

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

To: Appropriations

HOUSE BILL NO. 52

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 2006.

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, 2005, and ending June 30, 2006.....  
11 ..... \$ 5,261,198.00.

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..	\$	3,530,314.00
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.....	\$	5,261,198.00

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 unless  
71 specifically exempted by the following conditions: the award of  
72 teacher pay increases, the advancement of a trainee/cadet to the  
73 next level of a bona fide career ladder, the award of an  
74 educational benchmark for the attainment of Certified Public  
75 Accountant License or higher level professional certification as  
76 determined by the State Personnel Board, the immediate replacement  
77 of a departing employee with an individual from within state  
78 service or a new hire at a salary level equivalent to that of the  
79 departing employee, and the emergency appointment of nurses,  
80 pharmacists or other health care professionals at a salary to be  
81 determined by the State Personnel Board, unless otherwise  
82 authorized in this act.

83 **SECTION 3.** None of the funds herein appropriated by this act  
84 to the Public Service Commission shall be expended for any purpose  
85 that is not actually required or necessary for performing any of  
86 the powers or duties of the Mississippi Public Service Commission  
87 that are authorized by the Mississippi Constitution of 1890, state  
88 or federal law, or rules or regulations that implement state or  
89 federal law.

90 **SECTION 4.** It is the intention of the Legislature that the  
91 Public Service Commission shall maintain complete accounting and  
92 personnel records related to the expenditure of all funds  
93 appropriated under this act and that such records shall be in the

94 same format and level of detail as maintained for Fiscal Year  
95 2005. It is further the intention of the Legislature that the  
96 agency's budget request for Fiscal Year 2007 shall be submitted to  
97 the Joint Legislative Budget Committee in a format and level of  
98 detail comparable to the format and level of detail provided  
99 during the Fiscal Year 2006 budget request process.

100       **SECTION 5.** Of the funds provided in Section 1, the sum of  
101 Two Hundred Forty-eight Thousand Two Hundred Fifty-eight Dollars  
102 (\$248,258.00) is hereby assessed on any non-federal special funds  
103 and shall be deposited to the Budget Contingency Fund created in  
104 Section 27-103-301, Mississippi Code of 1972, on or before October  
105 1, 2005, for the purpose of reimbursing the State of Mississippi  
106 for administrative costs.

107       **SECTION 6.** In addition to all other sums herein  
108 appropriated, the following sum, or so much thereof as may be  
109 necessary, is appropriated out of any money in the State Treasury  
110 to the credit of the Public Service Commission, for the purpose of  
111 defraying the expenses of the Public Service Commission to  
112 administer the Mississippi Telephone Solicitation Act, for the  
113 fiscal year beginning July 1, 2005, and ending June 30, 2006.....  
114 ..... \$           168,000.00.

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

121       **SECTION 7.** The money herein appropriated shall be paid by  
122 the State Treasurer out of any money in the State Treasury to the  
123 credit of the proper fund or funds as set forth in this act, upon  
124 warrants issued by the State Fiscal Officer; and the State Fiscal  
125 Officer shall issue his warrants upon requisitions signed by the  
126 proper person, officer or officers, in the manner provided by law.

127           **SECTION 8.** This act shall take effect and be in force from  
128 and after July 1, 2005.