

**Senate Amendments to House Bill No. 1404**

**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, to the State Soil and Water  
8 Conservation Commission for the purpose of defraying the  
9 administrative expenses of the commission and carrying out the  
10 provisions of Section 69-27-1 et seq., Mississippi Code of 1972,  
11 for the fiscal year beginning July 1, 2021, and ending  
12 June 30, 2022.....\$           514,601.00.

13           **SECTION 2.** The following sum, or so much thereof as may be  
14 necessary, is appropriated out of any money in the special fund in  
15 the State Treasury to the credit of the State Soil and Water  
16 Conservation Commission which is comprised of special source funds  
17 collected by or otherwise available to the commission, for the  
18 purpose of defraying the expenses of the commission for the fiscal  
19 year beginning July 1, 2021, and ending June 30, 2022.....  
20 .....\$           7,750,104.00.

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

23       AUTHORIZED POSITIONS:

24	Permanent:	Full Time.....	9
25		Part Time.....	0
26	Time-Limited:	Full Time.....	6
27		Part Time.....	0

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

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

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

70 No general funds authorized to be expended herein shall be  
71 used to replace federal funds and/or other special funds which are

72 being used for salaries authorized under the provisions of this  
73 act and which are withdrawn and no longer available.

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

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

89 **SECTION 5.** The State Soil and Water Conservation Commission  
90 is authorized to retain all funds generated from the sale of  
91 equipment. Any funds made available from the sale of equipment  
92 shall be deposited into the special fund in the State Treasury to  
93 the credit of the Soil and Water Conservation Commission and shall  
94 be used solely for the purpose of purchasing equipment.

95 **SECTION 6.** The State Soil and Water Conservation Commission  
96 is authorized to receive, budget and expend any proceeds derived  
97 from the sale of bonds authorized in Section 69-27-331 et seq.,

98 Mississippi Code of 1972. All expenditures shall be in accordance  
99 with conditions provided in Section 69-27-331 et seq., Mississippi  
100 Code of 1972.

101       **SECTION 7.** Of the funds appropriated in Section 1, it is the  
102 intention of the Legislature that an amount not to exceed  
103 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose  
104 of funding a Beaver Control Cost Share program. The Mississippi  
105 Soil and Water Conservation Commission shall promulgate rules and  
106 regulations for the establishment and operation of the program on  
107 a fund matching basis with the county unit of government. Funds  
108 not expended or encumbered in a county may be transferred to  
109 another county during the fiscal year. Only those funds  
110 specifically appropriated for the Beaver Control Cost Share  
111 program shall be used in any such program.

112       **SECTION 8.** It is the intention of the Legislature that  
113 whenever two (2) or more bids are received by this agency for the  
114 purchase of commodities or equipment, and whenever all things  
115 stated in such received bids are equal with respect to price,  
116 quality and service, the Mississippi Industries for the Blind  
117 shall be given preference. A similar preference shall be given to  
118 the Mississippi Industries for the Blind whenever purchases are  
119 made without competitive bids.

120       **SECTION 9.** It is the intention of the Legislature that the  
121 funds herein appropriated shall be expended in compliance with  
122 Section 27-104-25, Mississippi Code of 1972, that no state agency  
123 shall incur obligations or indebtedness in excess of their

124 appropriation and that the responsible officers, either personally  
125 or upon their official bonds, shall be held responsible for  
126 actions contrary to this provision.

127         **SECTION 10.** The money herein appropriated shall be paid by  
128 the State Treasurer out of any money in the State Treasury to the  
129 credit of the proper fund or funds as set forth in this act, upon  
130 warrants issued by the State Fiscal Officer; and the State Fiscal  
131 Officer shall issue his warrants upon requisitions signed by the  
132 proper person, officer or officers, in the manner provided by law.

133         **SECTION 11.** This act shall take effect and be in force from  
134 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 STATE SOIL AND WATER CONSERVATION COMMISSION  
3 FOR THE FISCAL YEAR 2022.

SS15\HB1404A.J

Eugene S. Clarke  
Secretary of the Senate