MISSISSIPPI LEGISLATURE

23/SS26/A160SG

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## **REGULAR SESSION 2023**

By: Senator(s) Hopson, Polk, Blackwell, Simmons (13th), Williams To: Appropriations

SENATE BILL NO. 3043 (As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE 2 DEPARTMENT OF FINANCE AND ADMINISTRATION FOR FISCAL YEAR 2024. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: SECTION 1. The following sum, or so much thereof as may be 4 5 necessary, is hereby appropriated out of any money in the State 6 General Fund not otherwise appropriated, to defray the expenses of 7 the Department of Finance and Administration for the fiscal year 8 beginning July 1, 2023, and ending June 30, 2024..... .....\$ 38,573,425.00. 9 10 SECTION 2. The following sum, or so much thereof as may be 11 necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Department of Finance and 12 13 Administration for the purpose of defraying the expenses incurred in the operation of the various offices of the department for the 14 fiscal year beginning July 1, 2023, and ending June 30, 2024..... 15 .....\$ 815,562,024.00. 16 SECTION 3. Of the funds appropriated under the provisions of 17 18 this act, the following positions are authorized: ~ OFFICIAL ~ A1/2 S. B. No. 3043

19 AUTHORIZED HEADCOUNT:

20 Permanent: 341

21 Time-Limited: 1

22 With the funds herein appropriated, it shall be the agency's 23 responsibility to make certain that funds required for Personal 24 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds appropriated for that purpose unless programs or positions are 25 26 added to the agency's Fiscal Year 2024 budget by the Mississippi 27 Legislature. The Legislature shall determine the agency's 28 personal services appropriation, which the State Personnel Board 29 shall publish. The agency's personal services appropriation may 30 consist of restricted funds for approved vacancies for Fiscal Year 31 2024 that may not be utilized for active Fiscal Year 2023 32 Headcount. It shall be the agency's responsibility to ensure that 33 the funds provided for vacancies are used to increase headcount 34 and not for promotions, title changes, in-range salary adjustments 35 or any other mechanism for increasing salaries for current employees. It is the Legislature's intention that no employee 36 37 salary falls below the minimum salary established by the 38 Mississippi State Personnel Board.

Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If

44 the agency's Fiscal Year 2024 projected cost exceeds the 45 annualized costs, no salary actions shall be processed by the 46 State Personnel Board except for new hires determined to be 47 essential for the agency.

Any transfers or escalations shall be made in accordance with 48 49 the terms, conditions, and procedures established by law or 50 allowable under the terms set forth within this act. The State 51 Personnel Board shall not escalate positions without written 52 approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written 53 54 approval to escalate any funds for salaries and/or positions 55 without proof of availability of new or additional funds above the 56 appropriated level.

57 No general funds authorized to be expended herein shall be 58 used to replace federal funds and/or other special funds used for 59 salaries authorized under the provisions of this act and which are 60 withdrawn and no longer available.

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

65 SECTION 4. In addition to all other sums herein 66 appropriated, the following sum, or so much thereof as may be 67 necessary, is hereby appropriated out of any money in the Tort 68 Claims Trust Fund not otherwise appropriated, for the purpose of

defraying the expenses of the Tort Claims Board in the administration of the Tort Claims Act for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....\$ 6,552,495.00. SECTION 5. Of the funds appropriated under the provisions of this act, the following positions are authorized:

75 AUTHORIZED HEADCOUNT:

76 Permanent: 8

77 Time-Limited: 0

78 With the funds herein appropriated, it shall be the agency's 79 responsibility to make certain that funds required for Personal Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds 80 81 appropriated for that purpose unless programs or positions are 82 added to the agency's Fiscal Year 2024 budget by the Mississippi 83 Legislature. The Legislature shall determine the agency's 84 personal services appropriation, which the State Personnel Board 85 shall publish. The agency's personal services appropriation may consist of restricted funds for approved vacancies for Fiscal Year 86 87 2024 that may not be utilized for active Fiscal Year 2023 88 Headcount. It shall be the agency's responsibility to ensure that 89 the funds provided for vacancies are used to increase headcount 90 and not for promotions, title changes, in-range salary adjustments or any other mechanism for increasing salaries for current 91 92 employees. It is the Legislature's intention that no employee

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93 salary falls below the minimum salary established by the94 Mississippi State Personnel Board.

95 Additionally, the State Personnel Board shall determine and 96 publish the projected annualized payroll costs based on current 97 employees. It shall be the responsibility of the agency head to 98 ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If 99 the agency's Fiscal Year 2024 projected cost exceeds the 100 101 annualized costs, no salary actions shall be processed by the 102 State Personnel Board except for new hires determined to be 103 essential for the agency.

104 Any transfers or escalations shall be made in accordance with 105 the terms, conditions, and procedures established by law or 106 allowable under the terms set forth within this act. The State 107 Personnel Board shall not escalate positions without written 108 approval from the Department of Finance and Administration. The 109 Department of Finance and Administration shall not provide written 110 approval to escalate any funds for salaries and/or positions 111 without proof of availability of new or additional funds above the 112 appropriated level.

113 No general funds authorized to be expended herein shall be 114 used to replace federal funds and/or other special funds used for 115 salaries authorized under the provisions of this act and which are 116 withdrawn and no longer available.

S. B. No. 3043 23/SS26/A160SG PAGE 5 117 None of the funds herein appropriated shall be used in 118 violation of the Internal Revenue Service's Publication 15-A 119 relating to the reporting of income paid to contract employees, as 120 interpreted by the Office of the State Auditor.

SECTION 6. In addition to all other sums herein appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Commission on the Status of Women for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....\$ 44,125.00.

SECTION 7. In addition to all other sums herein appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Commission on the Status of Women for the purpose of defraying the expenses of the commission for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....\$ 3,135.00.

This appropriation is made for the purpose of providing funds to defray the expense of the Mississippi Commission on the Status of Women as established pursuant to Sections 43-59-1 through 43-59-14, Mississippi Code of 1972.

139 SECTION 8. Of the funds appropriated under the provisions of 140 Sections 6 and 7 of this act, the following positions are 141 authorized:

142 AUTHORIZED HEADCOUNT:

143 Permanent: 1

144 Time-Limited: 0

With the funds herein appropriated, it shall be the agency's 145 146 responsibility to make certain that funds required for Personal 147 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds appropriated for that purpose unless programs or positions are 148 149 added to the agency's Fiscal Year 2024 budget by the Mississippi 150 Legislature. The Legislature shall determine the agency's personal services appropriation, which the State Personnel Board 151 152 shall publish. The agency's personal services appropriation may 153 consist of restricted funds for approved vacancies for Fiscal Year 154 2024 that may not be utilized for active Fiscal Year 2023 155 Headcount. It shall be the agency's responsibility to ensure that 156 the funds provided for vacancies are used to increase headcount 157 and not for promotions, title changes, in-range salary adjustments 158 or any other mechanism for increasing salaries for current 159 employees. It is the Legislature's intention that no employee 160 salary falls below the minimum salary established by the 161 Mississippi State Personnel Board.

Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If

167 the agency's Fiscal Year 2024 projected cost exceeds the 168 annualized costs, no salary actions shall be processed by the 169 State Personnel Board except for new hires determined to be 170 essential for the agency.

171 Any transfers or escalations shall be made in accordance with 172 the terms, conditions, and procedures established by law or allowable under the terms set forth within this act. The State 173 174 Personnel Board shall not escalate positions without written 175 approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written 176 177 approval to escalate any funds for salaries and/or positions 178 without proof of availability of new or additional funds above the 179 appropriated level.

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

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

188 **SECTION 9.** In addition to all other sums herein 189 appropriated, the following sum, or so much thereof as may be 190 necessary, is appropriated out of any money in the State General 191 Fund for the purpose of defraying the expenses of State Property

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Insurance for the fiscal year beginning July 1, 2023, and ending June 30, 2024.....\$ 13,865,258.00.
SECTION 10. Of the funds herein appropriated, it is the intention of the Legislature that two (2) of the allotted
Full-Time Permanent Headcount in Section 3 of this act may be used for performing related administrative duties of the State Property
Insurance Program.

SECTION 11. In addition to all other sums herein 199 200 appropriated, the following sum, or so much thereof as may be 201 necessary, is appropriated out of any money in the State General 202 Fund not otherwise appropriated, to the Department of Finance and 203 Administration for the purpose of providing a grant to the 204 Mississippi Home Corporation, for the fiscal year beginning 205 July 1, 2023, and ending June 30, 2024.....\$ 1,810,227.00. 206 SECTION 12. The funds appropriated in Section 11 of this act 207 shall be targeted to individuals with disabilities or individuals 208 with serious mental illnesses who:

(1) Are being discharged from a state psychiatric hospital
after a stay of more than ninety (90) days; or, nursing facility,
or intermediate care facility for individuals with intellectual
disabilities after a stay of more than ninety (90) days; or
(2) Have been discharged from a state psychiatric hospital

214 within the last two (2) years; and

(a) Had multiple hospital visits in the last year due to mental illness; or

(b) Are known to the mental health or state-housing agency to have been arrested or incarcerated in the last year due to conduct related to mental illness; or

(c) Are known to the mental health or state-housing agency to have been homeless for one (1) full year or have had four (4) or more episodes of homelessness in the last three (3) years; or

(3) Lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who is exiting an institution where he or she resided for ninety (90) days or less and who resides in an emergency shelter or a place not meant for human habitation immediately before entering that institution.

Any funds appropriated herein to hire additional staff or employ staff shall only be used to implement this housing program.

SECTION 13. It is the intention of the Legislature that an annual financial report based upon the state's fiscal year shall be provided to the Attorney General, the Chairman of Senate Appropriations, the Chairman of House Appropriations, and the Legislative Budget Office.

SECTION 14. It is the intention of the Legislature that none of the funds appropriated under the provisions of this act for the Mississippi Home Corporation (MHC) shall be expended for the purpose of making a payment of any kind or for any purpose, directly or indirectly, to a member of the State of Mississippi

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Legislature, state official, MHC board member, or person who has been a member of the MHC within the last year.

243 SECTION 15. In addition to all other sums herein 244 appropriated, the following sum, or so much thereof as may be 245 necessary, is appropriated out of any money in the State General 246 Fund for the purpose of defraying the expenses of the Broadband 247 Expansion and Accessibility of Mississippi (BEAM) as established in Sections 77-19-1 through 77-19-17, Mississippi Code of 1972, 248 for the fiscal year beginning July 1, 2023, and ending June 30, 249 250 2024.....\$ 425,000.00. 251 SECTION 16. In addition to all other sums herein

252 appropriated, the following sum, or so much thereof as may be 253 necessary, is hereby appropriated out of any money in the State 254 Treasury to the credit of the Broadband Expansion and 255 Accessibility of Mississippi (BEAM) as established in Sections 256 77-19-1 through 77-19-17, Mississippi Code of 1972, for the 257 purpose of defraying the expenses of the commission for the fiscal 258 year beginning July 1, 2023, and ending June 30, 2024..... 259 .....\$ 197,622,243.00.

260 **SECTION 17.** Of the funds appropriated under the provisions 261 of Sections 15 and 16 of this act, the following positions are 262 authorized:

- AUTHORIZED HEADCOUNT:
- 264 Permanent: 6
- 265 Time-Limited: 0

S. B. No. 3043 23/SS26/A160SG PAGE 11 266 With the funds herein appropriated, it shall be the agency's 267 responsibility to make certain that funds required for Personal 268 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds 269 appropriated for that purpose unless programs or positions are 270 added to the agency's Fiscal Year 2024 budget by the Mississippi 271 Legislature. The Legislature shall determine the agency's 272 personal services appropriation, which the State Personnel Board The agency's personal services appropriation may 273 shall publish. 274 consist of restricted funds for approved vacancies for Fiscal Year 275 2024 that may not be utilized for active Fiscal Year 2023 276 Headcount. It shall be the agency's responsibility to ensure that 277 the funds provided for vacancies are used to increase headcount 278 and not for promotions, title changes, in-range salary adjustments 279 or any other mechanism for increasing salaries for current 280 employees. It is the Legislature's intention that no employee 281 salary falls below the minimum salary established by the 282 Mississippi State Personnel Board.

Additionally, the State Personnel Board shall determine and publish the projected annualized payroll costs based on current employees. It shall be the responsibility of the agency head to ensure that actual personnel expenditures for Fiscal Year 2024 do not exceed the data provided by the Legislative Budget Office. If the agency's Fiscal Year 2024 projected cost exceeds the annualized costs, no salary actions shall be processed by the

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S. B. No. 3043 23/SS26/A160SG PAGE 12 290 State Personnel Board except for new hires determined to be 291 essential for the agency.

292 Any transfers or escalations shall be made in accordance with 293 the terms, conditions, and procedures established by law or allowable under the terms set forth within this act. The State 294 295 Personnel Board shall not escalate positions without written 296 approval from the Department of Finance and Administration. The 297 Department of Finance and Administration shall not provide written 298 approval to escalate any funds for salaries and/or positions 299 without proof of availability of new or additional funds above the 300 appropriated level.

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

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

309 SECTION 18. It is the intention of the Legislature that the 310 Department of Finance and Administration shall maintain complete 311 accounting and personnel records related to the expenditure of all 312 funds appropriated under this act and that such records shall be 313 in the same format and level of detail as maintained for Fiscal 314 Year 2023. It is further the intention of the Legislature that

315 the agency's budget request for Fiscal Year 2025 shall be 316 submitted to the Joint Legislative Budget Committee in a format 317 and level of detail comparable to the format and level of detail 318 provided during the Fiscal Year 2024 budget request process.

319 SECTION 19. The department is authorized to expend available 320 funds on technology or equipment upgrades or replacements when it 321 will generate savings through efficiency or when the savings 322 generated from such upgrades or replacements exceed expenditures 323 thereof.

324 It is the intention of the Legislature that SECTION 20. 325 whenever two (2) or more bids are received by this agency for the 326 purchase of commodities or equipment, and whenever all things 327 stated in such received bids are equal with respect to price, 328 quality and service, the Mississippi Industries for the Blind 329 shall be given preference. A similar preference shall be given to 330 the Mississippi Industries for the Blind whenever purchases are 331 made without competitive bids.

332 SECTION 21. The Bureau of Building, Grounds and Real 333 Property Management of the Office of General Services is hereby 334 expressly authorized and empowered to receive, budget and expend 335 any state, local or other source funds designated for supplemental 336 funding of construction and/or repairs and renovation projects. 337 The Bureau of Building, Grounds and Real Property Management of 338 the Office of General Services shall not use any of the funds authorized in this section to pay salaries. For the purposes of 339

340 this section, the Bureau of Building, Grounds and Real Property 341 Management of the Office of General Services does not have the 342 authority to escalate from the Capital Expense Fund or the Working 343 Cash-Stabilization Reserve Fund.

344 SECTION 22. Of the funds appropriated in Section 2 of this 345 act, it is the intention of the Legislature that an amount not to 346 exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00) 347 is authorized to be expended for the purpose of transferring funds 348 to the Bureau of Building, Grounds and Real Property Management 349 for the administration of projects for the repair and maintenance 350 of state-owned buildings.

351 SECTION 23. A report based on expenditures incurred during 352 the current and immediate past fiscal years shall be provided to 353 the Legislative Budget Office each regularly scheduled legislative 354 This report should reflect expenditures as a result of session. 355 the operation of the Robert E. Lee Building, the Woolfolk State 356 Office Building, the Gartin and Sillers Buildings, the Capitol 357 Buildings, the Central High School Building, the Robert G. Clark, 358 Jr. Building and other state buildings, and this report should 359 contain any steps taken to reduce operating costs.

360 **SECTION 24.** It is the intention of the Legislature that no 361 state-owned aircraft shall be utilized by any person except for 362 official business only.

363 **SECTION 25.** Of the funds appropriated in Section 2 of this 364 act, an amount not to exceed One Hundred Thousand Dollars

365 (\$100,000.00) is authorized to be expended to defray any shortfall 366 in the Master Lease Purchase Program as defined in Section 367 31-7-10, Mississippi Code of 1972.

368 SECTION 26. Of the funds appropriated in Section 2 of this 369 act, Twenty Million Dollars (\$20,000,000.00) shall be expended 370 from the Capitol Complex Improvement District Project Fund, as 371 established in Section 29-5-215, Mississippi Code of 1972.

372 SECTION 27. Notwithstanding any other provision, the agency 373 shall have the authority to escalate its headcount for any 374 additional operational needs related to Coronavirus State Fiscal 375 Recovery Funds, upon approval of the Department of Finance and 376 Administration and the State Personnel Board.

377 SECTION 28. Of the funds appropriated in Section 2 of this 378 act, Five Hundred Fifty Thousand Dollars (\$550,000.00) or so much 379 thereof, shall be derived out of the 2022 Local Improvement Fund 380 to the credit of the Department of Finance and Administration. 381 The funds are provided for such purposes as follows: 382 To assist the Town of Learned with infrastructure needs (a) 383 and improvements.....\$ 100,000.00 384 To assist the Town of Utica with infrastructure (b)

improvements.....\$ 100,000.00
(c) To assist the Town of Bolton with infrastructure
improvements.....\$ 100,000.00
(d) To assist the Town of Edwards with infrastructure
improvements.....\$ 100,000.00

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390 To assist the Town of Raymond with infrastructure (e) 391 improvements.....\$ 100,000.00 392 To provide funds to Tishomingo County, Mississippi, with (f) 393 the Belmont Fire Department in paying equipment costs..... .....\$ 25,000.00 394 395 (g) To provide funds to Alcorn County, Mississippi, with the 396 Rienzi Fire Department in paying equipment costs....\$ 25,000.00 397 Any amounts allocated to a project that are in excess of that 398 needed to complete the project may be used for general repairs and renovations at state-owned facilities, universities, and community 399 400 colleges at the discretion of the Department of Finance and 401 Administration.

402 SECTION 29. In addition to all other sums herein 403 appropriated, the following sum, or so much thereof as may be 404 necessary, is hereby appropriated out of any money in the Capital 405 Expense Fund to the credit of the Department of Finance and 406 Administration for the purpose of repairs, renovations and 407 improvements of state-owned buildings for the fiscal year 408 beginning July 1, 2023, and ending June 30, 2024..... .....\$ 31,416,980.00. 409 410 SECTION 30. Of the funds appropriated in Section 29 of this 411 act, One Million Four Hundred Sixteen Thousand Nine Hundred Eighty Dollars (\$1,416,980.00) or so much thereof, shall be derived out 412 413 of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code 414

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415 of 1972, and allocated in a manner as determined by the 416 Treasurer's Office, for the repair, renovation, and improvement of 417 the Mississippi Workers' Compensation Commission building..... 418 .....\$ 1,416,980.00. 419 SECTION 31. Of the funds appropriated in Section 29 of this 420 act, Thirty Million Dollars (\$30,000,000.00) or so much thereof, 421 shall be derived out of any money in the State Treasury to the 422 credit of the Capital Expense Fund, as created in Section 423 27-103-303, Mississippi Code of 1972, and allocated in a manner as 424 determined by the Treasurer's Office, for the repair, renovation, 425 and improvement of state-owned properties, universities, and community colleges.....\$ 30,000,000.00. 426 427 SECTION 32. Of the funds in Section 2 of this act, Seven 428 Hundred Fifty-eight Million Forty-eight Thousand Dollars 429 (\$758,048,000.00), or so much thereof as may be necessary, shall 430 be derived out of the following funds in the State Treasury to the 431 credit of the Department of Finance and Administration: 432 2022 IHL Capital Improvements Fund.....\$ 193,252,000.00 (a) 433 2022 Community and Junior Colleges Capital Improvement (b) Fund.....\$ 40,000,000.00 434 435 (C) 2022 State Agencies Capital Improvements 436 Fund.....\$ 45,500,000.00 437 2023 Local Improvements Project Fund....\$ 371,896,000.00 (d) Statewide Repair and Renovation Fund....\$ 10,000,000.00 438 (e) DPS Headquarters Building Fund.....\$ 38,000,000.00 439 (f)

440 Declaration of Independence Fund.....\$ 4,000,000.00 (q) 441 2023 DeSoto County Infrastructure Improvements (h) Fund.....\$ 25,000,000.00 442 2023 Lafayette County Infrastructure Improvements 443 (i) 444 Fund.....\$ 15,000,000.00 445 (ij) Gulfport Commerce Corridor Fund.....\$ 15,400,000.00 446 The disbursements of funds by the Department of Finance and 447 Administration under the provisions of the general bill, House 448 Bill No. 603, 2023 Regular Session, are made pursuant to the 449 authority granted to the department to spend those funds by this 450 appropriation bill.

451 SECTION 33. Of the funds appropriated in Section 2 of this 452 act, Four Million Five Hundred Thousand Dollars (\$4,500,000.00), 453 or so much thereof, shall be derived out of any money in the State 454 Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972, and allocated in a 455 456 manner as determined by the Treasurer's Office to the Department 457 of Finance and Administration for the purpose of storage upgrades 458 to the MMRS system.

459 SECTION 34. It is the intention of the Legislature that the 460 funds herein appropriated shall be expended in compliance with 461 Section 27-104-25, Mississippi Code of 1972, that no state agency 462 shall incur obligations or indebtedness in excess of their 463 appropriation and that the responsible officers, either personally

464 or upon their official bonds, shall be held responsible for 465 actions contrary to this provision.

466 SECTION 35. The money herein appropriated shall be paid by 467 the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon 468 warrants issued by the State Fiscal Officer; and the State Fiscal 469 470 Officer shall issue his warrants upon requisitions signed by the 471 proper person, officer or officers, in the manner provided by law. 472 SECTION 36. This act shall take effect and be in force from 473 and after July 1, 2023.