

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

To: Appropriations

HOUSE BILL NO. 1698  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE STATE FORESTRY COMMISSION AND FOR THE PURPOSE  
3 OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI INSTITUTE FOR FOREST  
4 INVENTORY FOR THE FISCAL YEAR 2008.

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

6 SECTION 1. The following sum, or so much thereof as may be  
7 necessary, is hereby appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the support and  
9 maintenance of the State Forestry Commission for the fiscal year  
10 beginning July 1, 2007, and ending June 30, 2008.....  
11 ..... \$ 19,600,216.00.

12 SECTION 2. The following sum, or so much thereof as may be  
13 necessary, is hereby appropriated out of any money in the special  
14 fund in the State Treasury to the credit of the State Forestry  
15 Commission which is comprised of special source funds collected by  
16 or otherwise available to the commission, for the support and  
17 maintenance of the commission for the fiscal year beginning  
18 July 1, 2007, and ending June 30, 2008.....  
19 ..... \$ 14,339,000.00.

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

28 Landowners who contract with the commission for such work shall

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

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

35 AUTHORIZED POSITIONS:

36	Permanent:	Full Time.....	585
37		Part Time.....	54
38	Time-Limited:	Full Time.....	29
39		Part Time.....	0

40 Funds are provided herein to adjust the Variable Compensation  
41 Plan to ensure that all full-time employees receive a pay increase  
42 equal to the realignment component of the Variable Compensation  
43 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
44 is greater, to be awarded on July 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 2009 do not exceed Fiscal Year 2008  
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 2008 appropriations for "Personal  
58 Services" when annualized, with the exception of escalated funds  
59 and educational benchmarks. If, at the time the agency takes any  
60 action to change "Personal Services", the State Personnel Board  
61 determines that the agency has taken an action which would cause

62 the agency to exceed this projected annual cost or the Fiscal Year  
63 2008 "Personal Services" appropriated level, when annualized, then  
64 only those actions which reduce the projected annual cost and/or  
65 the appropriation requirement will be processed by the State  
66 Personnel Board until such time as the requirements of this  
67 provision are met. On January 1, 2008, the State Personnel Board  
68 will make adjustments to the structure side of the compliance  
69 report based on data provided by the Legislative Budget Office in  
70 order for agencies to award educational benchmarks.

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

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

84 **SECTION 4.** It is the intention of the Legislature that the  
85 State Forestry Commission and the Mississippi Institute for Forest  
86 Inventory shall maintain complete accounting and personnel records  
87 related to the expenditure of all funds appropriated under this  
88 act and that such records shall be in the same format and level of  
89 detail as maintained for Fiscal Year 2007. It is further the  
90 intention of the Legislature that the agency's budget request for  
91 Fiscal Year 2009 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 2008  
94 budget request process.

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

	FY2008
<u>Performance Measures</u>	<u>Target</u>
104 Fire Protection	
105       Number of Fires per Year (Events)	2,000
106       Average Size of Fire (Acres)	18
107 Forest Stewardship	
108       Land Reforested (Acres)	65,000
109       Landowners Assisted (Persons)	18,000
110 Public Outreach	
111       School/Youth Programs (Events)	50
112 Resource Analysis/Economic Development	
113       Economic Development Assistance Customers	
114       Served (Persons)	50
115       Economic Development Assist Reports (Reports)	100
116 Urban/Community Forestry Assistance	
117       Homeowners Assisted	2,625

118       A reporting of the degree to which the performance targets  
 119 set above have been or are being achieved shall be provided in the  
 120 agency's budget request submitted to the Joint Legislative Budget  
 121 Committee for Fiscal Year 2009.

122           **SECTION 6.** In addition to all other sums herein  
 123 appropriated, the following sum, or so much thereof as may be  
 124 necessary, is hereby appropriated out of any money in the State  
 125 General Fund not otherwise appropriated, for the support of the  
 126 Mississippi Institute for Forest Inventory for the fiscal year  
 127 beginning July 1, 2007, and ending June 30, 2008.....

128 ..... \$ 150,000.00.

129 **SECTION 7.** In addition to all other sums herein  
130 appropriated, the following sum, or so much thereof as may be  
131 necessary, is hereby appropriated out of any money in the State  
132 Treasury to the credit of the Mississippi Institute for Forest  
133 Inventory which is comprised of special source funds and donations  
134 collected by or otherwise available to the Institute for the  
135 purpose of defraying the expenses of the Institute for the period  
136 beginning July 1, 2007, and ending June 30, 2008.....  
137 ..... \$ 262,108.00.

138 **SECTION 8.** Of the funds appropriated under the provisions of  
139 Section 1, not more than the amounts set forth below shall be  
140 under the authority of the State Personnel Board:

141 AUTHORIZED POSITIONS:

142	Permanent:	Full Time.....	2
143		Part Time.....	0
144	Time-Limited:	Full Time.....	0
145		Part Time.....	0

146 Funds are provided herein to adjust the Variable Compensation  
147 Plan to ensure that all full-time employees receive a pay increase  
148 equal to the realignment component of the Variable Compensation  
149 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
150 is greater, to be awarded on July 1, 2007.

151 With the funds herein appropriated, it is the intention of  
152 the Legislature that it shall be the agency's responsibility to  
153 make certain that funds required to be appropriated for "Personal  
154 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
155 funds appropriated for that purpose, unless programs or positions  
156 are added to the agency's Fiscal Year 2008 budget by the  
157 Mississippi Legislature. Based on data provided by the  
158 Legislative Budget Office, the State Personnel Board shall  
159 determine and publish the projected annual cost to fully fund all  
160 appropriated positions in compliance with the provisions of this

161 act. It shall be the responsibility of the agency head to insure  
162 that no single personnel action increases this projected annual  
163 cost and/or the Fiscal Year 2008 appropriations for "Personal  
164 Services" when annualized, with the exception of escalated funds  
165 and educational benchmarks. If, at the time the agency takes any  
166 action to change "Personal Services", the State Personnel Board  
167 determines that the agency has taken an action which would cause  
168 the agency to exceed this projected annual cost or the Fiscal Year  
169 2008 "Personal Services" appropriated level, when annualized, then  
170 only those actions which reduce the projected annual cost and/or  
171 the appropriation requirement will be processed by the State  
172 Personnel Board until such time as the requirements of this  
173 provision are met. On January 1, 2008, the State Personnel Board  
174 will make adjustments to the structure side of the compliance  
175 report based on data provided by the Legislative Budget Office in  
176 order for agencies to award educational benchmarks.

177 Any transfers or escalations shall be made in accordance with  
178 the terms, conditions and procedures established by law or  
179 allowable under the terms set forth within this act. The State  
180 Personnel Board shall not escalate positions without written  
181 approval from the Department of Finance and Administration. The  
182 Department of Finance and Administration shall not provide written  
183 approval to escalate any funds for salaries and/or positions  
184 without proof of availability of new or additional funds above the  
185 appropriated level.

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

190 **SECTION 9.** It is the intention of the Legislature that the  
191 State Forestry Commission be allowed to escalate its budget in the  
192 Capital Outlay: Equipment major object of expenditure, with funds  
193 generated from the Forest Acreage Tax, and with funds generated

194 from the sale of old equipment and lease of tower sites an amount  
195 not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).  
196 It is further the intention of the Legislature that the State  
197 Forestry Commission be allowed to escalate its budget in the  
198 Subsidies, Loans and Grants major object of expenditure, with  
199 funds generated from the Severance Tax to fund the Forest Resource  
200 Development Program in an amount not to exceed Five Hundred  
201 Thousand Dollars (\$500,000.00). The receipt of these funds is  
202 hereby authorized and approved, provided such receipts and  
203 expenditures are reported and otherwise accounted for in  
204 accordance with Section 27-103-101 et seq. and Section 27-104-1 et  
205 seq., Mississippi Code of 1972.

206       **SECTION 10.** It is the intention of the Legislature that the  
207 State Forestry Commission be allowed to escalate part-time  
208 positions up to one hundred (100) and expend funds not to exceed  
209 Five Hundred Thousand Dollars (\$500,000.00) from any source of  
210 funds that become available to the commission. This escalation  
211 shall be in accordance with rules and regulations of the  
212 Department of Finance and Administration in a manner consistent  
213 with the escalation of federal funds. These positions may be used  
214 to protect life and property during extended periods of extreme  
215 wildfire occurrences of a minimum of fifty (50) fires per day.  
216 The escalation of positions and the expenditure of these funds  
217 shall be at the discretion of the State Forester, with written  
218 notification to the State Personnel Board and the State Fiscal  
219 Officer.

220       **SECTION 11.** The Forestry Commission has the authority to  
221 purchase from the "General Services Administration" Fire Fighter  
222 Catalog and any other GSA Catalog as long as the cost of such  
223 items are less than the quotes received.

224       **SECTION 12.** There is hereby created in the State Treasury a  
225 fund designated as the Volunteer Fire Department Equipment  
226 Conversion Revolving Fund to be used by the State Forestry

227 Commission to assist in the conversion of vehicles acquired by the  
228 State Forestry Commission through the Federal Excess Personal  
229 Property Program or by Volunteer Fire Departments through other  
230 means to adapt them for use in the suppression of wildland fires.  
231 This assistance shall be in the form of fabrication of water tanks  
232 or other accessories necessary for the operation of fire  
233 suppression units, installation of piping and valves, painting or  
234 other similar or associated component work necessary to place fire  
235 suppression equipment into service. It is not for general vehicle  
236 maintenance or repair.

237         The Volunteer Fire Department Equipment Conversion Revolving  
238 Fund shall be funded by monies received from charges for work and  
239 services performed for Volunteer Fire Departments by the State  
240 Forestry Commission. Monies collected from such charges shall be  
241 deposited into the Volunteer Fire Department Equipment Conversion  
242 Revolving Fund. The State Treasurer shall make disbursements  
243 therefrom for payment of materials, supplies and labor upon  
244 requisition of the Forestry Commission and upon the issuance of  
245 warrants therefor by the Department of Finance and Administration.

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

253         **SECTION 13.** There is hereby created in the State Treasury a  
254 fund designated as the Camden State Forest Revolving Fund to be  
255 used by the State Forestry Commission to direct forest management  
256 activities on the Camden State Forest in Madison County,  
257 Mississippi. The forest management activities will include, but  
258 not be limited to, maintenance of property, timber sale activities  
259 and regeneration work.



260           The Camden State Forest Revolving Fund shall be funded by  
261 monies received from timber sales, leases, and any other source.  
262 Monies collected from these income sources shall be deposited into  
263 the Camden State Forest Revolving Fund. The State Treasurer shall  
264 make disbursements therefrom for payments of materials, supplies  
265 and labor upon requisition of the State Forestry Commission and  
266 upon the issuance of warrants therefor by the Department of  
267 Finance and Administration.

268           It is the intention of the Legislature that any revolving  
269 funds in excess of the budgeted amount needed for the necessary  
270 operation and maintenance of all properties under the direct  
271 supervision and management of the State Forestry Commission shall  
272 remain in the Camden State Forest Revolving Fund for use in future  
273 years.

274           **SECTION 14.** Of the funds appropriated in Section 2 and  
275 authorized for expenditure in Section 3, it is the intention of  
276 the Legislature that Two Hundred Thousand Dollars (\$200,000.00)  
277 shall be transferred to the Department of Agriculture and Commerce  
278 for the Beaver Control or Eradication Program during the Fiscal  
279 Year 2007.

280           **SECTION 15.** It is the intention of the Legislature that the  
281 Mississippi Institute for Forest Inventory is hereby authorized to  
282 accept, budget and expend funds, not to exceed One Million Dollars  
283 (\$1,000,000.00), from any source in accordance with rules and  
284 regulations of the Department of Finance and Administration in a  
285 manner consistent with the escalation of federal funds.

286           **SECTION 16.** It is the intention of the Legislature that  
287 whenever two (2) or more bids are received by this agency for the  
288 purchase of commodities or equipment, and whenever all things  
289 stated in such received bids are equal with respect to price,  
290 quality and service, the Mississippi Industries for the Blind  
291 shall be given preference. A similar preference shall be given to

292 the Mississippi Industries for the Blind whenever purchases are  
293 made without competitive bids.

294       **SECTION 17.** Any person who was an employee of the Forestry  
295 Commission who was laid off during Fiscal Year 2006 shall be given  
296 first priority in any new employment by the commission.

297       **SECTION 18.** Of the funds appropriated in Section 1, it is  
298 the intention of the Legislature that the Forestry Commission  
299 shall immediately hire a "Forester or Technician" for Walthall  
300 County.

301       **SECTION 19.** The money herein appropriated shall be paid by  
302 the State Treasurer out of any money in the State Treasury to the  
303 credit of the proper fund or funds as set forth in this act, upon  
304 warrants issued by the State Fiscal Officer; and the State Fiscal  
305 Officer shall issue his warrants upon requisitions signed by the  
306 proper person, officer or officers, in the manner provided by law.

307       **SECTION 20.** This act shall take effect and be in force from  
308 and after July 1, 2007.