

Senate Amendments to House Bill No. 1386

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the Department of Archives and History for the fiscal
9 year beginning July 1, 2021, and ending June 30, 2022.....
10\$ 9,036,436.00.

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 Department of Archives and
14 History 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\$ 7,329,536.00.

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

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	141
23		Part Time.....	2
24	Time-Limited:	Full Time.....	7
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required to be
28 appropriated for "Personal Services" for Fiscal Year 2023 do not
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless
30 programs or positions are added to the agency's Fiscal Year 2022
31 budget by the Mississippi Legislature. Based on data provided by
32 the Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. Absent a special situation or circumstance approved by the
36 State Personnel Board, or unless otherwise authorized by this act,
37 no state agency shall take any action to promote or otherwise
38 award salary increases through reallocation or realignment. If
39 the State Personnel Board determines a special situation or
40 circumstance exists and approves an action, then the agency and
41 the State Personnel Board shall provide a monthly report of each
42 action approved by the State Personnel Board to the chairmen of
43 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 **SECTION 4.** It is the intention of the Legislature that the
77 Department of Archives and History shall maintain complete
78 accounting and personnel records related to the expenditure of all
79 funds appropriated under this act and that such records shall be
80 in the same format and level of detail as maintained for Fiscal
81 Year 2021. It is further the intention of the Legislature that
82 the agency's budget request for Fiscal Year 2023 shall be
83 submitted to the Joint Legislative Budget Committee in a format
84 and level of detail comparable to the format and level of detail
85 provided during the Fiscal Year 2022 budget request process.

86 **SECTION 5.** It is the intent of the Legislature that the
87 Mississippi Department of Archives and History shall charge the
88 maximum amount allowable for services rendered, consistent with
89 the cost of providing such services. The funds derived from these
90 charges shall be deposited into a special fund account in the
91 State Treasury to the credit of the Mississippi Department of
92 Archives and History.

93 **SECTION 6.** It is the intent of the Legislature that no part
94 of the funds herein appropriated shall be required to be used for
95 the payment of rent for the museum and public space in the State
96 Historical Museum, Old Capitol Restoration.

97 **SECTION 7.** Of the funds provided in Section 2, Two Million
98 Dollars (\$2,000,000.00) is provided to the Department of Archives
99 and History from the Mississippi Landmark Grant Fund as created in

100 House Bill No. 1082, Regular Session of 1999, to help support the
101 preservation of Mississippi Landmark Properties.

102 **SECTION 8.** Of the funds provided under the provisions of
103 this act, One Hundred Thousand Dollars (\$100,000.00) is provided
104 for the purpose of capital development and maintenance of Beauvoir
105 Shrine, the last home of Jefferson Davis, the only President of
106 the Confederate States of America, subject to approval by the
107 Department of Archives and History. The expenditure of funds
108 available in this section shall be subject to prior approval by
109 the Department of Archives and History.

110 **SECTION 9.** It is the intention of the Legislature that
111 whenever two (2) or more bids are received by this agency for the
112 purchase of commodities or equipment, and whenever all things
113 stated in such received bids are equal with respect to price,
114 quality and service, the Mississippi Industries for the Blind
115 shall be given preference. A similar preference shall be given to
116 the Mississippi Industries for the Blind whenever purchases are
117 made without competitive bids.

118 **SECTION 10.** In addition to all other sums herein
119 appropriated, the following sum, or so much thereof as may be
120 necessary, is appropriated out of any money in the State General
121 Fund not otherwise appropriated, to the Department of Archives and
122 History for the purpose of supporting the Statewide Oral History
123 Project for the fiscal year beginning July 1, 2021, and ending
124 June 30, 2022.....\$ 45,748.00.

125 **SECTION 11.** It is the intention of the Legislature that the
126 funds herein appropriated shall be expended in compliance with
127 Section 27-104-25, Mississippi Code of 1972, that no state agency
128 shall incur obligations or indebtedness in excess of their
129 appropriation and that the responsible officers, either personally
130 or upon their official bonds, shall be held responsible for
131 actions contrary to this provision.

132 **SECTION 12.** Of the funds provided in Section 2, Seven
133 Hundred Fifty Thousand Dollars (\$750,000.00) is provided from
134 Special Funds in the State Treasury to the credit of the State
135 Treasury fund created in Section 27-19-56.69(8), Mississippi Code
136 of 1972, for the purpose of paying the costs of repair and
137 renovation of the New Capitol, the Old Capitol, the Governor's
138 Mansion, and the War Memorial Building, in accordance with rules
139 and regulations of the Department of Finance and Administration in
140 a manner consistent with the escalation of funds.

141 **SECTION 13.** The following sum, or so much thereof as may be
142 necessary, is reappropriated out of any money in the Capital
143 Expense Fund not otherwise appropriated for the Department of
144 Archives and History for the purpose of reauthorizing the
145 expenditure of Capital Expense Funds, as authorized in HB 1703,
146 2020 Regular Session to provide for the de la Pointe-Krebs House
147 for the fiscal year beginning July 1, 2021, and ending
148 June 30, 2022.....\$ 651,319.00.

149 Notwithstanding the amount reappropriated under the
150 provisions of this section, in no event shall the amount expended
151 exceed the unexpended balance as of June 30, 2021.

152 **SECTION 14.** The following sum, or so much thereof as may be
153 necessary, is reappropriated out of any money in the General Fund
154 not otherwise appropriated for the Department of Archives and
155 History for the purpose of reauthorizing the expenditure of
156 General Funds as authorized in HB 1703, 2020 Regular Session to
157 provide for Beauvoir, for the fiscal year beginning July 1, 2021,
158 and ending June 30, 2022.....\$ 100,000.00.

159 Notwithstanding the amount reappropriated under the
160 provisions of this section, in no event shall the amount expended
161 exceed the unexpended balance as of June 30, 2021.

162 **SECTION 15.** The following sum, or so much thereof as may be
163 necessary, is reappropriated out of any money in the BP Settlement
164 Fund not otherwise appropriated for the Department of Archives and
165 History for the purpose of reauthorizing the expenditure of BP
166 Settlement Funds as authorized in SB 2969, 2020 Regular Session to
167 provide for Holmes County historical markers, for the fiscal year
168 beginning July 1, 2021, and ending June 30, 2022.....
169\$ 10,000.00.

170 Notwithstanding the amount reappropriated under the
171 provisions of this section, in no event shall the amount expended
172 exceed the unexpended balance as of June 30, 2021.

173 **SECTION 16.** The money herein appropriated shall be paid by
174 the State Treasurer out of any money in the State Treasury to the

175 credit of the proper fund or funds as set forth in this act, upon
176 warrants issued by the State Fiscal Officer; and the State Fiscal
177 Officer shall issue his warrants upon requisitions signed by the
178 proper person, officer or officers, in the manner provided by law.

179 **SECTION 17.** This act shall take effect and be in force from
180 and after July 1, 2021, and shall stand repealed June 29, 2021.

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

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE DEPARTMENT OF ARCHIVES AND HISTORY, FOR THE
3 FISCAL YEAR 2022.

SS15\HB1386A.J

Eugene S. Clarke
Secretary of the Senate