

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

To: Appropriations

HOUSE BILL NO. 1602
(As Sent to Governor)

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 2007.

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, 2006, and ending June 30, 2007.....
11 \$ 5,230,847.00.

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..	\$	3,748,221.00
19	Travel and Subsistence.....		350,000.00
20	Contractual Services.....		787,306.00
21	Commodities.....		115,000.00
22	Capital Outlay:		
23	Other Than Equipment.....		0.00
24	Equipment.....		223,320.00
25	Subsidies, Loans and Grants.....		<u>7,000.00</u>
26	Total.....	\$	5,230,847.00

27 AUTHORIZED POSITIONS:

28	Permanent:	Full Time.....	72
29		Part Time.....	1
30	Time-Limited:	Full Time.....	0
31		Part Time.....	0

32 Funds are provided herein to adjust the Variable Compensation
33 Plan to ensure that all full-time employees receive a pay increase
34 equal to the realignment component of the Variable Compensation
35 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
36 with not more than one-half (1/2) to be awarded on July 1, 2006,
37 with the remainder to be awarded on January 1, 2007.

38 With the funds herein appropriated, it is the intention of
39 the Legislature that it shall be the agency's responsibility to
40 make certain that funds required to be appropriated for "Personal
41 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
42 funds appropriated for that purpose, unless programs or positions
43 are added to the agency's Fiscal Year 2008 budget by the
44 Mississippi Legislature. Based on data provided by the
45 Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. It shall be the responsibility of the agency head to insure
49 that no single personnel action increases this projected annual
50 cost and/or the Fiscal Year 2007 appropriation for "Personal
51 Services" when annualized, with the exception of escalated funds.
52 If, at the time the agency takes any action to change "Personal
53 Services," the State Personnel Board determines that the agency
54 has taken an action which would cause the agency to exceed this
55 projected annual cost or the Fiscal Year 2007 "Personal Services"
56 appropriated level, when annualized, then only those actions which
57 reduce the projected annual cost and/or the appropriation
58 requirement will be processed by the State Personnel Board until
59 such time as the requirements of this provision are met.

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

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

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

80 **SECTION 4.** It is the intention of the Legislature that the
81 Public Service Commission shall maintain complete accounting and
82 personnel records related to the expenditure of all funds
83 appropriated under this act and that such records shall be in the
84 same format and level of detail as maintained for Fiscal Year
85 2006. It is further the intention of the Legislature that the
86 agency's budget request for Fiscal Year 2008 shall be submitted to
87 the Joint Legislative Budget Committee in a format and level of
88 detail comparable to the format and level of detail provided
89 during the Fiscal Year 2007 budget request process.

90 **SECTION 5.** In addition to all other sums herein
91 appropriated, the following sum, or so much thereof as may be
92 necessary, is appropriated out of any money in the State Treasury

93 to the credit of the Public Service Commission, for the purpose of
94 defraying the expenses of the Public Service Commission to
95 administer the Mississippi Telephone Solicitation Act, for the
96 fiscal year beginning July 1, 2006, and ending June 30, 2007.....
97 \$ 160,000.00.

98 **SECTION 6.** It is the intention of the Legislature that
99 whenever two (2) or more bids are received by this agency for the
100 purchase of commodities or equipment, and whenever all things
101 stated in such received bids are equal with respect to price,
102 quality and service, the Mississippi Industries for the Blind
103 shall be given preference. A similar preference shall be given to
104 the Mississippi Industries for the Blind whenever purchases are
105 made without competitive bids.

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

112 **SECTION 8.** This act shall take effect and be in force from
113 and after July 1, 2006.