

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1674**

**BY: Committee**

**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.