

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1396**

**BY: Committee**

**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



90	Telecommunication Complaints as a	
91	Percentage of Total (%)	32.00
92	Water Complaints as a Percentage of	
93	Total (%)	10.00
94	Gas Complaints as a Percentage of Total (%)	8.00
95	Sewer Complaints as a Percentage of	
96	Total (%)	1.00
97	Average Cost per Utility Complaint (\$)	638.00
98	Time To Resolve Utility Complaints (Days)	3
99	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:

	FY2022
<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.

