

REPORT OF CONFERENCE COMMITTEE

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MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1633: Appropriation; Public Service Commission.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate 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, 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, 2005, and ending June 30, 2006.....
11 \$ 5,234,410.00.

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 .. \$	3,503,526.00
19 Travel and Subsistence.....	350,000.00
20 Contractual Services	1,035,564.00
21 Commodities.....	115,000.00
22 Capital Outlay:	
23 Other Than Equipment	0.00
24 Equipment	223,320.00
25 Subsidies, Loans and Grants.....	<u>7,000.00</u>
26 Total..... \$	5,234,410.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time	72
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 2007 do not exceed Fiscal Year 2006
36 funds appropriated for that purpose, unless programs or positions
37 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise
68 award salary increases through reallocation, reclassification,
69 realignment, education benchmark, career ladder, or any other
70 means to increase salaries of employees or positions, except for
71 the award of teacher pay increases.

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

79 **SECTION 4.** It is the intention of the Legislature that the
80 Public Service Commission shall maintain complete accounting and
81 personnel records related to the expenditure of all funds
82 appropriated under this act and that such records shall be in the
83 same format and level of detail as maintained for Fiscal Year
84 2005. It is further the intention of the Legislature that the
85 agency's budget request for Fiscal Year 2007 shall be submitted to
86 the Joint Legislative Budget Committee in a format and level of
87 detail comparable to the format and level of detail provided
88 during the Fiscal Year 2006 budget request process.

89 **SECTION 5.** Of the funds provided in Section 1, the sum of
90 Two Hundred Forty-eight Thousand Two Hundred Fifty-eight Dollars

91 (\$248,258.00) is hereby assessed on any non-federal special funds
92 and shall be deposited to the Budget Contingency Fund created in
93 Section 27-103-301, Mississippi Code of 1972, on or before October
94 1, 2005, for the purpose of reimbursing the State of Mississippi
95 for administrative costs.

96 **SECTION 6.** In addition to all other sums herein
97 appropriated, the following sum, or so much thereof as may be
98 necessary, is appropriated out of any money in the State Treasury
99 to the credit of the Public Service Commission, for the purpose of
100 defraying the expenses of the Public Service Commission to
101 administer the Mississippi Telephone Solicitation Act, for the
102 fiscal year beginning July 1, 2005, and ending June 30, 2006.....
103 \$ 168,000.00.

104 Of the funds provided herein, the sum of Eight Thousand
105 Dollars (\$8,000.00) is hereby assessed on any non-federal special
106 funds and shall be deposited to the Budget Contingency Fund
107 created in Section 27-103-301, Mississippi Code of 1972, on or
108 before October 1, 2005, for the purpose of reimbursing the State
109 of Mississippi for administrative costs.

110 **SECTION 7.** The money herein appropriated shall be paid by
111 the State Treasurer out of any money in the State Treasury to the
112 credit of the proper fund or funds as set forth in this act, upon
113 warrants issued by the State Fiscal Officer; and the State Fiscal
114 Officer shall issue his warrants upon requisitions signed by the

115 proper person, officer or officers, in the manner provided by law.

116 **SECTION 8.** This act shall take effect and be in force from

117 and after July 1, 2005.

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Read

X (SIGNED)
Denny

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Gollott

X (SIGNED)
Kirby