

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. 3158: Appropriation; Motor Vehicle Comm.

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:

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..... \$ 291,334.00.

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:

Salaries, Wages and Fringe Benefits..	\$	199,320.00
Travel and Subsistence.....		25,000.00
Contractual Services.....		58,014.00
Commodities.....		6,000.00

22 Capital Outlay:

Other Than Equipment.....		0.00
Equipment.....		3,000.00
Vehicles.....		0.00
Wireless Communication Devices.....		0.00

27	Subsidies, Loans and Grants.....		0.00
28	Total.....	\$	291,334.00

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

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

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93 act and which are withdrawn and no longer available.

94 **SECTION 3.** It is the intention of the Legislature that none
95 of the funds appropriated under the provisions of this act shall
96 be expended to defray any expenses of the Motor Vehicle Commission
97 if said commission takes any official actions during Fiscal Year
98 2008 that serve directly or indirectly to reduce the payment to
99 the State General Fund of any sales tax on motor vehicles sold
100 within the State of Mississippi.

101 It is further the intention of the Legislature that if such
102 actions are taken by the Motor Vehicle Commission during Fiscal
103 Year 2008, the executive director and commission members shall be
104 held personally liable for repayment of any funds expended under
105 the provisions of this act with said repayment to be made to the
106 State General Fund. The Attorney General is hereby authorized and
107 directed to undertake appropriate legal action to enforce the
108 provisions of this act and to recover said funds.

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

117 **SECTION 5.** The money herein appropriated shall be paid by
118 the State Treasurer out of any money in the State Treasury to the
119 credit of the proper fund or funds as set forth in this act, upon
120 warrants issued by the State Fiscal Officer; and the State Fiscal

121 Officer shall issue his warrants upon requisitions signed by the
122 proper person, officer or officers in the manner provided by law.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Gordon

X (SIGNED)
Stringer

X (SIGNED)
Gollott

X (SIGNED)
Read

X (SIGNED)
Moffatt

X (SIGNED)
Miles