

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

To: Appropriations

HOUSE BILL NO. 52
(As Passed the House)

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.** None of the monies appropriated under this act
122 shall be expended for payment of that amount of the salary of any
123 person holding the position of division director, department
124 director or head, bureau director, deputy or assistant director or
125 similar position on May 15, 2005, which would exceed the amount
126 actually paid for the same position on June 30, 2003, regardless

127 of the title or position held or duties performed by the person
128 holding the position on June 30, 2003.

129 **SECTION 8.** The money herein appropriated shall be paid by
130 the State Treasurer out of any money in the State Treasury to the
131 credit of the proper fund or funds as set forth in this act, upon
132 warrants issued by the State Fiscal Officer; and the State Fiscal
133 Officer shall issue his warrants upon requisitions signed by the
134 proper person, officer or officers, in the manner provided by law.

135 **SECTION 9.** This act shall take effect and be in force from
136 and after July 1, 2005.