

House Amendments to Senate Bill No. 3128

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:

11 **SECTION 1.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the State
13 General Fund not otherwise appropriated, for the purpose of
14 defraying the expenses of the State Tax Commission, including the
15 Homestead Exemption Division, the Motor Vehicle Comptroller
16 functions, the Alcoholic Beverage Control Division and the Bureau
17 of Telecommunications for the fiscal year beginning July 1, 2004,
18 and ending June 30, 2005..... \$ 40,457,472.00.

19 **SECTION 2.** The following sum, or so much thereof as may be
20 necessary, is hereby appropriated out of any money in the special
21 fund in the State Treasury to the credit of the State Tax
22 Commission which are collected by or otherwise become available
23 for the purpose of defraying the expenses of the commission for
24 the fiscal year beginning July 1, 2004, and ending June 30,
25 2005..... \$ 3,655,051.00.

26 **SECTION 3.** Of the funds appropriated under the provisions of
27 Sections 1 and 2, the following positions are authorized:

28 **AUTHORIZED POSITIONS:**

29	Permanent:	Full Time.....	746
30		Part Time.....	7
31	Time-Limited:	Full Time.....	0
32		Part Time.....	0

33 With the funds herein appropriated, it is the intention of
34 the Legislature that it shall be the agency's responsibility to
35 make certain that funds required to be appropriated for "Personal
36 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005

37 funds appropriated for that purpose, unless programs or positions
38 are added to the agency's Fiscal Year 2006 budget by the
39 Mississippi Legislature. Based on data provided by the
40 Legislative Budget Office, the State Personnel Board shall
41 determine and publish the projected annual cost to fully fund all
42 appropriated positions in compliance with the provisions of this
43 act. It shall be the responsibility of the agency head to insure
44 that no single personnel action increases this projected annual
45 cost and/or the Fiscal Year 2005 appropriation for "Personal
46 Services" when annualized, with the exception of escalated funds.
47 If, at the time the agency takes any action to change "Personal
48 Services," the State Personnel Board determines that the agency
49 has taken an action which would cause the agency to exceed this
50 projected annual cost or the Fiscal Year 2005 "Personal Services"
51 appropriated level, when annualized, then only those actions which
52 reduce the projected annual cost and/or the appropriation
53 requirement will be processed by the State Personnel Board until
54 such time as the requirements of this provision are met.

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

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

68 **SECTION 4.** The funds authorized herein shall be used to fund
69 all operations of the agency with the following prohibitions:

70 (1) The agency shall not fill any current or future vacant
71 positions;

72 (2) The agency shall not take any action to promote or
73 otherwise award salary increases through reallocation,
74 reclassification, realignment, education benchmark, career ladder,
75 or any other means to increase salaries of employees or positions
76 except as allowed under the provisions set forth in House Bill No.
77 1279, 2004 Regular Session;

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

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

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

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

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

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

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

104 **SECTION 5.** It is the intention of the Legislature that none
105 of the funds appropriated above shall be expended unless members
106 of the Mississippi House of Representatives and Mississippi Senate

are notified at least five (5) days prior to a public ceremony announcing the award of any grant in their district or any public announcement or ceremony regarding the groundbreaking or opening of a facility, roadway or bridge for which the Legislature has made funds available. Any signage regarding any public event or any new facility, roadway or bridge shall include the following language: "Funds were made available for this project by the Mississippi State Legislature."

SECTION 6. It is the intention of the Legislature that the State Tax Commission shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2004. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2006 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2005 budget request process.

SECTION 7. It shall be the duty of the Chairman of the State Tax Commission, and he is hereby empowered to select in the manner provided by Section 27-3-13, Mississippi Code of 1972, such employees as may be necessary to the administration of all acts relating to the exemption of homesteads and the reimbursement of tax losses to the several taxing units of the state, and to assign them to the use of the State Tax Commission.

SECTION 8. The money herein appropriated may be used for any expenses which the commission may legally incur. Provided, however, that no part of the money herein appropriated shall be used for the payment of attorney's fees, except upon recommendation of the Governor with the approval of the Attorney General, nor shall any of said funds be used either directly or indirectly for the purpose of paying any clerk, stenographer, assistant, deputy or other employee who may be related by blood or marriage within the third degree, computed by the rule of civil law, to the official employing or having the right of employment

or selection thereof, except that when the relationship is by affinity and the person is dead through whom the relationship was established, this rule shall not apply. In the event of any such payment, then the official or person approving and making such payment shall be liable to return to the State of Mississippi and to pay into the State Treasury to the credit of the General Fund three (3) times any such amount so paid to be recovered at suit by the Attorney General.

SECTION 9. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Tax Commission for the purpose of reimbursing the counties of the state, the road districts and school districts therein and the municipal separate school districts, for tax losses incurred by reason of the exemption of homes from certain ad valorem taxes under the provisions of Section 27-33-1 et seq., Mississippi Code of 1972, for the fiscal year beginning July 1, 2004, and ending June 30, 2005..... \$ 74,022,601.00.

SECTION 10. Each county, road district, school district and municipal separate school district which has incurred a tax loss that is reimbursable under Section 9 shall be reimbursed a sum which is equivalent to the amount of tax loss produced by the application of tax rates annually fixed for maintenance and current expenses to the assessed value of homes, or so much thereof as has been lawfully authorized under the provisions of Section 27-33-1 et seq., Mississippi Code of 1972.

The disbursements from the funds appropriated under the provisions of Section 9 shall be based upon the certificates required of the clerks of the county boards of supervisors and of the clerks of the municipalities, which certificates shall conform strictly in every respect to the requirements of the provisions of Section 27-33-1 et seq., Mississippi Code of 1972.

All disbursements from the funds appropriated under the provisions of Section 9 shall be made strictly in accordance with the provisions of Section 27-33-1 et seq., Mississippi Code of

177 1972, and no disbursements other than those clearly authorized by
178 those sections shall be made, the provisions of any other law to
179 the contrary notwithstanding.

180 **SECTION 11.** The following sum, or so much thereof as may be
181 necessary, is hereby appropriated out of any money in the State
182 General Fund not otherwise appropriated, to the License Tag
183 Commission for the purchase and delivery of motor vehicle license
184 tags for the fiscal year beginning July 1, 2004, and ending
185 June 30, 2005..... \$ 1,086,694.00.

186 **SECTION 12.** None of the funds appropriated in Section 11
187 shall be expended to purchase motor vehicle license tags made or
188 manufactured by any department, agency or instrumentality of a
189 state other than the State of Mississippi. None of the funds
190 appropriated in this section shall be used for the purchase of
191 bolts, nuts or other fastening devices for attaching said motor
192 vehicle license tags. Provided, further, that all motor vehicles
193 belonging to any state department, agency, commission, institution
194 or any other division of State Government shall have license tags
195 which shall bear the words "State Property" at the bottom of such
196 license tags.

197 **SECTION 13.** Of the funds appropriated under the provisions
198 of Section 11, not more than the amounts set forth below shall be
199 expended for the respective major objects or purposes of
200 expenditure:

201	MAJOR OBJECTS OF EXPENDITURE:	
202	Personal Services:	
203	Salaries, Wages and Fringe Benefits..	\$ 0.00
204	Travel and Subsistence.....	0.00
205	Contractual Services.....	0.00
206	Commodities.....	1,086,694.00
207	Capital Outlay:	
208	Other Than Equipment.....	0.00
209	Equipment.....	0.00
210	Subsidies, Loans and Grants.....	0.00
211	Total.....	\$ 1,086,694.00

212 **SECTION 14.** The money herein appropriated shall be paid by
213 the State Treasurer out of any money in the State Treasury to the
214 credit of the proper fund or funds as set forth in this act, upon
215 warrants issued by the State Fiscal Officer; and the State Fiscal
216 Officer shall issue his warrants upon requisitions signed by the
217 proper person, officer or officers, in the manner provided by law.
218 **SECTION 15.** This act shall take effect and be in force from
219 and after July 1, 2004.

HR05\SB3128A.J

Don Richardson
Clerk of the House of Representatives