

House Amendments to Senate Bill No. 3022

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:

12 **SECTION 1.** The following sum, or so much thereof as may be
13 necessary, is hereby appropriated out of any money in the State
14 General Fund not otherwise appropriated, for the purpose of
15 defraying the expenses of the Mississippi Department of Revenue,
16 including the Homestead Exemption Division, the Motor Vehicle
17 Comptroller functions, the Alcoholic Beverage Control Division
18 Liquor Distribution Center, and The Enforcement Division for the
19 fiscal year beginning July 1, 2023, and ending June 30, 2024.....
20\$ 46,255,283.00.

21 **SECTION 2.** The following sum, or so much thereof as may be
22 necessary, is hereby appropriated out of any money in the special
23 fund in the State Treasury to the credit of the Mississippi
24 Department of Revenue which are collected by or otherwise become
25 available for the purpose of defraying the expenses of the
26 department for the fiscal year beginning July 1, 2023, and ending
27 June 30, 2024.....\$ 22,318,648.00.

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

30 AUTHORIZED HEADCOUNT:

31 Permanent: 668

32 Time-Limited: 0

33 With the funds herein appropriated, it shall be the agency's
34 responsibility to make certain that funds required for Personal
35 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
36 appropriated for that purpose unless programs or positions are
37 added to the agency's Fiscal Year 2024 budget by the Mississippi
38 Legislature. The Legislature shall determine the agency's
39 personal services appropriation, which shall be published by the
40 State Personnel Board. Additionally, the State Personnel Board
41 shall determine and publish the projected annualized payroll costs
42 based on current employees. It shall be the responsibility of the
43 agency head to ensure that actual personnel expenditures for
44 Fiscal Year 2024 do not exceed the data provided by the
45 Legislative Budget Office. If the agency's Fiscal Year 2024
46 projected cost exceeds the annualized costs, no salary actions
47 shall be processed by the State Personnel Board with the exception
48 of new hires that are determined to be essential for the agency.

49 Any transfers or escalations shall be made in accordance with
50 the terms, conditions and procedures established by law or
51 allowable under the terms set forth within this act. The State
52 Personnel Board shall not escalate positions without written
53 approval from the Department of Finance and Administration. The

54 Department of Finance and Administration shall not provide written
55 approval to escalate any funds for salaries and/or positions
56 without proof of availability of new or additional funds above the
57 appropriated level.

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

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

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

72 **SECTION 4.** It shall be the duty of the Chairman of the
73 Mississippi Department of Revenue, and he is hereby empowered to
74 select in the manner provided by Section 27-3-13, Mississippi Code
75 of 1972, such employees as may be necessary to the administration
76 of all acts relating to the exemption of homesteads and the
77 reimbursement of tax losses to the several taxing units of the
78 state, and to assign them to the use of the Mississippi Department
79 of Revenue.

80 **SECTION 5.** The money herein appropriated may be used for any
81 expenses which the commission may legally incur. Provided,
82 however, that no part of the money herein appropriated shall be
83 used for the payment of attorney's fees, except upon
84 recommendation of the Governor with the approval of the Attorney
85 General, nor shall any of said funds be used either directly or
86 indirectly for the purpose of paying any clerk, stenographer,
87 assistant, deputy or other employee who may be related by blood or
88 marriage within the third degree, computed by the rule of civil
89 law, to the official employing or having the right of employment
90 or selection thereof, except that when the relationship is by
91 affinity and the person is dead through whom the relationship was
92 established, this rule shall not apply. In the event of any such
93 payment, then the official or person approving and making such
94 payment shall be liable to return to the State of Mississippi and
95 to pay into the State Treasury to the credit of the General Fund
96 three (3) times any such amount so paid to be recovered at suit by
97 the Attorney General.

98 **SECTION 6.** In compliance with the "Mississippi Performance
99 Budget and Strategic Planning Act of 1994," it is the intent of
100 the Legislature that the funds provided herein shall be utilized
101 in the most efficient and effective manner possible to achieve the
102 intended mission of this agency. Based on the funding authorized,
103 this agency shall make every effort to attain the targeted
104 performance measures provided below:

105 FY2024

106	<u>Performance Measures</u>	<u>Target</u>
107	Tax Administration	
108	Cost per Unit of Work (Item/Case/Call)	12.67
109	Cost per Call Center Call Answered	3.87
110	Audit	
111	Cost per Audit	932.14
112	Tax Production per Audit	5,909.09
113	Tax Enforcement	
114	Cost per Dollar Collected in Recovery	
115	Actions	0.06
116	General Administration	
117	Average Cost per Return Processed	4.95
118	ROI - Revenue Collected per Dollar of	
119	Expense	150.25
120	Property & Motor Vehicle Services	
121	Cost per Homestead Exemption Application	3.60
122	Cost per Title Issued	2.79
123	ABC Liquor Distribution Center	
124	Cost per Case Shipped	2.18
125	ROI - GF Dollars Returned per Dollar of Cost	14.05
126	Enforcement	
127	Number of Permits-Alcohol	2,400
128	Number of Permits-Medical Cannabis	130
129	Number of Violations-Medical Cannabis	20
130	Average Number of Days to Issue	
131	Permit-Alcohol	23

132	Average Number of Days to Issue	
133	Permit-Medical Cannabis	25
134	Enforcement and Permitting Cost Per	
135	Permit-Alcohol	1,387.70
136	Enforcement and Permitting Cost Per	
137	Permit-Medical Cannabis	4,388.44
138	Percent of Medical Cannabis Permits	
139	Receiving Administrative Action	5.00
140	Percent of Medical Cannabis Permits	
141	Receiving Criminal Action	10.00
142	Percent of Medical Cannabis Permits	
143	Inspected	100.00
144	Percent of Permit Applications	
145	Approved-Medical Cannabis	90.00

146 A reporting of the degree to which the performance targets
147 set above have been or are being achieved shall be provided in the
148 agency's budget request submitted to the Joint Legislative Budget
149 Committee for Fiscal Year 2025.

150 **SECTION 7.** In addition to all other sums herein
151 appropriated, the following sum, or so much thereof as may be
152 necessary, is hereby appropriated out of any money in the State
153 General Fund not otherwise appropriated, to the Mississippi
154 Department of Revenue for the purpose of reimbursing the counties
155 of the state, the road districts and school districts therein and
156 the municipal separate school districts, for tax losses incurred
157 by reason of the exemption of homes from certain ad valorem taxes

158 under the provisions of Section 27-33-1 et seq., Mississippi Code
159 of 1972, for the fiscal year beginning July 1, 2023, and ending
160 June 30, 2024.....\$ 92,000,000.00.

161 **SECTION 8.** Each county, road district, school district and
162 municipal separate school district which has incurred a tax loss
163 that is reimbursable under Section 7 of this act shall be
164 reimbursed a sum which is equivalent to the amount of tax loss
165 produced by the application of tax rates annually fixed for
166 maintenance and current expenses to the assessed value of homes,
167 or so much thereof as has been lawfully authorized under the
168 provisions of Section 27-33-1 et seq., Mississippi Code of 1972.

169 The disbursements from the funds appropriated under the
170 provisions of Section 7 of this act shall be based upon the
171 certificates required of the clerks of the county boards of
172 supervisors and of the clerks of the municipalities, which
173 certificates shall conform strictly in every respect to the
174 requirements of the provisions of Section 27-33-1 et seq.,
175 Mississippi Code of 1972.

176 All disbursements from the funds appropriated under the
177 provisions of Section 7 of this act shall be made strictly in
178 accordance with the provisions of Section 27-33-1 et seq.,
179 Mississippi Code of 1972, and no disbursements other than those
180 clearly authorized by those sections shall be made, the provisions
181 of any other law to the contrary notwithstanding.

182 **SECTION 9.** None of the funds appropriated under the
183 provisions of Section 7 of this act may be distributed to any

184 county, municipality, school district or other taxing district in
185 which the assessed valuation of the taxing district has increased
186 as a result of reappraisal of the property of the taxing district
187 unless the governing board of the taxing district has published a
188 notice in a newspaper having a general circulation in the taxing
189 district, stating the lower millage rate that would produce the
190 same amount of revenue from ad valorem taxation on property of the
191 taxing district that was produced in the fiscal year before the
192 property of the taxing district was reappraised.

193 **SECTION 10.** In addition to all other sums herein
194 appropriated, the following sum, or so much thereof as may be
195 necessary, is hereby appropriated out of any money in the State
196 Treasury to the credit of the Mississippi Department of Revenue -
197 License Tag Commission from any other special source funds made
198 available to the License Tag Commission, for the fiscal year
199 beginning July 1, 2023, and ending June 30, 2024.....
200\$ 4,200,000.00.

201 **SECTION 11.** None of the funds appropriated in Section 10 of
202 this act shall be expended to purchase motor vehicle license tags
203 made or manufactured by any department, agency or instrumentality
204 of a state other than the State of Mississippi. None of the funds
205 appropriated in this section shall be used for the purchase of
206 bolts, nuts or other fastening devices for attaching said motor
207 vehicle license tags. Provided further, that all motor vehicles
208 belonging to any state department, agency, commission, institution
209 or any other division of state government shall have license tags

210 which shall bear the words "Government" at the bottom of such
211 license tags.

212 **SECTION 12.** It is the intention of the Legislature that
213 whenever two (2) or more bids are received by this agency for the
214 purchase of commodities or equipment, and whenever all things
215 stated in such received bids are equal with respect to price,
216 quality and service, the Mississippi Industries for the Blind
217 shall be given preference. A similar preference shall be given to
218 the Mississippi Industries for the Blind whenever purchases are
219 made without competitive bids.

220 **SECTION 13.** It is the intention of the Legislature that the
221 Mississippi Department of Revenue shall maintain complete
222 accounting and personnel records related to the expenditure of all
223 funds appropriated under this act and that such records shall be
224 in the same format and level of detail as maintained for Fiscal
225 Year 2023. It is further the intention of the Legislature that
226 the agency's budget request for Fiscal Year 2025 shall be
227 submitted to the Joint Legislative Budget Committee in a format
228 and level of detail comparable to the format and level of detail
229 provided during the Fiscal Year 2024 budget request process.

230 **SECTION 14.** Of the funds appropriated in this act, it is the
231 intention of the Legislature that up to Eight Hundred Eleven
232 Thousand Seven Hundred Forty Dollars (\$811,740.00) shall be
233 allocated as follows: to the Municipal Court Collections Program
234 Four Hundred Five Thousand Eight Hundred Seventy Dollars
235 (\$405,870.00) and to the Justice Court Collections Program Four

236 Hundred Five Thousand Eight Hundred Seventy Dollars (\$405,870.00)
237 to be supported from General Fund court assessments.

238 **SECTION 15.** It is the intention of the Legislature that the
239 funds herein appropriated shall be expended in compliance with
240 Section 27-104-25, Mississippi Code of 1972, that no state agency
241 shall incur obligations or indebtedness in excess of their
242 appropriation and that the responsible officers, either personally
243 or upon their official bonds, shall be held responsible for
244 actions contrary to this provision.

245 **SECTION 16.** With the funds appropriated herein, the
246 Department of Revenue is authorized to make payment for expenses
247 incurred during Fiscal Years 2021 to Hilton Garden Inn Clinton,
248 MS, for the following amount.....\$ 2,848.00.

249 **SECTION 17.** The following sum, or so much thereof as may be
250 necessary, is reappropriated out of any money in the Capital
251 Expense Fund not otherwise appropriated for the Department of
252 Revenue for the purpose of reauthorizing the expenditure of
253 Capital Expense Funds, as authorized in SB 3024, 2022 Regular
254 Session to provide for the funding of IT infrastructure, facility
255 repairs, and equipment upgrades for the fiscal year beginning July
256 1, 2023, and ending June 30, 2024.....\$ 1,300,000.00.

257 Notwithstanding the amount reappropriated under this section,
258 the amount that may be expended under the authority of this
259 section, shall not exceed the unexpended balance of the funds
260 remaining as of June 30, 2023, from the amount authorized for the

261 previous fiscal year. In addition, this reappropriation shall not
262 change the purpose for which the funds were originally authorized.

263 **SECTION 18.** The following sum, or so much thereof as may be
264 necessary, is reappropriated out of any money in the Capital
265 Expense Fund not otherwise appropriated for the Department of
266 Revenue for the purpose of reauthorizing the expenditure of
267 Capital Expense Funds, as authorized in SB 3024, 2022 Regular
268 Session to provide to defray operational expenses relate to the
269 Mississippi Medical Cannabis Act for the fiscal year beginning
270 July 1, 2023, and ending June 30, 2024.....\$ 1,800,000.00.

271 Notwithstanding the amount reappropriated under this section,
272 the amount that may be expended under the authority of this
273 section, shall not exceed the unexpended balance of the funds
274 remaining as of June 30, 2023, from the amount authorized for the
275 previous fiscal year. In addition, this reappropriation shall not
276 change the purpose for which the funds were originally authorized.

277 **SECTION 19.** The following sum, or so much thereof as may be
278 necessary, is reappropriated out of any money in the Capital
279 Expense Fund not otherwise appropriated for the Department of
280 Revenue for the purpose of reauthorizing the expenditure of
281 Capital Expense Funds, as authorized in SB 3024, 2022 Regular
282 Session to comply with the provisions of SB 2844, 2022 Regular
283 Session related to contracting with a third party entity to
284 operate the Alcohol Beverage Control Liquor Distribution Center
285 for the fiscal year beginning July 1, 2023, and ending June 30,
286 2024.....\$ 1,920,000.00.

287 Notwithstanding the amount reappropriated under this section,
288 the amount that may be expended under the authority of this
289 section, shall not exceed the unexpended balance of the funds
290 remaining as of June 30, 2023, from the amount authorized for the
291 previous fiscal year. In addition, this reappropriation shall not
292 change the purpose for which the funds were originally authorized.

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

299 **SECTION 21.** This act shall take effect and be in force from
300 and after July 1, 2023, and shall stand repealed from and after
301 June 29, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI DEPARTMENT OF REVENUE, INCLUDING
3 THE HOMESTEAD EXEMPTION DIVISION, THE MOTOR VEHICLE COMPTROLLER
4 FUNCTIONS, THE ALCOHOLIC BEVERAGE CONTROL DIVISION LIQUOR
5 DISTRIBUTION CENTER, THE ENFORCEMENT DIVISION, AND FOR THE PURPOSE
6 OF REIMBURSING THE COUNTIES, COUNTY DISTRICTS AND MUNICIPAL
7 SEPARATE SCHOOL DISTRICTS FOR TAX LOSSES INCURRED BY REASON OF THE
8 EXEMPTION OF HOMES FROM CERTAIN AD VALOREM TAXES, AND FOR THE
9 PURPOSE OF PURCHASING MOTOR VEHICLE LICENSE TAGS FOR FISCAL YEAR
10 2024.

HR13\SB3022A.J

Andrew Ketchings
Clerk of the House of Representatives