

**Senate Amendments to House Bill No. 1718**

**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, 2004, and ending June 30, 2005.....  
11 ..... \$       9,550,433.00.

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.. \$       5,871,100.00  
19               Travel and Subsistence.....               690,600.00  
20               Contractual Services.....               1,787,207.00  
21               Commodities.....               415,110.00  
22       Capital Outlay:  
23               Other Than Equipment.....               0.00  
24               Equipment.....               771,416.00  
25               Subsidies, Loans and Grants.....               15,000.00  
26               Total..... \$       9,550,433.00

27       **AUTHORIZED POSITIONS:**

28       Permanent:       Full Time.....       128  
29                               Part Time.....       1  
30       Time-Limited:   Full Time.....       0

31 Part Time..... 0

32 With the funds herein appropriated, it is the intention of  
33 the Legislature that it shall be the agency's responsibility to  
34 make certain that funds required to be appropriated for "Personal  
35 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
36 funds appropriated for that purpose, unless programs or positions  
37 are added to the agency's Fiscal Year 2006 budget by the  
38 Mississippi Legislature. Based on data provided by the  
39 Legislative Budget Office, the State Personnel Board shall  
40 determine and publish the projected annual cost to fully fund all  
41 appropriated positions in compliance with the provisions of this  
42 act. It shall be the responsibility of the agency head to insure  
43 that no single personnel action increases this projected annual  
44 cost and/or the Fiscal Year 2005 appropriation for "Personal  
45 Services" when annualized, with the exception of escalated funds.  
46 If, at the time the agency takes any action to change "Personal  
47 Services," the State Personnel Board determines that the agency  
48 has taken an action which would cause the agency to exceed this  
49 projected annual cost or the Fiscal Year 2005 "Personal Services"  
50 appropriated level, when annualized, then only those actions which  
51 reduce the projected annual cost and/or the appropriation  
52 requirement will be processed by the State Personnel Board until  
53 such time as the requirements of this provision are met.

54 Any transfers or escalations shall be made in accordance with  
55 the terms, conditions and procedures established by law or  
56 allowable under the terms set forth within this act. The State  
57 Personnel Board shall not escalate positions without written  
58 approval from the Department of Finance and Administration. The  
59 Department of Finance and Administration shall not provide written  
60 approval to escalate any funds for salaries and/or positions  
61 without proof of availability of new or additional funds above the  
62 appropriated level.

63 No general funds authorized to be expended herein shall be  
64 used to replace federal funds and/or other special funds which are

65 being used for salaries authorized under the provisions of this  
66 act and which are withdrawn and no longer available.

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

74 **SECTION 4.** It is the intention of the Legislature that the  
75 Public Service Commission shall maintain complete accounting and  
76 personnel records related to the expenditure of all funds  
77 appropriated under this act and that such records shall be in the  
78 same format and level of detail as maintained for Fiscal Year  
79 2004. It is further the intention of the Legislature that the  
80 agency's budget request for Fiscal Year 2006 shall be submitted to  
81 the Joint Legislative Budget Committee in a format and level of  
82 detail comparable to the format and level of detail provided  
83 during the Fiscal Year 2005 budget request process.

84 **SECTION 5.** In addition to all other sums herein  
85 appropriated, the following sum, or so much thereof as may be  
86 necessary, is appropriated out of any money in the State Treasury  
87 to the credit of the Public Service Commission, for the purpose of  
88 defraying the expenses of the Public Service Commission to  
89 administer the Mississippi Telephone Solicitation Act, for the  
90 fiscal year beginning July 1, 2004, and ending June 30, 2005.....  
91 ..... \$ 169,000.00.

92 **SECTION 6.** It is the intention of the Legislature that the  
93 Public Service Commission shall have the authority to escalate and  
94 expend funds from any proceeds arising from participation in drug  
95 seizure activities not to exceed Fifty Thousand Dollars  
96 (\$50,000.00), in accordance with the rules and regulations of the  
97 Department of Finance and Administration.

98 **SECTION 7.** It is the intention of the Legislature that with  
99 the funds provided herein, overtime may be paid to PSC-Enforcement

100 Office Regulated Carrier positions, the PSC-Enforcement Officer  
101 Chief position, PSC-Enforcement Officer District Supervisor  
102 positions, PSC-Special Projects Officer IV position, and PSC-  
103 Training Director position.

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

110       **SECTION 9.** This act shall take effect and be in force from  
111 and after July 1, 2004.

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John O. Gilbert  
Secretary of the Senate