

Senate Amendments to House Bill No. 1408

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 authorized and approved for expenditure out of any
7 funds which are received by or otherwise become available to the
8 Tombigbee River Valley Water Management District, for the purpose
9 of paying bond maturities, accrued interest, maintenance expenses,
10 project development costs, and any other authorized expenses of
11 the water management district, for the fiscal year beginning
12 July 1, 2021, and ending June 30, 2022.....\$ 8,644,060.00.

13 **SECTION 2.** Of the funds appropriated under the provisions of
14 Section 1, the following positions are authorized:

15 AUTHORIZED POSITIONS:

16	Permanent:	Full Time.....	16
17		Part Time.....	0
18	Time-Limited:	Full Time.....	0
19		Part Time.....	0

20 With the funds herein appropriated, it shall be the agency's
21 responsibility to make certain that funds required to be

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

48 or the Fiscal Year 2022 "Personal Services" appropriated level,
49 when annualized, then only those actions which reduce the
50 projected annual cost and/or the appropriation requirement will be
51 processed by the State Personnel Board until such time as the
52 requirements of this provision are met.

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

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

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

70 **SECTION 3.** It is the intention of the Legislature that the
71 Tombigbee River Valley Water Management District shall maintain
72 complete accounting and personnel records related to the
73 expenditure of all funds appropriated under this act and that such

74 records shall be in the same format and level of detail as
75 maintained for Fiscal Year 2021. It is further the intention of
76 the Legislature that the agency's budget request for Fiscal Year
77 2023 shall be submitted to the Joint Legislative Budget Committee
78 in a format and level of detail comparable to the format and level
79 of detail provided during the Fiscal Year 2022 budget request
80 process.

81 **SECTION 4.** It is the intention of the Legislature that
82 whenever two (2) or more bids are received by this agency for the
83 purchase of commodities or equipment, and whenever all things
84 stated in such received bids are equal with respect to price,
85 quality and service, the Mississippi Industries for the Blind
86 shall be given preference. A similar preference shall be given to
87 the Mississippi Industries for the Blind whenever purchases are
88 made without competitive bids.

89 **SECTION 5.** All monies in possession of the district in
90 excess of necessary operating funds shall be deposited with a bank
91 or banks selected by the board of directors of the district.
92 These funds shall be deposited in such bank or banks and in such
93 manner that interest earned shall be at least equal to interest
94 earnings on state funds deposited by the State Treasury.

95 **SECTION 6.** It is the intention of the Legislature that the
96 funds herein appropriated shall be expended in compliance with
97 Section 27-104-25, Mississippi Code of 1972, that no state agency
98 shall incur obligations or indebtedness in excess of their
99 appropriation and that the responsible officers, either personally

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

102 **SECTION 7.** The money herein approved for expenditure shall
103 be disbursed upon bank checks signed by the proper person, officer
104 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 APPROVING THE EXPENDITURE OF SPECIAL FUNDS FOR THE
2 PURPOSE OF DEFRAYING THE EXPENSES OF THE TOMBIGBEE RIVER VALLEY
3 WATER MANAGEMENT DISTRICT FOR THE FISCAL YEAR 2022.

SS15\HB1408A.J

Eugene S. Clarke
Secretary of the Senate