

By: Representatives Read, Martinson,
Broomfield, Brown, Davis, Denny, Middleton,
Miles, Weathersby

To: Appropriations

HOUSE BILL NO. 1704

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI AUCTIONEERS COMMISSION FOR THE
3 FISCAL YEAR 2005.

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

5 SECTION 1. The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi Auctioneers Commission
8 for the purpose of defraying the expenses of the commission, for
9 the fiscal year beginning July 1, 2004, and ending June 30, 2005.

10 \$ 91,306.00.

11 SECTION 2. With the funds appropriated under the provisions
12 of Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	1
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 With the funds herein appropriated, it is the intention of
19 the Legislature that it shall be the agency's responsibility to
20 make certain that funds required to be appropriated for "Personal
21 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
22 funds appropriated for that purpose, unless programs or positions
23 are added to the agency's Fiscal Year 2006 budget by the
24 Mississippi Legislature. Based on data provided by the
25 Legislative Budget Office, the State Personnel Board shall
26 determine and publish the projected annual cost to fully fund all
27 appropriated positions in compliance with the provisions of this

28 act. It shall be the responsibility of the agency head to insure
29 that no single personnel action increases this projected annual
30 cost and/or the Fiscal Year 2005 appropriation for "Personal
31 Services" when annualized, with the exception of escalated funds.
32 If, at the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2005 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

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

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

53 Of the above funds, none may be expended by this act to
54 provide for any regulatory authority over livestock auctioneers
55 conducting sales for an individual of his own property.

56 **SECTION 3.** The funds authorized herein shall be used to fund
57 all operations of the agency with the following prohibitions:

58 (1) The agency shall not fill any current or future vacant
59 positions;

60 (2) The agency shall not take any action to promote or
61 otherwise award salary increases through reallocation,
62 reclassification, realignment, education benchmark, career ladder,
63 or any other means to increase salaries of employees or positions
64 except as allowed under the provisions set forth in House Bill No.
65 1279, 2004 Regular Legislative Session;

66 (3) The agency shall not expend funds for out-of-state
67 travel except as allowed under the provisions set forth in House
68 Bill No. 1279, 2004 Regular Legislative Session;

69 (4) The agency shall not expend funds for the purchase of or
70 contract for cellular phones, two-way radios or pagers, except for
71 support of employees in the Department of Public Safety and the
72 Bureau of Narcotics as recommended by Information Technology
73 Services or as allowed under the provisions set forth in House
74 Bill No. 1279, 2004 Regular Legislative Session;

75 (5) The agency shall not expend funds to publish or
76 distribute any annual reports or other publications;

77 (6) The agency shall not expend funds for public relation
78 activities regarding the functions, programs or services of the
79 agency except as allowed under the provisions set forth in House
80 Bill No. 1279, 2004 Regular Legislative Session;

81 (7) The agency shall not advertise the functions, programs
82 or services of the agency except that the Mississippi Development
83 Authority is authorized to expend funds for advertising to carry
84 out the purposes of key programs administered by the authority;

85 (8) The agency shall not expend funds for staff development
86 or training services;

87 (9) The agency shall not expend funds for the purchase of
88 new or replacement equipment or furniture, excluding lease
89 purchase payments on agreements in effect upon passage of this
90 appropriation bill, except as allowed under the provisions set
91 forth in House Bill No. 1279, 2004 Regular Legislative Session.

92 **SECTION 4.** It is the intention of the Legislature that none
93 of the funds appropriated above shall be expended unless members
94 of the Mississippi House of Representatives and Mississippi Senate
95 are notified at least five (5) days prior to a public ceremony
96 announcing the award of any grant in their district or any public
97 announcement or ceremony regarding the groundbreaking or opening
98 of a facility, roadway or bridge for which the Legislature has
99 made funds available. Any signage regarding any public event or
100 any new facility, roadway or bridge shall include the following
101 language: "Funds were made available for this project by the
102 Mississippi State Legislature."

103 **SECTION 5.** It is the intention of the Legislature that the
104 Mississippi Auctioneers Commission shall maintain complete
105 accounting and personnel records related to the expenditure of all
106 funds appropriated under this act and that such records shall be
107 in the same format and level of detail as maintained for Fiscal
108 Year 2004. It is further the intention of the Legislature that
109 the agency's budget request for Fiscal Year 2006 shall be
110 submitted to the Joint Legislative Budget Committee in a format
111 and level of detail comparable to the format and level of detail
112 provided during the Fiscal Year 2005 budget request process.

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

119 **SECTION 7.** This act shall take effect and be in force from
120 and after July 1, 2004.