

House Amendments to Senate Bill No. 3028

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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..... \$ 43,343,176.00.

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:

30 **MAJOR OBJECTS OF EXPENDITURE:**

31 Personal Services:

32 Salaries, Wages and Fringe Benefits.. \$ 33,372,974.00
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.....	\$	48,919,290.00

41 FUNDING:

42	General Funds.....	\$	43,343,176.00
43	Special Funds.....		<u>5,576,114.00</u>
44	Total.....	\$	48,919,290.00

45 AUTHORIZED POSITIONS:

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

50 For the fiscal year beginning on July 1, 2006, funds are
51 provided herein to adjust the annual compensation of each employee
52 who has been employed for twelve (12) months or longer by an
53 amount equal to One Thousand Dollars (\$1,000.00), effective on
54 July 1, 2006.

55 With the funds herein appropriated, it is the intention of
56 the Legislature that it shall be the agency's responsibility to
57 make certain that funds required to be appropriated for "Personal
58 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
59 funds appropriated for that purpose, unless programs or positions
60 are added to the agency's Fiscal Year 2008 budget by the
61 Mississippi Legislature. Based on data provided by the
62 Legislative Budget Office, the State Personnel Board shall
63 determine and publish the projected annual cost to fully fund all
64 appropriated positions in compliance with the provisions of this
65 act. It shall be the responsibility of the agency head to insure
66 that no single personnel action increases this projected annual
67 cost and/or the Fiscal Year 2007 appropriation for "Personal
68 Services" when annualized, with the exception of escalated funds.
69 If, at the time the agency takes any action to change "Personal
70 Services," the State Personnel Board determines that the agency
71 has taken an action which would cause the agency to exceed this

72 projected annual cost or the Fiscal Year 2007 "Personal Services"
73 appropriated level, when annualized, then only those actions which
74 reduce the projected annual cost and/or the appropriation
75 requirement will be processed by the State Personnel Board until
76 such time as the requirements of this provision are met.

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

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

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

97 **SECTION 5.** The money herein appropriated may be used for any
98 expenses which the commission may legally incur. Provided,
99 however, that no part of the money herein appropriated shall be
100 used for the payment of attorney's fees, except upon
101 recommendation of the Governor with the approval of the Attorney
102 General, nor shall any of said funds be used either directly or
103 indirectly for the purpose of paying any clerk, stenographer,
104 assistant, deputy or other employee who may be related by blood or
105 marriage within the third degree, computed by the rule of civil
106 law, to the official employing or having the right of employment

107 or selection thereof, except that when the relationship is by
108 affinity and the person is dead through whom the relationship was
109 established, this rule shall not apply. In the event of any such
110 payment, then the official or person approving and making such
111 payment shall be liable to return to the State of Mississippi and
112 to pay into the State Treasury to the credit of the General Fund
113 three (3) times any such amount so paid to be recovered at suit by
114 the Attorney General.

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

125 **SECTION 7.** Each county, road district, school district and
126 municipal separate school district which has incurred a tax loss
127 that is reimbursable under Section 6 shall be reimbursed a sum
128 which is equivalent to the amount of tax loss produced by the
129 application of tax rates annually fixed for maintenance and
130 current expenses to the assessed value of homes, or so much
131 thereof as has been lawfully authorized under the provisions of
132 Section 27-33-1 et seq., Mississippi Code of 1972.

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

139 All disbursements from the funds appropriated under the
140 provisions of Section 6 shall be made strictly in accordance with
141 the provisions of Section 27-33-1 et seq., Mississippi Code of

142 1972, and no disbursements other than those clearly authorized by
143 those sections shall be made, the provisions of any other law to
144 the contrary notwithstanding.

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

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

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

166 MAJOR OBJECTS OF EXPENDITURE:

167 Personal Services:

168	Salaries, Wages and Fringe Benefits..	\$	0.00
169	Travel and Subsistence.....		0.00
170	Contractual Services.....		200,000.00
171	Commodities.....		1,660,000.00

172 Capital Outlay:

173	Other Than Equipment.....		0.00
174	Equipment.....		0.00
175	Subsidies, Loans and Grants.....		0.00
176	Total.....	\$	<u>1,860,000.00</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.

HR05\SB3028A.J

Don Richardson
Clerk of the House of Representatives