

By: Representatives Read, Bounds, Arnold,  
Beckett, Eure, Hale, Mangold, Oliver, Turner

To: Appropriations

HOUSE BILL NO. 1396  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM GENERAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
3 MISSISSIPPI PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR 2022.

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 General  
7 Fund not otherwise appropriated, for the purpose of defraying the  
8 expenses of the Mississippi Public Service Commission for the  
9 fiscal year beginning July 1, 2021, and ending June 30, 2022 .....  
10 ..... \$ 4,355,157.00.

11 **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is appropriated out of any money in the special fund in  
13 the State Treasury to the credit of the Mississippi Public Service  
14 Commission which is comprised of special source funds collected by  
15 or otherwise available to the commission, for the purpose of  
16 defraying the expenses of the commission for the fiscal year  
17 beginning July 1, 2021, and ending June 30, 2022.....  
18 ..... \$ 493,431.00.



19           **SECTION 3.** Of the funds appropriated under the provisions of  
20 Section 1, the following positions are authorized:

21       AUTHORIZED POSITIONS:

22	Permanent:	Full Time .....	61
23		Part Time .....	6
24	Time-Limited:	Full Time .....	5
25		Part Time .....	0

26           With the funds herein appropriated, it shall be the agency's  
27 responsibility to make certain that funds required to be  
28 appropriated for "Personal Services" for Fiscal Year 2023 do not  
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
30 programs or positions are added to the agency's Fiscal Year 2022  
31 budget by the Mississippi Legislature. Based on data provided by  
32 the Legislative Budget Office, the State Personnel Board shall  
33 determine and publish the projected annual cost to fully fund all  
34 appropriated positions in compliance with the provisions of this  
35 act. Absent a special situation or circumstance approved by the  
36 State Personnel Board, or unless otherwise authorized by this act,  
37 no state agency shall take any action to promote or otherwise  
38 award salary increases through reallocation or realignment. If  
39 the State Personnel Board determines a special situation or  
40 circumstance exists and approves an action, then the agency and  
41 the State Personnel Board shall provide a monthly report of each  
42 action approved by the State Personnel Board to the chairmen of  
43 the Accountability, Efficiency and Transparency Committees of the



44 Senate and House of Representatives and the chairmen of the  
45 Appropriations Committees of the Senate and House of  
46 Representatives. It shall be the responsibility of the agency  
47 head to ensure that no single personnel action increases this  
48 projected annual cost and/or the Fiscal Year 2022 appropriations  
49 for "Personal Services" when annualized, with the exception of  
50 escalated funds and the award of benchmarks. If, at the time the  
51 agency takes any action to change "Personal Services," the State  
52 Personnel Board determines that the agency has taken an action  
53 which would cause the agency to exceed this projected annual cost  
54 or the Fiscal Year 2022 "Personal Services" appropriated level,  
55 when annualized, then only those actions which reduce the  
56 projected annual cost and/or the appropriation requirement will be  
57 processed by the State Personnel Board until such time as the  
58 requirements of this provision are met.

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



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

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

76 Funds have been appropriated herein for the purpose of  
77 implementation and funding Project SEC2 of the Colonel Guy Groff  
78 State Variable Compensation Plan beginning January 1, 2022, and  
79 ending June 30, 2022. It shall be the agency's responsibility to  
80 make certain that each person, excluding executive directors,  
81 agency heads, and elected judges, shall receive no more than a 3%  
82 annual increase in salary which shall not exceed the market rate  
83 established by the State Personnel Board pursuant to the Colonel  
84 Guy Groff State Variable Compensation Plan for each  
85 classification.

86 **SECTION 4.** In compliance with the "Mississippi Performance  
87 Budget and Strategic Planning Act of 1994," it is the intent of  
88 the Legislature that the funds provided herein shall be utilized  
89 in the most efficient and effective manner possible to achieve the  
90 intended mission of this agency. Based on the funding authorized,  
91 this agency shall make every effort to attain the targeted  
92 performance measures provided below:



93		FY2022
94	<u>Performance Measures</u>	<u>Target</u>
95	Utility Regulatory Services	
96	Utility Docket Cases (Number of)	240
97	Utility Complaints (Number of)	4,560
98	Electric Complaints as a Percentage of	
99	Total (%)	48.00
100	Telecommunication Complaints as a	
101	Percentage of Total (%)	32.00
102	Water Complaints as a Percentage of	
103	Total (%)	10.00
104	Gas Complaints as a Percentage of Total (%)	8.00
105	Sewer Complaints as a Percentage of	
106	Total (%)	1.00
107	Average Cost per Utility Complaint (\$)	638.00
108	Time To Resolve Utility Complaints (Days)	3
109	Average Price of Electricity per	
110	Kilowatt Hour in MS for Residential	
111	Customers, by Utility Type:	
112	Investor-Owned Utilities (Cents/kWh)	0.11
113	Average Price of Electricity per	
114	Kilowatt Hour in MS for Residential	
115	Customers, by Utility Type: Electric	
116	Cooperatives (Cents/kWh)	0.11
117	Average Price of Electricity for	



118	Residential Customers in MS as a	
119	Percentage of the April 2016 National	
120	Average, 12.43 Cents/kWh - Investor	
121	Owned Utilities (%)	86.89
122	Average Price of Electricity for	
123	Residential Customers in MS as a	
124	Percentage of the April 2016 National	
125	Average, 12.43 Cents/kWh - Electric	
126	Cooperative (%)	95.14
127	Average Monthly Residential Electric	
128	Usage in MS (kWh)	1,200
129	Average Monthly Residential Electric	
130	Usage in MS as a Percentage of the 2015	
131	National Average, 909 kWh (%)	135.00
132	Pipeline Inspections (Number of)	630
133	Average Cost per Pipeline Inspection (\$)	883.00

134 A reporting of the degree to which the performance targets  
135 set above have been or are being achieved shall be provided in the  
136 agency's budget request submitted to the Joint Legislative Budget  
137 Committee for Fiscal Year 2023.

138 **SECTION 5.** None of the funds herein appropriated by this act  
139 to the Public Service Commission shall be expended for any purpose  
140 that is not actually required or necessary for performing any of  
141 the powers or duties of the Mississippi Public Service Commission  
142 that are authorized by the Mississippi Constitution of 1890, state



143 or federal law, or rules or regulations that implement state or  
144 federal law.

145         **SECTION 6.** It is the intention of the Legislature that the  
146 Public Service Commission shall maintain complete accounting and  
147 personnel records related to the expenditure of all funds  
148 appropriated under this act and that such records shall be in the  
149 same format and level of detail as maintained for Fiscal Year  
150 2021. It is further the intention of the Legislature that the  
151 agency's budget request for Fiscal Year 2023 shall be submitted to  
152 the Joint Legislative Budget Committee in a format and level of  
153 detail comparable to the format and level of detail provided  
154 during the Fiscal Year 2022 budget request process.

155         **SECTION 7.** In addition to all other sums herein  
156 appropriated, the following sum, or so much thereof as may be  
157 necessary, is appropriated out of any money in the State General  
158 Fund not otherwise appropriated, for the purpose of defraying the  
159 expenses of the Public Service Commission to administer the  
160 Mississippi Telephone Solicitation Act, for the fiscal year  
161 beginning July 1, 2021, and ending June 30, 2022.....  
162 .....\$           66,372.00.

163         **SECTION 8.** The following sum, or so much thereof as may be  
164 necessary, is hereby authorized for expenditure out of any special  
165 source funds which are collected by or otherwise become available,  
166 for the support and maintenance of the Public Service Commission



167 to administer the Mississippi Telephone Solicitation Act for the  
168 fiscal year beginning July 1, 2021, and ending June 30, 2022 .....  
169 .....\$ 287,121.00.

170 **SECTION 9.** Of the funds appropriated under the provisions of  
171 Section 8, Two Hundred Eighty-seven Thousand One Hundred  
172 Twenty-one Dollars (\$287,121.00), or so much thereof, shall be  
173 derived out of any money in the State Treasury to the credit of  
174 the Capital Expense Fund, as created in Section 27-103-303,  
175 Mississippi Code of 1972, and allocated in a manner as determined  
176 by the State Treasurer. These funds are provided for development  
177 of a new No-Call database system.

178 **SECTION 10.** In compliance with the "Mississippi Performance  
179 Budget and Strategic Planning Act of 1994," it is the intent of  
180 the Legislature that the funds provided herein shall be utilized  
181 in the most efficient and effective manner possible to achieve the  
182 intended mission of this agency. Based on the funding authorized,  
183 this agency shall make every effort to attain the targeted  
184 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
187 Telephone "no-call"	
188 No-Call Complaints (Number of)	15,425
189 Average Cost per No-Call Complaint (\$)	20.00

190 A reporting of the degree to which the performance targets  
191 set above have been or are being achieved shall be provided in the





192 agency's budget request submitted to the Joint Legislative Budget  
193 Committee for Fiscal Year 2023.

194       **SECTION 11.** It is the intention of the Legislature that  
195 whenever two (2) or more bids are received by this agency for the  
196 purchase of commodities or equipment, and whenever all things  
197 stated in such received bids are equal with respect to price,  
198 quality and service, the Mississippi Industries for the Blind  
199 shall be given preference. A similar preference shall be given to  
200 the Mississippi Industries for the Blind whenever purchases are  
201 made without competitive bids.

202       **SECTION 12.** It is the intention of the Legislature that the  
203 Public Service Commission shall compile the amount of time that is  
204 expended on each regulated entity during Fiscal Year 2021. On or  
205 before August 1, 2021, the Public Service Commission shall report  
206 these findings to the House of Representatives' Public Utilities  
207 Committee.

208       **SECTION 13.** The money herein appropriated shall be paid by  
209 the State Treasurer out of any money in the State Treasury to the  
210 credit of the proper fund or funds as set forth in this act, upon  
211 warrants issued by the State Fiscal Officer; and the State Fiscal  
212 Officer shall issue his warrants upon requisitions signed by the  
213 proper person, officer or officers, in the manner provided by law.

214       **SECTION 14.** This act shall take effect and be in force from  
215 and after July 1, 2021.

