

By: Senator(s) Hopson, Polk, Turner-Ford,
Chism, DeLano, Norwood

To: Appropriations

SENATE BILL NO. 3042

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY TO DEFRAY THE EXPENSES OF THE MISSISSIPPI STATE
3 BOARD OF PUBLIC CONTRACTORS FOR FISCAL YEAR 2023.

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 Mississippi State Board of
8 Public Contractors, for the purpose of defraying the expenses of
9 said board, for the fiscal year beginning July 1, 2022, and ending
10 June 30, 2023 \$ 3,992,753.00.

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 | 16 |
| 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 for "Personal
20 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
21 funds appropriated for that purpose unless programs or positions
22 are added to the agency's Fiscal Year 2023 budget by the
23 Mississippi Legislature. The Legislature shall determine the
24 agency's personal services appropriation, which shall be published
25 by the State Personnel Board. Additionally, the State Personnel
26 Board shall determine and publish the projected annualized payroll
27 costs based on current employees. It shall be the responsibility
28 of the agency head to ensure that actual personnel expenditures
29 for Fiscal Year 2023 do not exceed the data provided by the
30 Legislative Budget Office. If the agency's Fiscal Year 2023
31 projected cost exceeds the annualized costs, no salary actions
32 shall be processed by the State Personnel Board with the exception
33 of new hires that are determined to be essential for the agency.

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



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46 act and which are withdrawn and no longer available.

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

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

57 **SECTION 3.** Of the funds appropriated in this act, it is the
58 intention of the Legislature that the State Board of Contractors
59 may expend funds not to exceed Two Million Three Hundred Thousand
60 Dollars (\$2,300,000.00) for the purpose of defraying the cost of
61 (1) enforcement as set forth in Section 31-3-21, Mississippi Code
62 of 1972, (2) enlisting of any private collection firm(s) to locate
63 and collect any uncollected fines, and (3) administrative costs
64 associated with collections. Any funds spent for this purpose
65 shall be subject to a performance audit if requested by the
66 Appropriations Chairmen in either the House or Senate.



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

75 **SECTION 5.** It is the intention of the Legislature that the
76 funds herein appropriated shall be expended in compliance with
77 Section 27-104-25, Mississippi Code of 1972, that no state agency
78 shall incur obligations or indebtedness in excess of their
79 appropriation and that the responsible officers, either personally
80 or upon their official bonds, shall be held responsible for
81 actions contrary to this provision.

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

88 **SECTION 7.** This act shall take effect and be in force from
89 and after July 1, 2022, and shall stand repealed from and after
90 June 30, 2022.

