

Senate Amendments to House Bill No. 1617

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, 2022, and ending
12 June 30, 2023.....\$ 530,601.00.

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, 2022, and ending June 30, 2023.....
20\$ 24,911,796.00.

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.....	8
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 for Personal
30 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
31 appropriated for that purpose unless programs or positions are
32 added to the agency's Fiscal Year 2023 budget by the Mississippi
33 Legislature. The Legislature shall determine the agency's
34 personal services appropriation, which shall be published by the
35 State Personnel Board. Additionally, the State Personnel Board
36 shall determine and publish the projected annualized payroll costs
37 based on current employees. It shall be the responsibility of the
38 agency head to ensure that actual personnel expenditures for
39 Fiscal Year 2023 do not exceed the data provided by the
40 Legislative Budget Office. If the agency's Fiscal Year 2023
41 projected cost exceeds the annualized costs, no salary actions
42 shall be processed by the State Personnel Board with the exception
43 of new hires that are determined to be essential for the agency.

44 Any transfers or escalations shall be made in accordance with
45 the terms, conditions and procedures established by law or
46 allowable under the terms set forth within this act. The State

47 Personnel Board shall not escalate positions without written
48 approval from the Department of Finance and Administration. The
49 Department of Finance and Administration shall not provide written
50 approval to escalate any funds for salaries and/or positions
51 without proof of availability of new or additional funds above the
52 appropriated level.

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56 act and which are withdrawn and no longer available.

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

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

67 **SECTION 4.** It is the intention of the Legislature that the
68 State Soil and Water Conservation Commission shall maintain
69 complete accounting and personnel records related to the
70 expenditure of all funds appropriated under this act and that such
71 records shall be in the same format and level of detail as
72 maintained for Fiscal Year 2022. It is further the intention of

73 the Legislature that the agency's budget request for Fiscal Year
74 2024 shall be submitted to the Joint Legislative Budget Committee
75 in a format and level of detail comparable to the format and level
76 of detail provided during the Fiscal Year 2023 budget request
77 process.

78 **SECTION 5.** The State Soil and Water Conservation Commission
79 is authorized to retain all funds generated from the sale of
80 equipment. Any funds made available from the sale of equipment
81 shall be deposited into the special fund in the State Treasury to
82 the credit of the Soil and Water Conservation Commission and shall
83 be used solely for the purpose of purchasing equipment.

84 **SECTION 6.** The State Soil and Water Conservation Commission
85 is authorized to receive, budget and expend any proceeds derived
86 from the sale of bonds authorized in Section 69-27-331 et seq.,
87 Mississippi Code of 1972. All expenditures shall be in accordance
88 with conditions provided in Section 69-27-331 et seq., Mississippi
89 Code of 1972.

90 **SECTION 7.** Of the funds appropriated in Section 1, it is the
91 intention of the Legislature that an amount not to exceed
92 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose
93 of funding a Beaver Control Cost Share program. The Mississippi
94 Soil and Water Conservation Commission shall promulgate rules and
95 regulations for the establishment and operation of the program on
96 a fund matching basis with the county unit of government. Funds
97 not expended or encumbered in a county may be transferred to
98 another county during the fiscal year. Only those funds

99 specifically appropriated for the Beaver Control Cost Share
100 program shall be used in any such program.

101 **SECTION 8.** It is the intention of the Legislature that
102 whenever two (2) or more bids are received by this agency for the
103 purchase of commodities or equipment, and whenever all things
104 stated in such received bids are equal with respect to price,
105 quality and service, the Mississippi Industries for the Blind
106 shall be given preference. A similar preference shall be given to
107 the Mississippi Industries for the Blind whenever purchases are
108 made without competitive bids.

109 **SECTION 9.** It is the intention of the Legislature that the
110 funds herein appropriated shall be expended in compliance with
111 Section 27-104-25, Mississippi Code of 1972, that no state agency
112 shall incur obligations or indebtedness in excess of their
113 appropriation and that the responsible officers, either personally
114 or upon their official bonds, shall be held responsible for
115 actions contrary to this provision.

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

122 **SECTION 11.** This act shall take effect and be in force from
123 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 FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE SOIL AND WATER CONSERVATION COMMISSION
3 FOR THE FISCAL YEAR 2023.

SS15\HB1617A.J

Eugene S. Clarke
Secretary of the Senate