

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

To: Appropriations

SENATE BILL NO. 3158  
(As Sent to Governor)

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 2008.

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, 2007, and ending  
11 June 30, 2008..... \$ 291,946.00.

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.. \$ 199,932.00  
19 Travel and Subsistence..... 25,000.00  
20 Contractual Services..... 58,014.00  
21 Commodities..... 6,000.00

22 Capital Outlay:

23 Other Than Equipment..... 0.00  
24 Equipment..... 3,000.00  
25 Vehicles..... 0.00  
26 Wireless Communication Devices..... 0.00  
27 Subsidies, Loans and Grants..... 0.00

28                   Total..... \$                   291,946.00

29       AUTHORIZED POSITIONS:

30           Permanent:       Full Time.....           3  
31                            Part Time.....           0  
32           Time-Limited: Full Time.....           0  
33                            Part Time.....           0

34       Funds are provided herein to adjust the Variable Compensation  
35 Plan to ensure that all full-time employees receive a pay increase  
36 equal to the realignment component of the Variable Compensation  
37 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
38 is greater, to be awarded on July 1, 2007.

39       With the funds herein appropriated, it is the intention of  
40 the Legislature that it shall be the agency's responsibility to  
41 make certain that funds required to be appropriated for "Personal  
42 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
43 funds appropriated for that purpose, unless programs or positions  
44 are added to the agency's Fiscal Year 2008 budget by the  
45 Mississippi Legislature. Based on data provided by the  
46 Legislative Budget Office, the State Personnel Board shall  
47 determine and publish the projected annual cost to fully fund all  
48 appropriated positions in compliance with the provisions of this  
49 act. It shall be the responsibility of the agency head to insure  
50 that no single personnel action increases this projected annual  
51 cost and/or the Fiscal Year 2008 appropriations for "Personal  
52 Services" when annualized, with the exception of escalated funds  
53 and educational benchmarks. If, at the time the agency takes any  
54 action to change "Personal Services," the State Personnel Board  
55 determines that the agency has taken an action which would cause  
56 the agency to exceed this projected annual cost or the Fiscal Year  
57 2008 "Personal Services" appropriated level, when annualized, then  
58 only those actions which reduce the projected annual cost and/or  
59 the appropriation requirement will be processed by the State  
60 Personnel Board until such time as the requirements of this

61 provision are met. On January 1, 2008, the State Personnel Board  
62 will make adjustments to the structure side of the compliance  
63 report based on data provided by the Legislative Budget Office in  
64 order for agencies to award educational benchmarks.

65 Any transfers or escalations shall be made in accordance with  
66 the terms, conditions and procedures established by law or  
67 allowable under the terms set forth within this act. The State  
68 Personnel Board shall not escalate positions without written  
69 approval from the Department of Finance and Administration. The  
70 Department of Finance and Administration shall not provide written  
71 approval to escalate any funds for salaries and/or positions  
72 without proof of availability of new or additional funds above the  
73 appropriated level.

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

78 **SECTION 3.** It is the intention of the Legislature that none  
79 of the funds appropriated under the provisions of this act shall  
80 be expended to defray any expenses of the Motor Vehicle Commission  
81 if said commission takes any official actions during Fiscal Year  
82 2008 that serve directly or indirectly to reduce the payment to  
83 the State General Fund of any sales tax on motor vehicles sold  
84 within the State of Mississippi.

85 It is further the intention of the Legislature that if such  
86 actions are taken by the Motor Vehicle Commission during Fiscal  
87 Year 2008, the executive director and commission members shall be  
88 held personally liable for repayment of any funds expended under  
89 the provisions of this act with said repayment to be made to the  
90 State General Fund. The Attorney General is hereby authorized and  
91 directed to undertake appropriate legal action to enforce the  
92 provisions of this act and to recover said funds.

93           **SECTION 4.** It is the intention of the Legislature that  
94 whenever two (2) or more bids are received by this agency for the  
95 purchase of commodities or equipment, and whenever all things  
96 stated in such received bids are equal with respect to price,  
97 quality and service, the Mississippi Industries for the Blind  
98 shall be given preference. A similar preference shall be given to  
99 the Mississippi Industries for the Blind whenever purchases are  
100 made without competitive bids.

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

107           **SECTION 6.** This act shall take effect and be in force from  
108 and after July 1, 2007.