

By: Senator(s) Hopson, Polk, Blackwell,
Frazier, Williams

To: Appropriations

SENATE BILL NO. 2947
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS FOR THE
2 SUPPORT OF THE STATE DEPARTMENT OF BANKING AND CONSUMER FINANCE
3 FOR FISCAL YEAR 2022.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum of money, or so much thereof as
6 may be necessary, is hereby appropriated out of any money in the
7 State Treasury to the credit of the State Department of Banking
8 and Consumer Finance, for the support of the State Department of
9 Banking and Consumer Finance, for the fiscal year beginning
10 July 1, 2021, and ending June 30, 2022..... \$ 11,517,996.00.

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

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time	86
15		Part Time	0
16	Time-Limited:	Full Time	0
17		Part Time	0



18 With the funds herein appropriated, it shall be the agency's
19 responsibility to make certain that funds required to be
20 appropriated for "Personal Services" for Fiscal Year 2023 do not
21 exceed Fiscal Year 2022 funds appropriated for that purpose unless
22 programs or positions are added to the agency's Fiscal Year 2022
23 budget by the Mississippi Legislature. Based on data provided by
24 the Legislative Budget Office, the State Personnel Board shall
25 determine and publish the projected annual cost to fully fund all
26 appropriated positions in compliance with the provisions of this
27 act. Absent a special situation or circumstance approved by the
28 State Personnel Board, or unless otherwise authorized by this act,
29 no state agency shall take any action to promote or otherwise
30 award salary increases through reallocation or realignment. If
31 the State Personnel Board determines a special situation or
32 circumstance exists and approves an action, then the agency and
33 the State Personnel Board shall provide a monthly report of each
34 action approved by the State Personnel Board to the Chairmen of
35 the Accountability, Efficiency and Transparency Committees of the
36 Senate and House of Representatives and the Chairmen of the
37 Appropriations Committees of the Senate and House of
38 Representatives. It shall be the responsibility of the agency
39 head to ensure that no single personnel action increases this
40 projected annual cost and/or the Fiscal Year 2022 appropriations
41 for "Personal Services" when annualized, with the exception of
42 escalated funds and the award of benchmarks. If, at the time the



43 agency takes any action to change "Personal Services," the State
44 Personnel Board determines that the agency has taken an action
45 which would cause the agency to exceed this projected annual cost
46 or the Fiscal Year 2022 "Personal Services" appropriated level,
47 when annualized, then only those actions which reduce the
48 projected annual cost and/or the appropriation requirement will be
49 processed by the State Personnel Board until such time as the
50 requirements of this provision are met.

51 Any transfers or escalations shall be made in accordance with
52 the terms, conditions and procedures established by law or
53 allowable under the terms set forth within this act. The State
54 Personnel Board shall not escalate positions without written
55 approval from the Department of Finance and Administration. The
56 Department of Finance and Administration shall not provide written
57 approval to escalate any funds for salaries and/or positions
58 without proof of availability of new or additional funds above the
59 appropriated level.

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

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



68 Funds have been appropriated herein for the purpose of
69 implementation and funding Project SEC2 of the Colonel Guy Groff
70 State Variable Compensation Plan beginning January 1, 2022, and
71 ending June 30, 2022. It shall be the agency's responsibility to
72 make certain that each person, excluding executive directors,
73 agency heads, and elected judges, shall receive no more than a 3%
74 annual increase in salary which shall not exceed the market rate
75 established by the State Personnel Board pursuant to the Colonel
76 Guy Groff State Variable Compensation Plan for each
77 classification.

78 **SECTION 3.** It is the intention of the Legislature that the
79 Department of Banking and Consumer Finance shall maintain complete
80 accounting and personnel records related to the expenditure of all
81 funds appropriated under this act and that such records shall be
82 in the same format and level of detail as maintained for Fiscal
83 Year 2021. It is further the intention of the Legislature that
84 the agency's budget request for Fiscal Year 2023 shall be
85 submitted to the Joint Legislative Budget Committee in a format
86 and level of detail comparable to the format and level of detail
87 provided during the Fiscal Year 2022 budget request process.

88 **SECTION 4.** It is the intention of the Legislature that
89 whenever two (2) or more bids are received by this agency for the
90 purchase of commodities or equipment, and whenever all things
91 stated in such received bids are equal with respect to price,
92 quality and service, the Mississippi Industries for the Blind



93 shall be given preference. A similar preference shall be given to
94 the Mississippi Industries for the Blind whenever purchases are
95 made without competitive bids.

96 **SECTION 5.** It is the intention of the Legislature that the
97 funds herein appropriated shall be expended in compliance with
98 Section 27-104-25, Mississippi Code of 1972, that no state agency
99 shall incur obligations or indebtedness in excess of their
100 appropriation and that the responsible officers, either personally
101 or upon their official bonds, shall be held responsible for
102 actions contrary to this provision.

103 **SECTION 6.** The money herein appropriated shall be paid by
104 the State Treasurer out of any money in the State Treasury to the
105 credit of the proper fund or funds as set forth in this act, upon
106 warrants issued by the State Fiscal Officer; and the State Fiscal
107 Officer shall issue his warrants upon requisitions signed by the
108 proper person, officer or officers in the manner provided by law.

109 **SECTION 7.** This act shall take effect and be in force from
110 and after July 1, 2021.

