

**House Amendments to Senate Bill No. 3106**

**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:**

4       **SECTION 1.** The following sum of money, or so much thereof as  
5 may be necessary, is hereby appropriated out of any money in the  
6 State General Fund not otherwise appropriated, to defray the  
7 expenses of the Department of Finance and Administration for the  
8 fiscal year beginning July 1, 2004, and ending June 30, 2005  
9 ..... \$     11,019,232.00.

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  
12 Treasury to the credit of the Department of Finance and  
13 Administration for the purpose of defraying the expenses incurred  
14 in the operation of the various offices of the department for the  
15 fiscal year beginning July 1, 2004, and ending June 30, 2005.....  
16 ..... \$     15,985,769.00.

17       **SECTION 3.** With the funds appropriated under the provisions  
18 of Sections 1 and 2, the following positions are authorized:

19       **AUTHORIZED POSITIONS:**

20	Permanent:	Full Time.....	319
21		Part Time.....	2
22	Time-Limited:	Full Time.....	1
23		Part Time.....	0

24       Provided that a report based on expenditures incurred during  
25 the current and immediate-past fiscal years shall be provided to  
26 each regularly scheduled legislative session. This report should  
27 reflect expenditures as a result of the operation of the Robert E.  
28 Lee Building, the Woolfolk State Office Building, the Gartin and  
29 Sillers Buildings, the Capitol Buildings, the Central High School

30 Building, the 301 Building and other state buildings, and this  
31 report should contain any steps taken to reduce operating costs.

32 It is also the intention of the Legislature that no  
33 state-owned aircraft shall be utilized by any person except for  
34 official business only.

35 **SECTION 4.** In addition to all other sums herein  
36 appropriated, the following sum, or so much thereof as may be  
37 necessary, is hereby appropriated out of any money in the special  
38 fund in the State Treasury to the credit of the Tort Claims Fund  
39 for the purpose of defraying the expenses of the Tort Claims Board  
40 in the administration of the Tort Claims Act for the fiscal year  
41 beginning July 1, 2004, and ending June 30, 2005.....  
42 ..... \$ 9,350,126.00.

43 **SECTION 5.** With the funds appropriated under the provisions  
44 of Section 4, the following positions are authorized:

45 AUTHORIZED POSITIONS:

46	Permanent:	Full Time.....	6
47		Part Time.....	0
48	Time-Limited:	Full Time.....	0
49		Part Time.....	0

50 **SECTION 6.** Of the funds appropriated under the provisions of  
51 Section 4, the following sum or so much thereof as may be  
52 necessary is hereby appropriated out of any money in the State  
53 Treasury to the credit of the Medical Malpractice Fund for the  
54 purpose of defraying the expenses of the Tort Claims Board in  
55 administering the Medical Malpractice Insurance Availability Plan,  
56 for the fiscal year beginning July 1, 2004, and ending June 30,  
57 2005..... \$ 250,000.00.

58 **SECTION 7.** With the funds herein appropriated, it is the  
59 intention of the Legislature that it shall be the agency's  
60 responsibility to make certain that funds required to be  
61 appropriated for "Personal Services" for Fiscal Year 2006 do not  
62 exceed Fiscal Year 2005 funds appropriated for that purpose,  
63 unless programs or positions are added to the agency's Fiscal Year  
64 2006 budget by the Mississippi Legislature. Based on data

65 provided by the Legislative Budget Office, the State Personnel  
66 Board shall determine and publish the projected annual cost to  
67 fully fund all appropriated positions in compliance with the  
68 provisions of this act. It shall be the responsibility of the  
69 agency head to insure that no single personnel action increases  
70 this projected annual cost and/or the Fiscal Year 2005  
71 appropriation for "Personal Services" when annualized, with the  
72 exception of escalated funds. If, at the time the agency takes  
73 any action to change "Personal Services," the State Personnel  
74 Board determines that the agency has taken an action which would  
75 cause the agency to exceed this projected annual cost or the  
76 Fiscal Year 2005 "Personal Services" appropriated level, when  
77 annualized, then only those actions which reduce the projected  
78 annual cost and/or the appropriation requirement will be processed  
79 by the State Personnel Board until such time as the requirements  
80 of this provision are met.

81 Any transfers or escalations shall be made in accordance with  
82 the terms, conditions and procedures established by law or  
83 allowable under the terms set forth within this act. The State  
84 Personnel Board shall not escalate positions without written  
85 approval from the Department of Finance and Administration. The  
86 Department of Finance and Administration shall not provide written  
87 approval to escalate any funds for salaries and/or positions  
88 without proof of availability of new or additional funds above the  
89 appropriated level.

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

94 **SECTION 8.** The funds authorized herein shall be used to fund  
95 all operations of the agency with the following prohibitions:

96 (1) The agency shall not fill any current or future vacant  
97 positions;

98 (2) The agency shall not take any action to promote or  
99 otherwise award salary increases through reallocation,

100 reclassification, realignment, education benchmark, career ladder,  
101 or any other means to increase salaries of employees or positions  
102 except as allowed under the provisions set forth in House Bill No.  
103 1279, 2004 Regular Session;

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

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

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

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

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

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

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

130 **SECTION 9.** It is the intention of the Legislature that none  
131 of the funds appropriated above shall be expended unless members  
132 of the Mississippi House of Representatives and Mississippi Senate  
133 are notified at least five (5) days prior to a public ceremony  
134 announcing the award of any grant in their district or any public

135 announcement or ceremony regarding the groundbreaking or opening  
136 of a facility, roadway or bridge for which the Legislature has  
137 made funds available. Any signage regarding any public event or  
138 any new facility, roadway or bridge shall include the following  
139 language: "Funds were made available for this project by the  
140 Mississippi State Legislature."

141 **SECTION 10.** The Bureau of Building, Grounds and Real  
142 Property Management of the Office of General Services is hereby  
143 expressly authorized and empowered to receive, budget and expend  
144 any state, local or other source funds designated for supplemental  
145 funding of construction and/or repairs and renovation projects.

146 **SECTION 11.** Of the funds appropriated in Section 2, the  
147 following amounts are authorized to be spent out of the Local  
148 Disaster Loan Fund No. 3144 by the Department of Finance and  
149 Administration:

150 (a) Sixty Thousand Dollars (\$60,000.00) for premium  
151 payments for flood insurance on state-owned facilities.

152 (b) One Hundred Sixty-five Thousand Dollars  
153 (\$165,000.00) for the purpose of defraying the cost of the Office  
154 of Air Transport Services.

155 **SECTION 12.** Of the funds appropriated under the provisions  
156 of Section 2, the following amounts are authorized to be spent out  
157 of the Statewide Cost Allocation Fund No. 3143 by the Department  
158 of Finance and Administration:

159 (a) Three Hundred Two Thousand Fifty Dollars (\$302,050.00)  
160 for the purpose of defraying computer expenses.

161 (b) Eight Hundred Eleven Thousand Five Hundred Ninety-four  
162 Dollars (\$811,594.00) for the purpose of defraying the  
163 cost of the acquisition, development and implementation  
164 of the Statewide Automated Accounting System, which  
165 includes implementation and operation of an  
166 imaging/electronic processing system and records  
167 management.

168 (c) One Million One Hundred Eighty-six Thousand Three  
169 Hundred Fifty-six Dollars (\$1,186,356.00) for the

170           purpose of defraying the expenses of administering the  
171           Statewide Cost Allocation Plan and utility costs of the  
172           Capitol Complex and expenses of Air Transport Services.

173           **SECTION 13.** It is the intention of the Legislature that the  
174 Department of Finance and Administration shall maintain complete  
175 accounting and personnel records related to the expenditure of all  
176 funds appropriated under this act and that such records shall be  
177 in the same format and level of detail as maintained for Fiscal  
178 Year 2004. It is further the intention of the Legislature that  
179 the agency's budget request for Fiscal Year 2006 shall be  
180 submitted to the Joint Legislative Budget Committee in a format  
181 and level of detail comparable to the format and level of detail  
182 provided during the Fiscal Year 2005 budget request process.

183           **SECTION 14.** It is the intention of the Legislature that the  
184 Department of Finance and Administration is hereby authorized to  
185 accept, budget and expend funds, not to exceed Five Hundred  
186 Thousand Dollars (\$500,000.00), from any source in accordance with  
187 rules and regulations of the Department of Finance and  
188 Administration in a manner consistent with the escalation of  
189 federal funds.

190           **SECTION 15.** It is the intention of the Legislature that the  
191 Tort Claims Board shall have the authority to accept, budget and  
192 expend funds not to exceed Twelve Million Dollars (\$12,000,000.00)  
193 out of funds received contingent upon the passage of House Bill  
194 No. 1569, 2004 Regular Session, for the purpose of administering  
195 the Medical Malpractice Insurance Availability Plan. Such funds  
196 are to be escalated in accordance with procedures for federal fund  
197 escalations as established in Section 27-104-21, Mississippi Code  
198 of 1972, and expended for the purposes of performing such duties  
199 as set forth by law in accordance with applicable rules and  
200 regulations of the State Fiscal Officer.

201           **SECTION 16.** The money herein appropriated shall be paid by  
202 the State Treasurer out of any money in the State Treasury to the  
203 credit of the proper fund or funds as set forth in this act, upon  
204 warrants issued by the State Fiscal Officer; and the State Fiscal

205 Officer shall issue his warrants upon requisitions signed by the  
206 proper person, officer or officers, in the manner provided by law.

207         **SECTION 17.** This act shall take effect and be in force from  
208 and after July 1, 2004.

HR05\SB3106A.J

Don Richardson  
Clerk of the House of Representatives