposit such
31 money in the "Forest Improvement Revolving Fund."

32 **SECTION 3.** With the funds appropriated under the provisions
33 of Section 1 and Section 2, the following positions are
34 authorized:

35 AUTHORIZED POSITIONS:

36	Permanent:	Full Time.....	553
37		Part Time.....	33
38	Time-Limited:	Full Time.....	0
39		Part Time.....	0

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

60 requirement will be processed by the State Personnel Board until
61 such time as the requirements of this provision are met.

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written
66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions
69 without proof of availability of new or additional funds above the
70 appropriated level.

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

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

91 **SECTION 4.** It is the intention of the Legislature that the
92 State Forestry Commission shall maintain complete accounting and

93 personnel records related to the expenditure of all funds
 94 appropriated under this act and that such records shall be in the
 95 same format and level of detail as maintained for Fiscal Year
 96 2005. It is further the intention of the Legislature that the
 97 agency's budget request for Fiscal Year 2007 shall be submitted to
 98 the Joint Legislative Budget Committee in a format and level of
 99 detail comparable to the format and level of detail provided
 100 during the Fiscal Year 2006 budget request process.

101 **SECTION 5.** In compliance with the "Mississippi Performance
 102 Budget and Strategic Planning Act of 1994," it is the intent of
 103 the Legislature that the funds provided herein shall be utilized
 104 in the most efficient and effective manner possible to achieve the
 105 intended mission of this agency. Based on the funding authorized,
 106 this agency shall make every effort to attain the targeted
 107 performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
110 Fire Control	
111 Number of Fires per Year (Events)	3,800
112 Average Size of Fire (Acres)	12.50
113 Private Lands Management	
114 Land Reforested (Acres)	58,000
115 Landowners Assisted (Persons)	17,000
116 Public Lands Management	
117 Value of Timber Sold (Dollars)	20,000,000
118 Insect & Disease Control	
119 Acres Surveyed (Millions)	17.00
120 Forest Resource Development	
121 Acres Regenerated (Acres)	40,000
122 Federal Excess Property	
123 Number of Vehicles Acquired (Vehicles)	100
124 Regeneration	
125 Genetically Improved Seedlings (In Millions)	22

126 Urban and Community Forestry
127 Communities Assisted 125
128 Homeowners Assisted 4,000
129 Financial Assistance Provided (dollars) 325,000

130 A reporting of the degree to which the performance targets
131 set above have been or are being achieved shall be provided in the
132 agency's budget request submitted to the Joint Legislative Budget
133 Committee for Fiscal Year 2007.

134 **SECTION 6.** It is the intention of the Legislature that the
135 State Forestry Commission be allowed to escalate its budget in the
136 Capital Outlay: Equipment major object of expenditure, with funds
137 generated from the Forest Acreage Tax, and with funds generated
138 from the sale of old equipment and lease of tower sites an amount
139 not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).
140 It is further the intention of the Legislature that the State
141 Forestry Commission be allowed to escalate its budget in the
142 Subsidies, Loans and Grants major object of expenditure, with
143 funds generated from the Severance Tax to fund the Forest Resource
144 Development Program in an amount not to exceed Five Hundred
145 Thousand Dollars (\$500,000.00). The receipt of these funds is
146 hereby authorized and approved, provided such receipts and
147 expenditures are reported and otherwise accounted for in
148 accordance with Section 27-103-101 et seq. and Section 27-104-1 et
149 seq., Mississippi Code of 1972.

150 **SECTION 7.** It is the intention of the Legislature that the
151 State Forestry Commission be allowed to escalate part-time
152 positions up to one hundred (100) and expend funds not to exceed
153 Five Hundred Thousand Dollars (\$500,000.00) from any source of
154 funds that become available to the commission. This escalation
155 shall be in accordance with rules and regulations of the
156 Department of Finance and Administration in a manner consistent
157 with the escalation of federal funds. These positions may be used
158 to protect life and property during extended periods of extreme

159 wildfire occurrences of a minimum of fifty (50) fires per day.
160 The escalation of positions and the expenditure of these funds
161 shall be at the discretion of the State Forester, with written
162 notification to the State Personnel Board and the State Fiscal
163 Officer.

164 **SECTION 8.** The Forestry Commission has the authority to
165 purchase from the "General Services Administration" Fire Fighter
166 Catalog and any other GSA Catalog as long as the cost of such
167 items are less than the quotes received.

168 **SECTION 9.** There is hereby created in the State Treasury a
169 fund designated as the Volunteer Fire Department Equipment
170 Conversion Revolving Fund to be used by the State Forestry
171 Commission to assist in the conversion of vehicles acquired by the
172 State Forestry Commission through the Federal Excess Personal
173 Property Program or by Volunteer Fire Departments through other
174 means to adapt them for use in the suppression of wildland fires.
175 This assistance shall be in the form of fabrication of water tanks
176 or other accessories necessary for the operation of fire
177 suppression units, installation of piping and valves, painting or
178 other similar or associated component work necessary to place fire
179 suppression equipment into service. It is not for general vehicle
180 maintenance or repair.

181 The Volunteer Fire Department Equipment Conversion Revolving
182 Fund shall be funded by monies received from charges for work and
183 services performed for Volunteer Fire Departments by the State
184 Forestry Commission. Monies collected from such charges shall be
185 deposited into the Volunteer Fire Department Equipment Conversion
186 Revolving Fund. The State Treasurer shall make disbursements
187 therefrom for payment of materials, supplies and labor upon
188 requisition of the Forestry Commission and upon the issuance of
189 warrants therefor by the Department of Finance and Administration.

190 The amount of monies deposited into the Volunteer Fire
191 Department Equipment Conversion Fund through this work shall not

192 exceed Fifty Thousand Dollars (\$50,000.00). Funds in excess of
193 Fifty Thousand Dollars (\$50,000.00) shall be placed in the State
194 Forestry Commission's regular appropriated special funds. Monies
195 in this revolving fund are to be considered special funds and
196 shall be carried forward from one fiscal year to the next.

197 **SECTION 10.** There is hereby created in the State Treasury a
198 fund designated as the Camden State Forest Revolving Fund to be
199 used by the State Forestry Commission to direct forest management
200 activities on the Camden State Forest in Madison County,
201 Mississippi. The forest management activities will include, but
202 not be limited to, maintenance of property, timber sale activities
203 and regeneration work.

204 The Camden State Forest Revolving Fund shall be funded by
205 monies received from timber sales, leases, and any other source.
206 Monies collected from these income sources shall be deposited into
207 the Camden State Forest Revolving Fund. The State Treasurer shall
208 make disbursements therefrom for payments of materials, supplies
209 and labor upon requisition of the State Forestry Commission and
210 upon the issuance of warrants therefor by the Department of
211 Finance and Administration.

212 It is the intention of the Legislature that any revolving
213 funds in excess of the budgeted amount needed for the necessary
214 operation and maintenance of all properties under the direct
215 supervision and management of the State Forestry Commission shall
216 remain in the Camden State Forest Revolving Fund for use in future
217 years.

218 **SECTION 11.** Of the funds appropriated in Section 2 and
219 authorized for expenditure in Section 3, it is the intention of
220 the Legislature that Two Hundred Thousand Dollars (\$200,000.00)
221 shall be transferred to the Department of Agriculture and Commerce
222 for the Beaver Control or Eradication Program during the Fiscal
223 Year 2006.

224 **SECTION 12.** Of the funds provided herein, the sum of Three
225 Hundred Twenty-four Thousand Eight Hundred Ninety-eight Dollars
226 (\$324,898.00) is hereby assessed on any nonfederal special funds
227 and shall be deposited to the Budget Contingency Fund created in
228 Section 27-103-301, Mississippi Code of 1972, on or before October
229 1, 2005, for the purpose of reimbursing the State of Mississippi
230 for administrative costs.

231 **SECTION 13.** The money herein appropriated shall be paid by
232 the State Treasurer out of any money in the State Treasury to the
233 credit of the proper fund or funds as set forth in this act, upon
234 warrants issued by the State Fiscal Officer; and the State Fiscal
235 Officer shall issue his warrants upon requisitions signed by the
236 proper person, officer or officers, in the manner provided by law.

237 **SECTION 14.** This act shall take effect and be in force from
238 and after July 1, 2005.