

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1295**

**By Senator(s) Committee**

7        **Amend by striking all after the enacting clause and inserting**  
8 **in lieu thereof the following:**

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10        SECTION 1. Section 77-3-87, Mississippi Code of 1972, is  
11 amended as follows:

12        77-3-87. All reasonable and necessary expenses of the  
13 administration of the duties imposed on the Public Utilities Staff  
14 and on the commission by Title 77, Mississippi Code of 1972,  
15 excluding the reasonable and necessary expenses of the  
16 administration and enforcement by the commission of the laws of  
17 this state pursuant to Chapters 7 and 9 of Title 77, Mississippi  
18 Code of 1972, shall be provided as follows: There is hereby  
19 levied a tax upon (a) all utilities, the rates of which are  
20 subject to regulation by the provisions of this chapter and upon  
21 (b) all utilities not subject to such rate regulation which  
22 furnish to the ultimate consumer utility services of the type  
23 described by subparagraph (i) of paragraph (d) of Section 77-3-3  
24 and otherwise subject to regulation by the provisions of this  
25 chapter, such levy to be effective on the first day of each year  
26 and to be calculated as follows: The rate of the tax shall be one  
27 hundred sixty-four thousandths of one percent (164/1000 of 1%) per  
28 year, of the gross revenues from the intrastate operations of the  
29 utilities taxed under this section. The rate of the tax for

30electric power associations and rural electrification authorities  
31shall be ninety thousandths of one percent (90/1000 of 1%) per  
32year of the gross revenues from the intrastate operations of  
33electric power associations and rural electrification authorities  
34taxed under this section. The sum of all taxes levied by this  
35section shall not exceed the total legislative appropriation of  
36monies from the "Public Utilities Staff Regulation Fund" and the  
37"Public Service Commission Regulation Fund" for the ensuing fiscal  
38year. The commission and the Executive Director of the Public  
39Utilities Staff shall certify to the State Tax Commission the  
40amount of legislative appropriations of monies for the regulation  
41of utilities. The State Tax Commission shall adjust the tax rates  
42on a pro rata basis to generate the necessary revenues established  
43by such legislative appropriations. Each utility which is subject  
44to the tax levied by this section shall file a statement of its  
45gross revenue by April 1 of each year showing the gross revenue  
46for the preceding year's operation. These statements of gross  
47revenue shall be filed with the State Tax Commission on forms  
48prescribed and furnished by the State Tax Commission. The State  
49Tax Commission shall file a copy of these statements of gross  
50revenue with the Public Utilities Staff and the commission. The  
51State Tax Commission shall calculate the amount of tax to be paid  
52by each of the utilities and shall submit a statement thereof to  
53the respective utilities, and the amount shown due in the  
54statements to the utilities shall be paid by them within thirty  
55(30) days thereafter to the State Tax Commission. The State Tax  
56Commission shall furnish the Public Utilities Staff and the  
57commission with an itemized list showing gross and net revenues,  
58assessments, tax collections and other related information for the  
59respective utilities. \* \* \* The State Tax Commission shall pay  
60these funds into the State Treasury on the same day collected to  
61the credit of the "Public Utilities Staff Regulation Fund" and to  
62the "Public Service Commission Regulation Fund" in the proportion  
63that the legislative appropriation of monies from each fund for  
64the regulation of utilities for the ensuing fiscal year bears to

65the total legislative appropriation of monies from both funds for  
66the regulation of utilities for the ensuing fiscal year. \* \* \*

67 All administrative provisions of the Mississippi Sales Tax  
68Law, including those which fix damages, penalties and interest for  
69nonpayment of taxes and for noncompliance with the provisions of  
70such chapter, and all other duties and requirements imposed upon  
71taxpayers, shall apply to all persons liable for taxes under the  
72provisions of this chapter, and the Tax Commissioner shall  
73exercise all the power and authority and perform all the duties  
74with respect to taxpayers under this chapter as are provided in  
75the Mississippi Sales Tax Law except where there is a conflict,  
76then the provisions of this chapter shall control. The term  
77"gross revenue" as used in this section is the total amount of all  
78revenue derived by each of the utilities from its intrastate  
79operations, which are subject to rate regulation under the  
80provisions of this chapter or which constitute utility services of  
81the type described by subparagraph (i) of paragraph (d) of Section  
8277-3-3 and which are regulated by this chapter and furnished to  
83ultimate consumers. The State Tax Commission is hereby authorized  
84to use all tax returns of any utilities available to it and to  
85make audits as may be deemed necessary of all records of utilities  
86in order to correctly determine the amount of such gross revenue.

87 All proceeds of the above-mentioned tax are hereby allocated  
88to the Public Utilities Staff and to the commission in the manner  
89provided in this section for the purpose of this chapter.

90 Each utility subject to the provisions of this section shall  
91be allowed to recover through the use of a rate adjustment clause  
92or rider, the amount it paid for the reasonable and necessary  
93expenses of the commission and the Public Utilities Staff. \* \* \*

94 SECTION 2. This act shall take effect and be in force from  
95and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 77-3-87, MISSISSIPPI CODE OF 1972, TO

2PROVIDE THAT UTILITY REGULATION TAXES SHALL NOT EXCEED THE TOTAL  
3LEGISLATIVE APPROPRIATION OF MONIES FROM THE PUBLIC UTILITIES  
4STAFF REGULATION FUND AND THE PUBLIC SERVICE COMMISSION REGULATION  
5FUND; AND FOR RELATED PURPOSES.