

By: Representatives Bounds, Stamps

To: Public Utilities;
Appropriations

HOUSE BILL NO. 1028

1 AN ACT TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE THE REQUIREMENT THAT THE MISSISSIPPI PUBLIC SERVICE
 3 COMMISSION BE FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND; TO
 4 AMEND SECTIONS 77-1-6, 77-1-15, 77-1-29, 77-1-53, 77-3-8, 77-3-87,
 5 77-3-89, 77-3-503, 77-3-507, 77-3-509, 77-7-127, 77-7-333,
 6 77-7-337, 77-7-339, 77-9-489 AND 77-11-201, MISSISSIPPI CODE OF
 7 1972, TO DELETE THE PROVISIONS OF LAW REQUIRING CERTAIN EXPENSES
 8 OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION TO BE DEFRAID BY
 9 APPROPRIATION FROM THE STATE GENERAL FUND; TO AMEND SECTION
 10 77-3-721, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION
 11 REQUIRING USER FEES AND CHARGES COLLECTED UNDER THE MISSISSIPPI
 12 TELEPHONE SOLICITATION ACT TO BE DEPOSITED INTO THE STATE GENERAL
 13 FUND; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 27-104-205, Mississippi Code of 1972, is
 16 amended as follows:

17 27-104-205. (1) From and after July 1, 2016, the expenses
 18 of the following enumerated state agencies shall be defrayed by
 19 appropriation of the Legislature from the State General Fund: the
 20 State Fire Marshal, the State Fire Academy (not including the
 21 State Fire Academy Workforce Program Fund), the Office of
 22 Secretary of State (not including the Preneed Contracts Loss
 23 Recovery Fund), * * * the Mississippi Department of Information



24 Technology Services, (not including the Mississippi Department of
25 Information Technology Services Revolving Fund), the State
26 Personnel Board, the Mississippi Department of Insurance (not
27 including the Municipal Fire Protection Fund, Section 83-1-37, the
28 County Volunteer Fire Department Fund, Section 83-1-39, and the
29 Mississippi Propane Education and Research Fund, Section
30 75-57-119), the Mississippi Law Enforcement Officers' Minimum
31 Standards Board, the Mississippi Gaming Commission, the Office of
32 the State Public Defender, the Mississippi Workers' Compensation
33 Commission (not including the Second Injury Trust Fund) and the
34 Office of Attorney General. Beginning July 1, 2016, any fees,
35 assessments or other revenues charged for the support of the
36 above-named state agencies shall be deposited into the State
37 General Fund, and any special fund or depository established
38 within the State Treasury for the deposit of such fees,
39 assessments or revenues shall be abolished and the balance
40 transferred to the State General Fund. Expenses heretofore drawn
41 from such special funds or other depositories shall be drawn from
42 the agencies' General Fund Account.

43 (2) Beginning with the fiscal year ending June 30, 2016, the
44 amount to be appropriated annually from the State General Fund for
45 the support of each of the above-named state agencies shall not
46 exceed the amount appropriated for such purpose in the preceding
47 fiscal year, plus any increases in or additional fees, assessments



48 or other charges authorized by act of the Legislature for the
49 succeeding fiscal year.

50 (3) The provisions of this section shall not apply to any
51 trust fund account that is maintained by any above-named agency.

52 (4) The provisions of this section shall not prohibit any of
53 the above-named agencies from maintaining clearing accounts in
54 approved depositories.

55 (5) The provisions of this section shall not apply to any
56 trust fund accounts maintained by the Public Employees' Retirement
57 System and protected under Section 272A of the Mississippi
58 Constitution of 1890.

59 **SECTION 2.** Section 77-1-6, Mississippi Code of 1972, is
60 amended as follows:

61 77-1-6. There is * * * established in the State Treasury a
62 special fund to be known as the "Public Service Commission
63 Regulation Fund." Such fund shall be the sole fund of the
64 commission for all monies collected and deposited to the credit of
65 or appropriated to the commission. The fund shall be administered
66 as provided in this title and shall be audited annually by the
67 State Auditor.

68 * * *

69 **SECTION 3.** Section 77-1-15, Mississippi Code of 1972, is
70 amended as follows:

71 77-1-15. (1) There shall be an executive secretary of the
72 commission, * * * referred to in this chapter as the secretary, to



73 be appointed by the commission, by and with the advice and consent
74 of the Senate, for the term of the commissioners. The secretary
75 must have the same qualifications as the commissioners and shall
76 be subject to the same disqualifications and to like penalties,
77 except that he shall not be liable to impeachment. He shall
78 receive a salary fixed by the Legislature. He shall take the oath
79 of office and shall be removable at the pleasure of the
80 commission, which may fill any vacancy until the Senate confirms a
81 successor. The secretary shall make bond as provided for other
82 state officers, in the sum of Ten Thousand Dollars (\$10,000.00),
83 conditioned upon the faithful performance of the duties of his
84 office.

85 (2) The secretary shall collect all fees and penalties
86 collected by or paid to the commission, and shall cover the same
87 into the State Treasury.

88 (3) The secretary of the commission shall be the custodian
89 of all records, documents, and the seal of the commission. He
90 shall issue all citations, subpoenas and other rightful orders and
91 documents, and perform all other duties usually required of such
92 officer, and as required by the commission.

93 (4) It shall be the duty and responsibility of the secretary
94 to supervise and manage the offices and staff of the Public
95 Service Commission and formulate written policies and procedures
96 for the effective and efficient operation of the office and



97 present these policies and procedures to the board for
98 promulgation.

99 * * *

100 **SECTION 4.** Section 77-1-29, Mississippi Code of 1972, is
101 amended as follows:

102 77-1-29. On or before the twentieth day of each calendar
103 month, the commission shall pay into the State Treasury to the
104 account of the "Public Service Commission Regulation Fund" all
105 monies collected by it during the preceding calendar month,
106 showing from whom collected, when collected and for what purposes
107 collected. All disbursements made by the commission or from the
108 regulation fund for any purposes, other than for salaries provided
109 by law, shall be supported by a detailed and itemized statement
110 approved by the commission for commission disbursements. The
111 commission shall not expend funds from the "Public Service
112 Commission Regulation Fund" to employ personnel whose services
113 would duplicate services provided by any employee of the Public
114 Utilities Staff.

115 * * *

116 **SECTION 5.** Section 77-1-53, Mississippi Code of 1972, is
117 amended as follows:

118 77-1-53. (1) Whenever the commission, an employee of the
119 commission or any employee of the Public Utilities Staff has
120 reason to believe that a willful and knowing violation of any
121 statute administered by the commission or any regulation or any



122 order of the commission has occurred, the commission may cause a
123 written complaint to be served upon the alleged violator or
124 violators. The complaint shall specify the provisions of such
125 statute, regulation or order alleged to be violated and the facts
126 alleged to constitute a violation thereof and shall require that
127 the alleged violator appear before the commission at a time and
128 place specified in the notice and answer the charges complained
129 of. The time of appearance before the commission shall not be
130 less than twenty (20) days from the date of the service of the
131 complaint, unless the commission finds that the public convenience
132 or necessity requires that such hearing be held at an earlier
133 date.

134 (2) The commission shall afford an opportunity for a fair
135 hearing to the alleged violator or violators at the time and place
136 specified in the complaint. On the basis of the evidence produced
137 at the hearing, the commission shall make findings of fact and
138 conclusions of law and enter its order, which in its opinion will
139 be in the best interests of the consuming public. Failure to
140 appear at any such hearing, without prior authorization to do so
141 from the commission, may result in the commission finding the
142 alleged violator guilty of the charges complained of by default,
143 and at such time an order may be entered, including the assessment
144 of a penalty. The commission shall give written notice of such
145 order to the alleged violator and to such other persons as shall
146 have appeared at the hearing or made written request for notice of



147 the order. The commission may assess such penalties as provided
148 in subsection (3) of this section.

149 (3) Any person found by the commission, pursuant to a
150 hearing or by default as provided in this section, violating any
151 statute administered by the commission, or any regulation or order
152 of the commission in pursuance thereof, shall be subject to a
153 civil penalty of not more than Five Thousand Dollars (\$5,000.00)
154 for each violation, to be assessed and collected by the
155 commission. Each day that a violation continues shall constitute
156 a separate violation. In lieu of, or in addition to, the monetary
157 penalty, the commission, for any violation by a certificate
158 holder, may impose a penalty in accordance with Section
159 77-3-21 * * * if it finds that the violator is not rendering
160 reasonably adequate service. Appeals from the imposition of the
161 civil penalty may be taken to the Circuit Court of the First
162 Judicial District of Hinds County in the same manner as appeals
163 from orders of the commission constituting judicial findings.

164 (4) All penalties collected by the commission under this
165 section shall be deposited in the Public Service Commission
166 Regulation Fund.

167 (5) No portion of any penalty or costs associated with an
168 administrative or court proceeding which results in the assessment
169 of a penalty against a public utility for violation of any statute
170 administered by the commission, or any regulation or order of the



171 commission, shall be considered by the commission in fixing any
172 rates or charges of such public utility.

173 (6) This section shall be in addition to any other law which
174 provides for the imposition of penalties for the violation of any
175 statute administered by the commission or any regulation or order
176 of the commission.

177 * * *

178 **SECTION 6.** Section 77-3-8, Mississippi Code of 1972, is
179 amended as follows:

180 77-3-8. (1) There is established in the commission a Public
181 Service Commission staff, which staff shall be a unit, remain as a
182 unit therein, and be responsive to the commission. The Public
183 Service Commission staff shall consist of a sufficient number of
184 professional, administrative, technical, clerical and other
185 personnel as may be necessary for the staff to perform its duties
186 and responsibilities as * * * provided in this chapter. All such
187 personnel of the Public Service Commission staff shall be
188 recommended by the executive secretary and hired or rejected by
189 the commission. Personnel shall be dismissed only for cause in
190 accordance with the rules and regulations of the State Personnel
191 Board. The personnel of the Public Service Commission staff shall
192 be compensated and reimbursed for their actual and necessary
193 expenses, including food, lodging and travel, by the commission
194 from the Public Service Commission Regulation Fund established by
195 Section 77-1-6, and as authorized by Section 25-3-41. The Public



196 Service Commission staff shall be responsible for gathering and
197 analyzing information relating to all matters within the authority
198 of the commission.

199 (2) The State Personnel Board shall establish and maintain
200 entry-level salaries sufficiently competitive to attract
201 competent, qualified applicants for the specialized skills and
202 positions required by this section without regard to the salaries
203 paid the commissioners and notwithstanding any other provisions of
204 law to the contrary. The State Personnel Board shall authorize,
205 where necessary, a range of salaries within which salary
206 negotiations may be conducted for those positions for which
207 specific knowledge, skills and abilities are set forth herein.

208 (3) The Public Service Commission staff shall perform such
209 duties as are assigned to them by the commission.

210 * * *

211 **SECTION 7.** Section 77-3-87, Mississippi Code of 1972, is
212 amended as follows:

213 77-3-87. All reasonable and necessary expenses of the
214 administration of the duties imposed on the public utilities staff
215 and on the commission by Title 77, Mississippi Code of 1972,
216 excluding the reasonable and necessary expenses of the
217 administration and enforcement by the commission of the laws of
218 this state pursuant to Chapters 7 and 9, Title 77, Mississippi
219 Code of 1972, shall be provided as follows: There is * * * levied
220 a tax upon (a) all utilities, the rates of which are subject to



221 regulation by the provisions of this chapter, and upon (b) all
222 utilities not subject to such rate regulation which furnish to the
223 ultimate consumer utility services of the type described by
224 subparagraph (i) of paragraph (d) of Section 77-3-3 and otherwise
225 subject to regulation by the provisions of this chapter, such levy
226 to be effective on the first day of each year and to be calculated
227 as follows: The rate of the tax shall be one hundred sixty-four
228 thousandths of one percent (164/1000 of 1%) per year, of the gross
229 revenues from the intrastate operations of the utilities taxed
230 under this section. The rate of the tax for electric power
231 associations and rural electrification authorities shall be ninety
232 thousandths of one percent (90/1000 of 1%) per year of the gross
233 revenues from the intrastate operations of electric power
234 associations and rural electrification authorities taxed under
235 this section. * * * The sum of all taxes levied by this section
236 shall not exceed the total legislative appropriation of
237 monies * * * from the Public Utilities Staff Regulation Fund and
238 the Public Service Commission Regulation Fund for the ensuing
239 fiscal year. The commission and the executive director of the
240 Public Utilities Staff shall certify to the Department of Revenue
241 the amount of legislative appropriations of monies for the
242 regulation of utilities. The Department of Revenue shall adjust
243 the tax rates on a pro rata basis to generate the necessary
244 revenues established by such legislative appropriations. Each
245 utility which is subject to the tax levied by this section shall



246 file a statement of its gross revenue by April 1 of each year
247 showing the gross revenue for the preceding year's operation.
248 These statements of gross revenue shall be filed with the
249 Department of Revenue on forms prescribed and furnished by the
250 Department of Revenue. The Department of Revenue shall file a
251 copy of these statements of gross revenue with the Public
252 Utilities Staff and the commission. The Department of Revenue
253 shall calculate the amount of tax to be paid by each of the
254 utilities and shall submit a statement thereof to the respective
255 utilities, and the amount shown due in the statements to the
256 utilities shall be paid by them within thirty (30) days thereafter
257 to the Department of Revenue. The Department of Revenue shall
258 furnish the Public Utilities Staff and the commission with an
259 itemized list showing gross and net revenues, assessments, tax
260 collections and other related information for the respective
261 utilities. The Department of Revenue shall * * * pay these funds
262 into the * * * State Treasury on the same day collected to the
263 credit of the Public Utilities Staff Regulation Fund and to the
264 Public Service Commission Regulation Fund in the proportion that
265 the legislative appropriation of monies from each fund for the
266 regulation of utilities for the ensuing fiscal year bears to the
267 total legislative appropriation of monies from both funds for the
268 regulation of utilities for the ensuing fiscal year.

269 All administrative provisions of the Mississippi Sales Tax
270 Law, including those which fix damages, penalties and interest for



271 nonpayment of taxes and for noncompliance with the provisions of
272 such chapter, and all other duties and requirements imposed upon
273 taxpayers, shall apply to all persons liable for taxes under the
274 provisions of this chapter, and the Commissioner of Revenue shall
275 exercise all the power and authority and perform all the duties
276 with respect to taxpayers under this chapter as are provided in
277 the Mississippi Sales Tax Law except where there is a conflict,
278 then the provisions of this chapter shall control. The term
279 "gross revenue" as used in this section is the total amount of all
280 revenue derived by each of the utilities from its intrastate
281 operations, which are subject to rate regulation under the
282 provisions of this chapter or which constitute utility services of
283 the type described by subparagraph (i) of paragraph (d) of Section
284 77-3-3 and which are regulated by this chapter and furnished to
285 ultimate consumers. The Department of Revenue is * * * authorized
286 to use all tax returns of any utilities available to it and to
287 make audits as may be deemed necessary of all records of utilities
288 in order to correctly determine the amount of such gross revenue.

289 All proceeds of the above-mentioned tax are * * * to be
290 allocated to the Public Utilities Staff and to the commission in
291 the manner provided in this section for the purpose of this
292 chapter.

293 Each utility subject to the provisions of this section shall
294 be allowed to recover, through the use of a rate adjustment clause
295 or rider, the total amount of taxes paid by the utility pursuant



296 to this section for the reasonable and necessary expenses of the
297 commission and the Public Utilities Staff.

298 * * *

299 **SECTION 8.** Section 77-3-89, Mississippi Code of 1972, is
300 amended as follows:

301 77-3-89. It shall be the duty of the State Auditor to advise
302 the commission of the amount of money on hand in the "Public
303 Service Commission Regulation Fund" from time to time. All
304 expenses of the commission authorized by this article, or any
305 other act of the Legislature, shall be paid by the State Treasurer
306 upon warrants issued by the State Fiscal Officer, which warrants
307 shall be issued upon requisition signed by the chairman of the
308 commission and countersigned by one (1) of the commissioners.

309 * * * The requisition shall show upon its face the purpose for
310 which the payment is being made by reference to the minute book in
311 which such payment was authorized. It shall be unlawful for any
312 person to withdraw any money from * * * the fund other than by
313 requisition issued as * * * herein provided in this section. A
314 record of all requisitions issued by the commission showing to
315 whom, for what purpose, and date issued, shall be placed upon the
316 minute books of the commission and shall become a part of the
317 official record of the commission.

318 The books and accounts of the commission shall be audited at
319 the end of each fiscal year, and at any other time deemed
320 necessary, by the State Auditor and a copy of such audits shall be



321 furnished to the Governor and the commission. The State Auditor
322 may prescribe such further accounting procedure as he deems
323 necessary for the withdrawal of funds by the commission from * * *
324 the special fund. All requisitions drawn in compliance with this
325 article shall be honored by the State Auditor and the funds
326 disbursed in accordance therewith. The commission shall file a
327 report at each regular session of the Legislature showing the
328 expenditure of all funds by the commission.

329 The "Public Utilities Staff Regulation Fund" shall be
330 administered in accordance with Section 77-2-19.

331 * * *

332 **SECTION 9.** Section 77-3-503, Mississippi Code of 1972, is
333 amended as follows:

334 77-3-503. The following terms and phrases, when used in this
335 article, shall have the following meaning ascribed to them, except
336 where the context clearly indicates a different meaning:

337 (a) "Deaf person" means an individual who is unable to
338 hear and understand oral communication, with or without the
339 assistance of amplification devices.

340 (b) "Dual party relay system" means a procedure whereby
341 a deaf, hearing or speech impaired TDD user can communicate with
342 an intermediary party, who then orally relays the first party's
343 message or request to a third party, or vice versa.

344 (c) "Exchange access facility" means the access from a
345 particular telephone subscriber's premise to the telephone system



346 of a local exchange telephone company. Exchange access facilities
347 include local exchange company provided access lines, private
348 branch exchange trunks and centrex network access registers, all
349 as defined by tariffs of telephone companies as approved by the
350 commission.

351 (d) "Hard of hearing person" means an individual who
352 has suffered a permanent hearing loss which is severe enough to
353 necessitate the use of amplification devices to hear oral
354 communication.

355 (e) "Hearing impaired person" means a person who is
356 deaf or hard of hearing.

357 (f) "Ring signaling device" means a mechanism such as a
358 flashing light which visually indicates that a communication is
359 being received through a telephone line. This phrase also means a
360 mechanism such as adjustable volume ringers and buzzers which
361 audibly and loudly indicate an incoming telephone communication.

362 (g) "Speech impaired person" means an individual who
363 has suffered a loss of oral communication ability which prohibits
364 normal usage of a standard telephone handset.

365 (h) "Telecommunications device" or "telecommunications
366 device for the deaf, hearing or speech impaired" or "TDD" means a
367 keyboard mechanism attached to or in place of a standard telephone
368 by some coupling device used to transmit or receive signals
369 through telephone lines.



370 (i) "Telephone company" means every corporation,
371 company, association, joint stock association, partnership, and
372 person and their lessees, trustees or receivers appointed by any
373 court whatsoever, and every city or town owning, operating or
374 managing any telephone line or part of a telephone line used in
375 the conduct of the business of affording telephonic communication
376 service for hire within this state.

377 (j) "Telephone line" includes conduits, ducts, poles,
378 wires, cables, crossarms, receivers, transmitters, instruments,
379 machines, appliances, instrumentalities and all devices, including
380 radio and other advancements of the art of telephony, real estate,
381 easements, apparatus, property and routes used and operated to
382 facilitate the business of affording telephonic communication
383 services to the public for hire within this state.

384 (k) "Trust fund" means the Dual Party Relay Service
385 Trust Fund, which is a specific trust to be created by the Public
386 Service Commission and to be established, invested, managed and
387 maintained for the exclusive purpose of fulfilling the provisions
388 of this article according to Public Service Commission rules and
389 regulations.

390 * * *

391 **SECTION 10.** Section 77-3-507, Mississippi Code of 1972, is
392 amended as follows:

393 77-3-507. (1) The Public Service Commission may impose upon
394 all local exchange telephone companies operating in the State of



395 Mississippi a monthly relay service fee in an amount to be
396 determined by the commission based upon the amount of funding
397 necessary to accomplish the purposes of this article and to
398 provide dual party telephone relay services on a continuous basis.
399 Such fees shall be paid by the local exchange companies to the
400 credit of the Dual Party Relay Service Trust Fund. The commission
401 may authorize local exchange companies to recover relay service
402 fees through a surcharge on their customers in the manner
403 prescribed by the commission. The relay service fees remitted by
404 the local exchange companies shall not be subject to any tax, fee
405 or assessment, nor shall it be considered revenue of the local
406 exchange companies. The Dual Party Relay Service Trust Fund shall
407 be credited with all interest income and earnings of the fund.
408 The fund shall be established, invested and managed for the
409 exclusive purpose of fulfilling the provisions of this article
410 according to rules and regulations established by the Public
411 Service Commission.

412 (2) Monies in the fund shall also include any appropriations
413 authorized by the Legislature, any available funds authorized by
414 the Public Service Commission, grants from other governmental or
415 private entities, and any contributions or donations received by
416 the Public Service Commission for the dual party relay service.
417 All monies in the Dual Party Relay Service Trust Fund shall be
418 used solely for the administration and operation of a statewide



419 program to provide telecommunications access to persons who are
420 speech and hearing impaired or similarly impaired.

421 (3) The users of the relay service shall be charged for
422 telephone services, without additional charges for the use of the
423 relay service other than any surcharge which may be imposed upon
424 them under this section. The calling or called party shall bear
425 an expense for making intrastate nonlocal calls considered and
426 approved by the Public Service Commission as being equitable in
427 comparison with non-TDD or DPR service customers.

428 * * *

429 **SECTION 11.** Section 77-3-509, Mississippi Code of 1972, is
430 amended as follows:

431 77-3-509. (1) On or before August 1, 1990, the Public
432 Service Commission shall appoint an advisory committee to monitor
433 the statewide telecommunications relay access service and advise
434 and make recommendations to the Public Service Commission in
435 pursuing services which meet the needs of the hearing or speech
436 impaired and others similarly impaired in communicating with other
437 users of telecommunications services.

438 (2) The advisory committee shall be composed of:

439 (a) One (1) deaf person recommended by the Mississippi
440 Association of the Deaf;

441 (b) One (1) speech or hearing impaired person
442 recommended by the Mississippi Association for Retired Persons;



443 (c) One (1) person recommended by the Coalition of
444 Citizens with Disabilities;

445 (d) One (1) representative of telecommunications
446 utilities chosen from a list of candidates provided by the
447 Mississippi/Alabama Telephone Association;

448 (e) One (1) representative of the Mississippi Speech
449 and Hearing Association;

450 (f) One (1) representative of the Veterans
451 Administration;

452 (g) One (1) representative from Vocational
453 Rehabilitation Deaf Services;

454 (h) One (1) hearing impaired representative of the
455 Mississippi School for the Deaf;

456 (i) Two (2) representatives chosen from the Public
457 Service Commission's staff and employees;

458 (j) One (1) person appointed by the Speaker of the
459 House of Representatives;

460 (k) One (1) person appointed by the Lieutenant Governor
461 of the Senate;

462 (l) One (1) representative from the provider of the DPR
463 service; and

464 (m) Three (3) "at-large" individuals who have
465 particular skills, knowledge, experience or ability but who are
466 not necessarily speech or hearing impaired or otherwise affiliated
467 with an organization serving the speech or hearing impaired.



468 The commission, in its discretion, may name a successor or
469 similar organization to be represented on the committee if an
470 organization or agency named in this subsection ceases to exist.

471 (3) The committee shall be appointed based on candidate
472 names submitted by the recommending agency or organization. Each
473 member of the advisory committee shall serve for a term of two (2)
474 years. A member whose term has expired shall continue to serve
475 until a qualified replacement is appointed. The members of the
476 advisory committee shall serve without compensation but shall be
477 entitled to reimbursement for travel and expenses incurred in the
478 performance of their official duties and per diem, which shall be
479 paid out of the trust fund on the same basis established for state
480 employees.

481 * * *

482 **SECTION 12.** Section 77-7-127, Mississippi Code of 1972, is
483 amended as follows:

484 77-7-127. All funds collected by the commission under the
485 provisions of this chapter shall be deposited in the State
486 Treasury to the credit of the commission's regulation fund for use
487 by the commission for the administration of the laws of this state
488 relative to the inspection, control and supervision of the
489 business, service or accounts of motor carriers subject to this
490 chapter.

491 * * *



492 **SECTION 13.** Section 77-7-333, Mississippi Code of 1972, is
493 amended as follows:

494 77-7-333. After selection, the enforcement officers and the
495 inspectors of the division shall go through thirty (30) days of
496 intensive instruction of the laws of this state pertaining to the
497 Mississippi Department of Transportation and the Department of
498 Public Safety, together with the rules and regulations of both of
499 these agencies, and the laws of this state pertaining to arrest.
500 The expenses of attending such school shall be paid out of the
501 monies appropriated by the Legislature to the department.

502 * * *

503 **SECTION 14.** Section 77-7-337, Mississippi Code of 1972, is
504 amended as follows:

505 77-7-337. The division is * * * authorized and empowered to
506 purchase all necessary equipment to enforce the provisions of this
507 chapter.

508 * * *

509 **SECTION 15.** Section 77-7-339, Mississippi Code of 1972, is
510 amended as follows:

511 77-7-339. The reasonable and necessary expenses of the
512 administration of the duties imposed on the commission by this
513 chapter * * * shall be paid out of the special fund in the State
514 Treasury designated as the commission's regulation fund, upon
515 requisition and warrants in the same manner provided by law for
516 the disbursements of appropriations for the commission. An



517 itemized account shall be kept of all receipts and expenditures
518 and shall be reported to the Legislature by the commission.

519 * * *

520 **SECTION 16.** Section 77-9-489, Mississippi Code of 1972, is
521 amended as follows:

522 77-9-489. The salaries of all employees authorized to
523 enforce the provisions of the railroad laws, and the reasonable
524 and necessary expenses of such employees, shall be paid out of the
525 special fund in the State Treasury designated as the commission's
526 regulation fund upon the requisition and warrant in the manner
527 provided by law. An itemized account shall be kept of all
528 receipts and expenditures and reported to the Legislature by the
529 commission.

530 * * *

531 **SECTION 17.** Section 77-11-201, Mississippi Code of 1972, is
532 amended as follows:

533 77-11-201. All reasonable and necessary operating expenses
534 of the administration of the duties imposed by law upon the Public
535 Service Commission, including the salaries of personnel, in its
536 regulation, inspection and supervision of municipally owned and/or
537 operated gas utilities operating within the State of Mississippi
538 shall be provided as follows: There is * * * levied a tax * * *
539 equal to the sum of Twenty-five Thousand Dollars (\$25,000.00) per
540 year, which shall be prorated by the * * * Department of Revenue
541 among the municipally owned and/or operated gas utilities * * *



542 that are subject to the tax levied by this section each year,
543 according to the gross revenue of each of such utilities from
544 their intrastate operation during the calendar year preceding the
545 assessment. Each utility which is subject to the tax levied by
546 this section shall file a statement of such gross revenue by April
547 1 of each year showing the gross revenue for the preceding year's
548 operation. These statements of gross revenue shall be filed with
549 the commission and a copy thereof filed with the * * * Department
550 of Revenue. The * * * Department of Revenue shall * * * calculate
551 the pro rata amount of tax to be paid by each of * * * the
552 utilities in order to provide the total amount * * * stated in
553 this section and shall * * * submit a statement * * * for the
554 amount due to the respective utilities * * *. The amount shown
555 due in such statements to the respective utilities shall be paid
556 by the respective utilities within thirty (30) days thereafter to
557 the * * * Department of Revenue. The * * * Department of Revenue
558 shall pay such funds into the State Treasury on the same day
559 collected to the credit of the "Municipality Owned and/or Operated
560 Gas Utilities Special Fund." All administrative provisions of the
561 Mississippi Sales Tax Law, including those which fix damages,
562 penalties and interest for nonpayment of taxes and for
563 noncompliance with the provisions of such chapter, and all other
564 duties and requirements imposed upon taxpayers, shall apply to all
565 persons liable for taxes under the provisions of this chapter, and
566 the * * * Commissioner of Revenue shall exercise all the power and



567 authority and perform all the duties with respect to taxpayers
568 under this chapter as are provided in the Mississippi Sales Tax
569 Law except where there is a conflict, then the provisions of this
570 chapter shall control. The term "gross revenue" as used in this
571 section shall be deemed to be the total amount of all revenue
572 derived by each of such utilities from its intrastate operations,
573 and the * * * Department of Revenue is * * * authorized to make
574 such audits as may be deemed necessary of any and all records of
575 such utilities in order to correctly determine the amount of such
576 gross revenue. It shall be the duty of the Department of Finance
577 and Administration to advise the commission of the amount of money
578 on hand from time to time. All expenses of the commission
579 authorized by this section or any other act of the Legislature
580 shall be paid by the State Treasurer upon warrants issued by the
581 Department of Finance and Administration, which warrants shall be
582 issued upon requisition signed by the chairman of the commission
583 and countersigned by one (1) of the commissioners, and * * * the
584 requisition shall show upon its face the purpose for which the
585 payment is being made by reference to the minute book in which
586 such payment was authorized. It shall be unlawful for any person
587 to withdraw any money from * * * the fund other than by
588 requisition issued as provided * * * in this section. A record of
589 all requisitions issued by the commission showing to whom, for
590 what purpose, and date issued shall be placed upon the minute



591 books of the commission and shall become a part of the official
592 records of the commission.

593 The books and accounts of the commission shall be audited at
594 the end of each fiscal year, and at any other time deemed
595 necessary, by the State Auditor, and a copy of such audits shall
596 be furnished to the Governor and the commission. The State
597 Auditor may prescribe such further accounting procedure as he
598 deems necessary for the withdrawal of funds by the commission
599 from * * * the special fund. All requisitions drawn in compliance
600 with this section shall be honored by the Department of Finance
601 and Administration and the funds disbursed in accordance
602 therewith. The commission shall file a report at each regular
603 session of the Legislature showing the expenditure of all funds by
604 the commission. All proceeds of the above-mentioned tax are * * *
605 to be allocated to the commission for the purpose of this section.
606 In the event the funds provided by * * * the tax exceed the amount
607 necessary for the purposes of this section at the end of any
608 fiscal year, the commission shall certify the amount which the
609 commission estimates will be necessary for the commission for each
610 fiscal year to the * * * Department of Revenue, and the * * *
611 Department of Revenue shall reduce the tax * * * imposed by this
612 section to such amount for the next fiscal year and shall collect
613 the proportionate amount thereof as * * * provided in this
614 section.

615 * * *



616 **SECTION 18.** Section 77-3-721, Mississippi Code of 1972, is
617 amended as follows:

618 77-3-721. All fees collected under the provisions of this
619 article shall be deposited into a special fund which is created in
620 the State Treasury to be expended by the commission for the
621 implementation and administration of this article. * * *

622 This section shall stand repealed on July 1, 2024.

623 **SECTION 19.** This act shall take effect and be in force from
624 and after its passage.

