

By: Representatives Read, Oliver, Cockerham, To: Appropriations
Hale, Haney, Huddleston, Jackson, Ladner,
Young

HOUSE BILL NO. 1371
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 MISSISSIPPI STATE BOARD OF NURSING HOME ADMINISTRATORS FOR THE
4 FISCAL YEAR 2022.

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 appropriated out of any money in the State Treasury
8 to the credit of the Mississippi State Board of Nursing Home
9 Administrators for the purpose of defraying the expenses of the
10 board for the fiscal year beginning July 1, 2021, and ending
11 June 30, 2022 \$ 188,693.00.

12 **SECTION 2.** With the funds appropriated under the provisions
13 of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time	2
16		Part Time	0
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 2023 do not
22 exceed Fiscal Year 2022 funds appropriated for that purpose unless
23 programs or positions are added to the agency's Fiscal Year 2022
24 budget by the Mississippi Legislature. Based on data provided by
25 the Legislative Budget Office, the State Personnel Board shall
26 determine and publish the projected annual cost to fully fund all
27 appropriated positions in compliance with the provisions of this
28 act. Absent a special situation or circumstance approved by the
29 State Personnel Board, or unless otherwise authorized by this act,
30 no state agency shall take any action to promote or otherwise
31 award salary increases through reallocation or realignment. If
32 the State Personnel Board determines a special situation or
33 circumstance exists and approves an action, then the agency and
34 the State Personnel Board shall provide a monthly report of each
35 action approved by the State Personnel Board to the chairmen of
36 the Accountability, Efficiency and Transparency Committees of the
37 Senate and House of Representatives and the chairmen of the
38 Appropriations Committees of the Senate and House of
39 Representatives. It shall be the responsibility of the agency
40 head to ensure that no single personnel action increases this
41 projected annual cost and/or the Fiscal Year 2022 appropriations
42 for "Personal Services" when annualized, with the exception of
43 escalated funds and the award of benchmarks. If, at the time the



44 agency takes any action to change "Personal Services," the State
45 Personnel Board determines that the agency has taken an action
46 which would cause the agency to exceed this projected annual cost
47 or the Fiscal Year 2022 "Personal Services" appropriated level,
48 when annualized, then only those actions which reduce the
49 projected annual cost and/or the appropriation requirement will be
50 processed by the State Personnel Board until such time as the
51 requirements of this provision are met.

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

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

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



69 **SECTION 3.** It is the intention of the Legislature that the
70 Mississippi State Board of Nursing Home Administrators shall
71 maintain complete accounting and personnel records related to the
72 expenditure of all funds appropriated under this act and that such
73 records shall be in the same format and level of detail as
74 maintained for Fiscal Year 2021. It is further the intention of
75 the Legislature that the agency's budget request for Fiscal Year
76 2023 shall be submitted to the Joint Legislative Budget Committee
77 in a format and level of detail comparable to the format and level
78 of detail provided during the Fiscal Year 2022 budget request
79 process.

80 **SECTION 4.** It is the intention of the Legislature that the
81 Mississippi State Board of Nursing Home Administrators deposit all
82 revenue generated into a special fund in the State Treasury to the
83 credit of the Mississippi State Board of Nursing Home
84 Administrators and that all interest earned or deposited to the
85 fund shall remain in the fund and not be paid into the State
86 General Fund of Mississippi.

87 **SECTION 5.** It is the intention of the Legislature that
88 whenever two (2) or more bids are received by this agency for the
89 purchase of commodities or equipment, and whenever all things
90 stated in such received bids are equal with respect to price,
91 quality and service, the Mississippi Industries for the Blind
92 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 27-104-25, 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 8. This act shall take effect and be in force from and after July 1, 2021.

