

**Senate Amendments to House Bill No. 1390**

**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 support and maintenance  
8 of the Mississippi Library Commission and for carrying out the  
9 provisions of Section 39-3-107, Mississippi Code of 1972, for the  
10 fiscal year beginning July 1, 2021, and ending June 30, 2022  
11 .....\$           8,881,501.00.

12           **SECTION 2.** The following sum, or so much thereof as may be  
13 necessary, is appropriated out of any money in the special fund in  
14 the State Treasury to the credit of the Mississippi Library  
15 Commission which is comprised of special source funds collected by  
16 or otherwise available to the commission, for the purpose of  
17 defraying the expenses of the commission for the fiscal year  
18 beginning July 1, 2021, and ending June 30, 2022.....  
19 .....\$           2,977,641.00.

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

22 AUTHORIZED POSITIONS:

23	Permanent:	Full Time.....	47
24		Part Time.....	0
25	Time-Limited:	Full Time.....	0
26		Part Time.....	0

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

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

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

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

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

77           Funds to be distributed to eligible public library systems  
78 under the Personnel Incentive Grants Program shall be paid  
79 quarterly in advance on or before September 30, December 31, March  
80 31 and June 30.

81           **SECTION 4.** It is the intention of the Legislature that the  
82 Mississippi Library Commission shall maintain complete accounting  
83 and personnel records related to the expenditure of all funds  
84 appropriated under this act and that such records shall be in the  
85 same format and level of detail as maintained for Fiscal Year  
86 2021. It is further the intention of the Legislature that the  
87 agency's budget request for Fiscal Year 2023 shall be submitted to  
88 the Joint Legislative Budget Committee in a format and level of  
89 detail comparable to the format and level of detail provided  
90 during the Fiscal Year 2022 budget request process.

91           **SECTION 5.** Of the funds appropriated under the provisions of  
92 Section 2, Four Hundred Ninety-three Thousand Eight Hundred  
93 Forty-seven Dollars (\$493,847.00) shall be derived from the  
94 Education Enhancement Fund deposited pursuant to Sections 27-65-75  
95 and 27-67-31, Mississippi Code of 1972.

96           **SECTION 6.** In compliance with the "Mississippi Performance  
97 Budget and Strategic Planning Act of 1994," it is the intent of  
98 the Legislature that the funds provided herein shall be utilized

99 in the most efficient and effective manner possible to achieve the  
 100 intended mission of this agency. Based on the funding authorized,  
 101 this agency shall make every effort to attain the targeted  
 102 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Administrative Services	
Help desk tickets resolved (Number of)	1,350
Library Services	
Continuing education workshops held per	
year (Number of)	30
Increase of citizens informed by	
acquiring needed information through	
Mississippi libraries (%)	1.00
Library visits by commission staff	
(Number of)	175
Patrons utilizing Braille, Audio, etc	
(Number of)	3,500
Children participating in Statewide	
Summer Library program (Number of)	120,000
Items borrowed and loaned on the	
interlibrary loan system (Number of)	13,000
Items available for use statewide on the	
interlibrary loan system (Number of)	5,000,000
Searches on MAGNOLIA (Number of)	45,000,000
Items available for use at MLC (primary	

125 resource library) (Number of) 100,000

126 A reporting of the degree to which the performance targets  
127 set above have been or are being achieved shall be provided in the  
128 agency's budget request submitted to the Joint Legislative Budget  
129 Committee for Fiscal Year 2023.

130 **SECTION 7.** It is the intention of the Legislature that no  
131 less than One Million Dollars (\$1,000,000.00) shall be expended  
132 for the Magnolia Database.

133 **SECTION 8.** Of the funds appropriated herein, Three Million  
134 Six Hundred Sixty-one Thousand One Hundred Fifteen Dollars  
135 (\$3,661,115.00) is provided for the cost of health insurance for  
136 all full-time library staff members in each public library in  
137 Mississippi.

138 **SECTION 9.** It is the intention of the Legislature that  
139 whenever two (2) or more bids are received by this agency for the  
140 purchase of commodities or equipment, and whenever all things  
141 stated in such received bids are equal with respect to price,  
142 quality and service, the Mississippi Industries for the Blind  
143 shall be given preference. A similar preference shall be given to  
144 the Mississippi Industries for the Blind whenever purchases are  
145 made without competitive bids.

146 **SECTION 10.** It is the intention of the Legislature that the  
147 funds herein appropriated shall be expended in compliance with  
148 Section 27-104-25, Mississippi Code of 1972, that no state agency  
149 shall incur obligations or indebtedness in excess of their  
150 appropriation and that the responsible officers, either personally

151 or upon their official bonds, shall be held responsible for  
152 actions contrary to this provision.

153         **SECTION 11.** The money herein appropriated shall be paid by  
154 the State Treasurer out of any money in the State Treasury to the  
155 credit of the proper fund or funds as set forth in this act, upon  
156 warrants issued by the State Fiscal Officer; and the State Fiscal  
157 Officer shall issue his warrants upon requisitions signed by the  
158 proper person, officer or officers, in the manner provided by law.

159         **SECTION 12.** This act shall take effect and be in force from  
160 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 SUPPORT AND  
2 MAINTENANCE OF THE MISSISSIPPI LIBRARY COMMISSION FOR THE FISCAL  
3 YEAR 2022.

SS15\HB1390A.J

Eugene S. Clarke  
Secretary of the Senate