

By: Representatives Frierson, Cockerham,
Barker, Bennett, Coleman, Eure, Holland,
Huddleston (30th), Myers, Turner, Sykes

To: Appropriations

HOUSE BILL NO. 1641

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 2017.

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 appropriated out of any money in the State Treasury
7 to the credit of the Public Service Commission Regulation Fund,
8 for the purpose of defraying the expenses of the Mississippi
9 Public Service Commission for the fiscal year beginning
10 July 1, 2016, and ending June 30, 2017.....
11\$ 5,692,033.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of
13 Section 1, the following positions are authorized:

14 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|----|
| 15 | Permanent: | Full Time..... | 62 |
| 16 | | Part Time..... | 6 |
| 17 | Time-Limited: | Full Time..... | 5 |
| 18 | | Part Time..... | 0 |



19 With the funds herein appropriated, it shall be the agency's
20 responsibility to make certain that funds required to be
21 appropriated for "Personal Services" for Fiscal Year 2018 do not
22 exceed Fiscal Year 2017 funds appropriated for that purpose,
23 unless programs or positions are added to the agency's Fiscal Year
24 2017 budget by the Mississippi Legislature. Based on data
25 provided by the Legislative Budget Office, the State Personnel
26 Board shall determine and publish the projected annual cost to
27 fully fund all appropriated positions in compliance with the
28 provisions of this act. It shall be the responsibility of the
29 agency head to ensure that no single personnel action increases
30 this projected annual cost and/or the Fiscal Year 2017
31 appropriations for "Personal Services" when annualized, with the
32 exception of escalated funds and the award of benchmarks. If, at
33 the time the agency takes any action to change "Personal
34 Services," the State Personnel Board determines that the agency
35 has taken an action which would cause the agency to exceed this
36 projected annual cost or the Fiscal Year 2017 "Personal Services"
37 appropriated level, when annualized, then only those actions which
38 reduce the projected annual cost and/or the appropriation
39 requirement will be processed by the State Personnel Board until
40 such time as the requirements of this provision are met.

41 Any transfers or escalations shall be made in accordance with
42 the terms, conditions and procedures established by law or
43 allowable under the terms set forth within this act. The State



Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

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

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



69 same format and level of detail as maintained for Fiscal Year
70 2016. It is further the intention of the Legislature that the
71 agency's budget request for Fiscal Year 2018 shall be submitted to
72 the Joint Legislative Budget Committee in a format and level of
73 detail comparable to the format and level of detail provided
74 during the Fiscal Year 2017 budget request process.

75 **SECTION 5.** In addition to all other sums herein
76 appropriated, the following sum, or so much thereof as may be
77 necessary, is appropriated out of any money in the State Treasury
78 to the credit of the Public Service Commission, for the purpose of
79 defraying the expenses of the Public Service Commission to
80 administer the Mississippi Telephone Solicitation Act, for the
81 fiscal year beginning July 1, 2016, and ending June 30, 2017.....
82\$ 200,000.00.

83 **SECTION 6.** It is the intention of the Legislature that
84 whenever two (2) or more bids are received by this agency for the
85 purchase of commodities or equipment, and whenever all things
86 stated in such received bids are equal with respect to price,
87 quality and service, the Mississippi Industries for the Blind
88 shall be given preference. A similar preference shall be given to
89 the Mississippi Industries for the Blind whenever purchases are
90 made without competitive bids.

91 **SECTION 7.** It is the intention of the Legislature that the
92 Public Service Commission shall compile the amount of time that is
93 expended on each regulated entity during Fiscal Year 2016. On or



94 before August 1, 2016, the Public Service Commission shall report
95 these findings to the House of Representatives' Public Utilities
96 Committee.

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

103 **SECTION 9.** This act shall take effect and be in force from
104 and after July 1, 2016; and shall stand repealed from and after
105 June 30, 2016.

