

House Amendments to Senate Bill No. 2968

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5 **SECTION 1.** The following sum of money, or so much thereof as
6 may be necessary, is hereby appropriated out of any money in the
7 State Treasury to the credit of the State Department of Banking
8 and Consumer Finance, for the support of the State Department of
9 Banking and Consumer Finance, for the fiscal year beginning
10 July 1, 2020, and ending June 30, 2021.....\$ 10,563,043.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 this act, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	82
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2022 do not
21 exceed Fiscal Year 2021 funds appropriated for that purpose,

22 unless programs or positions are added to the agency's Fiscal Year
23 2021 budget by the Mississippi Legislature. Based on data
24 provided by the Legislative Budget Office, the State Personnel
25 Board shall determine and publish the projected annual cost to
26 fully fund all appropriated positions in compliance with the
27 provisions of this act. It shall be the responsibility of the
28 agency head to ensure that no single personnel action increases
29 this projected annual cost and/or the Fiscal Year 2021
30 appropriations for "Personal Services" when annualized, with the
31 exception of escalated funds and the award of benchmarks. If, at
32 the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2021 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

40 Any transfers or escalations shall be made in accordance with
41 the terms, conditions and procedures established by law or
42 allowable under the terms set forth within this act. The State
43 Personnel Board shall not escalate positions without written
44 approval from the Department of Finance and Administration. The
45 Department of Finance and Administration shall not provide written
46 approval to escalate any funds for salaries and/or positions

47 without proof of availability of new or additional funds above the
48 appropriated level.

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

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

57 **SECTION 3.** It is the intention of the Legislature that the
58 Department of Banking and Consumer Finance shall maintain complete
59 accounting and personnel records related to the expenditure of all
60 funds appropriated under this act and that such records shall be
61 in the same format and level of detail as maintained for Fiscal
62 Year 2020. It is further the intention of the Legislature that
63 the agency's budget request for Fiscal Year 2022 shall be
64 submitted to the Joint Legislative Budget Committee in a format
65 and level of detail comparable to the format and level of detail
66 provided during the Fiscal Year 2021 budget request process.

67 **SECTION 4.** It is the intention of the Legislature that
68 whenever two (2) or more bids are received by this agency for the
69 purchase of commodities or equipment, and whenever all things
70 stated in such received bids are equal with respect to price,
71 quality and service, the Mississippi Industries for the Blind
72 shall be given preference. A similar preference shall be given to

73 the Mississippi Industries for the Blind whenever purchases are
74 made without competitive bids.

75 **SECTION 5.** It is the intention of the Legislature that the
76 funds herein appropriated shall be expended in compliance with
77 Section 27-104-25, Mississippi Code of 1972, that no state agency
78 shall incur obligations or indebtedness in excess of their
79 appropriation and that the responsible officers, either personally
80 or upon their official bonds, shall be held responsible for
81 actions contrary to this provision.

82 **SECTION 6.** The money herein appropriated shall be paid by
83 the State Treasurer out of any money in the State Treasury to the
84 credit of the proper fund or funds as set forth in this act, upon
85 warrants issued by the State Fiscal Officer; and the State Fiscal
86 Officer shall issue his warrants upon requisitions signed by the
87 proper person, officer or officers in the manner provided by law.

88 **SECTION 7.** This act shall take effect and be in force from
89 and after July 1, 2020, and shall stand repealed from and after
90 June 30, 2020.

HR13\SB2968A.J

Andrew Ketchings
Clerk of the House of Representatives