

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

To: Appropriations

SENATE BILL NO. 3152
(As Sent to Governor)

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..... \$ 258,872.00.

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..	\$	179,858.00
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.....	\$	258,872.00

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.