

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3145

BY: Committee

**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.