

Senate Amendments to House Bill No. 1372

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the special
7 fund in the State Treasury to the credit of the State Board of
8 Optometry, for the purpose of defraying the expenses of the board
9 for the fiscal year beginning July 1, 2021, and ending
10 June 30, 2022.....\$ 173,520.00.

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.....	1
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 2023 do not
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless

22 programs or positions are added to the agency's Fiscal Year 2022
23 budget by the Mississippi Legislature. Based on data provided by
24 the Legislative Budget Office, the State Personnel Board shall
25 determine and publish the projected annual cost to fully fund all
26 appropriated positions in compliance with the provisions of this
27 act. Absent a special situation or circumstance approved by the
28 State Personnel Board, or unless otherwise authorized by this act,
29 no state agency shall take any action to promote or otherwise
30 award salary increases through reallocation or realignment. If
31 the State Personnel Board determines a special situation or
32 circumstance exists and approves an action, then the agency and
33 the State Personnel Board shall provide a monthly report of each
34 action approved by the State Personnel Board to the chairmen of
35 the Accountability, Efficiency and Transparency Committees of the
36 Senate and House of Representatives and the chairmen of the
37 Appropriations Committees of the Senate and House of
38 Representatives. It shall be the responsibility of the agency
39 head to ensure that no single personnel action increases this
40 projected annual cost and/or the Fiscal Year 2022 appropriations
41 for "Personal Services" when annualized, with the exception of
42 escalated funds and the award of benchmarks. If, at the time the
43 agency takes any action to change "Personal Services," the State
44 Personnel Board determines that the agency has taken an action
45 which would cause the agency to exceed this projected annual cost
46 or the Fiscal Year 2022 "Personal Services" appropriated level,
47 when annualized, then only those actions which reduce the

48 projected annual cost and/or the appropriation requirement will be
49 processed by the State Personnel Board until such time as the
50 requirements of this provision are met.

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

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

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

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions, and procedures established by law.

70 **SECTION 3.** It is the intention of the Legislature that the
71 State Board of Optometry shall maintain complete accounting and
72 personnel records related to the expenditure of all funds
73 appropriated under this act and that such records shall be in the

74 same format and level of detail as maintained for Fiscal Year
75 2021. It is further the intention of the Legislature that the
76 agency's budget request for Fiscal Year 2023 shall be submitted to
77 the Joint Legislative Budget Committee in a format and level of
78 detail comparable to the format and level of detail provided
79 during the Fiscal Year 2022 budget request process.

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

88 **SECTION 5.** It is the intention of the Legislature that the
89 funds herein appropriated shall be expended in compliance with
90 Section 27-104-25, Mississippi Code of 1972, that no state agency
91 shall incur obligations or indebtedness in excess of their
92 appropriation and that the responsible officers, either personally
93 or upon their official bonds, shall be held responsible for
94 actions contrary to this provision.

95 **SECTION 6.** Of the funds appropriated in Section 1, and
96 contingent upon the passage of House Bill No. 1302, Regular
97 Session 2021, \$29,500.00 is provided for operational expenses
98 relating to the implementation of new practice standards of
99 Optometry.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

SS15\HB1372A.J

Eugene S. Clarke
Secretary of the Senate