

**House Amendments to Senate Bill No. 3158**

**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:

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..... \$           290,541.00.

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.. \$           198,527.00  
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..... \$           290,541.00

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.

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 2009 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 appropriation for "Personal  
52 Services" when annualized, with the exception of escalated funds.  
53 If, at the time the agency takes any action to change "Personal  
54 Services," the State Personnel Board determines that the agency  
55 has taken an action which would cause the agency to exceed this  
56 projected annual cost or the Fiscal Year 2008 "Personal Services"  
57 appropriated level, when annualized, then only those actions which  
58 reduce the projected annual cost and/or the appropriation  
59 requirement will be processed by the State Personnel Board until  
60 such time as the requirements of this provision are met.

61 Any transfers or escalations shall be made in accordance with  
62 the terms, conditions and procedures established by law or  
63 allowable under the terms set forth within this act. The State  
64 Personnel Board shall not escalate positions without written  
65 approval from the Department of Finance and Administration. The

66 Department of Finance and Administration shall not provide written  
67 approval to escalate any funds for salaries and/or positions  
68 without proof of availability of new or additional funds above the  
69 appropriated level.

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73 act and which are withdrawn and no longer available.

74 The agency shall not take any action to promote or otherwise  
75 award salary increases through reallocation, reclassification,  
76 realignment, education benchmark, career ladder, or any other  
77 means to increase salaries of employees or positions unless  
78 specifically exempted by the following conditions: the award of  
79 teacher pay increases, the advancement of a trainee/cadet to the  
80 next level of a bona fide career ladder, the award of an  
81 educational benchmark for the attainment of Certified Public  
82 Accountant License or higher level professional certification as  
83 determined by the State Personnel Board, the immediate replacement  
84 of a departing employee with an individual from within state  
85 service or a new hire at a salary level equivalent to that of the  
86 departing employee, and the emergency appointment of nurses,  
87 pharmacists or other health care professionals at a salary to be  
88 determined by the State Personnel Board, unless otherwise  
89 authorized in this act.

90 **SECTION 3.** It is the intention of the Legislature that none  
91 of the funds appropriated under the provisions of this act shall  
92 be expended to defray any expenses of the Motor Vehicle Commission  
93 if said commission takes any official actions during Fiscal Year  
94 2008 that serve directly or indirectly to reduce the payment to  
95 the State General Fund of any sales tax on motor vehicles sold  
96 within the State of Mississippi.

97 It is further the intention of the Legislature that if such  
98 actions are taken by the Motor Vehicle Commission during Fiscal  
99 Year 2008, the executive director and commission members shall be  
100 held personally liable for repayment of any funds expended under

101 the provisions of this act with said repayment to be made to the  
102 State General Fund. The Attorney General is hereby authorized and  
103 directed to undertake appropriate legal action to enforce the  
104 provisions of this act and to recover said funds.

105       **SECTION 4.** It is the intention of the Legislature that  
106 whenever two (2) or more bids are received by this agency for the  
107 purchase of commodities or equipment, and whenever all things  
108 stated in such received bids are equal with respect to price,  
109 quality and service, the Mississippi Industries for the Blind  
110 shall be given preference. A similar preference shall be given to  
111 the Mississippi Industries for the Blind whenever purchases are  
112 made without competitive bids.

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

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

HR05\SB3158A.J

Don Richardson  
Clerk of the House of Representatives