

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

To: Appropriations

HOUSE BILL NO. 1565  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE STATE FORESTRY COMMISSION FOR THE FISCAL YEAR  
3 2007.

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, 2006, and ending June 30, 2007.....  
10 ..... \$ 18,123,330.00.

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, 2006, and ending June 30, 2007.....  
18 ..... \$ 12,090,852.00.

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.** Of the funds appropriated under the provisions of  
33 Sections 1 and 2, the following positions are authorized:

34 AUTHORIZED POSITIONS:

35	Permanent:	Full Time.....	585
36		Part Time.....	54
37	Time-Limited:	Full Time.....	0
38		Part Time.....	0

39 Funds are provided herein to adjust the Variable Compensation  
40 Plan to ensure that all full-time employees receive a pay increase  
41 equal to the realignment component of the Variable Compensation  
42 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,  
43 with not more than one-half (1/2) to be awarded on July 1, 2006,  
44 with the remainder to be awarded on January 1, 2007.

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 2008 do not exceed Fiscal Year 2007  
49 funds appropriated for that purpose, unless programs or positions  
50 are added to the agency's Fiscal Year 2008 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 2007 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 2007 "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. No general  
80 funds authorized to be expended herein shall be used to spend more  
81 money on any public information than the agency spent for public  
82 information in the fiscal year preceding the effective date of  
83 this appropriation.

84 **SECTION 4.** It is the intention of the Legislature that the  
85 State Forestry Commission shall maintain complete accounting and  
86 personnel records related to the expenditure of all funds  
87 appropriated under this act and that such records shall be in the  
88 same format and level of detail as maintained for Fiscal Year  
89 2006. It is further the intention of the Legislature that the  
90 agency's budget request for Fiscal Year 2008 shall be submitted to  
91 the Joint Legislative Budget Committee in a format and level of  
92 detail comparable to the format and level of detail provided  
93 during the Fiscal Year 2007 budget request process.

94           **SECTION 5.** In compliance with the "Mississippi Performance  
 95 Budget and Strategic Planning Act of 1994," it is the intent of  
 96 the Legislature that the funds provided herein shall be utilized  
 97 in the most efficient and effective manner possible to achieve the  
 98 intended mission of this agency. Based on the funding authorized,  
 99 this agency shall make every effort to attain the targeted  
 100 performance measures provided below:

101	FY2007
102 <u>Performance Measures</u>	<u>Target</u>
103 Fire Protection	
104       Number of Fires per Year (Events)	3,800
105       Average Size of Fire (Acres)	12.50
106 Forest Stewardship	
107       Land Reforested (Acres)	58,000
108       Landowners Assisted (Persons)	17,000
109 Public Outreach	
110       School/Youth Programs (Events)	800
111 Resource Analysis/Economic Development	
112       Economic Development Assistance Customers	
113       Served (Persons)	50
114 Urban/Community Forestry Assistance	
115       Homeowners Assisted	4,000

116       A reporting of the degree to which the performance targets  
 117 set above have been or are being achieved shall be provided in the  
 118 agency's budget request submitted to the Joint Legislative Budget  
 119 Committee for Fiscal Year 2008.

120           **SECTION 6.** It is the intention of the Legislature that the  
 121 State Forestry Commission be allowed to escalate its budget in the  
 122 Capital Outlay: Equipment major object of expenditure, with funds  
 123 generated from the Forest Acreage Tax, and with funds generated  
 124 from the sale of old equipment and lease of tower sites an amount  
 125 not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).  
 126 It is further the intention of the Legislature that the State

127 Forestry Commission be allowed to escalate its budget in the  
128 Subsidies, Loans and Grants major object of expenditure, with  
129 funds generated from the Severance Tax to fund the Forest Resource  
130 Development Program in an amount not to exceed Five Hundred  
131 Thousand Dollars (\$500,000.00). The receipt of these funds is  
132 hereby authorized and approved, provided such receipts and  
133 expenditures are reported and otherwise accounted for in  
134 accordance with Section 27-103-101 et seq. and Section 27-104-1 et  
135 seq., Mississippi Code of 1972.

136       **SECTION 7.** It is the intention of the Legislature that the  
137 State Forestry Commission be allowed to escalate part-time  
138 positions up to one hundred (100) and expend funds not to exceed  
139 Five Hundred Thousand Dollars (\$500,000.00) from any source of  
140 funds that become available to the commission. This escalation  
141 shall be in accordance with rules and regulations of the  
142 Department of Finance and Administration in a manner consistent  
143 with the escalation of federal funds. These positions may be used  
144 to protect life and property during extended periods of extreme  
145 wildfire occurrences of a minimum of fifty (50) fires per day.  
146 The escalation of positions and the expenditure of these funds  
147 shall be at the discretion of the State Forester, with written  
148 notification to the State Personnel Board and the State Fiscal  
149 Officer.

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

154       **SECTION 9.** There is hereby created in the State Treasury a  
155 fund designated as the Volunteer Fire Department Equipment  
156 Conversion Revolving Fund to be used by the State Forestry  
157 Commission to assist in the conversion of vehicles acquired by the  
158 State Forestry Commission through the Federal Excess Personal  
159 Property Program or by Volunteer Fire Departments through other

160 means to adapt them for use in the suppression of wildland fires.  
161 This assistance shall be in the form of fabrication of water tanks  
162 or other accessories necessary for the operation of fire  
163 suppression units, installation of piping and valves, painting or  
164 other similar or associated component work necessary to place fire  
165 suppression equipment into service. It is not for general vehicle  
166 maintenance or repair.

167 The Volunteer Fire Department Equipment Conversion Revolving  
168 Fund shall be funded by monies received from charges for work and  
169 services performed for Volunteer Fire Departments by the State  
170 Forestry Commission. Monies collected from such charges shall be  
171 deposited into the Volunteer Fire Department Equipment Conversion  
172 Revolving Fund. The State Treasurer shall make disbursements  
173 therefrom for payment of materials, supplies and labor upon  
174 requisition of the Forestry Commission and upon the issuance of  
175 warrants therefor by the Department of Finance and Administration.

176 The amount of monies deposited into the Volunteer Fire  
177 Department Equipment Conversion Fund through this work shall not  
178 exceed Fifty Thousand Dollars (\$50,000.00). Funds in excess of  
179 Fifty Thousand Dollars (\$50,000.00) shall be placed in the State  
180 Forestry Commission's regular appropriated special funds. Monies  
181 in this revolving fund are to be considered special funds and  
182 shall be carried forward from one fiscal year to the next.

183 **SECTION 10.** There is hereby created in the State Treasury a  
184 fund designated as the Camden State Forest Revolving Fund to be  
185 used by the State Forestry Commission to direct forest management  
186 activities on the Camden State Forest in Madison County,  
187 Mississippi. The forest management activities will include, but  
188 not be limited to, maintenance of property, timber sale activities  
189 and regeneration work.

190 The Camden State Forest Revolving Fund shall be funded by  
191 monies received from timber sales, leases, and any other source.  
192 Monies collected from these income sources shall be deposited into

193 the Camden State Forest Revolving Fund. The State Treasurer shall  
194 make disbursements therefrom for payments of materials, supplies  
195 and labor upon requisition of the State Forestry Commission and  
196 upon the issuance of warrants therefor by the Department of  
197 Finance and Administration.

198 It is the intention of the Legislature that any revolving  
199 funds in excess of the budgeted amount needed for the necessary  
200 operation and maintenance of all properties under the direct  
201 supervision and management of the State Forestry Commission shall  
202 remain in the Camden State Forest Revolving Fund for use in future  
203 years.

204 **SECTION 11.** Of the funds appropriated in Section 2 and  
205 authorized for expenditure in Section 3, it is the intention of  
206 the Legislature that Two Hundred Thousand Dollars (\$200,000.00)  
207 shall be transferred to the Department of Agriculture and Commerce  
208 for the Beaver Control or Eradication Program during the Fiscal  
209 Year 2007.

210 **SECTION 12.** It is the intention of the Legislature that  
211 whenever two (2) or more bids are received by this agency for the  
212 purchase of commodities or equipment, and whenever all things  
213 stated in such received bids are equal with respect to price,  
214 quality and service, the Mississippi Industries for the Blind  
215 shall be given preference. A similar preference shall be given to  
216 the Mississippi Industries for the Blind whenever purchases are  
217 made without competitive bids.

218 **SECTION 13.** Any person who was an employee of the Forestry  
219 Commission who was laid off during Fiscal Year 2006 shall be given  
220 first priority in any new employment by the commission.

221 **SECTION 14.** In addition to all other sums herein appropriated,  
222 the following sum, or so much thereof as may be necessary is  
223 appropriated out of any money in the State General Fund not  
224 otherwise appropriated, to defraying the expenses of the State  
225 Forestry Commission, for the purpose of defraying the expenses of

226 the agency, from and after passage and through the fiscal year  
227 ending June 30, 2007..... \$ 500,000.00.

228 **SECTION 15.** The money herein appropriated shall be paid by  
229 the State Treasurer out of any money in the State Treasury to the  
230 credit of the proper fund or funds as set forth in this act, upon  
231 warrants issued by the State Fiscal Officer; and the State Fiscal  
232 Officer shall issue his warrants upon requisitions signed by the  
233 proper person, officer or officers, in the manner provided by law.

234 **SECTION 16.** This act shall take effect and be in force from  
235 and after July 1, 2006, with the exception of Section 14 which  
236 shall take effect and be in force from and after its passage.