

By: Representatives Read, Martinson,  
Broomfield, Brown, Davis, Denny, Middleton,  
Miles, Weathersby, Scott

To: Appropriations

HOUSE BILL NO. 1718  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
3 MISSISSIPPI PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR 2005.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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 Public Service Commission Regulation  
8 Fund, for the purpose of defraying the expenses of the Mississippi  
9 Public Service Commission for the fiscal year beginning  
10 July 1, 2004, and ending June 30, 2005.....  
11 ..... \$ 5,351,772.00.

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..	\$ 3,581,647.00
19	Travel and Subsistence.....	462,924.00
20	Contractual Services.....	831,116.00
21	Commodities.....	116,285.00
22	Capital Outlay:	
23	Other Than Equipment.....	0.00
24	Equipment.....	352,800.00
25	Subsidies, Loans and Grants.....	<u>7,000.00</u>
26	Total.....	\$ 5,351,772.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	75
29		Part Time.....	1
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

32 With the funds herein appropriated, it is the intention of  
33 the Legislature that it shall be the agency's responsibility to  
34 make certain that funds required to be appropriated for "Personal  
35 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
36 funds appropriated for that purpose, unless programs or positions  
37 are added to the agency's Fiscal Year 2006 budget by the  
38 Mississippi Legislature. Based on data provided by the  
39 Legislative Budget Office, the State Personnel Board shall  
40 determine and publish the projected annual cost to fully fund all  
41 appropriated positions in compliance with the provisions of this  
42 act. It shall be the responsibility of the agency head to insure  
43 that no single personnel action increases this projected annual  
44 cost and/or the Fiscal Year 2005 appropriation for "Personal  
45 Services" when annualized, with the exception of escalated funds.  
46 If, at the time the agency takes any action to change "Personal  
47 Services," the State Personnel Board determines that the agency  
48 has taken an action which would cause the agency to exceed this  
49 projected annual cost or the Fiscal Year 2005 "Personal Services"  
50 appropriated level, when annualized, then only those actions which  
51 reduce the projected annual cost and/or the appropriation  
52 requirement will be processed by the State Personnel Board until  
53 such time as the requirements of this provision are met.

54 Any transfers or escalations shall be made in accordance with  
55 the terms, conditions and procedures established by law or  
56 allowable under the terms set forth within this act. The State  
57 Personnel Board shall not escalate positions without written  
58 approval from the Department of Finance and Administration. The  
59 Department of Finance and Administration shall not provide written  
60 approval to escalate any funds for salaries and/or positions

61 without proof of availability of new or additional funds above the  
62 appropriated level.

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

67 **SECTION 3.** None of the funds herein appropriated by this act  
68 to the Public Service Commission shall be expended for any purpose  
69 that is not actually required or necessary for performing any of  
70 the powers or duties of the Mississippi Public Service Commission  
71 that are authorized by the Mississippi Constitution of 1890, state  
72 or federal law, or rules or regulations that implement state or  
73 federal law.

74 **SECTION 4.** It is the intention of the Legislature that the  
75 Public Service Commission shall maintain complete accounting and  
76 personnel records related to the expenditure of all funds  
77 appropriated under this act and that such records shall be in the  
78 same format and level of detail as maintained for Fiscal Year  
79 2004. It is further the intention of the Legislature that the  
80 agency's budget request for Fiscal Year 2006 shall be submitted to  
81 the Joint Legislative Budget Committee in a format and level of  
82 detail comparable to the format and level of detail provided  
83 during the Fiscal Year 2005 budget request process.

84 **SECTION 5.** In addition to all other sums herein  
85 appropriated, the following sum, or so much thereof as may be  
86 necessary, is appropriated out of any money in the State Treasury  
87 to the credit of the Public Service Commission, for the purpose of  
88 defraying the expenses of the Public Service Commission to  
89 administer the Mississippi Telephone Solicitation Act, for the  
90 fiscal year beginning July 1, 2004, and ending June 30, 2005.....  
91 ..... \$ 169,000.00.

92 **SECTION 6.** It is the intention of the Legislature that the  
93 agency shall provide a report reflecting Fiscal Year 2004 usage of

94 wireless communication devices which shall include cellular  
95 phones, two-way radios, pagers, or any other means of wireless  
96 communications to the Chairman of the House Appropriations  
97 Committee, the Chairman of the Senate Appropriations Committee,  
98 and the State Auditor by September 1, 2004. The report shall  
99 contain, but not be limited to, the following:

100 (1) The number of wireless communication devices provided to  
101 employees by the agency;

102 (2) The annual cost of usage of wireless communication  
103 devices by each employee of the agency who is issued a wireless  
104 communication device;

105 (3) Separate justification of the usage of wireless  
106 communication devices by those employees issued wireless  
107 communication devices; and

108 (4) To determine whether quantifiable benefits are  
109 associated with the utilization of wireless communications and  
110 whether such service provides more efficient or effective service  
111 delivery.

112 **SECTION 7.** Contingent upon passage of House Bill No. 1279,  
113 2004 Regular Session, the Public Service Commission shall transfer  
114 all employees, equipment, inventory and resources of the  
115 commission employed and used as law enforcement personnel to the  
116 Department of Transportation on July 1, 2004. The transfer of  
117 personnel shall be commensurate with the number and classification  
118 of positions allocated to that law enforcement. The transfer  
119 shall also include direct support, clerical, data processing and  
120 communications positions allocated to that law enforcement.

121 **SECTION 8.** If no general legislation is passed during the  
122 2004 Regular Session transferring the Public Service Commission  
123 Motor Carrier Regulation Program to the Mississippi Department of  
124 Transportation, then the Public Service Commission shall be  
125 authorized to escalate an amount not to exceed Four Million Six  
126 Hundred Seventeen Thousand One Hundred Sixty-nine Dollars

127 (\$4,617,169.00) and sixty (60) PINs for the purpose of defraying  
128 the law enforcement activities of the Mississippi Public Service  
129 Commission.

130 **SECTION 9.** If no general legislation is passed during the  
131 2004 Regular Session transferring the Public Service Commission  
132 Motor Carrier Regulation Program to the Mississippi Department of  
133 Transportation, then the Public Service Commission shall have the  
134 authority to escalate and expend funds from any proceeds arising  
135 from participation in drug seizure activities not to exceed Fifty  
136 Thousand Dollars (\$50,000.00), in accordance with the rules and  
137 regulations of the Department of Finance and Administration.

138 **SECTION 10.** If no general legislation is passed during the  
139 2004 Regular Session transferring the Public Service Commission  
140 Motor Carrier Regulation Program to the Mississippi Department of  
141 Transportation, then with the funds provided herein, overtime may  
142 be paid to PSC-Enforcement Office Regulated Carrier positions, the  
143 PSC-Enforcement Officer Chief position, PSC-Enforcement Officer  
144 District Supervisor positions, PSC-Special Projects Officer IV  
145 positions, and PSC-Training Director positions.

146 **SECTION 11.** The money herein appropriated shall be paid by  
147 the State Treasurer out of any money in the State Treasury to the  
148 credit of the proper fund or funds as set forth in this act, upon  
149 warrants issued by the State Fiscal Officer; and the State Fiscal  
150 Officer shall issue his warrants upon requisitions signed by the  
151 proper person, officer or officers, in the manner provided by law.

152 **SECTION 12.** This act shall take effect and be in force from  
153 and after July 1, 2004.