

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.