

**House Amendments to Senate Bill No. 3024**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE 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:**

11           **SECTION 1.** The following sum, or so much thereof as may be  
12 necessary, is hereby appropriated out of any money in the State  
13 General Fund not otherwise appropriated, for the purpose of  
14 defraying the expenses of the Mississippi Department of Revenue,  
15 including the Homestead Exemption Division, the Motor Vehicle  
16 Comptroller functions, the Alcoholic Beverage Control Division and  
17 the Bureau of Telecommunications, for the fiscal year beginning  
18 July 1, 2019, and ending June 30, 2020.....\$     40,648,823.00.

19           **SECTION 2.** The following sum, or so much thereof as may be  
20 necessary, is hereby appropriated out of any money in the special  
21 fund in the State Treasury to the credit of the Mississippi  
22 Department of Revenue which are collected by or otherwise become  
23 available for the purpose of defraying the expenses of the  
24 department for the fiscal year beginning July 1, 2019, and ending  
25 June 30, 2020.....\$     17,602,154.00.

26 **SECTION 3.** Of the funds appropriated under the provisions of  
 27 Sections 1 and 2, not more than the following amounts set forth  
 28 below shall be expended:

29 **GENERAL ADMINISTRATION**

30 FUNDING:

31	General Funds.....	\$	10,899,820.00
32	Special Funds.....		<u>12,982,664.00</u>
33	Total.....	\$	23,882,484.00

34 With the funds appropriated for this budget, it is the  
 35 intention of the Legislature that it shall be the agency's  
 36 responsibility to make certain that funds required to be  
 37 appropriated for "Personal Services" do not exceed the following  
 38 amount:.....\$ 10,329,970.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time.....	170
41		Part Time.....	0
42	Time-Limited:	Full Time.....	0
43		Part Time.....	0

44 **TAX ADMINISTRATION**

45 FUNDING:

46	General Funds.....	\$	5,445,199.00
47	Special Funds.....		<u>1,182,649.00</u>
48	Total.....	\$	6,627,848.00

49 With the funds appropriated for this budget, it is the  
 50 intention of the Legislature that it shall be the agency's  
 51 responsibility to make certain that funds required to be

52 appropriated for "Personal Services" do not exceed the following  
53 amount:.....\$ 6,426,288.00

54 AUTHORIZED POSITIONS:

55	Permanent:	Full Time.....	134
56		Part Time.....	0
57	Time-Limited:	Full Time.....	0
58		Part Time.....	0

59 **AUDIT**

60 FUNDING:

61	General Funds.....	\$ 7,965,032.00
62	Special Funds.....	<u>1,154,915.00</u>
63	Total.....	\$ 9,119,947.00

64 With the funds appropriated for this budget, it is the  
65 intention of the Legislature that it shall be the agency's  
66 responsibility to make certain that funds required to be  
67 appropriated for "Personal Services" do not exceed the following  
68 amount:.....\$ 7,732,662.00

69 AUTHORIZED POSITIONS:

70	Permanent:	Full Time.....	158
71		Part Time.....	0
72	Time-Limited:	Full Time.....	0
73		Part Time.....	0

74 **TAX ENFORCEMENT**

75 FUNDING:

76	General Funds.....	\$ 6,170,864.00
77	Special Funds.....	<u>851,718.00</u>

78 Total.....\$ 7,022,582.00

79 With the funds appropriated for this budget, it is the  
80 intention of the Legislature that it shall be the agency's  
81 responsibility to make certain that funds required to be  
82 appropriated for "Personal Services" do not exceed the following  
83 amount:.....\$ 5,979,833.00

84 AUTHORIZED POSITIONS:

85	Permanent:	Full Time.....	126
86		Part Time.....	0
87	Time-Limited:	Full Time.....	0
88		Part Time.....	0

89 **PROPERTY & MOTOR VEHICLE SERVICES**

90 FUNDING:

91	General Funds.....	\$ 3,366,684.00
92	Special Funds.....	<u>967,725.00</u>
93	Total.....	\$ 4,334,409.00

94 With the funds appropriated for this budget, it is the  
95 intention of the Legislature that it shall be the agency's  
96 responsibility to make certain that funds required to be  
97 appropriated for "Personal Services" do not exceed the following  
98 amount:.....\$ 3,289,112.00

99 AUTHORIZED POSITIONS:

100	Permanent:	Full Time.....	86
101		Part Time.....	0
102	Time-Limited:	Full Time.....	0
103		Part Time.....	0

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**ALCOHOL BEVERAGE CONTROL**

FUNDING:

General Funds.....	\$	6,801,224.00
Special Funds.....		<u>462,483.00</u>
Total.....	\$	7,263,707.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount:.....\$ 6,595,669.00

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	136
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases

130 this projected annual cost and/or the Fiscal Year 2020  
131 appropriations for "Personal Services" when annualized, with the  
132 exception of escalated funds and the award of benchmarks. If, at  
133 the time the agency takes any action to change "Personal  
134 Services," the State Personnel Board determines that the agency  
135 has taken an action which would cause the agency to exceed this  
136 projected annual cost or the Fiscal Year 2020 "Personal Services"  
137 appropriated level, when annualized, then only those actions which  
138 reduce the projected annual cost and/or the appropriation  
139 requirement will be processed by the State Personnel Board until  
140 such time as the requirements of this provision are met.

141 Any transfers or escalations shall be made in accordance with  
142 the terms, conditions and procedures established by law or  
143 allowable under the terms set forth within this act. The State  
144 Personnel Board shall not escalate positions without written  
145 approval from the Department of Finance and Administration. The  
146 Department of Finance and Administration shall not provide written  
147 approval to escalate any funds for salaries and/or positions  
148 without proof of availability of new or additional funds above the  
149 appropriated level.

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

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

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

158       **SECTION 4.** The Commissioner of the Department of Revenue  
159 shall have the authority to transfer from any funds appropriated  
160 herein from any program and salaries category, and if necessary  
161 their associated PINS, within the Department of Revenue to any  
162 other program of the Department of Revenue in an amount not to  
163 exceed twenty percent (20%) of the total amount of funds  
164 appropriated during Fiscal Year 2020.

165       **SECTION 5.** It shall be the duty of the Chairman of the  
166 Mississippi Department of Revenue, and he is hereby empowered to  
167 select in the manner provided by Section 27-3-13, Mississippi Code  
168 of 1972, such employees as may be necessary to the administration  
169 of all acts relating to the exemption of homesteads and the  
170 reimbursement of tax losses to the several taxing units of the  
171 state, and to assign them to the use of the Mississippi Department  
172 of Revenue.

173       **SECTION 6.** The money herein appropriated may be used for any  
174 expenses which the commission may legally incur. Provided,  
175 however, that no part of the money herein appropriated shall be  
176 used for the payment of attorney's fees, except upon  
177 recommendation of the Governor with the approval of the Attorney  
178 General, nor shall any of said funds be used either directly or  
179 indirectly for the purpose of paying any clerk, stenographer,  
180 assistant, deputy or other employee who may be related by blood or  
181 marriage within the third degree, computed by the rule of civil

182 law, to the official employing or having the right of employment  
 183 or selection thereof, except that when the relationship is by  
 184 affinity and the person is dead through whom the relationship was  
 185 established, this rule shall not apply. In the event of any such  
 186 payment, then the official or person approving and making such  
 187 payment shall be liable to return to the State of Mississippi and  
 188 to pay into the State Treasury to the credit of the General Fund  
 189 three (3) times any such amount so paid to be recovered at suit by  
 190 the Attorney General.

191 **SECTION 7.** In compliance with the "Mississippi Performance  
 192 Budget and Strategic Planning Act of 1994," it is the intent of  
 193 the Legislature that the funds provided herein shall be utilized  
 194 in the most efficient and effective manner possible to achieve the  
 195 intended mission of this agency. Based on the funding authorized,  
 196 this agency shall make every effort to attain the targeted  
 197 performance measures provided below:

198	FY2020
199 <u>Performance Measures</u>	<u>Target</u>
200 General Administration	
201       Average Cost per Return Processed (\$)	5.09
202       ROI - Revenue Collected per Dollar of	
203               Expense	108.75
204 Tax Administration	
205       Cost per Unit of Work (Item/Case/Call) (\$)	13.21
206       Cost per Call Center Call Answered (\$)	3.02
207 Audit	



208	Cost per Audit (\$)	1,142.25
209	Production per audit	3,892.06
210	Tax Enforcement	
211	Cost per Dollar Collected in Recovery	
212	Actions (\$)	0.07
213	Property & Motor Vehicle Services	
214	Cost per Homestead Exemption Application (\$)	3.95
215	Cost per Title Issued (\$)	3.17
216	Alcohol Beverage Control	
217	Cost per Case Shipped (\$)	1.71
218	ROI - GF Dollars Returned per Dollar of Cost	15.00
219	A reporting of the degree to which the performance targets	
220	set above have been or are being achieved shall be provided in the	
221	agency's budget request submitted to the Joint Legislative Budget	
222	Committee for Fiscal Year 2021.	
223	<b>SECTION 8.</b> The following sum, or so much thereof as may be	
224	necessary, is hereby appropriated out of any money in the State	
225	General Fund not otherwise appropriated, to the Mississippi	
226	Department of Revenue for the purpose of reimbursing the counties	
227	of the state, the road districts and school districts therein and	
228	the municipal separate school districts, for tax losses incurred	
229	by reason of the exemption of homes from certain ad valorem taxes	
230	under the provisions of Section 27-33-1 et seq., Mississippi Code	
231	of 1972, for the fiscal year beginning July 1, 2019, and ending	
232	June 30, 2020.....\$	80,625,992.00.

233           **SECTION 9.** Each county, road district, school district and  
234 municipal separate school district which has incurred a tax loss  
235 that is reimbursable under Section 8 of this act shall be  
236 reimbursed a sum which is equivalent to the amount of tax loss  
237 produced by the application of tax rates annually fixed for  
238 maintenance and current expenses to the assessed value of homes,  
239 or so much thereof as has been lawfully authorized under the  
240 provisions of Section 27-33-1 et seq., Mississippi Code of 1972.

241           The disbursements from the funds appropriated under the  
242 provisions of Section 8 shall be based upon the certificates  
243 required of the clerks of the county boards of supervisors and of  
244 the clerks of the municipalities, which certificates shall conform  
245 strictly in every respect to the requirements of the provisions of  
246 Section 27-33-1 et seq., Mississippi Code of 1972.

247           All disbursements from the funds appropriated under the  
248 provisions of Section 8 of this act shall be made strictly in  
249 accordance with the provisions of Section 27-33-1 et seq.,  
250 Mississippi Code of 1972, and no disbursements other than those  
251 clearly authorized by those sections shall be made, the provisions  
252 of any other law to the contrary notwithstanding.

253           **SECTION 10.** None of the funds appropriated under the  
254 provisions of Section 8 of this act may be distributed to any  
255 county, municipality, school district or other taxing district in  
256 which the assessed valuation of the taxing district has increased  
257 as a result of reappraisal of the property of the taxing district  
258 unless the governing board of the taxing district has published a

259 notice in a newspaper having a general circulation in the taxing  
260 district, stating the lower millage rate that would produce the  
261 same amount of revenue from ad valorem taxation on property of the  
262 taxing district that was produced in the fiscal year before the  
263 property of the taxing district was reappraised.

264         **SECTION 11.** The following sum, or so much thereof as may be  
265 necessary, is hereby appropriated out of any money in the State  
266 General Fund not otherwise appropriated, for the purchase and  
267 delivery of motor vehicle license tags for the fiscal year  
268 beginning July 1, 2019, and ending June 30, 2020.....  
269 .....\$ 3,247,190.00.

270         **SECTION 12.** It is the intention of the Legislature that  
271 whenever two (2) or more bids are received by this agency for the  
272 purchase of commodities or equipment, and whenever all things  
273 stated in such received bids are equal with respect to price,  
274 quality and service, the Mississippi Industries for the Blind  
275 shall be given preference. A similar preference shall be given to  
276 the Mississippi Industries for the Blind whenever purchases are  
277 made without competitive bids.

278         **SECTION 13.** None of the funds appropriated under the  
279 provisions of Sections 1 and 2 of this act shall be expended  
280 unless an advisory committee continues to coordinate, in an  
281 advisory capacity only, with the Department of Revenue in the  
282 determination of the collection of statistical data and  
283 information related to economic and tax policy. This advisory  
284 committee shall consist of the following members or their

285 designees: the Director of the Legislative Budget Office, the  
286 Director of the Joint Legislative PEER Committee, the State  
287 Economist, the President of the Mississippi Economic Council and  
288 the Director of the Mississippi Economic Policy Center.

289       **SECTION 14.** It is the intention of the Legislature that the  
290 Mississippi Department of Revenue shall maintain complete  
291 accounting and personnel records related to the expenditure of all  
292 funds appropriated under this act and that such records shall be  
293 in the same format and level of detail as maintained for Fiscal  
294 Year 2019. It is further the intention of the Legislature that  
295 the agency's budget request for Fiscal Year 2021 shall be  
296 submitted to the Joint Legislative Budget Committee in a format  
297 and level of detail comparable to the format and level of detail  
298 provided during the Fiscal Year 2020 budget request process.

299       **SECTION 15.** None of the funds appropriated in Section 11 of  
300 this act shall be expended to purchase motor vehicle license tags  
301 made or manufactured by any department, agency or instrumentality  
302 of a state other than the State of Mississippi. None of the funds  
303 appropriated in this section shall be used for the purchase of  
304 bolts, nuts or other fastening devices for attaching said motor  
305 vehicle license tags. Provided further, that all motor vehicles  
306 belonging to any state department, agency, commission, institution  
307 or any other division of state government shall have license tags  
308 which shall bear the words "State Property" at the bottom of such  
309 license tags.

310           **SECTION 16.** Of the funds appropriated in Section 2, the  
311 following sum, or so much thereof as may be necessary, is  
312 appropriated out of any money in the special fund in the State  
313 Treasury to the credit of the Mississippi Department of Revenue  
314 which is collected by or otherwise becomes available for the  
315 purpose of defraying the expenses of the department's contingent  
316 fee contracts, for the fiscal year beginning July 1, 2019, and  
317 ending June 30, 2020.....\$ 1,000,000.00.

318           **SECTION 17.** The funds appropriated in Section 16 of this act  
319 shall be derived from contracts entered into by the Department of  
320 Revenue that will be paid on a contingent fee basis, for services  
321 rendered to the Department of Revenue where the contracts are for  
322 the analysis of taxes, interest, or penalty or the reduction of  
323 refunds claimed, under which contracts the contingent fee shall be  
324 based on the actual amount of taxes, interest and/or penalties  
325 collected and/or the amount by which the claimed refund is  
326 reduced. In order to receive the funds appropriated in Section 16  
327 of this act, the Department of Revenue shall do the following:

328           (a) On or before July 15, 2019, and each succeeding  
329 month thereafter through July 15, 2020, deposit in the special  
330 fund in the State Treasury to the credit of the Mississippi  
331 Department of Revenue ten percent (10%) of any funds derived from  
332 work under a such contingent fee contract that would otherwise be  
333 paid into the General Fund, in an amount not to exceed One Million  
334 Dollars (\$1,000,000.00); and

335 (b) Publish an annual report setting forth the number  
336 of contracts entered into under this section, the total amount  
337 collected using the contingent fee contract, and the percentage of  
338 the contingency fee arrangement of each contract.

339 **SECTION 18.** Of the funds appropriated in Section 1 of this  
340 act, it is the intention of the Legislature that up to Eight  
341 Hundred Eleven Thousand Seven Hundred Forty Dollars (\$811,740.00)  
342 shall be allocated as follows: to the Municipal Court Collections  
343 Program Four Hundred Five Thousand Eight Hundred Seventy Dollars  
344 (\$405,870.00) and to the Justice Court Collections Program Four  
345 Hundred Five Thousand Eight Hundred Seventy Dollars (\$405,870.00)  
346 to be supported from General Fund court assessments.

347 **SECTION 19.** It is the intention of the Legislature that the  
348 funds herein appropriated shall be expended in compliance with  
349 Section 27-104-25, Mississippi Code of 1972, that no state agency  
350 shall incur obligations or indebtedness in excess of their  
351 appropriation and that the responsible officers, either personally  
352 or upon their official bonds, shall be held responsible for  
353 actions contrary to this provision.

354 **SECTION 20.** The money herein appropriated shall be paid by  
355 the State Treasurer out of any money in the State Treasury to the  
356 credit of the proper fund or funds as set forth in this act, upon  
357 warrants issued by the State Fiscal Officer; and the Fiscal  
358 Officer shall issue his warrants upon requisitions signed by the  
359 proper person, officer or officers, in the manner provided by law.

360           **SECTION 21.** This act shall take effect and be in force from  
361 and after July 1, 2019, and shall stand repealed on June 30, 2019.

HR13\SB3024A.J

Andrew Ketchings  
Clerk of the House of Representatives