

By: Representatives Read, Ladner, Arnold,
Barton, Bennett, Brown, Cockerham, Holland,
Huddleston (15th), Myers, Staples, Sullivan,
Watson

To: Appropriations

HOUSE BILL NO. 1612

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE PAT HARRISON WATERWAY
3 DISTRICT FOR THE FISCAL YEAR 2019.

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 authorized and approved for expenditure out of any
7 funds which are received by or otherwise become available to the
8 Pat Harrison Waterway District, for the purpose of defraying the
9 expenses of the district for the fiscal year beginning
10 July 1, 2018, and ending June 30, 2019.....
11\$ 6,555,853.00.

12 **SECTION 2.** Of the funds approved for expenditure under the
13 provisions of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	48
16		Part Time.....	49
17	Time-Limited:	Full Time.....	0
18		Part Time.....	0



19 With the funds herein appropriated, it shall be the agency's
20 responsibility to make certain that funds required to be
21 appropriated for "Personal Services" for Fiscal Year 2020 do not
22 exceed Fiscal Year 2019 funds appropriated for that purpose,
23 unless programs or positions are added to the agency's Fiscal Year
24 2019 budget by the Mississippi Legislature. Based on data
25 provided by the Legislative Budget Office, the State Personnel
26 Board shall determine and publish the projected annual cost to
27 fully fund all appropriated positions in compliance with the
28 provisions of this act. It shall be the responsibility of the
29 agency head to ensure that no single personnel action increases
30 this projected annual cost and/or the Fiscal Year 2019
31 appropriations for "Personal Services" when annualized, with the
32 exception of escalated funds and the award of benchmarks. If, at
33 the time the agency takes any action to change "Personal
34 Services," the State Personnel Board determines that the agency
35 has taken an action which would cause the agency to exceed this
36 projected annual cost or the Fiscal Year 2019 "Personal Services"
37 appropriated level, when annualized, then only those actions which
38 reduce the projected annual cost and/or the appropriation
39 requirement will be processed by the State Personnel Board until
40 such time as the requirements of this provision are met.

41 Any transfers or escalations shall be made in accordance with
42 the terms, conditions and procedures established by law or
43 allowable under the terms set forth within this act. The State



44 Personnel Board shall not escalate positions without written
45 approval from the Department of Finance and Administration. The
46 Department of Finance and Administration shall not provide written
47 approval to escalate any funds for salaries and/or positions
48 without proof of availability of new or additional funds above the
49 appropriated level.

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

54 None of the funds herein appropriated shall be used in
55 violation of Internal Revenue Service's Publication 15-A relating
56 to the reporting of income paid to contract employees, as
57 interpreted by the Office of the State Auditor.

58 **SECTION 3.** It is the intention of the Legislature that the
59 Pat Harrison Waterway District shall maintain complete accounting
60 and personnel records related to the expenditure of all funds
61 appropriated under this act and that such records shall be in the
62 same format and level of detail as maintained for Fiscal Year
63 2018. It is further the intention of the Legislature that the
64 agency's budget request for Fiscal Year 2020 shall be submitted to
65 the Joint Legislative Budget Committee in a format and level of
66 detail comparable to the format and level of detail provided
67 during the Fiscal Year 2019 budget request process.



68 **SECTION 4.** It is the intention of the Legislature that
69 whenever two (2) or more bids are received by this agency for the
70 purchase of commodities or equipment, and whenever all things
71 stated in such received bids are equal with respect to price,
72 quality and service, the Mississippi Industries for the Blind
73 shall be given preference. A similar preference shall be given to
74 the Mississippi Industries for the Blind whenever purchases are
75 made without competitive bids.

76 **SECTION 5.** The funds herein approved for expenditure, except
77 and less an amount approved by the State Fiscal Officer which
78 shall be sufficient to cover disbursements for current operations,
79 shall be deposited at interest with any official depository of the
80 state at a rate of interest numerically not less than one percent
81 (1%) below the bank discount rate on United States Treasury bills
82 of comparable maturity as determined by the State Treasurer.

83 **SECTION 6.** It is the intention of the Legislature that from
84 and after July 1, 2018, any county that is not a member of the Pat
85 Harrison Waterway District may elect to become a member of the
86 district by order of the board of supervisors of such county
87 spread upon its minutes and certified to the Pat Harrison Waterway
88 Commission.

89 **SECTION 7.** It is the intention of the Legislature that the
90 funds herein appropriated shall be expended in compliance with
91 Section 27-104-25, Mississippi Code of 1972, that no state agency
92 shall incur obligations or indebtedness in excess of their



93 appropriation and that the responsible officers, either personally
94 or upon their official bonds, shall be held responsible for
95 actions contrary to this provision.

96 **SECTION 8.** The money herein approved for expenditure shall
97 be disbursed upon bank checks signed by the proper person, officer
98 or officers, in the manner provided by law.

99 **SECTION 9.** It is the intention of the Legislature that this
100 agency shall have the authority to expend funds from any source
101 that may become available to the agency in accordance with the
102 rules and regulations of the Department of Finance and
103 Administration in a manner consistent with the escalation of
104 federal funds for the purpose of funding any increase in health
105 insurance costs for Fiscal Year 2019, or for the purpose of
106 funding additional fees, costs or assessments received by the
107 agency from the Department of Information Technology Services or
108 the Department of Finance and Administration for Fiscal Year 2019
109 that may be incurred by the agency as a result of legislation
110 passed during the 2018 Regular Session of the Legislature and
111 approved by the Governor. The agency is authorized to escalate
112 other special funds for the limited purposes provided in this
113 section in an amount not to exceed Five Thousand Two Hundred
114 Eighty Dollars (\$5,280.00).

115 **SECTION 10.** This act shall take effect and be in force from
116 and after July 1, 2018.

