

**House Amendments to Senate Bill No. 3152**

**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 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..... \$           238,872.00.

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.. \$           159,858.00  
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..... \$           238,872.00

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

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

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

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

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

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

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

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

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

98 (9) The agency shall not expend funds for the purchase of  
99 new or replacement equipment or furniture, excluding lease

100 purchase payments on agreements in effect upon passage of this  
101 appropriation bill, except as allowed under the provisions set  
102 forth in House Bill No. 1279, 2004 Regular Session.

103       **SECTION 4.** It is the intention of the Legislature that none  
104 of the funds appropriated above shall be expended unless members  
105 of the Mississippi House of Representatives and Mississippi Senate  
106 are notified at least five (5) days prior to a public ceremony  
107 announcing the award of any grant in their district or any public  
108 announcement or ceremony regarding the groundbreaking or opening  
109 of a facility, roadway or bridge for which the Legislature has  
110 made funds available. Any signage regarding any public event or  
111 any new facility, roadway or bridge shall include the following  
112 language: "Funds were made available for this project by the  
113 Mississippi State Legislature."

114       **SECTION 5.** It is the intention of the Legislature that the  
115 Mississippi Motor Vehicle Commission shall maintain complete  
116 accounting and personnel records related to the expenditure of all  
117 funds appropriated under this act and that such records shall be  
118 in the same format and level of detail as maintained for Fiscal  
119 Year 2004. It is further the intention of the Legislature that  
120 the agency's budget request for Fiscal Year 2006 shall be  
121 submitted to the Joint Legislative Budget Committee in a format  
122 and level of detail comparable to the format and level of detail  
123 provided during the Fiscal Year 2005 budget request process.

124       **SECTION 6.** It is the intention of the Legislature that none  
125 of the funds appropriated under the provisions of this act shall  
126 be expended to defray any expenses of the Motor Vehicle Commission  
127 if said commission takes any official actions during Fiscal Year  
128 2005 that serve directly or indirectly to reduce the payment to  
129 the State General Fund of any sales tax on motor vehicles sold  
130 within the State of Mississippi.

131       It is further the intention of the Legislature that if such  
132 actions are taken by the Motor Vehicle Commission during Fiscal  
133 Year 2005, the executive director and commission members shall be  
134 held personally liable for repayment of any funds expended under

135 the provisions of this act with said repayment to be made to the  
136 State General Fund. The Attorney General is hereby authorized and  
137 directed to undertake appropriate legal action to enforce the  
138 provisions of this act and to recover said funds.

139       **SECTION 7.** The money herein appropriated shall be paid by  
140 the State Treasurer out of any money in the State Treasury to the  
141 credit of the proper fund or funds as set forth in this act, upon  
142 warrants issued by the State Fiscal Officer; and the State Fiscal  
143 Officer shall issue his warrants upon requisitions signed by the  
144 proper person, officer or officers in the manner provided by law.

145       **SECTION 8.** This act shall take effect and be in force from  
146 and after July 1, 2004.

HR05\SB3152A.J

Don Richardson  
Clerk of the House of Representatives