

Senate Amendments to House Bill No. 1609

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 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, 2022, and ending June 30, 2023.....
10\$ 4,730,625.00.

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, 2022, and ending June 30, 2023.....
18\$ 464,494.00.

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..... | 50 |
| 23 | | Part Time..... | 3 |
| 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 for Personal
28 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
29 appropriated for that purpose unless programs or positions are
30 added to the agency's Fiscal Year 2023 budget by the Mississippi
31 Legislature. The Legislature shall determine the agency's
32 personal services appropriation, which shall be published by the
33 State Personnel Board. Additionally, the State Personnel Board
34 shall determine and publish the projected annualized payroll costs
35 based on current employees. It shall be the responsibility of the
36 agency head to ensure that actual personnel expenditures for
37 Fiscal Year 2023 do not exceed the data provided by the
38 Legislative Budget Office. If the agency's Fiscal Year 2023
39 projected cost exceeds the annualized costs, no salary actions
40 shall be processed by the State Personnel Board with the exception
41 of new hires that are determined to be essential for the agency.

42 Any transfers or escalations shall be made in accordance with
43 the terms, conditions and procedures established by law or
44 allowable under the terms set forth within this act. The State
45 Personnel Board shall not escalate positions without written
46 approval from the Department of Finance and Administration. The
47 Department of Finance and Administration shall not provide written

48 approval to escalate any funds for salaries and/or positions
49 without proof of availability of new or additional funds above the
50 appropriated level.

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54 act and which are withdrawn and no longer available.

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

59 Funds have been appropriated herein for the purpose of
60 funding Project SEC2 minimum salaries for all employees covered
61 under the Colonel Guy Groff/Neville Kenning Variable Compensation
62 Plan. It shall be the agency's responsibility to ensure that the
63 funds are used to increase all employees' salaries up to the
64 minimum level as determined by the State Personnel Board.

65 **SECTION 4.** In compliance with the "Mississippi Performance
66 Budget and Strategic Planning Act of 1994," it is the intent of
67 the Legislature that the funds provided herein shall be utilized
68 in the most efficient and effective manner possible to achieve the
69 intended mission of this agency. Based on the funding authorized,
70 this agency shall make every effort to attain the targeted
71 performance measures provided below:

| | | |
|----|-----------------------------|---------------|
| 72 | | FY2023 |
| 73 | <u>Performance Measures</u> | <u>Target</u> |

| | | |
|----|---|--------|
| 74 | Utility Regulatory Services | |
| 75 | Number of Utility Docket Cases | 240 |
| 76 | Number of Utility Complaints | 4,560 |
| 77 | Electric Complaints as a Percent of Total | 48.00 |
| 78 | Telecommunication Complaints as a | |
| 79 | Percent of Total | 32.00 |
| 80 | Water Complaints as a Percent of Total | 10.00 |
| 81 | Gas Complaints as a Percent of Total | 8.00 |
| 82 | Sewer Complaints as a Percent of Total | 1.00 |
| 83 | Average Cost per Utility Complaint | 638.00 |
| 84 | Time To Resolve Utility Complaints (Days) | 3 |
| 85 | Average Price of Electricity per | |
| 86 | Kilowatt Hour in MS for Residential | |
| 87 | Customers, by Utility Type: | |
| 88 | Investor-Owned Utilities (Cents/kWh) | 0.11 |
| 89 | Average Price of Electricity per | |
| 90 | Kilowatt Hour in MS for Residential | |
| 91 | Customers, by Utility Type: Electric | |
| 92 | Cooperatives (Cents/kWh) | 0.11 |
| 93 | Average Price of Electricity for | |
| 94 | Residential Customers in MS as a Percent | |
| 95 | of the April 2016 National Average, | |
| 96 | 12.43 Cents/kWh - Investor Owned | |
| 97 | Utilities | 86.89 |
| 98 | Average Price of Electricity for | |
| 99 | Residential Customers in MS as a Percent | |

| | | |
|-----|--|--------|
| 100 | of the April 2016 National Average, | |
| 101 | 12.43 Cents/kWh - Electric Cooperative | 95.14 |
| 102 | Average Monthly Residential Electric | |
| 103 | Usage in MS (kWh) | 1,200 |
| 104 | Average Monthly Residential Electric | |
| 105 | Usage in MS as a Percent of the 2015 | |
| 106 | National Average, 909 kWh | 135.00 |
| 107 | Number of Pipeline Inspections | 630 |
| 108 | Average Cost per Pipeline Inspection | 883.00 |

109 A reporting of the degree to which the performance targets
110 set above have been or are being achieved shall be provided in the
111 agency's budget request submitted to the Joint Legislative Budget
112 Committee for Fiscal Year 2024.

113 **SECTION 5.** None of the funds herein appropriated by this act
114 to the Public Service Commission shall be expended for any purpose
115 that is not actually required or necessary for performing any of
116 the powers or duties of the Mississippi Public Service Commission
117 that are authorized by the Mississippi Constitution of 1890, state
118 or federal law, or rules or regulations that implement state or
119 federal law.

120 **SECTION 6.** It is the intention of the Legislature that the
121 Public Service Commission shall maintain complete accounting and
122 personnel records related to the expenditure of all funds
123 appropriated under this act and that such records shall be in the
124 same format and level of detail as maintained for Fiscal Year
125 2022. It is further the intention of the Legislature that the

126 agency's budget request for Fiscal Year 2024 shall be submitted to
 127 the Joint Legislative Budget Committee in a format and level of
 128 detail comparable to the format and level of detail provided
 129 during the Fiscal Year 2023 budget request process.

130 **SECTION 7.** In addition to all other sums herein
 131 appropriated, the following sum, or so much thereof as may be
 132 necessary, is appropriated out of any money in the State General
 133 Fund not otherwise appropriated, for the purpose of defraying the
 134 expenses of the Public Service Commission to administer the
 135 Mississippi Telephone Solicitation Act, for the fiscal year
 136 beginning July 1, 2022, and ending June 30, 2023.....
 137\$ 66,372.00.

138 **SECTION 8.** In compliance with the "Mississippi Performance
 139 Budget and Strategic Planning Act of 1994," it is the intent of
 140 the Legislature that the funds provided herein shall be utilized
 141 in the most efficient and effective manner possible to achieve the
 142 intended mission of this agency. Based on the funding authorized,
 143 this agency shall make every effort to attain the targeted
 144 performance measures provided below:

| | | |
|-----|------------------------------------|---------------|
| 145 | | FY2023 |
| 146 | <u>Performance Measures</u> | <u>Target</u> |
| 147 | Telephone "No-Call" | |
| 148 | Number of No-Call Complaints | 15,425 |
| 149 | Average Cost per No-Call Complaint | 20.00 |

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

152 agency's budget request submitted to the Joint Legislative Budget
153 Committee for Fiscal Year 2024.

154 **SECTION 9.** It is the intention of the Legislature that
155 whenever two (2) or more bids are received by this agency for the
156 purchase of commodities or equipment, and whenever all things
157 stated in such received bids are equal with respect to price,
158 quality and service, the Mississippi Industries for the Blind
159 shall be given preference. A similar preference shall be given to
160 the Mississippi Industries for the Blind whenever purchases are
161 made without competitive bids.

162 **SECTION 10.** It is the intention of the Legislature that the
163 Public Service Commission shall compile the amount of time that is
164 expended on each regulated entity during Fiscal Year 2022. On or
165 before August 1, 2022, the Public Service Commission shall report
166 these findings to the House of Representatives' Public Utilities
167 Committee.

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

174 **SECTION 12.** This act shall take effect and be in force from
175 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1609A.J

Eugene S. Clarke
Secretary of the Senate