

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

To: Appropriations

HOUSE BILL NO. 1718

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 2005.

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, 2004, and ending June 30, 2005.....
11 \$ 5,495,629.00.

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

14 AUTHORIZED POSITIONS:

15	Permanent:	Full Time.....	69
16		Part Time.....	1
17	Time-Limited:	Full Time.....	0
18		Part Time.....	0

19 With the funds herein appropriated, it is the intention of
20 the Legislature that it shall be the agency's responsibility to
21 make certain that funds required to be appropriated for "Personal
22 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
23 funds appropriated for that purpose, unless programs or positions
24 are added to the agency's Fiscal Year 2006 budget by the
25 Mississippi Legislature. Based on data provided by the
26 Legislative Budget Office, the State Personnel Board shall
27 determine and publish the projected annual cost to fully fund all

28 appropriated positions in compliance with the provisions of this
29 act. It shall be the responsibility of the agency head to insure
30 that no single personnel action increases this projected annual
31 cost and/or the Fiscal Year 2005 appropriation for "Personal
32 Services" when annualized, with the exception of escalated funds.
33 If, at 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 2005 "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
44 Personnel Board shall not escalate positions without written
45 approval from the Department of Finance and Administration. The
46 Department of Finance and Administration shall not provide written
47 approval to escalate any funds for salaries and/or positions
48 without proof of availability of new or additional funds above the
49 appropriated level.

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53 act and which are withdrawn and no longer available.

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

61 **SECTION 4.** The funds authorized herein shall be used to fund
62 all operations of the agency with the following prohibitions:

63 (1) The agency shall not fill any current or future vacant
64 positions;

65 (2) The agency shall not take any action to promote or
66 otherwise award salary increases through reallocation,
67 reclassification, realignment, education benchmark, career ladder,
68 or any other means to increase salaries of employees or positions
69 except as allowed under the provisions set forth in House Bill No.
70 1279, 2004 Regular Legislative Session;

71 (3) The agency shall not expend funds for out-of-state
72 travel except as allowed under the provisions set forth in House
73 Bill No. 1279, 2004 Regular Legislative Session;

74 (4) The agency shall not expend funds for the purchase of or
75 contract for cellular phones, two-way radios or pagers, except for
76 support of employees in the Department of Public Safety and the
77 Bureau of Narcotics as recommended by Information Technology
78 Services or as allowed under the provisions set forth in House
79 Bill No. 1279, 2004 Regular Legislative Session;

80 (5) The agency shall not expend funds to publish or
81 distribute any annual reports or other publications;

82 (6) The agency shall not expend funds for public relation
83 activities regarding the functions, programs or services of the
84 agency except as allowed under the provisions set forth in House
85 Bill No. 1279, 2004 Regular Legislative Session;

86 (7) The agency shall not advertise the functions, programs
87 or services of the agency except that the Mississippi Development
88 Authority is authorized to expend funds for advertising to carry
89 out the purposes of key programs administered by the authority;

90 (8) The agency shall not expend funds for staff development
91 or training services;

92 (9) The agency shall not expend funds for the purchase of
93 new or replacement equipment or furniture, excluding lease

94 purchase payments on agreements in effect upon passage of this
95 appropriation bill, except as allowed under the provisions set
96 forth in House Bill No. 1279, 2004 Regular Legislative Session.

97 **SECTION 5.** It is the intention of the Legislature that none
98 of the funds appropriated above shall be expended unless members
99 of the Mississippi House of Representatives and Mississippi Senate
100 are notified at least five (5) days prior to a public ceremony
101 announcing the award of any grant in their district or any public
102 announcement or ceremony regarding the groundbreaking or opening
103 of a facility, roadway or bridge for which the Legislature has
104 made funds available. Any signage regarding any public event or
105 any new facility, roadway or bridge shall include the following
106 language: "Funds were made available for this project by the
107 Mississippi State Legislature."

108 **SECTION 6.** It is the intention of the Legislature that the
109 Public Service Commission shall maintain complete accounting and
110 personnel records related to the expenditure of all funds
111 appropriated under this act and that such records shall be in the
112 same format and level of detail as maintained for Fiscal Year
113 2004. It is further the intention of the Legislature that the
114 agency's budget request for Fiscal Year 2006 shall be submitted to
115 the Joint Legislative Budget Committee in a format and level of
116 detail comparable to the format and level of detail provided
117 during the Fiscal Year 2005 budget request process.

118 **SECTION 7.** In addition to all other sums herein
119 appropriated, the following sum, or so much thereof as may be
120 necessary, is appropriated out of any money in the State Treasury
121 to the credit of the Public Service Commission, for the purpose of
122 defraying the expenses of the Public Service Commission to
123 administer the Mississippi Telephone Solicitation Act, for the
124 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
125 \$ 169,000.00.

126 **SECTION 8.** In accordance with Section 39 of House Bill No.
127 1279, 2004 Regular Legislative Session, the Public Service
128 Commission shall transfer all employees, equipment, inventory and
129 resources of the commission employed and used as law enforcement
130 personnel to the Department of Public Safety on July 1, 2004. The
131 transfer of personnel shall be commensurate with the number and
132 classification of positions allocated to that law enforcement.
133 The transfer also shall include direct support, clerical, data
134 processing and communications positions allocated to that
135 enforcement.

136 **SECTION 9.** The money herein appropriated shall be paid by
137 the State Treasurer out of any money in the State Treasury to the
138 credit of the proper fund or funds as set forth in this act, upon
139 warrants issued by the State Fiscal Officer; and the State Fiscal
140 Officer shall issue his warrants upon requisitions signed by the
141 proper person, officer or officers, in the manner provided by law.

142 **SECTION 10.** This act shall take effect and be in force from
143 and after July 1, 2004.