

By: Senator(s) Gordon, Little,
Gollott, Kirby, Moffatt, Thames

To: Appropriations

SENATE BILL NO. 2017

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE
2 STATE TREASURY TO DEFRAY THE EXPENSES OF THE MISSISSIPPI MOTOR
3 VEHICLE COMMISSION FOR FISCAL YEAR 2006.

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

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, 2005, and ending
11 June 30, 2006..... \$ 247,823.00.

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..	\$	173,785.00
19	Travel and Subsistence.....		10,000.00
20	Contractual Services.....		59,738.00
21	Commodities.....		4,300.00
22	Capital Outlay:		
23	Other Than Equipment.....		0.00
24	Equipment.....		0.00
25	Subsidies, Loans and Grants.....		0.00
26	Total.....	\$	247,823.00

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 2007 do not exceed Fiscal Year 2006
36 funds appropriated for that purpose, unless programs or positions
37 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
68 award salary increases through reallocation, reclassification,
69 realignment, education benchmark, career ladder, or any other
70 means to increase salaries of employees or positions unless
71 specifically exempted by the following conditions: the award of
72 teacher pay increases, the advancement of a trainee/cadet to the
73 next level of a bona fide career ladder, the award of an
74 educational benchmark for the attainment of Certified Public
75 Accountant License or higher level professional certification as
76 determined by the State Personnel Board, the immediate replacement
77 of a departing employee with an individual from within state
78 service or a new hire at a salary level equivalent to that of the
79 departing employee, and the emergency appointment of nurses,
80 pharmacists or other health care professionals at a salary to be
81 determined by the State Personnel Board, unless otherwise
82 authorized in this act.

83 **SECTION 3.** It is the intention of the Legislature that none
84 of the funds appropriated under the provisions of this act shall
85 be expended to defray any expenses of the Motor Vehicle Commission
86 if said commission takes any official actions during Fiscal Year
87 2006 that serve directly or indirectly to reduce the payment to
88 the State General Fund of any sales tax on motor vehicles sold
89 within the State of Mississippi.

90 It is further the intention of the Legislature that if such
91 actions are taken by the Motor Vehicle Commission during Fiscal
92 Year 2006, the executive director and commission members shall be
93 held personally liable for repayment of any funds expended under

94 the provisions of this act with said repayment to be made to the
95 State General Fund. The Attorney General is hereby authorized and
96 directed to undertake appropriate legal action to enforce the
97 provisions of this act and to recover said funds.

98 **SECTION 4.** Of the funds provided herein, the sum of Eleven
99 Thousand Six Hundred Ninety-three Dollars (\$11,693.00) is hereby
100 assessed on any non-federal special funds and shall be deposited
101 to the Budget Contingency Fund created in Section 27-103-301,
102 Mississippi Code of 1972, on or before October 1, 2005, for the
103 purpose of reimbursing the State of Mississippi for administrative
104 costs.

105 **SECTION 5.** The money herein appropriated shall be paid by
106 the State Treasurer out of any money in the State Treasury to the
107 credit of the proper fund or funds as set forth in this act, upon
108 warrants issued by the State Fiscal Officer; and the State Fiscal
109 Officer shall issue his warrants upon requisitions signed by the
110 proper person, officer or officers in the manner provided by law.

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