

By: Representatives Read,
Martinson, Broomfield, Brown,
Davis, Denny, Middleton, Miles,
Weathersby

To: Appropriations

HOUSE BILL NO. 48
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI AUCTIONEERS COMMISSION FOR THE
3 FISCAL YEAR 2006.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 Treasury to the credit of the Mississippi Auctioneers Commission
8 for the purpose of defraying the expenses of the commission, for
9 the fiscal year beginning July 1, 2005, and ending June 30, 2006.

10 \$ 98,999.00.

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

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	1
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 With the funds herein appropriated, it is the intention of
19 the Legislature that it shall be the agency's responsibility to
20 make certain that funds required to be appropriated for "Personal
21 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
22 funds appropriated for that purpose, unless programs or positions
23 are added to the agency's Fiscal Year 2007 budget by the
24 Mississippi Legislature. Based on data provided by the
25 Legislative Budget Office, the State Personnel Board shall
26 determine and publish the projected annual cost to fully fund all
27 appropriated positions in compliance with the provisions of this

28 act. It shall be the responsibility of the agency head to insure
29 that no single personnel action increases this projected annual
30 cost and/or the Fiscal Year 2006 appropriation for "Personal
31 Services" when annualized, with the exception of escalated funds.
32 If, at the time the agency takes any action to change "Personal
33 Services," the State Personnel Board determines that the agency
34 has taken an action which would cause the agency to exceed this
35 projected annual cost or the Fiscal Year 2006 "Personal Services"
36 appropriated level, when annualized, then only those actions which
37 reduce the projected annual cost and/or the appropriation
38 requirement will be processed by the State Personnel Board until
39 such time as the requirements of this provision are met.

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

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

53 The agency shall not take any action to promote or otherwise
54 award salary increases through reallocation, reclassification,
55 realignment, education benchmark, career ladder, or any other
56 means to increase salaries of employees or positions unless
57 specifically exempted by the following conditions: the award of
58 teacher pay increases, the advancement of a trainee/cadet to the
59 next level of a bona fide career ladder, the award of an
60 educational benchmark for the attainment of Certified Public

61 Accountant License or higher level professional certification as
62 determined by the State Personnel Board, the immediate replacement
63 of a departing employee with an individual from within state
64 service or a new hire at a salary level equivalent to that of the
65 departing employee, and the emergency appointment of nurses,
66 pharmacists or other health care professionals at a salary to be
67 determined by the State Personnel Board, unless otherwise
68 authorized in this act.

69 Of the above funds, none may be expended by this act to
70 provide for any regulatory authority over livestock auctioneers
71 conducting sales for an individual of his own property.

72 **SECTION 3.** It is the intention of the Legislature that the
73 Mississippi Auctioneers Commission shall maintain complete
74 accounting and personnel records related to the expenditure of all
75 funds appropriated under this act and that such records shall be
76 in the same format and level of detail as maintained for Fiscal
77 Year 2005. It is further the intention of the Legislature that
78 the agency's budget request for Fiscal Year 2007 shall be
79 submitted to the Joint Legislative Budget Committee in a format
80 and level of detail comparable to the format and level of detail
81 provided during the Fiscal Year 2006 budget request process.

82 **SECTION 4.** None of the monies appropriated under this act
83 shall be expended for payment of that amount of the salary of any
84 person holding the position of division director, department
85 director or head, bureau director, deputy or assistant director or
86 similar position on May 15, 2005, which would exceed the amount
87 actually paid for the same position on June 30, 2003, regardless
88 of the title or position held or duties performed by the person
89 holding the position on June 30, 2003.

90 **SECTION 5.** The money herein appropriated shall be paid by
91 the State Treasurer out of any money in the State Treasury to the
92 credit of the proper fund or funds as set forth in this act, upon
93 warrants issued by the State Fiscal Officer; and the State Fiscal

94 Officer shall issue his warrants upon requisitions signed by the
95 proper person, officer or officers, in the manner provided by law.

96 **SECTION 6.** This act shall take effect and be in force from
97 and after July 1, 2005.