

Senate Amendments to House Bill No. 1789

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, 2024, and ending
12 June 30, 2025.....\$ 569,503.00.

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, 2024, and ending June 30, 2025.....
20\$ 24,774,057.00.

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

23 AUTHORIZED HEADCOUNT:

24 Permanent: 9

25 Time-Limited: 6

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required for Personal
28 Services for Fiscal Year 2026 do not exceed Fiscal Year 2025 funds
29 appropriated for that purpose unless programs or positions are
30 added to the agency's Fiscal Year 2025 budget by the Mississippi
31 Legislature. The Legislature shall determine the agency's personal
32 services appropriation, which the State Personnel Board shall
33 publish. In accordance with applicable laws, if an agency
34 determines that its personal services amount is insufficient, the
35 agency must contact the State Personnel Board. Any adjustment to
36 the personal services amount must be approved by the State
37 Personnel Director and the State Fiscal Officer after consultation
38 with the Legislative Budget Office. Any adjustment shall be
39 reported to the Legislative Budget Office and the House and Senate
40 Appropriations Chairmen. The agency's personal services
41 appropriation may consist of restricted funds for approved
42 vacancies for Fiscal Year 2025 that may not be utilized for active
43 Fiscal Year 2024 headcount. It shall be the agency's
44 responsibility to ensure that the funds provided for vacancies are
45 used to increase headcount and not for promotions, title changes,
46 in-range salary adjustments, or any other mechanism for increasing

47 salaries for current employees. If the State Personnel Board
48 determines that an agency has used provided vacancy funds for any
49 of the mechanisms previously listed, the State Personnel Board
50 shall not process any additional salary actions for the agency in
51 the current fiscal year, except for new hires determined by the
52 State Personnel Board to be essential for the agency. It is the
53 Legislature's intention that no employee salary falls below the
54 minimum salary established by the Mississippi State Personnel
55 Board.

56 Additionally, the State Personnel Board shall determine and
57 publish the projected annualized payroll costs based on current
58 employees. It shall be the responsibility of the agency head to
59 ensure that actual personnel expenditures for Fiscal Year 2025 do
60 not exceed the data provided by the Legislative Budget Office. If
61 the agency's projected cost for Fiscal Year 2025 exceeds the
62 annualized costs, no salary actions shall be processed by the
63 State Personnel Board except for new hires determined to be
64 essential for the agency.

65 Any transfers or escalations shall be made in accordance with
66 the terms, conditions, and procedures established by law or
67 allowable under the terms set forth within this act. The State
68 Personnel Board shall not escalate positions without written
69 approval from the Department of Finance and Administration. The
70 Department of Finance and Administration shall not provide written
71 approval to escalate any funds for salaries and/or positions

72 without proof of availability of new or additional funds above the
73 appropriated level.

74 No general funds authorized to be expended herein shall be
75 used to replace federal funds and/or other special funds used for
76 salaries authorized under the provisions of this act and which are
77 withdrawn and no longer available.

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

82 **SECTION 4.** It is the intention of the Legislature that the
83 State Soil and Water Conservation Commission shall maintain
84 complete accounting and personnel records related to the
85 expenditure of all funds appropriated under this act and that such
86 records shall be in the same format and level of detail as
87 maintained for Fiscal Year 2024. It is further the intention of
88 the Legislature that the agency's budget request for Fiscal Year
89 2026 shall be submitted to the Joint Legislative Budget Committee
90 in a format and level of detail comparable to the format and level
91 of detail provided during the Fiscal Year 2025 budget request
92 process.

93 **SECTION 5.** The State Soil and Water Conservation Commission
94 is authorized to retain all funds generated from the sale of
95 equipment. Any funds made available from the sale of equipment
96 shall be deposited into the special fund in the State Treasury to

97 the credit of the Soil and Water Conservation Commission and shall
98 be used solely for the purpose of purchasing equipment.

99 **SECTION 6.** The State Soil and Water Conservation Commission
100 is authorized to receive, budget and expend any proceeds derived
101 from the sale of bonds authorized in Section 69-27-331 et seq.,
102 Mississippi Code of 1972. All expenditures shall be in accordance
103 with conditions provided in Section 69-27-331 et seq., Mississippi
104 Code of 1972.

105 **SECTION 7.** It is the intention of the Legislature that
106 whenever two (2) or more bids are received by this agency for the
107 purchase of commodities or equipment, and whenever all things
108 stated in such received bids are equal with respect to price,
109 quality and service, the Mississippi Industries for the Blind
110 shall be given preference. A similar preference shall be given to
111 the Mississippi Industries for the Blind whenever purchases are
112 made without competitive bids.

113 **SECTION 8.** It is the intention of the Legislature that the
114 funds herein appropriated shall be expended in compliance with
115 Section 27-104-25, Mississippi Code of 1972, that no state agency
116 shall incur obligations or indebtedness in excess of their
117 appropriation and that the responsible officers, either personally
118 or upon their official bonds, shall be held responsible for
119 actions contrary to this provision.

120 **SECTION 9.** The money herein appropriated shall be paid by
121 the State Treasurer out of any money in the State Treasury to the
122 credit of the proper fund or funds as set forth in this act, upon

123 warrants issued by the State Fiscal Officer; and the State Fiscal
124 Officer shall issue his warrants upon requisitions signed by the
125 proper person, officer or officers, in the manner provided by law.

126 **SECTION 10.** This act shall take effect and be in force from
127 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

SS15\HB1789A.J

Amanda White
Secretary of the Senate