

Senate Amendments to House Bill No. 1395

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 State Oil and Gas Board for the fiscal year beginning
9 July 1, 2021, and ending June 30, 2022.....
10\$ 1,985,904.00.

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 State Oil and Gas Board
14 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\$ 209,495.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Section 1, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	32
23		Part Time.....	0
24	Time-Limited:	Full Time.....	0
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 State Oil and Gas Board shall maintain complete accounting and
78 personnel records related to the expenditure of all funds
79 appropriated under this act and that such records shall be in the
80 same format and level of detail as maintained for Fiscal Year
81 2021. It is further the intention of the Legislature that the
82 agency's budget request for Fiscal Year 2023 shall be submitted to
83 the Joint Legislative Budget Committee in a format and level of
84 detail comparable to the format and level of detail provided
85 during the Fiscal Year 2022 budget request process.

86 **SECTION 5.** It is the intention of the Legislature that
87 whenever two (2) or more bids are received by this agency for the
88 purchase of commodities or equipment, and whenever all things
89 stated in such received bids are equal with respect to price,
90 quality and service, the Mississippi Industries for the Blind
91 shall be given preference. A similar preference shall be given to
92 the Mississippi Industries for the Blind whenever purchases are
93 made without competitive bids.

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.** This act shall take effect and be in force from
102 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 FROM GENERAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 STATE OIL AND GAS BOARD FOR THE FISCAL YEAR 2022.

SS15\HB1395A.J

Eugene S. Clarke
Secretary of the Senate