

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1405

BY: Committee

**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 Pat Harrison Waterway District, for the purpose of defraying the
9 expenses of the district for the fiscal year beginning
10 July 1, 2021, and ending June 30, 2022.....
11 \$ 5,709,112.00.

12 **SECTION 2.** Of the funds approved for expenditure under the
13 provisions of Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:



15	Permanent:	Full Time	48
16		Part Time	20
17	Time-Limited:	Full Time	0
18		Part Time	0

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



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

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

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



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

69 **SECTION 3.** It is the intention of the Legislature that the
70 Pat Harrison Waterway District shall maintain complete accounting
71 and personnel records related to the expenditure of all funds
72 appropriated under this act and that such records shall be in the
73 same format and level of detail as maintained for Fiscal Year
74 2021. It is further the intention of the Legislature that the
75 agency's budget request for Fiscal Year 2023 shall be submitted to
76 the Joint Legislative Budget Committee in a format and level of
77 detail comparable to the format and level of detail provided
78 during the Fiscal Year 2022 budget request process.

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

87 **SECTION 5.** The funds herein approved for expenditure, except
88 and less an amount approved by the State Fiscal Officer which
89 shall be sufficient to cover disbursements for current operations,



90 shall be deposited at interest with any official depository of the
91 state at a rate of interest numerically not less than one percent
92 (1%) below the bank discount rate on United States Treasury bills
93 of comparable maturity as determined by the State Treasurer.

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.** The money herein approved for expenditure shall
102 be disbursed upon bank checks signed by the proper person, officer
103 or officers, in the manner provided by law.

104 **SECTION 8.** This act shall take effect and be in force from
105 and after July 1, 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 PAT HARRISON WATERWAY
3 DISTRICT FOR THE FISCAL YEAR 2022.

