

**House Amendments to Senate Bill No. 3145**

**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:**

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 State Department of Banking  
8 and Consumer Finance, for the support of the State Department of  
9 Banking and Consumer Finance, for the fiscal year beginning  
10 July 1, 2004, and ending June 30, 2005.....  
11 ..... \$       4,432,520.00.

12       **SECTION 2.** Of the funds appropriated under the provisions of  
13 Section 1, the following positions are authorized:

14       AUTHORIZED POSITIONS:

15       Permanent:	Full Time.....	49
16	Part Time.....	0
17       Time-Limited:	Full Time.....	0
18	Part Time.....	0

19       With the funds herein appropriated, it is the intention of  
20 the Legislature that it shall be the agency's responsibility to  
21 make certain that funds required to be appropriated for "Personal  
22 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
23 funds appropriated for that purpose, unless programs or positions  
24 are added to the agency's Fiscal Year 2006 budget by the  
25 Mississippi Legislature. Based on data provided by the  
26 Legislative Budget Office, the State Personnel Board shall  
27 determine and publish the projected annual cost to fully fund all  
28 appropriated positions in compliance with the provisions of this  
29 act. It shall be the responsibility of the agency head to insure  
30 that no single personnel action increases this projected annual

31 cost and/or the Fiscal Year 2005 appropriation for "Personal  
32 Services" when annualized, with the exception of escalated funds.  
33 If, at the time the agency takes any action to change "Personal  
34 Services," the State Personnel Board determines that the agency  
35 has taken an action which would cause the agency to exceed this  
36 projected annual cost or the Fiscal Year 2005 "Personal Services"  
37 appropriated level, when annualized, then only those actions which  
38 reduce the projected annual cost and/or the appropriation  
39 requirement will be processed by the State Personnel Board until  
40 such time as the requirements of this provision are met.

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

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

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

56 (1) The agency shall not fill any current or future vacant  
57 positions;

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

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

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

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

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

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

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

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

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

99 language: "Funds were made available for this project by the  
100 Mississippi State Legislature."

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

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

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

HR05\SB3145A.J

Don Richardson  
Clerk of the House of Representatives