HOUSE BILL NO. 1807

AN ACT TO AMEND CHAPTER 74, LAWS OF 2020 (HOUSE BILL NO. 1711), TO REVISE THE APPROPRIATION FOR THE PUBLIC UTILITIES STAFF FOR FISCAL YEAR 2021.

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

SECTION 1. Chapter 74, Laws of 2020 (House Bill No. 1711), is amended as follows:

Section 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Public Utilities Staff for the fiscal year beginning July 1, 2020, and ending June 30, 2021..................

..................................................$ 2,094,531.00.

Section 2. The following sum, or so much of it as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Public Utilities Application Fund, for the purpose of defraying the expenses of the staff for the fiscal year beginning July 1, 2020, and ending June 30, 2021.................

..................................................$ 375,000.00.
These funds were collected due to the passage of Senate Bill 3046, 2020 Regular Session, which created the "Mississippi electric Cooperatives Broadband COVID-19 Grant Program" and the "COVID-19 Broadband Provider Grant Program."

Section 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent: Full Time........ 27
            Part Time........ 0

Time Limited: Full Time........ 0
              Part Time........ 0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2022 do not exceed Fiscal Year 2021 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2021 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, or realignment. If the State Personnel Board determines a special
situation or circumstance exists and approves an action, then the agency and the State Personnel Board shall provide a monthly report of each action approved by the State Personnel Board to the chairman of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairman of the Appropriations Committees of the Senate and House of Representatives. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2021 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2021 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

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

Section 4. It is the intention of the Legislature that the Public Utilities Staff shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2020. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2022 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2021 budget request process.

Section 5. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price,
quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

Section 6. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 2710425, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

Section 7. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.