

Senate Amendments to House Bill No. 1610

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, 2022, and ending June 30, 2023.....
10\$ 2,101,016.00.

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, 2022, and ending June 30, 2023.....\$151,425.00.

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

18 AUTHORIZED POSITIONS:

19	Permanent:	Full Time.....	24
20		Part Time.....	0
21	Time-Limited:	Full Time.....	0

22 Part Time..... 0

23 With the funds herein appropriated, it shall be the agency's
24 responsibility to make certain that funds required for Personal
25 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
26 appropriated for that purpose unless programs or positions are
27 added to the agency's Fiscal Year 2023 budget by the Mississippi
28 Legislature. The Legislature shall determine the agency's
29 personal services appropriation, which shall be published by the
30 State Personnel Board. Additionally, the State Personnel Board
31 shall determine and publish the projected annualized payroll costs
32 based on current employees. It shall be the responsibility of the
33 agency head to ensure that actual personnel expenditures for
34 Fiscal Year 2023 do not exceed the data provided by the
35 Legislative Budget Office. If the agency's Fiscal Year 2023
36 projected cost exceeds the annualized costs, no salary actions
37 shall be processed by the State Personnel Board with the exception
38 of new hires that are determined to be essential for the agency.

39 Any transfers or escalations shall be made in accordance with
40 the terms, conditions and procedures established by law or
41 allowable under the terms set forth within this act. The State
42 Personnel Board shall not escalate positions without written
43 approval from the Department of Finance and Administration. The
44 Department of Finance and Administration shall not provide written
45 approval to escalate any funds for salaries and/or positions
46 without proof of availability of new or additional funds above the
47 appropriated level.

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51 act and which are withdrawn and no longer available.

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

56 Funds have been appropriated herein for the purpose of
57 funding Project SEC2 minimum salaries for all employees covered
58 under the Colonel Guy Groff/Neville Kenning Variable Compensation
59 Plan. It shall be the agency's responsibility to ensure that the
60 funds are used to increase all employees' salaries up to the
61 minimum level as determined by the State Personnel Board.

62 **SECTION 4.** It is the intention of the Legislature that the
63 Public Utilities Staff shall maintain complete accounting and
64 personnel records related to the expenditure of all funds
65 appropriated under this act and that such records shall be in the
66 same format and level of detail as maintained for Fiscal Year
67 2022. It is further the intention of the Legislature that the
68 agency's budget request for Fiscal Year 2024 shall be submitted to
69 the Joint Legislative Budget Committee in a format and level of
70 detail comparable to the format and level of detail provided
71 during the Fiscal Year 2023 budget request process.

72 **SECTION 5.** It is the intention of the Legislature that
73 whenever two (2) or more bids are received by this agency for the

74 purchase of commodities or equipment, and whenever all things
75 stated in such received bids are equal with respect to price,
76 quality and service, the Mississippi Industries for the Blind
77 shall be given preference. A similar preference shall be given to
78 the Mississippi Industries for the Blind whenever purchases are
79 made without competitive bids.

80 **SECTION 6.** It is the intention of the Legislature that the
81 funds herein appropriated shall be expended in compliance with
82 Section 27-104-25, Mississippi Code of 1972, that no state agency
83 shall incur obligations or indebtedness in excess of their
84 appropriation and that the responsible officers, either personally
85 or upon their official bonds, shall be held responsible for
86 actions contrary to this provision.

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

93 **SECTION 8.** This act shall take effect and be in force from
94 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1610A.J

Eugene S. Clarke
Secretary of the Senate