

Senate Amendments to House Bill No. 1396

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 appropriated out of any money in the State General
7 Funds 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\$ 4,094,636.00.

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\$ 493,098.00.

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.....	49
23		Part Time.....	4
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 **SECTION 4.** In compliance with the "Mississippi Performance
77 Budget and Strategic Planning Act of 1994," it is the intent of
78 the Legislature that the funds provided herein shall be utilized
79 in the most efficient and effective manner possible to achieve the
80 intended mission of this agency. Based on the funding authorized,
81 this agency shall make every effort to attain the targeted
82 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Utility Regulatory Services	
Utility Docket Cases (Number of)	240
Utility Complaints (Number of)	4,560
Electric Complaints as a Percentage of	
Total (%)	48.00
Telecommunication Complaints as a	
Percentage of Total (%)	32.00
Water Complaints as a Percentage of	
Total (%)	10.00
Gas Complaints as a Percentage of Total (%)	8.00
Sewer Complaints as a Percentage of	
Total (%)	1.00
Average Cost per Utility Complaint (\$)	638.00
Time To Resolve Utility Complaints (Days)	3
Average Price of Electricity per	

100	Kilowatt Hour in MS for Residential	
101	Customers, by Utility Type:	
102	Investor-Owned Utilities (Cents/kWh)	0.11
103	Average Price of Electricity per	
104	Kilowatt Hour in MS for Residential	
105	Customers, by Utility Type: Electric	
106	Cooperatives (Cents/kWh)	0.11
107	Average Price of Electricity for	
108	Residential Customers in MS as a	
109	Percentage of the April 2016 National	
110	Average, 12.43 Cents/kWh - Investor	
111	Owned Utilities (%)	86.89
112	Average Price of Electricity for	
113	Residential Customers in MS as a	
114	Percentage of the April 2016 National	
115	Average, 12.43 Cents/kWh - Electric	
116	Cooperative (%)	95.14
117	Average Monthly Residential Electric	
118	Usage in MS (kWh)	1,200
119	Average Monthly Residential Electric	
120	Usage in MS as a Percentage of the 2015	
121	National Average, 909 kWh (%)	135.00
122	Pipeline Inspections (Number of)	630
123	Average Cost per Pipeline Inspection (\$)	883.00
124	A reporting of the degree to which the performance targets	
125	set above have been or are being achieved shall be provided in the	

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

128 **SECTION 5.** None of the funds herein appropriated by this act
129 to the Public Service Commission shall be expended for any purpose
130 that is not actually required or necessary for performing any of
131 the powers or duties of the Mississippi Public Service Commission
132 that are authorized by the Mississippi Constitution of 1890, state
133 or federal law, or rules or regulations that implement state or
134 federal law.

135 **SECTION 6.** It is the intention of the Legislature that the
136 Public Service Commission shall maintain complete accounting and
137 personnel records related to the expenditure of all funds
138 appropriated under this act and that such records shall be in the
139 same format and level of detail as maintained for Fiscal Year
140 2021. It is further the intention of the Legislature that the
141 agency's budget request for Fiscal Year 2023 shall be submitted to
142 the Joint Legislative Budget Committee in a format and level of
143 detail comparable to the format and level of detail provided
144 during the Fiscal Year 2022 budget request process.

145 **SECTION 7.** In addition to all other sums herein
146 appropriated, the following sum, or so much thereof as may be
147 necessary, is appropriated out of any money in the State General
148 Fund not otherwise appropriated, for the purpose of defraying the
149 expenses of the Public Service Commission to administer the
150 Mississippi Telephone Solicitation Act, for the fiscal year
151 beginning July 1, 2021, and ending June 30, 2022.....

152\$ 66,372.00.

153 **SECTION 8.** In compliance with the "Mississippi Performance
154 Budget and Strategic Planning Act of 1994," it is the intent of
155 the Legislature that the funds provided herein shall be utilized
156 in the most efficient and effective manner possible to achieve the
157 intended mission of this agency. Based on the funding authorized,
158 this agency shall make every effort to attain the targeted
159 performance measures provided below:

160		FY2022
161	<u>Performance Measures</u>	<u>Target</u>
162	Telephone "no-call"	
163	No-Call Complaints (Number of)	15,425
164	Average Cost per No-Call Complaint (\$)	20.00

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

169 **SECTION 9.** It is the intention of the Legislature that
170 whenever two (2) or more bids are received by this agency for the
171 purchase of commodities or equipment, and whenever all things
172 stated in such received bids are equal with respect to price,
173 quality and service, the Mississippi Industries for the Blind
174 shall be given preference. A similar preference shall be given to
175 the Mississippi Industries for the Blind whenever purchases are
176 made without competitive bids.

177 **SECTION 10.** It is the intention of the Legislature that the
178 Public Service Commission shall compile the amount of time that is
179 expended on each regulated entity during Fiscal Year 2021. On or
180 before August 1, 2021, the Public Service Commission shall report
181 these findings to the House of Representatives' Public Utilities
182 Committee.

183 **SECTION 11.** The money herein appropriated shall be paid by
184 the State Treasurer out of any money in the State Treasury to the
185 credit of the proper fund or funds as set forth in this act, upon
186 warrants issued by the State Fiscal Officer; and the State Fiscal
187 Officer shall issue his warrants upon requisitions signed by the
188 proper person, officer or officers, in the manner provided by law.

189 **SECTION 12.** This act shall take effect and be in force from
190 and after July 1, 2021, and shall stand repealed June 29, 2021.

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

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.

SS15\HB1396A.J

Eugene S. Clarke
Secretary of the Senate