

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

To: Appropriations

HOUSE BILL NO. 1674  
(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 2008.

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, 2007, and ending June 30, 2008.....  
11 ..... \$ 5,544,549.00.

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..	\$ 3,987,923.00
19	Travel and Subsistence.....	398,000.00
20	Contractual Services.....	813,306.00
21	Commodities.....	115,000.00
22	Capital Outlay:	
23	Other Than Equipment.....	0.00
24	Equipment.....	223,320.00
25	Vehicles.....	0.00
26	Wireless Communication Devices.....	0.00
27	Subsidies, Loans and Grants.....	<u>7,000.00</u>

28 Total..... \$ 5,544,549.00

29 AUTHORIZED POSITIONS:

30	Permanent:	Full Time.....	72
31		Part Time.....	1
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 Any transfers or escalations shall be made in accordance with  
66 the terms, conditions and procedures established by law or  
67 allowable under the terms set forth within this act. The State  
68 Personnel Board shall not escalate positions without written  
69 approval from the Department of Finance and Administration. The  
70 Department of Finance and Administration shall not provide written  
71 approval to escalate any funds for salaries and/or positions  
72 without proof of availability of new or additional funds above the  
73 appropriated level.

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77 act and which are withdrawn and no longer available.

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

85 **SECTION 4.** It is the intention of the Legislature that the  
86 Public Service Commission shall maintain complete accounting and  
87 personnel records related to the expenditure of all funds  
88 appropriated under this act and that such records shall be in the  
89 same format and level of detail as maintained for Fiscal Year  
90 2007. It is further the intention of the Legislature that the  
91 agency's budget request for Fiscal Year 2009 shall be submitted to  
92 the Joint Legislative Budget Committee in a format and level of

93 detail comparable to the format and level of detail provided  
94 during the Fiscal Year 2008 budget request process.

95       **SECTION 5.** In addition to all other sums herein  
96 appropriated, the following sum, or so much thereof as may be  
97 necessary, is appropriated out of any money in the State Treasury  
98 to the credit of the Public Service Commission, for the purpose of  
99 defraying the expenses of the Public Service Commission to  
100 administer the Mississippi Telephone Solicitation Act, for the  
101 fiscal year beginning July 1, 2007, and ending June 30, 2008.....  
102 ..... \$           160,000.00.

103       **SECTION 6.** It is the intention of the Legislature that  
104 whenever two (2) or more bids are received by this agency for the  
105 purchase of commodities or equipment, and whenever all things  
106 stated in such received bids are equal with respect to price,  
107 quality and service, the Mississippi Industries for the Blind  
108 shall be given preference. A similar preference shall be given to  
109 the Mississippi Industries for the Blind whenever purchases are  
110 made without competitive bids.

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

117       **SECTION 8.** This act shall take effect and be in force from  
118 and after July 1, 2007.