

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

To: Appropriations

HOUSE BILL NO. 1397  
(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 PUBLIC UTILITIES STAFF FOR 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 purpose of defraying the  
8 expenses of the Public Utilities Staff for the fiscal year  
9 beginning July 1, 2021, and ending June 30, 2022.....  
10 ..... \$ 2,222,348.00.

11 **SECTION 2.** The following sum, or so much of it as may be  
12 necessary, is appropriated out of any money in the State Treasury  
13 to the credit of the Public Utilities Application Fund, for the  
14 purpose of defraying the expenses of the staff for the fiscal year  
15 beginning July 1, 2021, and ending June 30, 2022.....  
16 ..... \$ 375,000.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of  
18 this act, the following positions are authorized:



19 AUTHORIZED POSITIONS:

20	Permanent:	Full Time .....	27
21		Part Time .....	0
22	Time-Limited:	Full Time .....	0
23		Part Time .....	0

24 With the funds herein appropriated, it shall be the agency's  
25 responsibility to make certain that funds required to be  
26 appropriated for "Personal Services" for Fiscal Year 2023 do not  
27 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
28 programs or positions are added to the agency's Fiscal Year 2022  
29 budget by the Mississippi Legislature. Based on data provided by  
30 the Legislative Budget Office, the State Personnel Board shall  
31 determine and publish the projected annual cost to fully fund all  
32 appropriated positions in compliance with the provisions of this  
33 act. Absent a special situation or circumstance approved by the  
34 State Personnel Board, or unless otherwise authorized by this act,  
35 no state agency shall take any action to promote or otherwise  
36 award salary increases through reallocation or realignment. If  
37 the State Personnel Board determines a special situation or  
38 circumstance exists and approves an action, then the agency and  
39 the State Personnel Board shall provide a monthly report of each  
40 action approved by the State Personnel Board to the chairmen of  
41 the Accountability, Efficiency and Transparency Committees of the  
42 Senate and House of Representatives and the chairmen of the  
43 Appropriations Committees of the Senate and House of



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

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

66 No general funds authorized to be expended herein shall be  
67 used to replace federal funds and/or other special funds which are



68 being used for salaries authorized under the provisions of this  
69 act and which are withdrawn and no longer available.

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

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

84 **SECTION 4.** It is the intention of the Legislature that the  
85 Public Utilities Staff shall maintain complete accounting and  
86 personnel records related to the expenditure of all funds  
87 appropriated under this act and that such records shall be in the  
88 same format and level of detail as maintained for Fiscal Year  
89 2021. It is further the intention of the Legislature that the  
90 agency's budget request for Fiscal Year 2023 shall be submitted to  
91 the Joint Legislative Budget Committee in a format and level of



92 detail comparable to the format and level of detail provided  
93 during the Fiscal Year 2022 budget request process.

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

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

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

115       **SECTION 8.** This act shall take effect and be in force from  
116 and after July 1, 2021.

