

**Senate Amendments to House Bill No. 1672**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 Treasury to the credit of the Mississippi Auctioneers Commission  
8 for the purpose of defraying the expenses of the commission, for  
9 the fiscal year beginning July 1, 2007, and ending June 30, 2008.  
10 ..... \$           105,984.00.

11       **SECTION 2.** With the funds appropriated under the provisions  
12 of Section 1, the following positions are authorized:

13       **AUTHORIZED POSITIONS:**

14	Permanent:	Full Time.....	1
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18       Funds are provided herein to adjust the Variable Compensation  
19 Plan to ensure that all full-time employees receive a pay increase  
20 equal to the realignment component of the Variable Compensation  
21 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)  
22 whichever is greater, to be awarded on July 1, 2007.

23       With the funds herein appropriated, it is the intention of  
24 the Legislature that it shall be the agency's responsibility to  
25 make certain that funds required to be appropriated for "Personal  
26 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
27 funds appropriated for that purpose, unless programs or positions  
28 are added to the agency's Fiscal Year 2009 budget by the  
29 Mississippi Legislature. Based on data provided by the  
30 Legislative Budget Office, the State Personnel Board shall

31 determine and publish the projected annual cost to fully fund all  
32 appropriated positions in compliance with the provisions of this  
33 act. It shall be the responsibility of the agency head to insure  
34 that no single personnel action increases this projected annual  
35 cost and/or the Fiscal Year 2008 appropriation for "Personal  
36 Services" when annualized, with the exception of escalated funds.  
37 If, at the time the agency takes any action to change "Personal  
38 Services," the State Personnel Board determines that the agency  
39 has taken an action which would cause the agency to exceed this  
40 projected annual cost or the Fiscal Year 2008 "Personal Services"  
41 appropriated level, when annualized, then only those actions which  
42 reduce the projected annual cost and/or the appropriation  
43 requirement will be processed by the State Personnel Board until  
44 such time as the requirements of this provision are met.

45 Any transfers or escalations shall be made in accordance with  
46 the terms, conditions and procedures established by law or  
47 allowable under the terms set forth within this act. The State  
48 Personnel Board shall not escalate positions without written  
49 approval from the Department of Finance and Administration. The  
50 Department of Finance and Administration shall not provide written  
51 approval to escalate any funds for salaries and/or positions  
52 without proof of availability of new or additional funds above the  
53 appropriated level.

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

58 The agency shall not take any action to promote or otherwise  
59 award salary increases through reallocation, reclassification,  
60 realignment, education benchmark, career ladder, or any other  
61 means to increase salaries of employees or positions unless  
62 specifically exempted by the following conditions: the award of  
63 teacher pay increases, the advancement of a trainee/cadet to the  
64 next level of a bona fide career ladder, the award of an  
65 educational benchmark for the attainment of Certified Public

66 Accountant License or higher level professional certification as  
67 determined by the State Personnel Board, the immediate replacement  
68 of a departing employee with an individual from within state  
69 service or a new hire at a salary level equivalent to that of the  
70 departing employee, and the emergency appointment of nurses,  
71 pharmacists or other health care professionals at a salary to be  
72 determined by the State Personnel Board, unless otherwise  
73 authorized in this act.

74 Of the above funds, none may be expended by this act to  
75 provide for any regulatory authority over livestock auctioneers  
76 conducting sales for an individual of his own property.

77 **SECTION 3.** It is the intention of the Legislature that the  
78 Mississippi Auctioneers Commission shall maintain complete  
79 accounting and personnel records related to the expenditure of all  
80 funds appropriated under this act and that such records shall be  
81 in the same format and level of detail as maintained for Fiscal  
82 Year 2007. It is further the intention of the Legislature that  
83 the agency's budget request for Fiscal Year 2009 shall be  
84 submitted to the Joint Legislative Budget Committee in a format  
85 and level of detail comparable to the format and level of detail  
86 provided during the Fiscal Year 2008 budget request process.

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

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

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

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John O. Gilbert  
Secretary of the Senate