

Senate Amendments to House Bill No. 1601

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 hereby appropriated out of any money in the special
7 fund in the State Treasury to the credit of the State Board of
8 Optometry, for the purpose of defraying the expenses of the board
9 for the fiscal year beginning July 1, 2023, and ending
10 June 30, 2024.....\$ 204,784.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 this act, the following positions are authorized:

13 AUTHORIZED HEADCOUNT:
14 Permanent: 1
15 Time-Limited: 0

16 With the funds herein appropriated, it shall be the agency's
17 responsibility to make certain that funds required for Personal
18 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
19 appropriated for that purpose unless programs or positions are
20 added to the agency's Fiscal Year 2024 budget by the Mississippi
21 Legislature. The Legislature shall determine the agency's

22 personal services appropriation, which shall be published by the
23 State Personnel Board. Additionally, the State Personnel Board
24 shall determine and publish the projected annualized payroll costs
25 based on current employees. It shall be the responsibility of the
26 agency head to ensure that actual personnel expenditures for
27 Fiscal Year 2024 do not exceed the data provided by the
28 Legislative Budget Office. If the agency's Fiscal Year 2024
29 projected cost exceeds the annualized costs, no salary actions
30 shall be processed by the State Personnel Board with the exception
31 of new hires that are determined to be essential for the agency.

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

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44 act and which are withdrawn and no longer available.

45 None of the funds herein appropriated shall be used in
46 violation of Internal Revenue Service's Publication 15-A relating

47 to the reporting of income paid to contract employees, as
48 interpreted by the Office of the State Auditor.

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

55 **SECTION 3.** It is the intention of the Legislature that the
56 State Board of Optometry shall maintain complete accounting and
57 personnel records related to the expenditure of all funds
58 appropriated under this act and that such records shall be in the
59 same format and level of detail as maintained for Fiscal Year
60 2023. It is further the intention of the Legislature that the
61 agency's budget request for Fiscal Year 2025 shall be submitted to
62 the Joint Legislative Budget Committee in a format and level of
63 detail comparable to the format and level of detail provided
64 during the Fiscal Year 2024 budget request process.

65 **SECTION 4.** It is the intention of the Legislature that
66 whenever two (2) or more bids are received by this agency for the
67 purchase of commodities or equipment, and whenever all things
68 stated in such received bids are equal with respect to price,
69 quality and service, the Mississippi Industries for the Blind
70 shall be given preference. A similar preference shall be given to
71 the Mississippi Industries for the Blind whenever purchases are
72 made without competitive bids.

73 **SECTION 5.** It is the intention of the Legislature that the
74 Board of Optometry shall have the authority to escalate and expend
75 funds, which are comprised of special funds of the department, in
76 an amount not to exceed Fifty Thousand Dollars (\$50,000.00) for
77 the costs related to the relocation and furnishing of their office
78 for the period beginning July 1, 2023, and ending June 30, 2024.
79 The escalation of those funds and/or related transfers shall be in
80 accordance with procedures for federal fund escalations as
81 provided in Section 27-104-21, Mississippi Code 1972, and expended
82 for the purposes of performing such duties as set forth by law in
83 accordance with applicable rules and regulations of the State
84 Fiscal Officer.

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

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

98 **SECTION 8.** This act shall take effect and be in force from
99 and after July 1, 2023, and shall stand repealed June 29, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
3 STATE BOARD OF OPTOMETRY FOR THE FISCAL YEAR 2024.

SS15\HB1601A.J

Eugene S. Clarke
Secretary of the Senate