

Senate Amendments to House Bill No. 1674

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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, 2007, and ending June 30, 2008.....
11 \$ 5,485,029.00.

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..	\$	3,928,403.00
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.....	\$	5,485,029.00

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 Dollars (\$1,000.00), or Three Percent (3%)
38 whichever 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 2009 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 appropriation for "Personal
52 Services" when annualized, with the exception of escalated funds.
53 If, at the time the agency takes any action to change "Personal
54 Services," the State Personnel Board determines that the agency
55 has taken an action which would cause the agency to exceed this
56 projected annual cost or the Fiscal Year 2008 "Personal Services"
57 appropriated level, when annualized, then only those actions which
58 reduce the projected annual cost and/or the appropriation
59 requirement will be processed by the State Personnel Board until
60 such time as the requirements of this provision are met.

61 Any transfers or escalations shall be made in accordance with
62 the terms, conditions and procedures established by law or
63 allowable under the terms set forth within this act. The State
64 Personnel Board shall not escalate positions without written
65 approval from the Department of Finance and Administration. The

66 Department of Finance and Administration shall not provide written
67 approval to escalate any funds for salaries and/or positions
68 without proof of availability of new or additional funds above the
69 appropriated level.

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73 act and which are withdrawn and no longer available.

74 The agency shall not take any action to promote or otherwise
75 award salary increases through reallocation, reclassification,
76 realignment, education benchmark, career ladder, or any other
77 means to increase salaries of employees or positions unless
78 specifically exempted by the following conditions: the award of
79 teacher pay increases, the advancement of a trainee/cadet to the
80 next level of a bona fide career ladder, the award of an
81 educational benchmark for the attainment of Certified Public
82 Accountant License or higher level professional certification as
83 determined by the State Personnel Board, the immediate replacement
84 of a departing employee with an individual from within state
85 service or a new hire at a salary level equivalent to that of the
86 departing employee, and the emergency appointment of nurses,
87 pharmacists or other health care professionals at a salary to be
88 determined by the State Personnel Board, unless otherwise
89 authorized in this act.

90 **SECTION 3.** None of the funds herein appropriated by this act
91 to the Public Service Commission shall be expended for any purpose
92 that is not actually required or necessary for performing any of
93 the powers or duties of the Mississippi Public Service Commission
94 that are authorized by the Mississippi Constitution of 1890, state
95 or federal law, or rules or regulations that implement state or
96 federal law.

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

101 same format and level of detail as maintained for Fiscal Year
102 2007. It is further the intention of the Legislature that the
103 agency's budget request for Fiscal Year 2009 shall be submitted to
104 the Joint Legislative Budget Committee in a format and level of
105 detail comparable to the format and level of detail provided
106 during the Fiscal Year 2008 budget request process.

107 **SECTION 5.** 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, 2007, and ending June 30, 2008.....
114 \$ 160,000.00.

115 **SECTION 6.** It is the intention of the Legislature that
116 whenever two (2) or more bids are received by this agency for the
117 purchase of commodities or equipment, and whenever all things
118 stated in such received bids are equal with respect to price,
119 quality and service, the Mississippi Industries for the Blind
120 shall be given preference. A similar preference shall be given to
121 the Mississippi Industries for the Blind whenever purchases are
122 made without competitive bids.

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

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

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John O. Gilbert
Secretary of the Senate