

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

To: Appropriations

SENATE BILL NO. 2952
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 STATE PERSONNEL BOARD FOR FISCAL YEAR 2022.

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

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the State Personnel Board for the fiscal year
8 beginning July 1, 2021, and ending June 30, 2022.....
9 \$ 4,195,168.00.

10 **SECTION 2.** The following sum, or so much thereof as may be
11 necessary, is appropriated out of any money in the State Treasury
12 to the credit of the State Personnel Board for the purpose of
13 defraying the expenses for the fiscal year beginning July 1, 2021,
14 and ending June 30, 2022\$ 113,803.00.

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

17 AUTHORIZED POSITIONS:

18 Permanent: Full Time 41



19	Part Time	0
20	Time-Limited: Full Time	0
21	Part Time	0

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



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

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

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



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

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

82 **SECTION 4.** None of the funds appropriated under the
83 provisions of Section 1 of this act may be expended until the
84 State Personnel Board, based on data provided by the Legislative
85 Budget Office, determines and publishes the projected annual cost
86 to fully fund all appropriated positions for all agencies with
87 compliance language in their appropriation bills.

88 **SECTION 5.** It is the intention of the Legislature that the
89 State Personnel Board shall maintain complete accounting and
90 personnel records related to the expenditure of all funds
91 appropriated under this act and that such records shall be in the
92 same format and level of detail as maintained for Fiscal Year



93 2021. It is further the intention of the Legislature that the
94 agency's budget request for Fiscal Year 2023 shall be submitted to
95 the Joint Legislative Budget Committee in a format and level of
96 detail comparable to the format and level of detail provided
97 during the Fiscal Year 2022 budget request process.

98 **SECTION 6.** It is the intention of the Legislature that
99 whenever two (2) or more bids are received by this agency for the
100 purchase of commodities or equipment, and whenever all things
101 stated in such received bids are equal with respect to price,
102 quality and service, the Mississippi Industries for the Blind
103 shall be given preference. A similar preference shall be given to
104 the Mississippi Industries for the Blind whenever purchases are
105 made without competitive bids.

106 **SECTION 7.** Of the funds in Section 2, the following sum, or
107 so much thereof as may be necessary, is appropriated out of any
108 money in the State Treasury to the credit of the Capital Expense
109 Fund, for the purpose of defraying the expenses for the
110 implementation of ERP Success Factors and other equipment of the
111 State Personnel Board for the fiscal year beginning July 1, 2021,
112 and ending June 30, 2022\$ 113,803.00.

113 **SECTION 8.** The following sum, or so much thereof as may be
114 necessary, is hereby reappropriated out of any money in the State
115 General Fund not otherwise appropriated, for the State Personnel
116 Board for the purpose of reauthorizing the expenditure of State
117 General Funds, as authorized in SB 2973, 2020 Regular Session, to



118 provide additional funding for the development of the variable
119 compensation program for the fiscal year beginning July 1, 2021,
120 and ending June 30, 2022\$ 130,000.00.

121 Notwithstanding the amount reappropriated under the
122 provisions of this section, in no event shall the amount expended
123 exceed the unexpended balance as of June 30, 2021.

124 **SECTION 9.** It is the intention of the Legislature that the
125 funds herein appropriated shall be expended in compliance with
126 Section 27-104-25, Mississippi Code of 1972, that no state agency
127 shall incur obligations or indebtedness in excess of their
128 appropriation and that the responsible officers, either personally
129 or upon their official bonds, shall be held responsible for
130 actions contrary to this provision.

131 **SECTION 10.** The money herein appropriated shall be paid by
132 the State Treasurer out of any money in the State Treasury to the
133 credit of the proper fund or funds as set forth in this act, upon
134 warrants issued by the State Fiscal Officer, and the State Fiscal
135 Officer shall issue his warrants upon requisitions signed by the
136 proper person, officer or officers in the manner provided by law.

137 **SECTION 11.** This act shall take effect and be in force from
138 and after July 1, 2021.

