

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

To: Appropriations

HOUSE BILL NO. 72

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE STATE SOIL AND WATER CONSERVATION COMMISSION  
3 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 appropriated out of any money in the State  
7 General Fund not otherwise appropriated, to the State Soil and  
8 Water Conservation Commission for the purpose of defraying the  
9 administrative expenses of the commission and carrying out the  
10 provisions of Section 69-27-1 et seq., Mississippi Code of 1972,  
11 for the fiscal year beginning July 1, 2005, and ending  
12 June 30, 2006..... \$ 685,101.00.

13 **SECTION 2.** The following sum, or so much thereof as may be  
14 necessary, is hereby appropriated out of any money in the special  
15 fund in the State Treasury to the credit of the State Soil and  
16 Water Conservation Commission which is comprised of special source  
17 funds collected by or otherwise available to the commission, for  
18 the purpose of defraying the expenses of the commission for the  
19 fiscal year beginning July 1, 2005, and ending June 30, 2006.....  
20 ..... \$ 3,314,070.00.

21 **SECTION 3.** Of the funds appropriated under the provisions of  
22 Section 1 and Section 2, not more than the amounts set forth below  
23 shall be expended for the respective major objects or purposes of  
24 expenditure:

25 MAJOR OBJECTS OF EXPENDITURE:

26 Personal Services:

27 Salaries, Wages and Fringe Benefits.. \$ 792,665.00

28	Travel and Subsistence.....	15,197.00
29	Contractual Services.....	894,764.00
30	Commodities.....	45,945.00
31	Capital Outlay:	
32	Other Than Equipment.....	0.00
33	Equipment.....	0.00
34	Subsidies, Loans and Grants.....	<u>2,250,600.00</u>
35	Total.....	\$ 3,999,171.00

36 FUNDING:

37	General Funds.....	\$ 685,101.00
38	Special Funds.....	<u>3,314,070.00</u>
39	Total.....	\$ 3,999,171.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	16
42	Part Time.....	0
43	Time-Limited: Full Time.....	2
44	Part Time.....	0

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

61 has taken an action which would cause the agency to exceed this  
62 projected annual cost or the Fiscal Year 2006 "Personal Services"  
63 appropriated level, when annualized, then only those actions which  
64 reduce the projected annual cost and/or the appropriation  
65 requirement will be processed by the State Personnel Board until  
66 such time as the requirements of this provision are met.

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

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

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

94 determined by the State Personnel Board, unless otherwise  
95 authorized in this act.

96       **SECTION 4.** It is the intention of the Legislature that the  
97 State Soil and Water Conservation Commission shall maintain  
98 complete accounting and personnel records related to the  
99 expenditure of all funds appropriated under this act and that such  
100 records shall be in the same format and level of detail as  
101 maintained for Fiscal Year 2005. It is further the intention of  
102 the Legislature that the agency's budget request for Fiscal Year  
103 2007 shall be submitted to the Joint Legislative Budget Committee  
104 in a format and level of detail comparable to the format and level  
105 of detail provided during the Fiscal Year 2006 budget request  
106 process.

107       **SECTION 5.** The State Soil and Water Conservation Commission  
108 is hereby authorized to retain all funds generated from the sale  
109 of equipment. Any funds made available from the sale of equipment  
110 shall be deposited into the special fund in the State Treasury to  
111 the credit of the Soil and Water Conservation Commission and shall  
112 be used solely for the purpose of purchasing equipment.

113       **SECTION 6.** The State Soil and Water Conservation Commission  
114 is hereby authorized to receive, budget and expend any proceeds  
115 derived from the sale of bonds authorized in Section 69-27-331 et  
116 seq., Mississippi Code of 1972. All expenditures shall be in  
117 accordance with conditions provided in Section 69-27-331 et seq.,  
118 Mississippi Code of 1972.

119       **SECTION 7.** It is the intention of the Legislature that the  
120 Soil and Water Conservation Commission shall have the authority to  
121 escalate its budget and expend funds from any source not to exceed  
122 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in accordance  
123 with rules and regulations of the Department of Finance and  
124 Administration in a manner consistent with the escalation of  
125 federal funds.

126           **SECTION 8.** Of the funds appropriated in Section 1, it is the  
127 intention of the Legislature that an amount not to exceed  
128 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose  
129 of funding a Beaver Control Cost Share program. The Mississippi  
130 Soil and Water Conservation Commission shall promulgate rules and  
131 regulations for the establishment and operation of the program on  
132 a fund matching basis with the county unit of government. Funds  
133 not expended or encumbered in a county may be transferred to  
134 another county during the fiscal year. Only those funds  
135 specifically appropriated for the Beaver Control Cost Share  
136 program shall be used in any such program.

137           **SECTION 9.** Of the funds provided herein, the sum of  
138 Seventy-seven Thousand Seven Hundred Sixty-three Dollars  
139 (\$77,763.00) is hereby assessed on any nonfederal special funds  
140 and shall be deposited to the Budget Contingency Fund created in  
141 Section 27-103-301, Mississippi Code of 1972, on or before October  
142 1, 2005, for the purpose of reimbursing the State of Mississippi  
143 for administrative costs.

144           **SECTION 10.** The money herein appropriated shall be paid by  
145 the State Treasurer out of any money in the State Treasury to the  
146 credit of the proper fund or funds as set forth in this act, upon  
147 warrants issued by the State Fiscal Officer; and the State Fiscal  
148 Officer shall issue his warrants upon requisitions signed by the  
149 proper person, officer or officers, in the manner provided by law.

150           **SECTION 11.** This act shall take effect and be in force from  
151 and after July 1, 2005.