

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3152

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 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.....	<u>0.00</u>
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.