

Senate Amendments to House Bill No. 1397

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 Public Utilities Staff for the fiscal year
9 beginning July 1, 2021, and ending June 30, 2022.....
10\$ 2,012,368.00.

11 **SECTION 2.** The following sum, or so much of it as may be
12 necessary, is appropriated out of any money in the State Treasury
13 to the credit of the Public Utilities Application Fund, for the
14 purpose of defraying the expenses of the staff for the fiscal year
15 beginning July 1, 2021, and ending June 30, 2022.....
16\$ 375,000.00.

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

19 AUTHORIZED POSITIONS:

20	Permanent:	Full Time.....	23
21		Part Time.....	0

22 Time-Limited: Full Time..... 0
23 Part Time..... 0

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

48 escalated funds and the award of benchmarks. If, at the time the
49 agency takes any action to change "Personal Services," the State
50 Personnel Board determines that the agency has taken an action
51 which would cause the agency to exceed this projected annual cost
52 or the Fiscal Year 2022 "Personal Services" appropriated level,
53 when annualized, then only those actions which reduce the
54 projected annual cost and/or the appropriation requirement will be
55 processed by the State Personnel Board until such time as the
56 requirements of this provision are met.

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

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

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

74 **SECTION 4.** It is the intention of the Legislature that the
75 Public Utilities Staff shall maintain complete accounting and
76 personnel records related to the expenditure of all funds
77 appropriated under this act and that such records shall be in the
78 same format and level of detail as maintained for Fiscal Year
79 2021. It is further the intention of the Legislature that the
80 agency's budget request for Fiscal Year 2023 shall be submitted to
81 the Joint Legislative Budget Committee in a format and level of
82 detail comparable to the format and level of detail provided
83 during the Fiscal Year 2022 budget request process.

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

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

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

105 **SECTION 8.** This act shall take effect and be in force from
106 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 PUBLIC UTILITIES STAFF FOR FISCAL YEAR 2022.

SS15\HB1397A.J

Eugene S. Clarke
Secretary of the Senate