

By: Representatives Read, Ladner, Arnold,  
Haney, Turner

To: Appropriations

HOUSE BILL NO. 1405  
(As Sent to Governor)

1 AN ACT APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE  
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE PAT HARRISON WATERWAY  
3 DISTRICT 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 authorized and approved for expenditure out of any  
7 funds which are received by or otherwise become available to the  
8 Pat Harrison Waterway District, for the purpose of defraying the  
9 expenses of the district for the fiscal year beginning  
10 July 1, 2021, and ending June 30, 2022.....  
11 ..... \$ 5,709,112.00.

12 **SECTION 2.** Of the funds approved for expenditure under the  
13 provisions of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time .....	48
16		Part Time .....	20
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 Pat Harrison Waterway District shall maintain complete accounting  
71 and personnel records related to the expenditure of all funds  
72 appropriated under this act and that such records shall be in the  
73 same format and level of detail as maintained for Fiscal Year  
74 2021. It is further the intention of the Legislature that the  
75 agency's budget request for Fiscal Year 2023 shall be submitted to  
76 the Joint Legislative Budget Committee in a format and level of  
77 detail comparable to the format and level of detail provided  
78 during the Fiscal Year 2022 budget request process.

79           **SECTION 4.** It is the intention of the Legislature that  
80 whenever two (2) or more bids are received by this agency for the  
81 purchase of commodities or equipment, and whenever all things  
82 stated in such received bids are equal with respect to price,  
83 quality and service, the Mississippi Industries for the Blind  
84 shall be given preference. A similar preference shall be given to  
85 the Mississippi Industries for the Blind whenever purchases are  
86 made without competitive bids.

87           **SECTION 5.** The funds herein approved for expenditure, except  
88 and less an amount approved by the State Fiscal Officer which  
89 shall be sufficient to cover disbursements for current operations,  
90 shall be deposited at interest with any official depository of the  
91 state at a rate of interest numerically not less than one percent  
92 (1%) below the bank discount rate on United States Treasury bills  
93 of comparable maturity as determined by the State Treasurer.



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

101           **SECTION 7.** The money herein approved for expenditure shall  
102 be disbursed upon bank checks signed by the proper person, officer  
103 or officers, in the manner provided by law.

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

