

By: Representatives Read, Bounds, Arnold,
Beckett, Eure, Hale, Mangold, Oliver, Turner

To: Appropriations

HOUSE BILL NO. 1395
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM GENERAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 STATE OIL AND GAS BOARD FOR THE FISCAL YEAR 2022.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the State Oil and Gas Board for the fiscal year beginning
9 July 1, 2021, and ending June 30, 2022.....
10 \$ 1,315,432.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in the special fund in
13 the State Treasury to the credit of the State Oil and Gas Board
14 which is comprised of special source funds collected by or
15 otherwise available to the department, for the purpose of
16 defraying the expenses of the department for the fiscal year
17 beginning July 1, 2021, and ending June 30, 2022.....
18 \$ 967,415.00.



SECTION 3. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	33
	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 2023 do not exceed Fiscal Year 2022 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2022 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 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 chairmen of the Accountability, Efficiency and Transparency Committees of the



44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this
48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

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



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

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

76 Funds have been appropriated herein for the purpose of
77 implementation and funding Project SEC2 of the Colonel Guy Groff
78 State Variable Compensation Plan beginning January 1, 2022, and
79 ending June 30, 2022. It shall be the agency's responsibility to
80 make certain that each person, excluding executive directors,
81 agency heads, and elected judges, shall receive no more than a 3%
82 annual increase in salary which shall not exceed the market rate
83 established by the State Personnel Board pursuant to the Colonel
84 Guy Groff State Variable Compensation Plan for each
85 classification.

86 **SECTION 4.** It is the intention of the Legislature that the
87 State Oil and Gas Board shall maintain complete accounting and
88 personnel records related to the expenditure of all funds
89 appropriated under this act and that such records shall be in the
90 same format and level of detail as maintained for Fiscal Year
91 2021. It is further the intention of the Legislature that the
92 agency's budget request for Fiscal Year 2023 shall be submitted to



93 the Joint Legislative Budget Committee in a format and level of
94 detail comparable to the format and level of detail provided
95 during the Fiscal Year 2022 budget request process.

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

104 **SECTION 6.** It is the intention of the Legislature that the
105 funds herein appropriated shall be expended in compliance with
106 Section 27-104-25, Mississippi Code of 1972, that no state agency
107 shall incur obligations or indebtedness in excess of their
108 appropriation and that the responsible officers, either personally
109 or upon their official bonds, shall be held responsible for
110 actions contrary to this provision.

111 **SECTION 7.** This act shall take effect and be in force from
112 and after July 1, 2021.

