

**REPORT OF CONFERENCE COMMITTEE**

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 3028: Appropriation; Tax Commission.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the House recede from its Amendment No. 1.
- 2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11           **SECTION 1.** The following sum, or so much thereof as may be  
 12 necessary, is hereby appropriated out of any money in the State  
 13 General Fund not otherwise appropriated, for the purpose of  
 14 defraying the expenses of the State Tax Commission, including the  
 15 Homestead Exemption Division, the Motor Vehicle Comptroller  
 16 functions, the Alcoholic Beverage Control Division and the Bureau  
 17 of Telecommunications for the fiscal year beginning July 1, 2006,  
 18 and ending June 30, 2007..... \$     45,204,002.00.

19           **SECTION 2.** The following sum, or so much thereof as may be  
 20 necessary, is hereby appropriated out of any money in the special  
 21 fund in the State Treasury to the credit of the State Tax  
 22 Commission which are collected by or otherwise become available  
 23 for the purpose of defraying the expenses of the commission for  
 24 the fiscal year beginning July 1, 2006, and ending June 30,  
 25 2007..... \$     5,576,114.00.

26           **SECTION 3.** Of the funds appropriated under the provisions of  
 27 Sections 1 and 2, not more than the amounts set forth below shall  
 28 be expended for the respective major objects or purposes of  
 29 expenditure:

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits..	\$	35,233,800.00
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33	Travel and Subsistence.....		1,579,984.00
34	Contractual Services.....		12,003,462.00
35	Commodities.....		1,560,270.00
36	Capital Outlay:		
37	Other Than Equipment.....		0.00
38	Equipment.....		402,000.00
39	Subsidies, Loans and Grants.....		<u>600.00</u>
40	Total.....	\$	50,780,116.00
41	FUNDING:		
42	General Funds.....	\$	45,204,002.00
43	Special Funds.....		<u>5,576,114.00</u>
44	Total.....	\$	50,780,116.00

45 AUTHORIZED POSITIONS:

46	Permanent:	Full Time.....	768
47		Part Time.....	6
48	Time-Limited:	Full Time.....	0
49		Part Time.....	0

50 Funds are provided herein to adjust the Variable Compensation  
51 Plan to ensure that all full-time employees receive a pay increase  
52 equal to the realignment component of the Variable Compensation  
53 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,  
54 with not more than one-half (1/2) to be awarded on July 1, 2006,  
55 with the remainder to be awarded on January 1, 2007.

56 With the funds herein appropriated, it is the intention of  
57 the Legislature that it shall be the agency's responsibility to  
58 make certain that funds required to be appropriated for "Personal  
59 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
60 funds appropriated for that purpose, unless programs or positions  
61 are added to the agency's Fiscal Year 2008 budget by the  
62 Mississippi Legislature. Based on data provided by the  
63 Legislative Budget Office, the State Personnel Board shall  
64 determine and publish the projected annual cost to fully fund all

65 appropriated positions in compliance with the provisions of this  
66 act. It shall be the responsibility of the agency head to insure  
67 that no single personnel action increases this projected annual  
68 cost and/or the Fiscal Year 2007 appropriation for "Personal  
69 Services" when annualized, with the exception of escalated funds.  
70 If, at the time the agency takes any action to change "Personal  
71 Services," the State Personnel Board determines that the agency  
72 has taken an action which would cause the agency to exceed this  
73 projected annual cost or the Fiscal Year 2007 "Personal Services"  
74 appropriated level, when annualized, then only those actions which  
75 reduce the projected annual cost and/or the appropriation  
76 requirement will be processed by the State Personnel Board until  
77 such time as the requirements of this provision are met.

78 Any transfers or escalations shall be made in accordance with  
79 the terms, conditions and procedures established by law or  
80 allowable under the terms set forth within this act. The State  
81 Personnel Board shall not escalate positions without written  
82 approval from the Department of Finance and Administration. The  
83 Department of Finance and Administration shall not provide written  
84 approval to escalate any funds for salaries and/or positions  
85 without proof of availability of new or additional funds above the  
86 appropriated level.

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

91 **SECTION 4.** It shall be the duty of the Chairman of the State  
92 Tax Commission, and he is hereby empowered to select in the manner  
93 provided by Section 27-3-13, Mississippi Code of 1972, such  
94 employees as may be necessary to the administration of all acts  
95 relating to the exemption of homesteads and the reimbursement of

96 tax losses to the several taxing units of the state, and to assign  
97 them to the use of the State Tax Commission.

98       **SECTION 5.** The money herein appropriated may be used for any  
99 expenses which the commission may legally incur. Provided,  
100 however, that no part of the money herein appropriated shall be  
101 used for the payment of attorney's fees, except upon  
102 recommendation of the Governor with the approval of the Attorney  
103 General, nor shall any of said funds be used either directly or  
104 indirectly for the purpose of paying any clerk, stenographer,  
105 assistant, deputy or other employee who may be related by blood or  
106 marriage within the third degree, computed by the rule of civil  
107 law, to the official employing or having the right of employment  
108 or selection thereof, except that when the relationship is by  
109 affinity and the person is dead through whom the relationship was  
110 established, this rule shall not apply. In the event of any such  
111 payment, then the official or person approving and making such  
112 payment shall be liable to return to the State of Mississippi and  
113 to pay into the State Treasury to the credit of the General Fund  
114 three (3) times any such amount so paid to be recovered at suit by  
115 the Attorney General.

116       **SECTION 6.** The following sum, or so much thereof as may be  
117 necessary, is hereby appropriated out of any money in the State  
118 General Fund not otherwise appropriated, to the State Tax  
119 Commission for the purpose of reimbursing the counties of the  
120 state, the road districts and school districts therein and the  
121 municipal separate school districts, for tax losses incurred by  
122 reason of the exemption of homes from certain ad valorem taxes  
123 under the provisions of Section 27-33-1 et seq., Mississippi Code  
124 of 1972, for the fiscal year beginning July 1, 2006, and ending  
125 June 30, 2007..... \$     83,300,000.00.

126       **SECTION 7.** Each county, road district, school district and  
127 municipal separate school district which has incurred a tax loss

128 that is reimbursable under Section 6 shall be reimbursed a sum  
129 which is equivalent to the amount of tax loss produced by the  
130 application of tax rates annually fixed for maintenance and  
131 current expenses to the assessed value of homes, or so much  
132 thereof as has been lawfully authorized under the provisions of  
133 Section 27-33-1 et seq., Mississippi Code of 1972.

134 The disbursements from the funds appropriated under the  
135 provisions of Section 6 shall be based upon the certificates  
136 required of the clerks of the county boards of supervisors and of  
137 the clerks of the municipalities, which certificates shall conform  
138 strictly in every respect to the requirements of the provisions of  
139 Section 27-33-1 et seq., Mississippi Code of 1972.

140 All disbursements from the funds appropriated under the  
141 provisions of Section 6 shall be made strictly in accordance with  
142 the provisions of Section 27-33-1 et seq., Mississippi Code of  
143 1972, and no disbursements other than those clearly authorized by  
144 those sections shall be made, the provisions of any other law to  
145 the contrary notwithstanding.

146 **SECTION 8.** The following sum, or so much thereof as may be  
147 necessary, is hereby appropriated out of any money in the State  
148 General Fund not otherwise appropriated, to the License Tag  
149 Commission for the purchase and delivery of motor vehicle license  
150 tags for the fiscal year beginning July 1, 2006, and ending  
151 June 30, 2007..... \$ 1,860,000.00.

152 **SECTION 9.** None of the funds appropriated in Section 8 shall  
153 be expended to purchase motor vehicle license tags made or  
154 manufactured by any department, agency or instrumentality of a  
155 state other than the State of Mississippi. None of the funds  
156 appropriated in this section shall be used for the purchase of  
157 bolts, nuts or other fastening devices for attaching said motor  
158 vehicle license tags. Provided, further, that all motor vehicles  
159 belonging to any state department, agency, commission, institution

160 or any other division of State Government shall have license tags  
161 which shall bear the words "State Property" at the bottom of such  
162 license tags.

163 **SECTION 10.** Of the funds appropriated under the provisions  
164 of Section 8, not more than the amounts set forth below shall be  
165 expended for the respective major objects or purposes of  
166 expenditure:

167 MAJOR OBJECTS OF EXPENDITURE:

168 Personal Services:

169	Salaries, Wages and Fringe Benefits.. \$	0.00
170	Travel and Subsistence.....	0.00
171	Contractual Services.....	200,000.00
172	Commodities.....	1,660,000.00
173	Capital Outlay:	
174	Other Than Equipment.....	0.00
175	Equipment.....	0.00
176	Subsidies, Loans and Grants.....	<u>0.00</u>
177	Total.....	1,860,000.00

178 **SECTION 11.** The Executive Director of the State Tax  
179 Commission may authorize increases in any major objects to any  
180 other major objects in any amounts deemed necessary for the  
181 efficient management and operation of their budget, provided that  
182 the total spending authority remains unchanged after such  
183 transfers and the total of such transfers into any major object do  
184 not exceed twenty-five percent (25%) of the original appropriated  
185 amount for that major object plus any escalations of spending  
186 authority that have occurred during any given fiscal year.  
187 However, no transfers shall be authorized which increase the major  
188 object of expenditure "Salaries, Wages and Fringe Benefits."

189 **SECTION 12.** It is the intention of the Legislature that  
190 whenever two (2) or more bids are received by this agency for the  
191 purchase of commodities or equipment, and whenever all things

192 stated in such received bids are equal with respect to price,  
193 quality and service, the Mississippi Industries for the Blind  
194 shall be given preference. A similar preference shall be given to  
195 the Mississippi Industries for the Blind whenever purchases are  
196 made without competitive bids.

197 **SECTION 13.** The money herein appropriated shall be paid by  
198 the State Treasurer out of any money in the State Treasury to the  
199 credit of the proper fund or funds as set forth in this act, upon  
200 warrants issued by the State Fiscal Officer; and the State Fiscal  
201 Officer shall issue his warrants upon requisitions signed by the  
202 proper person, officer or officers, in the manner provided by law.

203 **SECTION 14.** This act shall take effect and be in force from  
204 and after July 1, 2006.

CONFEREES FOR THE SENATE

X (SIGNED)  
Gordon

X (SIGNED)  
Kirby

X (SIGNED)  
Turner

CONFEREES FOR THE HOUSE

X (SIGNED)  
Stringer

X (SIGNED)  
Flaggs

X (SIGNED)  
Vince