

By: Senator(s) Gordon, Little, Gollott,  
Kirby, Moffatt, Thames

To: Appropriations

SENATE BILL NO. 3152

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY TO DEFRAY THE EXPENSES OF THE MISSISSIPPI MOTOR  
3 VEHICLE COMMISSION FOR FISCAL YEAR 2005.

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 Motor Vehicle  
8 Commission, as provided by Section 63-17-51 et seq., Mississippi  
9 Code of 1972, for the purpose of defraying the expenses of said  
10 Commission, for the fiscal year beginning July 1, 2004, and ending  
11 June 30, 2005..... \$ 237,000.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of  
13 Section 1, not more than the amounts set forth below shall be  
14 expended for the respective major objects or purposes of  
15 expenditure:

16 MAJOR OBJECTS OF EXPENDITURE:

17	Personal Services:		
18	Salaries, Wages and Fringe Benefits..	\$	157,986.00
19	Travel and Subsistence.....		15,000.00
20	Contractual Services.....		58,014.00
21	Commodities.....		6,000.00
22	Capital Outlay:		
23	Other Than Equipment.....		0.00
24	Equipment.....		0.00
25	Subsidies, Loans and Grants.....		0.00
26	Total.....	\$	237,000.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	3
29		Part Time.....	0
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

32 With the funds herein appropriated, it is the intention of  
33 the Legislature that it shall be the agency's responsibility to  
34 make certain that funds required to be appropriated for "Personal  
35 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
36 funds appropriated for that purpose, unless programs or positions  
37 are added to the agency's Fiscal Year 2006 budget by the  
38 Mississippi Legislature. Based on data provided by the  
39 Legislative Budget Office, the State Personnel Board shall  
40 determine and publish the projected annual cost to fully fund all  
41 appropriated positions in compliance with the provisions of this  
42 act. It shall be the responsibility of the agency head to insure  
43 that no single personnel action increases this projected annual  
44 cost and/or the Fiscal Year 2005 appropriation for "Personal  
45 Services" when annualized, with the exception of escalated funds.  
46 If, at the time the agency takes any action to change "Personal  
47 Services," the State Personnel Board determines that the agency  
48 has taken an action which would cause the agency to exceed this  
49 projected annual cost or the Fiscal Year 2005 "Personal Services"  
50 appropriated level, when annualized, then only those actions which  
51 reduce the projected annual cost and/or the appropriation  
52 requirement will be processed by the State Personnel Board until  
53 such time as the requirements of this provision are met.

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

61 without proof of availability of new or additional funds above the  
62 appropriated level.

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

67 **SECTION 3.** It is the intention of the Legislature that none  
68 of the funds appropriated under the provisions of this act shall  
69 be expended to defray any expenses of the Motor Vehicle Commission  
70 if said commission takes any official actions during Fiscal Year  
71 2005 that serve directly or indirectly to reduce the payment to  
72 the State General Fund of any sales tax on motor vehicles sold  
73 within the State of Mississippi.

74 It is further the intention of the Legislature that if such  
75 actions are taken by the Motor Vehicle Commission during Fiscal  
76 Year 2005, the executive director and commission members shall be  
77 held personally liable for repayment of any funds expended under  
78 the provisions of this act with said repayment to be made to the  
79 State General Fund. The Attorney General is hereby authorized and  
80 directed to undertake appropriate legal action to enforce the  
81 provisions of this act and to recover said funds.

82 **SECTION 4.** 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 5.** This act shall take effect and be in force from  
89 and after July 1, 2004.